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DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Part 319

[Docket No. 98–087–4]

RIN 0579–AB01

Solid Wood Packing Material From China

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Interim rule.

SUMMARY: This document amends an interim rule published in the **Federal Register** on September 18, 1998, and effective December 17, 1998. That interim rule amends the regulations for importing logs, lumber, and other unmanufactured wood articles by adding treatment and documentation requirements for solid wood packing material imported from the Peoples Republic of China, including the Hong Kong Special Administrative Region. We are amending certain provisions of that rule regarding two documents, the official certificate and the exporter statement, and provisions regarding use of these documents for the entry of goods imported into the United States from the Peoples Republic of China including Hong Kong. We are adding a provision regarding a third document, the importer statement. We are making these changes to better coordinate the requirements of the rule with the United States Customs Service's electronic Automated Broker Interface system and entry operations procedures.

DATES: Interim rule effective December 17, 1998. Consideration will be given only to comments received on or before February 16, 1999.

ADDRESSES: Please send an original and three copies of your comments to Docket No. 98–087–4, Regulatory Analysis and Development, PPD, APHIS, suite 3C03, 4700 River Road Unit 118, Riverdale, MD 20737–1238. Please state that your comments refer to Docket No. 98–087–4. Comments received may be inspected at USDA, room 1141, South Building, 14th Street and Independence Avenue SW., Washington, DC, between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays. Persons wishing to inspect comments are requested to call ahead on (202) 690–2817 to facilitate entry into the comment reading room.

FOR FURTHER INFORMATION CONTACT: Mr. Ronald Campbell, Import Specialist, Phytosanitary Issues Management Team, PPQ, APHIS, 4700 River Road Unit 140, Riverdale, MD 20737–1236, (301) 734–6799.

SUPPLEMENTARY INFORMATION:

Background

The Animal and Plant Health Inspection Service (APHIS) regulates the importation of logs, lumber, and other unmanufactured wood articles to prevent the introduction into the United States of dangerous plant pests, including forest pests.

On September 18, 1998, we published in the **Federal Register** (63 FR 50100–50111, Docket No. 98–087–1) an interim rule that amended the regulations by imposing certain requirements on imported solid wood packing material (SWPM) from the Peoples Republic of China (referred to below as the PRC), including the Hong Kong Special Administrative Region (referred to below as Hong Kong). That interim rule was promulgated in order to prevent the introduction and establishment of the Asian longhorned beetle and other dangerous plant pests associated with SWPM from the PRC including Hong Kong. Under that rule (referred to below as the interim rule), if a commercial shipment from the PRC including Hong Kong contains SWPM, then prior to departure from the PRC including Hong Kong the SWPM must be heat treated, fumigated, or treated with preservatives [1], and must be accompanied by a certificate signed by an official of a responsible government agency that documents the treatment of the SWPM. The interim rule also required that commercial shipments from the PRC including Hong Kong that do not contain any SWPM include an exporter statement on, or attached to, the commercial invoice *and* as an attachment to the bill of lading stating that the shipment contains no SWPM.

Since publication of the interim rule, in the course of coordinating with the United States Customs Service (referred to below as Customs) to prepare for implementation of the rule, we have become aware of several potential problems that could be caused by the language of the interim rule. These potential problems concern four areas: (1) What types of shipments are regulated; (2) location and presentation of documents required by the interim rule; (3) identity of authorities authorized to issue certificates required by the interim rule; and (4) liability of importers under the Customs import bond and the international carrier bond. The changes we are making to address these four problem areas are discussed below.

What Types of Shipments Are Regulated

The earlier interim rule imposed requirements on articles and SWPM ''from China,'' which resulted in some confusion regarding transshipments, through ports of the PRC including Hong Kong, of cargo from other countries, and whether merchandise and SWPM from another country would be regulated if it was transshipped through the Peoples Republic of China including Hong Kong en route to the United States. This current rule uses the terms ''merchandise exported from the PRC including Hong Kong accompanied by solid wood packing material'' and ''merchandise exported from the PRC including Hong Kong not accompanied by any solid wood packing material.'' We have also added a prefatory sentence reading ''This paragraph does not apply to shipments transitting the Peoples Republic of China including Hong Kong from other countries en route to the United States, unless other merchandise or solid wood packing material is added to such shipments while in the Peoples Republic of China including Hong Kong.'' In both the original interim rule and this amendment, APHIS intends the

[1] Allowed preservatives must use a product that is registered by the United States Environmental Protection Agency, applied in accordance with label directions. In response to questions from industry, APHIS wishes to give notice that registered borate products are one allowed preservative.

regulatory requirements to apply to merchandise and SWPM from the Peoples Republic of China including Hong Kong, not to merchandise and SWPM that originated in other countries and were merely transshipped through PRC or Hong Kong ports en route to the United States. So, for example, merchandise from Europe packed in SWPM from Europe that was transshipped through Hong Kong would not be subject to the regulations; but if merchandise or SWPM was added to that shipment in Hong Kong, that merchandise and SWPM would be subject to the regulations.

As discussed in the interim rule, Hong Kong as well as the mainland of China is subject to regulation due to the close and unique economic connections between the Hong Kong Special Administrative Region and the mainland of China, and the fact that about half of the mainland of China's exports to the United States go through Hong Kong. Additionally, Hong Kong does not produce any SWPM from its own forests and obtains the bulk of its SWPM from the mainland of China. Because there are no internal controls in the PRC to prevent the movement of the pests of concern, there is a significant risk that the SWPM Hong Kong obtains from the mainland of China and uses to export Hong Kong goods to the United States could introduce pests into the United States unless the SWPM is treated in accordance with the regulations.

Location and Presentation of Documents Required by the Interim Rule

The interim rule required that SWPM from the PRC including Hong Kong ''be accompanied by'' the required government certificate, and that shipments of merchandise from the PRC including Hong Kong that contain no SWPM must have an exporter statement ''on or attached to the commercial invoice and as an attachment to the bill of lading.''

Attachment of certificates and exporter statements could greatly increase the size of vessel manifests. The purpose of requiring documents to be attached was to allow inspectors at the port of entry to confirm that the required documents exist.

It is not necessary for the certificate to physically accompany the shipment if the existence of the certificate is confirmed and a copy of it is available to the inspector when needed. When cargo enters the United States using Customs electronic entry procedures, the existence of a certificate and the contact person who can provide a copy of the certificate can be recorded in the Customs Automated Broker Interface (ABI) discussed below. Therefore, this rule will not require that a certificate accompany a shipment containing SWPM from the PRC including Hong Kong, if the pertinent entry summary has been electronically filed in the Customs ABI. Instead, the rule will require that an importer must have on file in his or her office a certificate accurately documenting the treatment of the SWPM. The importer must also have on file an importer statement, which is a written statement by the importer affirming that the importer has on file at his or her office the required certificate. This importer statement will be useful in enforcing the regulations because in the importer statement the importer attests to awareness of and compliance with the certificate requirement. The importer must produce a copy of the certificate and the importer statement if requested by an inspector. The importer must retain copies of these two documents in its office for a period of one year following the date of importation.

For importers who do not employ ABI filing for their shipments, the rule will continue to require that a copy of the certificate accompany the shipment. These importers, however, must also have a copy of the certificate and importer statement on file at their office and retain them for a period of one year following the date of importation.

While using ABI records will allow inspectors to avoid having to examine the *certificate* for every certified shipment from the PRC including Hong Kong, it is necessary that an *exporter statement* be available in the paperwork associated with every shipment that does not contain SWPM. This is because APHIS enforcement activities at ports usually begin with examination of manifests and other cargo documents, and an exporter statement attached to these documents is the basis for distinguishing between shipments that contain regulated SWPM and shipments that do not. In other words, an inspector reviewing manifests and bills of lading must assume that any shipment that does not have an exporter statement in these documents should contain SWPM, and therefore has a certificate and importer statement on file in the importer's office. Any shipment that does not contain SWPM, but lacks an exporter statement documenting this fact attached to the associated paperwork, may be delayed while the inspector determines through inspection that it does not contain SWPM.

Therefore, we are continuing to require that an exporter statement be presented at the port, rather than be available on file in the importer's office. However, to provide more options for presenting the exporter statement, we are changing the requirement that it be attached to both the commercial invoice and the bill of lading. Instead, it may be attached to the bill of lading, commercial invoice, or airway bill, or may be supplied to the inspector at the port of arrival prior to arrival of the cargo. In this last case the exporter statement would not need to accompany the bill of lading, invoice, or airway bill.

Thus, an importer using ABI must ensure that a certificate has been issued for his shipment if it contains SWPM from the Peoples Republic of China including Hong Kong, and must keep this certificate along with the importer statement on file in his or her office, and must produce them if requested by an inspector. Importers who do not use ABI must ensure that a copy of the certificate accompanies their shipment, and that the certificate and importer statement are on file in his or her office. For shipments from the PRC including Hong Kong containing no SWPM, the importer must present an exporter statement by either attaching it to papers accompanying the shipment, or by sending it (e.g., by fax) in advance to the port of arrival.

We anticipate that brokers and importers will make extensive use of fax transmission to provide inspectors with copies of certificates the inspectors request, and to send inspectors exporter statements in advance of the arrival of cargo. We will be enhancing the capabilities of affected ports to receive large volumes of faxes, and will widely publish the port fax machine telephone numbers.

Additionally, as described below, brokers who use the ABI for their shipments must indicate the existence of a certificate or exporter statement for a shipment in the appropriate field of the ABI. (Customs is currently developing ABI fields for this purpose, and instructions to ABI users.) Inspectors will thus be able to use ABI data to see whether the importer states that a certificate or exporter statement exists for each shipment listed in the ABI (which is currently used for over 75 percent of all seaborne cargo shipments).

The ABI is being modified to include new fields for cargo imported from the PRC including Hong Kong (at a minimum, one field documenting existence of a certificate and that the shipment contains SWPM, and another field documenting the existence of an exporter statement and that the shipment does not contain SWPM).

Because the electronic filing protocol will not accept a filing for cargo from the PRC including Hong Kong unless the broker making the filing completes one of these two fields, the revised ABI will help ensure that brokers and importers are aware of the APHIS regulatory requirements for SWPM. We expect this feature will greatly enhance awareness of and compliance with the regulations.

On another topic related to the location and presentation of documents required by the regulations, we are adding a new paragraph § 319.40–5(i), ''Special provisions for air overnight couriers and air express delivery companies.'' This paragraph clarifies that companies that carry express delivery packages from the PRC including Hong Kong to the United States for many different customers may present a single certificate, exporter statement, or both (as appropriate under the regulations) for each aircraft carrying their packages for delivery in the United States. The company may present a single certificate if it has arranged treatment of all the SWPM on the flight, or it may present multiple certificates if the flight carries multiple packages containing SWPM that were accepted for delivery from multiple customers, each of whom arranged treatment and certification of their own packages. The company may also present a single exporter statement if it determines that all packages on the flight not accompanied by certificates are free from SWPM. Alternatively, the company may present more than one exporter statement if it finds, for instance, that it is more convenient to have individual customers write exporter statements for their own packages.

As provided by the original interim rule, if an importer does not present the required documents, or is otherwise in violation of the regulations, inspectors at the port of entry can order the shipment to be reexported. If there is no immediate plant pest risk and appropriate facilities ara available for use, inspectors may allow the SWPM to be separated from the cargo and reexported or destroyed. Separation of the cargo from the SWPM will only be allowed if the inspector determines this may be done without risk of spreading plant pests. If there is no secure area in which a shipment can be stored until the importer produces required documentation, or if there is no secure area where separation of cargo and SWPM can occur, or if separation cannot be done in a manner to prevent risk of pests escaping, the inspector will order the shipment reexported.

Identity of National Authorities Authorized To Issue Certificates Required by the Interim Rule

It appears that readers of the interim rule would like further guidance on which national authorities may issue certificates. Therefore, we are changing the phrase ''a certificate signed by an official of a Chinese government agency authorized by the national government of China,'' to read ''a certificate signed by an official of the applicable government agency authorized by the government of the Peoples Republic of China or the government of the Hong Kong Special Administrative Region.'' To make it perfectly clear that the regulations apply to Hong Kong, we are also changing several references to articles ''from China'' to read ''from the Peoples Republic of China including Hong Kong.''

Liability Under the Import Bond and the International Carrier Bond

The interim rule explained how APHIS would charge user fees for certain activities required to enter cargo from the PRC including Hong Kong in accordance with the regulations, but did not specifically discuss the overall liability of importers and carriers under the interim rule. This amendment includes a new paragraph, § 319.40–5(k), that describes the liability of importers. The new paragraph on liability states that ''Any failure of an importer to comply with any of the provisions regarding the maintenance or presentation of records or information as prescribed in this subpart may result in liability under the Customs basic import bond. Any failure of a carrier to comply with any of the provisions regarding the maintenance or presentation of records or information as prescribed in this subpart may result in liability under the international carrier bond.'' Paragraphs (g)(6) and (h) of § 319.40–5 in this amendment also discuss importers' costs associated with inspection, separation, and destruction or reexportation of any solid wood packing material. This amendment adds the sentence ''Any such costs may be charged to the importer's customs bond'' to those paragraphs.

Immediate Action

The Administrator of the Animal and Plant Health Inspection Service has determined that there is good cause for publishing this interim rule without prior opportunity for public comment. Immediate action is necessary to prevent further introduction and spread of exotic pests associated with SWPM from the Peoples Republic of China including Hong Kong.

Because prior notice and other public procedures with respect to this action are impracticable and contrary to the public interest under these conditions, we find good cause under 5 U.S.C. 553 to make this rule effective on December 17, 1998. We will consider comments that are received within 60 days of publication of this rule in the **Federal Register**. After the comment period closes, we will publish another document in the **Federal Register**. The document will include a discussion of any comments we receive and any amendments we are making to the rule as a result of the comments.

Executive Order 12866 and Regulatory Flexibility Act

This interim rule has been reviewed under Executive Order 12866. The rule has been determined to be not significant for the purposes of Executive Order 12866 and, therefore, has not been reviewed by the Office of Management and Budget.

This interim rule makes minor changes regarding documentation and entry procedures to the earlier interim rule published on September 18, 1998 (63 FR 50100–50111, Docket No. 98–087–1) affecting importation of solid wood packing materials from the PRC including Hong Kong. Please refer to the text of that rule for a discussion of its effects under Executive Order 12886 and the Regulatory Flexibility Act.

Executive Order 12988

This rule has been reviewed under Executive Order 12988, Civil Justice Reform. This rule: (1) Preempts all State and local laws and regulations that are inconsistent with this rule; (2) has no retroactive effect; and (3) does not require administrative proceedings before parties may file suit in court challenging this rule.

National Environmental Policy Act and Environmental Effects Abroad of Major Federal Actions

An environmental assessment and finding of no significant impact have been prepared for the earlier interim rule published on September 18, 1998 (63 FR 50100–50111, Docket No. 98–087–1). This new interim rule will not result in any environmental effects not discussed in that environmental assessment.

Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the information collection or recordkeeping requirements included in

this rule have been approved by the Office of Management and Budget (OMB) under OMB control number 0579–0135.

List of Subjects in 7 CFR Part 319

Bees, Coffee, Cotton, Fruits, Honey, Imports, Incorporation by reference, Nursery Stock, Plant diseases and pests, Quarantine, Reporting and recordkeeping requirements, Rice, Vegetables.

Accordingly, we are amending 7 CFR part 319 as follows:

PART 319—FOREIGN QUARANTINE NOTICES

1. The authority citation for part 319 continues to read as follows:

Authority: 7 U.S.C. 150dd, 150ee, 150ff, 151–167, 450, 2803, and 2809; 21 U.S.C. 136 and 136a; 7 CFR 2.22, 2.80, and 371.2(c).

2. In § 319.40–1, a new definition is added in alphabetical order to read as follows:

§ 319.40–1 Definitions

* * * * *

Importer statement. A written declaration by the importer, for a shipment containing solid wood packing material from the Peoples Republic of China including Hong Kong, affirming that the importer has on file at his or her office the certificate required under § 319.40–5(g)(2)(i).

* * * * *

§ 319.40–3 [Amended]

3. In § 319.40–3, paragraphs (b)(1), (b)(2), and (b)(3), the first sentence of the introductory text in each paragraph is amended by removing the phrase ''from China must be imported in accordance with § 319.40–5(g)'' and adding in its place the phrase ''from the Peoples Republic of China including Hong Kong must be imported in accordance with § 319.40–5(g), (h), and (i).''

4. In § 319.40–5, paragraphs (g) and (h) are revised, and new paragraphs (i), (j), and (k) are added, to read as follows:

§ 319.40–5 Importation and entry requirements for specified articles.

* * * * *

(g) *Solid wood packing material and merchandise from the Peoples Republic of China including Hong Kong.* This paragraph does not apply to shipments transitting the Peoples Republic of China including Hong Kong from other countries en route to the United States, unless merchandise or solid wood packing material is added to such shipments while in the Peoples Republic of China including Hong Kong. Otherwise, merchandise exported from the Peoples Republic of China including Hong Kong that is accompanied by solid wood packing material may only be entered into the United States in accordance with this paragraph (g) and paragraph (i) of this section. This restriction applies to both merchandise that originated in the Peoples Republic of China including Hong Kong and merchandise that entered the Peoples Republic of China including Hong Kong for further processing or packaging, regardless of whether the merchandise moves directly from the Peoples Republic of China including Hong Kong to the United States or transits other countries en route to the United States.

(1) Prior to exportation from the Peoples Republic of China including Hong Kong, any solid wood packing material must be heat treated, fumigated, or treated with preservatives, using a treatment schedule contained in § 319.40–7 or in the Plant Protection and Quarantine Treatment Manual, which is incorporated by reference at § 300.1 of this chapter. During the entire interval between treatment and export the solid wood packing material must be stored, handled, or safeguarded in a manner which excludes any infestation of the solid wood packing material by plant pests.

(2) Any merchandise accompanied by solid wood packing material exported from the Peoples Republic of China including Hong Kong may only be entered if the importer has on file at its office, and retains there for a period of one year following the date of importation, the following documents:

(i) A certificate signed by an official of the applicable government agency authorized by the government of the Peoples Republic of China or the government of the Hong Kong Special Administrative Region, stating that the solid wood packing material, prior to export from the Peoples Republic of China including Hong Kong, has been heat treated, fumigated, or treated with preservatives using a treatment schedule contained in § 319.40–7 or in the Plant Protection and Quarantine Treatment Manual, and

(ii) An importer statement (a written statement by the importer affirming that the importer has on file at his or her office the certificate required under paragraph (g)(2)(i) of this section).

(3) In addition to the document requirements of paragraph (g)(2) of this section, a copy of the certificate must accompany all shipments that do not enter using the United States Customs Service's electronic entry filing and Automated Broker Interface.

(4) Upon the request of an APHIS inspector or a United States Customs Service officer, the importer must produce a copy of the certificate and importer statement issued for any shipment.

(5) At their option, in order to expedite release of a shipment, an importer may provide a certificate to the APHIS inspector at the port of first arrival prior to the arrival of the shipment. Exporters may also at their option, in order to expedite release of their shipment at the port of first arrival, arrange to have each article of solid wood packing material that has been treated marked at the treatment facility with a stamp or weatherproof label that reads CHINA TREATED. This type of marking, however, is not a substitute for the required certificate.

(6) If an APHIS inspector determines that a shipment imported from the Peoples Republic of China including Hong Kong contains plant pests, or contains solid wood packing material that was not heat treated, fumigated, or treated with preservatives, the APHIS inspector may refuse entry of the entire shipment (merchandise and solid wood packing material). If an importer does not produce upon request by an APHIS inspector the certificate required for a shipment imported from the Peoples Republic of China including Hong Kong containing solid wood packing material, the APHIS inspector may refuse entry into the United States of the entire shipment (merchandise and solid wood packing material) until the certificate is produced. For any shipment refused entry, if the APHIS inspector determines that the merchandise may be separated from the solid wood packing material and that the solid wood packing material may be destroyed or reexported without risk of spreading plant pests, the inspector may allow the importer to separate the merchandise from the solid wood packing material at a location and within a time period specified by the inspector to prevent the dissemination of plant pests, and destroy or reexport the solid wood packing material under supervision of an inspector. The means used to destroy solid wood packing material under this section must be incineration, or chipping followed by incineration. The importer shall be responsible for all costs associated with inspection, separation, and destruction or reexportation of any solid wood packing material, including costs of the services of an inspector to monitor such activities, in accordance with § 354.3(j) of this chapter. Any such costs may be charged to the importer's customs bond.

(h) *Cargo from the Peoples Republic of China including Hong Kong that does*

not contain solid wood packing material. Merchandise exported from the Peoples Republic of China including Hong Kong that is not accompanied by any solid wood packing material must have attached to the commercial invoice, the bill of lading, or the airway bill, an exporter statement stating that the shipment contains no solid wood packing material. As an alternative to attaching the exporter statement to the paperwork presented at entry, the importer may provide the exporter statement to the APHIS inspector at the port of entry prior to arrival of the shipment. Any shipment is subject to inspection for solid wood packing material, and if such inspection is ordered by an inspector, the shipment will not be granted entry into the United States prior to completion of the inspection. If the inspection reveals solid wood packing material, the inspector may refuse entry into the United States of the entire shipment (merchandise and solid wood packing material). Any shipment refused entry will be handled in accordance with the procedures in paragraph (g)(6) of this section. The importer shall be responsible for all costs associated with inspection, separation, and destruction or reexportation of any solid wood packing material, including costs of the services of an inspector to monitor such activities in accordance with § 354.3(j) of this chapter. Any such costs may be charged to the importer's customs bond.

(i) *Special provisions for air overnight couriers and air express delivery companies.* Overnight couriers and express delivery companies must present to an APHIS inspector at the port of first arrival, at or prior to the time of entry, one or more certificates for each arriving aircraft that carries packages employing solid wood packing material. The company may present one certificate in cases where the company has arranged treatment of all solid wood packing material on the flight, and may present multiple certificates in cases where packages with solid wood packing material were accepted for delivery by the company from multiple customers, each of whom arranged for treatment and certification of their respective packages. The certificates must be signed by an official of the applicable government agency authorized by the government of the Peoples Republic of China or the Hong Kong Special Administrative Region, and must state that the solid wood packing material, prior to export from the Peoples Republic of China including Hong Kong, has been heat treated, fumigated, or treated with preservatives using a treatment schedule contained in § 319.40–7 or in the Plant Protection and Quarantine Treatment Manual. If the aircraft contains no packages that employ solid wood packing material, or contains both packages that do and do not employ solid wood packing material, the overnight courier or express delivery company must also present to an APHIS inspector at the port of first arrival, at or prior to the time of entry, one or more exporter statements stating that the packages on the aircraft not covered by a certificate contain no solid wood packing material.

(j) *Customs entry or entry summary filing requirements.* By instruction, the United States Customs Service will inform importers of any information that may be required on entry or entry summary documentation under the Automated Broker Interface or other entry filing systems, electronic or otherwise, with regard to recording the existence of certificates, importer statements affirming that the importer has on file at his or her office any certificate required, and exporter statements that there is no solid wood packing material in a shipment.

(k) *Liability under the Customs import bond and international carrier bond.* Any failure of an importer to comply with any of the provisions regarding the maintenance or presentation of records or information as prescribed in this subpart may result in liability under the Customs basic import bond. Any failure of a carrier to comply with any of the provisions regarding the maintenance or presentation of records or information as prescribed in this subpart may result in liability under the international carrier bond.

Done in Washington, DC, this 14th day of December 1998.

Craig A. Reed,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 98–33444 Filed 12–14–98; 3:33 pm]

BILLING CODE 3410–34–P

NUCLEAR REGULATORY COMMISSION

10 CFR Part 1

RIN 3150–AG10

Transfer of Rulemaking Functions

AGENCY: Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Nuclear Regulatory Commission (NRC) is amending its regulations to reflect the transfer of the rulemaking functions and responsibilities from the Office of Nuclear Regulatory Research to the Office of Nuclear Material Safety and Safeguards and the Office of Nuclear Reactor Regulation. This final rule is necessary to inform the public of the transfer of rulemaking responsibilities within the NRC.

EFFECTIVE DATE: December 17, 1998.

FOR FURTHER INFORMATION CONTACT: Alzonia Shepard, Rules and Directives Branch, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, telephone (301) 415–6864, e-mail:aws1@nrc.gov.

SUPPLEMENTARY INFORMATION:

Background

In a Staff Requirements Memorandum dated September 16, 1997, the Commission directed that all rulemaking functions and responsibilities be transferred from the Office of Nuclear Regulatory Research to the program offices. The transfer became effective on February 28, 1998. The Nuclear Regulatory Commission is amending portions of its regulations to reflect the transfer of rulemaking functions and responsibilities.

Because these amendments deal solely with the organization and transfer of duties, the notice and comment provisions of the Administrative Procedure Act do not apply under 5 U.S.C. 553(b)(A). These amendments are effective upon publication in the **Federal Register.** Good cause exists to dispense with the usual 30-day delay in the effective date, because these amendments are of a minor and administrative nature, dealing with the organization and relocation of agency personnel.

Environmental Impact: Categorical Exclusion

The NRC has determined that this final rule is the type of action described in categorical exclusion 10 CFR 51.22(c)(2). Therefore, neither an environmental impact statement nor an environmental assessment has been prepared for this final rule.

Paperword Reduction Act Statement

This final rule contains no information collection requirements and, therefore, is not subject to the requirements of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

List of Subjects in 10 CFR Part 1

Organization and functions (Government agencies).

For the reason set out in the preamble and under the authority of the Atomic

Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and 5 U.S.C. 552 and 553, the NRC is adopting the following amendments to 10 CFR part 1.

PART 1—STATEMENT OF ORGANIZATION AND GENERAL INFORMATION

1. The authority citation for Part 1 continues to read as follows:

Authority: Secs. 23, 161, 68 Stat. 925, 948, as amended (42 U.S.C. 2033, 2201); sec. 29, Pub. L. 85–256, 71 Stat. 579, Pub. L. 95–209, 91 Stat. 1483 (42 U.S.C. 2039); sec. 191, Pub. L. 87–615, 76 Stat. 409 (42 U.S.C. 2241); secs. 201, 203, 204, 205, 209, 88 Stat. 1242, 1244, 1245, 1246, 1248, as amended (42 U.S.C. 5841, 5843, 5844, 5845, 5849); 5 U.S.C. 552, 553; Reorganization Plan No. 1 of 1980, 45 FR 40561, June 16, 1980.

2. In § 1.42, paragraphs (b)(1) through (b)(9) are redesignated as (b)(2) through (b)(10) and a new paragraph (b)(1) is added to read as follows:

§ 1.42 Office of Nuclear Material Safety and Safeguards.

* * * * *

(b) * * *

(1) Development and promulgation of regulations.

* * * * *

3. In § 1.43, the introductory text of paragraph (a) is revised to read as follows:

§ 1.43 Office of Nuclear Reactor Regulation.

* * * * *

(a) Develops, promulgates and implements regulations and develops and implements policies, programs, and procedures for all aspects of licensing, inspection, and safeguarding of—

* * * * *

§ 1.45 [Amended]

4. In § 1.45, paragraph (b) is removed and paragraphs (c) and (d) are redesignated as paragraphs (b) and (c).

Dated at Rockville, Maryland, this 2nd day of December, 1998.

For the Nuclear Regulatory Commission.

William D. Travers,

Executive Director for Operations.

[FR Doc. 98–33430 Filed 12–16–98; 8:45 am]

BILLING CODE 7590–01–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 97

[Docket No. 29417; Amdt. No. 1906]

RIN 2120–AA65

Standard Instrument Approach Procedures; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAP's) for operations at certain airports. These regulatory actions are needed because of the adoption of new or revised criteria, or because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, addition of new obstacles, or changes in air traffic requirements. These changes are designed to provide safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

DATES: An effective date for each SIAP is specified in the amendatory provisions.

Incorporation by reference—approved by the Director of the Federal Register on December 31, 1980, and reapproved as of January 1, 1982.

ADDRESSES: Availability of matters incorporated by reference in the amendment is as follows:

For Examination—

1. FAA Rules Docket, FAA Headquarters Building, 800 Independence Avenue, SW., Washington, DC 20591;
2. The FAA Regional Office of the region in which the affected airport is located; or
3. The Flight Inspection Area Office which originated the SIAP.

For Purchase—Individual SIAP copies may be obtained from:

1. FAA Public Inquiry Center (APA–200), FAA Headquarters Building, 800 Independence Avenue, SW., Washington, DC 20591; or
2. The FAA Regional Office of the region in which the affected airport is located.

By Subscription—Copies of all SIAP's, mailed once every 2 weeks, are for sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402.

FOR FURTHER INFORMATION CONTACT: Donald P. Pate, Flight Procedure Standards Branch (AMCAFS–420), Flight Technologies and Programs Division, Flight Standards Service, Federal Aviation Administration, Mike Monroney Aeronautical Center, 6500 South MacArthur Blvd. Oklahoma City, OK. 73169 (Mail Address: P.O. Box 25082 Oklahoma City, OK. 73125) telephone: (405) 954–4164.

SUPPLEMENTARY INFORMATION: This amendment to part 97 of the Federal Aviation Regulations (14 CFR part 97) establishes, amends, suspends, or revokes SIAP's. The complete regulatory description of each SIAP is contained in official FAA form documents which are incorporated by reference in this amendment under 5 U.S.C. 552(a), 1 CFR part 51, and § 14 CFR 97.20 of the Federal Aviation Regulations (FAR). The applicable FAA Forms are identified as FAA Form 8260–5. Materials incorporated by reference are available for examination or purchase as stated above.

The large number of SIAP's, their complex nature, and the need for a special format make their verbatim publication in the **Federal Register** expensive and impractical. Further, airmen do not use the regulatory text of the SIAPs, but refer to their graphic depiction on charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP contained in FAA form documents is unnecessary. The provisions of this amendment state the affected CFR sections, with the types and effective dates of the SIAPs. This amendment also identifies the airport, its location, the procedure identification and the amendment number.

This amendment to part 97 is effective upon publication of each separate SIAP as contained in the transmittal. The SIAP's contained in this amendment are based on the criteria contained in the United States Standard for Terminal Instrument Approach Procedures (TERPS). In developing these SIAPs, the TERPS criteria were applied to the conditions existing or anticipated at the affected airports.

The FAA has determined through testing that current non-localizer type, non-precision instrument approaches developed using the TERPS criteria can be flown by aircraft equipped with a Global Positioning System (GPS) and or Flight Management System (FMS) equipment. In consideration of the above, the applicable SIAP's will be altered to include ''or GPS or FMS'' in

the title without otherwise reviewing or modifying the procedure. (Once a stand alone GPS or FMS procedure is developed, the procedure title will be altered to remove ''or GPS or FMS'' from these non-localizer, non-precision instrument approach procedure titles.)

The FAA has determined through extensive analysis that current SIAP's intended for use by Area Navigation (RNAV) equipped aircraft can be flown by aircraft utilizing various other types of navigational equipment. In consideration of the above, those SIAP's currently designated as ''RNAV'' will be redesignated as ''VOR/DME RNAV'' without otherwise reviewing or modifying the SIAP's.

Because of the close and immediate relationship between these SIAP's and safety in air commerce, I find that notice and public procedure before adopting these SIAPs are, impracticable and contrary to the public interest and, where applicable, that good cause exists for making some SIAPs effective in less than 30 days.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. For the same reason, the FAA certifies that this amendment will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 97

Air traffic control, Airports, Navigation (air).

Issued in Washington, DC, on December 11, 1998.

Richard O. Gordon,

Acting Director, Flight Standards Service.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, part 97 of the Federal Aviation Regulations (14 CFR part 97) is amended as follows:

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

1. The authority citation for part 97 continues to read:

Authority: 49 U.S.C. 106(g), 40103, 40106, 40113–40114, 40120, 44502, 44514, 44701, 44719, 44721–44722.

§§ 97.23, 97.27, 97.33, 97.35 [Amended]

2. Amend 97.23, 97.27, 97.33 and 97.35, as appropriate, by adding, revising, or removing the following SIAP's, effective at 0901 UTC on the dates specified:

** * * Effective January 28, 1999*

Yakutat, AK, Yakutat, VOR/DME or GPS RWY 2, Orig-A CANCELLED
Yakutat, AK, Yakutat, VOR/DME RWY 2, Orig-A
Little Rock, AR, Adams Field, VOR/DME RNAV or GPS RWY 22R, Amdt 10A CANCELLED
Little Rock, AR, Adams Field, VOR/DME RNAV RWY 22R, Amdt 10A
Lincoln, CA, Lincoln Muni, VOR or GPS RWY 15, Amdt 4 CANCELLED
Lincoln, CA, Lincoln Muni, VOR RWY 15, Amdt 4
Fortuna, CA, Rohnerville, VOR or GPS RWY 11, Amdt 2 CANCELLED
Fortuna, CA, Rohnerville, VOR RWY 11, Amdt 2
San Jose, CA, San Jose International, VOR/DME RNAV or GPS RWY 30L, Orig-A CANCELLED
San Jose, CA, San Jose International, VOR/DME RNAV RWY 30L, Orig-A
Craig, CO, Craig-Moffat, VOR/DME or GPS RWY 7, Amdt 2 CANCELLED
Craig, CO, Craig-Moffat, VOR/DME RWY 7, Amdt 2
Craig, CO, Craig-Moffat, VOR or GPS RWY 25, Amdt 3 CANCELLED
Craig, CO, Craig-Moffat, VOR RWY 25, Amdt 3
Jasper, GA, Pickens County, NDB or GPS RWY 34, Amdt 1 CANCELLED
Jasper, GA, Pickens County, NDB RWY 34, Amdt 1
Muscatine, IA, Muscatine Muni, NDB or GPS RWY 6, Amdt 12B, CANCELLED
Muscatine, IA, Muscatine Muni, NDB RWY 6, Amdt 12B
Perry, IA, Perry Muni, NDB or GPS RWY 13, Amdt 2 CANCELLED
Perry, IA, Perry Muni, NDB RWY 13, Amdt 2
Perry, IA, Perry Muni, NDB or GPS RWY 31, Amdt 5 CANCELLED
Perry, IA, Perry Muni, NDB RWY 31, Amdt 5
Valparaiso, IN, Porter County Muni, VOR/DME RNAV or GPS RWY 9, AMDT 2A CANCELLED
Valparaiso, IN, Porter County Muni, VOR/DME RNAV RWY 9, Amdt 2A
Valparaiso, IN, Porter County Muni, NDB or GPS RWY 27, Amdt 5B CANCELLED
Valparaiso, IN, Porter County Muni, NDB RWY 27, Amdt 5B
Salina, KS, Salina Muni, VOR or GPS RWY 17, Orig-A CANCELLED
Salina, KS, Salina Muni, VOR RWY 17, Orig-A
Salina, KS, Salina Muni, NDB or GPS RWY 35, Amdt 16A CANCELLED
Salina, KS, Salina Muni, NDB RWY 35, Amdt 16A
London, KY, London-Corbin Arpt-Magee Field, VOR or GPS RWY 5, AMDT 12B CANCELLED
London, KY, London-Corbin Arpt-Magee Field, VOR RWY 5, Amdt 12B
London, KY, London-Corbin Arpt-Magee Field, VOR or GPS RWY 23, Amdt 12B CANCELLED
London, KY, London-Corbin Arpt-Magee Field, VOR RWY 23, Amdt 12B
Louisville, KY, Bowman Field, VOR or GPS RWY 24, Amdt 7 CANCELLED
Louisville, KY, Bowman Field, VOR RWY 24, Amdt 7
Grand Rapids, MN, Grand Rapids/Itasca County-Gordon Newstrom Field, VOR/DME or GPS RWY 16, Orig CANCELLED
Grand Rapids, MN, Grand Rapids/Itasca County-Gordon Newstrom Field, VOR/DME RWY 16, Orig.
Orr, MN, Orr Regional, NDB or GPS RWY 13, Amdt 7A CANCELLED
Orr, MN, Orr Regional, NDB RWY 13, Amdt 7A
Two Harbors, MN, Richard B Helgeson, NDB RWY 24, Orig CANCELLED
Two Harbors, MN, Richard B Helgeson, NDB RWY 24, Orig
Tupelo, MS, Tupelo Municipal-C.D. Lemons, VOR/DME or GPS RWY 18, Orig CANCELLED
Tupelo, MS, Tupelo Municipal-C.D. Lemons, VOR/DME RWY 18, Orig
Tupelo, MS, Tupelo Municipal-C.D. Lemons, NDB or GPS RWY 36, Amdt 4 CANCELLED
Tupelo, MS, Tupelo Municipal-C.D. Lemons, NDB RWY 36, Amdt 4
Manteo, NC, Dare County Regional, VOR or GPS RWY 17, Amdt 3A CANCELLED
Manteo, NC, Dare County Regional, VOR RWY 17, Amdt 3A
Manteo, NC, Dare County Regional, NDB or GPS RWY 5, Amdt 4A CANCELLED
Manteo, NC, Dare County Regional, NDB RWY 5, Amdt 4A
Fairmount, NE, Fairmont State Airfield, NDB or GPS RWY 35, Amdt 1A, CANCELLED
Fairmount, NE, Fairmount State Airfield, NDB RWY 35, Amdt 1A
Dunkirk, NY, Chautauqua County/Dunkirk, VOR or GPS RWY 6, Amdt 1B CANCELLED
Dunkirk, NY, Chautauqua County/Dunkirk, VOR RWY 6, Amdt 1B
Dunkirk, NY, Chautauqua County/Dunkirk, VOR or GPS RWY 24, Amdt 6B CANCELLED
Dunkirk, NY, Chautauqua County/Dunkirk, VOR RWY 24, Amdt 6B
Washington Court House, OH, Fayette County, NDB or GPS RWY 22, Amdt 3 CANCELLED

Washington Court House, OH, Fayette County, NDB RWY 22, Amdt 3
Dayton, OH, James M Cox Dayton Intl, NDB or GPS RWY 6L, Amdt 5 CANCELLED
Dayton, OH, James M Cox Dayton Intl, NDB RWY 6L, Amdt 5
Aiken, SC, Aiken Muni, NDB or GPS RWY 24, Amdt 9A CANCELLED
Aiken, SC, Aiken Muni, NDB RWY 24, Amdt 9A
San Antonio, TX, San Antonio Intl, VOR/DME RNAV or GPS RWY 30L, Amdt 11 CANCELLED
San Antonio, TX, San Antonio Intl, VOR/DME RNAV RWY 30L, Amdt 11
San Antonio, TX, San Antonio Intl, NDB or GPS RWY 12R, Amdt 20B CANCELLED
San Antonio, TX, San Antonio Intl, NDB RWY 12R, Amdt 20B
San Marcos, TX, San Marcos Muni, NDB or GPS RWY 12, Amdt 4 CANCELLED
San Marcos, TX, San Marcos Muni, NDB RWY 12, Amdt 4

[FR Doc. 98–33439 Filed 12–16–98; 8:45 am]
BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 97

[Docket No. 29416; Amdt. No. 1905]

RIN 2120–AA65

Standard Instrument Approach Procedures; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs) for operation at certain airports. These regulatory actions are needed because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, addition of new obstacles, or changes in air traffic requirements. These changes are designed to provide safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

DATES: An effective date for each SIAP is specified in the amendatory provisions.

Incorporation by reference—approved by the Director of the Federal Register on December 31, 1980, and reapproved as of January 1, 1982.

ADDRESSES: Availability of matter incorporated by reference in the amendment is as follows:

For Examination—

1. FAA Rules Docket, FAA Headquarters Building, 800 Independence Avenue, SW., Washington, DC 20591;

2. The FAA Regional Office of the region in which affected airport is located; or

3. The Flight Inspection Area Office which originated the SIAP.

For Purchase—Individual SIAP copies may be obtained from:

1. FAA Public Inquiry Center (APA–200), FAA Headquarters Building, 800 Independence Avenue, SW., Washington, DC 20591; or

2. The FAA Regional Office of the region in which the affected airport is located.

By Subscription—Copies of all SIAPs, mailed once every 2 weeks, are for sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402.

FOR FURTHER INFORMATION CONTACT: Donald P. Pate, Flight Procedure Standards Branch (AMCAFS–420), Flight Technologies and Programs Division, Flight Standards Service, Federal Aviation Administration, Mike Monroney Aeronautical Center, 6500 South MacArthur Blvd. Oklahoma City, OK. 73169 (Mail Address: P.O. Box 25082 Oklahoma City, OK. 73125) telephone: (405) 954–4164.

SUPPLEMENTARY INFORMATION: This amendment to part 97 of the Federal Aviation Regulations (14 CFR part 97) establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs). The complete regulatory description on each SIAP is contained in the appropriate FAA Form 8260 and the National Flight Data Center (FDC)/Permanent (P) Notices to Airmen (NOTAM) which are incorporated by reference in the amendment under 5 U.S.C. 552(a), 1 CFR part 51, and § 97.20 of the Federal Aviation's Regulations (FAR). Materials incorporated by reference are available for examination or purchase as stated above.

The large number of SIAPs, their complex nature, and the need for a special format make their verbatim publication in the **Federal Register** expensive and impractical. Further, airmen do not use the regulatory text of the SIAPs, but refer to their graphic depiction of charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP contained in FAA form documents is unnecessary. The provisions of this amendment state the affected CFR (and FAR) sections, with the types and effective dates of the SIAPs. This amendment also identifies the airport, its location, the procedure identification and the amendment number.

The Rule

This amendment to part 97 of the Federal Aviation Regulations (14 CFR part 97) establishes, amends, suspends, or revokes SIAPs. For safety and timeliness of change considerations, this amendment incorporates only specific changes contained in the content of the following FDC/P NOTAM for each SIAP. The SIAP information in some previously designated FDC/Temporary (FDC/T) NOTAMs is of such duration as to be permanent. With conversion to FDC/P NOTAMs, the respective FDC/T NOTAMs have been canceled.

The FDC/P NOTAMs for the SIAPs contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Approach Procedures (TERPS). In developing these chart changes to SIAPs by FDC/P NOTAMs, the TERPS criteria were applied to only these specific conditions existing at the affected airports. All SIAP amendments in this rule have been previously issued by the FAA in a National Flight Data Center (FDC) Notice to Airmen (NOTAM) as an emergency action of immediate flight safety relating directly to published aeronautical charts. The circumstances which created the need for all these SIAP amendments requires making them effective in less than 30 days.

Further, the SIAPs contained in this amendment are based on the criteria contained in the TERPS. Because of the close and immediate relationship between these SIAPs and safety in air commerce, I find that notice and public procedure before adopting these SIAPs are impracticable and contrary to the public interest and, where applicable, that good cause exists for making these SIAPs effective in less than 30 days.

Conclusion

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a

regulatory evaluation as the anticipated impact is so minimal. For the same reason, the FAA certifies that this amendment will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 97

Air Traffic Control, Airports, Navigation (Air).

Issued in Washington, DC on December 11, 1998.

Richard O. Gordon,

Acting Director, Flight Standards Service.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, part 97 of the Federal Aviation Regulations (14 CFR part 97) is amended by establishing, amending, suspending, or revoking Standard Instrument Approach Procedures, effective at 0901 UTC on the dates specified, as follows:

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

1. The authority citation for part 97 is revised to read as follows:

Authority: 49 U.S.C. 40103, 40113, 40120, 44701; 49 U.S.C. 106(g); and 14 CFR 11.49(b)(2).

2. Part 97 is amended to read as follows:

§§ 97.23, 97.25, 97.27, 97.29, 97.31, 97.33, 97.35 [Amended]

By amending: § 97.23 VOR, VOR/DME, VOR or TACAN, and VOR/DME or TACAN; § 97.25 LOC, LOC/DME, LDA, LDA/DME, SDF, SDF/DME; § 97.27 NDB, NDB/DME; § 97.29 ILS, ILS/DME, ISMLS, MLS, MLS/DME, MLS/RNAV; § 97.31 RADAR SIAPs; § 97.33 RNAV SIAPs; and § 97.35 COPTER SIAPs, identified as follows:

* * * *Effective Upon Publication*

FDC date	State	City	Airport	FDC No.	SIAP
11/23/98	SC	Rock Hill	Rock Hill/York County/Bryant Field	FDC 8/8219	VOR/DME RNAV RWY 2 AMDT 4C...
11/30/98	MN	Hibbing	Chisholm-Hibbing	FDC 8/8330	LOC BC RWY 13, AMDT 11...
11/30/98	NC	Lumberton	Lumberton Muni	FDC 8/8325	VOR or GPS RWY 13, AMDT 9...
11/30/98	NC	Lumberton	Lumberton Muni	FDC 8/8326	VOR RWY 5, AMDT 8...
11/30/98	NC	Lumberton	Lumberton Muni	FDC 8/8327	NDB RWY 13, AMDT 8...
11/30/98	NC	Lumberton	Lumberton Muni	FDC 8/8328	NDB or GPS RWY 5, AMDT 1...
11/30/98	NC	Lumberton	Lumberton Muni	FDC 8/8329	ILS RWY 5, ORIG...
11/30/98	SD	Gettysburg	Gettysburg Muni	FDC 8/8309	GPS RWY 31 ORIG...
12/01/98	NC	Elizabeth City	Elizabeth City Coast Guard Air Station/Muni.	FDC 8/8351	VOR/DME or GPS RWY 10, ORIG–A...
12/01/98	NC	Elizabeth City	Elizabeth City Coast Guard Air Station/Muni.	FDC 8/8351	VOR/DME or GPS RWY 1, AMDT 11A...
12/01/98	NC	Elizabeth City	Elizabeth City Coast Guard Air Station/Muni.	FDC 8/8354	VOR/DME or GPS RWY 28, ORIG–A...
12/01/98	NC	Elizabeth City	Elizabeth City Coast Guard Air Station/Muni.	FDC 8/8355	NDB RWY 10, ORIG–A...
12/01/98	NC	Elizabeth City	Elizabeth City Coast Guard Air Station/Muni.	FDC 8/8362	VOR/DME or GPS RWY 19, AMDT 10A...
12/01/98	NC	Maxton	Laurinburg-Maxton	FDC 8/8342	NDB or GPS RWY 5 ORIG...
12/01/98	NC	Maxton	Laurinburg-Maxton	FDC 8/8344	ILS RWY 5 ORIG...
12/01/98	NC	Washington	Warren Field	FDC 8/8348	NDB or GPS RWY 5, ORIG...
12/01/98	NC	Washington	Warren Field	FDC 8/8349	VOR/DME RWY 5, AMDT 2A...
12/01/98	NC	Washington	Warren Field	FDC 8/8350	LOC RWY 5, AMDT 1...
12/02/98	NC	Jacksonville	Albert J. Ellis	FDC 8/8373	NDB or GPS RWY 5, AMDT 7...
12/02/98	NC	Jacksonville	Albert J. Ellis	FDC 8/8374	ILS RWY 5, AMDT 7...
12/2/98	NC	Raeford	P.K. Airpark	FDC 8/8371	VOR/DME or GPS–A AMDT 3...
12/2/98	NC	Sanford	Sanford-Lee County Brick Field	FDC 8/8372	NDB or GPS RWY 3 ORIG–A...
12/03/98	CA	Murrieta/Temecula	French Valley	FDC 8/8485	GPS RWY 18 Orig-A...
12/03/98	NH	Portsmouth	Pease Intl Tradeport	FDC 8/8480	ILS RWY 34 AMDT 1...
12/03/98	OH	Youngstown	Youngstown Elser Metro	FDC 8/8455	GPS RWY 10 Orig...
12/03/98	TX	Austin	Robert Mueller Muni	FDC 8/8447	ILS RWY 13R, AMDT 10...
12/03/98	TX	Austin	Robert Mueller Muni	FDC 8/8499	ILS RWY 31L, AMDT 33...
12/03/98	TX	Brenham	Brenham Muni	FDC 8/8428	NDB RWY 16, AMDT 5...
12/03/98	TX	College Station	Easterwood Field	FDC 8/8426	ILS RWY 34, AMDT 11...
12/03/98	TX	College Station	Easterwood Field	FDC 8/8427	LOC BC RWY 15, AMDT 5...
12/03/98	TX	College Station	Easterwood Field	FDC 8/8429	GPS RWY 10, Orig...
12/03/98	TX	College Station	Easterwood Field	FDC 8/8432	NDB or GPS RWY 34, AMDT 11A...
12/03/98	TX	Killeen	Killeen Muni	FDC 8/8434	NDB or GPS RWY 1 AMDT 5...
12/03/98	TX	Killeen	Killeen Muni	FDC 8/8435	VOR or GPS–A, AMDT 3...
12/03/98	TX	Killeen	Killeen Muni	FDC 8/8436	ILS RWY 1, AMDT 2...
12/03/98	TX	Midland	Midland Intl	FDC 8/8465	ILS RWY 10, AMDT 14...
12/03/98	TX	Midland	Midland Intl	FDC 8/8469	LOC BC RWY 28, AMDT 12...
12/03/98	TX	New Braunfels	New Braunfels Muni	FDC 8/8437	GPS RWY 13, Orig...
12/03/98	TX	New Braunfels	New Braunfels Muni	FDC 8/8438	NDB–B, Orig...
12/03/98	TX	San Antonio	San Antonio Intl	FDC 8/8400	ILS RWY 3, AMDT 18...
12/03/98	TX	San Antonio	San Antonio Intl	FDC 8/8405	NDB RWY 3, AMDT 38...
12/03/98	TX	San Marcos	San Marcos Muni	FDC 8/8430	ILS RWY 12, AMDT 5...
12/03/98	VA	Hot Springs	Ingalls Field	FDC 8/8418	ILS RWY 24 AMDT 2...

FDC date	State	City	Airport	FDC No.	SIAP
12/03/98	WI	Sheboygan	Sheboygan County Memorial	FDC 8/8495	VOR or GPS RWY 3, AMDT 6A...
12/03/98	WI	West Bend	West Bend Muni	FDC 8/8492	LOC RWY 31 Orig-A...
12/03/98	AZ	Page	Page Muni	FDC 8/8514	GPS RWY 15 Orig...
12/03/98	OK	Oklahoma City	Will Rogers World	FDC 8/8512	ILS RWY 17R, AMDT 9A...
12/04/98	TX	Midland	Midland Intl	FDC 8/8509	VOR/DME or Tacan RWY 34L, AMDT 9...
12/04/98	TX	Midland	Midland Intl	FDC 8/8524	VOR or TACAN RWY 16R, AMDT 22...
12/08/98	NC	Concord	Concord Regional	FDC 8/8576	ILS RWY 20, Orig–A...
12/08/98	NC	Concord	Concord Regional	FDC 8/8577	VOR/DME or GPS–A, AMDT 1A...
12/08/98	NC	Winston-Salem	Smith Reynolds	FDC 8/8579	NDB RWY 33, AMDT 25...
12/08/98	NC	Winston-Salem	Smith Reynolds	FDC 8/8580	VOR/DME RWY 15, AMDT 1...
12/08/98	NC	Winston-Salem	Smith Reynolds	FDC 8/8584	ILS RWY 33, AMDT 28...
12/08/98	NC	Winston-Salem	Smith Reynolds	FDC 8/8587	GPS RWY 15, Orig...
12/08/98	NC	Winston-Salem	Smith Reynolds	FDC 8/8589	GPS RWY 33, Orig...
12/09/98	CA	Marysville	Yuba County	FDC 8/8616	VOR or GPS RWY 32 AMDT 10B...
12/09/98	CA	Marysville	Yuba County	FDC 8/8617	ILS RWY 14 AMDT 4B...
12/09/98	CA	Marysville	Yuba County	FDC 8/8618	NDB or GPS RWY 14 AMDT 3B...
12/09/98	CA	Marysville	Yuba County	FDC 8/8619	VOR RWY 14 AMDT 9B...
12/09/98 AMDT 2.	MN	Minneapolis	Minneapolis-St Pual Intl (Wold-Chamberlain).	FDC 8/8620	ILS PRM RWY 12L (Simultaneous Close Parallel).
12/09/98	MN	Minneapolis	Minneapolis-St Pual Intl (Wold-Chamberlain).	FDC 8/8621	ILS RWY 12L, AMDT 4...
12/09/98	VT	Burlington	Burlington Intl	FDC 8/8622	ILS RWY 15 AMDT 21A...
12/09/98	WV	Lewisburg	Greenbrier Valley	FDC 8/8610	ILS RWY 4 AMDT 8...

[FR Doc. 98–33438 Filed 12–16–98; 8:45 am]
BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 97

[Docket No. 29404; Amdt. No. 1904]

RIN 2120–AA65

Standard Instrument Approach Procedures; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs) for operations at certain airports. These regulatory actions are needed because of the adoption of new or revised criteria, or because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, addition of new obstacles, or changes in air traffic requirements. These changes are designed to provide safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

DATES: An effective date for each SIAP is specified in the amendatory provisions.

Incorporation by reference—approved by the Director of the Federal Register on December 31, 1980, and reapproved as of January 1, 1982.

ADDRESSES: Availability of matters incorporated by reference in the amendment is as follows.

For Examination—

1. FAA Rules Docket, FAA Headquarters Building, 800 Independence Avenue, SW., Washington, DC 20591;

2. The FAA Regional Office of the region in which the affected airport is located; or

3. The Flight Inspection Area Office which originated the SIAP.

For Purchase—Individual SIAP copies may be obtained from:

1. FAA Public Inquiry Center (APA–200), FAA Headquarters Building, 800 Independence Avenue, SW., Washington, DC 20591; or

2. The FAA Regional Office of the region in which the affected airport is located.

By Subscription—Copies of all SIAPs, mailed once every 2 weeks, are for sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402.

FOR FURTHER INFORMATION CONTACT: Donald P. Pate, Flight Procedure Standards Branch (AMCAFS–420), Flight Technologies and Programs Division, Flight Standards Service, Federal Aviation Administration, Mike Monroney Aeronautical Center, 6500 South MacArthur Blvd., Oklahoma City, OK 73169 (Mail Address: P.O. Box 25082, Oklahoma City, OK 73125), telephone: (405) 954–4164.

SUPPLEMENTARY INFORMATION: This amendment to part 97 of the Federal Aviation Regulations (14 CFR part 97) establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs). The complete regulatory description of each SIAP is contained in official FAA form documents which are incorporated by reference in this amendment under 5 U.S.C. 552(a), 1 CFR part 51, and § 97.20 of the Federal Aviation Regulations (FAR). The applicable FAA Forms are identified as FAA Forms 8260–3, 8260–4, and 8260–5. Materials incorporated by reference are available for examination or purchase as stated above.

The large number of SIAPs, their complex nature, and the need for a special format make their verbatim publication in the **Federal Register** expensive and impractical. Further, airmen do not use the regulatory text of the SIAPs, but refer to their graphic depiction on charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP contained in FAA form

documents is unnecessary. The provisions of this amendment state the affected CFR (and FAR) sections, with the types and effective dates of the SIAPs. This amendment also identifies the airport, its location, the procedure identification and the amendment number.

The Rule

This amendment to part 97 is effective upon publication of each separate SIAP as contained in the transmittal. Some SIAP amendments may have been previously issued by the FAA in a National Flight Data Center (NFDC) Notice to Airmen (NOTAM) as an emergency action of immediate flight safety relating directly to published aeronautical charts. The circumstances which created the need for some SIAP amendments may require making them effective in less than 30 days. For the remaining SIAPs, an effective date at least 30 days after publication is provided.

Further, the SIAPs contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Approach Procedures (TERPS). In developing these SIAPs, the TERPS criteria were applied to the conditions existing or anticipated at the affected airports. Because of the close and immediate relationship between these SIAPS and safety in air commerce, I find that notice and public procedure before adopting these SIAPs are impracticable and contrary to the public interest and, where applicable, that good cause exists for making some SIAPs effective in less than 30 days.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) Is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. For the same reason, the FAA certifies that this amendment will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 97

Air traffic control, Airports, Navigation (air).

Issued in Washington, DC on December 11, 1998.

Richard O. Gordon,

Acting Director, Flight Standards Service.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, part 97 of the Federal Aviation Regulations (14 CFR part 97) is amended by establishing, amending, suspending, or revoking Standard Instrument Approach Procedures, effective at 0901 UTC on the dates specified, as follows:

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

1. The authority citation for part 97 is revised to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120, 44701; and 14 CFR 11.49(b)(2).

2. Part 97 is amended to read as follows:

§§ 97.23, 97.25, 97.27, 97.29, 97.31, 97.33, 97.35 [Amended]

By amending: § 97.23 VOR, VOR/DME, VOR or TACAN, and VOR/DME or TACAN; § 97.25 LOC, LOC/DME, LDA, LDA/DME, SDF, SDF/DME; § 97.27 NDB, NDB/DME; § 97.29 ILS, ILS/DME, ISMLS, MLS, MLS/DME, MLS/RNAV; § 97.31 RADAR SIAPs; § 97.33 RNAV SIAPs; and § 97.35 COPTER SIAPs, identified as follows:

** * * Effective 31 December 1998*

Little Rock, AR, Adams Field, LOC RWY 22R, Orig, CANCELLED
Little Rock, AR, Adams Field, NDB RWY 22R, Amdt 7
Little Rock, AR, Adams Field, VOR/DME RNAV RWY 22R, Amdt 11
Little Rock, AR, Adams Field, ILS RWY 22R, Orig
Little Rock, AR, Adams Field, GPS RWY 22R, Orig
Manchester, NH, Manchester, ILS RWY 17, Amdt 1
Manchester, NH, Manchester, ILS RWY 35, Amdt 19
Dayton, OH, James M. Cox Dayton Intl, NDB RWY 6L, Amdt 6
Dayton, OH, James M. Cox Dayton Intl, NDB RWY 6R, Amdt 8
Dayton, OH, James M. Cox Dayton Intl, ILS RWY 6L, Amdt 7
Dayton, OH, James M. Cox Dayton Intl, GPS RWY 6L, Orig
Austin, TX, Austin-Bergstrom Intl, ILS RWY 17R, Amdt 1
Austin, TX, Austin-Bergstrom Intl, ILS RWY 35L, Amdt 1
Austin, TX, Austin-Bergstrom Intl, GPS RWY 17L, Orig
Austin, TX, Austin-Bergstrom Intl, GPS RWY 17R, Amdt 1
Austin, TX, Austin-Bergstrom Intl, GPS RWY 35L, Amdt 1
Austin, TX, Austin-Bergstrom Intl, GPS RWY 35R, Orig
Cleburne, TX, Cleburne Muni, LOC/DME RWY 15, Orig
Seattle, WA, Boeing Field/King County Intl, ILS RWY 31L, Orig

** * * Effective 28 January 1999*

Camarillo, CA, Camarillo, VOR RWY 26, Amdt 5
Muscatine, IA, Muscatine Muni, VOR/DME RNAV RWY 23, ORIG–B, CANCELLED
Muscatine, IA, Muscatine Muni, VOR RWY 24, Amdt 6B, CANCELLED
Muscatine, IA, Muscatine Muni, VOR RWY 24, Orig
Muscatine, IA, Muscatine Muni, NDB RWY 6, Amdt 13
Muscatine, IA, Muscatine Muni, GPS RWY 6, Orig
Muscatine, IA, Muscatine Muni, GPS RWY 24, Amdt 2
Gibson City, IL, Schertz Field, VOR OR GPS–A, Amdt 4
Rockford, IL, Greater Rockford, RADAR–1, Amdt 9
Meade, KS, Meade Muni, NDB RWY 17, Orig
Meade, KS , Meade Muni, GPS RWY 17, Orig
Meade, KS, Meade Muni, GPS RWY 35, Orig
London, KY, London-Corbin Arpt-Magee Fld, GPS RWY 5, Orig
London, KY, London-Corbin Arpt-Magee Fld, GPS RWY 23, Orig
Baltimore, MD, Baltimore-Washington Intl, ILS RWY 28, Amdt 13
Fitchburg, MA, Fitchburg Muni, NDB RWY 20, Amdt 5
New Bedford, MA, New Bedford Regional, LOC BC RWY 23, Amdt 11
New Bedford, MA, New Bedford Regional, NDB RWY 5, Amdt 12
New Bedford, MA, New Bedford Regional, ILS RWY 5, Amdt 25
New Bedford, MA, New Bedford Regional, GPS RWY 23, Amdt 1
Mason, MI, Mason Jewett Field, VOR OR GPS–A, Amdt 4
Troy, MI, Big Beaver, VOR OR GPS–B, Orig–A, CANCELLED
Kent, OH, Kent State Univ, GPS RWY 19, Orig

[FR Doc. 98–33437 Filed 12–16–98; 8:45 am]
BILLING CODE 4910–13–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 176

[Docket No. 95F–0255]

Indirect Food Additives: Paper and Paperboard Components

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the food additive regulations to provide for the safe use of diallyl maleate and 1-ethynyl-1-cyclohexanol as optional polymerization inhibitors and dimethyl (methyl hydrogen) polysiloxane as a cross-linking agent in the manufacture of vinyl-containing siloxanes that are used in coatings for paper and paperboard that contact food; to increase the maximum permitted residual level of platinum, which remains from the catalyst used in the manufacture of vinyl-containing siloxanes, to 200 parts per million (ppm) of these siloxanes; and to expand the safe use of coatings with vinyl-containing siloxanes for contact with additional food types and under additional conditions of use. This action is in response to a petition filed by GE Silicones.

DATES: The regulation is effective December 17, 1998; written objections and requests for a hearing by January 19, 1999.

ADDRESSES: Submit written objections to the Dockets Management Branch (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: Ellen M. Waldron, Center for Food Safety and Applied Nutrition (HFS–215), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–418–3089.

SUPPLEMENTARY INFORMATION: In a notice published in the **Federal Register** of September 25, 1995 (60 FR 49414), FDA announced that a food additive petition (FAP 5B4475) had been filed by GE Silicones, c/o 700 13th St. NW., Washington, DC 20005. The petition proposed to amend the food additive regulations in § 176.170 *Components of paper and paperboard in contact with aqueous and fatty foods* (21 CFR 176.170) to provide for the safe use of vinyl-containing siloxanes as a component of coatings for paper and paperboard in contact with food and to provide for the safe use of 1-ethynyl-1-cyclohexanol as an optional inhibitor for the additive. The petition also proposed that the regulations be amended to increase the level of platinum catalyst used in the manufacture of vinyl-containing siloxanes to 200 ppm. In a notice published in the **Federal Register** of September 5, 1996 (61 FR 46814), FDA amended the September 25, 1995, notice to indicate that upon further review of the petition, the agency noted that the petitioner also proposed approval of the use of diallyl maleate as an optional polymerization inhibitor and dimethyl (methyl hydrogen) polysiloxane as a cross-linking agent in the manufacture of vinyl-containing siloxanes used in coatings on paper and paperboard that contact food. In addition, the agency clarified that the petitioner proposed to expand the safe use of coatings with vinyl-containing siloxanes for contact with additional food types and under additional conditions of use.

In the filing notices, the agency inadvertently stated that the petition proposed to increase the level of platinum catalyst used in the manufacture of vinyl-containing siloxanes. The petition actually proposed to increase the maximum permitted residual level of platinum in the vinyl-containing siloxanes, which is consistent with the existing regulation.

FDA has evaluated the data in the petition and other relevant material. The agency finds that the proposed use of the additives diallyl maleate and 1-ethynyl-1-cyclohexanol as optional polymerization inhibitors and the proposed use of the additive dimethyl (methyl hydrogen) polysiloxane as a cross-linking agent in the manufacture of vinyl-containing siloxanes intended for use as a component of coatings for paper and paperboard in contact with food are safe and achieve their intended technical effects. Finally, the agency concludes that the resulting vinyl-containing siloxanes are safe and will have their intended technical effects. Therefore, the regulations in § 176.170 should be amended as set forth below.

In accordance with § 171.1(h) (21 CFR 171.1(h)), the petition and the documents that FDA considered and relied upon in reaching its decision to approve the petition are available for inspection at the Center for Food Safety and Applied Nutrition by appointment with the information contact person listed above. As provided in § 171.1(h), the agency will delete from the documents any materials that are not available for public disclosure before making the documents available for inspection.

The agency has carefully considered the potential environmental effects of this action. FDA has concluded that the action will not have a significant impact on the human environment, and that an environmental impact statement is not required. The agency's finding of no significant impact and the evidence supporting that finding, contained in an environmental assessment, may be seen in the Dockets Management Branch (address above) between 9 a.m. and 4 p.m., Monday through Friday.

This final rule contains no collections of information. Therefore, clearance by the Office of Management and Budget under the Paperwork Reduction Act of 1995 is not required.

Any person who will be adversely affected by this regulation may at any time on or before January 19, 1999, file with the Dockets Management Branch (address above) written objections thereto. Each objection shall be separately numbered, and each numbered objection shall specify with particularity the provisions of the regulation to which objection is made and the grounds for the objection. Each numbered objection on which a hearing is requested shall specifically so state. Failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held. Failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Three copies of all documents shall be submitted and shall be identified with the docket number found in brackets in the heading of this document. Any objections received in response to the regulation may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

List of Subjects in 21 CFR Part 176

Food additives, Food packaging.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Director, Center for Food Safety and Applied Nutrition, 21 CFR part 176 is amended as follows:

PART 176—INDIRECT FOOD ADDITIVES: PAPER AND PAPERBOARD COMPONENTS

1. The authority citation for 21 CFR part 176 continues to read as follows:

Authority: 21 U.S.C. 321, 342, 346, 348, 379e.

2. Section 176.170 is amended in the table in paragraph (b)(2) by revising the first entry for ''Siloxanes and silicones'' under the headings ''List of substances'' and ''Limitations'' to read as follows:

§ 176.170 Components of paper and paperboard in contact with aqueous and fatty foods.

* * * * *

(b) * * *

(2) * * *

List of substances	Limitations
* * *	* * * *
Siloxanes and silicones; platinum-catalyzed reaction product of vinyl-containing dimethyl polysiloxane (CAS Reg. Nos. 68083–19–2 and 68083–18–1) with methyl hydrogen polysiloxane (CAS Reg. No. 63148–57–2) or dimethyl (methyl hydrogen) polysiloxane (CAS Reg. No. 68037–59–2). Diallyl maleate (CAS Reg No. 999–21–3), dimethyl maleate (CAS Reg. No. 624–48–6), 1-ethynyl-1-cyclohexanol (CAS Reg. No. 78–27–3) and vinyl acetate (CAS Reg. No. 108–05–4) may be used as optional polymerization inhibitors.	For use only as a surface coating. Platinum content not to exceed 200 parts per million.
* * *	* * * *

* * * * *

Dated: December 4, 1998.

L. Robert Lake,

Director, Office of Policy, Planning and Strategic Initiatives, Center for Food Safety and Applied Nutrition.

[FR Doc. 98–33454 Filed 12–16–98; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[TD 8799]

RIN 1545–AV15

Certain Investment Income Under the Qualifying Income Provisions of Section 7704 and the Application of the Passive Activity Loss Rules to Publicly Traded Partnerships

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Final regulations.

SUMMARY: This document contains final regulations relating to the treatment of certain investment income under the qualifying income provisions of section 7704 and the application of the passive activity loss rules to publicly traded partnerships. These regulations provide guidance on calculating a publicly traded partnership's qualifying income under section 7704. The regulations will affect the classification of certain partnerships for federal tax purposes and also will affect the passive activity loss limitations with respect to items attributable to publicly traded partnerships.

DATES: *Effective Date:* These regulations are effective December 17, 1998.

Applicability Dates: See Effective Dates under **SUPPLEMENTARY INFORMATION** of the preamble.

FOR FURTHER INFORMATION CONTACT: Christopher Kelley or Terri Belanger at (202) 622–3080 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

The final regulations add § 1.7704–3 to the Income Tax Regulations (26 CFR part 1) relating to the definition of qualifying income for publicly traded partnerships under section 7704(d) of the Internal Revenue Code (Code). The final regulations also amend § 1.469–10 of the Income Tax Regulations relating to the application of section 469 to publicly traded partnerships.

On December 19, 1997, proposed regulations (REG–105163–97, 1998–8 I.R.B. 31) were published in the **Federal Register** (62 FR 66575). A number of written comments were received on the proposed regulations under section 7704(d). Two speakers provided testimony at a public hearing held on April 28, 1998. After consideration of all the comments, the proposed regulations under section 7704 are adopted, as revised by this Treasury decision.

No comments were received on the proposed regulations under section 469. The proposed regulations under section 469 are adopted without revision by this Treasury decision.

Explanation of Revisions and Summary of Comments

1. Determination of Gross Income for Purposes of Section 7704(c)(2)

a. Capital Losses

Section 7704(d)(1)(F) provides that, except as otherwise provided, the term *qualifying income* includes any gain from the sale or disposition of a capital asset (or property described in section 1231(b)) held for the production of income described in section 7704(d). Several commentators requested clarification as to how capital losses incurred by the partnership are treated in determining gross income of the partnership for purposes of section 7704(c)(2). The final regulations clarify that, in general, all losses are ignored in the computation of gross income.

b. Straddles

The proposed regulations requested comments on the appropriate way to compute the gross income for a partnership that makes a mixed straddle account election under § 1.1092(b)–4T. The final regulations provide that, for purposes of applying the general rule that a capital gain on an investment is taken into account but a capital loss is not, certain rules shall apply that generally net capital gains and losses recognized in a taxable year with respect to a straddle. This treatment applies to all straddles, not just mixed straddle accounts, and to other interests in property that produce a substantial diminution of the partnership's risk of loss similar to that of straddles. In addition, the final regulations contain a wash sale rule for gains in certain

straddle and straddle-like transactions. This rule provides that, for purposes of section 7704(c)(2), if a partnership recognizes gain with respect to the disposition of one or more positions of a straddle or similar arrangement, and the partnership acquires a substantially similar position or positions within a period beginning 30 days before and ending 30 days after the date of the disposition, then the gain shall not be taken into account to the extent of the amount of unrecognized loss (as of the close of the taxable year) in one or more offsetting positions of the straddle or similar arrangement.

c. Mark-to-Market

The proposed regulations provide that qualifying income includes capital gain from the sale of stock. The final regulations clarify that gain recognized with respect to a position that is marked to market (for example, under section 475(f), section 1256, section 1259, or section 1296) will not fail to be qualifying income solely because there is no sale or disposition.

d. Certain Ordinary Income

Under certain provisions of the Code, capital gain or loss with respect to certain transactions is recharacterized as ordinary income or loss. However, such gain or loss may be recognized with respect to a capital asset in a manner that is consistent with section 7704(d)(1)(F). Accordingly, the final regulations provide that gain will not fail to be qualifying income solely because it is characterized as ordinary income under section 475(f), section 988, section 1258, or section 1296.

2. Income Derived From Securities Lending Activities

Several commentators requested that the final regulations clarify that income from securities lending activities of a trader is qualifying income. Section 7704(d)(4) provides that qualifying income includes income that qualifies under section 851(b)(2). Section 851(b)(2), which includes income from security loans, does not specifically state that it applies to the business of trading, as opposed to the business of investing. Thus, commentators have suggested that there is uncertainty under section 7704 as to whether income from security loans from the business of trading is qualifying income.

The IRS and Treasury Department believe that section 851(b)(2) generally encompasses income from the business of trading as well as investing. Thus, income from the securities lending activities of a trader will be qualifying income under section 7704. A special provision in these final regulations for this income is not necessary and could create a negative implication as to the qualification of trading income under section 851(b)(2) generally. Accordingly, the final regulations do not adopt this comment.

3. Income Derived From Investments in Foreign Corporations

One commentator requested that the final regulations clarify that income from investments in foreign corporations is qualifying income. Because taxable income may arise with respect to an investment in a foreign corporation that may not literally constitute a dividend, the commentator suggested that it is unclear whether these investments generate qualifying income under section 7704(d). Specifically, the commentator requested clarification regarding whether a U.S. shareholder would have qualifying income from an inclusion under (1) section 551 (foreign personal holding company income); (2) section 951(a)(1)(A) or (B) (subpart F income or a section 956 amount); (3) section 1291 (excess distributions of a passive foreign investment company (PFIC)); and (4) section 1293 (earnings of a PFIC that is a qualified electing fund). The commentator requested that the final regulations clarify that income realized under these tax regimes with respect to stock ownership in a foreign corporation is included in the definition of qualifying income under section 7704(d).

Section 551(b) characterizes amounts included in gross income under section 551(a) as dividends for federal tax purposes. Thus, an inclusion under section 551 is qualifying income under section 7704(d)(1)(B). No clarification is necessary in the final regulations.

Section 851(b)(2), which is cross-referenced in section 7704(d), provides rules on the extent to which certain inclusions of subpart F income under section 951(a)(1)(A)(i) and certain inclusions under section 1293(a) are treated as dividends and, thus, qualifying income for purposes of section 851(b)(2). Any expansion of qualifying income with respect to investments in foreign corporations should be addressed under section 851(b)(2) and the regulations thereunder. Accordingly, the final regulations do not adopt this comment.

4. Limitation on the Definition of Qualifying Income

The proposed regulations provide that qualifying income includes capital gain from the sale of stock, income from holding annuities, income from notional principal contracts, and other substantially similar income from ordinary and routine investments to the extent determined by the Commissioner. Several commentators stated that partnerships must know that an investment generates qualifying income before entering into the transaction. Because passive-type investments evolve constantly and rapidly, the commentators suggested that a requirement that a type of investment generates qualifying income only to the extent determined by the Commissioner creates uncertainty for partnerships considering new investments. Thus, these commentators requested that the final regulations not include this restriction in the definition of qualifying income.

The IRS and Treasury Department do not believe that the language in the proposed regulations creates significant uncertainty in the definition of qualifying income. Instead, the standard in the proposed regulations provides necessary flexibility to consider the effect of new types of financial investments as such investments evolve. The IRS and Treasury Department do not believe that it would be appropriate to create a broader and more generic rule that would allow taxpayers to determine for themselves whether new types of investments generate qualifying income. Thus, the final regulations do not adopt this comment.

5. List of Specific Items Generating Qualifying Income

Several commentators requested that the final regulations expand the list of specific investments that generate qualifying income. The IRS and Treasury Department do not believe that it is appropriate to expand the list of specific investments enumerated in the proposed regulations. Therefore, the final regulations do not adopt this comment.

6. Partnership Reporting Requirements

Several commentators indicated that the current reporting requirements for partnerships do not specifically compel a lower-tier partnership to provide the data necessary for an upper-tier partnership to determine whether it meets the gross income requirement of section 7704(c)(2). These commentators requested that the final regulations specifically require a lower-tier partnership to report in a level of detail that would permit an upper-tier partnership to make the necessary calculations.

The final regulations do not adopt this comment. The current reporting requirements for a partnership in

§ 1.6031(b)–1T(a)(3)(ii) require a partnership to furnish its partners with statements that include, to the extent provided by form or the accompanying instructions, any additional information that a partner may need to apply particular provisions of the Code with respect to items related to the partnership. The instructions to Form 1065, ''U.S. Partnership Return of Income,'' specifically require a partnership to include on a Schedule K–1 any information a partner may need to file its return that is not shown anywhere else on the schedule. The information that an upper-tier partnership needs to make its gross income calculations must be provided by the lower-tier partnership under the current reporting requirements. An additional reporting requirement in these final regulations is not necessary.

7. Private Placement Safe Harbor Under § 1.7704–1(h)(1)(ii)

Several commentators requested that the final regulations amend the requirements of the private placement safe harbor under § 1.7704–1(h)(1) to reflect the adoption of new rules by the Securities and Exchange Commission regarding knowledgeable employees. Specifically, the commentators requested that the private placement safe harbor be amended to provide that knowledgeable employees are not counted for purposes of the 100 partner limitation. This issue is beyond the scope of these final regulations. Therefore, the final regulations do not adopt this comment.

8. Effective Dates

The proposed regulations provide that the regulations will be effective for taxable years of a partnership beginning on or after the date final regulations are published in the **Federal Register.** Commentators stated that this effective date would preclude taxpayers from relying upon the revised definition of qualifying income in the proposed regulations until the regulations are final. These commentators requested that the effective date of the regulations be changed so that a partnership may rely upon the revised definition of qualifying income for taxable years beginning on or after the date the regulations were published as proposed regulations in the **Federal Register.**

The final regulations provide that these regulations apply to taxable years of a partnership beginning on or after December 17, 1998. However, in response to the comments, the final regulations also include a provision that allows a partnership to apply the regulations retroactively.

Special Analyses

It has been determined that this Treasury decision is not a significant regulatory action as defined in EO 12866. Therefore, a regulatory assessment is not required. It also has been determined that section 553(b) of the Administrative Procedure Act (5 U.S.C. chapter 5) does not apply to these regulations, and because the regulations do not impose a collection of information on small entities, a Regulatory Flexibility Analysis is not required. Pursuant to section 7805(f) of the Internal Revenue Code, the notice of proposed rulemaking preceding these regulations was submitted to the Chief Counsel for Advocacy of the Small Business Administration for comment on its impact on small business.

Drafting information. The principal authors of these regulations are Christopher Kelley and Terri Belanger, Office of Chief Counsel (Passthroughs and Special Industries). However, other personnel from the IRS and Treasury Department participated in their development.

List of Subjects in 26 CFR Part 1

Income taxes, Reporting and recordkeeping requirements.

Amendments to the Regulations

PART 1—[AMENDED]

Accordingly, 26 CFR part 1 is amended as follows:

Paragraph 1. The authority citation for part 1 continues to read in part as follows:

Authority: 26 U.S.C. 7805 * * *.

Par. 2. Section 1.469–10 is revised to read as follows:

§ 1.469–10 Application of section 469 to publicly traded partnerships.

(a) [Reserved].

(b) *Publicly traded partnership*—(1) *In general.* For purposes of section 469(k), a partnership is a publicly traded partnership only if the partnership is a publicly traded partnership as defined in § 1.7704–1.

(2) *Effective date.* This section applies for taxable years of a partnership beginning on or after December 17, 1998.

Par. 3. Section 1.7704–3 is added to read as follows:

§ 1.7704–3 Qualifying income.

(a) *Certain investment income*—(1) *In general.* For purposes of section 7704(d)(1), qualifying income includes capital gain from the sale of stock, income from holding annuities, income from notional principal contracts (as defined in § 1.446–3), and other substantially similar income from ordinary and routine investments to the extent determined by the Commissioner. Income from a notional principal contract is included in qualifying income only if the property, income, or cash flow that measures the amounts to which the partnership is entitled under the contract would give rise to qualifying income if held or received directly by the partnership.

(2) *Limitations.* Qualifying income described in paragraph (a)(1) of this section does not include income derived in the ordinary course of a trade or business. For purposes of the preceding sentence, income derived from an asset with respect to which the partnership is a broker, market maker, or dealer is income derived in the ordinary course of a trade or business; income derived from an asset with respect to which the taxpayer is a trader or investor is not income derived in the ordinary course of a trade or business.

(b) *Calculation of gross income and qualifying income*—(1) *Treatment of losses.* Except as otherwise provided in this section, in computing the gross income and qualifying income of a partnership for purposes of section 7704(c)(2) and this section, losses do not enter into the computation.

(2) *Certain positions that are marked to market.* Gain recognized with respect to a position that is marked to market (for example, under section 475(f), 1256, 1259, or 1296) shall not fail to be qualifying income solely because there is no sale or disposition of the position.

(3) *Certain items of ordinary income.* Gain recognized with respect to a capital asset shall not fail to be qualifying income solely because it is characterized as ordinary income under section 475(f), 988, 1258, or 1296.

(4) *Straddles.* In computing the gross income and qualifying income of a partnership for purposes of section 7704(c)(2) and this section, a straddle (as defined in section 1092(c)) shall be treated as set forth in this paragraph (b)(4). For purposes of the preceding sentence, two or more straddles that are part of a larger straddle shall be treated as a single straddle. The amount of the gain from any straddle to be taken into account shall be computed as follows:

(i) *Straddles other than mixed straddle accounts.* With respect to each straddle (whether or not a straddle during the taxable year) other than a mixed straddle account, the amount of gain taken into account shall be the excess, if any, of gain recognized during the taxable year with respect to property that was at any time a position in that straddle over any loss recognized during

the taxable year with respect to property that was at any time a position in that straddle (including loss realized in an earlier taxable year).

(ii) *Mixed straddle accounts.* With respect to each mixed straddle account (as defined in § 1.1092(b)–4T(b)), the amount of gain taken into account shall be the annual account gain for that mixed straddle account, computed pursuant to § 1.1092(b)–4T(c)(2).

(5) *Certain transactions similar to straddles.* In computing the gross income and qualifying income of a partnership for purposes of section 7704(c)(2) and this section, related interests in property (whether or not personal property as defined in section 1092(d)(1)) that produce a substantial diminution of the partnership's risk of loss similar to that of a straddle (as defined in section 1092(c)) shall be combined so that the amount of gain taken into account by the partnership in computing its gross income shall be the excess, if any, of gain recognized during the taxable year with respect to such interests over any loss recognized during the taxable year with respect to such interests.

(6) *Wash sale rule*—(i) *Gain not taken into account.* Solely for purposes of section 7704(c)(2) and this section, if a partnership recognizes gain in a section 7704 wash sale transaction with respect to one or more positions in either a straddle (as defined in section 1092(c)) or an arrangement described in paragraph (b)(5) of this section, then the gain shall not be taken into account to the extent of the amount of unrecognized loss (as of the close of the taxable year) in one or more offsetting positions of the straddle or arrangement described in paragraph (b)(5) of this section.

(ii) *Section 7704 wash sale transaction.* For purposes of this paragraph (b)(6), a section 7704 wash sale transaction is a transaction in which—

(A) A partnership disposes of one or more positions of a straddle (as defined in section 1092(c)) or one or more related positions described in paragraph (b)(5) of this section; and

(B) The partnership acquires a substantially similar position or positions within a period beginning 30 days before the date of the disposition and ending 30 days after such date.

(c) *Effective date.* This section applies to taxable years of a partnership beginning on or after December 17, 1998. However, a partnership may apply this section in its entirety for all of the partnership's open taxable years beginning after any earlier date selected by the partnership.

Robert E. Wenzel,

Deputy Commissioner of Internal Revenue.

Approved: December 7, 1998.

Donald C. Lubick,

Assistant Secretary of the Treasury (Tax Policy).

[FR Doc. 98–33345 Filed 12–16–98; 8:45 am]

BILLING CODE 4830–01–U

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Parts 1 and 602

[TD 8797]

RIN 1545–AT71

Election to Amortize Start-Up Expenditures for Active Trade or Business

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Final regulations.

SUMMARY: This document contains final regulations concerning start-up expenditures for active trade or business under section 195. These regulations are necessary to provide rules and procedures for electing to amortize start-up expenditures under section 195. They affect all taxpayers wishing to amortize start-up expenditures under section 195.

DATES: *Effective Date:* These regulations are effective December 17, 1998.

Applicability Date: For the date of applicability of these regulations, see § 1.195–1(d).

FOR FURTHER INFORMATION CONTACT: David Selig, (202) 622–3040 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Paperwork Reduction Act

The collection of information contained in these final regulations has been reviewed and approved by the Office of Management and Budget in accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3507(d)) under control number 1545–1582.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid control number.

The estimated annual burden per respondent varies from .10 hours to .50 hours, depending on individual circumstances, with an estimated average of .25 hours.

Comments concerning the accuracy of this burden estimate and suggestions for reducing this burden should be sent to the Internal Revenue Service, Attn: IRS Reports Clearance Officer, PC:FP, Washington, DC 20224, and to the Office of Management and Budget, Attn: Desk Officer for the Department of the Treasury, Office of Information and Regulatory Affairs, Washington, DC 20503.

Books or records relating to this collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Background

Section 195 was added to the Internal Revenue Code of 1954 by section 102 of the Miscellaneous Revenue Act of 1980, and was amended by section 94 of the Tax Reform Act of 1984.

Section 195 generally provides that no deduction is allowed for start-up expenditures unless the taxpayer elects to amortize the expenditures. Under section 195(b)(1), if the taxpayer elects to amortize start-up expenditures, the expenditures are amortizable over a period of not less than 60 months beginning with the month in which the active trade or business begins. Section 195(d) provides that an election to amortize start-up expenditures must be made not later than the time prescribed by law for filing the return for the taxable year in which the active trade or business begins (including extensions thereof).

On January 13, 1998, the IRS published a notice of proposed rulemaking [REG–209373–81] in the **Federal Register** (63 FR 1933) proposing amendments to the Income Tax Regulations (26 CFR part 1) concerning the election to amortize start-up expenditures under section 195 of the Internal Revenue Code. A public hearing was scheduled for June 2, 1998, pursuant to a notice of public hearing published simultaneously with the notice of proposed rulemaking. No one requested to speak at the public hearing, therefore, no public hearing was held. Written comments responding to the notice were received. After consideration of all of the comments, the proposed regulations are adopted as revised by this Treasury decision.

Explanation of Revisions and Discussion of Comments

The proposed regulations provide that an election to amortize start-up expenditures is made by attaching a

statement to the taxpayer's income tax return. The income tax return and statement must be filed not later than the date prescribed by law for filing the income tax return (including any extensions of time) for the taxable year in which the active trade or business begins. Thus, a taxpayer may file an election for any taxable year prior to the year in which the taxpayer's active trade or business begins, and such election will become effective in the month of the year in which the taxpayer's active trade or business begins.

One commentator suggested that the provision in the proposed regulations permitting the filing of a revised statement to include any start-up expenditures not included in the taxpayer's original election statement appears to endorse the practice of those taxpayers who file elections listing token or zero start-up expenditures on the election statement and subsequently attempt to increase the amount subject to amortization by expenditures that taxpayers have been unsuccessful in maintaining as expansion costs. The provision is not designed to permit a taxpayer to revise the election statement to include start-up expenditures omitted by reason of the taxpayer's claim on the taxpayer's return that the expenditures are expansion costs. Accordingly, the regulations have been clarified to provide that the election statement may not be revised to include expenditures that a taxpayer has treated on the taxpayer's tax return in a manner inconsistent with their treatment as start-up expenditures.

Another commentator suggested that a separate statement to make the election under section 195 should not be required for small businesses, but rather a check-the-box election should be provided. A separate statement is necessary to ensure that the expenses listed therein are properly characterized as start-up expenditures, and that amortization of the start-up expenditures will begin and end at the proper times. The statement is simple to complete and the time to prepare the statement is minimal. Accordingly, the final regulations retain the requirement that a separate statement with the requisite information be attached to the taxpayer's return.

Special Analyses

It has been determined that this Treasury decision is not a significant regulatory action as defined in EO 12866. Therefore, a regulatory assessment is not required. It is hereby certified that these regulations do not have a significant impact on a substantial number of small entities. This certification is based upon the fact that the time required to prepare and file the election statement is minimal and will not have a significant impact on those small entities that choose to make the election. Therefore, a Regulatory Flexibility Analysis under the Regulatory Flexibility Act (5 U.S.C. chapter 6) is not required.

Pursuant to section 7805(f) of the Internal Revenue Code, the notice of proposed rulemaking preceding these regulations was submitted to the Chief Counsel for Advocacy of the Small Business Administration for comment on its impact on small business.

Drafting information. The principal author of these regulations is David Selig, Office of the Assistant Chief Counsel (Passthroughs and Special Industries), IRS. However, other personnel from the IRS and Treasury Department participated in their development.

List of Subjects

26 CFR Part 1

Income taxes, Reporting and recordkeeping requirements.

26 CFR Part 602

Reporting and recordkeeping requirements.

Adoption of Amendments to the Regulations

Accordingly, 26 CFR parts 1 and 602 are amended as follows:

PART 1—INCOME TAXES

Paragraph 1. The authority citation for part 1 continues to read in part as follows:

Authority: 26 U.S.C. 7805 * * *

Par. 2. Section 1.195–1 is added to read as follows:

§ 1.195–1 Election to amortize start-up expenditures.

(a) *In general.* Under section 195(b), a taxpayer may elect to amortize start-up expenditures (as defined in section 195(c)(1)). A taxpayer who elects to amortize start-up expenditures must, at the time of the election, select an amortization period of not less than 60 months, beginning with the month in which the active trade or business begins. The election applies to all of the taxpayer's start-up expenditures with respect to the trade or business. The election to amortize start-up expenditures is irrevocable, and the amortization period selected by the taxpayer in making the election may not subsequently be changed.

(b) *Time and manner of making election.* The election to amortize start-up expenditures under section 195 shall be made by attaching a statement containing the information described in paragraph (c) of this section to the taxpayer's return. The statement must be filed no later than the date prescribed by law for filing the return (including any extensions of time) for the taxable year in which the active trade or business begins. The statement may be filed with a return for any taxable year prior to the year in which the taxpayer's active trade or business begins, but no later than the date prescribed in the preceding sentence. Accordingly, an election under section 195 filed for any taxable year prior to the year in which the taxpayer's active trade or business begins (and pursuant to which the taxpayer commenced amortizing start-up expenditures in that prior year) will become effective in the month of the year in which the taxpayer's active trade or business begins.

(c) *Information required.* The statement shall set forth a description of the trade or business to which it relates with sufficient detail so that expenses relating to the trade or business can be identified properly for the taxable year in which the statement is filed and for all future taxable years to which it relates. The statement also shall include the number of months (not less than 60) over which the expenditures are to be amortized, and to the extent known at the time the statement is filed, a description of each start-up expenditure incurred (whether or not paid) and the month in which the active trade or business began (or was acquired). A revised statement may be filed to include any start-up expenditures not included in the taxpayer's original election statement, but the revised statement may not include any expenditures for which the taxpayer had previously taken a position on a return inconsistent with their treatment as start-up expenditures. The revised statement may be filed with a return filed after the return that contained the election.

(d) *Effective date.* This section applies to elections filed on or after December 17, 1998.

PART 602—OMB CONTROL NUMBERS UNDER THE PAPERWORK REDUCTION ACT

Par. 3. The authority citation for part 602 continues to read as follows:

Authority: 26 U.S.C. 7805.

Par. 4. In § 602.101, paragraph (c) is amended by adding an entry to the table in numerical order to read as follows:

§ 602.101 OMB Control numbers.

* * * * *

(c) * * *

CFR part or section where identified and described	Current OMB control No.
* * * * *	
1.195–1	1545–1582.
* * * * *	

Bob Wenzel,

Deputy Commissioner of Internal Revenue.

Approved: November 30, 1998.

Donald C. Lubick,

Assistant Secretary of the Treasury.

[FR Doc. 98–33124 Filed 12–16–98; 8:45 am]

BILLING CODE 4830–01–U

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD08–98–075]

RIN 2115–AE47

Drawbridge Operation Regulation; Lake Pontchartrain, LA

AGENCY: Coast Guard, DOT.

ACTION: Temporary rule.

SUMMARY: The Coast Guard is temporarily changing the regulation for the operation of the draws of the Greater New Orleans Expressway Commission causeway, north bascule spans across Lake Pontchartrain between Metairie, Jefferson Parish and Mandeville, St. Tammany Parish, Louisiana. From December 14, 1998 through March 20, 1999, the draws will remain closed to navigation Mondays through Saturdays except for federal holidays and the weekends inclusive of federal holidays and on Mardi Gras Day, the draws will open on signal if at least three hours notice is given. This temporary rule is issued to allow for completion of a project to clean and paint the bascule structures, an extensive but necessary maintenance operation.

DATES: This temporary rule is effective from December 14, 1998 through March 20, 1999.

ADDRESSES: Unless otherwise indicated, documents referred to in this notice are available for inspection or copying at the office of the Eighth Coast Guard District, Bridge Administration Branch, Hale Boggs Building, room 1313, 501 Magazine Street, New Orleans, Louisiana 70130–3396 between 7 a.m. and 4 p.m., Monday through Friday, except Federal holidays. The Bridge Administration Branch of the Eighth Coast Guard District maintains the public docket for this temporary rule.

FOR FURTHER INFORMATION CONTACT: Phil Johnson or David Frank, Bridge Administration Branch, at the address and telephone number given above.

SUPPLEMENTARY INFORMATION: On June 23 1998, the Coast Guard issued a temporary rule [63 FR 35820 (July 1, 1998)] for the regulation governing the operation of the draws of the Greater New Orleans Expressway Commission causeway, north bescule spans across Lake Pontchartrain, to allow the draws to remain closed Monday through Saturday from July 6, 1998 through November 10, 1998. The temporary rule was issued to allow for the cleaning and painting of the bascule structures. However, the contractor was unable to complete the project for reasons including the approach of two hurricanes in the month of September which required the removal of all equipment from the site. Presently, the contractor is prepared to continue with the project and is expending funds to maintain barges, tugs and related equipment needed to complete the project. The temporary rule expired on November 10, 1998. November 27, 1998, the Coast Guard received a request from the Greater New Orleans Expressway Commission for another temporary rule to allow the work to begin on December 4, 1998 and to continue through March 13, 1999. Since this request did not provide an opportunity for notices to mariners to be issued, the effective dates were changed to December 14, 1998 through March 20, 1999. The portions of the bascule structure which have not been stripped and painted remain in a deteriorated condition which warrants the closures so that remedial work can be accomplished. The contractor is prepared to resume work and will experience loss of funds if not allowed to continue without unnecessary delays. The Coast Guard was not notified in time to issue a notice of proposed rulemaking. For these reasons, good cause exists to issue this temporary rule without notice to provide an opportunity for comments and to make this temporary rule effective in less than 30 days after publication.

Background and Purpose

The south channel span of the Greater New Orleans Expressway Commission causeway across Lake Pontchartrain Louisiana provides an alternate route with a vertical clearance of 50 feet above mean high water. Navigation on the waterway consists of small tugs with tows, fishing vessels, sailing vessels and other recreational craft. The special equipment used for this procedure has to be removed each time the draw span is opened. Since this process is time consuming and costly, the equipment must remain in place for 6-day periods, allowing the contractor to maximize work time. While the draw span being serviced is in the closed to navigation position, the equipment will be supported by two crane barges which must remain in place below the draw span. The short term inconvenience, attributable to a delay of vessel traffic which is not able to use the south channel span as an alternate route, for a maximum of six days, is outweighed by the long term benefits to be gained by keeping the bridges free of corrosion and in proper working condition. The work is essential for the continued operation of the draw spans. Presently, the draws open on signal if at least three hours notice is given.

Regulatory Evaluation

This temporary rulemaking is not a significant regulatory action under section 3(f) of Executive Order 12866 and does not require an assessment of potential cost and benefits under section 6(a)(3) of that order. It has not been reviewed by the Office of Management and Budget under that order. It is not significant under the Regulatory Policies and Procedures of the Department of Transportation (DOT) (44 FR 11040, February 26, 1979). The Coast Guard expects the economic impact of this temporary rule to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary. This is because of the majority of vessels affected by the closure is minimal. The majority of commercial vessels and most of the recreational sailboats sailboats which normally transit the causeway bridge are able to do so at one of the navigation humps, located at four mile intervals along the bridge, or through the south channel span, which provides a vertical clearance of 50 feet above mean high water.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard must consider whether this temporary rule will have a significant economic impact on a substantial number of small entities.''Small entities'' may include small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields and governmental jurisdictions with

populations of less than 50,000. The majority of commercial vessels and fishing vessels which normally transit the causeway bridge will still be able to do so through the south channel span. Thus, the Coast Guard expects there to be no significant economic impact on these vessels. The Coast Guard is not aware of any other waterway users who would suffer economic hardship from being unable to transit the waterway during these closure periods. Therefore, the Coast Guard certifies under 5 U.S.C. 605(b) that this temporary rule will not have a significant economic impact on a substantial number of small entities.

Collection of Information

This temporary rule contains no collection-of-information requirements under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*).

Federalism

The Coast Guard has analyzed this proposal under the principles and criteria contained in Executive Order 12612, and it has been determined that this rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Environment

The Coast Guard considered the environmental impact of this temporary rule and concluded that, under figure 2–1, paragraph 32(e), of COMDTINST M16475.1C, this temporary rule is categorically excluded from further environmental documentation. This is a Bridge Program Administrative action, promulgating operating regulations or procedures of drawbridges. The project consists of cleaning and painting the bascules on a permitted bridge, consistent with Federal, State and local laws and administrative determinations relating to the environment. A ''Categorical Exclusion Determination'' is available to the docket for inspection or copying where indicated under **ADDRESSES**.

List of Subjects in 33 CFR Part 117

Bridges.

For the reasons set out in the preamble, the Coast Guard is amending Part 117 Title 33 Code of Federal Regulations as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

1. The authority citation for Part 117 continues to read as follows:

Authority: 33 U.S.C. 499; 49 CFR 1.46; and 33 CFR 1.05–1(g); section 117.255 also issued under the authority of Pub. L. 102–587, 106 Stat. 5039.

2. Effective December 14, 1998 through March 20, 1999, § 117.467 is amended by suspending paragraph (b) and adding paragraph (c) to read as follows:

§ 117.467 Lake Pontchartrain.

* * * * *

(c) From December 14, 1998 through March 20, 1999 the draws of the Greater New Orleans Expressway Commission causeway, north bascule span, need not open for the passage of vessels Monday through Saturday except for December 25, 26 and 27, 1998, January 1, 2, 3, 16, 17, and 18, 1999, and February 13, 14, 15 and 16, 1999. From 12:01 a.m. on Sundays to 12:01 a.m. on Mondays and on December 25, 26 and 27, 1998, January 1, 2, 3, 16, 17 and 18, 1999, and February 13, 14, 15 and 16, 1999, the draws will open on signal if at least three hours notice is given.

Dated: December 7, 1998.

Paul J. Pluta,

Rear Admiral, U.S. Coast Guard Commander, Eighth Coast Guard District.

[FR Doc. 98–33395 Filed 12–16–98; 8:45 am]

BILLING CODE 4910–15–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[NH037–7164; A–1–FRL–6203–5]

Approval and Promulgation of Air Quality Implementation Plans; State of New Hampshire; Interim Final Determination That New Hampshire has Avoided the Deficiencies of its I/M SIP Revision

AGENCY: Environmental Protection Agency (EPA).

ACTION: Interim final rule.

SUMMARY: Elsewhere in today's **Federal Register**, EPA has published rulemaking actions proposing to determine that the one hour ozone standard no longer applies in New Hampshire and other nearby areas, and proposing approval of the State of New Hampshire's motor vehicle inspection and maintenance (I/M) program, under Section 110 of the Clean Air Act (CAA). Additionally, EPA is proposing to lift the requirement that New Hampshire submit an enhanced I/M program consistent with specific Clean Air Act requirements for the Ozone Transport Region (OTR). Based on these proposed actions, EPA is making an interim final determination, by this action, that the State is more likely than not no longer subject to the requirements prompting the original disapproval of the New Hampshire enhanced I/M SIP revision. This action will defer the application of the offset sanction that is otherwise applicable beginning December 6, 1998, and defers the future application of the highway sanction. Although this action is effective upon publication, EPA will take comment on this interim final determination as well as EPA's action proposing approval of the State's submittal and a determination that the one-hour ozone standard no longer applies in New Hampshire and other nearby areas. EPA will publish a final notice taking into consideration any comments received on EPA's proposed actions and this interim final action.

DATES: Effective December 17, 1998. Written comments must be received on or before January 19, 1999. Public comments on this document are requested and will be considered before taking final action on this SIP revision.

ADDRESSES: Comments may be mailed to Susan Studlien, Deputy Director, Office of Ecosystem Protection (mail code CAA), U.S. Environmental Protection Agency, Region I, JFK Federal Bldg., Boston, MA 02203. Copies of the State submittal and EPA's technical support document are available for public inspection during normal business hours, by appointment, at the Office of Ecosystem Protection, U.S. Environmental Protection Agency, Region I, One Congress Street, 11th floor, Boston, MA and the Air Resources Division, Department of Environmental Services, 64 North Main Street, Caller Box 2033, Concord, NH 03302–2033.

FOR FURTHER INFORMATION CONTACT: Robert C. Judge, (617) 918–1045.

SUPPLEMENTARY INFORMATION: On September 4, 1998, New Hampshire submitted a revision to its State Implementation Plan (SIP) for an I/M program. This submittal was supplemented by a letter dated November 20, 1998 providing additional information about the New Hampshire I/M program and a request for further flexibility from requirements applicable to the OTR in light of the current air quality status of the area. The SIP revision includes New Hampshire Code of Administrative Rules, Part Saf-C 3220 ''Official Motor Vehicle Inspection Requirements'' and Part Saf-C 5800 ''Roadside Diesel Opacity Inspection'' and additional supporting material including authorizing legislation, administrative items, and a description of the program being implemented. This action is being taken under Section 110 of the Clean Air Act.

I. Background

On October 12, 1994, EPA conditionally approved in the **Federal Register** (59 FR 51517) an I/M SIP submitted by the State. By means of a June 6, 1997 letter, EPA notified New Hampshire that the conditional approval of the New Hampshire enhanced I/M SIP revision had been converted to a disapproval. The letter triggered the 18-month time clock for the mandatory application of sanctions under section 179(a) of the CAA. Therefore, the Act's offset sanction applies beginning December 6, 1998. To remedy that failure, on September 4, 1998, the State of New Hampshire submitted an I/M SIP revision to EPA, requesting approval action under the CAA. On November 20, 1998, a supplement to the September 4, 1998 SIP revision was officially submitted to EPA.

The purpose of these SIP revisions was to remedy deficiencies identified by EPA in its June 6, 1997 letter. In the November 20, 1998 letter, New Hampshire submitted a request that EPA grant the State further flexibility under the CAA to implement an I/M program that does not meet all the specific requirements for an enhanced I/M program in the OTR.

II. EPA's Current Rulemaking Actions

In the Proposed Rules section of today's **Federal Register**, EPA is proposing approval of the State's I/M SIP revision to strengthen its SIP, as well as an action proposing to determine that the 1-hour ozone standard no longer applies in New Hampshire and certain other nearby areas. Additionally, EPA has proposed to remove the detailed CAA requirements for an enhanced I/M program in the OTR for New Hampshire based on the State's demonstration that reductions from an I/M program will not significantly contribute to attainment of the 1-hour ozone standard in any area in the OTR.

EPA believes that, as a result of today's related rulemaking actions, it is more likely than not that New Hampshire is no longer subject to the requirement to have an enhanced I/M program which triggered the sanctions clock in New Hampshire. This interim determination will not halt or reset the sanctions deadline, but will continue to defer the implementation of sanctions until EPA's proposal is finalized or the State's I/M program is disapproved. Disapproval will result in sanctions being imposed, as previously scheduled.

Today EPA is also providing the public with an opportunity to comment on this interim final determination. If, based on any comments received by EPA upon this interim final determination action and any comments on EPA's proposed finding with respect to New Hampshire's air quality and proposed approval of the State's I/M SIP revision, EPA determines that those actions are inappropriate and the SIP revision is not approvable and, therefore, this final action was also inappropriate, EPA will take further action to disapprove the State's I/M SIP revision. If EPA's proposed approval of the New Hampshire I/M SIP revision is disapproved, then sanctions would be applied as required under Section 179(a) of the CAA and 40 CFR 52.31.

III. EPA Action

Based on the proposed actions determining that the 1-hour ozone standard no longer applies in New Hampshire and removing the I/M requirement in New Hampshire set forth elsewhere in today's **Federal Register**, EPA believes that it is more likely than not that the State is no longer subject to the I/M requirement that prompted the original disapproval of the New Hampshire I/M SIP for which the June 6, 1997 disapproval finding was issued. Therefore, EPA concludes that sanctions should be stayed until EPA takes final action on those proposals and the New Hampshire I/M SIP.

Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future request for revision to any SIP. Each request for revision to the SIP shall be considered separately in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

IV. Administrative Requirements

Because EPA has preliminarily determined that New Hampshire is no longer subject to enhanced I/M requirements and therefore that the September 4, 1998 New Hampshire I/M SIP revision is approvable, relief from sanctions should be provided as quickly as possible. Therefore, EPA is invoking the good cause exception under the Administrative Procedure Act (APA) in not providing an opportunity for comment before this action takes effect.[1] 5 U.S.C. 553(b)(B). The EPA believes that notice-and-comment rulemaking before the effective date of this action is impracticable and contrary to the public interest. The EPA has reviewed the State's September 4, 1998 I/M SIP revision and November 20, 1998 letter. Through this interim final determination action, the Agency believes that it is more likely than not that the State is no longer subject to the requirement for which the sanctions clock was started.

Therefore, it is not in the public interest to apply sanctions when the State is most likely no longer subject to the requirement that triggered the sanctions clock. Moreover, it would be impracticable to go through notice-and-comment rulemaking on a finding that the State is no longer subject to that requirement prior to the date sanctions would take effect. Therefore, EPA believes that it is necessary to use the interim final rulemaking process to defer sanctions while EPA completes its rulemaking process. In addition, EPA is invoking the good cause exception to the 30-day advance notice requirement of the APA because the purpose of this notice is to relieve a restriction. *See* 5 U.S.C. 553(d)(1).

A. Executive Order 12866

The Office of Management and Budget (OMB) has exempted this regulatory action from Executive Order (E.O.) 12866, entitled ''Regulatory Planning and Review.''

B. Executive Order 12875

Under E.O. 12875, EPA may not issue a regulation that is not required by statute and that creates a mandate upon a state, local, or tribal government, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by those governments, or EPA consults with those governments. If EPA complies by consulting, Executive Order 12875 requires EPA to provide to the Office of Management and Budget, a description of the extent of EPA's prior consultation with representatives of affected state, local, and tribal governments, the nature of their concerns, copies of written communications from the governments, and a statement supporting the need to issue the regulation. In addition, E.O. 12875 requires EPA to develop an effective process permitting elected officials and other representatives of state, local, and tribal governments ''to provide meaningful and timely input in the development of regulatory proposals containing significant unfunded mandates.''

Today's rule does not create a mandate on state, local or tribal governments. The rule does not impose any enforceable duties on these entities. Accordingly, the requirements of

[1] As previously noted, however, by this action EPA is providing the public with a chance to comment on EPA's determination after the effective date and EPA will consider any comments received in determining whether to reverse such action.

section 1(a) of E.O. 12875 do not apply to this rule.

C. Executive Order 13045

Protection of Children from Environmental Health Risks and Safety Risks (62 FR 19885, April 23, 1997), applies to any rule that: (1) is determined to be ''economically significant'' as defined under E.O. 12866, and (2) concerns an environmental health or safety risk that EPA has reason to believe may have a disproportionate effect on children. If the regulatory action meets both criteria, the Agency must evaluate the environmental health or safety effects of the planned rule on children, and explain why the planned regulation is preferable to other potentially effective and reasonably feasible alternatives considered by the Agency.

This rule is not subject to E.O. 13045 because it is not economically significant under E.O. 12866 and does not involve decisions intended to mitigate environmental health or safety risks.

D. Executive Order 13084

Under E.O. 13084, EPA may not issue a regulation that is not required by statute, that significantly affects or uniquely affects the communities of Indian tribal governments, and that imposes substantial direct compliance costs on those communities, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by the tribal governments, or EPA consults with those governments. If EPA complies by consulting, Executive Order 13084 requires EPA to provide to the Office of Management and Budget, in a separately identified section of the preamble to the rule, a description of the extent of EPA's prior consultation with representatives of affected tribal governments, a summary of the nature of their concerns, and a statement supporting the need to issue the regulation. In addition, Executive Order 13084 requires EPA to develop an effective process permitting elected officials and other representatives of Indian tribal governments ''to provide meaningful and timely input in the development of regulatory policies on matters that significantly or uniquely affect their communities.''

Today's rule does not significantly or uniquely affect the communities of Indian tribal governments. This action does not involve or impose any requirements that affect Indian Tribes. Accordingly, the requirements of section 3(b) of E.O. 13084 do not apply to this rule.

E. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) generally requires an agency to conduct a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and small governmental jurisdictions. This rule will not have a significant impact on a substantial number of small entities because it does not create any new requirements. Therefore, because this rule does not create any new requirements, I certify that this action will not have a significant economic impact on a substantial number of small entities.

F. Unfunded Mandates

Under sections 202 of the Unfunded Mandates Reform Act of 1995 (''Unfunded Mandates Act''), signed into law on March 22, 1995, EPA must prepare a budgetary impact statement to accompany any proposed or final rule that includes a Federal mandate that may result in estimated costs to State, local, or tribal governments in the aggregate; or to the private sector, of $100 million or more. Under section 205, EPA must select the most cost-effective and least burdensome alternative that achieves the objectives of the rule and is consistent with statutory requirements. Section 203 requires EPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule. EPA has determined that this action does not include a Federal mandate that may result in estimated costs of $100 million or more to either State, local, or tribal governments in the aggregate, or to the private sector. This Federal action imposes no new requirements. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action.

G. Submission to Congress and the General Accounting Office

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2). This rule will be effective upon publication.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Hydrocarbons, Intergovernmental relations, Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements.

Authority: 42 U.S.C. 7401 *et seq.*

Dated: December 9, 1998.

John DeVillars,

Regional Administrator, Region 1.

[FR Doc. 98–33474 Filed 12–16–98; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[ME060–7009; A–1–FRL–6203–4]

Approval and Promulgation of Air Quality Implementation Plans; State of Maine; Interim Final Determination That Maine has Avoided the Deficiencies of its I/M SIP Revision

AGENCY: Environmental Protection Agency (EPA).

ACTION: Interim final rule.

SUMMARY: Elsewhere in today's **Federal Register**, EPA has published rulemaking actions proposing to determine that the one hour ozone standard no longer applies in Maine and other nearby areas, and proposing approval of the State of Maine's motor vehicle inspection and maintenance (I/M) program, under section 110 of the Clean Air Act (CAA). Additionally, EPA is proposing to lift the requirement that Maine submit an enhanced I/M program consistent with specific Clean Air Act requirements for the Ozone Transport Region (OTR). Based on these proposed actions, EPA is making an interim final determination, by this action, that the State is more likely than not no longer subject to the requirements prompting the original disapproval of the Maine enhanced I/M SIP revision. This action will defer the application of the offset sanction that is otherwise applicable beginning December 6, 1998, and defers the future application of the highway sanction. Although this action is effective upon publication, EPA will take comment on this interim final determination as well

as EPA's action proposing approval of the State's submittal and a determination that the one-hour ozone standard no longer applies in Maine and other nearby areas. EPA will publish a final notice taking into consideration any comments received on EPA's proposed actions and this interim final action.

DATES: Effective December 17, 1998. Written comments must be received on or before January 19, 1999. Public comments on this document are requested and will be considered before taking final action on this SIP revision.

ADDRESSES: Comments may be mailed to Susan Studlien, Deputy Director, Office of Ecosystem Protection (mail code CAA), U.S. Environmental Protection Agency, Region I, One Congress Street, Suite 1100, Boston, MA 02114–2023. Copies of the State submittal and EPA's technical support document are available for public inspection during normal business hours, by appointment, at the Office of Ecosystem Protection, U.S. Environmental Protection Agency, Region I, One Congress Street, 11th floor, Boston, MA and the Bureau of Air Quality Control, Department of Environmental Protection, State House-Station No. 17, Augusta, ME 04333.

FOR FURTHER INFORMATION CONTACT: Robert C. Judge, (617) 918–1045.

SUPPLEMENTARY INFORMATION: On November 19, 1998, Maine submitted a revision to its State Implementation Plan (SIP) for an I/M program. This submittal requested further flexibility from requirements applicable to the OTR in light of the current air quality status of the area. The SIP revision includes sections of the ''Maine Safety Inspection Manual,'' and additional supporting material including detailed authorizing legislation (L.D. 2223, ''An Act to Reduce Air Pollution from Motor Vehicles and to Meet Requirements of the Federal Clean Air Act''), administrative items, and a description of the program being implemented. This action is being taken under section 110 of the Clean Air Act.

I. Background

On November 3, 1994, EPA conditionally approved in the **Federal Register** (59 FR 55045) an I/M SIP submitted by the State. By means of a June 6, 1997 letter, EPA notified Maine that the conditional approval of the Maine enhanced I/M SIP revision had been converted to a disapproval. The letter triggered the 18-month time clock for the mandatory application of sanctions under section 179(a) of the CAA. Therefore, the Act's offset sanction applies beginning December 6, 1998. To remedy that failure, on November 19, 1998, the State of Maine submitted an I/M SIP revision to EPA, requesting approval action under the CAA.

The purpose of this SIP revision was to remedy deficiencies identified by EPA in its June 6, 1997 letter. Maine's submittal requested further flexibility under the CAA to implement an I/M program that does not meet all the specific requirements for an enhanced I/M program in the OTR.

II. EPA's Current Rulemaking Actions

In the Proposed Rules section of today's **Federal Register**, EPA is proposing approval of the State's I/M SIP revision to strengthen its SIP, as well as an action proposing to determine that the 1-hour ozone standard no longer applies in Maine and certain other nearby areas. Additionally, EPA has proposed to remove the detailed CAA requirements for an enhanced I/M program in the OTR for Maine based on the State's demonstration that reductions from an I/M program will not significantly contribute to attainment of the 1-hour ozone standard in any area in the OTR.

EPA believes that, as a result of today's related rulemaking actions, it is more likely than not that Maine is no longer subject to the requirement to have an enhanced I/M program which triggered the sanctions clock in Maine. This interim determination will not halt or reset the sanctions deadline, but will continue to defer the implementation of sanctions until EPA's proposal is finalized or the State's I/M program is disapproved. Disapproval will result in sanctions being imposed, as previously scheduled.

Today EPA is also providing the public with an opportunity to comment on this interim final determination. If, based on any comments received by EPA upon this interim final determination action and any comments on EPA's proposed finding with respect to Maine's air quality and proposed approval of the State's I/M SIP revision, EPA determines that those actions are inappropriate and the SIP revision is not approvable and, therefore, this final action was also inappropriate, EPA will take further action to disapprove the State's I/M SIP revision. If EPA's proposed approval of the Maine I/M SIP revision is disapproved, then sanctions would be applied as required under section 179(a) of the CAA and 40 CFR 52.31.

III. EPA Action

Based on the proposed actions determining that the 1-hour ozone standard no longer applies in Maine and removing the I/M requirement in Maine set forth elsewhere in today's **Federal Register**, EPA believes that it is more likely than not that the State is no longer subject to the I/M requirement that prompted the original disapproval of the Maine I/M SIP for which the June 6, 1997 disapproval finding was issued. Therefore, EPA concludes that sanctions should be stayed until EPA takes final action on those proposals and the Maine I/M SIP.

Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future request for revision to any SIP. Each request for revision to the SIP shall be considered separately in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

IV. Administrative Requirements

Because EPA has preliminarily determined that Maine is no longer subject to enhanced I/M requirements and therefore that the November 19, 1998 Maine I/M SIP revision is approvable, relief from sanctions should be provided as quickly as possible. Therefore, EPA is invoking the good cause exception under the Administrative Procedure Act (APA) in not providing an opportunity for comment before this action takes effect.[1] 5 U.S.C. 553(b)(B). The EPA believes that notice-and-comment rulemaking before the effective date of this action is impracticable and contrary to the public interest. The EPA has reviewed the State's November 19, 1998 I/M SIP revision. Through this interim final determination action, the Agency believes that it is more likely than not that the State is no longer subject to the requirement for which the sanctions clock was started.

Therefore, it is not in the public interest to apply sanctions when the State is most likely no longer subject to the requirement that triggered the sanctions clock. Moreover, it would be impracticable to go through notice-and-comment rulemaking on a finding that the State is no longer subject to that requirement prior to the date sanctions would take effect. Therefore, EPA believes that it is necessary to use the interim final rulemaking process to defer sanctions while EPA completes its rulemaking process. In addition, EPA is invoking the good cause exception to the 30-day advance notice requirement

[1] As previously noted, however, by this action EPA is providing the public with a chance to comment on EPA's determination after the effective date and EPA will consider any comments received in determining whether to reverse such action.

of the APA because the purpose of this notice is to relieve a restriction. *See* 5 U.S.C. 553(d)(1).

A. Executive Order 12866

The Office of Management and Budget (OMB) has exempted this regulatory action from Executive Order (E.O.) 12866, entitled ''Regulatory Planning and Review.''

B. Executive Order 12875

Under E.O. 12875, EPA may not issue a regulation that is not required by statute and that creates a mandate upon a state, local, or tribal government, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by those governments, or EPA consults with those governments. If EPA complies by consulting, Executive Order 12875 requires EPA to provide to the Office of Management and Budget, a description of the extent of EPA's prior consultation with representatives of affected state, local, and tribal governments, the nature of their concerns, copies of written communications from the governments, and a statement supporting the need to issue the regulation. In addition, E.O. 12875 requires EPA to develop an effective process permitting elected officials and other representatives of state, local, and tribal governments ''to provide meaningful and timely input in the development of regulatory proposals containing significant unfunded mandates.''

Today's rule does not create a mandate on state, local or tribal governments. The rule does not impose any enforceable duties on these entities. Accordingly, the requirements of section 1(a) of E.O. 12875 do not apply to this rule.

C. Executive Order 13045

Protection of Children from Environmental Health Risks and Safety Risks (62 FR 19885, April 23, 1997), applies to any rule that: (1) is determined to be ''economically significant'' as defined under E.O. 12866, and (2) concerns an environmental health or safety risk that EPA has reason to believe may have a disproportionate effect on children. If the regulatory action meets both criteria, the Agency must evaluate the environmental health or safety effects of the planned rule on children, and explain why the planned regulation is preferable to other potentially effective and reasonably feasible alternatives considered by the Agency.

This rule is not subject to E.O. 13045 because it is not economically significant under E.O. 12866 and does not involve decisions intended to mitigate environmental health or safety risks.

D. Executive Order 13084

Under E.O. 13084, EPA may not issue a regulation that is not required by statute, that significantly affects or uniquely affects the communities of Indian tribal governments, and that imposes substantial direct compliance costs on those communities, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by the tribal governments, or EPA consults with those governments. If EPA complies by consulting, Executive Order 13084 requires EPA to provide to the Office of Management and Budget, in a separately identified section of the preamble to the rule, a description of the extent of EPA's prior consultation with representatives of affected tribal governments, a summary of the nature of their concerns, and a statement supporting the need to issue the regulation. In addition, Executive Order 13084 requires EPA to develop an effective process permitting elected officials and other representatives of Indian tribal governments ''to provide meaningful and timely input in the development of regulatory policies on matters that significantly or uniquely affect their communities.''

Today's rule does not significantly or uniquely affect the communities of Indian tribal governments. This action does not involve or impose any requirements that affect Indian Tribes. Accordingly, the requirements of section 3(b) of E.O. 13084 do not apply to this rule.

E. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) generally requires an agency to conduct a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and small governmental jurisdictions. This rule will not have a significant impact on a substantial number of small entities because it does not create any new requirements. Therefore, because this rule does not create any new requirements, I certify that this action will not have a significant economic impact on a substantial number of small entities.

F. Unfunded Mandates

Under sections 202 of the Unfunded Mandates Reform Act of 1995 (''Unfunded Mandates Act''), signed into law on March 22, 1995, EPA must prepare a budgetary impact statement to accompany any proposed or final rule that includes a Federal mandate that may result in estimated costs to State, local, or tribal governments in the aggregate; or to the private sector, of $100 million or more. Under section 205, EPA must select the most cost-effective and least burdensome alternative that achieves the objectives of the rule and is consistent with statutory requirements. Section 203 requires EPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule.

EPA has determined that this action does not include a Federal mandate that may result in estimated costs of $100 million or more to either State, local, or tribal governments in the aggregate, or to the private sector. This Federal action imposes no new requirements. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action.

G. Submission to Congress and the General Accounting Office

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2). This rule will be effective upon publication.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Hydrocarbons, Intergovernmental relations, Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements.

Authority: 42 U.S.C. 7401 *et seq.*

Dated: December 9, 1998.

John DeVillars,

Regional Administrator, Region 1.

[FR Doc. 98–33473 Filed 12–16–98; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 2, 74, 78, 101

[ET Docket No. 95–18; FCC 98–309]

Allocation of Spectrum at 2 GHz for Use by the Mobile-Satellite Service

AGENCY: Federal Communications Commission.

ACTION: Confirmation of final rule.

SUMMARY: By this *Memorandum Opinion and Order*, the Commission confirms its allocation of 70 megahertz of spectrum at 1990–2025 MHz and 2165–2200 MHz to the Mobile-Satellite Service (MSS), to become available on January 1, 2000. The Commission requires new MSS licensees to bear the cost of relocating Broadcast Auxiliary Service (BAS) licensees in the 1990–2110 MHz band, and Fixed Service (FS) microwave licensees from the 2110–2130 MHz and 2165–2200 MHz bands in cases where sharing between MSS and FS is not possible.

DATES: Effective December 17, 1998.

FOR FURTHER INFORMATION CONTACT: Sean White, Office of Engineering and Technology, 202/418–2453.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's *Memorandum Opinion and Order* adopted November 19, 1998, and released November 25, 1998. The full text of this Commission decision is available for inspection and copying during regular business hours in the FCC Reference Center (Room CY–C404), 445 Twelfth Street, SW, Washington, DC. The complete text of this decision also may be purchased from the Commission's duplication contractor, International Transcription Service, Inc., (202) 857–3800, 1231 20th Street, N.W., Washington, D.C. 20036.

Summary of Memorandum Opinion and Order

1. In this *Memorandum Opinion and Order*, the Commission confirms its decision to allocate 70 megahertz of spectrum at 1990–2025 MHz and 2165–2200 MHz to the Mobile-Satellite Service (MSS). In the March 1997 *First Report and Order and Further Notice of Proposed Rule Making* in ET Docket No. 95–18, 62 FR 19509, April 22, 1997, we allocated the 1990–2025 MHz and 2165–2200 MHz bands to the Mobile-Satellite Service (MSS).

2. We continue to believe that a need exists for allocating a substantial amount of spectrum for MSS. There is significant consumer demand for convenient mobile services such as telephone, high-rate data and fax, and video. MSS can provide such communications in remote or rural areas not covered by terrestrially based mobile services, and can provide nationwide public safety coverage. We also believe that use of 2 GHz frequencies can help minimize transmission costs and ensure a relatively low cost service that will be within the economic reach of a large segment of the population. Thus, the allocation of 70 MHz of spectrum to MSS will give the public, especially rural Americans, access to new and competitive services and technologies.

3. This allocation would require that the candidate bands be cleared of BAS incumbents in the 1990–2025 MHz band. In order to accommodate these incumbents, we confirm our decision to require MSS licensees to bear the costs of moving BAS licensees to their new band. The MSS allocation would also require relocation of FS microwave incumbents. We addressed this issue in the *First Report and Order and Third Notice of Proposed Rule Making* in ET Docket No. 92–9, 58 FR 46457, September 2, 1993, and will follow the same procedures, requiring that MSS licensees bear the cost of relocating BAS and FS microwave incumbents in the 1990–2025 MHz and 2165–2200 MHz bands.

List of Subjects in 47 CFR Parts 2, 74, 78, and 101

Radio.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

[FR Doc. 98–33397 Filed 12–16–98; 8:45 am]

BILLING CODE 6712–01–P

Proposed Rules

Federal Register
Vol. 63, No. 242
Thursday, December 17, 1998

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

Animal and Plant Health Inspection Service

7 CFR Part 301

[Docket No. 96–016–31]

RIN 0579–AA83

Karnal Bunt; Compensation for the 1997–1998 Crop Season

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Proposed rule.

SUMMARY: We are proposing to amend the Karnal bunt regulations to provide compensation for certain growers, handlers, seed companies, owners of grain storage facilities, flour millers, and participants in the National Karnal Bunt Survey who incur losses and expenses because of Karnal bunt in the 1997–1998 crop season. The payment of compensation is necessary in order to reduce the economic impact of the Karnal bunt regulations on affected wheat growers and other individuals, and to help obtain cooperation from affected individuals in efforts to contain and reduce the prevalence of Karnal bunt.

DATES: Consideration will be given only to comments received on or before February 16, 1999.

ADDRESSES: Please send an original and three copies of your comments to Docket No. 96–016–31, Regulatory Analysis and Development, PPD, APHIS, suite 3C03, 4700 River Road Unit 118, Riverdale, MD 20737–1238. Please state that your comments refer to Docket No. 96–016–31. Comments received may be inspected at USDA, room 1141, South Building, 14th Street and Independence Avenue SW., Washington, DC, between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays. Persons wishing to inspect comments are requested to call ahead on (202) 690–2817 to facilitate entry into the comment reading room.

FOR FURTHER INFORMATION CONTACT: Mr. Mike Stefan, Operations Officer, Domestic and Emergency Operations, PPQ, APHIS, 4700 River Road Unit 134, Riverdale, MD 20737–1236, (301) 734–8247; or E-mail: michael.b.stefan@usda.gov.

SUPPLEMENTARY INFORMATION:

Background

Karnal bunt is a fungal disease of wheat (*Triticum aestivum*), durum wheat (*Triticum durum*), and triticale (*Triticum aestivum* X *Secale cereale*), a hybrid of wheat and rye. Karnal bunt is caused by the smut fungus *Tilletia indica* (Mitra) Mundkur and is spread by spores, primarily through the movement of infected seed. In the absence of measures taken by the U.S. Department of Agriculture (USDA) to prevent its spread, the establishment of Karnal bunt in the United States could have significant consequences with regard to the export of wheat to international markets. The regulations regarding Karnal bunt are set forth in 7 CFR 301.89–1 through 301.89–16 (referred to below as the regulations). Among other things, the regulations define areas regulated for Karnal bunt and restrict the movement of certain regulated articles, including wheat seed and grain, from the regulated areas.

In a final rule published in the **Federal Register** and effective on June 10, 1998 (63 FR 31593–31601, Docket No. 96–016–29), the Animal and Plant Health Inspection Service (APHIS) amended the regulations by adding compensation provisions for 1996–1997 crop season wheat.[1] The final rule provides compensation for certain growers, handlers, seed companies, owners of grain storage facilities, flour millers, and participants in the National Karnal Bunt Survey who incurred losses and expenses because of Karnal bunt in the 1996–1997 crop season. These provisions are in § 301.89–15, ''Compensation for growers, handlers, and seed companies in the 1996–1997 crop season,'' and § 301.89–16, ''Compensation for grain storage facilities, flour millers, and National Survey participants for the 1996–1997 crop season.''

[1] The 1996–1997 crop season is that season in which wheat was harvested in 1997. The 1997–1998 crop season is that season in which wheat is harvested in 1998.

APHIS' regulatory program to control the spread of Karnal bunt is a continuing program. We expect that any costs to growers and other entities related to the Karnal bunt program in the 1997–1998 crop season will be similar to those incurred in the 1996–1997 crop season. Therefore, we are proposing to amend the regulations to provide the same compensation for the 1997–1998 crop season as was provided in the 1996–1997 crop season.

Compensation for Growers and Handlers

Section 301.89–15 of the regulations provides compensation to growers and handlers for the loss in value of 1996–1997 crop season wheat seed and grain due to Karnal bunt. We are proposing to make these provisions apply also to growers, handlers, and seed companies in the 1997–1998 crop season.

The compensation in § 301.89–15 is for wheat grain, certified wheat seed, and wheat grown with the intention of producing certified wheat seed. The compensation calculation for certified wheat seed and wheat grown with the intention of producing certified wheat seed is the same as that offered for wheat grain. Requiring that wheat seed be certified or grown with the intention of producing certified wheat seed ensures that the compensation is limited to market-ready seed and will not be paid for seed in other stages of development. Further, the compensation in § 301.89–15 is only for wheat that was tested by APHIS and found positive for Karnal bunt.

For the 1996–1997 crop season, § 301.89–15 provides two different levels of compensation for growers and handlers of positive wheat, depending on which of the following two sets of circumstances applies: (1) The wheat is from an area that became regulated for Karnal bunt after the 1996–1997 crop was planted, or for which an Emergency Action Notification (PPQ Form 523)(EAN) was issued after the 1996–1997 crop was planted, and that remained regulated or under an EAN at the time the wheat was sold; or (2) the wheat is from an area that became regulated for Karnal bunt before the 1996–1997 crop was planted, or for which an EAN was issued before the 1996–1997 crop was planted, and that remained regulated or under an EAN at the time the wheat was sold. These

areas are called ''areas under the first regulated crop season'' and ''areas under the second regulated crop season,'' respectively. Growers, handlers, and seed companies in areas under the first regulated crop season would not have known that their area was to become regulated for Karnal bunt at the time they made their planting and many of their contracting decisions, and would not have been prepared for the loss in value of their wheat due to Karnal bunt. Growers, handlers, and seed companies in areas under the second regulated crop season knew they were in an area regulated for Karnal bunt at the time planting and contracting decisions were made for the 1996–1997 crop season. Understanding the restrictions, growers, handlers, and seed companies could have chosen to alter their planting or contract decisions to avoid experiencing losses due to Karnal bunt. The compensation provisions for areas under the first regulated crop season are in § 301.89–15(a); the compensation provisions for areas under the second regulated crop season are in § 301.89–15(b).

The 1997–1998 crop season is the third regulated crop season for most regulated areas. In order to make the compensation in § 301.89–15 also apply to growers, handlers, and seed companies in the 1997–1998 crop season, we would remove the designation of ''areas under the second regulated crop season'' in paragraph (b) and refer instead to ''previously regulated areas.''

First Regulated Crop Season

At the present time, there are no areas under the first regulated crop season for 1997–1998. We would consider all areas that are currently regulated to be previously regulated areas for the 1997–1998 crop season. APHIS is continuing to monitor for Karnal bunt throughout wheat producing areas in the United States. If Karnal bunt is found to exist in an area outside the currently regulated areas during the 1997–1998 crop season, APHIS will regulate that area, and growers and handlers would be eligible for compensation for the loss in value of their wheat in accordance with the provisions for areas under the first regulated crop season.

Under § 301.89–15(a), growers, handlers, and seed companies in areas under the first regulated crop season are eligible for compensation for 1996–1997 crop season wheat and for wheat inventories in their possession that were unsold at the time the area became regulated. For the 1997–1998 crop season, we would likewise state that growers, handlers, and seed companies in areas under the first regulated crop season are eligible for compensation for 1997–1998 crop season wheat and for wheat inventories in their possession that were unsold at the time the area became regulated for Karnal bunt.

Under § 301.89–15(a)(1), growers of wheat in an area under the first regulated crop season who sell wheat that was tested by APHIS and found positive for Karnal bunt prior to sale, or that was tested by APHIS and found positive for Karnal bunt after sale and the price received by the grower is contingent on the test results, are eligible to receive compensation as follows:

- If the wheat was grown under contract and a price was determined in the contract before the area where the wheat was grown became regulated for Karnal bunt, compensation will equal the contract price minus the actual price received by the grower; or
- If the wheat was not grown under contract or a price was determined in the contract after the area where the wheat was grown became regulated for Karnal bunt, compensation will equal the estimated market price for the relevant class of wheat (meaning type of wheat, such as durum or hard red winter) minus the actual price received by the grower.

For both situations described above, compensation for positive-testing wheat will not exceed $1.80 per bushel under any circumstances.

Under § 301.89–15(a)(2), handlers and seed companies who sell wheat grown in an area under the first regulated crop season are eligible to receive compensation only if the wheat was not tested by APHIS prior to purchase by the handler or seed company, but was tested by APHIS and found positive for Karnal bunt after purchase by the handler or seed company, as long as the price to be paid is not contingent on the test results. Compensation will equal the estimated market price for the relevant class of wheat minus the actual price received by the handler or seed company. However, compensation for positive-testing wheat will not exceed $1.80 per bushel under any circumstances.

Estimated market prices used in the compensation calculations described above for growers and handlers are calculated by APHIS for each class of wheat, taking into account the prices offered by relevant terminal markets (animal feed, milling, or export) during the harvest months for the area, with adjustments for transportation and other handling costs. Separate estimated market prices are calculated for certified wheat seed and wheat grown with the intention of producing certified wheat seed, and wheat grain.

This proposal would make the provisions in § 301.89–15(a)(1) and (a)(2) apply to growers, handlers, and seed companies in the 1997–1998 crop season if they have wheat grown in areas under the first regulated crop season.

Previously Regulated Areas

As discussed previously in this document, all of the areas currently listed as regulated areas in the Karnal bunt regulations, and all the areas currently regulated for Karnal bunt under EAN's, would be considered to be previously regulated areas for the 1997–1998 crop season.

Under § 301.89–15(b), growers, handlers, and seed companies in areas under the second regulated crop season are eligible for compensation only for 1996–1997 crop season wheat. We would amend § 301.89–15(b) to state that growers, handlers, and seed companies in previously regulated areas would be eligible for compensation under paragraph (b) only for 1996–1997 and 1997–1998 crop season wheat.

Under § 301.89–15(b), growers who sell wheat are eligible to receive compensation only if the wheat was tested by APHIS and found positive for Karnal bunt prior to sale, or was tested by APHIS and found positive for Karnal bunt after sale and the price received by the grower is contingent on the test results. Compensation will be at the rate of $.60 per bushel of positive testing wheat. Handlers and seed companies who sell wheat are eligible to receive compensation only if the wheat was not tested by APHIS prior to purchase, but was tested by APHIS and found positive for Karnal bunt after purchase, as long as the price to be paid is not contingent on the test results. Compensation will be at the rate of $.60 per bushel of positive testing wheat. This proposal would make this same compensation available to growers, handlers, and seed companies in the 1997–1998 crop season.

Growers, Handlers, and Seed Companies—To Claim Compensation

In past crop seasons, the Farm Service Agency (FSA) of USDA has processed Karnal bunt compensation claims from growers, handlers, and seed companies for the loss in value of their wheat. Under this proposal, FSA would continue to process such claims in the 1997–1998 crop season.

Under § 301.89–15(c), we require 1996–1997 crop season claimants to submit a number of documents in support of their claim. We would

require the same documents to be submitted for 1997–1998 crop season compensation. The requirements in paragraph (c) are as follows:

Growers, handlers, and seed companies who are eligible for compensation under either the first regulated crop season compensation or under the second regulated crop season compensation (proposed to be designated as ''previously regulated areas'') need to provide the same documents for claiming compensation, with a few exceptions. Growers, handlers, and seed companies must submit a Karnal Bunt Compensation Claim form, provided by FSA. If the wheat was grown in an area that is not a regulated area, but for which an EAN has been issued, the grower, handler, or seed company must submit a copy of the EAN. Growers, handlers, and seed companies must also submit a copy of the Karnal bunt certificate issued by APHIS that shows the Karnal bunt test results, and verification as to the actual (not estimated) weight of the wheat that tested positive (such as a copy of a facility weigh ticket, or other verification). For compensation claims for wheat seed, a grower or seed company must submit documentation showing that the wheat is either certified seed or was grown with the intention of producing certified seed. This documentation may include one or more of the following types of documents: an application to the State seed certification agency for field inspection; a bulk sale certificate; certification tags or labels issued by the State seed certification agency; or a document issued by the State seed certification agency verifying that the wheat is certified seed.

In addition, growers must submit a copy of the receipt for the final sale of the wheat, showing the total bushels sold and the total price received by the grower. Growers compensated under the regulations for areas in the first regulated crop season must submit a copy of the contract the grower has for the wheat, if the wheat was under contract. Growers compensated under the regulations for the second regulated crop season (proposed to be designated as ''previously regulated areas'') who sold wheat that was not yet tested by APHIS must submit documentation showing that the price paid to the grower was contingent on test results (this information could appear on the receipt for the final sale of the wheat or on a contract the grower has for the wheat, if the wheat was under contract).

In addition, handlers and seed companies must provide the FSA office with a copy of the receipt for the final sale of the wheat. The handler or seed company must submit documentation showing that the price paid or to be paid to the grower is not contingent on the test results (this documentation could appear on the receipt for the purchase of the wheat from the grower or on a contract for the purchase of the wheat, if the wheat was purchased under contract).

Compensation for Grain Storage Facilities, Flour Millers, and National Survey Participants

The June 1998 final rule (Docket No. 96–016–29) also added a new § 301.89–16 to the regulations. This section sets forth compensation provisions for the decontamination of grain storage facilities, heat treatment of millfeed, and losses to National Karnal Bunt Survey participants whose wheat or grain storage facility tests positive for Karnal bunt in the 1996–1997 crop season. We are proposing to amend § 301.89–16 to make its provisions also apply to the 1997–1998 crop season.

Decontamination of Grain Storage Facilities

As part of the Karnal bunt program, APHIS may require the decontamination of grain storage facilities that have been determined by APHIS to be contaminated with Karnal bunt. For the 1996–1997 crop season, § 301.89–16(a) provides that owners of grain storage facilities that are in States where the Secretary has declared an extraordinary emergency, and who have decontaminated their grain storage facilities pursuant to either an EAN issued by an inspector or a letter issued by an inspector ordering decontamination of the facilities, are eligible to be compensated, on a one-time-only basis for each facility for each covered crop year wheat, for up to 50 percent of the direct cost of decontamination. However, compensation will not exceed $20,000 per grain storage facility. General cleanup, repair, and refurbishment costs are excluded from compensation. Under this proposed rule, this same compensation would be available to owners of grain storage facilities in the 1997–1998 crop season.

Paragraph (a) also states that compensation payments will be issued by APHIS and sets forth provisions for claiming compensation. To claim compensation, the owner of the grain storage facility must submit to an inspector records demonstrating that decontamination was performed on all structures, conveyances, or materials ordered by APHIS to be decontaminated. The records must include a copy of the EAN or the letter from an inspector ordering decontamination, contracts with individuals or companies hired to perform the decontamination, receipts for equipment and materials purchased to perform the decontamination, time sheets for employees of the grain storage facility who performed activities connected to the decontamination, and any other documentation that helps show the cost to the owner and that decontamination has been completed. These provisions would also apply to compensation claims in the 1997–1998 crop season.

Treatment of Millfeed

In the 1996–1997 crop season, millfeed made from wheat produced in certain regulated areas was required to be heat treated in order to help prevent the spread of Karnal bunt. Under the June 1998 final rule, § 301.89–16(b) provides that flour millers who, in accordance with a compliance agreement with APHIS, heat treat millfeed that is required by APHIS to be heat treated are eligible to be compensated at the rate of $35.00 per short ton of millfeed.

Under a final rule published in the **Federal Register** and effective on September 23, 1998 (63 FR 50747–50752, Docket No. 96–016–32), the requirement for heat treating millfeed was revised, so that only millfeed resulting from the milling of wheat, durum wheat, or triticale that tested positive for Karnal bunt will require heat treatment. Therefore, because heat treatment of millfeed continues to be a requirement in the regulations, albeit under different criteria than in previous crop seasons, we are proposing that the compensation in § 301.89–16(b) for the 1996–1997 crop season would also be available to flour millers in the 1997–1998 crop season.

Paragraph (b) provides for the 1996–1997 crop season that the amount of millfeed compensated will be calculated by multiplying the weight of wheat from the regulated area received by the miller by 25 percent (the average percent of millfeed derived from a short ton of grain). Compensation payments will be issued by APHIS. To claim compensation, the miller must submit to an inspector verification as to the actual (not estimated) weight of the wheat (such as a copy of a facility weigh ticket or a copy of the bill of lading for the wheat, if the actual weight appears on those documents, or other verification). Flour millers must also submit verification that the millfeed was heat treated (such as a copy of the limited permit under which the wheat was

moved to a treatment facility and a copy of the bill of lading accompanying that movement; or a copy of PPQ Form 700 (which includes certification of processing) signed by the inspector who monitors the mill). This proposed rule would make these same provisions apply to compensation claims for heat treatment of millfeed in the 1997–1998 crop season.

National Karnal Bunt Survey Participants

Each year since 1996, APHIS has conducted a National Karnal Bunt Survey to demonstrate to our trading partners that areas producing wheat for export are free of the disease. In past crop seasons, we offered compensation to participants in the Survey whose wheat or grain storage facility tests positive for Karnal bunt, if the participant is in a State in which the Secretary of Agriculture has declared an extraordinary emergency for Karnal bunt. For the 1996–1997 crop season, the provisions for this compensation are in § 301.89–16(c). We are proposing to make these provisions also apply to participants in the National Karnal Bunt Survey in the 1997–1998 crop season.

For the 1996–1997 crop season, paragraph (c) provides that, if a grain storage facility participating in the National Karnal Bunt Survey tests positive for Karnal bunt, the facility will be regulated, and may be ordered decontaminated, pursuant to either an EAN issued by an inspector or a letter issued by an inspector ordering decontamination of the facility. If the Secretary has declared an extraordinary emergency in the State in which the grain storage facility is located, the owner will be eligible for compensation as follows:

- The owner of the grain storage facility will be compensated for the loss in value of positive wheat. Compensation will equal the estimated market price for the relevant class of wheat minus the actual price received for the wheat. The estimated market price will be calculated by APHIS for each class of wheat, taking into account the prices offered by relevant terminal markets (animal feed, milling, or export) during the relevant time period for that facility, with adjustments for transportation and other handling costs. However, compensation will not exceed $1.80 per bushel under any circumstances. Compensation payments for loss in value of wheat will be issued by the Farm Service Agency (FSA). To claim compensation, the owner of the facility must submit to the local FSA office a Karnal Bunt Compensation Claim form, provided by FSA. The owner of the facility must also submit to FSA a copy of the Emergency Action Notification or letter from an inspector under which the facility is or was quarantined; verification as to the actual (not estimated) weight of the wheat (such as a copy of a facility weigh ticket or a copy of the bill of lading for the wheat, if the actual weight appears on those documents, or other verification); and a copy of the receipt for the final sale of the wheat, showing the total bushels sold and the total price received by the owner of the grain storage facility.
- The owner of the facility will be compensated on a one time only basis for each grain storage facility for each covered crop year wheat for the direct costs of decontamination of the facility at the same rate described under § 301.89–16(a) (discussed earlier) (up to 50 percent of the direct costs of decontamination, not to exceed $20,000 per grain storage facility). Compensation payments for decontamination of grain storage facilities will be issued by APHIS, and claims for compensation must be submitted in accordance with the provisions in § 301.89–16(a).

Under this proposed rule, the compensation in § 301.89–16(c) described above would also be available to National Karnal Bunt Survey participants in the 1997–1998 crop season.

For the 1996–1997 crop season, claims for compensation under §§ 301.89–15 and 301.89–16 must be received by FSA or APHIS on or before October 8, 1998. This is 120 days after the date the June 1998 final rule was published in the **Federal Register**. For the 1997–1998 crop season, we would likewise require that claims for compensation be received by APHIS on or before the date that is 120 days after a final rule for this proposal is published in the **Federal Register**. The Administrator may extend this deadline, upon written request in specific cases, when unusual and unforeseen circumstances occur that prevent or hinder a claimant from requesting compensation on or before that date.

Executive Order 12866 and Regulatory Flexibility Act

This proposed rule has been reviewed under Executive Order 12866. The rule has been determined to be economically significant for the purposes of Executive Order 12866 and, therefore, has been reviewed by the Office of Management and Budget.

This proposed rule would establish compensation provisions for certain growers, handlers, seed companies, owners of grain storage facilities, flour millers, and participants in the National Karnal Bunt Survey to mitigate losses and expenses incurred in the 1997–1998 crop season because of the Karnal bunt quarantine and emergency actions.

In accordance with Executive Order 12866, this analysis examines the economic impact of providing such compensation. The wheat industry within the regulated area is largely composed of businesses that can be considered as ''small'' according to guidelines established by the Small Business Administration. Therefore, this analysis also fulfills the requirements of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), which require agencies to consider the economic impact of rule changes on small entities.

Upon detection of Karnal bunt in Arizona in March 1996, Federal quarantine and emergency actions were imposed to prevent the interstate spread of the disease to other wheat producing areas in the United States. The unexpected discovery of Karnal bunt and subsequent Federal emergency actions disrupted the production and marketing flows of wheat in the quarantined areas. It was estimated that the impact of Karnal bunt and subsequent Federal actions on the wheat industry totaled $44 million in the 1995–1996 crop season.

In order to alleviate some of the economic hardships and to ensure full and effective compliance with the quarantine program, compensation to mitigate certain losses has been offered to growers, handlers, seed companies, and other affected persons in the areas regulated for Karnal bunt in the 1995–1996 and 1996–1997 crop seasons. The payment of compensation is in recognition of the fact that, while benefits from regulation accrue to a large portion of the wheat industry outside the regulated areas, the regulatory burden falls predominately on a small segment of the affected wheat industry within the regulated areas. A final rule promulgating compensation regulations for the 1996–1997 crop season was effective and published in the **Federal Register** on June 10, 1998 (63 FR 31593–31601, Docket No. 96–016–29). The compensation proposed in this document for the 1997–1998 crop season is the same as the compensation offered in the 1996–1997 crop season.

We are proposing that growers, handlers, and seed companies would be eligible for compensation for losses in the 1997–1998 crop season due to wheat grain or seed that tested positive for Karnal bunt. Only positive-testing wheat would be eligible for compensation because of the lack of restrictions on the movement of negative testing wheat. As

in the 1996–1997 crop season, we are proposing different levels of compensation depending on whether the wheat was grown in an area under the first regulated crop season or in a previously regulated area. An area in the first regulated crop season is an area that became regulated for Karnal bunt after the 1997–1998 crop was planted. A previously regulated area is an area that became regulated for Karnal bunt before the 1997–1998 crop was planted. Currently, there are no regulated areas in the first regulated crop season.

For growers, handlers, and seed companies in previously regulated areas, the proposed compensation for positive grain or seed would be $.60 per bushel. Growers, handlers, and seed companies in the first regulated crop season would be eligible for compensation at a rate not to exceed $1.80 per bushel. These compensation rates would apply to both wheat grain and seed. The difference in compensation rates reflects the fact that affected entities in areas under the first regulated crop season would not have known that their area was to become regulated for Karnal bunt at the time that they made planting and contracting decisions, and would not have been prepared for the loss in value of their wheat due to Karnal bunt. Growers and handlers in previously regulated areas knew they were in an area regulated for Karnal bunt at the time that they made planting and contracting decisions for the 1997–1998 crop season. Given the restrictions, growers and handlers could have chosen to alter planting or contract decisions to avoid experiencing potential losses due to Karnal bunt. The proposed compensation rates are the same as those offered in the 1996–1997 crop season.

At this time, all areas that are regulated for Karnal bunt are previously regulated areas. We estimate that approximately 181,000 acres of wheat will be harvested in 1998 from the regulated areas. In the 1996–1997 crop season, less than 1 percent of wheat grown in the regulated areas tested positive for Karnal bunt. If we assume that 1 percent of wheat harvested from the regulated areas will test positive for Karnal bunt in the 1997–1998 crop season, compensation for wheat grain and seed grown in currently regulated areas would total approximately $87,000 (1 percent of 181,000 acres equals 1,810 acres; using an estimate of 80 bushels per acre crop yield, 1,810 acres multiplied by 80 equals 144,800 bushels; 144,800 bushels multiplied by $.60 per bushel equals $86,880). This positive-testing wheat would have a market value of approximately $724,000 in the absence of Karnal bunt.

To compare, compensation for wheat grain and seed in the 1996–1997 crop season is expected to total about $149,000. Approximately 122,000 acres of wheat were harvested from regulated areas in the 1996–1997 crop season, with a Karnal bunt infection rate of 0.8 percent. Seventy-nine percent of the positive wheat was harvested from an area in San Saba County, TX, which was in the first regulated crop season; this positive wheat will receive a maximum of $1.80 per bushel for the 1996–1997 crop season. The remaining 21 percent of positive wheat was from an area in the second crop season of regulation; this positive wheat will receive $.60 per bushel compensation for the 1996–1997 crop season.

We cannot determine at this time whether there will be areas eligible for compensation under the provisions for first regulated crop season areas in the 1997–1998 crop season. APHIS is in the process of conducting the 1998 National Karnal Bunt Survey in wheat producing areas throughout the United States. Any areas that become regulated in the 1997–1998 crop season as a result of the 1998 National Survey would be eligible for first regulated crop season compensation. During the 1997 National Survey for Karnal bunt, only 2 of approximately 12,000 wheat samples tested positive for Karnal bunt.

This proposed rule would also provide compensation for the decontamination of grain storage facilities found with positive wheat, the treatment of millfeed, and participants in the National Karnal Bunt Survey whose wheat or grain storage facility is found to be positive for Karnal bunt. Compensation for decontamination of grain storage facilities will be on a one-time-only basis for up to 50 percent of the cost of decontamination, not to exceed $20,000. We cannot determine at this time how many, if any, grain storage facilities in currently regulated areas will store positive wheat in the 1997–1998 crop season, or how many, if any, will be found to contain positive wheat during the 1998 National Survey for Karnal bunt. In the 1996–1997 crop season, 10 facilities that stored seed testing positive for Karnal bunt were found in San Saba County, TX, and we estimate that compensation for the decontamination of these facilities will total a maximum of $120,000.

We are also proposing compensation for the cost of heat treating millfeed that APHIS requires to be treated, at the rate of $35.00 per short ton of millfeed. No millfeed made from wheat grown in the regulated area was required to be heat treated in the 1996–1997 crop season. Under current regulations, APHIS requires heat treatment of millfeed made from wheat that tested positive for Karnal bunt. Since little or no positive wheat is expected to be used for milling in the 1997–1998 crop season, compensation for the heat treatment of millfeed in the 1997–1998 crop season would be minimal or unnecessary.

There are approximately 15,000 acres within the areas regulated for Karnal bunt where planting of wheat was prohibited in the 1997–1998 crop season. This proposed rule does not contain provisions for compensating growers in areas where wheat planting is prohibited, since many of these growers rotate wheat with other crops that are not prohibited from being planted. These growers generate revenue from these other crops, effectively minimizing the impact of the prohibition on planting wheat.

The Regulatory Flexibility Act requires that agencies consider the economic impact of rule changes on small businesses, organizations, and governmental jurisdictions. Growers and handlers of wheat grain and seed, and wheat seed companies, are those most affected by this proposed rule. It is estimated that there are a total of 712 wheat growers in the regulated areas: 378 in Arizona, 48 in California, 200 in New Mexico, and 86 in Texas. There are 149 growers in surveillance areas, and 563 growers in regulated areas lying beyond surveillance areas.[2] Most of these entities have total sales of less than $0.5 million, the Small Business Administration's threshold for classifying wheat producers as small entities. Accordingly, the economic impact of this proposed rule would largely be on small entities.

This proposed rule is expected to have a positive economic impact on all affected entities, large and small. Compensation for the loss in value of wheat that tests positive for Karnal bunt serves to encourage compliance with testing requirements within the regulated area, thereby aiding in the preservation of an important wheat growing region in the United States. It also serves to encourage participation in the National Karnal Bunt Survey.

Under these circumstances, the Administrator of the Animal and Plant Health Inspection Service has determined that this action would not

[2] The 149 growers in surveillance areas are distributed as follows: 54 in Arizona, 27 in California, 68 in Texas, and none in New Mexico. The 563 growers in regulated areas lying beyond surveillance areas are distributed as follows: 324 in Arizona, 21 in California, 200 in New Mexico, and 18 in Texas.

have a significant economic impact on a substantial number of small entities.

Executive Order 12372

This program/activity is listed in the Catalog of Federal Domestic Assistance under No. 10.025 and is subject to Executive Order 12372, which requires intergovernmental consultation with State and local officials. (See 7 CFR part 3015, subpart V.)

Executive Order 12988

This proposed rule has been reviewed under Executive Order 12988, Civil Justice Reform. If this proposed rule is adopted: (1) All State and local laws and regulations that are inconsistent with this rule will be preempted; (2) no retroactive effect will be given to this rule; and (3) administrative proceedings will not be required before parties may file suit in court challenging this rule.

Paperwork Reduction Act

In accordance with section 3507(d) of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the information collection or recordkeeping requirements included in this proposed rule have been submitted for approval to the Office of Management and Budget (OMB). Please send written comments to the Office of Information and Regulatory Affairs, OMB, Attention: Desk Officer for APHIS, Washington, DC 20503. Please state that your comments refer to Docket No. 96–016–31. Please send a copy of your comments to: (1) Docket No. 96–016–31, Regulatory Analysis and Development, PPD, APHIS, suite 3C03, 4700 River Road Unit 118, Riverdale, MD 20737–1238, and (2) Clearance Officer, OCIO, USDA, room 404-W, 14th Street and Independence Avenue SW., Washington, DC 20250. A comment to OMB is best assured of having its full effect if OMB receives it within 30 days of publication of this proposed rule.

This proposed rule would require that growers, handlers, and seed companies provide certain records and documents to a local Farm Service Agency (FSA) office in order to claim compensation. Growers, handlers, and seed companies would also have to sign a Karnal Bunt Compensation Claim form (completed by an employee of FSA using the information provided by the claimant) to attest that the information on the form is accurate and to demonstrate acceptance of the compensation. This proposal would also require that owners of grain storage facilities and flour millers provide certain records and documents to an APHIS inspector in order to claim compensation. This information collection is necessary in order to verify a claimant's eligibility for compensation and to provide documentation of compensation claims and payments.

We are soliciting comments from the public (as well as affected agencies) concerning our proposed information collection and recordkeeping requirements. We need this outside input to help us:

(1) Evaluate whether the proposed information collection is necessary for the proper performance of our agency's functions, including whether the information will have practical utility;

(2) Evaluate the accuracy of our estimate of the burden of the proposed information collection, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the information collection on those who are to respond (such as through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission responses).

Estimate of burden: Public reporting burden for this collection of information is estimated to average .506 hours per response.

Respondents: Wheat growers, handlers, seed companies, owners of grain storage facilities, flour millers, FSA personnel.

Estimated annual number of respondents: 38.

Estimated annual number of responses per respondent: 1.921.

Estimated annual number of responses: 73.

Estimated total annual burden on respondents: 37 hours.

Copies of this information collection can be obtained from; Clearance Officer, OCIO, USDA, room 404-W, 14th Street and Independence Avenue SW., Washington, DC 20250.

List of Subjects in 7 CFR Part 301

Agricultural commodities, Incorporation by reference, Plant diseases and pests, Quarantine, Reporting and recordkeeping requirements, Transportation.

Accordingly, we propose to amend 7 CFR part 301 as follows:

PART 301—DOMESTIC QUARANTINE NOTICES

1. The authority citation for part 301 would continue to read as follows:

Authority: 7 U.S.C. 147a, 150bb, 150dd, 150ee, 150ff, 161, 162, and 164–167; 7 CFR 2.22, 2.80, and 371.2(c).

2. Section 301.89–15 would be amended by revising the section heading, the introductory text to the section, the introductory text to paragraph (a), paragraph (b), the introductory text to paragraph (c), and the last sentence of paragraph (c)(2), to read as follows:

§ 301.89–15 Compensation for growers, handlers, and seed companies in the 1996–1997 and 1997–1998 crop seasons.

Growers, handlers, and seed companies are eligible to receive compensation from the United States Department of Agriculture (USDA) for the 1996–1997 and 1997–1998 crop seasons to mitigate losses or expenses incurred because of the Karnal bunt regulations and emergency actions, as follows:

(a) *Growers, handlers, and seed companies in areas under first regulated crop season.* Growers, handlers, and seed companies are eligible to receive compensation for the loss in value of their wheat in accordance with paragraphs (a)(1) and (a)(2) of this section if: the wheat was grown in a State where the Secretary has declared an extraordinary emergency; and, the wheat was grown in an area of that State that became regulated for Karnal bunt after the crop was planted, or for which an Emergency Action Notification (PPQ Form 523) was issued after the crop was planted; and, the wheat was grown in an area that remained regulated or under Emergency Action Notification at the time the wheat was sold. Growers, handlers, and seed companies in areas under the first regulated crop season are eligible for compensation for 1996–1997 crop season wheat or 1997–1998 crop season wheat (as appropriate) and for wheat inventories in their possession that were unsold at the time the area became regulated. The compensation provided in this section is for wheat grain, certified wheat seed, and wheat grown with the intention of producing certified wheat seed.

* * * * *

(b) *Growers, handlers, and seed companies in previously regulated areas.* Growers, handlers, and seed companies are eligible to receive compensation for the loss in value of their wheat in accordance with paragraphs (b)(1) and (b)(2) of this section if: the wheat was grown in a State where the Secretary has declared an extraordinary emergency; and, the wheat was grown in an area of that State that became regulated for Karnal bunt before the crop was planted, or for which an Emergency Action Notification (PPQ Form 523) was issued before the crop was planted; and, the

wheat was grown in an area that remained regulated or under Emergency Action Notification at the time the wheat was sold. Growers, handlers, and seed companies in previously regulated areas are eligible for compensation only for 1996–1997 or 1997–1998 crop season wheat. The compensation provided in this section is for wheat grain, certified wheat seed, and wheat grown with the intention of producing certified wheat seed.

(1) *Growers.* Growers of wheat in a previously regulated area who sell wheat that was tested by APHIS and found positive for Karnal bunt prior to sale, or that was tested by APHIS and found positive for Karnal bunt after sale and the price received by the grower is contingent on the test results, are eligible to receive compensation at the rate of $.60 per bushel of positive testing wheat.

(2) *Handlers and seed companies.* Handlers and seed companies who sell wheat grown in a previously regulated area are eligible to receive compensation only if the wheat was not tested by APHIS prior to purchase by the handler, but was tested by APHIS and found positive for Karnal bunt after purchase by the handler or seed company, as long as the price to be paid by the handler or seed company is not contingent on the test results. Compensation will be at the rate of $.60 per bushel of positive testing wheat.

(c) *To claim compensation.* Compensation payments to growers, handlers, and seed companies under paragraphs (a) and (b) of this section will be issued by the Farm Service Agency (FSA). Claims for compensation for the 1996–1997 crop season must be received by FSA on or before October 8, 1998. Claims for compensation for the 1997–1998 crop season must be received by FSA on or before [*the date 120 days after the final rule is published in the Federal Register*]. The Administrator may extend the deadline, upon request in specific cases, when unusual and unforeseen circumstances occur which prevent or hinder a claimant from requesting compensation on or before these dates. To claim compensation, a grower, handler, or seed company must complete and submit to the local FSA county office the following documents:

* * * * *

(2) *Growers.* * * * Growers compensated under paragraph (b)(1) of this section (previously regulated areas) whose wheat was not tested prior to sale must submit documentation showing that the price paid to the grower was contingent on test results (such as a copy of the receipt for the final sale of the wheat or a copy of the contract the grower has for the wheat, if this information appears on those documents).

* * * * *

§ 301.89–16 [Amended]

3. Section 301.89–16 would be amended as follows:

a. In the heading, by removing the words ''1996–1997 crop season'' and adding the words ''1996–1997 and 1997–1998 crop seasons'' in their place.

b. In the introductory text, by removing the words ''1996–1997 crop season'' and adding the words ''1996–1997 and 1997–1998 crop seasons'' in their place.

c. In paragraphs (a), (b), (c)(1), and (c)(2), by removing the last two sentences in each paragraph and by adding three sentences in their place to read as follows: ''Claims for compensation for the 1996–1997 crop season must be received by APHIS on or before October 8, 1998. Claims for compensation for the 1997–1998 crop season must be received by APHIS on or before [*the date 120 days after the final rule is published in the Federal Register*]. The Administrator may extend these deadlines upon written request in specific cases, when unusual and unforeseen circumstances occur which prevent or hinder a claimant from requesting compensation on or before these dates.''

Done in Washington, DC, this 14th day of December 1998.

Joan M. Arnoldi,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 98–33434 Filed 12–16–98; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 98–NM–238–AD]

RIN 2120–AA64

Airworthiness Directives; Boeing Model 757–200 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to certain 757–200 series airplanes. This proposal would require replacement of the stringer clip(s) with a new stringer clip(s), and modification of the life raft support structure and/or life raft doors, as applicable. This proposal is prompted by a report that certain life raft stowage compartments and certain life raft doors are understrength. The actions specified by the proposed AD are intended to prevent a life raft falling from its stowage compartment, and consequently injuring nearby occupants or delaying or impeding the evacuation of passengers during an emergency landing.

DATES: Comments must be received by February 1, 1999.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 98–NM–238–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124–2207. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Keith Ladderud, Aerospace Engineer, Airframe Branch, ANM–120S, FAA, Transport Airplane Directorate, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–2780; fax (425) 227–1181.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report

summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 98–NM–238–AD.'' The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 98–NM–238–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

The FAA has received a report that certain life raft stowage compartments and certain life raft doors are understrength on Boeing Model 757–200 series airplanes. Analysis and testing has shown that, under certain loading conditions during an emergency landing, the structure of the life raft stowage compartment could fail, and/or the doors of these compartments could break from their hinges. Investigation has revealed that the existing design of the life raft stowage compartments is inadequate to carry the load, and that certain life raft doors were not manufactured to the proper specifications. These conditions, if not corrected, could result in a life raft falling from its stowage compartment, and consequently injuring nearby occupants or delaying or impeding the evacuation of passengers during an emergency landing.

Explanation of Relevant Service Information

The FAA has reviewed and approved Boeing Service Bulletin 757–25–0180, dated October 9, 1997, which describes procedures for replacement of the stringer clip(s) with a new stringer clip(s), and modification of the life raft support structure and/or life raft doors, as applicable. The modification involves installation of doublers, channels, tie rod and radius blocks, and brackets, as applicable. Accomplishment of the actions specified in the service bulletin is intended to adequately address the identified unsafe condition.

Explanation of Requirements of Proposed Rule

Since an unsafe condition has been identified that is likely to exist or develop on other products of this same type design, the proposed AD would require accomplishment of the actions specified in the service bulletin described previously.

Differences Between Proposed Rule and Service Bulletin

Operators should note that, although the service bulletin recommends that the replacement and modication be accomplished at the first maintenance opportunity, the FAA has determined that such an unspecified interval may not address the identified unsafe condition in a timely manner. In developing an appropriate compliance time for this AD, the FAA considered not only the manufacturer's recommendation, but the degree of urgency associated with addressing the subject unsafe condition, the average utilization of the affected fleet, and the time necessary to perform the proposed actions. In light of all of these factors, the FAA finds an 18-month compliance time for accomplishing the proposed actions to be warranted, in that it represents an appropriate interval of time allowable for affected airplanes to continue to operate without compromising safety.

Cost Impact

There are approximately 256 airplanes of the affected design in the worldwide fleet. The FAA estimates that 139 airplanes of U.S. registry would be affected by this proposed AD.

For Groups 1 and 2 airplanes (as specified in the service bulletin), it would take approximately 32 work hours per airplane to accomplish the proposed actions, at an average labor rate of $60 per work hour. Required parts would cost approximately $4,544 (for Group 1 airplanes) or $4,801 (for Group 2 airplanes) per airplane. Based on these figures, the cost impact of the actions proposed by this AD on U.S. operators of Groups 1 and 2 airplanes is estimated to be $6,464 (for Group 1 airplanes), or $6,721 (for Group 2 airplanes) per airplane.

For Groups 3 and 4 airplanes, it would take approximately 30 work hours per airplane to accomplish the proposed actions, at an average labor rate of $60 per work hour. Required parts would cost approximately $3,668 (for Group 3 airplanes) or $3,530 (for Group 4 airplanes) per airplane. Based on these figures, the cost impact of the actions proposed by this AD on U.S. operators of Groups 3 and 4 airplanes is estimated to be $5,468 (for Group 3 airplanes), or $5,330 (for Group 4 airplanes) per airplane.

For Group 5 airplanes, it would take approximately 6 work hours per airplane to accomplish the proposed actions, at an average labor rate of $60 per work hour. Required parts would cost approximately $680 per airplane. Based on these figures, the cost impact of the actions proposed by this AD on this group of U.S. operators is estimated to be $1,040 per airplane.

For Group 6 airplanes, it would take approximately 20 work hours per airplane to accomplish the proposed actions, at an average labor rate of $60 per work hour. Required parts would cost approximately $2,785 per airplane. Based on these figures, the cost impact of the actions proposed by this AD on this group of U.S. operators is estimated to be $3,985 per airplane.

For Group 7 airplanes, it would take approximately 13 work hours per airplane to accomplish the proposed actions, at an average labor rate of $60 per work hour. Required parts would cost approximately $1,019 per airplane. Based on these figures, the cost impact of the actions proposed by this AD on this group of U.S. operators is estimated to be $1,799 per airplane.

For Group 8 airplanes, it would take approximately 15 work hours per airplane to accomplish the proposed actions, at an average labor rate of $60 per work hour. Required parts would cost approximately $2,187 per airplane. Based on these figures, the cost impact of the actions proposed by this AD on this group of U.S. operators is estimated to be $3,087 per airplane.

The cost impact figures discussed above are based on assumptions that no operator has yet accomplished any of the proposed requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted.

Regulatory Impact

The regulations proposed herein would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this proposed regulation (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities

under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption **ADDRESSES**.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

Boeing: Docket 98–NM–238–AD.

Applicability: Model 757–200 series airplanes, as listed in Boeing Service Bulletin 747–25–0180, dated October 9, 1997; certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (b) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously. To prevent a life raft from falling from its stowage compartment, and consequently injuring nearby occupants or delaying or impeding the evacuation of passengers during an emergency landing, accomplish the following:

(a) Within 18 months after the effective date of this AD, replace the stringer clip(s) with a new stringer clip(s), and modify the life raft support structure and/or life raft door, as applicable, in accordance with Boeing Service Bulletin 757–25–0180, dated October 9, 1997.

(b) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Seattle Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Seattle ACO.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Seattle ACO.

(c) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

Issued in Renton, Washington, on December 11, 1998.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 98–33391 Filed 12–16–98; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 96–NM–66–AD]

RIN 2120–AA64

Airworthiness Directives; Airbus Model A310 and A300–600 Series Airplanes Equipped With General Electric CF6–80C2 Engines

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to certain Airbus Model A310 and A300–600 series airplanes. This proposal would require repetitive flow checks of the hydraulic pump drain system to ensure that the system is not clogged, and correction of any discrepancy. This proposal also would require replacement of the existing magnetic seals of the accessory gearbox assembly with new, improved seals. Replacement of certain seals would terminate the requirement for repetitive flow checks. This proposal also would require replacement of the engine drain modules with drain manifolds. This proposal is prompted by issuance of mandatory continuing airworthiness information by a foreign civil airworthiness authority. The actions specified by the proposed AD are intended to prevent contamination of the engine accessory gearbox oil with hydraulic fluid, which could result in an in-flight engine shutdown.

DATES: Comments must be received by January 19, 1999.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 96–NM–66–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from Airbus Industrie, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Norman B. Martenson, Manager, International Branch, ANM–116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–2110; fax (425) 227–1149.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 96–NM–66–AD.'' The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 96–NM–66–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

The Direction Generale de l'Aviation Civile (DGAC), which is the airworthiness authority for France, has notified the FAA that an unsafe condition may exist on certain Airbus Model A310 and A300–600 series airplanes. The DGAC advises that it has received reports of contamination of the engine oil on both of these airplane models. Investigation revealed that the contamination was due to failure of the seal of the green hydraulic pump shaft, which was caused by an increase in the backflow pressure due to clogging of the hydraulic pump drain system. Failure of the seal of the green hydraulic pump shaft, if not corrected, could permit contamination of the engine accessory gearbox oil, which could result in an in-flight engine shutdown.

Explanation of Relevant Service Information

Airbus has issued Service Bulletins A310–72–2020, Revision 2, dated January 13, 1993 (for Airbus Model A310 series airplanes), and A300–72–6016, Revision 2, dated January 13, 1993 (for Airbus Model A300–600 series airplanes). These service bulletins describe procedures for repetitive flow checks of the hydraulic pump drain system to ensure that the system is not clogged, and correction of any discrepancy.

Airbus also has issued Service Bulletins A310–72–2017, Revision 3, dated August 6, 1993 (for certain Model A310 series airplanes), and A300–72–6013, Revision 3, dated August 6, 1993 (for certain Model A300–600 series airplanes). These service bulletins describe procedures for replacing (on both engines) the existing magnetic seal of the green hydraulic system on the accessory gearbox assembly with a new, improved spring-loaded seal and ring assembly. Such replacement would reduce the possibility for failure of the seal due to backflow pressure caused by clogging of the hydraulic pump drain system. The replacement also would eliminate the need for repetitive flow checks for certain airplanes.

Airbus also has issued Service Bulletins A310–72–2031, dated July 24, 1995, as revised by Change Notice O.A, dated October 12, 1995 (for Model A310 series airplanes), and A300–72–6027, dated July 24, 1995 (for Model A300–600 series airplanes). These service bulletins describe procedures for replacing (on both engines) the existing magnetic seals of the yellow and blue hydraulic systems, the starter, and the integrated drive generator on the accessory gearbox assembly with new, improved spring-loaded seal and ring assemblies. Such replacement would reduce the possibility of failure of the seals due to backflow pressure caused by clogging of the hydraulic pump drain system. The replacement also would eliminate the need for repetitive flow checks for certain airplanes.

Additionally, Airbus has issued A310–72–2029, Revision 1, dated June 22, 1995, as revised by Change Notice 1.A., dated March 13, 1997, and Change Notice 1.B., dated June 16, 1997 (for Model A310 series airplanes); and A300–72–6025, Revision 1, dated June 22, 1995 (for Model A300–600 series airplanes). These service bulletins describe procedures for replacement of the engine drain modules with drain manifolds. Such replacement will reduce the possibility of clogging of the drain lines.

The DGAC classified these service bulletins as mandatory and issued French airworthiness directives 92–230–135(B)R1, dated October 13, 1993; 95–183–185(B), dated September 27, 1995; and 95–184–186(B), dated September 27, 1995, in order to assure the continued airworthiness of these airplanes in France.

FAA's Conclusions

These airplane models are manufactured in France and are type certificated for operation in the United States under the provisions of section 21.29 of the Federal Aviation Regulations (14 CFR 21.29) and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, the DGAC has kept the FAA informed of the situation described above. The FAA has examined the findings of the DGAC, reviewed all available information, and determined that AD action is necessary for products of this type design that are certificated for operation in the UnitedStates.

Explanation of Requirements of Proposed Rule

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design registered in the United States, the proposed AD would require accomplishment of the actions specified in the service bulletins described previously.

Cost Impact

The FAA estimates that 64 airplanes of U.S. registry would be affected by this proposed AD.

It would take approximately 3 work hours per airplane to accomplish the proposed flow checks, at an average labor rate of $60 per work hour. Based on these figures, the cost impact of the flow checks proposed by this AD on U.S. operators is estimated to be $11,520, or $180 per airplane, per flow check cycle.

It would take approximately 24 work hours per airplane (12 work hours per engine) to accomplish the proposed replacement of the magnetic seals with spring-loaded seal and ring assemblies, at an average labor rate of $60 per work hour. Required parts for this replacement would cost approximately $12,000 per airplane. Based on these figures, the cost impact of this replacement proposed by this AD on U.S. operators is estimated to be $860,160, or $13,440 per airplane.

It would take approximately 16 work hours per airplane (8 work hours per engine) to accomplish the replacement of the drain modules with drain manifolds, at an average labor rate of $60 per work hour. Required parts for this replacement would cost approximately $13,200 per airplane. Based on these figures, the cost impact of this replacement proposed by this AD on U.S. operators is estimated to be $906,240, or $14,160 per airplane.

The cost impact figures discussed above are based on assumptions that no operator has yet accomplished any of the proposed requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted.

Regulatory Impact

The regulations proposed herein would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this proposed regulation (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative,

on a substantial number of small entities under the criteria of the RegulatoryFlexibility Act. A copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption **ADDRESSES**.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

Airbus Industrie: Docket 96–NM–66–AD.

Applicability: Model A310 and A300–600 series airplanes; equipped with General Electric CF6–80C2 engines; except those airplanes on which AirbusModifications 8952 and 10401, or Airbus Modification 10656 has been installed; certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been otherwise modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (f) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To prevent contamination of the engine accessory gearbox oil with hydraulic fluid, which could result in an in-flight engine shutdown, accomplish the following:

(a) For airplanes on which Airbus Modification 8952 has not been installed: Within 30 days after the effective date of this AD, perform a flow check of the hydraulic pump drain system to ensure that the system is not clogged and, prior to further flight, correct any discrepancies, in accordance with either paragraph (a)(1) or (a)(2) of this AD, as applicable. Repeat the flow check thereafter at intervals not to exceed 500 flight hours until the modification required by paragraph (b) of this AD is accomplished.

(1) For Model A310 series airplanes: Perform the flow checks and correct any discrepancy in accordance with Airbus Service Bulletin A310–72–2020, Revision 2, dated January 13, 1993.

Note 2: Flow checks and corrective actions accomplished prior to the effective date of this AD in accordance with the original issue of Airbus Service Bulletin A310–72–2020, dated September 14, 1992, or Revision 1, dated November 25, 1992, are considered acceptable for compliance with paragraph (a)(1) of this AD.

(2) For Model A300–600 series airplanes: Perform the flow checks and correct any discrepancy in accordance with Airbus Service Bulletin A300–72–6016, Revision 2, dated January 13, 1993.

Note 3: Flow checks and corrective actions accomplished prior to the effective date of this AD in accordance with Airbus Service Bulletin A300–72–6016, dated September 14, 1992, are considered acceptable for compliance with paragraph (a)(2) of this AD.

(b) For airplanes on which Airbus Modification 8952 has not been installed and that are not operating under extended range twin-engine operations (ETOPS): Within 3 months after the effective date of this AD, replace (on both engines) the existing magnetic seal of the green hydraulic system on the accessory gearbox assembly with a new, improved spring-loaded seal and ring assembly, in accordance with either paragraph (b)(1) or (b)(2) of this AD, as applicable. Accomplishment of this replacement constitutes terminating action for the repetitive flow check requirements specified in paragraph (a) of this AD.

(1) For Model A310 series airplanes: Accomplish the replacement in accordance with Airbus Service Bulletin A310–72–2017, Revision 3, dated August 6, 1993.

(2) For Model A300–600 series airplanes: Accomplish the replacement in accordance with Airbus Service Bulletin A300–72–6013, Revision 3, dated August 6, 1993.

(c) For airplanes on which Airbus Modification 8952 has not been installed and that are operating under ETOPS: Within 10 days after the effective date of this AD, replace (on both engines) the existing magnetic seal of the green hydraulic system on the accessory gearbox assembly with a new, improved spring-loaded seal and ring assembly, in accordance with either paragraph (c)(1) or (c)(2) of this AD, as applicable. Accomplishment of this replacement constitutes terminating action for the repetitive flow check requirements specified in paragraph (a) of this AD.

(1) For Model A310 series airplanes: Accomplish the replacement in accordance with Airbus Service Bulletin A310–72–2017, Revision 3, dated August 6, 1993.

(2) For Model A300–600 series airplanes: Accomplish the replacement in accordance with Airbus Service Bulletin A300–72–6013, Revision 3, dated August 6, 1993.

(d) For airplanes on which Airbus Modifications 8952 and 10401 have not been installed: Within 18 months after the effective date of this AD, replace (on both engines) the existing magnetic seals of the yellow and blue hydraulic systems, the starter, and the integrated drive generator on the accessory gearbox assembly with new, improved spring-loaded seal and ring assemblies, in accordance with either paragraph (d)(1) or (d)(2) of this AD, as applicable. Accomplishment of this replacement constitutes terminating action for the repetitive flow check requirements specified in paragraph (a) of this AD.

(1) For Model A310 series airplanes: Accomplish the replacement in accordance with Airbus Service Bulletin A310–72–2031, dated July 24, 1995, as revised by Change Notice O.A., dated October 12, 1995.

(2) For Model A300–600 series airplanes: Accomplish the replacement in accordance with Airbus Service Bulletin A300–72–6027, dated July 24, 1995.

(e) For airplanes on which Airbus Modification 10656 has not been installed: Within 5 years after the effective date of this AD, replace the drain modules with drain manifolds in accordance with either paragraph (e)(1) or (e)(2) of this AD, as applicable.

(1) For Model A310 series airplanes: Accomplish the replacement in accordance with Airbus Service Bulletin A310–72–2029, Revision 1, dated June 22, 1995, as revised by Change Notice 1.A., dated March 13, 1997, and Change Notice 1.B., dated June 16, 1997.

(2) For Model A300–600 series airplanes: Accomplish the replacement in accordance with Airbus Service Bulletin A300–72–6025, Revision 1, dated June 22, 1995.

(f) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, International Branch, ANM–116, FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, International Branch, ANM–116.

Note 4: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the International Branch, ANM–116.

(g) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

Note 5: The subject of this AD is addressed in French airworthiness directives 92–230–135(B) R1, dated October 13, 1993; 95–183–185(B), dated September 27, 1995; and 95–184–186(B), dated September 27, 1995.

Issued in Renton, Washington, on December 11, 1998.

Darrell M. Pederson, Acting Manager,

Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 98–33387 Filed 12–16–98; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 98–AWP–10]

Proposed Establishment of Class E Airspace; Oroville, CA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to modify the Class E airspace area at Oroville, CA. The establishment of a Global Positioning System (GPS) Standard Instrument Approach Procedure (SIAP) to Runway (RWY) 1 at Oroville Municipal Airport has made this proposal necessary. Additional controlled airspace extending upward from 700 feet or more above the surface of the earth is needed to contain aircraft executing the GPS RWY 1 to Oroville Municipal Airport. The intended effect of this proposal is to provide adequate controlled airspace for Instrument Flight Rules (IFR) operations at Oroville Municipal Airport, Oroville, CA.

DATES: Comments must be received on or before January 13, 1999.

ADDRESSES: Send comments on the proposal in triplicate to: Federal Aviation Administration, Attn: Manager, Airspace Branch, AWP–520, Docket No. 98–AWP–10, Air Traffic Division, 15000 Aviation Boulevard, Lawndale, California, 90261.

The official docket may be examined in the Office of the Regional Counsel, Western Pacific Region, Federal Aviation Administration, Room 6007, 15000 Aviation Boulevard, Lawndale, California, 90261.

An informal docket may also be examined during normal business hours at the office of the Manager, Airspace Branch, Air Traffic Division at the above address.

FOR FURTHER INFORMATION CONTACT: Larry Tonish, Air Traffic Airspace Specialist, Airspace Branch, AWP–520, Air Traffic Division, Western-Pacific Region, Federal Aviation Administration, 15000 Aviation Boulevard, Lawndale, California, 90261, telephone (310) 725–6539.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify the airspace docket number and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with the comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to Airspace Docket No. 98–AWP–10.'' The postcard will be date/time stamped and returned to the commenter. All communications received on or before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of comments received. All comments submitted will be available for examination in the Airspace Branch, Air Traffic Division, 15000 Aviation Boulevard, Lawndale, California 90261, both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Airspace Branch, 15000 Aviation Boulevard, Lawndale, California 90261. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11–2A, which describes the application procedures.

The Proposal

The FAA is considering an amendment to 14 CFR part 71 by establishing a Class E airspace area at Oroville, CA. The establishment of a GPS RWY 1 SIAP at Oroville Municipal Airport has made this proposal necessary. Additional controlled airspace extending upward from 700 feet above the surface is needed to contain aircraft executing the approach and departure procedures at Colusa Municipal Airport. The intended effect of this proposal is to provide adequate controlled airspace for aircraft executing the GPS RWY 1 SIAP at Oroville Municipal Airport, Oroville, CA. Class E airspace designations are published in paragraph 6005 of FAA Order 7400.9F dated September 10, 1998, and effective September 16, 1998, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document would be published subsequently in this Order.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, this proposed regulation—(1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a Regulatory Evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this proposed rule would not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, CLASS B, CLASS C, CLASS D, AND CLASS E AIRSPACE AREAS; ROUTES; AND REPORTING POINTS

1. The authority citation for 14 CFR part 71 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9F, Airspace Designations and Reporting Points, dated September 10, 1998, and effective September 16, 1998, is amended as follows:

Paragraph 6005 Class E airspace areas extending upward from 700 feet or more above the surface of the earth.

* * * * *

AWP CA E5 Oroville, CA [New]

Oroville Municipal Airport, CA
(Lat. 39°29′14″N, long. 121°37′19″W)

The airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the Oroville Municipal Airport,

excluding the Maryville, CA, Class E airspace area, and excluding that airspace within a 1-mile radius of the Richvale Airport.

* * * * *

Issued in Los Angeles, California, on December 4, 1998.

Harvey R. Riebel,

Acting Manager, Air Traffic Division, Western-Pacific Region.

[FR Doc. 98–33440 Filed 12–16–98; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 98N–1042]

21 CFR Parts 10, 14, and 16

Proposed Revision of Administrative Practices and Procedures; Meetings and Correspondence; Public Calendars

AGENCY: Food and Drug Administration, HHS.

ACTION: Proposed rule.

SUMMARY: The Food and Drug Administration (FDA) is proposing to amend its regulations relating to meetings and correspondence and the agency's public calendar. This proposed action would make FDA's procedures more concise and understandable to the public, minimize confusion about publicly available information concerning agency meetings and correspondence, provide for more effective disclosure of such information, and allow FDA to reallocate resources to areas of more urgent public health need. The agency is proposing these amendments in response to initiatives announced in the President's ''Regulatory Reinvention Initiative.''

DATES: Written comments by March 2, 1999.

ADDRESSES: Submit written comments to the Dockets Management Branch (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: Lisa L. Barclay, Office of Policy (HF–22), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–827–3360, e-mail: ''lbarclay@bangate.fda.gov''.

SUPPLEMENTARY INFORMATION:

I. Background

On March 4, 1995, President Clinton issued a memorandum entitled ''Regulatory Reinvention Initiative.'' This memorandum, part of the reform of the Federal regulatory system, directed heads of departments and agencies to undertake a page-by-page review of their existing regulations and to eliminate or modify those that are outdated or otherwise in need of reform. As part of their review, agencies were requested to consider whether their regulations were obsolete and whether the intended goals of their regulations could be achieved in more efficient, less intrusive ways.

In response to the President's initiative, FDA conducted a comprehensive review of its existing regulations and identified those that could be eliminated or modified to create a more streamlined, less burdensome approach to government. Since the agency's resources are limited, it is in the best interest of the public health to ensure that resources are allocated to specific programs in a manner that is proportionate to their need.

In furtherance of the Reinventing Government initiatives, FDA is proposing to modify certain regulations pertaining to the public calendar and public meetings because such regulations are no longer effective in serving their intended purposes.

FDA procedures for maintaining a prospective calendar were originally established in 1977 to ensure that all persons outside the agency were given adequate notice of upcoming agency events and an accurate picture of the parties with whom agency officials were to meet. However, as explained in more detail as follows, the agency's experience has demonstrated that the maintenance of a prospective public calendar is no longer practical, workable, or beneficial to the public. Thus, the agency is now proposing to delete the prospective public calendar requirement from its regulations.

The agency is also proposing to revise its public calendar and public meetings regulations to make them more concise and useful to the public and industry by restructuring them, removing unduly burdensome provisions, and eliminating duplicative language and obsolete references. The proposed rule would reorganize the provisions so that information on certain topics is grouped together. The agency solicits comments and suggestions for further improvement of these regulations.

II. Specific Proposed Changes

A. Public Calendars

FDA regulations in § 10.100 (21 CFR 10.100) describe the agency's procedures for maintaining public calendars. Section 10.100 establishes requirements for the public calendars, including the agency personnel who are responsible for following the procedures, the requisite time period to be included in the calendars (4 weeks prospective and 1 week retrospective), and the locations where hard copies of the calendars are to be placed on public display.

1. Prospective Public Calendar

Current § 10.100(a) describes requirements for the maintenance of the prospective public calendar. This prospective calendar is to show public meetings, conferences, hearings, advisory committee meetings, seminars, and other public proceedings of FDA, as well as other significant public events involving FDA (e.g., Congressional hearings) for the upcoming 4 weeks. A hard copy of this prospective calendar is to be maintained in several places: (1) At the Dockets Management Branch; (2) in the Office of the Associate Commissioner for Public Affairs; (3) in a central place in each Center; and (4) in a central place in each field office.

In following the requirements for the prospective calendar, the agency has experienced significant difficulty in projecting calendar entries 4 weeks in advance. As a result, the information provided on the public calendar often is incomplete or incorrect. Frequently, the inclusion and later deletion of information in the prospective calendar creates confusion for the public. Furthermore, it is difficult to amend information in the prospective calendar after it has been placed on public display.

When FDA participates in meetings that are scheduled far in advance and involve a large number of people, such as public meetings or hearings held under 21 CFR part 15, the agency generally notifies the public through mechanisms other than the prospective calendar. Such mechanisms may include targeted mailings, notices on the World Wide Web (WWW), or publication in the **Federal Register**. Therefore, the prospective public calendar does not generally provide information to the public about large meetings that is not already available through other means. Occasionally, senior FDA officials participate in smaller public meetings with specific groups of outside participants, including members of industry, patient, consumer, or trade groups. These smaller meetings are often subject to last minute change, due to the highly unpredictable nature of the calendars of senior agency officials, making their inclusion on the prospective public calendar unduly burdensome to the agency. Thus, the agency tentatively

finds that the maintenance of a prospective public calendar is no longer practical, workable, or beneficial to the public.

To address these concerns, FDA is proposing that § 10.100(a) be removed. This action would eliminate the requirement for a 4-week prospective public calendar which, in turn, would allow agency staff to provide the most complete and accurate information possible to the public. The agency anticipates that members of the public who are interested in obtaining information regarding an open public meeting will not be significantly affected by this change because such information is already made available by FDA through mailings, notices on the WWW and in the **Federal Register**.

Furthermore, as discussed as follows, the agency is proposing to maintain its requirements for a retrospective public calendar. Through the retrospective calendar, interested persons would be able to obtain information about other meetings, including private meetings attended by FDA representatives, and to make requests (under the Freedom of Information Act) for publicly available documents relating to such meetings.

Ultimately, the proposed removal of the prospective calendar requirement would result in the devotion of less time and fewer agency resources to the public calendar, and the dissemination of more complete and more accurate information to the public, without diminishing the availability of essential information about upcoming meetings.

FDA regulations pertaining to public hearings before advisory committees (part 14 (21 CFR part 14)) and regulatory hearings before the agency (part 16 (21 CFR part 16)) include provisions that such hearings are to be included in the prospective public calendar (§§ 14.20(e) and 16.60(a)(3)). Since the agency is proposing to remove the prospective public calendar requirement in § 10.100(a), FDA also proposes to remove §§ 14.20(e) and 16.60(a)(3) as conforming amendments.

2. The Retrospective Calendar

Current § 10.100(b) requires FDA to maintain a 1-week retrospective public calendar. Section 10.100(b)(1) and (b)(2) describe the types of meetings that are to be listed on the retrospective calendar, including meetings with persons outside the executive branch and other significant events involving certain FDA officials. Current regulations do not require the retrospective public calendar to include reports of meetings that would prejudice law enforcement activities (e.g., a meeting with an informant) or invade privacy (e.g., a meeting with a candidate for possible employment in FDA), meetings with members of the press, or meetings with on-site contractors.

FDA is proposing to reorganize § 10.100(b)(1) and (b)(2) to clarify their meaning and to eliminate statements, e.g., references to ''house organs,'' that are no longer relevant to the day-to-day workings of the agency. The agency intends to list the types of meetings that are to be included in the retrospective public calendar in proposed § 10.100(a), which would state that entries are limited to: (1) Significant meetings with members of the Judiciary, representatives of Congress, or staffs of the congressional committees when the meetings relate to pending court cases, administrative hearings, or other regulatory actions or decisions; (2) significant meetings, conferences, seminars, and speeches; and (3) social events sponsored by the regulated industry. FDA would consider a meeting, conference, seminar, or speech to be ''significant'' if it addresses a matter that is of interest to a large number of people, or concerns a new policy or regulatory initiative. Under the proposed regulations, only meetings with persons outside of the executive branch of government would be included on the retrospective public calendar, and if there were no entries for a particular week, a statement to that effect would be issued in lieu of a calendar.

Current § 10.100(b)(2) states that the retrospective public calendar will include the date, person(s), and subject matter involved in any meeting that is reported on the calendar. If a large number of persons is involved, the name of each need not be specified, and if more than one FDA representative is in attendance, only the most senior official will report the meeting. The agency intends to maintain these requirements in proposed § 10.100(b).

Current § 10.100(b)(3) identifies the specific senior agency officials who are subject to the public calendar requirements. The current provision lists the Commissioner of Food and Drugs; Deputy Commissioner; Associate Commissioners; Executive and Special Assistants to the Commissioner; Director, National Center for Toxicological Research; Center Directors; and Chief Counsel for the Food and Drug Administration, or any representative of that office attending on behalf of the Chief Counsel, and their deputies. The agency is proposing to amend § 10.100(b)(3) to more accurately reflect the current personnel structure of the agency and to reduce the number of senior officials covered. The agency proposes that only the Commissioner of Food and Drugs, Deputy Commissioners, Center Directors, and the Chief Counsel be required to report meetings on the retrospective calendar because it has become unduly burdensome for assistants, deputies, and representatives of the agency's senior officials to report meetings. FDA anticipates that despite this limitation, meetings that are of greatest interest to the public will be reflected on the retrospective public calendar.

Current § 10.100(b)(4) states that a hard copy of the retrospective public calendar is to be kept in specific locations, including the Dockets Management Branch, the Office of the Associate Commissioner for Public Affairs, in each Center, and in each field office. FDA finds that keeping paper copies in all of these locations is not practical, and is unnecessarily burdensome to the agency. Consequently, the agency is proposing that § 10.100(b)(4) be amended to state that a copy will be available in the Dockets Management Branch, in the Office of the Associate Commissioner for Public Affairs and, to the extent feasible, on FDA's home page (http//www.fda.gov). Posting the retrospective calendar in such locations would enable FDA to provide access to the most recent version of the calendar to persons inside and outside the agency at all times. This proposed amendment would also reduce the paper burden on the agency.

B. Public Meetings

Section 10.65 (21 CFR 10.65) describes FDA's procedures for holding meetings and exchanging correspondence between agency representatives and persons outside FDA, including other Federal Government employees. Current § 10.65(b)(1) requires that the Commissioner give public notice of the time and place of open public meetings through the prospective public calendar, and gives the Commissioner the option of publishing notice of meetings. As discussed in section II.A.1 of this document, FDA is proposing to remove the provisions regarding the prospective public calendar in current § 10.100(a). The agency would need to amend § 10.65(b)(1) to conform with the removal of this regulation. FDA proposes that amended § 10.65(b)(1) state that the agency shall inform the public of the time and place of the meeting and of the matters to be discussed. This proposed change would give the agency the flexibility to choose the most effective manner of notifying the public of each public meeting. Such

notification may be achieved through notice in the **Federal Register**, posting on the WWW, or any other effective means of communication.

Current § 10.65(b)(3), 10.65(c), 10.65(d)(3), 10.65(e)(4), and 10.65(f)(2) require that the agency prepare a written memorandum summarizing the substance of all open public meetings initiated by FDA and certain public and private meetings with persons outside the agency. The agency may prepare a transcript or recording of an open public meeting initiated by FDA under § 10.65(b)(3) if the agency believes it would be useful. The current structure of the regulations may lead to confusion and FDA does not believe that the preparation of memoranda of meetings for the public meetings described previously is an efficient use of limited agency resources. Therefore, the agency is proposing to consolidate § 10.65(b)(3), (c), (d)(3), (e)(4), and (f)(2) in proposed § 10.65(e), which would require transcripts, recordings, or memoranda of meetings only when the agency determines that it would be useful. This determination will be left to the discretion of the senior agency official attending the meeting, taking into consideration the subject matter of the meeting, the public interest in the issue, and the value of using agency resources to prepare such transcripts, recordings, or memoranda.

Under current § 10.65(d), every person outside the Federal Government may request and obtain a private meeting with an FDA representative to discuss a matter. A person who wishes to attend a private meeting with FDA but is not permitted or able to attend may, under current § 10.65(d)(4), obtain a separate meeting with FDA to discuss the matter. FDA believes that it may be beneficial to meet with every individual outside the agency who requests a meeting, yet it simply is not feasible to guarantee a meeting to every such person. Consequently, FDA is proposing to amend § 10.65(d) and (d)(4) to state that any person may ''request'' a meeting with a representative of FDA, and that the agency will make a reasonable effort to accommodate such a request. Under these proposed amendments, an interested person would not necessarily ''obtain'' a meeting. These proposed amendments to § 10.65(d) and (d)(4) would enable the agency to better focus its energy and resources on matters involving public-health priorities.

Meetings with individuals outside the Federal Government that are initiated by FDA officials are addressed in current § 10.65(f). Under this provision, an FDA-initiated meeting that involves a large number of interested persons must be held as an open public conference or meeting. FDA is proposing to amend current § 10.65(f) to state that unless otherwise required by law, meetings may be public or private at FDA's discretion. FDA anticipates that significant meetings, i.e., those addressing matters that are of interest to a large number of people or that concern new policy or regulatory initiatives, generally will be held as open public meetings. Under this proposed revision, the determining factors for a public meeting would be the issue to be discussed and available agency resources, not the number of persons in attendance.

Current § 10.65(i) requires that FDA prepare a written memorandum of any meeting with a representative of Congress relating to a pending or potential investigation, inquiry, or hearing by a congressional committee or member of Congress. FDA proposes to remove this requirement because the agency generally does not believe that FDA resources should be expended to prepare such memoranda, given that any Congressional investigation or hearing typically involves many other publicly available documents, such as hearing transcripts, Congressional letters, and hearing testimony. Due to FDA's participation in a large number of meetings of this nature, the removal of § 10.65(i) would enable the agency to save a significant amount of resources that otherwise would be devoted to preparing such memoranda. Furthermore, if the agency were to determine that such documentation would be useful, a memorandum could be prepared under proposed § 10.65(e).

Current § 10.65(k) requires a log or summary to be maintained of all meetings between FDA and interested parties to implement the Radiation Control for Health and Safety Act of 1968 (Radiation Control Act) (42 U.S.C. 263l(a)(8)). Under section 19 of the Safe Medical Devices Act of 1990, Pub. L. 101–629, 104 Stat. 4511, 4530 (1990) the provisions of the Radiation Control Act were incorporated into section 540 of the act (21 U.S.C. 360qq). The agency proposes to reissue this provision in § 10.65(h) and to amend its text to reflect the change in statutory authority.

Conforming changes to §§ 10.30, 10.33, 10.35, and 10.40 are also being proposed to reflect the proposed changes in § 10.65.

III. Environmental Impact

The agency has determined under 21 CFR 25.30(h) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

IV. Analysis of Impacts

FDA has examined the impacts of the proposed rule under Executive Order 12866 and the Regulatory Flexibility Act (5 U.S.C. 601–612), as amended by subtitle D of the Small Business Regulatory Fairness Act of 1996 (Pub. L. 104–121) and the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4). Executive Order 12866 directs agencies to assess all costs and benefits of available regulatory alternatives and, when regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety, and other advantages; distributive impacts; and equity). The agency believes that this proposed rule is consistent with the regulatory philosophy and principles identified in the Executive Order. In addition, the proposed rule is not a significant regulatory action as defined by the Executive Order and so is not subject to review under the Executive Order.

The Regulatory Flexibility Act requires agencies to analyze regulatory options that would minimize any significant impact of a rule on small entities. Accordingly, the agency certifies that the proposed rule will not have a significant economic impact on a substantial number of small entities. Therefore, under the Regulatory Flexibility Act, no further analysis is required.

V. Paperwork Reduction Act of 1995

FDA tentatively concludes that this proposed rule contains no collections of information. Therefore, clearance by the Office of Management and Budget under the Paperwork Reduction Act of 1995 is not required.

VI. Request for Comments

Interested persons may, on or before March 2, 1999, submit to the Dockets Management Branch (address above) written comments regarding this proposed rule. Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

List of Subjects

21 CFR Part 10

Administrative practice and procedure, News media.

21 CFR Part 14

Administrative practice and procedure, Advisory committees, Color additives, Drugs, Radiation protection.

21 CFR Part 16

Administrative practice and procedure.

Therefore, under the Federal Food, Drug, and Cosmetic Act, the Public Health Service Act, and under authority delegated to the Commissioner of Food and Drugs, it is proposed that 21 CFR parts 10, 14, and 16 be amended as follows:

PART 10—ADMINISTRATIVE PRACTICES AND PROCEDURES

1. The authority citation for 21 CFR part 10 continues to read as follows:

Authority: 5 U.S.C. 551–558, 701–706; 15 U.S.C. 1451–1461; 21 U.S.C. 141–149, 321–397, 467f, 679, 821, 1034; 28 U.S.C. 2112; 42 U.S.C. 201, 262, 263b, 264.

§ 10.30 [Amended]

2. Section 10.30 *Citizen petition* is amended in paragraph (i)(6) by removing ''§ 10.65(h)'' and adding in its place ''§ 10.65''.

§ 10.33 [Amended]

3. Section 10.33 *Administrative reconsideration of action* is amended in paragraph (k)(6) by removing ''§ 10.65(h)'' and adding in its place ''§ 10.65''.

§ 10.35 [Amended]

4. Section 10.35 *Administrative stay of action* is amended in paragraph (h)(6) by removing ''§ 10.65(h)'' and adding in its place ''§ 10.65''.

§ 10.40 [Amended]

5. Section 10.40 *Promulgation of regulations for the efficient enforcement of the law* is amended in paragraph (g)(7) by removing ''§ 10.65(h)'' and adding in its place ''§ 10.65''.

6. Section 10.65 is revised to read as follows:

§ 10.65 Meetings and correspondence.

(a) In addition to public hearings and proceedings established under this part and other sections of this chapter, meetings may be held and correspondence may be exchanged between representatives of FDA and an interested person outside FDA on a matter within the jurisdiction of the laws administered by the Commissioner. Action on meetings and correspondence does not constitute final administrative action subject to judicial review under § 10.45.

(b) The Commissioner may conclude that it would be in the public interest to hold an open public meeting to discuss a matter (or class of matters) pending before FDA, in which any interested person may participate.

(1) The Commissioner shall inform the public of the time and place of the meeting and of the matters to be discussed.

(2) The meeting will be informal, i.e., any interested person may attend and participate in the discussion without prior notice to the agency unless the notice of the meeting specifies otherwise.

(c) Every person outside the Federal Government may request a private meeting with a representative of FDA in agency offices to discuss a matter. FDA will make reasonable efforts to accommodate such requests.

(1) The person requesting a meeting may be accompanied by a reasonable number of employees, consultants, or other persons with whom there is a commercial arrangement within the meaning of § 20.81(a) of this chapter. Neither FDA nor any other person may require the attendance of a person who is not an employee of the executive branch of the Federal Government without the agreement of the person requesting the meeting. Any person may attend by mutual consent of the person requesting the meeting and FDA.

(2) FDA will determine which representatives of the agency will attend the meeting. The person requesting the meeting may request but not require or preclude the attendance of a specific FDA employee.

(3) A person who wishes to attend a private meeting, but who is not invited to attend either by the person requesting the meeting or by FDA or who otherwise cannot attend the meeting, may request a separate meeting with FDA to discuss the same matter or an additional matter.

(d) FDA employees have a responsibility to meet with all segments of the public to promote the objectives of the laws administered by the agency. In pursuing this responsibility, the following general policy applies where agency employees are invited by persons outside the Federal Government to attend or participate in meetings outside agency offices as representatives of the agency.

(1) A person outside the executive branch may invite an agency representative to attend or participate in a meeting outside agency offices. The agency representative is not obligated to attend or participate, but may do so where it is in the public interest and will promote the objectives of the act.

(2) The agency representative may request that the meeting be open if that would be in the public interest. The agency representative may decline to participate in a meeting held as a private meeting if that will best serve the public interest.

(3) An agency representative may not knowingly participate in a meeting which is closed on the basis of gender, race, or religion.

(e) An official transcript, recording, or memorandum summarizing the substance of any meeting described in this section will be prepared by a representative of FDA when the agency determines that such documentation will be useful.

(1) Any other person who participates in a meeting described in this section may prepare and submit to FDA for inclusion in the administrative file a written memorandum summarizing the substance of the meeting.

(2) Memoranda of meetings prepared by FDA representatives or by any other person and all correspondence that relate to a matter pending before the agency will promptly be filed in the administrative file of the proceeding.

(f) Representatives of FDA may initiate a meeting or correspondence on any matter concerning the laws administered by the Commissioner. Unless otherwise required by law, meetings may be public or private at FDA's discretion.

(g) A meeting of an advisory committee is subject to the requirements of part 14 of this chapter.

(h) Under 21 U.S.C. 360qq(a)(8), a log or summary is to be made of all meetings between representatives of FDA and industry and other interested parties to implement the Electronic Product Radiation Control provisions of the act.

7. Section 10.100 is revised to read as follows:

§ 10.100 Public calendar.

(a) *Public calendar.* A public calendar will be prepared and made publicly available by FDA each week showing, to the extent feasible, significant events of the previous week, including significant meetings with persons outside the executive branch, that involve the representatives of FDA designated under paragraph (c) of this section.

(1) Public calendar entries will include:

(i) Significant meetings with members of the judiciary, representatives of Congress, or staffs of congressional committees when the meeting relates to a pending court case, administrative

hearing, or other regulatory action or decision;

(ii) Significant meetings, conferences, seminars, and speeches; and

(iii) Social events sponsored by the regulated industry.

(2) The public calendar will not include reports of meetings that would prejudice law enforcement activities (e.g., a meeting with an informant) or invade privacy (e.g., a meeting with a candidate for possible employment at FDA), meetings with members of the press, or meetings with on-site contractors.

(b) *Calendar entries.* The calendar will specify for each entry the date, person(s), and subject matter involved. If a large number of persons are in attendance, the name of each individual need not be specified. When more than one FDA representative is in attendance, the most senior agency official will report the meeting on the public calendar.

(c) *Affected persons.* The following FDA representatives are subject to the requirements of this section:

(1) Commissioner of Food and Drugs.

(2) Deputy Commissioners.

(3) Center Directors.

(4) Chief Counsel for the Food and Drug Administration.

(d) *Public display.* The public calendar will be placed on public display at the following locations:

(1) Dockets Management Branch.

(2) Office of the Associate Commissioner for Public Affairs.

(3) The FDA home page, to the extent feasible.

PART 14—PUBLIC HEARING BEFORE A PUBLIC ADVISORY COMMITTEE

8. The authority citation for 21 CFR part 14 is revised to read as follows:

Authority: 5 U.S.C. App. 2; 15 U.S.C. 1451–1461; 21 U.S.C. 141–149, 321–394, 467f, 679, 821, 1034; 28 U.S.C. 2112; 42 U.S.C. 201, 262, 263b, 264.

§ 14.20 [Amended]

9. Section 14.20 *Notice of hearing before an advisory committee* is amended by removing paragraph (e).

PART 16—REGULATORY HEARING BEFORE THE FOOD AND DRUG ADMINISTRATION

10. The authority citation for 21 CFR part 16 continues to read as follows:

Authority: 15 U.S.C. 1451–1461; 21 U.S.C. 141–149, 321–394, 467f, 679, 821, 1034; 28 U.S.C. 2112; 42 U.S.C. 201–262, 263b, 364.

§ 16.60 [Amended]

11. Section 16.60 *Hearing procedure* is amended by removing paragraph (a)(3).

Dated: December 10, 1998.

William B. Schultz,

Deputy Commissioner for Policy.

[FR Doc. 98–33456 Filed 12–16–98; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 120

[Docket No. 97N–0511]

Hazard Analysis and Critical Control Point (HACCP); Procedures for the Safe and Sanitary Processing and Importing of Juice: Reopening of Comment Period

AGENCY: Food and Drug Administration, HHS.

ACTION: Proposed rule; reopening of comment period.

SUMMARY: The Food and Drug Administration (FDA) is reopening to January 16, 1999, the comment period for the proposal to require the application of hazard analysis and critical control point (HACCP) principles to the processing of fruit and vegetable juices and juice products (the juice HACCP proposal) that published in the **Federal Register** of April 24, 1998 (63 FR 20450). FDA is announcing the availability of the transcripts from two technical scientific workshops sponsored by FDA regarding implementation of the agency's warning statement requirement for fruit and vegetable juices and juice products. FDA is reopening the comment period for the juice HACCP proposal in order to receive comment on data and other information from the two technical scientific workshops. FDA is also reopening the comment period in order to receive comments and other information regarding the application of the 5-log pathogen reduction standard.

DATES: Written comments must be submitted by January 19, 1999.

ADDRESSES: Submit written comments and requests for single copies of the transcripts to the Dockets Management Branch (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: Shellee A. Davis, Center for Food Safety and Applied Nutrition (HFS–306), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–205–5023.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of April 24, 1998 (63 FR 20450), FDA proposed to adopt regulations to ensure the safe and sanitary processing of fruit and vegetable juices and juice products. In addition, in the **Federal Register** of July 8, 1998 (63 FR 37030), FDA published a final rule requiring that juice products not specifically processed to destroy harmful bacteria (i.e., processed to achieve a 5-log reduction in the most resistant pathogen of public health concern) bear a warning statement informing consumers of the potential risk of foodborne illness associated with the product (the warning statement rule). The compliance date for the warning statement rule was September 8, 1998, for apple juice and apple cider; the compliance date for juices other than apple juice or apple cider was November 5, 1998.

In the **Federal Register** of October 28, 1998 (63 FR 57594), FDA announced two technical scientific workshops to discuss and clarify issues related to the implementation of the warning statement rule for citrus juice products not specifically processed to destroy harmful bacteria. These workshops were held November 12, 1998, and November 19, 1998. Although the issues discussed in the workshops pertain to the implementation of the warning statement requirement, these issues also bear upon certain provisions of the HACCP proposal. FDA is announcing the availability of the transcripts from the two technical scientific workshops.

Interested persons were initially given until July 8, 1998, to comment on the HACCP proposal. On July 8, 1998 (63 FR 37057), in response to requests, the comment period was extended to August 7, 1998. FDA has decided to reopen the comment period to allow comment on data and other information that were presented at or developed as a result of these workshops to be included in the record of the HACCP rulemaking. In addition, FDA seeks comments on the application of the 5-log pathogen reduction standard. FDA requests comments on four specific topics: (1) Appropriate baselines for the calculation of the 5-log pathogen reduction; (2) feasible interventions or practices for the cultivation and harvest of fruits and vegetables, and acquisition of supplies and materials that may contribute to achieving a 5-log pathogen reduction; (3) feasible interventions for the production process that may contribute to achieving a 5-log pathogen reduction; and (4) acceptable methods for measuring and validating 5-log reductions.

To be considered, written comments must be received by January 16, 1999, by the Dockets Management Branch (address above). Two copies of any

comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: November 23, 1998.

William B. Schultz,

Deputy Commissioner for Policy.

[FR Doc. 98–33404 Filed 12–16–98; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

25 CFR Ch. I

Notice of Intent To Form a Negotiated Rulemaking Committee and Accept Applications for Membership Under Section 1115 of the Transportation Equity Act for the 21st Century (TEA–21)

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of intent to form a Negotiated Rulemakeing Committee.

SUMMARY: As required by the Negotiated Rulemaking Act of 1990, 5 U.S.C. 561 *et seq.*, the Secretary of the Interior (Secretary) is giving notice of his intent to establish an Indian Reservation Roads Negotiated Rulemaking Committee (Committee) to negotiate and develop proposed rules establishing an Indian Reservation Roads program funding formula for fiscal year 2000 and subsequent years; and proposed regulations governing the Indian Reservation Roads program authorized by 23 U.S.C. 202(b).

DATES: Applications and comments on the establishment of this Committee must be received no later than January 16, 1999.

ADDRESSES: Send applications and comments to Mr. LeRoy Gishi, Chief, Division of Transportation, Bureau of Indian Affairs, U.S. Department of the Interior, MS–4058–MIB, 1849 C Street, NW, Washington, DC 20240. Applications and comments received by the BIA will be available for inspection at the address listed above from 9 a.m. to 3 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Mr. LeRoy Gishi, Chief, Division of Transportation, Bureau of Indian Affairs, at the address listed above, or by telephone at (202) 208–4359 or fax at (202) 208–4696. Additional information may be posted on the Indian Reservation Roads web site at www.irr.bia.gov, as it becomes available.

SUPPLEMENTARY INFORMATION: As required by 23 U.S.C. 202, and amended by TEA–21, the Secretary shall, pursuant to a negotiated rulemaking process, issue regulations governing the Indian Reservation Roads program and establish a formula for allocating all contractible funds among Indian tribes for fiscal year 2000 and subsequent years. Section 202 also requires that in establishing this Committee, the Secretary of the Interior: (1) Apply the procedures of negotiated rulemaking under the Negotiated Rulemaking Act in a manner that reflects the unique government-to-government relationship between the Indian tribes and the United States; and (2) ensure that the membership of the Committee includes only representatives of the Federal government and of geographically diverse small, medium, and large Indian tribes.

In negotiating a proposed regulation establishing a funding formula, section 202 requires the Committee to base its proposal on factors that reflect: (1) The relative needs of the Indian tribes, and reservation or tribal communities, for transportation assistance; and (2) the relative administrative capacities of, and challenges faced by, various Indian tribes. The latter include the cost of road construction in each Bureau of Indian Affairs (BIA) Area; geographic isolation; and difficulty in maintaining all-weather access to employment, commerce, health, safety, and educational resources. Also, section 202 requires the Committee to develop a regulation governing the Indian reservation roads program. As required by 23 U.S.C. 202, we must issue these regulations in final form no later than April 1, 1999.

Committee members will not receive pay for their membership, but will be compensated for travel and per diem expenses while performing official committee business, consistent with the provisions of 5 U.S.C. 568(c). BIA will provide administrative support for the Committee.

In keeping with the requirements outlined above, the Secretary invites the tribes in each of the twelve BIA Areas to nominate two representatives to serve on the Committee, and two alternates to serve if the representatives are unavailable. Given the requirement that the Committee membership reflect the diversity of tribal interests, tribes are encouraged to nominate representatives and alternates that will result in a committee membership that represents the interests of:

(1) Members of geographically diverse small, medium, and large Indian tribes;

(2) Members of tribes identified as Direct Service, Self-Determination and Self-Governance tribes;

(3) Members of tribes with various levels and types of experience in the diverse concerns of transportation development and management (e.g., jurisdictional issues, complexity of transportation systems, climatic concerns, environmental issues, geographic isolation, etc.).

The BIA Area Offices will offer assistance to the tribes in coordinating the selection of nominees and preparing nominations. Representatives and alternates nominated by tribes will be considered by the Secretary.

The BIA has contracted with the Federal Mediation and Conciliation Service (FMCS) to provide convening and facilitation services for the negotiated rulemaking. The FMCS is an independent agency of the Federal government, established in 1947, whose responsibilities include providing neutral, third-party assistance in regulatory negotiations. The first meeting of the Committee is tentatively scheduled for the week of March 2–4, 1999.

Submitting Nominations

After selecting two representatives and two alternates from their respective Areas as nominees, tribes are asked to provide the following information about each nominee:

(1) The name of the nominee.

(2) The tribal interest(s) to be represented by the nominee (based on the interests listed above).

(3) Evidence that the nominee is authorized by the tribes in that BIA Area to represent the interest(s) identified above.

To be considered, nominations must be received by the close of business January 15, 1999, at the location indicated in the ''Addresses'' section. If nominations do not reflect adequately the statutory requirements for representation of geographically diverse small, medium, and large tribes, the Secretary may select additional representatives to achieve a balanced committee. Interested and qualified persons, other than nominees from the Areas, may apply for membership on the committee within the time limits and at the address indicated in the **ADDRESSES** section. The Secretary's decision regarding the addition of representatives will also be based on whether an interest will be affected significantly by the proposed rule, whether that interest is already adequately represented by tribal nominees, and whether the potential

addition would adequately represent that interest.

Dated: December 11, 1998.

Kevin Gover,

Assistant Secretary—Indian Affairs.

[FR Doc. 98–33443 Filed 12–16–98; 8:45 am]

BILLING CODE 4310–02–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[REG–106219–98]

RIN 1545–AW32

Acquisition of an S Corporation by a Member of a Consolidated Group

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of proposed rulemaking and notice of public hearing.

SUMMARY: This document contains proposed regulations under section 1502. The proposed regulations provide specific rules that apply to the acquisition of the stock of an S corporation by an affiliated group of corporations that joins in the filing of a consolidated return. These rules eliminate the compliance burdens associated with filing a separate return for the day that an S corporation is acquired by a consolidated group. Additionally, the proposed regulations clarify that § 1.1502–76(c) continues to provide rules for the filing of the separate return for a corporation's items for the period not included in the consolidated return. This document also provides notice of a public hearing on these proposed regulations.

DATES: Written comments must be received by March 10, 1999. Outlines of topics to be discussed at the public hearing scheduled for March 31, 1999, at 10 a.m. must be received by March 17, 1999.

ADDRESSES: Send submissions to: CC:DOM:CORP:R (REG–106219–98), room 5226, Internal Revenue Service, POB 7604, Ben Franklin Station, Washington, DC 20044. Submissions may be hand delivered Monday through Friday between the hours of 8 a.m. and 5 p.m. to CC:DOM:CORP:R (REG–106219–98), Courier s Desk, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC. Alternatively, taxpayers may submit comments electronically via the Internet by selecting the ''Tax Regs'' option on the IRS Home Page, or by submitting comments directly to the IRS Internet site at: http://www.irs.ustreas.gov/prod/tax__regs/comments.html. The public hearing will be held in room 2615, Internal Revenue Building, 1111 Constitution Avenue, NW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Concerning the regulations, Jeffrey L. Vogel, (202) 622–7770; concerning submissions, the hearing, and/or to be placed on the building access list to attend the hearing, LaNita Van Dyke, (202) 622–7180 (not toll-free numbers).

SUPPLEMENTARY INFORMATION:

Background

This document contains proposed amendments to the Income Tax Regulations (26 CFR part 1) under section 1502 of the Internal Revenue Code of 1986 (the consolidated return regulations). The amendments apply to acquisitions by a consolidated group of at least eighty percent of the stock of an S corporation. When a consolidated group acquires an S corporation, the interaction of the consolidated return regulations and the subchapter S rules requires the filing of a separate return for the day of the acquisition. In most situations, complying with this requirement results in an unnecessary administrative burden for taxpayers.

The proposed regulations also clarify the impact of the 1994 revisions to § 1.1502–76(b) (TD 8560, 1994–2 C.B. 200). The 1994 revisions provided taxpayers greater certainty and prevented inconsistent allocations of items between a separate and a consolidated return. The proposed regulations clarify that the due date for the filing of the separate return for the period not included in the consolidated return continues to be governed by the rules in § 1.1502–76(c).

Acquisition of an S Corporation

Section 1.1502–76(b)(1)(i) provides that a consolidated return must include the common parent's items of income, gain, deduction, loss, and credit for the consolidated return year and each subsidiary's items for the portion of the year for which the subsidiary is a member. Generally under § 1.1502–76(b)(1)(ii)(A), a subsidiary becomes a member of the consolidated group at the end of the day on which its status as a member changes, and its tax year ends at that time for all Federal income tax purposes. The subsidiary's items for the period beginning on the day after it becomes a member of the consolidated group are generally included in the consolidated return of the group. The subsidiary's items for the period prior to its becoming a member generally are included in a separate return.

A small business corporation's selection under section 1362(a) to be an S corporation terminates under section 1362(d)(2) if it ceases to be a small business corporation. A small business corporation cannot have a corporate shareholder. Thus, an S corporation election terminates when the corporation has another corporation as a shareholder. The termination is effective on the day the corporation becomes a shareholder. When the termination of an S corporation election becomes effective on any day other than the first day of the taxable year, the taxable year in which the termination occurs is an S termination year under section 1362(e)(4). The S termination year is comprised of a short taxable year for which the corporation is an S corporation (the portion of the S termination year ending on the day before the terminating event occurs, or S short year) and a short taxable year for which the corporation is a C corporation (the remainder of the S termination year, or C short year).

Under section 1362(e)(6)(D), if there is a change in ownership of 50 percent or more of the stock in a corporation during the S termination year, items of income, gain, loss, deduction, and credit must be allocated between the S short year and the C short year on the basis of the corporation's normal method of accounting, as determined under section 446 (also referred to as a closing of the corporation's books) as of the close of the S short year, rather than a daily proration or other method. The S short year and the C short year are treated as two separate taxable years for most purposes. Separate returns are required for the S short year and the C short year, and the due date for the S short year return is the date by which the C short year return must be filed.

When an S corporation becomes a member of a consolidated group, the interaction of the consolidated return regulations and the subchapter S rules results in the corporation having three taxable periods for the year of the acquisition for which Federal income tax returns are due: (1) an S short year that ends on the day before the acquisition by the consolidated group, (2) a C short year consisting solely of the day of the acquisition, and (3) a short taxable year (included in the consolidated return) for any items occurring after the day of the acquisition. Although three separate taxable periods are created when an S corporation becomes a member of a consolidated group, existing rules preclude an allocation of items properly attributable to either the C short year or the consolidated year to the S short

year, for example, through a daily proration of the items attributable to the year of the acquisition. Section 1362(e)(6)(D).

The IRS and Treasury have determined that the compliance burdens associated with filing a separate return for the day that an S corporation is acquired by a consolidated group are not necessary to achieve the separate goals of section 1362(e) and the consolidated return regulations. The proposed regulations will eliminate this requirement in most situations, while preserving the purpose and effect of the rules under section 1362(e). These proposed regulations will not apply, however, if an S corporation becomes a member of a consolidated group in a qualified stock purchase for which an election under section 338(g) is made. If the common parent of the consolidated group and the shareholders of the S corporation jointly make a section 338(h)(10) election, the administrative relief provided by these proposed regulations is unnecessary because the S corporation election of the old target corporation does not terminate. See § 1.338(h)(10)–1(e)(2)(iv).

Under the proposed regulations, an S corporation will become a member of the consolidated group at the beginning of the day that includes the acquisition, and its tax year will end for all Federal income tax purposes at the end of the day preceding the acquisition. Thus, instead of three short taxable years, the corporation will have two short taxable years as a result of the acquisition: (1) the period ending on the day before the S corporation joins the consolidated group, which will be treated as a taxable year in which the corporation was an S corporation, and (2) the period during which the corporation is a member of the consolidated group. The termination of an S corporation election under section 1362(d)(2) continues to become effective on the day of the acquisition. However, because the consolidated return regulations create a separate taxable year for the corporation, the first day of which is the day on which the S corporation election terminates, there is no S termination year within the meaning of section 1362(e)(4). Consequently, section 1362(e) technically does not apply to the corporation.

Notwithstanding that there is no there is no S termination year, the proposed regulations provide rules similar to those that would have applied under section 1362(e). Under the proposed regulations, as under section 1362(e)(1)(A), the S corporation's short taxable year ends at the end of the day preceding the date of the acquisition. The Federal income tax return for the final taxable year of the S corporation will be due at the earlier of: (1) The date the S corporation return would have been due if the taxable year of the S corporation did not end or (2) the date the consolidated group's return for the taxable year that includes the acquisition is due.

These proposed regulations also preclude the availability of ratable allocation under § 1.1502–76(b)(2)(ii) and (iii) in order to achieve the same results that would have obtained if section 1362(e)(6)(D) had applied. Accordingly, if an S corporation joins a consolidated group and these proposed regulations apply, then items must be allocated between the two short taxable years that begin and end with the corporation joining the consolidated group on the basis of a closing of the books rather than a ratable allocation of the type that would have been available under section 1362(e)(2) (in the case of the termination of an S corporation election) or § 1.1502–76(b)(2)(ii) and (iii) (in the case of a corporation becoming or ceasing to be a member of a consolidated group).

Due Date for Separate Return

Section 1.1502–76(b) provides guidance regarding the items to be included in a consolidated return. Items for the portion of a year not included in the consolidated return must be included in a separate return.

Section 1.1502–76(b)(1)(ii)(A) provides that a subsidiary becomes (or ceases to be) a member of the consolidated group at the end of the day on which its status as a member changes, and its tax year ends at that time for all Federal income tax purposes. Section 1.1502–76(b)(2)(i) generally provides that the returns that end and begin with a subsidiary becoming (or ceasing to be) a member of the consolidated group are subject to the rules of the Internal Revenue Code applicable to short periods, as if the subsidiary ceased to exist on becoming a member (or first existed on becoming a nonmember). Section 1.1502–76(c) provides rules for the filing of the separate return for the period the subsidiary was not included in the consolidated group.

The IRS and Treasury are concerned that a broad application of the provisions of § 1.1502–76(b) could be construed to require an accelerated filing of the separate return by the fifteenth day of the third month following the end of the short taxable year that resulted from the corporation joining or leaving the consolidated group. This interpretation would, in effect, override the provisions in § 1.1502–76(c) concerning the due date for the filing of a separate return.

The IRS and Treasury did not intend to modify the due date for the separate return for the period not included in the consolidated return by the changes in § 1.1502–76(b) (as amended by TD 8560). This proposed regulation clarifies that § 1.1502–76(c) continues to provide rules for the filing of the separate return.

Proposed Effective Date

The amendments relating to the acquisition of a corporation that, immediately before becoming a member, had an election under section 1362(a) in effect, are proposed to apply to transactions occurring after the date final regulations are published in the **Federal Register**. The amendments relating to the clarification of the due date for the separate return for items not included in the return of a consolidated group are proposed to apply to corporations that became or ceased to be members of consolidated groups on or after January 1, 1995, the effective date of the 1994 amendments to § 1.1502–76(b).

Special Analyses

It has been determined that this notice of proposed rulemaking is not a significant regulatory action as defined in EO 12866. Therefore, a regulatory assessment is not required. It is hereby certified that these regulations will not have a significant economic impact on a substantial number of small entities. This certification is based upon the fact that the proposed regulations will provide administrative relief to small entities by removing the administrative burden of filing a separate one-day return currently required for certain acquisitions. Therefore, a Regulatory Flexibility Analysis under the Regulatory Flexibility Act (5 U.S.C. chapter 6) is not required. Pursuant to section 7805(f) of the Internal RevenueCode, this notice of proposed rulemaking will be submitted to the Chief Counsel for Advocacy of the Small Business Administration for comment on its impact on small business.

Comments and Public Hearing

Before these proposed regulations are adopted as final regulations, consideration will be given to any comments that are submitted timely (a signed original and eight (8) copies) to the IRS. All comments will be made available for public inspection and copying.

A public hearing has been scheduled for March 31, 1999, at 10 a.m. in room 2615, Internal Revenue Building,

1111 Constitution Avenue, NW., Washington, DC. Due to building security procedures, visitors must enter at the 10th Street entrance, located between Constitution and Pennsylvania Avenues, NW. In addition, all visitors must present photo identification to enter the building. Because of access restrictions, visitors will not be admitted beyond the immediate entrance area more than 15 minutes before the hearing starts. For information about having your name placed on the building access list to attend the hearing, see the **FOR FURTHER INFORMATION CONTACT** section of this preamble.

The rules of 26 CFR 601.601(a)(3) apply to the hearing.

Persons that wish to present oral comments at the hearing must submit written comments (a signed original and eight (8) copies) by March 10, 1999. The outline of topics to be discussed and the time to be devoted to each topic must be received by March 17, 1999.

A period of 10 minutes will be allotted to each person for making comments.

An agenda showing the scheduling of the speakers will be prepared after the deadline for receiving outlines has passed. Copies of the agenda will be available free of charge at the hearing.

Drafting information. The principal author of these regulations is Jeffrey L. Vogel of the Office of the Assistant Chief Counsel (Corporate), IRS. However, other personnel from the IRS and Treasury Department participated in their development.

List of Subjects in 26 CFR Part 1

Income taxes, Reporting and recordkeeping requirements.

Proposed Amendments to the Regulations

Accordingly, 26 CFR part 1 is proposed to be amended as follows:

PART 1—INCOME TAXES

Paragraph 1. The authority citation for part 1 continues to read in part as follows:

Authority: 26 U.S.C. 7805 * * *

Section 1.1502–76 also issued under 26 U.S.C. 1502. * * *

Par. 2. Section 1.1362–3 is amended by adding a sentence to the end of paragraph (a) to read as follows:

§ 1.1362–3 Treatment of S termination year.

(a) *In general.* * * * See, however, § 1.1502–76(b)(1)(ii)(A)(*2*) for special rules for an S election that terminates under section 1362(d) immediately before the S corporation becomes a member of a consolidated group (within the meaning of § 1.1502–1(h)).

* * * * *

Par. 3. Section 1.1502–76 is amended as follows:

1. The text of paragraph (b)(1)(ii)(A) is redesignated as paragraph (b)(1)(ii)(A)(*1*).

2. A paragraph heading for newly designated paragraph(b)(1)(ii)(A)(*1*) is added.

3. The first sentence of newly designated paragraph(b)(1)(ii)(A)(*1*) is revised.

4. Paragraph (b)(1)(ii)(A)(*2*) is added.

5. Paragraph (b)(2)(v) is redesignated as paragraph(b)(2)(vi).

6. New paragraph (b)(2)(v) is added.

7. Paragraph (b)(5) is redesignated as paragraph (b)(6).

8. Paragraph (b)(4) is redesignated as paragraph (b)(5).

9. New paragraph (b)(4) is added.

10. Newly designated paragraph (b)(5) is amended as follows:

a. The first sentence of paragraph (b)(5), *Example 6*(b) is revised.

b. The second sentence of paragraph (b)(5), *Example 6*(c) is revised.

c. Example 7 is added to paragraph (b)(5).

11. Newly designated paragraph (b)(6)(i) is revised.

The revisions and additions read as follows:

§ 1.1502–76 Taxable year of members of group.

* * * * *

(b) * * * (1) * * *

(ii) * * * (A) * * * (*1*) *In general.* If a corporation (S), other than one described in paragraph (b)(1)(ii)(A)(*2*), becomes or ceases to be a member during a consolidated return year, it becomes or ceases to be a member at the end of the day on which its status as a member changes, and its tax year ends for all Federal income tax purposes at the end of that day. * * *

(*2*) *Special rule for former S corporations.* If S becomes a member in a transaction other than in a qualified stock purchase for which an election under section 338(g) is made, and immediately before becoming a member an election under section 1362(a) was in effect, then S will become a member at the beginning of the day the termination of its S corporation election is effective. S's tax year ends for all Federal income tax purposes at the end of the preceding day. This paragraph (b)(1)(ii)(A)(*2*) applies to transactions occurring after the date that final regulations are published in the **Federal Register**.

* * * * *

(2) * * *

(v) *Acquisition of S corporation.* If a corporation is acquired in a transaction to which paragraph (b)(1)(ii)(A)(*2*) of this section applies, then paragraphs (b)(2)(ii) and (iii) of this section do not apply and items of income, gain, loss, deduction, and credit are assigned to each short taxable year on the basis of the corporation's normal method of accounting as determined under section 446. This paragraph (b)(2)(v) applies to transactions occurring after the date that final regulations are published in the **Federal Register**.

* * * * *

(4) *Determination of due date for separate return.* Paragraph (c) of this section contains rules for the filing of the separate return referred to in this paragraph (b). In applying paragraph (c) of this section, the due date for the filing of S's separate return shall also be determined without regard to the ending of the tax year under paragraph (b)(1)(ii) of this section or the deemed cessation of its existence under paragraph (b)(2)(i) of this section.

* * * * *

(5) * * *

Example 6. Allocation of partnership items. * * *

(b) *Analysis.* Under paragraph (b)(2)(vi)(A) of this section, T is treated, solely for purposes of determining T's tax year in which the partnership's items are included, as selling or exchanging its entire interest in the partnership as of P's sale of T stock. * * *

(c) *Controlled partnership.* * * * Under paragraph(b)(2)(vi)(B) of this section, T's distributive share of the partnership items is treated as T's items for purposes of paragraph (b)(2) of this section. * * *

Example 7. Acquisition of S corporation. (a) *Facts.* Z is a small business corporation for which an election under section 1362(a) was in effect at all times since Year 1. At all times, Z had only 100 shares of stock outstanding, all of which were owned by individual A. On July 1 of Year 3, P acquired all of the Z stock. P does not make an election under section 338(g) with respect to its purchase of the Z stock.

(b) *Analysis.* As a result of P's acquisition of the Z stock, Z's election under section 1362(a) terminates. See sections 1361(b)(1)(B) and 1362(d)(2). Z is required to join in the filing of the P consolidated return. See § 1.1502–75. Z's tax year ends for all Federal income tax purposes on June 30 of Year 3. If no extension of time is sought, Z must file a separate return for the period from January 1 through June 30 of Year 3 on or before March 15 of Year 4. See paragraph (b)(4) of this section. Z will become a member of the P consolidated group as of July 1 of Year 3. See paragraph (b)(1)(ii)(A)(*2*) of this section. P group's Year 3 consolidated return will include Z's items from July 1 to December 31 of Year 3.

(6) *Effective date*—(i) *General rule.* Except as provided in paragraphs

(b)(1)(ii)(A)(*2*) and (b)(2)(v) of this section, this paragraph (b) applies to corporations becoming or ceasing to be members of consolidated groups on or after January 1, 1995.

* * * * *

Robert E. Wenzel,

Deputy Commissioner of Internal Revenue.

[FR Doc. 98–32932 Filed 12–16–98; 8:45 am]

BILLING CODE 4830–01–U

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[REG–245562–96]

RIN 1545–AU46

Relief From Disqualification for Plans Accepting Rollovers

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Proposed regulations; amendment.

SUMMARY: This document contains an amendment to the proposed regulations that implements section 1509 of the Taxpayer Relief Act of 1997 (TRA '97). The proposed regulations provide guidance on the qualification of retirement plans which accept rollover contributions from employees. This amendment to the proposed regulations clarifies that it is not necessary for the distributing plan to have a favorable IRS determination letter in order for the receiving plan administrator to reach a reasonable conclusion that a contribution is a valid rollover contribution. This amendment applies to any qualified retirement plan receiving or distributing eligible rollover distributions.

DATES: Written comments must be received by March 17, 1999.

ADDRESSES: Send submissions to CC:DOM:CORP:R (REG–245562–96), room 5226, Internal Revenue Service, POB 7604, Ben Franklin Station, Washington, DC 20044. In the alternative, submissions may be hand delivered Monday through Friday between the hours of 8 a.m. and 5 p.m. to CC:DOM:CORP:R (REG–245562–96), Courier's Desk, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC. Alternatively, taxpayers may submit comments electronically via the Internet by selecting the ''Tax Regs'' option on the IRS Home Page, or by submitting comments directly to the IRS Internet site at http://www.irs.ustreas.gov/prod/tax__regs/comments.html.

FOR FURTHER INFORMATION CONTACT: Marjorie Hoffman, (202) 622–6030 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

On September 22, 1995, Final Income Tax Regulations (TD 8619) under sections 401(a)(31) and 402(c) were published in the **Federal Register** (60 FR 49199). The final regulations provide guidance for complying with the Unemployment Compensation Amendments of 1992 (UCA). A proposed amendment to the regulations under section 401(a)(31) was published in the **Federal Register** on September 19, 1996 (REG–245562–96) (61 FR 49279).

UCA expanded the types of distributions from a qualified plan that are eligible to be rolled over to an individual retirement account or individual retirement annuity, or to another qualified plan that accepts rollovers (collectively referred to as eligible retirement plans). Such distributions are referred to as eligible rollover distributions. UCA also added a new qualification provision under section 401(a)(31) that requires qualified plans to provide employees with a direct rollover option. Under a direct rollover option, an employee may elect to have an eligible rollover distribution paid directly to an eligible retirement plan. The direct rollover option is provided in addition to the pre-existing rollover provisions under section 402. Thus, an employee who receives an eligible rollover distribution but who does not elect a direct rollover still has the option to roll over the distribution to an eligible retirement plan within 60 days of receipt.

The final regulations under section 401(a)(31) provide that a plan that accepts a direct rollover from another plan will not fail to satisfy section 401(a) or 403(a) merely because the plan making the distribution is, in fact, not qualified under section 401(a) or 403(a) at the time of the distribution if, prior to accepting the rollover, the receiving plan reasonably concluded that the distributing plan was qualified under section 401(a) or 403(a). The regulations provide, by way of example, that the receiving plan may reasonably conclude that the distributing plan was qualified under section 401(a) or 403(a) where, before the receiving plan accepted the rollover, the plan administrator of the distributing plan provided the receiving plan with a statement that the distributing plan had received an IRS determination letter indicating that the plan was qualified.

The relief provided in the 1996 proposed regulations under section 401(a)(31) would expand and clarify the guidance previously issued in the Final Income Tax Regulations under sections 401(a)(31) and 402(c). First, the proposed regulations would clarify and expand the relief from disqualification currently provided for plans that accept direct rollovers. The protection would be expanded to be available not only if the plan administrator reasonably concludes the distributing plan is qualified under section 401(a) or 403(a) (even if later it is determined that the distributing plan is not a qualified plan), but also if the plan administrator reasonably concludes that a distribution meets the other requirements to be an eligible rollover distribution (but later it is determined that this conclusion was incorrect). Second, the regulations would extend this expanded relief from disqualification to plans that accept rollover contributions other than direct rollover contributions.

The 1996 proposed regulations do not mandate any particular documentation or procedures that a plan administrator must use in order to reach a reasonable conclusion that a rollover is valid. The 1996 proposed regulations contain a series of examples to illustrate the types of documentation and procedures that would be sufficient to support this conclusion. In each example, the employee making the rollover contribution provides the plan administrator with a letter from the plan administrator of the distributing plan stating that the distributing plan has received an IRS determination letter indicating that the distributing plan is qualified under section 401(a). In response to concerns that the examples might be read to imply that only a distribution from a plan with a favorable IRS determination letter could support a reasonable conclusion that a rollover was valid, section 1509 of TRA '97 directs the IRS to issue guidance clarifying that it is not necessary for the distributing plan to have a favorable IRS determination letter in order for the plan administrator of the receiving plan to reasonably conclude that a contribution is a valid rollover contribution.

Explanation of Provisions

This amendment to the 1996 proposed regulations is being issued in response to the congressional directive in section 1509 of TRA '97 to clarify that it is not necessary for a distributing plan to have a favorable IRS determination letter in order for the receiving plan administrator to reasonably conclude that a contribution is a valid rollover

contribution. Accordingly, the proposed regulations have been amended to provide explicitly that it is not necessary for the distributing plan to have a favorable IRS determination letter in order for the plan administrator of the receiving plan to reach a reasonable conclusion that a contribution is a valid rollover contribution. In addition, an example has been added in which an employee does not provide a statement from the plan administrator of the distributing plan that the distributing plan has received a favorable IRS determination letter, but provides a statement from the distributing plan administrator relating to the qualification of the distributing plan. Of course, this example and the other examples in the 1996 proposed regulations are not intended to describe the only types of information that a plan administrator can find to be sufficient and, thus, the examples are not intended to preclude reliance on other types of information, such as opinions or statements regarding the plan's qualification provided by appropriate professionals expert in plan qualification requirements.

Special Analyses

It has been determined that this notice of proposed rulemaking is not a significant regulatory action as defined in EO 12866. Therefore, a regulatory assessment is not required. It also has been determined that section 553(b) of the Administrative Procedure Act (5 U.S.C. chapter 5) does not apply to these regulations, and because the regulation does not impose a collection of information on small entities, the Regulatory Flexibility Act (5 U.S.C. chapter 6) does not apply. Pursuant to section 7805(f) of the Internal Revenue Code, this notice of proposed rulemaking will be submitted to the Chief Counsel for Advocacy of the Small Business Administration for comment on its impact on small business.

Comments and Requests for a Public Hearing

Before these proposed regulations are adopted as final regulations, consideration will be given to any written comments (a signed original and eight (8) copies) or comments transmitted via Internet that are submitted timely to the IRS. All comments will be available for public inspection and copying.

A public hearing may be scheduled if requested in writing by a person that timely submits written comments. If a public hearing is scheduled, notice of the date, time, and place for the hearing will be published in the **Federal Register**.

Drafting information. The principal author of these regulations is Pamela R. Kinard, Office of the Associate Chief Counsel (Employee Benefits and Exempt Organizations), IRS. However, other personnel from the IRS and Treasury Department participated in their development.

List of Subjects in 26 CFR Part 1

Income taxes, Reporting and recordkeeping requirements.

Proposed Amendments to the Regulations

Accordingly, 26 CFR part 1 is amended as follows:

PART 1—INCOME TAXES

Paragraph 1. The authority citation for part 1 continues to read in part as follows:

Authority: 26 U.S.C. 7805 * * *

Par. 2. Section 1.401(a)(31)–1 as proposed on September 19, 1996, at 61 FR 49279, is amended as follows:

1. Under Q&A–14, paragraph (a) is amended by adding a sentence immediately after the second sentence.

2. Under Q&A–14, paragraph (c) is amended by redesignating *Example 2* and *Example 3* as *Example 3* and *Example 4* respectively, and adding a new *Example 2*.

The additions read as follows:

§ 1.401(a)(31)–1 Requirement to offer direct rollover of eligible rollover distributions; questions and answers.

* * * * *

A–14: (a) *Acceptance of Invalid Rollover Contribution.* * * * While evidence that the distributing plan is the subject of a determination letter from the Commissioner indicating that the distributing plan is qualified would be useful to the receiving plan administrator in reasonably concluding that the contribution is a valid rollover contribution, it is not necessary for the distributing plan to have such a determination letter in order for the receiving plan administrator to reach that conclusion. * * *

* * * * *

(c) *Examples.* * * *

Example 2. (a) The facts are the same as *Example 1*, except that, instead of the letter provided in paragraph (c) of *Example 1*, Employee A provides the plan administrator of Plan M with a letter from the plan administrator of Plan O representing that Plan O satisfies the requirements of section 401(a) (or representing that Plan O is intended to satisfy the requirements of section 401(a) and that the administrator of Plan O is not aware of any Plan O provision or operation that would result in the disqualification of Plan O).

(b) Based upon such a letter, absent facts to the contrary, a plan administrator may reasonably conclude that Plan O is qualified and that the amount paid as a direct rollover is an eligible rollover distribution.

* * * * *

John M. Dalrymple,

Acting Deputy Commissioner of Internal Revenue.

[FR Doc. 98–32931 Filed 12–16–98; 8:45 am]

BILLING CODE 4830–01–U

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 49

[REG–118620–97]

RIN 1545–AV63

Communications Excise Tax; Prepaid Telephone Cards

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of proposed rulemaking and notice of public hearing.

SUMMARY: This document contains proposed rules for the application of the communications excise tax to prepaid telephone cards (PTCs). The regulations implement certain changes made by the Taxpayer Relief Act of 1997. They affect certain telecommunications carriers, resellers, and purchasers of PTCs. This document also provides notice of a public hearing on these proposed regulations.

DATES: Written comments must be received by March 17, 1999. Outlines of topics to be discussed at the public hearing scheduled for May 5, 1999, must be received by April 14, 1999.

ADDRESSES: Send submissions to: CC:DOM:CORP:R (REG–118620–97), room 5226, Internal Revenue Service, POB 7604, Ben Franklin Station, Washington, DC 20044. Submissions may be hand delivered Monday through Friday between the hours of 8 a.m. and 5 p.m. to: CC:DOM:CORP:R (REG–118620–97), Courier's Desk, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC. Alternatively, taxpayers may submit comments electronically via the Internet by selecting the ''Tax Regs'' option on the IRS Home Page, or by submitting comments directly to the IRS Internet site at http://www.irs.ustreas.gov/prod/tax__regs/comments.html. The public hearing will be held in room 2615, Internal Revenue Building, 1111

Constitution Avenue NW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Concerning the hearing, submission of written comments, and to be placed on the building access list to attend the hearing, LaNita VanDyke, (202) 622–7180; concerning the regulations, Bernard H. Weberman (202) 622–3130 (not toll-free numbers).

SUPPLEMENTARY INFORMATION:

Paperwork Reduction Act

The collection of information contained in this notice of proposed rulemaking has been submitted to the Office of Management and Budget for review in accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3507(d)). Comments on the collection of information should be sent to the Office of Management and Budget, Attn: Desk Officer for the Department of the Treasury, Office of Information and Regulatory Affairs, Washington, DC 20503, with copies to the Internal Revenue Service, Attn: IRS Reports Clearance Officer, OP:FS:FP, Washington, DC 20224. Comments on the collection of information should be received by February 16, 1999. Comments are specifically requested concerning:

Whether the proposed collection of information is necessary for the proper performance of the functions of the Internal Revenue Service, including whether the information will have practical utility;

The accuracy of the estimated burden associated with the proposed collection of information (see below);

How the quality, utility, and clarity of the information to be collected may be enhanced;

How the burden of complying with the proposed collection of information may be minimized, including through the application of automated collection techniques or other forms of information technology; and

Estimates of capital or start-up costs and costs of operation, maintenance, and purchase of service to provide information.

The collection of information in this proposed regulation is in § 49.4251–4(d)(2). This information is required to document the status of certain purchasers of PTCs. The collection of information is required to obtain a benefit. The likely respondents and recordkeepers are businesses and small businesses.

Estimated total annual reporting burden: 24 hours.

Estimated average burden per respondent: .25 hour.

Estimated number of respondents: 96.

Estimated annual frequency of responses: On occasion.

Estimated total annual recordkeeping burden: 10 hours.

Estimated average annual burden per recordkeeper: 1.2 hours.

Estimated number of recordkeepers: 8.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid control number assigned by the Office of Management and Budget.

Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Background

Section 4251 imposes a 3 percent excise tax on amounts paid for three communications services: local telephone service, toll telephone service, and teletypewriter exchange service. The tax is paid by the person paying for those communications services and, under section 4291, is collected by the person receiving that payment.

Section 1034 of the Taxpayer Relief Act of 1997 added section 4251(d), effective November 1, 1997, which provides special rules for the treatment of PTCs. Under section 4251(d), a PTC is any card or similar arrangement that permits its holder to obtain communications services and to pay for such services in advance. The face amount of the PTC is treated as an amount paid for communications services and that amount is treated as paid when the PTC is transferred by any telecommunications carrier to any person that is not a carrier.

Explanation of Provisions

These proposed regulations provide rules relating to the imposition of tax, the determination of the face amount upon which tax is imposed, and the identification of the person liable for tax and the person responsible for collecting tax. The purpose of the rules for determining the face amount is to implement Congressional intent that the tax be imposed on a PTC's retail value, whether a carrier sells a PTC at retail or at wholesale to a transferee reseller. In certain limited circumstances, these rules permit the use of a safe harbor under which the face amount is equal to $0.30 per minute of service provided. Because the IRS and Treasury expect the retail value of PTCs to change over time and intend to review the per-minute rate at regular intervals, this safe harbor expires on December 31, 2001.

For purposes of determining whether a transferor is a carrier and whether a transferee is a person that is not a carrier, the proposed regulations adopt the definition of telecommunications carrier used by the Federal Communications Commission. In general, this definition treats any provider of telecommunications service as a telecommunications carrier. In addition, the proposed regulations provide that a transferor carrier is not responsible for collecting the tax if it has been notified, in writing, by the purchaser of the purchaser's status as a carrier and has no reason to believe otherwise. Providing that notification does not relieve the purchaser from liability for tax if the purchaser is not, in fact, a carrier. Furthermore, the rules in the Excise Tax Procedural Regulations (26 CFR part 40) relating to collectors of tax under chapter 33 of the Internal Revenue Code do not apply to noncarrier purchasers.

During the development of the proposed regulations, the IRS and Treasury received inquiries concerning the treatment of multi-use cards and enhanced services cards. Multi-use cards are PTCs that can also be used to purchase items other than communications services, such as gas, groceries, etc. Enhanced services cards are PTCs that can also be used to purchase nontaxable informational services such as stock quotations or access to a 900 number. The proposed regulations do not include special rules for multi-use or enhanced services cards. However, the IRS and Treasury request comments on this issue.

The regulations are proposed to be effective at the beginning of the first calendar quarter after they are published as final regulations. Carriers and transferees may, however, rely on the proposed rules in determining the treatment of PTCs transferred before the effective date.

Special Analyses

It has been determined that this notice of proposed rulemaking is not a significant regulatory action as defined in EO 12866. Therefore, a regulatory assessment is not required. It also has been determined that section 553(b) of the Administrative Procedure Act (5 U.S.C. chapter 5) does not apply to these regulations. It is hereby certified that the collection of information in these regulations will not have a significant economic impact on a substantial number of small entities. This

certification is based on the fact that the time required to prepare or retain the notification is minimal and will not have a significant impact on those small entities that are required to provide notification. Furthermore, notification is provided only once to each seller. Accordingly, a Regulatory Flexibility Analysis under the Regulatory Flexibility Act (5 U.S.C. chapter 6) is not required. Pursuant to section 7805(f) of the Internal Revenue Code, this notice of proposed rulemaking will be submitted to the Chief Counsel for Advocacy of the Small Business Administration for comment on its impact on small business.

Comments and Public Hearing

Before these proposed regulations are adopted as final regulations, consideration will be given to any written comments (a signed original and eight (8) copies) that are submitted timely to the IRS. All comments will be available for public inspection and copying.

A public hearing has been scheduled for Wednesday, May 5, 1999, at 10 a.m. in room 2615, Internal Revenue Building, 1111 Constitution Avenue NW., Washington, DC. Due to building security procedures, visitors must enter at the 10th Street entrance, located between Constitution and Pennsylvania Avenues, NW. In addition, all visitors must present photo identification to enter the building. Because of access restrictions, visitors will not be admitted beyond the immediate entrance area more than 15 minutes before the hearing starts. For information about having a visitor's name placed on the building access list to attend the hearing, see the **FOR FURTHER INFORMATION CONTACT** caption.

An outline of the topics to be discussed and the time to be devoted to each topic (a signed original and eight (8) copies) must be submitted by any person that wishes to present oral comments at the hearing. Outlines must be received by April 14, 1999.

The rules of 26 CFR 601.601(a)(3) apply to the hearing. A period of 10 minutes will be allotted to each person for making comments.

An agenda showing the scheduling of the speakers will be prepared after the deadline for receiving requests to speak has passed. Copies of the agenda will be available free of charge at the hearing.

Drafting Information. The principal author of these regulations is Bernard H. Weberman, Office of Assistant Chief Counsel (Passthroughs and Special Industries). However, other personnel from the IRS and Treasury Department participated in their development.

List of Subjects in 26 CFR Part 49

Excise taxes, Reporting and recordkeeping requirements, Telephone, Transportation.

Proposed Amendments to the Regulations

Accordingly, 26 CFR part 49 is proposed to be amended as follows:

PART 49—FACILITIES AND SERVICES EXCISE TAXES

Paragraph 1. The authority citation for part 49 is revised to read as follows:

Authority: 26 U.S.C. 7805, unless otherwise noted.

Section 49.4251–4 also issued under 26 U.S.C. 4251(d).

Par. 2. Section 49.4251–4 is added to read as follows:

§ 49.4251–4 Prepaid telephone cards.

(a) *In general.* In the case of communications services acquired by means of a prepaid telephone card (PTC), the face amount of the PTC is treated as an amount paid for communications services and that amount is treated as paid when the PTC is transferred by any carrier to any person that is not a carrier. This section provides rules for the application of the section 4251 tax to PTCs.

(b) *Definitions.*

Carrier means a telecommunications carrier as defined in 47 U.S.C. 153.

Comparable PTC means a currently available dollar card or tariffed unit card (other than a PTC transferred in bulk or under special circumstances, such as for promotional purposes) that provides the same type and amount of communications services as the PTC to which it is being compared.

Dollar card means a PTC the value of which is designated by the carrier in dollars (even if also designated in units of service), provided that the designated value is not less than the amount for which the PTC is expected to be sold to a holder.

Holder means a person that purchases other than for resale.

Prepaid telephone card (PTC) means a card or similar arrangement that permits its holder to obtain a fixed amount of communications services by means of a code (such as a personal identification number (PIN)) or other access device provided by the carrier and to pay for those services in advance.

Tariff means a schedule of rates and regulations filed by a carrier with the Federal Communications Commission.

Tariffed unit card means a unit card that is transferred by a carrier—

(1) To a holder at a price that does not exceed the designated number of units on the PTC multiplied by the carrier's tariffed price per unit; or

(2) To a transferee reseller subject to a contractual or other arrangement under which the price at which the PTC is sold to a holder will not exceed the designated number of units on the PTC multiplied by the carrier's tariffed price per unit.

Transferee means the first person that is not a carrier to whom a PTC is transferred by a carrier.

Transferee reseller means a transferee that purchases a PTC for resale.

Unit card means a PTC other than a dollar card.

Untariffed unit card means a unit card other than a tariffed unit card.

(c) *Determination of face amount*—(1) *Dollar card.* The face amount of a dollar card is the designated dollar value.

(2) *Tariffed unit card.* The face amount of a tariffed unit card is the designated number of units on the PTC multiplied by the tariffed price per unit.

(3) *Untariffed unit card*—(i) *Transfer to holder.* The face amount of an untariffed unit card transferred by a carrier to a holder is the amount for which the carrier sells the PTC to the holder.

(ii) *Transfer to transferee reseller*—(A) *In general.* The face amount of an untariffed unit card transferred by a carrier to a transferee reseller is, at the option of the carrier—

(*1*) The highest amount for which the carrier sells an identical PTC to a holder that ordinarily would not be expected to buy more than one such PTC at a time (if the carrier makes such sales on a regular and arm's-length basis) or the face amount of a comparable PTC (if the carrier does not make such sales on a regular and arm's-length basis);

(*2*) 165 percent of the amount for which the carrier sells the PTC to the transferee reseller (including in that amount, in addition to any sum certain fixed at the time of the sale, any contingent amount per unit multiplied by the designated number of units on the PTC); or

(*3*) If the PTC is transferred before January 1, 2002, and is of a type that ordinarily is used entirely for domestic communications service, $0.30 multiplied by the maximum number of minutes of domestic communications service on the PTC.

(B) *Sales not at arm's length.* In the case of a transfer of an untariffed unit card by a carrier to a transferee reseller otherwise than through an arm's-length transaction, the fair market retail value of the PTC shall be substituted for the amount determined in paragraph (c)(3)(ii)(A)(*2*) of this section.

(4) *Exclusion.* Any separately stated state or local tax imposed on the furnishing or sale of communications services and any separately stated section 4251 tax are disregarded in determining, for purposes of this paragraph (c), the amount for which a PTC is sold.

(d) *Liability for tax*—(1) *In general.* Under section 4251(d), the section 4251(a) tax is imposed on the transfer of a PTC by a carrier to a transferee. The person liable for the tax is the transferee. Except as provided in paragraph (d)(2) of this section, the person responsible for collecting the tax is the carrier transferring the PTC to the transferee. If a holder purchases a PTC from a transferee reseller, the amount the holder pays for the PTC is not treated as an amount paid for communications services and thus tax is not imposed on that payment.

(2) *Effect of statement that purchaser is a carrier*—(i) *On transferor.* A carrier that transfers a PTC to a purchaser is not responsible for collecting the tax if, at the time of transfer, the transferor carrier has received written notification from the purchaser that the purchaser is a carrier, and the transferor has no reason to believe otherwise. The notification to be provided by the purchaser is a statement, signed under penalties of perjury by a person with authority to bind the purchaser, that the purchaser is a carrier (as defined in paragraph (b) of this section). The statement is not required to take any particular form.

(ii) *On purchaser.* If a purchaser that is not a carrier provides the notification described in paragraph (d)(2)(i) of this section to the carrier that transfers a PTC, the purchaser remains liable for the tax imposed on the transfer of the PTC.

(3) *Exemptions.* Any exemptions available under section 4253 apply to the transfer of a PTC from a carrier to a holder. Section 4253 does not apply to the transfer of a PTC from a carrier to a transferee reseller.

(e) *Examples.* The following examples illustrate the provisions of this section:

Example 1. Unit card; sold to individual. (i) On February 1, 2000, A, a carrier, sells a *prepaid telephone card* at A's retail store to P, an individual, for P's use in making telephone calls. A provides P with a PIN. The face of the card is marked ''400 minutes.'' The sales price is $100. A tariff has not been filed for the units on the card. The toll telephone service acquired by purchasing the card will be obtained by entering the PIN and the telephone number to be called.

(ii) Because P purchased from a carrier other than for resale, P is a holder. The card provides its holder, P, with a fixed amount of communications services (400 minutes of toll telephone service) to be obtained by means of a PIN, for which P pays in advance of obtaining service; therefore, the card is a PTC. Because the value of the PTC is not designated in dollars and a tariff has not been filed for the units on the PTC, the PTC is an untariffed unit card. Because it is transferred by the carrier to the holder, the face amount is the sales price ($100).

(iii) The card is a PTC; thus, under section 4251(d), the face amount is treated as an amount paid for communications services and that amount is treated as paid when the PTC is transferred from A to P. Accordingly, at the time of transfer, P is liable for the 3 percent tax imposed by section 4251(a). The tax is $3 (3%×$100 (the face amount of the PTC)). Thus, the total paid by P is $103, the $100 sales price plus $3 tax. A is responsible for collecting the tax from P.

Example 2. Unit card; given to individual. (i) The facts are the same as in *Example 1,* except that instead of selling a card, A gives a 40 minute card to P.

(ii) Although the card provides P with a fixed amount of communications services (40 minutes of toll telephone service) to be obtained by means of a PIN, P does not pay for the service. Therefore, the card is not a PTC, even though it is called a ''prepaid telephone card'' by A.

(iii) Because the card is not a PTC, section 4251(d) does not apply. Furthermore, no tax is imposed by section 4251(a) because no amount is paid for the communications services.

Example 3. Unit card; adding value. (i) After using the card described in *Example 2,* P arranges with A by telephone to have 400 minutes of toll telephone service added to the card. The sales price is $100. P is told to continue using the PIN provided with the card.

(ii) Because P purchased from a carrier other than for resale, P is a holder. The arrangement provides its holder, P, with a fixed amount of communications services (400 minutes of toll telephone service) to be obtained by means of a PIN, for which P pays in advance of obtaining service; therefore, the arrangement is a PTC. Because the value of the PTC is not designated in dollars and a tariff has not been filed for the units on the PTC, the PTC is an untariffed unit card. Because it is transferred by the carrier to the holder, the face amount is the sales price ($100).

(iii) The arrangement is a PTC; thus, under section 4251(d), the face amount is treated as an amount paid for communications services and that amount is treated as paid when the PTC is transferred from A to P. Accordingly, at the time of transfer, P is liable for the 3 percent tax imposed by section 4251(a). The tax is $3 (3% × $100 (the face amount of the PTC)). Thus, the total paid by P is $103, the $100 sales price plus $3 tax. A is responsible for collecting the tax from P.

Example 4. Dollar card; sold other than for resale. (i) On February 1, 2000, B, a carrier, sells 100,000 *prepaid telephone cards* to Q, an auto dealer. Q will give away a card to each person that visits Q's dealership. B provides Q with a PIN for each card. The face of each card is marked ''$2.'' The sales price for the 100,000 cards is $50,000. The toll telephone service acquired by purchasing the card will be obtained by entering the PIN and the telephone number to be called.

(ii) Because Q purchased from a carrier other than for resale, Q is a holder. Each card provides its holder, Q, with a fixed amount of communications services ($2 of toll telephone service) to be obtained by means of a PIN, for which Q pays in advance of obtaining service; therefore, each card is a PTC even though Q's visitors do not pay for the cards. The value of each PTC is designated in dollars; therefore, each PTC is a dollar card. Because the PTC is a dollar card, the face amount is the designated dollar value ($2).

(iii) The cards are PTCs; thus, under section 4251(d), the face amount is treated as an amount paid for communications services and that amount is treated as paid when the PTCs are transferred from B to Q. Accordingly, at the time of transfer, Q is liable for the 3 percent tax imposed by section 4251(a). The amount of the tax is computed as follows: 3% × $2 (the face amount of the PTC) = $0.06 per PTC × 100,000 PTCs = $6,000 tax. Thus, the total paid by Q is $56,000, the $50,000 sales price plus $6,000 tax. B is responsible for collecting the tax from Q.

Example 5. Unit card; sold to transferee reseller. (i) On February 1, 2000, C, a carrier, sells 10,000 *prepaid telephone cards* to R, a convenience store owner. R will sell the cards to individuals for their own use. C provides R with a PIN for each card. The face of each card is marked ''400 minutes.'' A tariff has not been filed for the units on the card. C's sales price to R is $40,000 to be paid at the time of sale, plus a contingent amount equal to $0.14 for each minute of service used within 12 months to be paid at the end of the 12-month period. C also sells the identical card at its retail store for $110 to customers purchasing one card, or for $90 each to customers purchasing five or more cards. The toll telephone service acquired by purchasing the card will be obtained by entering the PIN and the telephone number to be called.

(ii) Because R purchased from a carrier for resale, R is a transferee reseller. Because R's customers will purchase other than for resale they will be holders. Each card sold by R provides its holder, R's customer, with a fixed amount of communications services (400 minutes of toll telephone service) to be obtained by means of a PIN, for which R's customer pays in advance of obtaining service; therefore, each card is a PTC. Because the value of each PTC is not designated in dollars and a tariff has not been filed for the units on the PTC, each PTC is an untariffed unit card.

(iii) The PTCs are untariffed unit cards transferred by the carrier to a transferee reseller. Thus, the face amount is determined under paragraph (c)(3)(ii) of this section, which permits C to choose from three alternative methods. Under paragraph (c)(3)(ii)(A)(*1*) of this section, the face amount of each PTC would be $110, the highest amount for which C sells to customers purchasing a single PTC. Alternatively, under paragraph (c)(3)(ii)(A)(*2*) of this section, a face amount of $99 per PTC may be used.

This face amount is computed as follows: 165% × $600,000 (the $40,000 sum certain plus the $560,000 contingent amount (10,000 PTCs × 400 units = 4,000,000 units × $0.14 per unit)) = $990,000÷10,000 (the total number of PTCs sold). Finally, under paragraph (c)(3)(ii)(A)(*3*) of this section (assuming the PTCs are of a type that ordinarily is used entirely for domestic communications services), a face amount of $120 ($0.30 per unit x 400 units) may be used.

(iv) The cards are PTCs; thus, under section 4251(d), the face amount is treated as an amount paid for communications services and that amount is treated as paid when the PTCs are transferred from C to R. Accordingly, at the time of transfer, R is liable for the 3 percent tax imposed by section 4251(a). The amount of the tax is computed as follows (assuming that C chooses to determine the face amount as provided in paragraph (c)(3)(ii)(A)(*2*) of this section): 3% × $99 (the face amount of the PTC) = $2.97 per PTC × 10,000 PTCs = $29,700 tax. Thus, the total paid by R at the time of transfer is $69,700, the $40,000 sum certain plus $29,700 tax. C is responsible for collecting the tax from R.

(v) In 2000 and 2001, R sells PTCs to its customers for varying amounts. Because any amount paid for a PTC purchased from a transferee reseller is not an amount paid for communications services, no tax is imposed on R's sale of a PTC.

(vi) On February 15, 2001, C informs R that 3,000,000 minutes were used during the 12-month period. R pays C $420,000 ($0.14 × 3,000,000), the contingent amount agreed to when R purchased the PTCs. No tax is imposed on this payment. Tax was imposed when the PTCs were transferred to R. The contingent amount paid in 2001, based on the number of minutes used, does not change R's tax liability.

Example 6. Tariffed unit card; sold to transferee reseller. (i) On February 1, 2000, D, a carrier, sells 1,000 *prepaid telephone cards* to S, a convenience store owner, for $25,000. The value of the cards is not denominated in dollars, but the face of the card is marked ''100 minutes'' and a tariff of $0.33 per minute has been filed for the units on the card. S agrees that it will sell the cards to individuals for their own use and at a price that does not exceed $0.33 per minute. S actually sells the cards for $30 each (i.e., at a price of $0.30 per minute). D provides S with a PIN for each card. The toll telephone service acquired by purchasing the card will be obtained by entering the PIN and the telephone number to be called.

(ii) Because S purchased from a carrier for resale, S is a transferee reseller. Because S's customers will purchase other than for resale they will be holders. Each card sold by S provides its holder, S's customer, with a fixed amount of communications services (100 minutes of toll telephone service) to be obtained by means of a PIN, for which S's customer pays in advance of obtaining service; therefore each card is a PTC. Because the value of each PTC is not designated in dollars and D sells the PTCs to S subject to an arrangement under which the price at which the PTCs are sold to holders will not exceed the designated number of units on the PTC multiplied by D's tariffed price per unit, each PTC is an tariffed unit card. Because the PTCs are tariffed unit cards, the face amount of each PTC is $33, the designated number of units on the PTC multiplied by the tariffed price per unit (100 × $0.33 = $33), even though the actual retail sale price of the cards is $30.

(iii) The cards are PTCs; thus, under section 4251(d), the face amount is treated as an amount paid for communications services and that amount is treated as paid when the PTC is transferred from D to S. Accordingly, at the time of transfer, S is liable for the 3 percent tax imposed by section 4251(a). The tax is $990 (3% × $33,000 (1,000 PTCs multiplied by the $33 face amount of each PTC)). Thus, the total paid by S is $25,990, the $25,000 sales price plus $990 tax. D is responsible for collecting the tax from S.

Example 7. Transfer of card that is not a PTC. (i) On February 1, 2000, E, a carrier, provides a *telephone card* to T, an individual, for T's use in making telephone calls. E provides T with a PIN. The card provides access to an unlimited amount of communications services. E charges T $0.25 per minute of service, and bills T monthly for services used. The communications services acquired by using the card will be obtained by entering the PIN and the telephone number to be called.

(ii) Although the communications services will be obtained by means of a PIN, T does not receive a fixed amount of communications services. Also, T cannot pay in advance since the amount of T's payment obligation depends upon the number of minutes used. Therefore, the card is not a PTC.

(iii) Because the card is not a PTC, section 4251(d) does not apply. However, the tax imposed by section 4251(a) applies to the amounts paid by T to E for communications services. Accordingly, at the time an amount is paid for communications services, T is liable for tax. E is responsible for collecting the tax from T.

(f) *Effective date.* This section is applicable with respect to PTCs transferred by a carrier on or after the first day of the first calendar quarter beginning after the date of publication of the final regulations in the **Federal Register**.

Michael P. Dolan,

Deputy Commissioner of Internal Revenue.

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BILLING CODE 4830–01–U

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[NH036–7163; A–1–FRL–6203–2]

Approval and Promulgation of Air Quality Implementation Plans; New Hampshire; Vehicle Inspection and Maintenance Program; Restructuring OTR Requirements

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to approve a revision to the New Hampshire State Implementation Plan (SIP), which was submitted to EPA for approval on September 4, 1998 by the Department of Environmental Protection (DES). This submittal was supplemented by a letter dated November 20, 1998 describing additional information about the New Hampshire I/M program, and requesting further flexibility from requirements applicable to the Ozone Transport Region (OTR) in light of the current air quality status of the area. The SIP revision includes New Hampshire Code of Administrative Rules, Part Saf-C 3220 ''Official Motor Vehicle Inspection Requirements'' and Part Saf-C 5800 ''Roadside Diesel Opacity Inspection'' and additional supporting material including authorizing legislation, administrative items, and a description of the program being implemented. This action is being taken under section 110 of the Clean Air Act.

DATES: Written comments must be received on or before January 19, 1999. Public comments on this document are requested and will be considered before taking final action on this SIP revision.

ADDRESSES: Comments may be mailed to Susan Studlien, Deputy Director, Office of Ecosystem Protection (mail code CAA), U.S. Environmental Protection Agency, Region I, JFK Federal Bldg., Boston, MA 02203. Copies of the State submittal and EPA's technical support document are available for public inspection during normal business hours, by appointment, at the Office of Ecosystem Protection, U.S. Environmental Protection Agency, Region I, One Congress Street, 11th floor, Boston, MA and the Air Resources Division, Department of Environmental Services, 64 North Main Street, Caller Box 2033, Concord, NH 03302–2033.

FOR FURTHER INFORMATION CONTACT: Robert C. Judge, (617) 918–1045.

SUPPLEMENTARY INFORMATION: On September 4, 1998, New Hampshire submitted a revision to its State

Implementation Plan (SIP) for vehicle inspection and maintenance (I/M). This submittal was supplemented by a letter dated November 20, 1998 providing additional information about the New Hampshire I/M program, and requesting further flexibility from requirements applicable to the OTR in light of the current air quality status of the area. The SIP revision includes New Hampshire Code of Administrative Rules, Part Saf-C 3220 ''Official Motor Vehicle Inspection Requirements'' and Part Saf-C 5800 ''Roadside Diesel Opacity Inspection'' and additional supporting material including authorizing legislation, administrative items, and a description of the program being implemented. This action is being taken under Section 110 of the Clean Air Act.

I. Clean Air Act Requirements

Section 184(b)(1)(A) of the Act requires certain areas in the Ozone Transport Region (OTR) to adopt and implement an inspection and maintenance program meeting EPA's enhanced I/M performance standard. EPA's I/M rule was established on November 5, 1992 (57 FR 52950). EPA made significant revisions to the I/M rule on September 18, 1995 (60 FR 48035) and on July 25, 1996 (61 FR 39036). New Hampshire is affected by requirements of the Act related to I/M in certain areas of the State. Specifically, under EPA's I/M rule, enhanced I/M programs would be required in the Portsmouth-Dover-Rochester, New Hampshire ozone nonattainment area, and the New Hampshire portion of the Boston-Worcester-Lawrence ozone nonattainment area. This program was initially submitted to fulfill New Hampshire's obligations to implement I/M pursuant to these requirements. Because of EPA's parallel notice in this **Federal Register** proposing that the 1-hour standard no longer applies in New Hampshire, the State would only be required to submit an I/M program because of its location in the OTR, as explained more fully below.

By this action, EPA proposes to approve New Hampshire's submittal. EPA has reviewed the State submittal against the requirements of the Act and EPA's final I/M rule. The present version of the SIP submission does not meet all of the requirements of EPA's final rule for enhanced I/M. The program does, however, contribute to air quality improvement. Therefore, EPA proposes to approve the program for several reasons. First, New Hampshire has achieved all of its Clean Air Act control plan requirements for overall emission reductions without I/M. That is, the State has submitted an acceptable 15 percent VOC reduction plan, a 9 percent rate of progress plan, an attainment demonstration, and based on 1996–1998 data in AIRS, has achieved attainment of the 1-hour ozone standard without the implementation of a vehicle I/M program. In addition, New Hampshire and all areas nearby, including Maine, Eastern Massachusetts, and Rhode Island appear to have attained the 1 hour ozone standard based on 1996–1998 data, as discussed elsewhere in the **Federal Register**. Additionally, New Hampshire does not contribute to nonattainment of the 1-hour ozone standard in any areas in the OTR (or elsewhere) where that standard continues to be violated based on evidence submitted by the State separately as part of their ozone attainment demonstration. Therefore, EPA has concluded that the State should not need to meet all the requirements for enhanced I/M in the OTR. Section 176A of the Clean Air Act states that the ''Administrator * * * may remove any State * * * from the [OTR] whenever the Administrator has reason to believe that control of emissions in that State * * * pursuant to [the Act requirements for the OTR] will not significantly contribute to attainment of the standard in the region.'' Implicit in EPA's authority to remove a State from the OTR entirely is the authority to eliminate or ''restructure'' specific control requirements for States that remain in the OTR, provided the State demonstrates that the control of emissions from such requirement will not significantly contribute to attainment of the 1-hour ozone standard anywhere in the OTR.

We propose the State has met the test of section 176A and it has requested further flexibility in meeting the Clean Air Act requirements for I/M in the OTR. EPA believes that New Hampshire's continued participation in the OTR is beneficial, and that EPA's approval of this I/M program will improve air quality. Therefore, in light of the above, EPA is proposing to approve this I/M program as strengthening the SIP despite the fact that it does not meet all requirements for enhanced I/M in the OTR. Further, EPA did finalize the NO_X SIP call for 22 States and the District of Columbia by notice dated October 27, 1998 (63 FR 57356). New Hampshire was not included among those States, but EPA intends to conduct modeling to determine whether a SIP revision under section 110(a)(2)(D)(i)(I) should be required from New Hampshire in the future. Currently, EPA does not have evidence that emissions from sources in New Hampshire significantly contribute to 1-hour nonattainment downwind, but if EPA determines that sources in New Hampshire significantly contribute to downwind nonattainment, today's action will be revisited. EPA concludes that an enhanced I/M program is not required in New Hampshire because control of emissions from an I/M program would not contribute significantly to attainment of the 1-hour ozone standard in any area of the OTR. A summary of EPA's analysis of the State's I/M program is provided below.

II. I/M Regulation General SIP Submittal Requirements

On November 5, 1992 (57 FR 52950), EPA published a final regulation establishing the I/M requirements, pursuant to sections 182, 184, and 187 of the Act. EPA made significant revisions to the I/M rule on September 18, 1995 (60 FR 48035) and on July 25, 1996 (61 FR 39036). The I/M regulation was codified at 40 CFR Part 51, Subpart S, and requires States subject to the I/M requirement to submit an I/M SIP revision that includes all necessary legal authority and the items specified in 40 CFR 51.350 through 51.373.

III. State Submittal

On September 4, 1998, and on November 20, 1998, the State of New Hampshire submitted an I/M SIP revision for the entire State. A public hearing for the September 4, 1998 submittal was held on August 24, 1998.

The I/M SIP submittal provides for the implementation of I/M in the entire State of New Hampshire beginning on January 1, 1999. New Hampshire will be implementing an annual, test and repair I/M program which the State has designed to meet the requirements of EPA's performance standard and most other requirements contained in the federal I/M rule. Testing will be overseen by the Department of Safety (DOS) and implemented by individual garages in the existing safety inspection network. Aspects of the New Hampshire I/M program include: anti-tampering testing of 1980 and later light duty vehicles and trucks, enforcement by the existing windshield safety inspection stickers, requirements for testing convenience, quality assurance, data collection, no cost waivers, reporting, test equipment and test procedure specifications, public information and consumer protection, inspector training and certification, penalties against inspectors which perform faulty inspections, and emission recall enforcement. An analysis of the New

Hampshire program, and New Hampshire's demonstration of how the I/M program meets many of the federal I/M SIP requirements, is provided below.

A. Applicability.

The New Hampshire I/M regulations and authorizing legislation specify that the I/M program be implemented statewide.

B. Enhanced I/M Performance Standard

The I/M program was designed, in part, to meet the enhanced I/M performance standard for ozone precursors causing air quality problems in New Hampshire. New Hampshire's program was designed to meet the performance standard for volatile organic compounds (VOC) and nitrogen oxides (NO_X), under 40 CFR 51.351(h) of the I/M rule.

The State submitted a modeling demonstration using the EPA computer model, MOBILE5b, showing that the enhanced performance standard will be met. The State's demonstration shows that it expects to achieve the reductions required by that section of the rule, and will utilize additional benefits from reformulated gasoline to ensure that the total reduction attributed to I/M meets federal I/M requirements.[1]

C. Network Type and Program Evaluation

New Hampshire has chosen to implement a test and repair I/M network program design. The State has assumed conservative assumptions for credit claims relative to its network design in its demonstration that it meets the performance standard. EPA believes that a further demonstration is not necessary. Furthermore, EPA's OTR low enhanced rule does not require that the State perform additional program evaluations beyond the data reporting requirements of the I/M rule in the future.

D. Adequate Tools and Resources

The State's SIP outlines the level of resources dedicated to the I/M program, and includes descriptions of the funding expended and the personnel utilized within DOS to implement the program. The SIP also describes the role of DOS State Police enforcement personnel to be utilized in enforcing the program, and outlines plans for 6 more officers to be hired as part of the State Police Traffic Enforcement Unit, further bolstering the program's enforcement and oversight. DES will also play a role in implementing and analyzing the program. Finally, DOS intends to raise the ''per test fee'' collected for each inspection sticker sold to inspection stations, with the additional funds going to the State Highway fund, which the DOS Commissioner is authorized to spend on the I/M program implementation as needed.

The State has described both current and future plans to ensure that adequate funding is provided to implement the program. While the State has described in significant detail the plans it has to ensure an effective program, the State has not dedicated funding to this effort. While EPA is approving this I/M program as strengthening the SIP, it does not meet EPA enhanced I/M rule requirements.

E. Test Frequency and Convenience

The New Hampshire SIP revision requires annual inspections for all subject motor vehicles that are not older than 1980. The inspections will be conducted in concert with the existing schedule for the annual safety inspection program. Short waiting times and short driving distances are not an issue since this will be part of the State's existing safety inspection network, with longstanding stations scattered throughout the state prepared to test all subject vehicles.

F. Vehicle Coverage

New Hampshire's I/M program covers all 1980 and newer model year gasoline powered light-duty vehicles and light-duty trucks, registered, or required to be registered, within the State. Based on discussions with the State, EPA evaluated the effect of the fact that antique vehicles are exempt and determined that such exemptions would not prevent the program from achieving the performance standard. Legal authority for the vehicle coverage requirement is contained in the New Hampshire I/M rule and the July 1998 authorizing legislation. EPA proposes to approve the submission as a strengthening of the SIP based on the DES's submittal, although it has not met all EPA rule requirements.

G. Test Procedures and Standards

The New Hampshire I/M SIP revision obligates the State to perform anti-tampering checks of the nature described in the plan submission. The State will be requiring these checks for 1980 and later model year vehicles in the area. The following anti-tampering checks will be performed: (1) check for the presence of the catalytic converter; (2) check for air pump disablements; (3) check for PCV system disablements; (4) check for evaporative system disablements; and (5) check for the presence, and proper fit of the gas cap. In addition, the State of New Hampshire will be requiring OBD2 system checks in accordance with EPA rules, beginning in 2001. EPA proposes approval of the anti-tampering testing program, but the State has not developed or submitted OBD2 rules at this time.

H. Test Equipment

In its September 4, 1998 submittal, New Hampshire's I/M SIP revision describes procedures to follow to test vehicles. These procedures are articulated in more detail in the Safety Inspection Manual, and Saf-c 3200. The OBD2 testing program has not been fully described or submitted.

The SIP does not include a ''real time'' data link, but instead ensures that every vehicle which leaves a station leaves with either a passing sticker or failing sticker. All those that are issued failing stickers are later followed up by State Police actually physically inspecting the failed vehicle to ensure that proper repairs were performed. This will prevent vehicle owners from presenting themselves for multiple initial tests, one of the primary reasons for a real time data link. While a real time data link would still be helpful in collecting data, the State intends to collect the necessary data.

I. Quality Control

The New Hampshire I/M SIP narrative and Saf-c 3200 outline the quality control procedures. However, since no test equipment is utilized, it is minimal. Efforts to ensure that documents related to the inspection remain secure are already in place and enforced by the State Police and by DOS as part of the existing safety inspection program.

J. Waivers and Compliance via Diagnostic Inspection

Since New Hampshire is implementing largely an anti-tampering program, it will not be issuing any waivers whatsoever, and this is approvable.

[1] Certain areas in New Hampshire are currently classified as serious ozone nonattainment areas for the 1-hour standard. As such, they are not clearly eligible for the OTR low enhanced I/M standard in § 51.351(h). As discussed above, in a separate **Federal Register**, EPA is proposing that the 1-hour ozone standard no longer applies in New Hampshire based on clean air quality measured from 1996–1998. After this occurs, New Hampshire will only be subject to CAA enhanced I/M requirements by virtue of its inclusion in the OTR. Therefore, EPA proposes to approve this program because the emission reductions that would be achieved by a fully enhanced I/M program are not required in this OTR area.

K. Motorist Compliance Enforcement

The State of New Hampshire has chosen to use a program of windshield sticker based enforcement, based on its current safety inspection program. Any vehicle driven without a valid sticker will ultimately be caught by law enforcement officials, and failure to comply at this point would result in registration being suspended, and could result in a warrant for arrest being issued. The motorist compliance enforcement program will be implemented primarily by the New Hampshire Department of Safety (DOS). The enforcement strategy is described in New Hampshire's September 4, 1998 submittal. The enforcement strategy is designed to ensure a high rate of compliance rate for all vehicles within a short time of the compliance deadline. As described in the September 4, 1998 submittal, this will be accomplished by a increased surveillance by law enforcement officials to identify uninspected and unregistered vehicles. New Hampshire estimates that over 99.5% of the vehicles in the State are registered. Those vehicles operated without a valid safety inspection sticker are fined, and put on notice that their registration will be suspended if they do not comply. Those that still fail to comply may be issued a bench warrant for arrest. In addition to the current enforcement effort, DOS intends to secure additional funding for 6 new enforcement officials dedicated to enforcement of the inspection requirement. Funding of these officers will help ensure an even more effective mechanism for enforcement of the inspection requirement. New Hampshire does have a penalty system whose purpose is to deter noncompliance, but the penalties imposed may not be a sufficient incentive to deter noncompliance if a vehicle owner expects that significant repairs will be required upon inspection.

This program is not viewed as intrusive to the general public, and it is not likely that New Hampshire citizens will take additional steps to avoid this I/M program. EPA is comfortable that, in light of the type of vehicle ''testing'' being proposed, New Hampshire's program will be enforced in a manner commensurate with the type of program implemented, and emission reductions expected. However, this section of the State's program does not meet Clean Air Act requirements to have the program based on vehicle registration. Further, the State did not make a demonstration that this ''pre-existing'' enforcement mechanism would be more effective than registration denial would be, nor has it committed to ensuring the continued effectiveness of sticker based enforcement mechanism. EPA believes that a registration based program would be more effective than sticker based enforcement since by the State's own estimation, there is over a 99.5% compliance rate with the vehicle registration requirement. Nevertheless, for reasons outlined elsewhere in this notice, EPA believes that this program should be approved because it will strengthen the SIP, despite the fact that it does not meet the requirements for enhanced I/M under the Clean Air Act. The legal authority to implement and enforce the program is included in the New Hampshire State law and in DOS rules.

L. Motorist Compliance Enforcement Program Oversight

The New Hampshire I/M SIP revision provides for regular auditing of its enforcement program and adherence to effective management practices, including adjustments to improve the program when necessary. According to the September 4, 1998 submittal from the DES, these program oversight and information management activities include direct enforcement of the inspection requirement by State Police. State Police routinely conduct overt audits of the 2,500 inspection stations in the State, and will reinstate their practice of initiating covert audits. Any vehicle which leaves a inspection station with a reject sticker is followed-up by the State Police physically inspecting each failed vehicle to ensure proper repairs were performed. As stated earlier, the State will be dedicating additional resources to this inspection effort, and will provide additional training to officers stressing the increased importance of these emission checks. The State's efforts for the motorist compliance enforcement program are acceptable for the purposes of strengthening the SIP.

M. Quality Assurance

The September 4, 1998 submittal from New Hampshire includes a description of the quality assurance program. The program will include operation and progress reports and overt and covert audits of emission inspection facilities which are conducted by State Police and Department of Safety officers. These officers are auditing to ensure both the certified inspectors and the stations are following established inspection requirements as codified under the administrative rule Saf-c 3200. Included in these audits will be documentation checks, and a check to determine if stickers and reporting documents are secure. The State intends to further develop audit procedures to implement the OBD2 testing program, and the State envisions that further training will be required.

N. Enforcement Against Contractors, Stations and Inspectors

The New Hampshire I/M SIP revision describes specific sanctions available in its enforcement against stations and inspectors which fail to give proper inspections. An inspector can be given a criminal violation and is disciplined administratively. Upon being given a hearing, the inspector may be given ''6 points'' on their driving record, which is the same penalty as for driving while intoxicated. Further, inspection stations can have their privilege to inspect cars suspended or revoked. While this section of the State's program may be appropriate for the type of program the State is implementing for the purpose of strengthening the SIP, it does not meet all I/M rule requirements.

O. Data Collection, Analysis, and Reporting

The New Hampshire I/M SIP provides for collecting test data to link specific test results to specific vehicles, I/M program registrants, test sites, and inspectors. The SIP lists the specific types of test data and quality control data which will be collected, which include: date of inspection, station identification number, technician name, customer name, vehicle ID and license plate number, vehicle make, model, model year and mileage, pass/fail determination, reason for failure, inspection sticker number, and repairs performed. As outlined above and described in the September 4, 1998 submittal, the data will be used to generate reports concerning test data, quality assurance, quality control, enforcement, as well as determine the emission benefits of the program.

P. Inspector Training and Licensing or Certification

The September 4, 1998 submittal describes the training and the testing that is required of each inspector, prior to being certified to perform these tests. The DOS has committed to perform additional training for inspectors in advance of OBD2 testing being implemented.

Q. Improving Repair Effectiveness

In the September 4, 1998 submittal, the State committed to perform additional training regarding the new anti-tampering checks that have been added to the safety inspection program.

However, the State maintains that mechanics will not need training helping them repair these tampered vehicles because the type of repairs that this anti-tampering will identify are relatively routine. The DES does intend to provide additional OBD2 training in the future.

R. Compliance with Recall Notices

The revised New Hampshire I/M SIP will ensure that vehicles subject to its I/M program, that are included in either a voluntary emission recall or a remedial plan determination pursuant to the CAA, have had the appropriate repairs made prior to the inspection. Vehicles that have received recall notices will be followed up by New Hampshire law enforcement in ''the same way (that) vehicles that fail the inspection * * * are followed up * * *'' This means that all vehicles which receive a recall notice will be followed-up by a law enforcement official to ensure that appropriate repairs are performed.

S. On-Road Testing

New Hampshire has stated that it is performing a study to determine the effectiveness of remote sensing for NOx to determine whether or not to add it as part of its vehicle testing program. That study was called for as part of the State's enabling legislation for I/M. While the State hopes to move forward with an on-road testing program in the future, it does not have the authority to do so now.

T. Concluding Statement

A more detailed analysis of the State's submittal is contained in the EPA's technical support document prepared for this action. The TSD is available from the EPA New England Regional office listed above. The criteria used to review the submitted SIP revision are based on the requirements set forth in Section 182 of the CAA and in the federal I/M regulations. The New Hampshire regulations and accompanying materials contained in the SIP represent an acceptable I/M plan for the purpose of strengthening the New Hampshire SIP.

IV. Proposed Action

EPA is proposing to approve the SIP revision submitted by New Hampshire on September 4, 1998 and on November 20, 1998 as a revision to the SIP. The SIP revision proposes approval of the State's I/M program. While the I/M program does not meet all of the requirements of the enhanced I/M rule, EPA has determined, based on the State's showing that additional reductions from a fully enhanced I/M program will not significantly contribute to attainment of the 1-hour ozone standard anywhere in the OTR, that the requirements for an enhanced I/M program are not required in New Hampshire. Therefore, EPA is approving the New Hampshire I/M program as strengthening the SIP.

EPA is soliciting public comments on the issues discussed in this proposal or on other relevant matters. These comments will be considered before EPA takes final action. Interested parties may participate in the Federal rulemaking procedure by submitting written comments to the EPA Regional office listed in the **ADDRESSES** section of this action.

V. Administrative Requirements

A. Executive Order 12866

The Office of Management and Budget (OMB) has exempted this regulatory action from Executive Order (E.O.) 12866, entitled ''Regulatory Planning and Review.''

B. Executive Order 12875

Under E.O. 12875, EPA may not issue a regulation that is not required by statute and that creates a mandate upon a state, local, or tribal government, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by those governments, or EPA consults with those governments. If EPA complies by consulting, Executive Order 12875 requires EPA to provide to the Office of Management and Budget, a description of the extent of EPA's prior consultation with representatives of affected state, local, and tribal governments, the nature of their concerns, copies of written communications from the governments, and a statement supporting the need to issue the regulation. In addition, E.O. 12875 requires EPA to develop an effective process permitting elected officials and other representatives of state, local, and tribal governments ''to provide meaningful and timely input in the development of regulatory proposals containing significant unfunded mandates.''

Today's rule does not create a mandate on state, local or tribal governments that does not already exist as a matter of State law. EPA is simply approving a state regulation under the Clean Air Act. Accordingly, the requirements of section 1(a) of E.O. 12875 do not apply to this rule.

C. Executive Order 13045

Protection of Children from Environmental Health Risks and Safety Risks (62 FR 19885, April 23, 1997), applies to any rule that: (1) is determined to be ''economically significant'' as defined under E.O. 12866, and (2) concerns an environmental health or safety risk that EPA has reason to believe may have a disproportionate effect on children. If the regulatory action meets both criteria, the Agency must evaluate the environmental health or safety effects of the planned rule on children, and explain why the planned regulation is preferable to other potentially effective and reasonably feasible alternatives considered by the Agency.

This rule is not subject to E.O. 13045 because it is not ''economically significant'' as defined under E.O. 12866, and does not involve an action that addresses environmental or safety risks.

D. Executive Order 13084

Under E.O. 13084, EPA may not issue a regulation that is not required by statute, that significantly uniquely affects the communities of Indian tribal governments, and that imposes substantial direct compliance costs on those communities, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by the tribal governments, or EPA consults with those governments. If EPA complies by consulting, Executive Order 13084 requires EPA to provide to the Office of Management and Budget, in a separately identified section of the preamble to the rule, a description of the extent of EPA's prior consultation with representatives of affected tribal governments, a summary of the nature of their concerns, and a statement supporting the need to issue the regulation. In addition, Executive Order 13084 requires EPA to develop an effective process permitting elected officials and other representatives of Indian tribal governments ''to provide meaningful and timely input in the development of regulatory policies on matters that significantly or uniquely affect their communities.''

Today's rule does not significantly or uniquely affect the communities of Indian tribal governments. This action does not involve or impose any requirements that affect Indian Tribes. Accordingly, the requirements of section 3(b) of E.O. 13084 do not apply to this rule.

E. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) generally requires an agency to conduct a regulatory flexibility analysis of any rule subject to notice and comment

rulemaking requirements unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and small governmental jurisdictions. This proposed rule will not have a significant impact on a substantial number of small entities because SIP approvals under section 110 and subchapter I, part D of the Clean Air Act do not create any new requirements but simply approve requirements that the State is already imposing. Therefore, because the Federal SIP approval does not create any new requirements, I certify that this action will not have a significant economic impact on a substantial number of small entities. Moreover, due to the nature of the Federal-State relationship under the Clean Air Act, preparation of flexibility analysis would constitute Federal inquiry into the economic reasonableness of state action. The Clean Air Act forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co.* v. *U.S. EPA*, 427 U.S. 246, 255–66 (1976); 42 U.S.C. Section 7410(a)(2).

F. Unfunded Mandates

Under sections 202 of the Unfunded Mandates Reform Act of 1995 (''Unfunded Mandates Act''), signed into law on March 22, 1995, EPA must prepare a budgetary impact statement to accompany any proposed or final rule that includes a Federal mandate that may result in estimated costs to State, local, or tribal governments in the aggregate, or to the private sector, of $100 million or more. Under section 205, EPA must select the most cost-effective and least burdensome alternative that achieves the objectives of the rule and is consistent with statutory requirements. Section 203 requires EPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule.

EPA has determined that the proposed approval action does not include a Federal mandate that may result in estimated costs of $100 million or more to either State, local, or tribal governments in the aggregate, or to the private sector. This Federal action approves pre-existing requirements under State or local law, and imposes no new requirements. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Hydrocarbons, Intergovernmental relations, Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements.

Authority: 42 U.S.C. 7401 et seq.

Dated: December 9, 1998.

Robert Perciasepe,

Assistant Administrator, OAR.

[FR Doc. 98–33476 Filed 12–16–98; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[ME059–7008; A–1–FRL–6203–1]

Approval and Promulgation of Air Quality Implementation Plans; Maine; Vehicle Inspection and Maintenance Program; Restructuring OTR Requirements

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to approve a revision to the Maine State Implementation Plan (SIP), which was submitted to EPA for approval on November 19, 1998 by the Department of Environmental Protection (DEP). This submittal requested further flexibility from requirements applicable to the Ozone Transport Region (OTR) in light of the current air quality status of the area. The SIP revision includes sections of the ''Maine Safety Inspection Manual,'' and additional supporting material including detailed authorizing legislation (L.D. 2223, ''An Act to Reduce Air Pollution from Motor Vehicles and to Meet Requirements of the Federal Clean Air Act''), administrative items, and a description of the program being implemented. This action is being taken under Section 110 of the Clean Air Act.

DATES: Written comments must be received on or before January 19, 1999. Public comments on this document are requested and will be considered before taking final action on this SIP revision.

ADDRESSES: Comments may be mailed to Susan Studlien, Deputy Director, Office of Ecosystem Protection (mail code CAA), U.S. Environmental Protection Agency, Region I, One Congress Street, Suite 1100, Boston, MA 02114–2023. Copies of the State submittal and EPA's technical support document are available for public inspection during normal business hours, by appointment, at the Office of Ecosystem Protection, U.S. Environmental Protection Agency, Region I, One Congress Street, 11th floor, Boston, MA and the Bureau of Air Quality Control, Department of Environmental Protection, State House—Station No. 17, Augusta, ME 04333.

FOR FURTHER INFORMATION CONTACT: Robert C. Judge, (617) 918–1045.

SUPPLEMENTARY INFORMATION: On November 19, 1998, Maine submitted a revision to its State Implementation Plan (SIP) for vehicle inspection and maintenance (I/M). This submittal requested further flexibility from requirements applicable to the OTR in light of the current air quality status of the area. The SIP revision includes Sections of the ''Maine Safety Inspection Manual,'' and additional supporting material including detailed authorizing legislation (L.D. 2223, ''An Act to Reduce Air Pollution from Motor Vehicles and to Meet Requirements of the Federal Clean Air Act''), administrative items, and a description of the program being implemented. This action is being taken under section 110 of the Clean Air Act.

I. Clean Air Act Requirements

Section 184(b)(1)(A) of the Act requires certain areas in the Ozone Transport Region (OTR) to adopt and implement an inspection and maintenance program meeting EPA's enhanced I/M performance standard. EPA's I/M rule was established on November 5, 1992 (57 FR 52950). EPA made significant revisions to the I/M rule on September 18, 1995 (60 FR 48035) and on July 25, 1996 (61 FR 39036). Maine is affected by requirements of the Act related to I/M in certain areas of the State. Specifically, under EPA's I/M rule, enhanced I/M programs would be required in the Portland, Maine ozone nonattainment area. This program was initially submitted to fulfill Maine's obligations to implement I/M pursuant to these requirements. The State is only required to submit an I/M program because of its location in the OTR.

By this action, EPA proposes to approve Maine's submittal. EPA has reviewed the State submittal against the requirements of the Act and EPA's final I/M rule. The present version of the SIP submission does not meet all of the requirements of EPA's final rule for enhanced I/M in the OTR. The program does, however, contribute to air quality improvement. Therefore, EPA proposes to approve the program for several reasons. First, Maine has achieved all of its Clean Air Act control plan requirements for overall emission reductions without I/M. That is, the State has submitted an acceptable 15

percent VOC reduction plan, and based on 1996–1998 data in AIRS, has achieved attainment of the 1-hour ozone standard without the implementation of a vehicle I/M program. In addition, Maine and all areas nearby, including New Hampshire, Eastern Massachusetts, and Rhode Island appear to have attained the 1-hour ozone standard based on 1996–1998 data, as discussed elsewhere in the **Federal Register**. Additionally, Maine does not contribute to nonattainment of the 1-hour ozone standard in any areas in the OTR (or elsewhere) where that standard continues to be violated based on evidence submitted by the State separately as part of their overwhelming ozone transport demonstration. Therefore, EPA has concluded that the State should not need to meet all the requirements for enhanced I/M in the OTR. Section 176A of the Clean Air Act states that the ''Administrator . . . may remove any State . . . from the [OTR] whenever the Administrator has reason to believe that control of emissions in that State . . . pursuant to [the Act requirements for the OTR] will not significantly contribute to attainment of the standard in the region.'' Implicit in EPA's authority to remove a State from the OTR entirely is the authority to eliminate or ''restructure'' specific control requirements for States that remain in the OTR, provided the State demonstrates that the control of emissions from such requirement will not significantly contribute to attainment of the 1-hour ozone standard anywhere in the OTR.

We propose that the State has met the test of section 176A and it has requested further flexibility in meeting the Clean Air Act requirements for I/M in the OTR. EPA believes that Maine's continued participation in the OTR is beneficial, and that EPA's approval of this I/M program will improve air quality. Therefore, in light of the above, EPA is proposing to approve this I/M program as strengthening the SIP despite the fact that it does not meet all requirements for enhanced I/M in the OTR. Further, EPA did finalize the NO_X SIP call for 22 States and the District of Columbia by notice dated October 27, 1998 (63 FR 57356). Maine was not included among those States, but EPA intends to conduct modeling to determine whether a SIP revision under section 110(a)(2)(D)(i)(I) should be required from Maine in the future. Currently, EPA does not have evidence that emissions from sources in Maine significantly contribute to 1-hour nonattainment downwind, but if EPA determines that sources in Maine contribute significantly to downwind nonattainment, today's action will be revisited.

EPA concludes that an enhanced I/M program is not required in Maine because control of emissions from an I/M program would not contribute significantly to attainment of the 1-hour ozone standard in any area of the OTR. A summary of EPA's analysis of the State's I/M program is provided below.

II. I/M Regulation General SIP Submittal Requirements

On November 5, 1992 (57 FR 52950), EPA published a final regulation establishing the I/M requirements, pursuant to sections 182, 184, and 187 of the Act. EPA made significant revisions to the I/M rule on September 18, 1995 (60 FR 48035) and on July 25, 1996 (61 FR 39036). The I/M regulation was codified at 40 CFR part 51, subpart S, and requires States subject to the I/M requirement to submit an I/M SIP revision that includes all necessary legal authority and the items specified in 40 CFR 51.350 through 51.373.

III. State Submittal

On November 19, 1998, the State of Maine submitted an I/M SIP revision for Cumberland County, which includes the Portland area. A public hearing for the November 19, 1998 submittal was held on October 13, 1998.

The I/M SIP submittal provides for the implementation of I/M in Maine's Cumberland County beginning on January 1, 1999. Maine will be implementing an annual, test and repair I/M program which the State has designed to meet the requirements of EPA's performance standard and many other requirements contained in the federal I/M rule. Testing will be overseen by the Department of Public Safety (DPS) and implemented by individual garages in the existing safety inspection network. Aspects of the Maine I/M program include: anti-tampering testing for catalytic converters on 1983 and newer light duty vehicles and trucks, gas cap pressure testing on 1974 and newer vehicles, and OBD2 checks (beginning in January 2000), enforcement by the existing windshield safety inspection stickers, requirements for testing convenience, quality assurance, data collection, no cost waivers, reporting, test equipment and test procedure specifications, public information and consumer protection, inspector training and certification, penalties against inspectors which perform faulty inspections, and emission recall enforcement. An analysis of the Maine program, and Maine's demonstration of how the I/M program meets many of the federal I/M SIP requirements, is provided below.

A. Applicability

The Maine I/M regulations and authorizing legislation specify that the I/M program be implemented only in Cumberland County, the minimum required area under EPA rules, covering the Portland, Maine area.

B. Enhanced I/M Performance Standard

The I/M program was designed, in part, to meet the enhanced I/M performance standard for ozone precursors causing air quality problems in Maine. Maine's program was designed to meet the performance standard for volatile organic compounds (VOC) and nitrogen oxides (NO_x), under 40 CFR 51.351(h) of the I/M rule.

The State submitted a modeling demonstration using the EPA computer model, MOBILE5b, showing that the enhanced performance standard will be met. The State's demonstration shows that it expects to achieve the reductions required by that section of the rule, and explains that they intend to utilize additional benefits from reformulated gasoline to ensure that the total emission reductions attributed to I/M meets federal I/M requirements. On October 30, 1998, at the Governor of Maine's request, EPA allowed the State to opt-out of the reformulated gasoline program, contingent upon certain conditions being met. We expect the State to meet those conditions, which include demonstrating that they have adopted measures which achieve equivalent reductions. At this point in time, however, the State cannot demonstrate that it meets this requirement of the I/M rule.

C. Network Type and Program Evaluation

Maine has chosen to implement a test and repair I/M network program design. The State has assumed conservative assumptions for credit claims relative to its network design in its demonstration that it meets the performance standard. EPA believes that a further demonstration is not necessary. Furthermore, EPA's OTR low enhanced rule does not require that the State perform additional program evaluations beyond the data reporting requirements of the I/M rule in the future.

D. Adequate Tools and Resources

The State's SIP outlines the level of resources dedicated to the I/M program, and includes descriptions of the funding expended and the personnel utilized within DEP and DPS to implement the program. The SIP also describes the role

of DPS State Police enforcement personnel to be utilized in enforcing the program. DEP will also play a role in implementing and analyzing the program. Finally, the ''per test fee'' collected for each inspection has been raised, with the additional funds going to the State Highway fund, which the Transportation Committee of the legislature can authorize to be spent on I/M program implementation.

The State has described both current and future plans to ensure that adequate funding is provided to implement the program. While the State has described in significant detail the plans it has to ensure an effective program, the State has not dedicated funding to this effort.

E. Test Frequency and Convenience

The Maine SIP revision requires annual inspections for all subject motor vehicles in Cumberland County. The inspections will be conducted in concert with the existing schedule for the annual safety inspection program. Short waiting times and short driving distances are not an issue since this will be part of the State's existing safety inspection network, with longstanding stations scattered throughout Cumberland County prepared to test all subject vehicles.

F. Vehicle Coverage

Maine's I/M program covers all model year gasoline powered light-duty vehicles and light-duty trucks, registered, or required to be registered, within Cumberland County, with very limited exceptions. Based on discussions with the State, EPA evaluated the effect of the fact that antique vehicles and other similar vehicles are exempt from testing and determined that such exemptions would not be the cause of the program not achieving the performance standard. Model year 1974 and newer vehicles are required to undergo the gas cap pressure test, and 1983 and newer vehicles are required to undergo the catalytic converter check. Legal authority for the vehicle coverage requirement is contained in the Maine Safety Inspection rules and the April 1998 authorizing legislation. EPA proposes to approve the submission as a strengthening of the SIP based on the DEP's submittal, although it has not met all EPA rule requirements.

G. Test Procedures and Standards

The Maine I/M SIP revision obligates the State to perform anti-tampering checks of the nature described in the plan submission. The State will be requiring these checks for 1983 and newer model year vehicles in the area for the presence of the catalytic converter, and checks for 1974 and newer vehicles for the presence, proper fit and function of a gas cap. In addition, the State of Maine will be requiring OBD2 system checks in accordance with EPA rules, beginning in 2001, with checks of the systems, but no repairs, starting in 2000.

H. Test Equipment

In its November 19, 1998 submittal, Maine's I/M SIP revision describes procedures to follow to test vehicles. These procedures are articulated in more detail in the Maine Safety Inspection Manual, and the State's I/M authorizing legislation.

The SIP does not include a ''real time'' data link, but instead every vehicle which leaves a station without a passing sticker is reported to the Department of Public Safety with a ''safety refusal card.'' The State feels that the fact that these vehicles are reported to the Department of Public Safety will ensure that vehicle owners comply, and do not shop around for a ''passing test.'' EPA believes that the relatively unobtrusive program that the State is implementing will help ensure that vehicle owners do not ''shop'' for passing stickers any more than is done under the present safety inspection program. For reasons described elsewhere in this notice, EPA is proposing approval of this as a SIP strengthening measure, but it does not meet EPA I/M requirements. The State does not require a ''real time'' data link to prevent this sticker shopping, nor to collect the requisite data required under the I/M rule.

I. Quality Control

The Maine I/M SIP narrative outlines quality control procedures. However, since no significant test equipment is utilized, it is minimal. Efforts to ensure that documents related to the inspection remain secure are already in place and enforced by the DPS as part of the existing safety inspection program.

J. Waivers and Compliance via Diagnostic Inspection

Since Maine is implementing largely an anti-tampering program, it will not be issuing any waivers whatsoever, and this is approvable.

Maine will require the replacement of gas caps which fail the pressure test.

K. Motorist Compliance Enforcement

The State of Maine has chosen to use a program of windshield sticker based enforcement, based on its current safety inspection program. Any vehicle driven without a valid sticker will ultimately be caught by law enforcement officials. The motorist compliance enforcement program will be implemented primarily by the Maine Department of Public Safety (DPS). The enforcement strategy is described in Maine's November 19, 1998 submittal. The enforcement strategy is designed to ensure a high rate of compliance rate for all vehicles within a short time of the compliance deadline. As described in the November 19, 1998 submittal, this will be accomplished by surveillance by law enforcement officials to identify uninspected and unregistered vehicles. Vehicle owners of those vehicles operated without a valid safety inspection sticker are fined, just as those that are driven unregistered. Maine feels that the fact that windshield safety inspection stickers are more easily identified helps ensure a higher rate of compliance than with the less visible registration stickers required to be on license plates. Maine does have a penalty system whose purpose is to deter noncompliance, but the penalties imposed may not be a sufficient incentive to deter noncompliance if a vehicle owner expects that significant repairs will be required upon inspection.

This program is not viewed as intrusive to the general public, and it is not likely that citizens of Maine's Cumberland County will take additional steps to avoid this I/M program. EPA is comfortable that, in light of the type of vehicle ''testing'' being proposed, Maine's program will be enforced in a manner commensurate with the type of program implemented, and emission reductions expected. However, this section of the State's program does not meet Clean Air Act requirements to have the program based on vehicle registration. Further, while the State did make a demonstration that this mechanism was both a ''pre-existing'' enforcement mechanism and that it would be more effective than registration denial would be, EPA has not concurred with those assertions. Further, the State has not committed to ensuring the continued effectiveness of its sticker based enforcement mechanism. In general, EPA believes that a registration based program would be more effective than sticker based enforcement since a vehicle can be registered without being inspected, but cannot be inspected without being registered. Further discussion on the State's enforcement demonstration is included in the TSD prepared for this notice. Nevertheless, for reasons outlined elsewhere in this notice, EPA believes that this program should be

approved because it will strengthen the SIP, despite the fact that it does not meet the requirements for enhanced I/M under the Clean Air Act. The legal authority to implement and enforce the program is included in the Maine State law and in DPS rules.

L. Motorist Compliance Enforcement Program Oversight

The Maine I/M SIP revision provides that EPA may perform regular auditing of its enforcement program. The State does not describe its own methods for ensuring that the program is enforced and overseen sufficiently. The State's efforts for the motorist compliance enforcement program do not meet federal I/M rule requirements.

M. Quality Assurance

The November 19, 1998 submittal from Maine states that the quality assurance program will be developed. Since that program has not been developed, what was submitted does not meet EPA requirements.

N. Enforcement Against Contractors, Stations and Inspectors

The Maine I/M SIP revision describes specific sanctions available in its enforcement against stations and inspectors which fail to give proper inspections. An inspector or station can have its authority to inspect suspended if improper inspections are performed. Other penalties include fines, warnings, and revocations. This section of the State's program is appropriate for the type of program the State is implementing for the purpose of strengthening the SIP.

O. Data Collection, Analysis, and Reporting

The Maine I/M SIP provides for collecting test data to link specific test results to specific vehicles, I/M program registrants, test sites, and inspectors. The SIP lists the specific types of test data and quality control data which will be collected, which include all the relevant data points of 40 CFR 51.365. We expect that the data collected would therefore include, at a minimum: station identification number, technician name, customer name, vehicle ID and license plate number, vehicle make, model, model year and mileage, pass/fail determination, reason for failure, inspection sticker number, and repairs performed.

P. Inspector Training and Licensing or Certification

The November 19, 1998 submittal describes the training and the testing that is required of each inspector, prior to being certified to perform these tests.

Q. Improving Repair Effectiveness

In the November 19, 1998 submittal, the State committed to providing technical assistance and training opportunities for the repair industry. The DEP does intend to work with the repair industry to provide additional OBD2 training in the future.

R. Compliance With Recall Notices

The Maine I/M SIP will ensure that vehicles subject to its I/M program, that are included in either a voluntary emission recall or a remedial plan determination pursuant to the CAA, have had the appropriate repairs made prior to the inspection. Lists of vehicles that have received recall notices will be provided to the inspection stations, by coordination between the DEP and DPS.

S. On-Road Testing

Maine has stated that it has the legislative authority to move forward with an on-road testing program. It intends to design a program which meets EPA requirements in the future, and the program will be conducted either by remote sensing or by ''on-road'' inspections.

T. Concluding Statement

A more detailed analysis of the State's submittal is contained in the EPA's technical support document prepared for this action. The TSD is available from the EPA New England Regional office listed above. The Maine regulations and accompanying materials contained in the SIP represent an acceptable I/M plan for the purpose of strengthening the Maine SIP.

IV. Proposed Action

EPA is proposing to approve the SIP revision submitted by Maine on November 19, 1998 as a revision to the SIP. The SIP revision proposes approval of the State's I/M program. While the I/M program does not meet all of the requirements of the enhanced I/M rule, EPA has determined, based on the State's showing that additional reductions from a fully enhanced I/M program will not significantly contribute to attainment of the 1-hour ozone standard anywhere in the OTR, that the requirements for an enhanced I/M program are not required in Maine. Therefore, EPA is approving the Maine I/M program as strengthening the SIP.

EPA is soliciting public comments on the issues discussed in this proposal or on other relevant matters. These comments will be considered before EPA takes final action. Interested parties may participate in the Federal rulemaking procedure by submitting written comments to the EPA Regional office listed in the **ADDRESSES** section of this action.

V. Administrative Requirements

A. Executive Order 12866

The Office of Management and Budget (OMB) has exempted this regulatory action from Executive Order (E.O.) 12866, entitled ''Regulatory Planning and Review.''

B. Executive Order 12875

Under E.O. 12875, EPA may not issue a regulation that is not required by statute and that creates a mandate upon a state, local, or tribal government, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by those governments, or EPA consults with those governments. If EPA complies by consulting, Executive Order 12875 requires EPA to provide to the Office of Management and Budget, a description of the extent of EPA's prior consultation with representatives of affected state, local, and tribal governments, the nature of their concerns, copies of written communications from the governments, and a statement supporting the need to issue the regulation. In addition, E.O. 12875 requires EPA to develop an effective process permitting elected officials and other representatives of state, local, and tribal governments ''to provide meaningful and timely input in the development of regulatory proposals containing significant unfunded mandates.''

Today's rule does not create a mandate on state, local or tribal governments that does not already exist as a matter of State law. EPA is simply approving a state regulation under the Clean Air Act. Accordingly, the requirements of section 1(a) of E.O. 12875 do not apply to this rule.

C. Executive Order 13045

Protection of Children from Environmental Health Risks and Safety Risks (62 FR 19885, April 23, 1997), applies to any rule that: (1) is determined to be ''economically significant'' as defined under E.O. 12866, and (2) concerns an environmental health or safety risk that EPA has reason to believe may have a disproportionate effect on children. If the regulatory action meets both criteria, the Agency must evaluate the environmental health or safety effects of the planned rule on children, and explain why the planned regulation is preferable to other potentially effective

and reasonably feasible alternatives considered by the Agency.

This rule is not subject to E.O. 13045 because it is not ''economically significant'' as defined under E.O. 12866, and does not involve an action that addresses environmental or safety risks.

D. Executive Order 13084

Under E.O. 13084, EPA may not issue a regulation that is not required by statute, that significantly uniquely affects the communities of Indian tribal governments, and that imposes substantial direct compliance costs on those communities, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by the tribal governments, or EPA consults with those governments. If EPA complies by consulting, Executive Order 13084 requires EPA to provide to the Office of Management and Budget, in a separately identified section of the preamble to the rule, a description of the extent of EPA's prior consultation with representatives of affected tribal governments, a summary of the nature of their concerns, and a statement supporting the need to issue the regulation. In addition, Executive Order 13084 requires EPA to develop an effective process permitting elected officials and other representatives of Indian tribal governments ''to provide meaningful and timely input in the development of regulatory policies on matters that significantly or uniquely affect their communities.''

Today's rule does not significantly or uniquely affect the communities of Indian tribal governments. This action does not involve or impose any requirements that affect Indian Tribes. Accordingly, the requirements of section 3(b) of E.O. 13084 do not apply to this rule.

E. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) generally requires an agency to conduct a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and small governmental jurisdictions. This proposed rule will not have a significant impact on a substantial number of small entities because SIP approvals under section 110 and subchapter I, part D of the Clean Air Act do not create any new requirements but simply approve requirements that the State is already imposing. Therefore, because the Federal SIP approval does not create any new requirements, I certify that this action will not have a significant economic impact on a substantial number of small entities. Moreover, due to the nature of the Federal-State relationship under the Clean Air Act, preparation of flexibility analysis would constitute Federal inquiry into the economic reasonableness of state action. The Clean Air Act forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co.*, v. *U.S. EPA*, 427 U.S. 246, 255–66 (1976); 42 U.S.C. 7410(a)(2).

F. Unfunded Mandates

Under sections 202 of the Unfunded Mandates Reform Act of 1995 (''Unfunded Mandates Act''), signed into law on March 22, 1995, EPA must prepare a budgetary impact statement to accompany any proposed or final rule that includes a Federal mandate that may result in estimated costs to State, local, or tribal governments in the aggregate, or to the private sector, of $100 million or more. Under section 205, EPA must select the most cost-effective and least burdensome alternative that achieves the objectives of the rule and is consistent with statutory requirements. Section 203 requires EPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule.

EPA has determined that the proposed approval action does not include a Federal mandate that may result in estimated costs of $100 million or more to either State, local, or tribal governments in the aggregate, or to the private sector. This Federal action approves pre-existing requirements under State or local law, and imposes no new requirements. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Hydrocarbons, Intergovernmental relations, Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements.

Authority: 42 U.S.C. 7401 et seq.

Dated: December 9, 1998.

Robert Perciasepe,

Assistant Administrator, OAR.

[FR Doc. 98–33475 Filed 12–16–98; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 81

[FRL–6202–3]

Identification of Additional Ozone Areas Attaining the 1-Hour Standard and to Which the 1-Hour Standard is No Longer Applicable

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The EPA proposes to identify ten additional ozone areas where the 1-hour standard is no longer applicable. Thus, upon finalization of this proposed action, the Code of Federal Regulations for ozone will be amended to reflect such changes. On July 18, 1997, EPA provided by rule that the 1-hour ozone standard would no longer apply to an area based on a determination by EPA that the area has attained that standard according to 40 CFR 50.9(b). The 1-hour standard will continue to apply to areas for which EPA has not made a determination through rulemaking. The EPA has previously taken final action regarding the applicability of the 1-hour standard for other areas on June 5, 1998 and July 22, 1998. The ten additional proposed areas are: Boston-Lawrence-Worcester (E.MA), Massachusetts-New Hampshire; Memphis, Tennessee; Muskegon, Michigan; Portland, Maine; Portsmouth-Dover-Rochester, New Hampshire; Providence (All RI), Rhode Island; Allegan County, Michigan; Oceana County, Michigan; Mason County, Michigan; Door County, Wisconsin.

DATES: To be considered, comments must be received on or before January 19, 1999.

ADDRESSES: Comments should be submitted (in duplicate, if possible) to Air and Radiation Docket and Information Center (6101), Attention: Docket No. A–98–48, U.S. Environmental Protection Agency, 401 M Street SW, Room M–1500, Washington, DC 20460, telephone (202) 260–7548, between 8:00 a.m. and 4:00 p.m., Monday through Friday, excluding legal holidays. A reasonable fee may be charged for copying. Comments and data may also be submitted electronically by following the instructions under **SUPPLEMENTARY INFORMATION** of this document. No confidential business information (CBI) should be submitted through e-mail.

FOR FURTHER INFORMATION CONTACT: Questions concerning this notice should be addressed to Annie Nikbakht (policy)

or Barry Gilbert (air quality data), Office of Air Quality Planning and Standards, Air Quality Strategies and Standards Division, Ozone Policy and Strategies Group, MD–15, Research Triangle Park, NC 27711, telephone (919) 541–5246/5238. In addition, the following Regional contacts may be called for individual information regarding monitoring data and policy matters specific for each Regional Office's geographic area:

Region I—Richard P. Burkhart, (617) 918–1664
Region IV—Kay Prince, (404) 562–9026
Region V—Todd Nettesheim, (312) 353–9153

SUPPLEMENTARY INFORMATION: Electronic Availability—The official record for this proposed rule, as well as the public version, has been established under docket number A–98–48 (including comments and data submitted electronically as described below). A public version of this record, including printed, paper versions of electronic comments, which does not include any information claimed as CBI, is available for inspection from 8:00 a.m. to 4:00 p.m., Monday through Friday, excluding legal holidays. The official proposed rulemaking record is located at the address in **ADDRESSES** at the beginning of this document. Electronic comments can be sent directly to EPA at: A-and-R-Docket@epamail.epa.gov. Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Comments and data will also be accepted on disks in WordPerfect in 5.1 file format or ASCII file format. All comments and data in electronic form must be identified by the docket number A–98–48. Electronic comments on this proposed rule may be filed online at many Federal Depository Libraries.

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I. Background

On July 16, 1997, the President issued a memorandum (62 FR 38421, July 18, 1997) to the Administrator of the EPA indicating that within 90 days of promulgation of the new 8-hour standard, the EPA would publish an action identifying ozone areas to which the 1-hour standard would cease to apply. The memorandum stated that for areas where the air quality did not currently attain the 1-hour standard, the 1-hour standard would continue in effect. The provisions of subpart 2 of title I of the Clean Air Act (CAA) would also apply to currently designated nonattainment areas until such time as each area has air quality meeting the 1-hour standard.

On July 18, 1997 (62 FR 38856), EPA promulgated a regulation replacing the 1-hour ozone standard with an 8-hour standard at a level of 0.08 parts per million (ppm). The form of the 8-hour standard is based on the 3-year average of the annual fourth-highest daily maximum 8-hour average ozone concentrations measured at each monitor within an area. The new primary standard, which became effective on September 16, 1997, provides increased protection to the public, especially children and other at-risk populations. On July 18, 1997, EPA also announced that revocation of the 1-hour ozone national ambient air quality standard (NAAQS) would be delayed until areas achieved attainment of the 1-hour NAAQS. This was done in order to facilitate continuity in public health protection during the transition to the new NAAQS. The EPA provided, by regulation, that the 1-hour standard would no longer apply to an area upon a determination by EPA that the area has attained the 1-hour standard.

On June 5, 1998 (63 FR 31014) and July 22, 1998 (63 FR 39432), EPA took final actions determining that numerous areas had attained the 1-hour standard and that the 1-hour standard no longer applied to those areas.

II. Summary of Today's Action

The purpose of this document is to propose the revocation of the 1-hour standard in ten additional areas that EPA has determined are not violating the 1-hour standard. The newly identified areas are: Boston-Lawrence-Worcester (E.MA), Massachusetts-New Hampshire; Memphis, Tennessee; Muskegon, Michigan; Portland, Maine; Portsmouth-Dover-Rochester, New Hampshire; Providence (All RI), Rhode Island; Allegan County, Michigan; Oceana County, Michigan; Mason County, Michigan; Door County, Wisconsin.

III. Analysis of Air Quality Data

This action, proposing to determine these areas are attaining the 1-hour standard and thus no longer subject to the 1-hour standard, is based upon analysis of quality-assured, ambient air quality monitoring data showing no violations of the 1-hour ozone standard. Determinations for this notice were based upon the most recent data available, i.e., 1996–1998 data. Detailed air quality data information used for today's determinations is contained in the Technical Support Document (TSD) to Docket No. A–98–48. The method for determining attainment of the ozone NAAQS is contained in 40 CFR 50.9 and Appendix H to that section. The level of the 1-hour primary and secondary NAAQS for ozone is 0.12 ppm.

IV. Effect of Revocation

Once EPA has determined that the 1-hour standard no longer applies to an area, that area is no longer subject to the nonattainment area planning requirements of subpart 2 of part D of title I of the CAA (section 182). This is because the nonattainment requirements in subpart 2 apply only for purposes of the 1-hour standard. Therefore, any sanctions or Federal implementation plan (FIP) clocks started, pursuant to sections 110 or 179 of the CAA and 40 CFR 52.31 with respect to planning requirements under section 182 of the CAA, are no longer applicable once EPA takes final action determining that an area has attained the 1-hour standard and, thereby, terminating the applicability of that standard for the area.

V. Other Regulatory Requirements

A. Executive Order 12866: Regulatory Impact Analysis

Under Executive Order (E.O.) 12866 (58 FR 51735, October 4, 1993), the Agency must determine whether the regulatory action is ''significant'' and, therefore, subject to Office of Management and Budget (OMB) review and the requirements of the E.O. The OMB has exempted this regulatory action from E.O. 12866 review.

B. Regulatory Flexibility Act

Under the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, EPA must prepare a regulatory flexibility analysis assessing the impact of any proposed or final rule on small entities (5 U.S.C. 603 and 604), unless EPA certifies that the rule will not have a significant impact on a substantial number of small entities. Small entities include small

businesses, small not-for-profit enterprises, and government entities with jurisdiction over populations of less than 50,000. The EPA is proposing that this rule, in its final form, will not have a significant impact on a substantial number of small entities because the determination that the 1-hour standard ceases to apply does not subject any entities to any additional requirements.

C. Unfunded Mandates

Under section 202 of the Unfunded Mandates Reform Act (UMRA) of 1995, EPA must prepare a budgetary impact statement to accompany any proposed or final rule that includes a Federal mandate that may result in estimated costs to State, local, or tribal governments in the aggregate; or to private sector, of $100 million or more. Under section 205, EPA must select the most cost-effective and least-burdensome alternative that achieves the objectives of the rule and is consistent with statutory requirements. Section 203 requires EPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule.

The EPA proposes that today's action, if finalized, would not include a Federal mandate that may result in estimated costs of $100 million or more to either State, local, or tribal governments in the aggregate or to the private sector. This Federal action imposes no new requirements. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action.

D. Executive Order 13045: Protection of Children From Environmental Health Risks and Safety Risks

On April 21, 1997, the President signed E.O. 13045 entitled ''Protection of Children from Environmental Health Risks and Safety Risks'' (62 FR 19885, April 23, 1997). This is the primary directive to Federal agencies and departments that Federal health and safety standards now must include an evaluation of the health or safety effects of the planned regulation on children. For rules subject to the E.O., agencies are further required to issue an explanation as to why the planned regulation is preferable to other potentially effective and reasonably feasible alternatives considered by the Agency.

This proposed rule is not subject to E.O. 13045 because this is not an economically significant regulatory action as defined by E.O. 12866, and it does not involve decisions on environmental health risks or safety risks that disproportionately affect children.

E. Executive Order 12875: Enhancing the Intergovernmental Partnership

Under E.O. 12875, EPA may not issue a regulation that is not required by statute and that creates a mandate upon a State, local or tribal government, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by those governments, or EPA consults with those governments. If EPA complies by consulting, E.O. 12875 requires EPA to provide to OMB a description of the extent of EPA's prior consultation with representatives of the affected State, local and tribal governments; the nature of their concerns; copies of any written communications from the governments; and a statement supporting the need to issue the regulation. In addition, E.O. 12875 requires EPA to develop an effective process permitting elected officials and other representatives of State, local and tribal governments ''to provide meaningful and timely input in the development of regulatory proposals containing significant unfunded mandates.''

Today's rule does not create a mandate on State, local or tribal governments. The rule does not impose any enforceable duties on these entities. Accordingly, the requirements of section 1(a) of E.O. 12875 do not apply to this rule.

F. Executive Order 13084: Consultation and Coordination With Indian Tribal Governments

Under E.O. 13084, EPA may not issue a regulation that is not required by statute that significantly or uniquely affects the communities of Indian tribal governments, and that imposes substantial direct compliance costs on those communities, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by the tribal governments, or EPA consults with those governments. If EPA complies by consulting, E.O. 13084 requires EPA to provide to OMB, in a separately identified section of the preamble to the rule, a description of the extent of EPA's prior consultation with representatives of affected tribal governments, a summary of the nature of their concerns, and a statement supporting the need to issue the regulation. In addition, E.O. 13084 requires EPA to develop an effective process permitting elected officials and other representatives of Indian tribal governments ''to provide meaningful and timely input in the development of regulatory policies on matters that significantly or uniquely affect their communities.''

Today's rule does not significantly or uniquely affect the communities of Indian tribal governments. The identified areas are not located in tribal lands, and this action does not involve or impose any requirements that affect Indian tribes. Accordingly, the requirements of section 3(b) of E.O. 13084 do not apply to this rule.

G. Paperwork Reduction Act

This proposal does not contain any information collection requirements which requires OMB approval under the Paperwork Reduction Act (44 U.S.C. 3501 et seq.).

H. Executive Order 12898: Environmental Justice

Under E.O. 12898 each Federal agency must make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minorities and low-income populations. Today's action (identifying additional ozone areas where the 1-hour standard is no longer applicable) does not adversely affect minorities and low-income populations because the new, more stringent 8-hour ozone standard is in effect and provides increased protection to the public, especially children and other at-risk populations.

I. National Technology Transfer and Advancement Act

Section 12 of the National Technology Transfer and Advancement Act (NTTAA) of 1995 requires Federal agencies to evaluate existing technical standards when developing new regulations. To comply with NTTAA, the EPA must consider and use ''voluntary consensus standards'' (VCS) if available and applicable when developing programs and policies unless doing so would be inconsistent with applicable law or otherwise impractical.

The EPA believes that VCS are inapplicable to this proposed action. Today's action does not require the public to perform activities conducive to the use of VCS.

List of Subjects in 40 CFR Part 81

Environmental protection, Air pollution control, National parks, Wilderness areas.

Dated: December 9, 1998.

Carol M. Browner,

Administrator.

[FR Doc. 98–33477 Filed 12–16–98; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 300

[FRL–6202–8]

National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List

AGENCY: Environmental Protection Agency.

ACTION: Notice of intent for partial deletion of the Rocky Mountain Arsenal National Priorities List Site from the National Priorities List; announcement to reopen public comment period.

SUMMARY: The Environmental Protection Agency (EPA) Region 8 announced its intent to delete the western tier parcel of the Rocky Mountain Arsenal National Priorities List Site (RMA/NPL Site) On-Post Operable Unit (OU) from the National Priorities List (NPL) on October 2, 1998 (63 FR 53005). The 30-day public comment period ended November 2, 1998, during which two letters were received. In addition to a request for additional time to comment, one of the letters contained significant comments to which EPA has responded by developing a new document specific to the western tier parcel. EPA is reopening the public comment period for an additional 60 days and requests comments on the proposed partial deletion in consideration of this new document.

The NPL constitutes Appendix B of 40 CFR part 300 which is the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), which EPA promulgated pursuant to section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). This partial deletion of the RMA/NPL Site is proposed in accordance with 40 CFR 300.425(e) and Notice of Policy Change: Partial Deletion of Sites listed on the National Priorities List (Nov. 1, 1995).

EPA bases its proposal to delete the western tier of the RMA/NPL Site on the determination by EPA and the State of Colorado, through the Colorado Department of Public Health and Environment (CDPHE), that all appropriate actions under CERCLA have been implemented to protect human health, welfare, and the environment and that no further response action by responsible parties is appropriate.

This partial deletion pertains only to the western tier of the On-Post OU of the RMA/NPL Site and does not include the rest of the On-Post OU or the Off-Post OU. The rest of the On-Post OU and the Off-Post OU will remain on the NPL and response activities will continue at those OUs.

DATES: Comments concerning this proposed partial deletion may be submitted to EPA on or before February 16, 1999.

ADDRESSES: Comments may be mailed to: Rob Henneke, Community Involvement Coordinator (8OC), U.S. EPA, Region 8, 999 18th Street, Suite 500, Denver, Colorado, 80202–2466, 1–800–227–8917 or (303) 312–6734.

Comprehensive information on the RMA/NPL Site, as well as information specific to this proposed partial deletion, is available through EPA's Region 8 office in Denver, Colorado. Documents are available for viewing by appointment from 8:00 a.m. to 4:00 p.m., Monday through Friday excluding holidays by calling (303) 312–7287. The Administrative Record for the RMA/NPL Site and the Deletion Docket for this partial deletion are maintained at the Joint Administrative Records Document Facility, Building 135, Room 16, 72nd and Quebec Streets, Commerce City, Colorado 80022, (303) 289–0362.

FOR FURTHER INFORMATION CONTACT: Ms. Laura Williams, Remedial Project Manager (8EPR–F), U.S. EPA, Region 8, 999 18th Street, Suite 500, Denver Colorado, 80202–2466, (303) 312–6660.

SUPPLEMENTARY INFORMATION:

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I. Introduction
II. NPL Deletion Criteria
III. Deletion Procedures
IV. Basis for Intended Partial Site Deletion

I. Introduction

The EPA Region 8 announced its intent to delete the western tier parcel of the RMA/NPL Site On-Post OU from the NPL on October 2, 1998 (63 FR 53005). The 30-day public comment period ended November 2, 1998, during which two letters were received. In addition to a request for additional time to comment, one of the letters contained significant comments to which EPA has responded by developing a new document specific to the western tier parcel. EPA is reopening the public comment period for an additional 60 days and requests comments on the proposed partial deletion in consideration of this new document.

The NPL constitutes Appendix B of the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), 40 CFR part 300, which EPA promulgated pursuant to section 105 of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), 42 U.S.C. 9605. EPA identifies sites that appear to present a significant risk to public health or the environment and maintains the NPL as the list of those sites. Sites on the NPL may be the subject of remedial actions financed by the Hazardous Substance Superfund (Fund). This partial deletion of the Site is proposed in accordance with 40 CFR 300.425(e) and Notice of Policy Change: Partial Deletion of Sites Listed on the National Priorities List (60 FR 55466 (Nov. 1, 1995)). As described in 40 CFR 300.425(e)(3), portions of a site deleted from the NPL remain eligible for further remedial actions if warranted by future conditions.

EPA will accept comments concerning its intent for partial deletion of the RMA/NPL Site for sixty days after publication of this document in the **Federal Register**.

Section II of this document explains the criteria for deleting sites from the NPL. Section III discusses the procedures that EPA is using for this proposed partial deletion. Section IV discusses the western tier of the RMA/NPL Site and explans how it meets the deletion criteria.

II. NPL Deletion Criteria

The NCP establishes the criteria that EPA uses to delete sites from the NPL. In accordance with 40 CFR 300.425(e), sites may be deleted from the NPL where no further response is appropriate to protect public health or the environment. In making such a determination pursuant to § 300.425(e), EPA will consider, in consultation with the State, whether any of the following criteria have been met:

Section 300.425(e)(1)(i). Responsible parties or other persons have implemented all appropriate response actions required; or

Section 300.425(e)(1)(ii). All appropriate Fund-financed response under CERCLA has been implemented, and no further response action by responsible parties is appropriate; or

Section 300.425(e)(1)(iii). The remedial investigation has shown that the release poses no significant threat to public health or the environment and, therefore, taking remedial measures is not appropriate.

A partial deletion of a site from the NPL does not affect or impede EPA's ability to conduct CERCLA response activities for portions not deleted from the NPL. In addition, deletion of a portion of a site from the NPL does not

affect the liability of responsible parties or impede agency efforts to recover costs associated with response efforts. The U.S. Army and Shell Oil company will be responsible for all future remedial actions required at the area deleted if future site conditions warrant such actions.

III. Deletion Procedures

Upon determination that at least one of the criteria described in § 300.425(e) of the NCP has been met, EPA may formally begin deletion procedures. The following procedures were used for this proposed deletion of the western tier of the RMA/NPL Site:

(1) EPA has recommended the partial deletion and has prepared the relevant documents.

(2) The State of Colorado, through the CDPHE, has concurred with publication of this notice of intent for partial deletion.

(3) Concurrent with this national Notice of Intent for Partial Deletion, a local notice has been published in a newspaper of record and has been distributed to appropriate federal, State, and local officials, and other interested parties.

(4) EPA has made all relevant documents available at the information repositories listed previously for public inspection and copying.

Upon completion of the sixty calendar day public comment period, EPA Region 8 will evaluate each significant comment and any significant new data received before issuing a final decision concerning the proposed partial deletion. EPA will prepare a responsiveness summary for each significant comment and any significant new data received during the public comment period and will address concerns presented in such comments and data. The responsiveness summary will be made available to the public at the EPA Region 8 office and the information repository listed above and will be included in the final deletion package. Members of the public are encouraged to contact EPA Region 8 to obtain a copy of the responsiveness summary. If, after review of all such comments and data, EPA determines that the partial deletion from the NPL is appropriate, EPA will publish a final notice of partial deletion in the **Federal Register**. Deletion of the western tier of the RMA/NPL Site does not actually occur until a final notice of partial deletion is published in the **Federal Register**. A copy of the final partial deletion package will be placed at the EPA Region 8 office and the information repository listed above after a final notice has been published in the **Federal Register**.

IV. Basis for Intended Partial Site Deletion

The following information provides EPA's rationale for deletion of the western tier of the RMA/NPL Site from the NPL and EPA's finding that the proposed final deletion satisfies 40 CFR 300.425(e) requirements:

Background

The On-Post OU of the RMA/NPL Site encompasses 27 square miles in southern Adams County, Colorado, approximately 8 miles northeast of the city of Denver. The Rocky Mountain Arsenal was established in 1942 by the U.S. Army, and was used to manufacture chemical warfare agents and incendiary munitions for use in World War II. Prior to this, the area was largely undeveloped ranch and farm land. Following the war and through the early 1980s, the facilities continued to be used by the Army. Beginning in 1946, some facilities were leased to private companies to manufacture industrial and agricultural chemicals. Shell Oil Company, the principal lessee, primarily manufactured pesticides from 1952 to 1982. After 1982, the only activities at the Arsenal involved remediation.

By the late 1950s, complaints of ground water pollution north of the RMA/NPL Site began to surface. Common industrial and waste disposal practices used during these years resulted in contamination of structures, soil, surface water, and ground water. As a result of this contamination, the Arsenal was proposed for inclusion on the NPL in July 1987. On February 17, 1989, an interagency agreement—referred to as a Federal Facility Agreement (FFA)—formalizing the process framework for selection and implementation of cleanup remedies at the RMA/NPL Site, was signed by the Army, Shell Oil Company, EPA, U.S. Department of the Interior, U.S. Department of Justice, and the Agency for Toxic Substances and Disease Registry.

Western Tier of the On-Post OU

A remedial investigation (RI) completed in January 1992 studied each of the five environmental media at the RMA/NPL Site, including soils, water, structures, air, and biota. Based upon evidence gathered during the RI, information on the western tier of the RMA/NPL Site indicated the western tier area was exposed to minimal or no contamination and is considered a ''non-source'' area. A structures survey program identified eight structures within the western tier.

Several ground water plumes below the western tier parcel have been identified but are not attributable to the RMA/NPL Site. Because the ground water does not meet drinking water standards, the Klein Water Treatment Facility was built in 1989—prior to completion of the RI—to treat the ground water contamination that is now known to originate from non-RMA/NPL sources. The Klein Water Treatment Facility is located within the area to be deleted; however, its continued operation, and associated 5-year review requirements, have been incorporated as part of the Chemical Sales Company Superfund Site.

The Irondale Containment System (ICS) was constructed during development of the RI/FS as an interim response action (IRA). The ICS is partially located on the western tier and was installed to extract and treat ground water emanating from the Rail Yard and the Motor Pool areas which are in close proximity to the western tier.

A feasibility study (FS) was finalized in October 1995 and a proposed plan prepared and presented to the public in October 1995 as well. On June 11, 1996, the On-Post Record of Decision (ROD) was signed by the Army, EPA, and the State of Colorado. The ROD specified no remedial action for soil within the western tier of the On-Post OU since the soil does not pose a risk to humans or biota. The remedy for structures included the dismantling of three of the eight structures found on the western tier. The selected ground water remedy consisted of continued operation of the ICS.

Community Involvement

Since 1988 each of the Parties has made extensive efforts to ensure that the public is kept informed on all aspects of the cleanup program. More than 100 fact sheets about topics ranging from historical information to site remediation have been developed and made available to the public. Following the release and distribution of the draft Detailed Analysis of Alternatives report (a second phase of the FS), the Army held an open house for about 1,000 community members. The open house provided opportunity for individual discussion and understanding of the various technologies being evaluated for cleanup of RMA/NPL.

The Proposed Plan for the On-Post OU was released for public review on October 16, 1995. On November 18, 1995 a public meeting was held, attended by approximately 50 members of the public, to obtain public comment

of the Proposed Plan. As a result of requests at this meeting, the period for submitting written comments on the plan was extended one month, concluding on January 19, 1996. No public comments were received on the alternatives presented for the western tier of the On-Post OU.

EPA Region 8 announced its intent to delete the western tier parcel from the NPL on October 2, 1998 (63 FR 53005). The 30-day public comment period ended November 2, 1998, during which two letters were received. In addition to a request for additional time to comment, one of the letters contained significant comments to which EPA has responded by developing a new document specific to the western tier parcel. The document, ''Further Evaluation of Surficial Soil Data from Western Tier Parcel at Rocky Mountain Arsenal (December 1998),'' evaluates surficial soils for the potential future use of daycare facilities. EPA is reopening the public comment period on the proposed partial deletion for an additional 60 days.

Current Status

Of the three structures slated for demolition, one was determined to no longer exist (a building foundation), and the other two structures (survey tower and septic tank) were demolished in October 1997. Since the ROD was signed, three structures referred to as ''vaults'' were found in Section 9 of the western tier parcel. These structures were used for housing antennae associated with the Titan I Missile system deployed in northern Colorado during the late 1950s through the mid-1960s. Evaluation of the vaults confirmed that no radiological, chemical or biological materials were utilized in these structures. The vaults were removed from the western tier during the week of July 20, 1998.

The ICS extraction wells have met the ROD shut-off criteria and were shut down on October 1, 1997. Extraction wells for the Motor Pool IRA have also met shut-off criteria; therefore, the ICS facility is currently operated solely to treat contaminated ground water which is piped from the Rail Yard IRA and not associated with the western tier parcel. Monitoring of the ground water aquifer previously treated through the ICS extraction wells, as required by the ROD, has been incorporated into the sitewide monitoring program.

Use of the ground water below the western tier for potable drinking purposes is prohibited by the FFA, the RMA National Wildlife Refuge Act of 1992, and the ROD; and will continue to be prohibited even after portions of the western tier are sold. Additional prohibitions imposed by the FFA, Refuge Act, and ROD include the use of the western tier parcel for residential, industrial, and agricultural purposes, for hunting or fishing for consumptive purposes, and the use of any future surface water as a potable source.

The December 1998 Child Care Risk Assessment document concluded that risks associated specifically with a potential future child care facility located on the western tier parcel are not above acceptable levels. These conclusions are consistent with those of previous investigations and risk assessment scenarios for the western tier which were conducted as part of the site-wide RMA/NPL Site investigations and risk assessment activities. Based on these determinations no further response actions are planned or scheduled for this area.

This remedy for soil and structures does not result in hazardous substances remaining at the site above health-based levels with respect to anticipated uses of and access to the site, which are limited under the Federal Facility Agreement, Rocky Mountain Arsenal National Wildlife Refuge Act and the ROD. All completion requirements for the western tier of the On-Post OU have been achieved as outlined in OSWER Directive 9320.2–3A. Therefore, there are no requirements for a five-year review or operation and maintenance.

EPA, with concurrence from the State of Colorado, has determined that all appropriate CERCLA response actions have been completed at the western tier parcel of the RMA/NPL Site to protect public health and the environment and that no further response action by responsible parties is required. Therefore, EPA proposes to delete the western tier of the On-Post OU of the RMA/NPL Site from the NPL.

Dated: December 8, 1998.

William P. Yellowtail,

Regional Administrator, Region 8.

[FR Doc. 98–33215 Filed 12–16–98; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL MARITIME COMMISSION

46 CFR Part 525

[Docket No. 98–27]

Marine Terminal Operator Schedules

AGENCY: Federal Maritime Commission.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: The Federal Maritime Commission proposes to add new regulations for marine terminal operator schedules in accordance with the Shipping Act of 1984, as amended by the Ocean Shipping Reform Act of 1998 and the Coast Guard Authorization Act of 1998.

DATES: Submit comments on or before January 19, 1999.

ADDRESSES: Address all comments concerning this proposed rule to: Joseph C. Polking, Secretary, Federal Maritime Commission, 800 North Capitol St., N.W. Room 1046, Washington, D.C. 20573–0001.

FOR FURTHER INFORMATION CONTACT:

Bryant VanBrakle, Director, Bureau of Tariffs, Certification and Licensing, Federal Maritime Commission, 800 North Capitol St., N.W. Room 940, Washington, D.C. 20573–0001, (202) 523–5796

Thomas Panebianco, General Counsel, Federal Maritime Commission, 800 North Capitol St., N.W. Room 1018, Washington, D.C. 20573–0001, (202) 523–5740

SUPPLEMENTARY INFORMATION: The Ocean Shipping Reform Act of 1998 (''OSRA''), Pub. L. 105–258, 112 Stat. 1902, and the Coast Guard Authorization Act of 1998, § 424 of Pub. L. 105–383, 112 Stat. 3411, amend the Shipping Act of 1984 (''1984 Act''), 46 U.S.C. app. § 1701 *et seq.*, in several areas relating to marine terminal operators (''MTO(s)''). The Federal Maritime Commission (''Commission'') proposes new regulations, 46 CFR part 525, which would implement changes made by OSRA to sections 3(15), 8(f), 8(g) and 10(d) of the 1984 Act.

New 46 CFR part 525

Proposed § 525.1 implements OSRA's revision of section 3(15) of the 1984 Act by redesignating that section as 3(14) and amending the definition of MTO to extend Commission jurisdiction over those MTOs who furnish terminal services or facilities in connection with a common carrier and a water carrier subject to Subchapter II of Chapter 135 of Title 49, United States Code. That is, the Commission will have jurisdiction over an MTO who serves mixed commerce, *i.e.*, international and domestic, rather than only those MTOs who solely serve international commerce.

In addition, the proposed rule would implement OSRA's new section (8)(f) of the 1984 Act. This section provides MTOs with the option of making their schedules of rates, regulations, and practices available to the public by publication in a terminal schedule, subject to section 10(d) of the 1984 Act, as amended by OSRA. The 1984 Act does not currently mandate MTO tariff filing, but it is required under

Commission regulations. 46 CFR 514.1(c)(3)(i). Thus, under OSRA, MTOs will no longer be required to file their tariffs with the Commission. This option of making MTO schedules available to the public is reflected in proposed § 525.2.

Section 8(f) of OSRA also provides that terminal schedules may include limitations of liability, subject to section 10(d), for cargo loss or damage pertaining to receiving, delivering, handling or storing property at the terminal. As explained in the legislative history, such limitation of liability must be consistent with domestic law and international agreements and conventions adopted by the United States. S. Rep. No. 105–61, 105th Cong., 1st Sess., at 25 (1997) (''Report''). The Commission does not interpret this reference to limitations of liability as an implied endorsement of the validity of any such claims, which remain subject, *inter alia,* to the proscriptions of section 10(d) of the 1984 Act against unjust and unreasonable practices; the 1984 Act merely authorizes the publication of any asserted limitations in the terminal schedule. This is also reflected in proposed § 525.2(a)(1).

OSRA further provides in section 8(f) that, if a terminal schedule is made available by an MTO, it will be enforceable in an appropriate court as an ''implied contract'' between the MTO and the party in receipt of the MTO's services. This provision ensures that MTOs are ''promptly and fairly compensated for the services they provide to waterborne commerce.'' Report at 25. The Report language further explains that the MTO need not prove, as part of its claim to enforce the terminal schedule as an implied contract, that the party receiving the terminal services had actual knowledge of the provisions of that schedule. *Id*. However, any actual contract that exists between an MTO and another party for terminal services would supersede a terminal schedule made available by the MTO that covers those same services, and such a terminal schedule would not be enforceable as an implied contract. *Id*. The existence of an actual contract, in any event, would not relieve the MTO from liability for violations of the 1984 Act, particularly section 10(d), which prohibits an MTO from discriminating against a common carrier or an ocean tramp or from giving any undue or unreasonable preference or advantage or imposing any undue or unreasonable prejudice or disadvantage with respect to any person. This is reflected in proposed § 525.2.

In addition, section 8(g) of OSRA authorizes the Commission to prescribe, by regulation, the form and manner in which MTO schedules are published. Proposed § 525.3 implements this section by delineating how the MTOs shall make their terminal schedules ''available.'' The proposed rule requires that any terminal schedule that is made available to the public shall be available at a reasonable charge, if any, and during normal business hours. Neither OSRA nor the Report, however, provide whether those schedules should be published in either electronic or paper form. In accordance with the Commission's authority to prescribe form and manner, the proposed rule requires all schedules to be published in electronic form. It appears that requiring the schedules to be published in electronic form would not be a hardship on MTOs who currently must file their tariffs in an electronic form with the Commission, and would provide meaningful access to the public. The Commission specifically requests comments on whether there is a compelling reason for or against allowing MTOs to publish their terminal schedules in paper form as an alternative means of publication.

All MTOs must notify the Commission of the location of any published terminal schedules by May 1, 1998. Such notification shall be accomplished by submitting Form FMC–1 to the Commission's Bureau of Tariffs, Certification and Licensing. The Commission specifically requests comments on whether that form should be filed in paper format or in electronic format on the Commission's website at www.fmc.gov. The Commission is also considering publishing a list of the locations of the terminal schedules on its website. The Commission specifically requests comments on its proposal to publish this list on the website. In addition, any terminal schedule must contain the form and manner requirements in proposed § 525.3(g).

Finally, in order to enforce the prohibited acts of section 10(d), MTOs must maintain in their offices a complete and current set of their terminal schedules for a period of five (5) years, whether or not made available to the public, and shall promptly make such schedules available to the Commission upon request. This is reflected in proposed § 525.3.

The Chairman of the Commission hereby certifies, pursuant to 605 of the Regulatory Flexibility Act, 5 U.S.C. 605, that the proposed rules will not, if promulgated, have a significant economic impact on a substantial number of small entities. The affected universe of parties is limited to marine terminal operators. The Commission has determined that these entities do not come under the programs and policies mandated by the Small Business Regulatory Enforcement Fairness Act as they typically exceed the threshold figures for number of employees and/or annual receipts to qualify as a small entity under Small Business Administration guidelines.

The reporting and disclosure requirements contained in this proposed rule have been submitted to the Office of Management and Budget (OMB). Public burden for this collection of information is estimated to average 5 hours per response. This estimate includes, as applicable, the time needed to review instructions, develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to respond to a collection of information, search existing data sources, gather and maintain the data needed, and complete and review the collection of information; and transmit or otherwise disclose the information.

Send comments regarding the burden estimate to the Office of Information and Regulatory Affairs, Office of Management and Budget, Attention Desk Officer for the Federal Maritime Commission, New Executive Office Building, 725 17th Street, N.W., Washington, D.C. 20503, within 30 days of publication in the **Federal Register**.

The Commission would also like to solicit comments to: (a) evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) evaluate the accuracy of the Commission's burden estimates for the proposed collection of information; (c) enhance the quality, utility, and clarity of the information to be collected; and (d) minimize the burden of the collections of information on respondents, including through the use of automated collection techniques or other forms of information technology. Comments submitted in response to this proposed rulemaking will be summarized and/or included in the final rule and will become a matter of public record.

List of Subjects in 46 CFR Part 525

Freight, Harbors, Reporting and recordkeeping requirements, Warehouses.

For the reasons discussed in the preamble, the Federal Maritime Commission proposes to add part 525 to subchapter B, chapter IV of 46 CFR as follows:

PART 525—MARINE TERMINAL OPERATOR SCHEDULES

Sec.
525.1 Purpose and scope.
525.2 Terminal schedules.
525.3 Availability of marine terminal operator schedules.

Authority: 46 U.S.C. app. 1702, 1707, 1709, as amended by Pub. L. 105–258, 112 Stat. 1902, and Pub. L. 105–383, 112 Stat. 3411.

§ 525.1 Purpose and scope.

(a) *Purpose.* This part implements the Shipping Act of 1984, as amended by the Ocean Shipping Reform Act of 1998 and the Coast Guard Authorization Act of 1998. The form and manner requirements of this part are necessary to enable the Commission to meet its responsibilities with regard to identifying and preventing unreasonable preference or prejudice and unjust discrimination pursuant to section 10 of the Act.

(b) *Scope.* This part sets forth the regulations for the publication of terminal schedules by marine terminal operators. Information made available under this part may be used to determine marine terminal operators' compliance with shipping statutes and regulations.

(c) *Definitions.* The following definitions apply to the regulations of this part:

(1) *Act* means the Shipping Act of 1984, as amended by the Ocean Shipping Reform Act of 1998 and the Coast Guard Authorization Act of 1998.

(2) *Bulk cargo* means cargo that is loaded and carried in bulk without mark or count.

(3) *Checking* means the service of counting and checking cargo against appropriate documents for the account of the cargo or the vessel, or other person requesting same.

(4) *Commission* means the Federal Maritime Commission.

(5) *Dockage* means the charge assessed against a vessel for berthing at a wharf, pier, bulkhead structure, or bank or for mooring to a vessel so berthed.

(6) *Effective date* means the date a schedule or an element of a schedule becomes effective. Where there are multiple publications on the same day, the last schedule or element of a schedule published with the same effective date is the one effective for that day.

(7) *Expiration date* means the last day, after which the entire schedule or a single element of the schedule, is no longer in effect.

(8) *Forest products* means forest products including, but not limited to, lumber in bundles, rough timber, ties, poles, piling, laminated beams, bundled siding, bundled plywood, bundled core stock or veneers, bundled particle or fiber boards, bundled hardwood, wood pulp in rolls, wood pulp in unitized bales, paper and paper board in rolls or in pallet or skid-sized sheets, liquid or granular by-products derived from pulping and papermaking, and engineered wood products.

(9) *Free time* means the period specified in the terminal schedule during which cargo may occupy space assigned to it on terminal property, including off-dock facilities, free of wharf demurrage or terminal storage charges immediately prior to the loading or subsequent to the discharge of such cargo on or off the vessel.

(10) *Handling* means the service of physically moving cargo between point of rest and any place on the terminal facility, other than the end of ship's tackle.

(11) *Heavy lift* means the service of providing heavy lift cranes and equipment for lifting cargo.

(12) *Loading and unloading* means the service of loading or unloading cargo between any place on the terminal and railroad cars, trucks, lighters or barges or any other means of conveyance to or from the terminal facility.

(13) *Marine terminal operator* means a person engaged in the United States or a commonwealth, territory, or possession thereof, in the business of furnishing wharfage, dock, warehouse or other terminal facilities in connection with a common carrier, or in connection with a common carrier and a water carrier subject to Subchapter II of Chapter 135 of Title 49, United States Code. A marine terminal operator includes, but is not limited to, terminals owned or operated by states and their political subdivisions; railroads who perform port terminal services not covered by their line haul rates; common carriers who perform port terminal services; and warehousemen who operate port terminal facilities.

(14) *Organization name* means an entity's name on file with the Commission and for which the Commission assigns an organization number.

(15) *Person* includes individuals, firms, partnerships, associations, companies, corporations, joint stock associations, trustees, receivers, agents, assignees and personal representatives.

(16) *Rate* means a price quoted in a schedule for providing a specified level of marine terminal service or facility for a stated cargo quantity, on and after a stated effective date or within a defined time frame.

(17) *Schedule* means a publication containing the actual rates, charges, classifications, regulations and practices of a marine terminal operator. The term ''practices'' refers to those usages, customs or modes of operation which in any way affect, determine or change the rates, charges or services provided by a marine terminal operator.

(18) *Terminal facilities* means one or more structures comprising a terminal unit, which include, but are not limited to, wharves, warehouses, covered and/or open storage spaces, cold storage plants, cranes, grain elevators and/or bulk cargo loading and/or unloading structures, landings, and receiving stations, used for the transmission, care and convenience of cargo and/or passengers in the interchange of same between land and water carriers or between two water carriers.

(19) *Terminal services* includes checking, dockage, free time, handling, heavy lift, loading and unloading, terminal storage, usage, wharfage, and wharf demurrage, as defined in this section. The definitions of terminal services set forth in this section shall be set forth in terminal schedules, except that other definitions of terminal services may be used if they are correlated by footnote, or other appropriate method, to the definitions set forth herein. Any additional services which are offered shall be listed and charges therefor shall be shown in the terminal schedule.

(20) *Terminal storage* means the service of providing warehouse or other terminal facilities for the storage of inbound or outbound cargo after the expiration of free time, including wharf storage, shipside storage, closed or covered storage, open or ground storage, bonded storage and refrigerated storage.

(21) *Usage* means the use of terminal facility by any rail carrier, lighter operator, trucker, shipper or consignee, its agents, servants, and/or employees, when it performs its own car, lighter or truck loading or unloading, or the use of said facilities for any other gainful purpose for which a charge is not otherwise specified.

(22) *Wharf demurrage* means a charge assessed against cargo remaining in or on terminal facilities after the expiration

of free time, unless arrangements have been made for storage.

(23) *Wharfage* means a charge assessed against the cargo or vessel on all cargo passing or conveyed over, onto, or under wharves or between vessels (to or from barge, lighter, or water), when berthed at wharf or when moored in slip adjacent to wharf. Wharfage is solely the charge for use of wharf and does not include charges for any other service.

§ 525.2 Terminal schedules.

(a) *Marine terminal operator schedules.* A marine terminal operator, at its discretion, may make available to the public, subject to section 10(d) of the Act, a schedule of its rates, regulations, and practices.

(1) *Limitations of liability.* Any limitations of liability for cargo loss or damage pertaining to receiving, delivering, handling, or storing property at the marine terminal contained in a terminal schedule must be consistent with domestic law and international conventions and agreements adopted by the United States; such terminal schedules cannot contain provisions that exculpate or relieve marine terminal operators from liability for their own negligence, or that impose upon others the obligation to indemnify or hold-harmless the terminals from liability for their own negligence.

(2) *Enforcement of terminal schedules.* Any schedule that is made available to the public by the marine terminal operator shall be enforceable by an appropriate court as an implied contract between the marine terminal operator and the party receiving the services rendered by the marine terminal operator, without proof that such party has actual knowledge of the provisions of the applicable terminal schedule.

(3) *Contracts for terminal services.* If the marine terminal operator has an actual contract with a party covering the services rendered by the marine terminal operator to that party, an existing terminal schedule covering those same services shall not be enforceable as an implied contract.

(b) *Cargo types not subject to this part.* (1) Except as set forth in paragraph (b)(2) of this section, this part does not apply to bulk cargo, forest products, recycled metal scrap, new assembled motor vehicles, waste paper and paper waste in terminal schedules.

(2) Marine terminal operators which voluntarily make available terminal schedules covering any of the commodities identified in paragraph (b)(1) of this section thereby subject their services with respect to those commodities to the requirements of this part.

(c) *Marine terminal operator agreements.* The regulations relating to agreements to which a marine terminal operator is a party are located at part 535 of this chapter.

§ 525.3 Availability of marine terminal operator schedules.

(a) *Availability of terminal schedules.* (1) *Availability to the Commission.* A complete and current set of terminal schedules used by a marine terminal operator, or to which it is a party, shall be maintained in its office(s) for a period of five (5) years, whether or not made available to the public, and shall promptly be made available to the Commission upon request.

(2) *Availability to the public.* Any terminal schedule that is made available to the public shall be available during normal business hours and in electronic form. The public may be assessed a reasonable nondiscriminatory charge for access to the terminal schedules; no charge will be assessed against the Commission.

(b) *Access to electronically published schedules.* Marine terminal operators shall provide access to their terminal schedules via a personal computer (PC) by:

(1) Dial-up connection via public switched telephone networks (PSTN); or

(2) The Internet (Web) by:

(i) Web browser; or

(ii) Telnet session.

(c) *Dial-up connection via PSTN.* (1) This connection option requires that terminal schedules provide:

(i) A minimum of a 14.4Kbps modem capable of receiving incoming calls,

(ii) Smart terminal capability for VT–100 terminal or terminal emulation access, and

(iii) telephone line(s) quality for data transmission.

(2) The modem may be included in a collection (bank) of modems as long as all modems in the bank meet the minimum speed. Smart terminal emulation provides for features such as bold, blinking, underlining and positioning to specific locations on the display screen.

(d) *Internet connection.* (1) This connection option requires that systems provide:

(i) A universal resource locator (URL) Internet address (*e.g.*, http://www.tariffsrus.com or http://1.2.3.4), and/or

(ii) A universal resource locator (URL) Internet address (*e.g.*, telnet://tariffsrus or telnet://1.2.3.4), for Telnet session access over the Internet.

(2) Marine terminal operators shall ensure that their Internet service providers shall provide static Internet addresses.

(e) *Commission access.* Commission telecommunications access to systems must include connectivity via a dial-up connection over public switched telephone networks (PSTN) or a connection over the Internet. Connectivity will be provided at the expense of the publishers. Any recurring connection fees, hardware rental fees, usage fees or any other charges associated with the availability of the system are the responsibility of the publisher. The Commission shall only be responsible for the long-haul charges for PSTN calls to a terminal schedule initiated by the Commission.

(f) *Notification.* Each marine terminal operator shall notify the Commission's Bureau of Tariffs, Certification and Licensing (''BTCL''), prior to the commencement of marine terminal operations, of its organization name, organization number, home office address, name and telephone number of firm's representative, the location of its terminal schedule(s), and the publisher, if any, used to maintain its terminal schedule, by submitting Form FMC–1. Any changes to the above information shall be immediately transmitted to BTCL. The Commission will publish a list on its website, www.fmc.gov, of the location of any terminal schedule made available to the public.

(g) *Form and manner.* Each terminal schedule made available by a marine terminal operator shall contain an individual identification number, effective date, expiration date, if any, and the complete terminal schedule in full text and/or data format showing all its rates, charges, and regulations relating to or connected with the receiving, handling, storing, and/or delivering of property at their terminal facilities.

By the Commission.

Joseph C. Polking,

Secretary.

[FR Doc. 98–33366 Filed 12–16–98; 8:45 am]

BILLING CODE 6730–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 2, 74, 78, 101

[ET Docket No. 95–18; FCC 98–309]

Allocation of Spectrum at 2 GHz for Use by the Mobile-Satellite Service

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: By this *Third Notice of Proposed Rule Making*, the Commission proposes to change the prior allocation to Broadcast Auxiliary Service (BAS) from the 2025–2130 MHz band to the 2025–2110 MHz band, and to allocate the 2110–2150 MHz band to the Fixed and Mobile Services, for later assignment of licenses by auction. This *Third Notice of Proposed Rule Making* solicits comment on the proposed allocation, including the necessity and means of moving incumbent BAS and FS microwave licensees to another band.

DATES: Comments are due January 19, 1991. Reply comments are due February 19, 1999.

ADDRESSES: All filings must be sent to the Commission's Secretary, Magalie Roman Salas, Office of the Secretary, Federal Communications Commission, 445 Twelfth Street, S.W. TW-A325, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Sean White, Office of Engineering and Technology, (202) 418–2453.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's *Third Notice of Proposed Rule Making*, adopted November 19, 1998, and released November 25, 1998. The full text of this Commission decision is available for inspection and copying during regular business hours in the FCC Reference Center (Room CY–C404), 445 Twelfth Street, SW, Washington, DC. The complete text of this decision also may be purchased from the Commission's duplication contractor, International Transcription Service, Inc., (202) 857–3800, 1231 20th Street, N.W., Washington, D.C. 20036.

Summary of Third Notice of Proposed Rule Making

1. In this *Third Notice of Proposed Rule Making*, the Commission proposes to allocate the 2110–2150 MHz band to the Fixed and Mobile Services, for assignment to licensees by auction. This proposal is consistent with the requirements of Congress in Section 3002 (a) of the Balanced Budget Act of 1997, Pub. L. 105–33, 111 Stat. 251 (1997). The Commission further proposes to allocate the 2025–2110 MHz band to the Fixed and Mobile services for the use of BAS licensees.

2. The Commission solicits public comment on the proposed allocation, the details of timing, requirements, and negotiations in the relocation of BAS and FS microwave incumbents, and any other sharing or technical matters pertinent to the proposed allocation.

List of Subjects in 47 CFR Parts 2, 74, 78, and 101

Radio.

Federal Communications Commission

Magalie Roman Salas,

Secretary.

[FR Doc. 98–33396 Filed 12–16–98; 8:45 am]

BILLING CODE 6712–01–p

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 98–224, RM–9416]

Radio Broadcasting Services; Belfield, ND

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission requests comments on a petition filed by High Plains Broadcasting, Inc., to allot Channel 230C1 to Belfield, ND, as the community's first local aural service. Channel 230C1 can be allotted to Belfield in compliance with the Commission's minimum distance separation requirements without the imposition of a site restriction, at coordinates 46–53–06 North Latitude and 103–11–48 West Longitude. Canadian concurrence in the allotment is required since Belfield is located within 320 kilometers (200 miles) of the U.S.-Canadian border.

DATES: Comments must be filed on or before February 1, 1999, and reply comments on or before February 16, 1999.

ADDRESSES: Federal Communications Commission, 445 12th Street, S.W., Room TW-A325, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: F. William LeBeau, Hogan & Hartson L.L.P., 555 Thirteenth Street, N.W., Washington, D.C. 20004–1109 (Counsel to petitioner).

FOR FURTHER INFORMATION CONTACT: Leslie K. Shapiro, Mass Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 98–224, adopted December 2, 1998, and released December 11, 1998. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Services, Inc., (202) 857–3800, 1231 20th Street, NW, Washington, DC 20036.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

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 allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

John A. Karousos,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 98–33402 Filed 12–16–98; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 98–225, RM–9417]

Radio Broadcasting Services; Medina, ND

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission requests comments on a petition filed by High Plains Broadcasting, Inc., seeking the allotment of Channel 222C to Medina, ND, as the community's first local aural service. Channel 222C can be allotted to Medina in compliance with the Commission's minimum distance separation requirements without the imposition of a site restriction, at coordinates 46–53–36 North Latitude and 99–17–54 West Longitude. Canadian concurrence is required since Medina is located within 320 kilometers (200 miles) of the U.S.-Canadian border.

DATES: Comments must be filed on or before February 1, 1999, and reply comments on or before February 16, 1999.

ADDRESSES: Federal Communications Commission, 445 12th Street, S.W., Room TW–A325, Washington, DC 20554. In addition to filing comments

with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: F. William LeBeau, Hogan & Hartson L.L.P., 555 Thirteenth Street, N.W., Washington, D.C. 20004–1109 (Counsel to petitioner).

FOR FURTHER INFORMATION CONTACT: Leslie K. Shapiro, Mass Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 98–225, adopted December 2, 1998, and released December 11, 1998. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Services, Inc., (202) 857–3800, 1231 20th Street, NW, Washington, DC 20036.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

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 allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

John A. Karousos,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 98–33401 Filed 12–16–98; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 98–226, RM–9415]

Radio Broadcasting Services; Burlington, ND

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission requests comments on a petition filed by High Plains Broadcasting, Inc. seeking the allotment of Channel 276C1 to Burlington, ND, as the community's first local aural service. Channel 276C1 can be allotted to Burlington in compliance with the Commission's minimum distance separation requirements without the imposition of a site restriction, at coordinates 48–16–42 North Latitude and 101–25–36 West Longitude. Canadian concurrence in the allotment is required since Burlington is located within 320 kilometers (200 miles) of the U.S.-Canadian border.

DATES: Comments must be filed on or before February 1, 1999, and reply comments on or before February 16, 1999.

ADDRESSES: Federal Communications Commission, 445 12th Street, S.W., Room TW–A325, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: F. William LeBeau, Hogan & Hartson L.L.P., 555 Thirteenth Street, N.W., Washington, D.C. 20004–1109 (Counsel to petitioner).

FOR FURTHER INFORMATION CONTACT: Leslie K. Shapiro, Mass Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 98–226, adopted December 2, 1998, and released December 11, 1998. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Services, Inc., (202) 857–3800, 1231 20th Street, NW, Washington, DC 20036.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

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 allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

John A. Karousos,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 98–33400 Filed 12–16–98; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 98–222, RM–9407]

Radio Broadcasting Services; Lordsburg and Hurley, NM

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission requests comments on a petition filed by BBC Radio seeking the substitution of Channel 288C1 for Channel 289C3 at Lordsburg, NM, the reallotment of Channel 288C1 to Hurley, NM, as the community's first local aural service, and the modification of its construction permit (BPH–970725MO) to specify Hurley as its community of license. Channel 288C1 can be allotted to Hurley in compliance with the Commission's minimum distance separation requirements with a site restriction of 9.6 kilometers (5.9 miles) north to avoid a short-spacing to Channel 288B, El Porven, Chihuahua, Mexico, and to accommodate petitioner's desired transmitter site, at coordinates 32–47–00 North Latitude and 108–08–30 West Longitude. Mexican concurrence in the allotment is required since Hurley is located within 320 kilometers (199 miles) of the U.S.-Mexican border.

DATES: Comments must be filed on or before February 1, 1999, and reply comments on or before February 16, 1999.

ADDRESSES: Federal Communications Commission, 445 12th Street, S.W., Room TW–A325, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: Lee J. Peltzman, Shainis & Peltzman, Chartered, Suite 290, 1901 L Street, N.W., Washington, D.C. 20036 (Counsel to petitioner).

FOR FURTHER INFORMATION CONTACT: Leslie K. Shapiro, Mass Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 98–222, adopted December 2, 1998, and released December 11, 1998. The full text of this Commission decision is

available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Services, Inc., (202) 857–3800, 1231 20th Street, NW, Washington, DC 20036.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

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 allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

John A. Karousos,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 98–33399 Filed 12–16–98; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 98–223; RM–9340]

Radio Broadcasting Services; Cherry Valley, AR

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition for rule making filed by ALALATEX Broadcasters, a general partnership, seeking the allotment of FM Channel 257A to Cherry Valley, Arkansas, as that community's first local aural transmission service. Coordinates used for this proposal are 35–28–21 NL and 90–51–51 WL.

DATES: Comments must be filed on or before February 1, 1999, and reply comments on or before February 16, 1999.

ADDRESSES: Federal Communications Commission, Office of the Secretary, 445 Twelfth Street, S.W.; TW–A325, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, as follows: Jean Hill, ALALATEX, 6101 Bayou Road, Mobile, AL 36605.

FOR FURTHER INFORMATION CONTACT: Nancy Joyner, Mass Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 98–223, adopted December 2, 1998, and released December 11, 1998. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, Inc., 1231 20th Street, NW., Washington, DC 20036, (202) 857–3800.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

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 allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, See 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

John A. Karousos,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 98–33398 Filed 12–16–98; 8:45 am]

BILLING CODE 6712–01–P

Notices

Federal Register
Vol. 63, No. 242
Thursday, December 17, 1998

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

Animal and Plant Health Inspection Service

[Docket No. 97–094–2]

Monsanto Co.; Availability of Determination of Nonregulated Status for Potato Genetically Engineered for Insect and Virus Resistance

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice.

SUMMARY: We are advising the public of our determination that certain potato lines developed by the Monsanto Company, which have been genetically engineered for insect and virus resistance, are no longer considered regulated articles under our regulations governing the introduction of certain genetically engineered organisms. Our determination is based on our evaluation of data submitted by the Monsanto Company in its petition for a determination of nonregulated status, an analysis of other scientific data, and our review of comments received from the public in response to a previous notice announcing our receipt of the Monsanto Company's petition. This notice also announces the availability of our written determination document and its associated environmental assessment and finding of no significant impact.

EFFECTIVE DATE: December 3, 1998.

ADDRESSES: The determination, an environmental assessment and finding of no significant impact, the petition, and all written comments received regarding the petition may be inspected at USDA, room 1141, South Building, 14th Street and Independence Avenue SW., Washington, DC, between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays. Persons wishing to inspect those documents are requested to call before visiting on (202) 690–2817 to facilitate entry into the reading room.

FOR FURTHER INFORMATION CONTACT: Dr. James White, Biotechnology and Biological Analysis, PPQ, APHIS, 4700 River Road Unit 147, Riverdale, MD 20737–1236; (301) 734–5940. To obtain a copy of the determination or the environmental assessment and finding of no significant impact, contact Ms. Kay Peterson at (301) 734–4885; e-mail: Kay.Peterson@.usda.gov.

SUPPLEMENTARY INFORMATION:

Background

On July 23, 1997, the Animal and Plant Health Inspection Service (APHIS) received a petition (APHIS Petition No. 97–204–01p) from the Monsanto Company (Monsanto) of St. Louis, MO, seeking a determination that seven NewLeaf® Plus Russet Burbank potato lines, which have been genetically engineered for resistance to the Colorado potato beetle (CPB) and potato leaf roll virus (PLRV), do not present a plant pest risk and, therefore, are not regulated articles under APHIS' regulations in 7 CFR part 340. Subsequently, Monsanto requested that all but two (RBMT21–129 and RBMT21–350) of the NewLeaf® Plus Russet Burbank potato lines be withdrawn from consideration in the subject petition.

On November 20, 1997, APHIS published a notice in the **Federal Register** (62 FR 61961–61962, Docket No. 97–094–1) announcing that the Monsanto petition had been received and was available for public review. The notice also discussed the role of APHIS, the Environmental Protection Agency, and the Food and Drug Administration in regulating the subject potato lines and food products derived from them. In the notice, APHIS solicited written comments from the public as to whether these potato lines posed a plant pest risk. The comments were to have been received by APHIS on or before January 20, 1998. During the designated 60-day comment period, APHIS received 14 comments from the following: Potato farmers and processors; State and national trade associations; a State congressional delegation; the U.S. Department of Agriculture's Agricultural Research Service; a research entomologist from a university agricultural research center; and a European crop research institute. All of the comments were in support of the subject petition.

Analysis

Russet Burbank potato lines RBMT21–129 and RBMT21–350 have been genetically engineered to contain the *cryIIIA* gene derived from *Bacillus thuringiensis* subsp. *tenebrionis* (*Btt*), which encodes an insecticidal protein that is effective against CPB, and the *orf1/orf2* gene derived from PLRV, which imparts resistance to PLRV. In addition to the *cryIIIA* gene and the *orf1/orf2* gene, these potato lines contain the *nptII* gene, which encodes the NPTII protein used as a selectable marker in the initial stages of plant transformation. The subject potato lines were developed through use of the *Agrobacterium tumefaciens* transformation method, and expression of the added genes is controlled in part by gene sequences derived from the plant pathogens *A. tumefaciens* and figwort mosaic virus.

The subject potato lines have been considered regulated articles under APHIS' regulations in 7 CFR part 340 because they contain gene sequences derived from plant pathogens. However, evaluation of field data reports from field tests of these potato lines conducted under APHIS permits and notifications since 1994 indicates that there were no deleterious effects on plants, nontarget organisms, or the environment as a result of the environmental release of the subject potato plants.

Determination

Based on its analysis of the data submitted by Monsanto, a review of other scientific data and field tests of the subject potato lines, and an analysis of comments from the public on the subject petition, APHIS has determined that Russet Burbank potato lines RBMT21–129 and RBMT21–350:

(1) Exhibit no plant pathogenic properties; (2) are no more likely to become a weed than pest-resistant potato lines developed by traditional breeding techniques; (3) are unlikely to increase the weediness potential for any other cultivated or wild species with which they can interbreed; (4) will not cause damage to raw or processed agricultural commodities; and (5) will not harm threatened or endangered species or other organisms, such as bees, that are beneficial to agriculture, or have an adverse impact on the ability to control nontarget insect pests.

Therefore, APHIS has concluded that the subject Russet Burbank potato lines and any progeny derived from crosses with other potato varieties will be as safe to grow as potatoes that are not subject to regulation under 7 CFR part 340.

The effect of this determination is that Monsanto's Russet Burbank potato lines RBMT21–129 and RBMT21–350 are no longer considered regulated articles under APHIS' regulations in 7 CFR part 340. Therefore, the requirements pertaining to regulated articles under those regulations no longer apply to the field testing, importation, or interstate movement of the subject potato lines or their progeny. However, importation of the subject potato lines or seeds capable of propagation are still subject to the restrictions found in APHIS' foreign quarantine notices in 7 CFR part 319.

National Environmental Policy Act

An environmental assessment (EA) has been prepared to examine the potential environmental impacts associated with this determination. The EA was prepared in accordance with: (1) The National Environmental Policy Act of 1969, as amended (NEPA) (42 U.S.C. 4321 *et seq.*), (2) regulations of the Council on Environmental Quality for implementing the procedural provisions of NEPA (40 CFR parts 1500–1508), (3) USDA regulations implementing NEPA (7 CFR part 1b), and (4) APHIS' NEPA Implementing Procedures (7 CFR part 372). Based on that EA, APHIS has reached a finding of no significant impact (FONSI) with regard to its determination that Monsanto's Russet Burbank potato lines RBMT21–129 and RBMT21–350 and lines developed from them are no longer regulated articles under its regulations in 7 CFR part 340. Copies of the EA and the FONSI are available upon request from the individual listed under **FOR FURTHER INFORMATION CONTACT**.

Done in Washington, DC, this 14th day of December 1998.

Joan M. Arnoldi,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 98–33435 Filed 12–16–98; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Natural Resources Conservation Service

Mining Specifications for Prime Farmland

AGENCY: Natural Resources Conservation Service, USDA.

ACTION: Proposed notice; extension of comment period.

SUMMARY: This document extends the comment period of a proposed notice published in the **Federal Register** on October 28, 1998. This notice sets forth specifications for soil handling in relation to mining activities on Prime Farmland as provided for in the Surface Mining Control and Reclamation Act of 1977 (SMCRA). This proposed notice is located on pages 57651–57656, (Volume 63, Number 208).

DATES: Comments must be received by January 26, 1999.

ADDRESSES: All comments concerning this proposed notice should be addressed to: Gary Nordstrom, Director, Conservation Operations Division, Natural Resources Conservation Service, PO Box 2890, Washington, DC 20013–2890; Submit electronic comments to gary.nordstrom@usda.gov.

FOR FURTHER INFORMATION CONTACT: Gary Nordstrom, Director, Conservation Operations Division, Natural Resources Conservation Service, (202) 720–1845.

Signed in Washington, DC, on December 10, 1998.

Danny D. Sells,

Associate Chief, Natural Resources Conservation Service.

[FR Doc. 98–33458 Filed 12–16–98; 8:45 am]

BILLING CODE 3410–16–M

DEPARTMENT OF AGRICULTURE

Rural Utilities Service

Municipal Interest Rates for the First Quarter of 1999

AGENCY: Rural Utilities Service, USDA.

ACTION: Notice of municipal interest rates on advances from insured electric loans for the first quarter of 1999.

SUMMARY: The Rural Utilities Service hereby announces the interest rates for advances on municipal rate loans with interest rate terms beginning during the first calendar quarter of 1999.

DATES: These interest rates are effective for interest rate terms that commence during the period beginning January 1, 1999, and ending March 31, 1999.

FOR FURTHER INFORMATION CONTACT: Carolyn Dotson, Loan Funds Control Assistant, U.S. Department of Agriculture, Rural Utilities Service, Room 0227-S, Stop 1524, 1400 Independence Avenue, SW, Washington, DC 20250–1500. Telephone: 202–720–1928. FAX: 202–690–2268. E-mail: CDotson@rus.usda.gov.

SUPPLEMENTARY INFORMATION: The Rural Utilities Service (RUS) hereby announces the interest rates on advances made during the first calendar quarter of 1999 for municipal rate electric loans. RUS regulations at § 1714.4 state that each advance of funds on a municipal rate loan shall bear interest at a single rate for each interest rate term. Pursuant to § 1714.5, the interest rates on these advances are based on indexes published in the ''Bond Buyer'' for the four weeks prior to the third Friday of the last month before the beginning of the quarter. The rate for interest rate terms of 20 years or longer is the average of the 20 year rates published in the Bond Buyer in the four weeks specified in § 1714.5(d). The rate for terms of less than 20 years is the average of the rates published in the Bond Buyer for the same four weeks in the table of ''Municipal Market Data—General Obligation Yields'' or the successor to this table. No interest rate may exceed the interest rate for Water and Waste Disposal loans.

The table of Municipal Market Data includes only rates for securities maturing in 1999 and at 5 year intervals thereafter. The rates published by RUS reflect the average rates for the years shown in the Municipal Market Data table. Rates for interest rate terms ending in intervening years are a linear interpolation based the average of the rates published in the Bond Buyer. All rates are adjusted to the nearest one eighth of one percent (0.125 percent) as required under § 1714.5(a). The market interest rate on Water and Waste Disposal loans for this quarter is 5.000 percent.

In accordance with § 1714.5, the interest rates are established as shown in the following table for all interest rate terms that begin at any time during the first calendar quarter of 1999.

Interest rate term ends in (year)	RUS rate (0.000 percent)
2019 or later	5.000
2018	5.000
2017	4.875
2016	4.875
2015	4.875
2014	4.750
2013	4.750
2012	4.625
2011	4.500
2010	4.500
2009	4.375
2008	4.250
2007	4.250
2006	4.125
2005	4.000
2004	4.000
2003	3.875
2002	3.750
2001	3.500

Interest rate term ends in (year)	RUS rate (0.000 percent)
2000	3.250
1999	3.125

Dated: December 10, 1998.

Christopher A. McLean,

Acting Administrator, Rural Utilities Service.

[FR Doc. 98–33433 Filed 12–16–98; 8:45 am]

BILLING CODE 3410–15–P

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

Electronic and Information Technology Access Advisory Committee; Meeting

AGENCY: Architectural and Transportation Barriers Compliance Board.

ACTION: Notice of meeting.

SUMMARY: The Architectural and Transportation Barriers Compliance Board (Access Board) has established an advisory committee to assist it in developing a proposed rule on accessibility standards for electronic and information technology covered by the Rehabilitation Act Amendments of 1998. This document gives notice of the dates, times, and location of the next meeting of the Electronic and Information Technology Access Advisory Committee (Committee).

DATES: The next meeting of the Committee is scheduled for January 5 and 6, 1999, beginning at 9:30 a.m. and ending at 5:00 p.m. each day.

ADDRESSES: The meetings will be held at 1331 F Street, NW., Washington, DC, in the third floor training room.

FOR FURTHER INFORMATION CONTACT: Doug Wakefield, Office of Technical and Information Services, Architectural and Transportation Barriers Compliance Board, 1331 F Street, NW., suite 1000, Washington, DC 20004–1111. Telephone number (202) 272–5434 extension 39 (Voice); (202) 272–5449 (TTY). E-mail address: wakefield@access-board.gov. This document is available in alternate formats (cassette tape, Braille, large print, or computer disk) upon request. This document is also available on the Board's Internet Site at http://www.access-board.gov/notices/eitaacmtg.htm.

SUPPLEMENTARY INFORMATION: On September 29, 1998, the Access Board published a notice appointing 23 members to its Electronic and Information Technology Access Advisory Committee (Committee). 63 FR 51891 (September 29, 1998). The Committee will make recommendations to the Access Board on accessibility standards for electronic and information technology covered by the Rehabilitation Act Amendments of 1998. The Committee is composed of Federal agencies and Federal contractors; the electronic and information technology industry; organizations representing the access needs of individuals with disabilities; and other persons affected by accessibility standards for electronic and information technology. At its first meeting on October 15 and 16, 1998, the Committee took the following actions:

Added Compaq Computers, Pitney Bowes, Sun Microsystems, and the Information Technology Industry Council to the Committee;

Formed three subcommittees. One subcommittee will examine the definitions needed for the recommended standards. Another subcommittee will examine the various functions that are performed by electronic and information technology. These functions include creating, processing, transmitting, and interacting with information and the technology involved. A third subcommittee will begin the process of classifying the variety of products covered by the standards into product families;

Created a listserv to facilitate communications between meetings. To subscribe to the listserv send an e-mail message to: listproc@trace.wisc.edu.; and

Established a schedule of meeting dates. The Committee will meet again on February 8–9, 1999; March 29–30, 1999; and, May 11–12, 1999.

At its second meeting on December 1 and 2, 1998, the Committee addressed the scope of the standards it will be recommending to the Access Board. This included defining the term ''electronic and information technology.'' A three person group was appointed to develop a recommended definition and present it to the Committee at its January meeting.

Additionally, four subcommittees were formed. These include: installation and setup, information display, control and operation, and user information. The subcommittees will examine these specific areas and identify access barriers in each area, and recommend standards that could lower or eliminate these barriers. The subcommittees will continue their work on the listserv.

The meetings are open to the public. There will be a public comment period each day for persons interested in presenting their views to the Committee. The facility is accessible to individuals with disabilities. Sign language interpreters, assistive listening systems and real-time transcription will be available.

Lawrence W. Roffee,

Executive Director.

[FR Doc. 98–33445 Filed 12–16–98; 8:45 am]

BILLING CODE 8150–01–P

DEPARTMENT OF COMMERCE

International Trade Administration

[C–423–806]

Cut-to-Length Carbon Steel Plate from Belgium; Extension of Time Limit for Countervailing Duty Administrative Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of Extension of Time Limit for Countervailing Duty Administrative Review.

SUMMARY: The Department of Commerce (the Department) is extending the time limit for the final results of the first administrative review of the countervailing duty order on cut-to-length carbon steel plate from Belgium. The review covers one manufacturer/exporter and the period January 1, 1996 through December 31, 1996.

EFFECTIVE DATE: December 17, 1998.

FOR FURTHER INFORMATION CONTACT: Christopher Cassel or Gayle Longest, Office of CVD/AD Enforcement VI, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482–2786.

APPLICABLE STATUTE: Unless otherwise indicated, all citations to the Tariff Act of 1920, as amended (the Act) are to the provisions effective January 1, 1995, the effective date of the amendments made to the Act by the Uruguay Round Agreements Act (URAA). In addition, unless otherwise indicated, all citations to the Department's regulations are to 19 CFR part 351 (1998).

SUPPLEMENTARY INFORMATION: Because it is not practicable to complete this review within the initial time limits established by section 751(a)(3)(A) of the Tariff Act of 1930, as amended (the Act), the Department is extending the time limits for completion of the final results until no later than March 8, 1999. This extension is necessary due, in part, to the existence of complex, novel issues. (*See* Memorandum from Holly A. Kuga, dated December 9, 1998, to Robert S. LaRussa ''Cut-to-Length Carbon Steel Plate from Belgium: Extension of the Deadline for the Final

Results of the 1996 Administrative Review'', which is a public document on file in the Central Records Unit.)

This extension is in accordance with section 751(a)(3)(A) of the Act (19 U.S.C. 1675(a)(3)(A)).

Dated: December 9, 1998.

Holly A. Kuga,

Acting Deputy Assistant Secretary for AD/CVD Enforcement, Group II.

[FR Doc. 98–33469 Filed 12–16–98; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 040795A]

Endangered and Threatened Wildlife and Plants; Notice of Availability for the Final Recovery Plan for Shortnose Sturgeon

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of availability.

SUMMARY: NMFS announces the availability of the final recovery plan for the shortnose sturgeon (*Acipenser brevirostrum*), as required by the Endangered Species Act of 1973 (ESA).

ADDRESSES: Requests for a copy of the final recovery plan should be addressed to: Nancy Haley, NMFS, 212 Rogers Avenue, Milford, Connecticut 06460.

FOR FURTHER INFORMATION CONTACT: Nancy Haley, (203) 783–4264, Marta Nammack, (301) 713–1401, or David Bernhart, (727) 570–5312.

SUPPLEMENTARY INFORMATION:

Background

The shortnose sturgeon is an endangered fish species that occurs in large coastal rivers of eastern North America. Nineteen distinct population segments of shortnose sturgeon inhabit rivers ranging from the Saint John River in New Brunswick, Canada, to the St. Johns River, Florida. In addition, a captive broodstock from the Savannah River distinct population segment and its cultured progeny are housed at three hatcheries operated by the U.S. Fish and Wildlife Service (FWS). In the late nineteenth and early twentieth centuries, shortnose sturgeon were commonly taken in a commercial fishery for the closely related, and commercially valuable, Atlantic sturgeon (*Acipenser* oxyrinchus). Shortnose sturgeon were originally listed as an endangered species by FWS in March 1967 (32 FR 4001), under the Endangered Species Preservation Act (16 U.S.C. 668 *et seq.*). Pollution and overfishing, including bycatch in the shad fishery, were listed as principal reasons for the species' decline. Shortnose sturgeon remained on the endangered species list when Congress passed the ESA in 1973 (ESA)(16 U.S.C. 1531 *et seq.*). NMFS assumed jurisdiction for shortnose sturgeon under a 1974 government reorganization plan (39 FR 41370).

Section 4(f)(1) of the ESA directs NMFS and FWS, the Federal agencies responsible for implementing the ESA, to develop and implement recovery plans to promote conservation and survival of endangered and threatened species, unless a recovery plan would not help to promote species conservation. Highest priority is given to those species that are or may be in conflict with development projects or other commercial activities. Shortnose sturgeon spend their entire life in waters that are heavily impacted by various construction and industrial activities. Hence, the Assistant Administrator for Fisheries determined that a recovery plan, which comprehensively addresses these factors and describes ways to mitigate or minimize harm to shortnose sturgeon, was necessary to promote rangewide recovery of the species. The recovery plan for the shortnose sturgeon, prepared for NMFS by a seven-member recovery team, provides a framework for addressing a multitude of biological concerns and outlines Federal agency responsibilities under the ESA with the sole purpose of insuring long-term survival of the shortnose sturgeon. NMFS published a notice of availability of the draft recovery plan for shortnose sturgeon in the **Federal Register** on August 4, 1997 (62 FR 41951). Comments were received from eight parties during the 30-day comment period. Most comments were editorial and were incorporated as received. Some comments indicated that the readers were confused by the wording in certain sections, and NMFS tried to clarify these parts of the plan. More substantive comments from the reviewers and the NMFS' responses to these comments are listed here.

Comments and Responses

Comment 1: Several reviewers noted that much of the plan relies on data that are not available in peer-reviewed publications and that some sections are based on speculation and conjecture.

Response: NMFS used the best available information to develop this recovery plan. Unfortunately, even though there has been a relatively great amount of research interest in shortnose sturgeon, not all aspects of its biology or factors affecting its recovery have been well documented in the scientific literature. Moreover, while detailed information on the fish exists in some parts of its range, little published data are available for other shortnose sturgeon populations. Therefore, in some cases, NMFS reported, and identified as such, recent information that has not yet been peer reviewed. Certain recovery tasks were identified to fill gaps in our knowledge of this species and factors affecting its recovery. NMFS determined that it was necessary to outline all possible impacts to this species. If future research indicates that some perceived threats are not significantly affecting shortnose sturgeon recovery, they will be omitted from future versions of the recovery plan.

NMFS has updated some sections and added additional references to support sections where reviewers noted a lack of substantiation. In addition, the References section has been amended to reflect the recent publication of information that was originally cited as unpublished data or personal communications.

Comment 2: Reviewers expressed conflicting views regarding the importance of poaching as a threat to shortnose sturgeon populations and argued from both sides that statements in the recovery plan regarding poaching are based on little hard evidence.

Response: The impact of poaching on shortnose sturgeon populations is unknown and likely varies across the range of this species. NMFS recognizes that poaching is likely to be a significant source of mortality in some population segments (e.g., southern populations). Consequently, NMFS identified poaching in the Factors Affecting Recovery Section and listed increased enforcement of the ESA section 9 prohibition to further discourage this illegal activity as a recovery task (task 2.2C). As suggested, the importance of genetic data as a forensic enforcement tool was added to the Recovery section.

Comment 3: One reviewer suggested that the potential importance of diseases should be emphasized more in the recovery plan, and another reviewer said that a greater consideration of potential threats from Atlantic sturgeon stocking was needed.

Response: Stocking of Atlantic sturgeon has been a very recent development, and there is no conclusive information concerning the impacts of this action on shortnose sturgeon. The potential for increased incidence of disease resulting from this activity is

noted in the Factors Affecting Recovery section. In addition, a recovery task (task 2.4I) specifically recommends investigation of disease, competition for resources, and direct mortality to shortnose sturgeon resulting from introduced species or stock transfers. New information on disease research was added to the Recovery section. In the Implementation Schedule, the duration of recovery task 2.4I activities was updated to ''ongoing'' to reflect one reviewer's statement that FWS is surveying wild fish to assess incidence level and impacts of fish pathogens on wild populations of shortnose sturgeon.

Comment 4: Several reviewers emphasized the need to establish the point at which a population segment is functionally extirpated before restoration efforts can be considered.

Response: NMFS agrees that this is an important issue and should be added to the recovery plan to guide future restoration actions. Accordingly, two new recovery tasks were added to the plan: 1.1E - develop a standardized sampling protocol and determine minimum sampling required to assess the presence of shortnose sturgeon; and 3.3B - determine minimum population size below which restoration may be considered. NMFS has already initiated development of the sampling protocol (1.1E); thus, this task is ongoing. NMFS envisions that task 3.3B would be conducted at the same time that listing criteria are developed.

Comment 5: One reviewer questioned the designation of certain population segments in the recovery plan, specifically those in the Penobscot River.

Response: In the Introduction section, NMFS defined the criterion and reviewed background justification (per NMFS/FWS policy on distinct population segments, 61 FR 4722) used to designate population segments. In the Recovery Approach section under Introduction, the process for revising the list of recognized population segments is newly outlined. That is, after sufficient sampling has been conducted to determine that a population segment has been extirpated (task 1.1E, see Comment 4) or is below a minimum size (task 3.2B, see Comment 4), the list in Table 1 could be revised. NMFS reviewed the designation of the Penobscot River and concluded that this system should remain on the list in Table 1. Additional information that supports this decision was added to pertinent sections of the Population Status narrative.

Comment 6: One reviewer recommended that the recovery plan specify additional uses of cultured sturgeon to promote recovery.

Response: In response to this suggestion, NMFS added as recovery tasks: (1) the use of cultured fish to study the effects of contaminants on shortnose sturgeon growth, survival, and reproduction (task 2.4F); and (2) the use of cultured fish to develop genetic markers to identify illegally marketed shortnose sturgeon products (task 2.2D). NMFS advocates the use of cultured shortnose sturgeon as surrogate study specimens to relieve sampling on wild populations and to enhance the recovery of the species. Stocking cultured fish in river systems where wild shortnose sturgeon populations still exist provides limited research value and may be detrimental to wild stocks.

Comment 7: A reviewer requested that the recovery plan address the potential for commercial aquaculture of shortnose sturgeon.

Response: The ESA prohibits commerce in endangered species or their products. Therefore, NMFS did not address the development of commercial aquaculture operations for this species.

Comment 8: Several reviewers felt that restoration of shortnose sturgeon in areas where they historically occurred should be given a higher priority in the recovery plan. Other reviewers felt that restoration attempts with other anadromous species have been too costly and of limited success; therefore, they should receive even less focus as a recovery option for shortnose sturgeon.

Response: NMFS maintains that reintroduction of cultured shortnose sturgeon in systems where they have been extirpated is a viable recovery action provided the conditions for breeding, stocking, and monitoring (as outlined in an approved Shortnose Sturgeon Breeding and Stocking Protocol) are adequately met. While restoration activities are potentially important, NMFS cannot justify elevating the priority of these tasks, particularly in light of the more critical actions needed to preserve extant population segments, the high cost of stocking efforts, and the problems encountered with restoration efforts for other anadromous species. Therefore, restoration efforts were assigned ''priority 3'' in the Implementation Schedule.

Comment 9: One reviewer expressed concern that there were inadequate mechanisms in the plan to successfully implement recovery actions.

Response: Recovery plans do not, in and of themselves, recover listed species. This plan provides a stepping stone from which all concerned parties may systematically and collectively advance shortnose sturgeon recovery. One recovery task (task 2.6A) specifically addresses the need for NMFS to appoint a Recovery Coordinator and an Implementation Team(s) to promote the recovery plan's recommendations, organize recovery efforts, and seek funding for specific recovery tasks. While this recovery plan identifies actions needed to recover shortnose sturgeon, a long-term commitment by NMFS, other Federal and state agencies, and the public is necessary to assure the long-term recovery goal for shortnose sturgeon.

Recent Capture of Shortnose Sturgeon in Albemarle Sound

During the final agency review of the recovery plan, NMFS received new information concerning the occurrence of shortnose sturgeon in Albemarle Sound (North Carolina). On April 18, 1998, the North Carolina Division of Marine Fisheries captured an adult shortnose sturgeon (652 millimeters in fork length) in Bachelors Bay in western Albemarle Sound. Although historical accounts indicate that shortnose sturgeon were once collected in Salmon Creek, a small tributary of the Chowan River, the species was thought to be extirpated from this region. Per recovery plan criterion, the capture of a shortnose sturgeon, within the generation time of the species (30 years), provides evidence for the existence of a shortnose sturgeon population segment within the capture region. Further investigation is necessary to determine in which tributary or tributaries of Albemarle Sound reproduction occurs. Shortnose sturgeon may spawn in the Roanoke or Chowan Rivers or, possibly, other smaller tributaries of Albemarle Sound based on physical characteristics of these systems and historical and anecdotal reports. Therefore, NMFS amends the list of distinct shortnose sturgeon population segments to include an Albemarle Sound population, bringing the number of shortnose sturgeon population segments to 20. This information is not included in this version of the recovery plan but, along with any additional changes, should be added to subsequent versions of the recovery plan.

Recovery Task Priority Assignments

Priority 1 recovery tasks are actions that must be taken to prevent extinction or to identify those actions necessary to prevent extinction. An action that must be taken to prevent a significant decline in population numbers, habitat quality, or other significant negative impacts

short of extinction is a priority 2 task. All other actions necessary to provide for full recovery of listed species are priority 3 tasks.

NMFS has modified the priorities assigned to certain recovery tasks in the Implementation Schedule to better reflect NMFS guidance on priority rankings (55 FR 24296). These changes resulted in downgrading from priority 1 to 2 the following recovery tasks: 1.2B, 1.2C, 1.3A, 2.2C, 2.3A, 2.4A, 2.4B, 2.4E, and 2.4F. Recovery task 1.1D was changed from priority 1 to priority 3, and tasks 2.6A, 2.6B, and 3.1H were changed from priority 2 to priority 3. In many cases, the above changes were made in recognition that there is insufficient information available for many shortnose sturgeon populations to determine which factors may be limiting recovery and threatening the survival of specific populations. As new information becomes available, priority rankings for recovery tasks may warrant additional changes.

Authority: 16 U.S.C. 1531–1543 *et seq.*

Dated: December 10, 1998.

Rolland A. Schmitten,

Assistant Administrator for Fisheries, National Marine Fisheries Service.

[FR Doc. 98–33465 Filed 12–16–98; 8:45 am]

BILLING CODE 3510–22–F

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 120798B]

Marine Mammals; File No. 259–1481

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Receipt of application.

SUMMARY: Notice is hereby given that Dr. Ronald J. Schusterman, Long Marine Laboratory, University of California Santa Cruz, 100 Shaffer Road, Santa Cruz, CA 95060, has applied in due form for a permit to take California sea lions (*Zalophus californianus*), harbor seals (*Phoca vitulina*) and elephant seals (*Mirounga angustirostris*), for purposes of scientific research.

DATES: Written or telefaxed comments must be received on or before January 19, 1999.

ADDRESSES: The application and related documents are available for review upon written request or by appointment in the following office(s):

Permits and Documentation Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13130, Silver Spring, MD 20910 (301/713–2289); and

Regional Administrator, Southwest Region, National Marine Fisheries Service, NOAA, 501 West Ocean Boulevard, Suite 4200, Long Beach, CA 90802–4213 (562/980–4001).

Written comments or requests for a public hearing on this application should be mailed to the Chief, Permits and Documentation Division, F/PR1, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular request would be appropriate.

Comments may also be submitted by facsimile at (301) 713–0376, provided the facsimile is confirmed by hard copy submitted by mail and postmarked no later than the closing date of the comment period. Please note that comments will not be accepted by e-mail or by other electronic media.

FOR FURTHER INFORMATION CONTACT: Sara Shapiro or Ruth Johnson, 301/713–2289.

SUPPLEMENTARY INFORMATION: The subject permit is requested under the authority of the Marine Mammal Protection Act of 1972, as amended (MMPA; 16 U.S.C. 1361 *et seq.*) and the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR part 216).

The applicant seeks authorization to continue studies on pinniped bioacoustics cognition using captive animals trained to participate in behavioral experiments. The acoustic experiments will use pure-tone detection and discrimination tasks and the cognitive studies will involve visual, auditory and cross-modal matching-to-sample tasks.

In compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), an initial determination has been made that the activity proposed is categorically excluded from the requirement to prepare an environmental assessment or environmental impact statement.

Concurrent with the publication of this notice in the **Federal Register**, NMFS is forwarding copies of this application to the Marine Mammal Commission and its Committee of Scientific Advisors.

Dated: December 11, 1998.

Ann D. Terbush,

Chief, Permits and Documentation Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 98–33468 Filed 12–16–98; 8:45 am]

BILLING CODE 3510–22–F

COMMODITY FUTURES TRADING COMMISSION

Chicago Mercantile Exchange: Proposed Amendments to the Cash Settlement Provisions of the CME Brazilian Real Futures Contract

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice of availability of proposed amendments to the terms and conditions of commodity futures contract.

SUMMARY: The Chicago Mercantile Exchange (CME or Exchange) has submitted proposed amendments related to the cash settlement provisions of its Brazilian Real futures contract. Under the proposal, the CME proposes to adopt procedures to set an alternative cash settlement price in the event the Central Bank of Brazil does not determine and/or the SISBACEN does not disseminate the official average offer rate of Brazilian reais per U.S. dollar on the last day of trading. That alternative cash settlement price would be based on the results of the CME survey of financial institutions inside of Brazil who are active in the Brazilian reais per commercial U.S. dollar spot and/or non-deliverable forward (NDF) markets. The Acting Director of the Division of Economic Analysis (Division) of the Commission, acting pursuant to the authority delegated by Commission Regulation 140.96, has determined that publication of the proposals for comment is in the public interest, will assist the Commission in considering the views of interested persons, and is consistent with the purpose of the Commodity Exchange Act.

DATES: Comments must be received on or before January 4, 1999.

ADDRESSES: Interested persons should submit their views and comments to Jean A. Webb, Secretary, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street, NW Washington, DC 20581. In addition, comments may be sent by facsimile transmission to facsimile number (202) 418–5521, or by electronic mail to secretary@cftc. gov. Reference should be made to the amendments to the CME Brazilian Real futures contract.

FOR FURTHER INFORMATION CONTACT: Please contact Thomas Leahy of the Division of Economic Analysis, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW, Washington, 20581, telephone (202) 418–5278. Facsimile number: (202) 418–5527. Electronic mail: tleahy@cftc.gov.

SUPPLEMENTARY INFORMATION: Under current rules for the CME Brazilian Real futures contract, the cash settlement price is the reciprocal of the exchange rate of reais per commercial U.S. dollars for cash delivery, according to the provisions of Resolution No. 1690/'90 of the Brazilian National Monetary Council. That rate is defined as the average transaction rate calculated by the Central Bank of Brazil (Central Bank), according to its criteria, and broadcast by SISBACEN, transaction PTAX 800, option 5–L,[1] on the last day of trading. In the event that the Central Bank does not determine and/or SISBACEN does not broadcast that exchange rate, CME rules provide for the declaration of an emergency pursuant to existing Exchange rule 3022.J.

The Exchange proposes to adopt, in its rules, backup procedures that would be used if the Central Bank does not determine, and/or SISBACEN does not disseminate, the exchange rate of Brazilian reais per commercial U.S. dollar on the last trading day of the subject contract. The backup cash settlement price would be based on the exchange rate derived from the CME's survey of financial institutions on the last day of trading. By implementing backup procedures in its rules, the CME would be able to avoid an emergency declaration in the event that the primary cash settlement price is not determined or published.[2]

The CME survey is conducted as follows. The CME surveys eight reference institutions from a list of at least twelve institutions that are active participants in the market for spot and/or non-deliverable forward markets. Beginning at 6:00 p.m. (Sao Paolo time), each randomly selected participant is asked for its perception of the average dollar offered rate at which spot transactions for Brazilian reais per commercial U.S. dollar occurred during the trading day, calculated in accordance with the Central Bank's methodology for transaction PTAX 800, option 5–L. The highest two and the lowest two offer rates are eliminated. The remaining four offer rates are averaged and the reciprocal of that average is the final settlement price.

If the CME is unable to obtain eight responses, but is able to obtain at least five responses, then the CME eliminates the highest and the lowest offer rate and averages the remaining offer rates. The final settlement price is the reciprocal of that average. If fewer than five responses are received, then the CME would invoke its existing emergency provisions.

The CME proposes to implement the changes to the proposed amendments to the cash settlement provisions upon Commission approval for application to existing and newly listed contracts beginning with the February 1999 contract month which expires on January 29, 1999.

The Division requests comment on the proposed changes and the proposal to implement the amendments to existing positions.

Copies of the proposed amendments will be available for inspection at the Office of the Secretariat, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st St., NW, Washington, D.C. 20581. Copies of the terms and conditions can be obtained through the Office of the Secretariat by mail at the above address or by phone at (202) 418–5097.

Other materials submitted by the CME may be available upon request pursuant to the Freedom of Information Act (5 U.S.C. 552) and the Commission's regulations thereunder (17 CFR part 145 (1987)), except to the extent they are entitled to confidential treatment as set forth in 17 CFR 145.5 and 145.9. Requests for copies of such materials should be made to the FOI, Privacy and Sunshine Act Compliance Staff of the Office of the Secretariat at the Commission's headquarters in accordance with 17 CFR 145.7 and 145.8.

Any person interested in submitting written data, views, or arguments on the proposed amendments, or with respect to other materials submitted by the CME, should send such comments to Jean A. Webb, Secretary, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st St., NW, Washington, DC 20581 by the specified date.

Issued in Washington, DC, on December 11, 1998.

John R. Mielke,

Acting Director.

[FR Doc. 98–33354 Filed 12–16–98; 8:45 am]

BILLING CODE 6351–01–M

[1] According to the CME, the PTAX rate is the weighted average Brazilian real per U.S. dollar price of all transactions for that day plus the current value of 0.0004 real per U.S. dollar to obtain the average offered rate.

[2] In addition, the CME proposes a nonsubstantive amendment to clarify that the final settlement price is the reciprocal of the weighted average offered rate, rather than the weighted average transaction rate that is calculated by the Central Bank.

COMMODITY FUTURES TRADING COMMISSION

Proposed Amendments to the Standards for Deliverable Lumber on the Chicago Mercantile Exchange Random Lengths Lumber Futures Contract, Submitted Under Fast Track Review Procedures

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice of availability of proposed contract market rule amendments.

SUMMARY: The Chicago Mercantile Exchange (CME or Exchange) has proposed amendments to the random lengths lumber futures contract to change the standards for deliverable lumber. Specifically, the Exchange proposes to disallow delivery of lumber produced from Alpine fir, to provide that lumber produced from hemlock-fir is not deliverable if the lumber is manufactured in Canada or in specified areas of Washington, Oregon, and California; to provide that lumber produced from spruce-pine fir is not deliverable if it is manufactured in those specified areas in Washington, Oregon, and California, and to clarify that lumber produced from species under the Engelmann Spruce/Lodgepole Pine designation is deliverable as a group. The proposals were submitted under the Commission's 45-day fast track procedures. The Acting Director of the Division of Economic Analysis (Division) of the Commission, acting pursuant to the authority delegated by Commission Regulation 140.96, has determined that the proposals are of major economic significance, and that publication for comment is in the public interest, will assist the Commission in considering the views of interested persons, and is consistent with the purpose of the Commodity Exchange Act.[1]

DATES: Comments must be received on or before January 4, 1999.

[1] Section 5a(a)(12) of the Act, which requires the Commission to publish proposed rules of ''major economic significance,'' does not define the meaning of that term. Moreover, section 5a(a)(12) provides that the Commission's determination that proposed exchange rules are of major economic significance under that section is final and not subject to judicial review. The Commission staff has interpreted the meaning of ''major economic significance'' broadly as proposed rules which may have an effect on the pricing of a contract, on the value of existing contracts, on a contract's hedging or price basing utility, or on deliverable supplies. Section 5a(a)(12) does not define rules of ''major economic significance'' based upon a specific dollar impact on the economy or other such measures used in other statutes, such as those used in determining whether an agency rule is a ''major rule'' under 5 U.S.C. section 804(2).

ADDRESSES: Interested persons should submit their views and comments to Jean A. Webb, Secretary, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street, NW, Washington, DC 20581. In addition, comments may be sent by facsimile transmission to facsimile number (202) 418–5521, or by electronic mail to secretary@cftc.gov. Reference should be made to CME random lengths lumber futures contract.

FOR FURTHER INFORMATION CONTACT: Please contact John Forkkio of the Division of Economic Analysis, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW, Washington, DC 20581, telephone (202) 418–5281. Facsimile number: (202) 418–5527. Electronic mail: jforkkio@cftc.gov.

SUPPLEMENTARY INFORMATION: Under the rules of the random length lumber futures contract, lumber made from a variety of species is deliverable, including species grouped under the terms ''Spruce-Pine-Fir'' (SPF) and ''Hemlock-fir'' (HF). The CME noted that SPF number has been the pricing basis of the futures contract for many years, and that remains the benchmark for cash lumber prices. The CME further noted that futures deliveries of HF lumber have increased in recent months, due to a decline in HF lumber cash prices relative to the prices of SPF lumber. This has been caused by diminishing export demand for HF lumber to Asian countries resulting from the recent economic difficulties, which have adversely affected their construction industries.

The CME explained that, after receiving complaints about HF lumber deliveries and following a review of the market, it determined that many domestic cash market buyers view HF lumber as an undesirable product. In this regard, the CME stated:

* * * The Hemlock species is the source of this dissatisfaction, as it is said to produce lumber with working qualities that are inferior to SPF lumber even if the grade level is the same. Although Hemlock cannot be entirely separated from HF lumber, certain areas produce HF lumber that contains more Hemlock than other areas. Similarly, SPF lumber made from Alpine fir or Sitka Spruce (SS), predominantly U.S. coastal species, is seen as inferior. Most production of SPF lumber containing these species can be geographically separated from other areas of production.

To eliminate the areas where the proportion of Hemlock produced is greatest, the Exchange proposes that HF lumber produced in Canada and the Pacific coastal areas of the United States be eliminated from delivery. In addition, SPF lumber produced in the U.S. Pacific coastal area will be eliminated. Lastly, it is proposed that the species grouped under the term ''Engelmann Spruce/Lodgepole Pine (ES/LP)'' be made eligible for delivery as it is an acceptable substitute for SPF lumber. The separate species are already deliverable and the addition of this grouping will clarify the delivery species.

The [proposed] restricted areas [for ineligible SPF and HF lumber] * * * roughly correspond to those bounded by the Pacific Ocean and the summit of the Cascade Mountain range. The boundaries for Washington and Oregon are those defined by the Western Wood Products Association, a number of grading agency used by most western mills. The restricted areas are those that contain the highest proportion of lumber made from Hemlock, Alpine Fir and Sitka Spruce. The boundaries in California and Canada also delineate similar areas of production, as noted by industry representatives.* * *

The Exchange asserted that the proposed amendments would not raise concerns about potential manipulation of the futures contract, even though deliverable supplies would be somewhat diminished. This is due to the ready availability of lumber meeting the revised quality standards and the spot month speculative limit of 600 contracts which represents only 4.8% of monthly production, according to the Exchange. Finally, the CME notes that:

* * * fairly recent and rapid change has manifested itself in futures deliveries and caused uncertainty as to which species of lumber is being priced in the futures market. It is not yet clear what the longer term relationship will be between SPF and HF lumber prices. What is clear is that the uncertainty has resulted in a disruption of both long and short hedgers' basis relationships. This disruption has caused numerous participants to state that they will decrease their hedging activity. Long hedgers find themselves at risk of receiving delivery of product that was assumed to be SPF lumber but may actually be HF lumber with a lower cash value that the SPF lumber that they used as the basis for their futures contract purchase. In other words, they will get less than they paid for. Short hedgers who product SPF lumber are reluctant to sell futures contracts that may be priced at the lower prices that reflect HF lumber values. As SPF is the dominant lumber species, the loss of this hedging activity will severely affect the level of trading activity and reduce the usefulness of the futures contract for the lumber industry.

The CME proposes to implement the amendments for application to newly listed contracts only.

The Division requests comments on the proposed changes to the random length lumber futures contract. Specifically, the Division requests comment on the input of the proposals on deliverable supplies for the futures contract. Also, commenters are requested to comment on the extent to which the proposed charges would improve the hedging and pricing utility of the contract.

The proposed amendments were submitted pursuant to the Commission's fast track procedures for streamlining the review of futures contract rule amendments and new contract approvals (62 FR 10434). Under those procedures, the proposals, absent any contract action by the Commission, may be deemed approved at the close of business on January 19, 1999, 45 days after receipt of the proposals. In view of the limited review period provided under the fast track procedures, the Commission has determined to publish for public comment notice of the availability of the terms and conditions for 15 days, rather than 30 days as provided for proposals submitted under the regular review procedures.

Copies of the proposed amendments will be available for inspection at the Office of the Secretariat, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW, Washington, DC 20581. Copies can be obtained through the Office of the Secretariat by mail at the above address, by phone at (202) 418–5100, or via the internet on the CFTC website at *www.cftc.gov* under ''What's New & Pending''.

Other materials submitted by the CME is support of the proposals may be available upon request pursuant to the Freedom of Information Act (5 U.S.C. 552) and the Commission's regulations thereunder (17 C.F.R. Part 145 (1997)), except to the extent they are entitled to confidential treatment as set forth in 17 C.F.R. 145.5 and 145.9. Requests for copies of such materials should be made to the FOI, Privacy and Sunshine Act Compliance Staff of the Office of Secretariat at the Commission's headquarters in accordance with 17 C.F.R. 145.7 and 145.8.

Any person interested in submitting written data, views, or arguments on the proposals, or with respect to other materials submitted by the CME, should send such comments to Jean A. Webb, Secretary, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW, Washington, DC 20581 by the specified date.

Issued in Washington, DC, on December 11, 1998.

John R. Mielke,

Acting Director.

[FR Doc. 98–33356 Filed 12–16–98; 8:45 am]

BILLING CODE 6351–01–M

DEPARTMENT OF DEFENSE

Department of the Air Force

Proposed Collection; Comment Request

AGENCY: Community College of the Air Force (CCAF), Maxwell Air Force Base, Alabama.

ACTION: Notice.

In compliance with Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Community College of the Air Force announces the proposed reinstatement of a public information collection and seeks public comment on the provisions thereof. Comments are invited on: (a) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the information proposed information collection; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the information collection on respondents, including through use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received by February 16, 1999.

ADDRESSES: Written comments and recommendations on the proposed information collection should be sent to the Plans and Research Division, Community College of the Air Force, CCAF/XOD, 130 W. Maxwell Blvd., Maxwell AFB, AL 36112–6613.

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to the above address, or call the CCAF Plans and Research Division at (334) 953–2703.

Title, Associated Form, and OMB Number: CCAF Alumni Survey, OMB Number 0701–0138.

Needs and Uses: The information collection is necessary to determine how effectively the institution is meeting its mission and also identify areas needing improvement. Survey results will provide data on the usefulness and acceptance of the CCAF degree in the civilian sector. Documenting the institution's effectiveness is also required to maintain CCAF's regional accreditation.

Affected Public: Separated and retired CCAF graduates.

Annual Burden Hours: 167.

Number of Respondents: 500.

Responses per Respondent: 1.

Average Burden per Response: 20 minutes.

Frequency: Biennial.

SUPPLEMENTAL INFORMATION: None.

Summary of Information Collection

Respondents will be separated and retired CCAF graduates. Approximately 1,000 CCAF graduates will be surveyed biennially to determine the effectiveness of the institution and the usefulness of the CCAF degree in the civilian sector. A 30-question survey instrument will be mailed directly to respondents' home addresses and will require about 20 minutes to complete using a scannable answer form and a tear-off comment sheet. A stamped and addressed return envelope will be provided. Respondents will have the option of completing the survey on CCAF's Internet homepage instead of returning the hardcopy survey form. Survey results will be compiled and evaluated at the CCAF Administrative Center at Maxwell Air Force Base, Alabama. While results will be used primarily in-house to make program improvements, findings may be publicized in the Air Force and civilian education communities.

Carolyn Lunsford,

Air Force Federal Register Liaison Officer.

[FR Doc. 98–33427 Filed 12–16–98; 8:45 am]

BILLING CODE 50001–05–P

DEPARTMENT OF DEFENSE

Department of the Air Force

HQ USAF Scientific Advisory Board Meeting

The Kick-Off Meeting for Technology Options to Leverage Aerospace power In Other Than Conventional War Situations in support of the HQ USAF Scientific Advisory Board will meet at ANSER Conference Complex, in Arlington, VA on January 19–21, 1999 from 8:00 a.m. to 5:00 p.m.

The purpose of the meeting is to Kick-Off 1999 Summer Study for Technology Options to Leverage Aerospace Power In Other Than Conventional War Situations.

The meeting will be closed to the public in accordance with Section 552b of Title 5, United States Code, specifically subparagraphs (1) and (4) thereof.

For further information, contact the HQ USAF Scientific Advisory Board Secretariat at (703) 697–8494.

Carolyn Lunsford,

Air Force Federal Register Liaison Officer.

[FR Doc. 98–33428 Filed 12–16–98; 8:45 am]

BILLING CODE 50001–05–M

DEPARTMENT OF EDUCATION

Notice of Proposed Information Collection Requests

AGENCY: Department of Education.

SUMMARY: The Leader, Information Management Group, Office of the Chief Financial and Chief Information Officer, invites comments on the proposed information collection requests as required by the Paperwork Reduction Act of 1995.

DATES: Interested persons are invited to submit comments on or before February 19, 1999.

ADDRESSES: Written comments and requests for copies of the proposed information collection requests should be addressed to Patrick J. Sherrill, Department of Education, 600 Independence Avenue, S.W., Room 5624, Regional Office Building 3, Washington, D.C. 20202–4651, or should be electronically mailed to the internet address *Pat Sherrill@ed.gov*, or should be faxed to 202–708–9346.

FOR FURTHER INFORMATION CONTACT: Patrick J. Sherrill (202) 708–8196. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8 a.m. and 8 p.m., Eastern time, Monday through Friday.

SUPPLEMENTARY INFORMATION: Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The Leader, Information Management Group, Office of the Chief Financial and Chief Information Officer, publishes that notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection,

grouped by office, contains the following: (1) Type of review requested, e.g. new, revision, extension, existing or reinstatement; (2) Title; (3) Summary of the collection; (4) Description of the need for, and proposed use of, the information; (5) Respondents and frequency of collection; and (6) Reporting and/or Recordkeeping burden. OMB invites public comment at the address specified above. Copies of the requests are available from Patrick J. Sherrill at the address specified above.

The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology.

Dated: December 11, 1998.

Kent H. Hannaman,

Leader, Information Management Group, Office of the Chief Financial and Chief Information Officer.

Office of Special Education and Rehabilitative Services

Type of Review: Extension.

Title: A Longitudinal Study of the Vocational Rehabilitation (VR) Service Program.

Frequency: Annually for three years.

Affected Public: Individuals or households; State, local or Tribal Gov't, SEAs or LEAs.

Reporting and Recordkeeping Hour Burden:

Responses: 8,000.

Burden Hours: 2,752.

Abstract: P.L. 102–569 requires that the Rehabilitation Services Administration continue to conduct a longitudinal study of the short and long-term effects of the VR service program. This evaluation will evaluate the effects of VR program services on the economic and noneconomic outcomes of VR clients, through surveys of a sample of VR office personnel, and through longitudinal data collection from and about a sample of VR applicants and consumers during and after VR services.

[FR Doc. 98–33375 Filed 12–16–98; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Submission for OMB Review; Comment Request

AGENCY: Department of Education.

SUMMARY: The Leader, Information Management Group, Office of the Chief Financial and Chief Information Officer invites comments on the submission for OMB review as required by the Paperwork Reduction Act of 1995.

DATES: Interested persons are invited to submit comments on or before January 19, 1999.

ADDRESSES: Written comments should be addressed to the Office of Information and Regulatory Affairs, Attention: Danny Werfel, Desk Officer, Department of Education, Office of Management and Budget, 725 17th Street, N.W., Room 10235, New Executive Office Building, Washington, D.C. 20503 or should be electronically mailed to the internet address *Werfel__d@al.eop.gov*. Requests for copies of the proposed information collection requests should be addressed to Patrick J. Sherrill, Department of Education, 600 Independence Avenue, S.W., Room 5624, Regional Office Building 3, Washington, D.C. 20202–4651, or should be electronically mailed to the internet address *Pat__Sherrill@ed.gov*, or should be faxed to 202–708–9346.

FOR FURTHER INFORMATION CONTACT: Patrick J. Sherrill (202) 708–8196. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8 a.m. and 8 p.m., Eastern time, Monday through Friday.

SUPPLEMENTARY INFORMATION: Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The Leader, Information Management Group, Office of the Chief Financial and Chief Information Officer, publishes that notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, e.g. new, revision, extension, existing or reinstatement; (2) Title; (3) Summary of the collection; (4) Description of the need for, and proposed use of, the information; (5) Respondents and frequency of collection; and (6) Reporting and/or Recordkeeping burden. OMB invites public comment at the address specified above. Copies of the requests are available from Patrick J. Sherrill at the address specified above.

Dated: December 11, 1998.

Kent H. Hannaman,

Leader, Information Management Group, Office of the Chief Financial and Chief Information Officer.

Office of Postsecondary Education

Type of Review: Reinstatement.

Title: European Community/United States of America Joint Consortia for Cooperation in Higher Education and Vocational Education of the Fund for the Improvement of Postsecondary Education (New Grant Awards).

Frequency: Annually.

Affected Public: Not-for-profit institutions; State, local or Tribal Government; SEAs or LEAs.

Reporting and Recordkeeping Burden:

Responses: 80.

Burden Hours: 2,400.

Abstract: The ED/US Joint Consortia for cooperation in a program that will support new types of cooperation and the exchanges between institutions of higher education in the U.S. and counterparts in the member states of the European Community.

This information collection is being submitted under the Streamlined Clearance Process for Discretionary Grant Information Collections (1890–0001). Therefore, this 30-day public comment period notice will be the only public comment notice published for this information collection.

[FR Doc. 98–33376 Filed 12–16–98; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

[FE Docket Nos. PP–21–A and PP–58–A]

Application To Amend Presidential Permits, The Detroit Edison Company

AGENCY: Office of Fossil Energy, DOE.

ACTION: Notice of Application.

SUMMARY: The Detroit Edison Company has applied to amend Presidential Permits PP–21 and PP–58 which authorized construction of electric transmission facilities that cross the U.S.-Canada border and connect to the Ontario Hydro electric system.

Specifically, the application requests authority to install a phase-shifting transformer on the PP–21 facilities and to change the operating voltage of the PP–58 facilities from 345-kilovolts (kV) to 230-kV.

DATES: Comments, protests, or requests to intervene must be submitted on or before January 19, 1999.

ADDRESSES: Comments, protests, or requests to intervene should be addressed as follows: Office of Coal & Power Import and Export (FE–27), Office of Fossil Energy, U.S. Department of Energy, 1000 Independence Avenue, S.W., Washington, D.C. 20585–0350.

FOR FURTHER INFORMATION CONTACT: Ellen Russell (Program Office) 202–586–9506 or Michael T. Skinker (Program Attorney) 202–586–6667.

SUPPLEMENTARY INFORMATION: The construction, connection, operation, and maintenance of facilities at the international border of the United States for the transmission of electric energy between the United States and a foreign country is prohibited in the absence of a Presidential permit issued pursuant to Executive Order (EO) 10485, as amended by EO 12038.

The Detroit Edison Company (Detroit Edison) is a regulated policy utility that owns generation and transmission facilities in the State of Michigan. Detroit Edison is interconnected with Ontario Hydro by means of four electric transmission lines which cross the U.S.-Canada international border and for which Presidential permits have been granted. These four interconnection facilities are:

U.S. location	Canadian location	Voltage	Presidential Permit No.	Detroit Edison Facility No.
Marysville, MI	Sarnia, ON	230-kV	PP–21	B3N
Detroit, MI	Windsor, ON	230-kV	PP–21	J5D
St. Clair, MI	Moore Township, ON	345-kV	PP–38	L4D
St. Clair, MI	Moore Township, ON	345-kV	PP–58	L51D

On December 8, 1998, Detroit Edison filed an application with the Office of Fossil Energy (FE) of the Department of Energy (DOE) for amendment of Presidential Permits PP–21 and PP–58. Detroit Edison does not propose to make any physical changes to the existing overhead conductors which cross the U.S.-Canada international border. However, Detroit Edison does propose to install a new 230/345-kV, 950 MVA, voltage-regulating autotransformer at the terminus of the L51D circuit located within Detroit Edison's St. Clair Generating Station switchyard. Installation of the autotransformer will reduce the operating voltage of the facilities authorized by Presidential Permit PP–58 from 345-kV to 230-kV.

Detroit Edison also proposes to install a 230-kV, 850 MVA, phase-shifting, voltage regulating transformer at the terminus of the B3N circuit (Presidential Permit PP–21) located at Detroit Edison's Bunce Creek Station switchyard. In order to ensure that the proposed additions do not impair the interchange capability of the interconnection between Detroit Edison and Ontario Hydro, Detroit Edison also will modify existing transformation and communications equipment within its existing Bunce Creek and Waterman Station switchyards and at its St. Clair Generating Station.

In Canada, Ontario Hydro will reconfigure the existing 230/345-kV, 650 MVA, voltage-regulating auto transformer installed on the L51D interconnection so that it will operate in parallel with the existing 230/345-kV, 650–MVA, voltage regulating autotransformer currently installed on the L4D circuit. Ontario Hydro also will install and operate new 230-kV, 850 MVA, phase-shifting, voltage regulating transformers on the L51D and L4D circuits within its Lambton Generating Station switchyard. However, the actions to be taken by Ontario Hydro are outside the jurisdiction of DOE and are noticed herein for information only.

In its application, Detroit Edison claims that all exports of electric energy through its international transmission facilities, as modified, will be made in accordance with the electricity export authorization issued by DOE on December 31, 1997, in Order No. EA–58–F. That Order limits exports over the four Detroit Edison-Ontario Hydro interconnections to a maximum instantaneous transmission rate of 2,200 MVA. Detroit Edison further states that, to ensure the reliability of service to adjacent regions, it commits that the operation of the international transmission facilities, as modified by this instant application, will comply with all applicable criteria, standards, and guidelines established by the North American Electric Reliability Council and all regional councils of which Detroit Edison is a member.

Procedural matters: Any person desiring to be heard or to protest this application should file a petition to intervene or protest at the address provided above in accordance with section 385.211 or 385.214 of the Federal Energy Regulatory Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214).

Fifteen copies of such petitions and protests should be filed with the DOE on or before the date listed above. Additional copies of such petitions to intervene or protest also should be filed directly with: Raymond O. Sturdy, Jr., The Detroit Edison Company, 2000 Second Avenue—688WCB, Detroit, MI 48226–1279 *and* John D. McGrane, Michael C. Griffen, Morgan, Lewis & Bockius, LLP, 1800 M Street, NW, Washington, DC 20036–5869.

Before a Presidential permit may be issued or amended, the DOE must determine that the proposed action will not adversely impact on the reliability of the U.S. electric power supply system and also consider the environmental impacts of the proposed action pursuant to the National Environmental Policy Act of 1969. DOE also must obtain the concurrence of the Secretary of State and the Secretary of Defense before taking final action on a Presidential permit application.

Copies of this application will be made available, upon request, for public inspection and copying at the address provided above. In addition, the application may be reviewed or downloaded from the Fossil Energy Home Page at: http://www.fe.doe.gov. Upon reaching the Fossil Energy Home page, select ''Regulatory'' and then ''Electricity'' from the options menu.

Issued in Washington, DC on December 11, 1998.

Anthony J. Como,

Manager, Electric Power Regulation, Office of Coal & Power Im/Ex, Office of Fossil Energy.

[FR Doc. 98–33436 Filed 12–16–98; 8:45 am]

BILLING CODE 6450–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. OA97–105–002]

Carolina Power and Light Company; Notice of Filing

December 11, 1998.

Take notice that Carolina Power and Light Company filed revised standards of conduct on December 7, 1998, in response to the Commission's October 29, 1998 Order. 85FERC ¶ 61,145 (1998).

Any person desiring to be heard or to protest such 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 385.214). All such motions and protests should be filed on or before December 28, 1998. Protests will be considered by the Commission to determine the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. 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.

David P. Boergers,

Secretary.

[FR Doc. 98–33411 Filed 12–16–98; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP99–99–000]

Columbia Gas Transmission Corporation; Notice of Request Under Blanket Authorization

December 11, 1998.

Take notice that on December 2, 1998, Columbia Gas Transmission Corporation (Columbia Gas), 12801 Fair Lakes Parkway, Fairfax, Virginia 22030–0146, filed in Docket No. CP99–99–000, a request pursuant to Section 157.205 and 157.211 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205 and 157.211) for authorization to construct and operate two new delivery points located in Clay and Upshur Counties, West Virginia for service to Mountaineer Gas Company (Mountaineer Gas) under Columbia Gas's blanket certificate issued in Docket No. CP83–76,000, pursuant to 18 CFR 157, Subpart F of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Columbia Gas proposes to construct and operate two new delivery points for Mountaineer Gas on its pipeline system to enable Mountaineer Gas to provide gas service to two residential customers. Columbia Gas states that the estimated proposed volumes delivered through the new delivery points would be approximately 1.5 Dth per day and 150 Dth annually for each facility. Columbia Gas further states that the estimated cost of each facility is $150 which would be treated as an operation and maintenance expense.

Any person or the Commission's staff may, within 45 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) motion to intervene or notice of intervention and pursuant to Section 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to Section 7 of the Natural Gas Act.

David P. Boergers,

Secretary.

[FR Doc. 98–33371 Filed 12–16–98; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP99–100–000]

Columbia Gas Transmission Corporation; Notice of Application to Abandon

December 12, 1998.

Take notice that on December 9, 1998, Columbia Gas Transmission Corporation (Columbia), 12801 Fair Lakes Parkway, Fairfax, Virginia 22030–1046, filed under Section 7(b) of the Natural Gas Act, for authority to abandon by removal, 0.20 miles of its 4-inch line SRW–9127 located in Hocking County, Ohio all as more fully described in the application on file with the Commission and open to public inspection.

The line for which Columbia requests abandonment authority is an uncoated pipeline which was used to transport gas for injection and withdrawal to a well located in the Laurel Storage Field. The well is no longer active and the property owner has requested that the line be removed.

Any person desiring to be heard or make any protest with reference to said application should on or before January 4, 1999, file with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the Protesters parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules's.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required, or if the Commission on its own review of the matter finds that permission and approval of the proposed abandonment are required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Columbia to appear or be represented at the hearing.

David P. Boergers,

Secretary.

[FR Doc. 98–33409 Filed 12–16–98; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP98–747–001]

Koch Gateway Pipeline Company; Notice of Compliance Filing

December 11, 1998.

Take notice that on November 20, 1998, Koch Gateway Pipeline Company (Koch Gateway), 20 Greenway Plaza, P.O. Box 1478, Houston, Texas 77251–1478, filed in Docket No. CP98–747–001 as part of its FERC Gas Tariff, Volume No. 1, tariff sheets to become effective January 1, 1999, all as more fully set forth in the submittal which is on file with the Commission and open to public inspection.

Koch Gateway has tendered for filing as part of its FERC Gas Tariff, Volume No. 1, the following tariff sheets: Twenty-fifth Revised Sheet No. 20, Original Sheet No. 20A, Twenty-second Revised Sheet No. 21, Twenty-third Revised Sheet No. 22, Twenty-sixth Revised Sheet No. 24, Original Sheet No. 24A, Second Revised Sheet Nos. 716 and 718, Third Revised Sheet No. 719, and Fifth Revised Sheet No. 1414.

Koch Gateway states that the purpose of the filing is to set forth the incremental transportation rates for SLN #'s 10408, 10527, 10459, 10307, 10311, and 11116 on what was formerly Mobile Bay Pipeline Company (Mobile Bay). In an order issued November 13, 1998, in Docket No. CP98–747–000, authorizing Koch Gateway's acquisition of Mobile Bay, the Commission instructed Koch Gateway to make a tariff compliance filing, setting forth the No Notice Service, No Notice Service-Small Customer Option, Firm Transportation Service, Firm Transportation Service-Small Customer Option, and Interruptible Transportation Service Incremental Rates for the receipt and delivery points that were once Mobile Bay. The Commission ruled that the acquisition was permitted by the public convenience and necessity due to the elimination of redundant administrative, regulatory, and business burden associated with operating the two pipelines separately, without harming either the quality of service or rates on what was formerly Mobile Bay.

Any person desiring to be heard or to make any protest with reference to said filing should on or before December 21, 1998, file with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211 or 18 CFR 385.214). All such motions or protests must be filed as provided by Section 154.210 of the Commission's Rules and Regulations. All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

David P. Boergers,

Secretary.

[FR Doc. 98–33370 Filed 12–16–98; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. NJ97–13–004]

Orlando Utilities Commission; Notice of Filing

December 11, 1998.

Take notice that Orlando Utilities Commission filed revised standards of conduct on December 7, 1998, in response to the Commission's November 25, 1998 Order. 85 FERC ¶ 61,286 (1998).

Any person desiring to be heard or to protest such 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 385.214). All such motions and protests should be filed on or before December 28, 1998. Protests will be considered by the Commission to determine the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. 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.

David P. Boergers,

Secretary.

[FR Doc. 98–33412 Filed 12–16–98; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Surrender of Exemption

December 11, 1998.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection.

a. *Type of Application:* Surrender of Exemption.

b. *Project No.:* 9384–001.

c. *Date filed:* November 17, 1998.

d. *Applicant:* Mr. David Head.

e. *Name of Project:* White's Brook Micro Hydroelectric Project.

f. *Location:* White's Brook in Oxford County, Maine.

g. *Pursuant to:* Federal Power Act, 16 USC §§ 791(a)–825(r).

h. *Applicant Contact:* Mr. James D. Sysko, P.E., Small Hydro East, Star Route 240, Bethel, ME 04217, (207) 824–3244.

i. *FERC Contact:* Mr. Lynn R. Miles, (202) 219–2671.

j. *Comment Date:* January 22, 1999.

k. *Description of Proposed Action:* The exemptee is requesting surrender of the exemption because the project is not economically feasible.

l. This notice also consists of the following standard paragraphs: B, C, and D2.

B. Comments, Protests, or Motions to Intervene—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

C1. Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title ''COMMENTS'', ''RECOMMENDATIONS FOR TERMS AND CONDITIONS'', ''PROTEST'', OR ''MOTION TO INTERVENE'', as applicable, and the Project Number of the particular application to which the filing refers. Any of the above-named documents must be filed by providing the original and the number of copies provided by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 888

First Street, N.E., Washington, D.C. 20426. A copy of any motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

D2. Agency Comments—Federal, State, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

David P. Boergers,

Secretary.

[FR Doc. 98–33368 Filed 12–16–98; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Application Accepted for Filing and Soliciting Motions To Intervene and Protests

December 11, 1998.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Type of Application:* Major License.

b. *Project No.:* P–2192–008.

c. *Date Filed:* June 26, 1998.

d. *Applicant:* Consolidated Water Power Company.

e. *Name of Project:* Biron Hydroelectric Project.

f. *Location:* On the Wisconsin River in the towns of Biron, Wisconsin Rapids, Stevens Point, Plover, and Whiting, and in the counties of Wood and Portage, Wisconsin.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. §§ 791(a)–825(r).

h. *Applicant Contacts:* Mr. Kenneth K. Knapp, Vice President, Consolidated Water Power Company, P.O. Box 8050, Wisconsin Rapids, WI 54495–8050, (715) 422–3073.

i. *FERC Contact:* Any questions on this notice should be addressed to Michael Spencer, E-mail address spencer.michael@ferc.fed.us, or telephone 202–219–2846.

j. Deadline for filing motions to intervene and protest: 60 days from the issuance date of this notice.

All documents (original and eight copies) should be filed with: David P. Boergers, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426.

The Commission's Rules of Practice and Procedure require all intervenors filing documents with the Commission to serve a copy of that document on each person whose name appears on the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

k. *Status of Environmental Analysis:* This application is not ready for environmental analysis at this time.

l. *Description of the project:* The existing project consists of: (1) a main dam which has two long embankment dikes on either side of the river extending upstream; the left dike is 5,700 feet long and the right dike is 10,202.5 feet long; the main dam consists of five gravity walls, three spillway sections and the powerhouse/grinder building with a total length of 4,820.8 feet; (2) the three spillway sections contain a total of 22 tainter gates; (3) the reservoir has a surface area of 2,078 acres and gross storage of 19,500 acre-feet at elevation 1,035.3 feet msl.; (4) a powerhouse and adjacent grinder building containing three vertical francis turbine units and six horizontal duplex type turbine units with a combined total installed capacity of 6,710 kW and an average annual generation of 38.6 GWh; and (5) appurtenant facilities.

m. *Locations of the application:* A copy of the application is available for inspection and reproduction at the Commission's Public Reference and Files and Maintenance Branch, located at 888 First Street, N.E., Room 2A–1, Washington, D.C. 20426. The application may be viewed on the web at www.ferc.fed.us. Call 202–208–2222 for assistance. A copy is also available for inspection and reproduction at the address in item h above.

n. This notice also consists of the following standard paragraphs: B1 and E1

B1. Protests or Motions to Intervene—Anyone may submit a protest or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, 385.211, and 385.214. In determining the appropriate action to take, the Commission will consider all protests filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any protests or motions to intervene must be received on or before the specified deadline date for the particular application.

E1. Filing and Service of Responsive Documents—The application is not ready for environmental analysis at this time; therefore, the Commission is not now requesting comments, recommendations, terms and conditions, or prescriptions.

When the application is ready for environmental analysis, the Commission will issue a public notice requesting comments, recommendations, terms and conditions, or prescriptions.

All filings must (1) bear in all capital letters the title ''PROTEST'' or ''MOTION TO INTERVENE;'' (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. Agencies may obtain copies of the application directly from the applicant. Any of these documents must be filed by providing the original and the number of copies required by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426. An additional copy must be sent to Director, Division of Project Review, Office of Hydropower Licensing, Federal Energy Regulatory Commission, at the above address. A copy of any protest or motion to intervene must be served upon each representative of the applicant specified in the particular application.

David P. Boergers,

Secretary.

[FR Doc. 98–33369 Filed 12–16–98; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Transfer of License

December 11, 1998.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Type of Application:* Transfer of License.

b. *Project No.:* 2544–025.

c. *Date Filed:* October 30, 1998.

d. *Applicants:* Washington Water Power Company and Hydro Technology Systems, Inc.

e. *Name of Project:* Meyers Falls Hydroelectric Project.

f. *Location:* On the Colville River, in Stevens County, Washington.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. §§ 791(a)–825(r).

h. *Applicants Contracts:*

Steven A. Fry, Licensing & Environmental Coordinator, The Washington Water Power Company, P.O. Box 3727, Spokane, WA 99222, (509) 482–4084

Michael E. Johnson, President, Hydro Technology Systems, Inc., P.O. Box 82, Chattaroy, WA 99003, (509) 238–4578

William J. Madden, Jr., John A. Whittaker, IV, Attorneys for Transferor and Transferee, Winston & Strawn, 1400 L Street, N.W., Washington, DC 20005–3502, (202) 371–5766

i. *FERC Contact:* Mr. Lynn R. Miles, (202) 219–2671

j. *Comment Date:* January 22, 1999.

k. *Description of the Proposed Action:* The licensee, Washington Water Power Company, seeks to transfer the project license to Hydro Technology Systems, Inc., a Washington State corporation.

l. This notice also consists of the following standard paragraphs: B, C1, and D2.

B. Comments, Protests, or Motions to Intervene—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

C1. Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title ''COMMENTS'', ''RECOMMENDATIONS FOR TERMS AND CONDITIONS'', ''PROTEST'', OR ''MOTION TO INTERVENE'', as applicable, and the Project Number of the particular application to which the filing refers. Any of the above-named documents must be filed by providing the original and the number of copies provided by the Commission's regulations to: The Secretary, Federal Energy Regulation Commission, 888 First Street, N.E., Washington, D.C. 20426. A copy of any motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

D2. Agency Comments—Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

David P. Boergers,

Secretary.

[FR Doc. 98–33410 Filed 12–16–98; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Transfer of License

December 11, 1998.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Type of Application:* Transfer of License.

b. *Project No.:* 620–007.

c. *Date Filed:* October 30, 1998.

d. *Applicants:* ADF, Inc. and NorQuest Seafoods, Inc.

e. *Name of Project:* Chignik.

f. *Location:* On Indian Creek in Chignik, Alaska.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. *Applicants Contact:* Ron Soule, NorQuest Seafoods, Inc., 4225 23rd Avenue West, Seattle, WA 98119, (206) 281–7022.

i. *FERC Contact:* Ahmad Mushtaq, (202) 219–2672.

j. *Comment Date:* January 28, 1999.

k. *Description of the Request:* ADF, Inc., licensee, and NorQuest Seafoods, Inc. (NSI) jointly request that the license for the Chignik Project be transferred to NSI.

l. This notice also consists of the following standard paragraphs: B, C1, and D2.

B. Comments, Protests, or Motions to Intervene—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

C1. Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title ''COMMENTS'', ''RECOMMENDATIONS FOR TERMS AND CONDITIONS'', ''PROTEST'', or ''MOTION TO INTERVENE'', as applicable, and the Project Number of the particular application to which the filing refers. Any of the above-named documents must be filed by providing the original and the number of copies provided by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. A copy of any motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

D2. Agency Comments—Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

David P. Boergers,

Secretary.

[FR Doc. 98–33413 Filed 12–16–98; 8:45 am]

BILLING CODE 6717–01–M

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6204–6]

Ambient Air Monitoring Reference and Equivalent Methods: Designation of Four New Reference Methods and Receipt of Three New Applications for Reference Method Determinations

AGENCY: Environmental Protection Agency.

ACTION: Notice of designation and receipt of applications.

SUMMARY: Notice is hereby given that the Environmental Protection Agency (EPA) has designated, in accordance with 40 CFR Part 53, four new reference methods for the determination of ambient concentrations of particulate matter measured as PM_{10}. Notice is also given that EPA has received three new applications for reference method determinations under 40 CFR Part 53, one for a candidate method for $PM_{2.5}$ and two for candidate methods for PM_{10}.

FOR FURTHER INFORMATION CONTACT: Frank F. McElroy, Human Exposure and Atmospheric Sciences Division (MD–46), National Exposure Research Laboratory, U.S. EPA, Research Triangle Park, North Carolina 27711. Phone: (919) 541–2622, email: mcelroy.frank@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: In accordance with regulations at 40 CFR Part 53, the EPA examines various methods for monitoring the concentrations of certain pollutants in the ambient air. Methods that are determined to meet specific requirements for adequacy are designated as either reference or equivalent methods, thereby permitting their use under 40 CFR Part 58 by States and other agencies in determining attainment of the National Ambient Air Quality Standards. EPA hereby announces the designation of four new reference methods for measuring PM_{10} in ambient air. These designations are made under the provisions of 40 CFR Part 53, as amended on July 18, 1997 (62 FR 38764).

The new reference methods for PM_{10} are manual, gravimetric monitoring methods based on particular commercially available PM_{10} samplers. The newly designated methods are identified as follows:

RFPS–1298–124, ''BGI Incorporated Model PQ100 Air Sampler'' with BGI16.7 Inlet Kit, configured as a PM_{10} reference method, for 24-hour continuous sample periods at a flow rate of 16.7 liters/minute, and operated in accordance with the Model PQ100 Instruction Manual and with the requirements specified in 40 CFR Part 50, Appendix J or Appendix M, using either the original or the newer PQ200-type filter cassettes.

RFPS–1298–125, ''BGI Incorporated Model PQ200 Air Sampler'' with ''flat plate'' PM_{10} inlet, configured as a PM_{10} reference method, and operated for 24-hour continuous sample periods in accordance with the Model PQ200 Instruction Manual and with the requirements specified in 40 CFR Part 50, Appendix J or Appendix M.

RFPS–1298–126, ''Rupprecht and Patashnick Company Partisol®–FRM Model 2000 PM_{10} Air Sampler'' with PM_{10} inlet, configured as a PM_{10} reference method, and operated for 24-hour continuous sample periods in accordance with the Model 2000 Instruction Manual and with the requirements specified in 40 CFR Part 50, Appendix J or Appendix M.

RFPS–1298–127, ''Rupprecht and Patashnick Company Partisol®–Plus Model 2025 PM_{10} Sequential Air Sampler'' with PM_{10} inlet, configured as a PM_{10} reference method, and operated for 24-hour continuous sample periods in accordance with the Model 2025 Instruction Manual and with the requirements specified in 40 CFR Part 50, Appendix J or Appendix M.

An application for a reference method determination for the method based on the BGI Model PQ100 sampler was received by the EPA on May 4, 1998, and an application for the BGI Model PQ200 sampler method was received on June 1, 1998. A notice of the receipt of these applications was published in the **Federal Register** on August 3, 1998. The methods are available commercially from the applicant, BGI Incorporated, 58 Guinan Street, Waltham, Massachusetts 02154.

Applications for the reference method determinations for the methods based on the Rupprecht and Patashnick Company Partisol®–FRM Model 2000 and Partisol®–Plus Model 2025 were received by the EPA on February 3, 1998, and a notice of the receipt of these applications was published in the **Federal Register** on June 2, 1998. These methods are available commercially from the applicant, Rupprecht and Patashnick Company, Incorporated, 25 Corporate Circle, Albany, New York 12203.

Test samplers representative of these methods have been tested by the respective applicants in accordance with the test procedures specified in 40 CFR Part 53 (as amended on July 18, 1997). After reviewing the results of those tests and other information submitted by the respective applicants, EPA has determined, in accordance with Part 53, that these methods should be designated as reference methods. The information submitted by the applicants will be kept on file at EPA's National Exposure Research Laboratory, Research Triangle Park, North Carolina 27711, and will be available for inspection to the extent consistent with 40 CFR Part 2 (EPA's regulations implementing the Freedom of Information Act).

As designated reference methods, each of these methods is acceptable for use by states and other air monitoring agencies under the requirements of 40 CFR Part 58, Ambient Air Quality Surveillance. For such purposes, the method must be used in strict accordance with the operation or instruction manual associated with the method and subject to any limitations (*e.g.*, sample period or flow rate) specified in the applicable designation method description (see identification of the methods above). Use of the method should also be in general accordance with the guidance and recommendations of applicable sections of the Quality Assurance Handbook for Air Pollution Measurement Systems, Volume II (EPA/600/R–94/038b). Vendor modifications of a designated reference or equivalent method used for purposes of Part 58 are permitted only with prior approval of the EPA, as provided in Part 53. Provisions concerning modification of such methods by users are specified under Section 2.8 of Appendix C to 40 CFR Part 58 (Modifications of Methods by Users).

In general, a method designation applies to any sampler or analyzer which is identical to the sampler or analyzer described in the designation application. In some cases, similar samplers or analyzers manufactured prior to the designation may be upgraded (*e.g.*, by minor modification or by substitution of a new operation or instruction manual) so as to be identical to the designated method and thus achieve designated status at a modest cost. The manufacturer should be consulted to determine the feasibility of such upgrading.

Part 53 requires that sellers of designated reference or equivalent method analyzers or samplers comply with certain conditions. These conditions are given in 40 CFR Part 53.9 and are summarized below:

(a) A copy of the approved operation or instruction manual must accompany the sampler or analyzer when it is delivered to the ultimate purchaser.

(b) The sampler or analyzer must not generate any unreasonable hazard to operators or to the environment.

(c) The sampler or analyzer must function within the limits of the applicable performance specifications given in Parts 50 and 53 for at least one year after delivery when maintained and operated in accordance with the operation or instruction manual.

(d) Any sampler or analyzer offered for sale as part of a reference or equivalent method must bear a label or sticker indicating that it has been designated as part of a reference or equivalent method in accordance with Part 53 and showing its designated method identification number.

(e) If such an analyzer has two or more selectable ranges, the label or sticker must be placed in close proximity to the range selector and indicate which range or ranges have been included in the reference or equivalent method designation.

(f) An applicant who offers samplers or analyzers for sale as part of a reference or equivalent method is required to maintain a list of ultimate purchasers of such samplers or

analyzers and to notify them within 30 days if a reference or equivalent method designation applicable to the method has been canceled or if adjustment of the sampler or analyzer is necessary under 40 CFR Part 53.11(b) to avoid a cancellation.

(g) An applicant who modifies a sampler or analyzer previously designated as part of a reference or equivalent method is not permitted to sell the sampler or analyzer (as modified) as part of a reference or equivalent method (although it may be sold without such representation), nor to attach a label or sticker to the sampler or analyzer (as modified) under the provisions described above, until the applicant has received notice under 40 CFR Part 53.14(c) that the original designation or a new designation applies to the method as modified, or until the applicant has applied for and received notice under 40 CFR Part 53.8(b) of a new reference or equivalent method determination for the sampler or analyzer as modified.

Aside from occasional breakdowns or malfunctions, consistent or repeated noncompliance with any of these conditions should be reported to: Director, Human Exposure and Atmospheric Sciences Division (MD–77), National Exposure Research Laboratory, U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711.

Designation of these reference methods is intended to assist the States in establishing and operating their air quality surveillance systems under 40 CFR Part 58. Questions concerning the commercial availability or technical aspects of any of these methods should be directed to the appropriate applicant.

Receipt of New Reference Method Applications

EPA is also hereby announcing that it has received three new applications for reference method determinations under 40 CFR Part 53. Publication of a notice of receipt of such applications is required by § 53.5.

On September 14, 1998, EPA received an application from Thermo Environmental Instruments, Incorporated, 8 West Forge Parkway, Franklin, Massachusetts 02038, for a reference method determination for a $PM_{2.5}$ method based on that Company's Model 606 CAPS Sequential $PM_{2.5}$ Sampler. Another application was received on September 18, 1998, from Anderson Instruments, Incorporated, 500 Technology Court, Smyrna, Georgia 30082, for a reference method determination for PM_{10} methods based on that Company's Models RAAS10–100 Single Channel PM_{10} Sampler, RAAS10–200 Audit PM_{10} Sampler, and RAAS10–300 Sequential PM_{10} Sampler. An application was received on September 24, 1998, from Tisch Environmental, Incorporated, 145 South Miami Avenue, Village of Cleves, Ohio 45002, for a reference method determination for a PM_{10} method based on that Company's Model TE–6001 High Volume PM_{10} Air Sampler.

If, after appropriate technical study, the Administrator determines that any or all of these methods should be designated as reference methods under 40 CFR Part 53, notice thereof will be published in a subsequent issue of the **Federal Register**.

Dated: December 10, 1998.

Norine E. Noonan,

Assistant Administrator, Office of Research and Development.

[FR Doc. 98–33480 Filed 12–16–98; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6204–5]

Environmental Laboratory Advisory Board, Meeting Date and Agenda

AGENCY: Environmental Protection Agency.

ACTION: Notice of Open Meeting.

SUMMARY: The Environmental Protection Agency (EPA) will convene an open meeting of the Environmental Laboratory Advisory Board (ELAB) on January 14, 1999, from 8:30 a.m. to 12:30 p.m. The public is invited to attend at the meeting at the Hyatt Regency Bethesda, One Bethesda Metro Center, Bethesda, Maryland.

Topics for discussion will include at a minimum a summary from the ELAB workgroup tasked to examine performance-based measurement systems and a briefing from the workgroup responsible for investigating issues affecting small laboratories.

The public is encouraged to attend. Time will be allotted for public comment. Written comments are encouraged and should be directed to Ms. Elizabeth Dutrow; Designated Federal Officer; USEPA; 401 M Street, SW (8724R); Washington, DC 20460. If questions arise, please contact Ms. Dutrow by phone at (202) 564–9061, by facsimile at (202) 565–2441 or by email at dutrow.elizabeth@epamail.epa.gov.

Dated: December 9, 1998.

Thomas Dixon,

Acting Director, Quality Assurance Division.

[FR Doc. 98–33479 Filed 12–16–98; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6202–2]

Great Lakes Dredged Material Testing and Evaluation Manual

AGENCY: Environmental Protection Agency.

ACTION: Notice of Availability of Great Lakes Dredged Material Testing and Evaluation Manual.

SUMMARY: This document announces the availability of the testing manual entitled ''Great Lakes Dredged Material Testing and Evaluation Manual'' (Great Lakes Manual). The Great Lakes Manual was prepared by an Environmental Protection Agency (EPA)/Army Corps of Engineers (CE) workgroup comprised of staff with scientific and/or programmatic expertise related to Great Lakes dredged material discharge activities. This document supplements the manual entitled ''Evaluation of Dredged Material Proposed for Discharge in Waters of the U.S.-Testing Manual (Inland National Manual), EPA–823–B–98–004,'' which was finalized in February 1998. The Great Lakes Manual contains more specific guidance than the National Manual specifically for the Great Lakes system, including detailed bioassay test protocols. The Great Lakes Manual was noticed for comment in the **Federal Register** on December 19, 1994. Both the draft Inland Testing Manual and the Great Lakes Manual were issued pursuant to the provisions of section 404(b)(1) of the Clean Water Act and 40 CFR part 230.

DATES: The Great Lakes Manual is intended to be utilized by The Corps of Engineers and all applicants for section 404(b)(1) dredged material discharge permits until March 17, 1999.

ADDRESSES: The Great Lakes Dredged Material Testing and Evaluation Manual can be obtained from the Internet at: www.epa.gov/glnpo/sediment/gltem/ Copies are also available by contacting Marc Tuchman, USEPA Great Lakes National Program Office—G–9J, 77 West Jackson Street, Chicago, IL 60604; telephone: (312) 353–1369.

FOR FURTHER INFORMATION CONTACT: Jan Miller, USACE Great Lakes & Ohio River Division, 111 North Canal Street, Chicago, IL 60606–7205; telephone: (312) 353–6354; Marc Tuchman, USEPA

Great Lakes National Program Office—G–9J, 77 West Jackson Street, Chicago, IL 60604; telephone: (312) 353–1369; or John Dorkin, USEPA Region 5—WS–16J, 77 West Jackson Street, Chicago, IL 60604; telephone: (312) 886–1980.

SUPPLEMENTARY INFORMATION: See also Notice of Availability of draft Great Lakes Manual at 59 FR 65358, December 19, 1994; proposed rule at 60 FR 419, January 4, 1995; and Notice of Availability of Inland Testing Manual at 63 FR 10218, March 2, 1998. Proposed discharges of dredged or fill material in Great Lakes Waters must be evaluated to determine the potential environmental impacts of such activities. Specifically, section 404 of the Federal Water Pollution Control Act of 1972, Pub. L. 92–500, as amended by the CWA, Pub. L. 95–217, requires that the discharge of dredged or fill material into waters of the U.S. be permitted by the CE. EPA has the primary role in developing the environmental guidelines—the section 404(b)(1) Guidelines (Guidelines)—in conjunction with the CE, by which permit applications must be evaluated. The Guidelines are published at 40 CFR part 230. Fundamental to the Guidelines is the precept that dredged or fill material should not be discharged into the aquatic ecosystem, unless it can be demonstrated that such a discharge will not have an unacceptable adverse impact either individually or in combination with known and/or probable impacts of other activities affecting the ecosystems of concern.

Dredged material testing is part of the larger section 404(b)(1) evaluation of a proposed discharge activity to determine its compliance with the Guidelines. Sections 230.60 and 230.61 of the Guidelines provide the basis for certain contaminant-related factual determinations regarding the potential environmental effects of a proposed discharge. The Great Lakes Manual provides regional guidance on the testing provision of the Guidelines, supplementing the draft National Manual which was noticed for comment in the **Federal Register** on July 21, 1994 (59 FR 37234) and a proposed rule for the Comparison of Dredged Material to Reference Sediment at 60 FR 60419. These manuals detail the physical, chemical, and biological evaluation procedures outlined in §§ 230.60 and 230.61, including technical guidance on sampling and handling, quality assurance, chemical and physical analysis, and biological effects testing. The Great Lakes Manual contains more specific information for the Great Lakes system, including detailed bioassay test protocols. Conclusions reached utilizing the manuals will be used to make factual determinations of the potential environmental effects of a proposed discharge of dredged material.

Dated: December 2, 1998.

Jo Lynn Traub,

Acting Regional Administrator, Region 5.

[FR Doc. 98–33216 Filed 12–16–98; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6204–7]

Registration and Agreement for Clean Water Act Section 301 Compliance Audit Program for the Pork Production Industry

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) and the National Pork Producers Council (NPPC) have agreed to a comprehensive and voluntary Clean Water Act Compliance Audit Program (CAP). The NPPC, which represents pork producers nationally, plans to have independent auditors conduct more than 10,000 of the audits nationwide to improve environmental management practices and assure compliance with the Clean Water Act. The Clean Water Act CAP provides incentives for pork producers to undertake voluntary comprehensive on-farm environment assessments by greatly reducing penalties for any Clean Water Act violations that are promptly disclosed and corrected under this program. Participation in the NPPC audits or CAP process is voluntary. This Notice announces the opportunity for pork producers to register for EPA's Clean Water Act Section 301 Compliance Audit Program (CAP) for the Pork Production Industry. This Notice also announces the availability of the text of the Agreement (CAP Agreement), which producers may sign to register for the program.

DATES: Producers with existing pork production facilities must register for the CAP agreement by Sept. 30, 2001. For facilities that are completed after Sept. 30, 2001, producers must register by Sept. 30, 2003. Persons interested in participating in the CAP must register by sending a signed CAP Agreement to EPA before the end of the applicable registration period.

ADDRESSES: Copies of the CAP Agreement text may be obtained from http://www.epa.gov/oeca/ore/porkcap. Pork producers who want to register for the program can contact their local pork producers' organization or the National Pork Producers Council, at 1776 NW 114th St., Clive, Iowa 50325, Attention: Andy Baumert; Phone: (515) 223–2600.

FOR FURTHER INFORMATION CONTACT: Additional information about the CAP and the CAP Agreement is available from EPA by contacting Ciannat M. Howett, Office of Enforcement and Compliance Assurance, Office of Regulatory Enforcement, Water Enforcement Division (Mailcode: 2243–A), Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460. Pork producers who want additional information about the CAP Agreement can contact their local pork producers' organization or the National Pork Producers Council, at 1776 NW 114th St., Clive, Iowa 50325, Attention: Andy Baumert; Phone: (515) 223–2600.

SUPPLEMENTARY INFORMATION: The Clean Water Act Compliance Audit Program (CAP) provides incentives for pork producers to have comprehensive on-farm environmental assessments conducted on their pork production facilities. The purpose of the assessments is to determine whether pork production facilities are conforming with good environmental management practices for this industry and to assess compliance with the Federal Clean Water Act.

The National Pork Producers Council (NPPC), which represents pork producers nationally, is proposing to have independent auditors conduct these on-farm environmental assessments at more than 10,000 of the producers' facilities. EPA hopes to encourage this voluntary environmental assessment by substantially reducing civil penalties for violations that are promptly disclosed and corrected as a result of these audits. The program provides certainty regarding EPA's response to reported violations.

This program was developed after the NPPC approached EPA to propose an environmental assessment program for the industry. The NPPC audit protocol establishes a rigorous evaluation process for reviewing pork production facilities that is designed to assure the protection of our nation's waterways by improving environmental management controls at pork farms throughout the United States. The CAP is the result of an agreement between EPA and the NPPC that provides reasonable incentives for pork producers without compromising EPA's and the States' ability to consistently and appropriately enforce the law. This voluntary program demonstrates how government and industry can come together to find

practical and resourceful solutions for reducing waste runoff into our nation's rivers, lakes and streams.

NPPC's audit procedure is known as the On-Farm Odor/Environmental Assistance Program, referred to as the ''On-Farm Environmental Assessment'' for purposes of the CWA Section 301 Compliance Audit Program being announced today. The Assessment process involves a detailed review and on-site inspection of pork production facilities and waste handling methods by trained, independent assessors. EPA has evaluated the NPPC assessment process and found it to be a useful tool for assessing CWA compliance and improving environmental practices at pork production facilities. NPPC has committed to encouraging producers to participate in the program, ensuring the availability of the On-Farm Environmental Assessment process to producers who wish to participate, and promoting high-quality assessments by well-trained assessors. NPPC will also serve as coordinator for the On-Farm Environmental Assessment program and as liaison between participating producers and assessors by scheduling assessments; assigning assessment teams to conduct particular assessments; gathering preliminary information about the production facilities; and ensuring that the assessment teams conduct audits and promptly prepare Assessment Reports (as described in the CAP Agreement) for the producers.

The CAP is open to all pork producers in the country, but excludes slaughterhouses, pork processing and packing facilities, or areas of ancillary operations such as equipment or feed storage or cropland—other than cropland used for land application of swine waste. In coordination with NPPC, EPA has developed a nationwide enforcement agreement (''CAP Agreement'') that is available to any pork producer who takes part in the NPPC environmental assessment program. To be eligible for the CAP program, participating pork producers must identify and report Clean Water Act (CWA) violations within 120 days of the start of an assessment, and correct them within specified timetables (depending on the violation). The auditor must certify that the assessment was conducted properly according to the protocol, producers must certify that the report submitted to EPA is complete and accurate, and an auditor or licensed engineer must certify that the report is complete and accurate.

Producers that report and correct the violations within the timetable and otherwise comply with the CAP Agreement are eligible for reduced penalties. Penalties are based on economic benefit and range from $250 to $10,000 for violations, with a maximum cap of $40,000. As an additional incentive to quickly correct violations, the agreement provides even greater penalty reductions to producers who correct violations within shorter timeframes. There is one exception to the fixed penalty provisions. In those instances (which EPA expects to be rare) where the producer has almost wholly failed to invest in ordinary animal waste pollution control facilities (such as by failing to construct any waste storage pits or lagoons) no fixed penalty will be available, but instead EPA may seek to recover the economic benefit to the producer of its non-compliance up to $40,000. Nonparticipating pork producers could face civil penalties of up to $27,500 per day for CWA violations identified independently by EPA.

However, there are some limitations to the CAP. It applies only to Clean Water Act NPDES violations. The CAP Agreement would not apply to violations already discovered by EPA or a State, or that are already the subject of a citizen suit action. The program also reserves EPA's ability to pursue injunctive relief when there is a discharge and where there is an ''imminent and substantial'' endangerment under section 504 of the Clean Water Act, and to recommend prosecution for criminal conduct. Furthermore, EPA may impose penalties and seek all other available remedies where a pork producer fails to comply with the CAP Agreement. The program does not relieve the producer from the obligation to comply with all CWA permits, regulations and other applicable environmental laws and regulations.

EPA will consult closely with the States in determining whether discharges under the program meet the requirements of the Agreement. States may elect to administer the CAP Agreement; in those cases, EPA would refer any CWA violation disclosures to the State for consideration and response under the terms of the CAP agreement. EPA strongly encourages any NPDES-approved State to implement the CAP Agreement with respect to producers located within the State. In order to implement the agreement, States should contact Brian J. Maas, Office of Enforcement and Compliance Assurance, Office of Regulatory Enforcement, Water Enforcement Division (Mailcode: 2243–A), Environmental Protection Agency, 401 M Street, SW Washington, DC, 20460, or the appropriate Regional office and enter into a written agreement with EPA to comply with the terms of the CAP Agreement with respect to each registering producer. States implementing the agreement will receive all reports of completed Assessments from producers, as well as any reports of violations pursuant to the CAP. These States will also enter into the Consent Agreements/Orders to accomplish enforcement with regard to the violations reported under the CAP.

In addition to promoting this nationwide On-Farm Environmental Assessment program, the CAP announced today will provide a streamlined enforcement mechanism that will help obtain CWA compliance by numerous facilities without overwhelming EPA's enforcement resources. Because enforcement under the CAP Agreement will include corrective action, the program is expected to provide significant environmental benefits.

Industry representatives and EPA believe that this program will result in On-Farm Environmental Assessments at well over 10,000 pork production facilities, comprising most of the large (over 1000 animal units) and medium-sized (over 300 animal units) facilities in the United States. Together these facilities account for approximately 80% of U.S. pork production. The program thus promises to provide EPA with a substantially stronger national compliance assurance and enforcement effort than would otherwise be achievable. This program will also allow EPA to concentrate its enforcement resources on producers that choose not to participate in the CWA Section 301 Compliance Audit Program. Such non-participating producers should be aware that EPA intends to actively pursue violations of the Clean Water Act at pork production facilities.

Producers with existing pork production facilities must register for the CAP agreement by Sept. 30, 2001. For facilities that are completed after Sept. 30, 2001, producers must register by Sept. 30, 2003. Pork producers who want to register for the program can contact their local pork producers' organization or the National Pork Producers Council, at (515) 223–2600.

Dated: December 9, 1998.

Brian J. Maas,

Office of Enforcement and Compliance Assurance.

[FR Doc. 98–33478 Filed 12–16–98; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL DEPOSIT INSURANCE CORPORATION

Sunshine Act Meeting; Notice of Agency Meeting

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 9:00 a.m. on Friday, December 18, 1998, 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 minutes of previous Board of Directors' meetings.

Reports of actions taken pursuant to authority delegated by the Board of Directors.

Memorandum and resolution re: Part 325—Final Rule to Revise Leverage and Risk-Based Capital Standards to Eliminate Certain Interagency Differences.

Memorandum and resolution re: Proposed Statement of Policy Regarding the Treatment of Securitizations and Loan Participations in Conservatorships and Receiverships.

Memorandum re: 1998 Alternative Dispute Resolution Annual Report to the Board.

Discussion Agenda: Memorandum and resolution re: The Corporation's 1999 Annual Budget.

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.

The FDIC will provide attendees with auxiliary aids (e.g., sign language interpretation) required for this meeting. Those attendees needing such assistance should call (202) 416–2449 (Voice); (202) 416–2004 (TTY), to make necessary arrangements.

Requests for further information concerning the meeting may be directed to Mr. Robert E. Feldman, Executive Secretary of the Corporation, at (202) 898–6757.

Dated: December 11, 1998.

FEDERAL DEPOSIT INSURANCE CORPORATION

Robert E. Feldman,

Executive Secretary.

[FR Doc. 98–33524 Filed 12–15–98; 8:45 am]

BILLING CODE 6714–01–M

FEDERAL DEPOSIT INSURANCE CORPORATION

Sunshine Act Meeting

Pursuant to the provisions of the ''Government in the Sunshine Act'' (5 U.S.C. 552b), notice is hereby given that the following matter will be withdrawn from the ''summary agenda'' for consideration at the open meeting of the Board of Directors of the Federal Deposit Insurance Corporation scheduled to be held at 9:00 a.m. on Friday, December 18, 1998, in the Board Room on the sixth floor of the FDIC Building located at 550–17th Street, N.W., Washington, D.C.:

Memorandum re: 1998 Alternative Dispute Resolution Annual Report to the Board.

Requests for further information concerning the meeting may be directed to Mr. Robert E. Feldman, Executive Secretary of the Corporation, at (202) 898–6757.

Dated: December 15, 1998.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Executive Secretary.

[FR Doc. 98–33635 Filed 12–15–98; 3:26 pm]

BILLING CODE 6714–01–M

FEDERAL MARITIME COMMISSION

Notice of Agreement(s) Filed

The Commission hereby gives notice of the filing of the following agreement(s) under the Shipping Act of 1984.

Interested parties can review or obtain copies of agreements at the Washington, DC offices of the Commission, 800 North Capitol Street, N.W., Room 962. Interested parties may submit comments on an agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days of the date this notice appears in the **Federal Register**.

Agreement No.: 202–011284–032
Title: Equipment Interchange Discussion Agreement (''EIDA'')
Parties:
American President Lines, Ltd.
A.P. Moller-Maersk Line
Hapag Lloyd Container Linie GmbH
Mitsui O.S.K. Lines Ltd.
Orient Overseas Container Line, Inc.
Orient Overseas Container Line (UK) Ltd.
P&O Nedlloyd B.V., P&O Nedlloyd Limited
Nippon Yusen Kaisha Line
Sea-Land Service, Inc.
Synopsis: The proposed amendment would permit agreements and their member carriers to become members of EIDA.

Agreement No.: 203–011516–002
Title: Voluntary Intermodal Sealift Rate Agreement
Parties:
American President Lines, Ltd.
Crowley American Transport, Inc.
Crowley Marine Services, Inc.
Farrell Lines, Inc.
Lykes Lines Limited, L.L.C.
Maersk Lines, Limited
Matson Navigation Company
Sea-Land Service, Inc.
Totem Ocean Trailer Express, Inc.
Synopsis: The proposed modification expands, restates and updates the agreement by adding seven new parties, expands the geographic scope to cover all trades between the United States and foreign ports or points, and clarifies that the agreement covers the full range of programs for the carriage of Department of Defense cargoes. This agreement will expire on October 1, 1999.

Agreement No.: 224–200806–001
Title: Oakland-Cosco Marine Terminal Agreement
Parties: City of Oakland, China Ocean Shipping (Group) Company (PRC Corporation)
Synopsis: The agreement amendment allows Cosco's cargo loaded to or from Yang Ming Marine Transport Corporation's vessels at certain berths at the Port of Oakland to be handled as Cosco's cargo. The agreement continues to run through April 30, 1999.

Dated: December 11, 1998.

By Order of the Federal Maritime Commission.

Joseph C. Polking,

Secretary.

[FR Doc. 98–33367 Filed 12–16–98; 8:45 am]

BILLING CODE 6730–01–M

FEDERAL RESERVE SYSTEM

De Novo Corporation to do Business Under Section 25A of the Federal Reserve Act

An application has been submitted for the Board's approval of the organization of a corporation to do business under Section 25A of the Federal Reserve Act (Edge Corporation) 12 U.S.C. § 611 *et seq*. The Edge Corporation will operate as a subsidiary of the applicant, Bank One, Texas, National Association, Dallas, Texas. The factors that are to be considered in acting on the application are set forth in the Board's Regulation K (12 CFR 211.4).

The application may be inspected at the Federal Reserve Bank of Boston or

at the Board of Governors. 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, identify specifically any questions of fact that are in dispute, and summarize the evidence that would be presented at a hearing.

Comments regarding the application must be received by the Reserve Bank indicated or at the offices of the Board of Governors no later than January 11, 1999.

A. Federal Reserve Bank of Boston(Richard Walker, Community Affairs Officer) 600 Atlantic Avenue, Boston, Massachusetts 02106-2204:

1. Fleet National Bank, Providence, Rhode Island; to establish Fleet Capital International, Inc., Providence, Rhode Island, which will acquire Sanwa Business Credit (UK) Limited, London, England, and its wholly-owned subsidiary, Sanwa Business Credit (Deutschland) GmbH, Dusseldorf, Germany, and thereby engage in commercial finance activities, pursuant to section 25A of the Federal Reserve Act.

Board of Governors of the Federal Reserve System, December 11, 1998.

Robert deV. Frierson,

Associate Secretary of the Board

[FR Doc. 98–33380 Filed 12–16–98; 8:45 am]

BILLING CODE 6210–01–F

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR Part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The application also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act. Unless otherwise noted, nonbanking activities will be conducted throughout the United States.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than January 11, 1999.

A. Federal Reserve Bank of Richmond (A. Linwood Gill III, Assistant Vice President) 701 East Byrd Street, Richmond, Virginia 23261-4528:

1. Union Bankshares Corporation, Bowling Green, Virginia; to acquire 100 percent of the voting shares of The Bank of Williamsburg (in organization), Williamsburg, Virginia.

B. Federal Reserve Bank of St. Louis (Randall C. Sumner, Vice President) 411 Locust Street, St. Louis, Missouri 63102-2034:

1. Old National Bancorp, Evansville, Indiana; to merge with Dulaney Bancorp, Inc., Marshall, Illinois, and thereby indirectly acquire Dulaney National Bank, Marshall, Illinois.

C. Federal Reserve Bank of Dallas (W. Arthur Tribble, Vice President) 2200 North Pearl Street, Dallas, Texas 75201-2272:

1. Founders Bancshares, Inc., Dallas, Texas to become a bank holding company by acquiring 100 percent of the voting shares of Founders National Bank-Skillman, Dallas, Texas.

2. Skillman Bancshares, Inc., Dover, Delaware; to become a bank holding company by acquiring 100 percent of the voting shares of Founders National Bank-Skillman, Dallas, Texas.

Board of Governors of the Federal Reserve System, December 11, 1998.

Robert deV. Frierson,

Associate Secretary of the Board.

[FR Doc. 98–33379 Filed 12–16–98; 8:45 am]

BILLING CODE 6210–01–F

FEDERAL RESERVE SYSTEM

Sunshine Act Meeting

AGENCY HOLDING THE MEETING: Committee on Employee Benefits of the Federal Reserve System.*

TIME AND DATE: 2:30 p.m., Tuesday, December 22, 1998.

PLACE: Marriner S. Eccles Federal Reserve Board Building, 20th and C Streets, N.W., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Proposals relating to Federal Reserve System benefits.

2. Proposed interpretation of the Federal Reserve System's Long Term Disability Plan.

3. Any items carried forward from a previously announced meeting.

* * * * *

* The Committee on Employee Benefits considers matters relating to the Retirement, Thrift, Long-Term Disability Income, and Insurance Plans for employees of the Federal Reserve System.

CONTACT PERSON FOR MORE INFORMATION: Lynn S. Fox, Assistant to the Board; 202–452–3204.

SUPPLEMENTARY INFORMATION: You may contact the Board's Web site at http://www.federalreserve.gov for an electronic announcement of this meeting. (The Web site also includes procedural and other information about the meeting.)

Dated: December 15, 1998.

Robert deV. Frierson,

Associate Secretary of the Board.

[FR Doc. 98–33610 Filed 12–15–98; 2:19 pm]

BILLING CODE 6210–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

Findings of Scientific Misconduct

AGENCY: Office of the Secretary, HHS.

ACTION: Notice.

SUMMARY: Notice is hereby given that the Office of Research Integrity (ORI) has made a final finding of scientific misconduct in the following case:

Ms. Rocio del Carmen Restrepo, University of Illinois at Chicago: Based on an investigation report by the University of Illinois at Chicago, dated March 25, 1998, as well as information obtained by ORI during its oversight review, ORI found that Ms. Restrepo, former research assistant, Department of Psychiatry, University of Illinois at Chicago, engaged in scientific misconduct in clinical research supported by a grant from the National Institute of Mental Health (NIMH), National Institutes of Health (NIH).

Specifically, Ms. Restrepo fabricated research data and submitted the data to the director of a project entitled ''Prenatal Provider-Patient Encounter.'' Data were fabricated in the records of 41 patients, including: dates on which Ms. Restrepo claimed to have conducted interviews in certain clinics; consent forms for patients; questionnaires from patients participating in the project; and false information in her ''Study Daily Logs'' that recorded each day's events.

The fabricated data were not included in any publications.

Ms. Restrepo has accepted the ORI finding and has entered into a Voluntary Exclusion Agreement with ORI in which she has voluntarily agreed, for the three (3) year period beginning December 7, 1998:

(1) To exclude herself from serving in any advisory capacity to the Public Health Service (PHS), including but not limited to service on any PHS advisory committee, board, and/or peer review committee, or as a consultant; and

(2) That any institution that submits an application for PHS support for a research project on which her participation is proposed or which uses her in any capacity on PHS supported research, or that submits a report of PHS-funded research in which she is involved, must concurrently submit a plan for supervision of her duties to the funding agency for approval. The supervisory plan must be designed to ensure the scientific integrity of Ms. Restrepo's research contribution. The institution also must submit a copy of the supervisory plan to ORI.

FOR FURTHER INFORMATION CONTACT: Acting Director, Division of Research Investigations, Office of Research Integrity, 5515 Security Lane, Suite 700, Rockville, MD 20852, (301) 443-5330.

Chris B. Pascal,

Acting Director, Office of Research Integrity.

[FR Doc. 98–33405 Filed 12–16–98; 8:45 am]

BILLING CODE 4160–17–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 98N–0339]

FDA Plan for Statutory Compliance; Correction

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice; correction.

SUMMARY: The Food and Drug Administration (FDA) is correcting a notice of availability that appeared in the **Federal Register** of November 24, 1998 (63 FR 65000). The notice announced the availability of the ''FDA Plan for Statutory Compliance'' which was published in compliance with the Food and Drug Administration Modernization Act of 1997. The document was published with minor errors. This document corrects those errors.

FOR FURTHER INFORMATION CONTACT: Steven H. Chasin, Office of Planning and Evaluation (HFP–20), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–827–5207.

SUPPLEMENTARY INFORMATION: In FR Doc. 98–31387 beginning on page 65000 in the **Federal Register** of Tuesday, November 24, 1998, the following corrections are made:

1. On page 65000, in the first column, in the second paragraph of the ''ADDRESSES'' section, in lines eight and nine, ''http://www.fda.gov/opacom/7modact'' is corrected to read ''http://www.fda.gov/opacom/7modact.html''.

2. On page 65039, in the table, under the ''Time frame'' column, under the subheading ''Non-PDUFA'', in line three, the phrase ''and PLA/BLA major supplements'' is removed.

3. On page 65039, in the table, under the ''Overdue'' column, in the 5th entry, ''(CBER)'' is removed; in the same table, in the same column, in the 6th entry ''142'' is added; in the 10th entry, ''52'' is added; and in the 11th entry, ''6'' is added.

4. On page 65039, in the third column following the table, in lines eight and nine, ''http://www.fda.gov/oc/fdama/fdamapln/appenda'' is corrected to read ''http://www.fda.gov/oc/fdama/fdamapln/appenda.htm''.

5. On page 65040, in the first column, in lines 12 and 13, ''http://www.fda.gov/oc/fdama/fdamapln/appendb'' is corrected to read ''http://www.fda.gov/oc/fdama/fdamapln/appendb.htm''; on that same page, in the second column, in lines 4 and 5, ''http://www.fda.gov/oc/fdama/fdamapln/appendc'' is corrected to read ''http://www.fda.gov/oc/fdama/fdamapln/appendc.htm''; and on that same page, in the same column, in lines 15 and 16, ''http://www.fda.gov/oc/fdama/fdamapln/appendd'' is corrected to read''http://www.fda.gov/oc/fdama/fdamapln/appendd.htm''.

Dated: December 8, 1998.

William K. Hubbard,

Associate Commissioner for Policy Coordination.

[FR Doc. 98–33353 Filed 12–16–98; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 78N–0280; DESI Nos. 740, 1543, and 7661]

Estrogens for Postpartum Breast Engorgement; Withdrawal of Approval of the Labeled Indication for Postpartum Breast Engorgement in Estrogen-Containing Drug Products; Final Order

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is withdrawing approval of estrogen-containing drugs insofar as they are indicated for use in postpartum breast engorgement. The basis for the action is that estrogens are not shown to be safe for that use.

EFFECTIVE DATE: December 17, 1998.

FOR FURTHER INFORMATION CONTACT: David T. Read, Center for Drug Evaluation and Research (HFD–7), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–594–2041.

SUPPLEMENTARY INFORMATION: For many years, estrogen-containing drug products were used to suppress postpartum breast engorgement. By the 1970's, however, the use of estrogens was shown to be associated with an increased risk of puerperal thromboembolism. Moreover, estrogen dosages for the suppression of postpartum breast engorgement were higher than for other labeled indications. The risk of thromboembolism was first evaluated by the FDA Obstetrics and Gynecology Advisory Committee, now called the Advisory Committee for Reproductive Health Drugs (the Committee), on July 15 and 16, 1976. At that time, the Committee recommended that estrogen drug products indicated for the suppression of postpartum breast engorgement contain an insert stating that the risk of thromboembolism should be considered in conjunction with the risk-free alternative of the use of breast binding and mild analgesics. On January 31, 1978, after additional risk evaluation, the Committee recommended that estrogen-containing drug products' indication for the suppression of postpartum breast engorgement be withdrawn.

In a notice of opportunity for hearing (NOOH) published in the **Federal Register** of October 24, 1978 (43 FR 49564), the agency proposed to

withdraw approval of all new drug applications (NDA's) for estrogen-containing drug products labeled for use in postpartum breast engorgement approved either before or after the Drug Amendments of 1962 (Pub. L. 87–781). The NOOH also applied to any identical, similar, or related drug product whether or not it was the subject of an NDA. The NOOH listed the following NDA's:

1. NDA 0–740; Di-Ovocylin Injection containing estradiol dipropionate; Ciba Pharmaceutical Co., Division Ciba Giegy Corp., 556 Morris Ave., Summit, NJ 07901.

2. NDA 4–039; Stilbestrol Ect. containing diethylstilbestrol; Eli Lilly & Co., Box 618, Indianapolis, IN 46206.

3. NDA 4–041; Stilbestrol Tablets and Injection containing diethylstilbestrol; Eli Lilly & Co.

4. NDA 4–056; Stilbestrol Tablets, Injection, and Suppositories containing diethylstilbestrol; E. R. Squibb & Sons, Inc., Box 4000, Princeton, NJ 08540.

5. NDA 4–073; Stilbestrol Perles, Injection and Suppositories containing diethylstilbestrol; The Upjohn Co., 7171 Portage Rd., Kalamazoo, MI 49002.

6. NDA 4–782; Premarin Tablets containing conjugated estrogens; Ayerst Laboratories, Division of American Home Products Corp., 685 Third Ave., New York, NY 10017.

7. NDA 4–823; Estrone Injection containing estrone; Abbott Laboratories, 14th and Sheridan Rd., North Chicago, IL 60064.

8. NDA 5–159; Diethylstilbestrol Dipropionate Tablets containing diethylstilbestrol dipropionate; Blueline Laboratories, Inc., 302 South Broadway, St. Louis, MO 63102.

9. NDA 5–233; Diethylstilbestrol Tablets containing diethylstilbestrol; High Chemical Co., 1760 North Howard St., Philadelphia, PA 19122.

10. NDA 5–292; Estinyl Tablets containing ethinyl estradiol; Schering Corp., Galloping Hill Rd., Kenilworth, NJ 07033.

11. NDA 7–661; AE Tablets and Tylosterone Tablets containing diethylstilbestrol and methyltestosterone; Eli Lilly & Co.

12. NDA 8–099; Tylosterone Injection containing diethylstilbestrol and methyltestosterone; Eli Lilly & Co.

13. NDA 8–102; Tace Tablets and Capsules containing chlorotrianisene; Merrell-National Laboratories, Division of Richardson-Merrell Inc., 110 East Amity Rd., Cincinnati, OH 45215.

14. NDA 8–579; Vallestril Tablets containing methallenestril; Searle Laboratories, Division of G. D. Searle & Co., Box 5100, Chicago, IL 60680.

15. NDA 9–402; Delestrogen Injection, Delestrogen 4X Injection, and Delestrogen 2X Injection containing estradiol valerate; E. R. Squibb & Sons, Inc.

16. NDA 9–545; Deladumone Injection containing testosterone enanthate and estradiol valerate; E. R. Squibb & Sons, Inc.

17. NDA 10–597; Tace-Androgen Capsules containing chlorotrianisene and methyltestosterone; Merrell-National Laboratories.

18. NDA 11–444; Tace Capsules containing chlorotrianisene and Tace with Ergonovine Capsules containing chlorotrianisene and ergonovine maleate; Merrell-National Laboratories.

19. NDA 16–235; Tace 72-Milligram Capsule containing chlorotrianisene; Merrell-National Laboratories.

20. NDA 16–768; Estrovis Tablets containing quinestrol; Warner Chilcott Laboratories, Division Warner Lambert Co., 201 Tabor Rd., Box W, Morris Plains, NJ 07950.

In response to the NOOH, Merrell-National Laboratories, Parke-Davis, E. R. Squibb & Sons, Inc., Byk-Gulden, Inc., and the American College of Obstetricians and Gynecologists (the College) requested hearings, but the firms voluntarily agreed to remove the indication from their labeling. Since then, the College and the firms, or their respective successors in interest, have withdrawn their hearing requests. (The approvals of NDA 7–661, NDA 8–099, and NDA 9–545 were withdrawn in a **Federal Register** notice of October 29, 1998 (63 FR 58053); the approval of NDA 10–597 was withdrawn in a **Federal Register** notice of June 25, 1993 (58 FR 34466); the approval of NDA 16–768 was withdrawn in a **Federal Register** notice of March 27, 1996 (61 FR 13506).)

Therefore, for reasons stated in the NOOH of October 24, 1978, as well as the reasons discussed above, the Director of the Center for Drug Evaluation and Research hereby withdraws approval of any estrogen-containing drug product insofar as it is labeled for the suppression of postpartum breast engorgement. (In the **Federal Register** of January 17, 1995 (60 FR 3404), FDA withdrew approval of bromocriptine mesylate for the indication of the prevention of physiological lactation, i.e., postpartum breast engorgement; today's action means, therefore, that no product is currently approved for this indication.) This notice is issued under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10(a)(1)) and redelegated to the Director of the Center for Drug Evaluation and Research (21 CFR 5.82).

Dated: November 30, 1998.

Janet Woodcock,

Director, Center for Drug Evaluation and Research.

[FR Doc. 98–33455 Filed 12–16–98; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 98E–0227]

Determination of Regulatory Review Period for Purposes of Patent Extension; Silicone AMO® ARRAY® Multifocal IOL

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) has determined the regulatory review period for Silicone AMO® ARRAY® multifocal IOL and is publishing this notice of that determination as required by law. FDA has made the determination because of the submission of an application to the Commissioner of Patents and Trademarks, Department of Commerce, for the extension of a patent which claims that medical device.

ADDRESSES: Written comments and petitions should be directed to the Dockets Management Branch (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: Brian J. Malkin, Office of Health Affairs (HFY–20), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–827–6620.

SUPPLEMENTARY INFORMATION: The Drug Price Competition and Patent Term Restoration Act of 1984 (Pub. L. 98–417) and the Generic Animal Drug and Patent Term Restoration Act (Pub. L. 100–670) generally provide that a patent may be extended for a period of up to 5 years so long as the patented item (human drug product, animal drug product, medical device, food additive, or color additive) was subject to regulatory review by FDA before the item was marketed. Under these acts, a product's regulatory review period forms the basis for determining the amount of extension an applicant may receive.

A regulatory review period consists of two periods of time: A testing phase and an approval phase. For medical devices, the testing phase begins with a clinical

investigation of the device and runs until the approval phase begins. The approval phase starts with the initial submission of an application to market the device and continues until permission to market the device is granted. Although only a portion of a regulatory review period may count toward the actual amount of extension that the Commissioner of Patents and Trademarks may award (half the testing phase must be subtracted as well as any time that may have occurred before the patent was issued), FDA's determination of the length of a regulatory review period for a medical device will include all of the testing phase and approval phase as specified in 35 U.S.C. 156(g)(3)(B).

FDA recently approved for marketing the medical device Silicone AMO® ARRAY® multifocal IOL. Silicone AMO® ARRAY® multifocal IOL is indicated for the visual correction of aphakia in persons 60 years of age or older in whom a cataractous lens has been removed and who may benefit from useful near vision without reading aid and increased spectacle independence across a range of distances where the potential visual effects associated with multifocality are acceptable. Subsequent to this approval, the Patent and Trademark Office received a patent term restoration application for Silicone AMO® ARRAY® multifocal IOL (U.S. Patent No. 4,898,461) from Vision Pharmaceuticals, L.P., and the Patent and Trademark Office requested FDA's assistance in determining this patent's eligibility for patent term restoration. In a letter dated June 19, 1998, FDA advised the Patent and Trademark Office that this medical device had undergone a regulatory review period and that the approval of Silicone AMO® ARRAY® multifocal IOL represented the first permitted commercial marketing or use of the product. Shortly thereafter, the Patent and Trademark Office requested that FDA determine the product's regulatory review period.

FDA has determined that the applicable regulatory review period for Silicone AMO® ARRAY® multifocal IOL is 2,846 days. Of this time, 2,478 days occurred during the testing phase of the regulatory review period, while 368 days occurred during the approval phase. These periods of time were derived from the following dates:

1. *The date a clinical investigation involving this device was begun*: November 22, 1989. The applicant claims that the investigational device exemption (IDE) required under section 520(g) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 360j(g)) for human tests to begin became effective on June 15, 1989. However, FDA records indicate that the IDE was determined substantially complete for clinical studies to have begun on November 22, 1989, which represents the IDE effective date.

2. *The date the application was initially submitted with respect to the device under section 515 of the act (21 U.S.C. 360e)*: September 3, 1996. The applicant claims August 30, 1996, as the date the premarket approval application (PMA) for Silicone AMO® ARRAY® multifocal IOL (PMA P960028) was initially submitted. However, FDA records indicate that PMA P960028 was submitted on September 3, 1996.

3. *The date the application was approved*: September 5, 1997. FDA has verified the applicant's claim that PMA P960028 was approved on September 5, 1997.

This determination of the regulatory review period establishes the maximum potential length of a patent extension. However, the U.S. Patent and Trademark Office applies several statutory limitations in its calculations of the actual period for patent extension. In its application for patent extension, this applicant seeks 1,533 days of patent term extension.

Anyone with knowledge that any of the dates as published is incorrect may, on or before February 16, 1999, submit to the Dockets Management Branch (address above) written comments and ask for a redetermination. Furthermore, any interested person may petition FDA, on or before July 15, 1999, for a determination regarding whether the applicant for extension acted with due diligence during the regulatory review period. To meet its burden, the petition must contain sufficient facts to merit an FDA investigation. (See H. Rept. 857, part 1, 98th Cong., 2d sess., pp. 41–42, 1984.) Petitions should be in the format specified in 21 CFR 10.30.

Comments and petitions should be submitted to the Dockets Management Branch (address above) in three copies (except that individuals may submit single copies) and identified with the docket number found in brackets in the heading of this document. Comments and petitions may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

Dated: December 4, 1998.

Thomas J. McGinnis,

Deputy Associate Commissioner for Health Affairs.

[FR Doc. 98–33453 Filed 12–16–98; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 98E–0849]

Determination of Regulatory Review Period for Purposes of Patent Extension; Vitreon®

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) has determined the regulatory review period for Vitreon® and is publishing this notice of that determination as required by law. FDA has made the determination because of the submission of an application to the Commissioner of Patents and Trademarks, Department of Commerce, for the extension of a patent which claims that medical device.

ADDRESSES: Written comments and petitions should be directed to the Dockets Management Branch (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: Brian J. Malkin, Office of Health Affairs (HFY–20), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–827–6620.

SUPPLEMENTARY INFORMATION: The Drug Price Competition and Patent Term Restoration Act of 1984 (Pub. L. 98–417) and the Generic Animal Drug and Patent Term Restoration Act (Pub. L. 100–670) generally provide that a patent may be extended for a period of up to 5 years so long as the patented item (human drug product, animal drug product, medical device, food additive, or color additive) was subject to regulatory review by FDA before the item was marketed. Under these acts, a product's regulatory review period forms the basis for determining the amount of extension an applicant may receive.

A regulatory review period consists of two periods of time: A testing phase and an approval phase. For medical devices, the testing phase begins with a clinical investigation of the device and runs until the approval phase begins. The approval phase starts with the initial submission of an application to market the device and continues until permission to market the device is granted. Although only a portion of a regulatory review period may count toward the actual amount of extension that the Commissioner of Patents and Trademarks may award (half the testing phase must be subtracted as well as any

time that may have occurred before the patent was issued), FDA's determination of the length of a regulatory review period for a medical device will include all of the testing phase and approval phase as specified in 35 U.S.C. 156(g)(3)(B).

FDA recently approved for marketing the medical device Vitreon®. Vitreon® is indicated for use as an intraoperative surgical aid during vitreoretinal surgery in patients with primary and recurrent complicated retinal detachments. Subsequent to this approval, the Patent and Trademark Office received a patent term restoration application for Vitreon® (U.S. Patent No. 4,490,351) from Vitrophage, Inc., and the Patent and Trademark Office requested FDA's assistance in determining this patent's eligibility for patent term restoration. In a letter dated October 29, 1998, FDA advised the Patent and Trademark Office that this medical device had undergone a regulatory review period and that the approval of Vitreon® represented the first permitted commercial marketing or use of the product. Shortly thereafter, the Patent and Trademark Office requested that FDA determine the product's regulatory review period.

FDA has determined that the applicable regulatory review period for Vitreon® is 2,729 days. Of this time, 603 days occurred during the testing phase of the regulatory review period, while 2,126 days occurred during the approval phase. These periods of time were derived from the following dates:

1. *The date a clinical investigation involving this device was begun*: April 13, 1990. The applicant claims that the investigational device exemption (IDE) required under section 520(g) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 360j(g)) for human tests to begin became effective on November 10, 1989. However, FDA records indicate that the IDE was determined substantially complete for clinical studies to have begun on April 13, 1990, which represents the IDE effective date.

2. *The date the application was initially submitted with respect to the device under section 515 of the act (21 U.S.C. 360e)*: December 6, 1991. FDA has verified the applicant's claim that the premarket approval application (PMA) for Vitreon® (PMA P910068) was initially submitted December 6, 1991.

3. *The date the application was approved*: September 30, 1997. FDA has verified the applicant's claim that PMA P910068 was approved on September 30, 1997.

This determination of the regulatory review period establishes the maximum potential length of a patent extension. However, the U.S. Patent and Trademark Office applies several statutory limitations in its calculations of the actual period for patent extension. In its application for patent extension, this applicant seeks 1,826 days of patent term extension.

Anyone with knowledge that any of the dates as published is incorrect may, on or before February 16, 1999, submit to the Dockets Management Branch (address above) written comments and ask for a redetermination. Furthermore, any interested person may petition FDA, on or before July 15, 1999, for a determination regarding whether the applicant for extension acted with due diligence during the regulatory review period. To meet its burden, the petition must contain sufficient facts to merit an FDA investigation. (See H. Rept. 857, part 1, 98th Cong., 2d sess., pp. 41–42, 1984.) Petitions should be in the format specified in 21 CFR 10.30.

Comments and petitions should be submitted to the Dockets Management Branch (address above) in three copies (except that individuals may submit single copies) and identified with the docket number found in brackets in the heading of this document. Comments and petitions may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

Dated: December 4, 1998.

Thomas J. McGinnis,

Deputy Associate Commissioner for Health Affairs.

[FR Doc. 98–33457 Filed 12–6–98; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

Ophthalmic Devices Panel of the Medical Devices Advisory Committee; Notice of Meeting

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

This notice announces a forthcoming meeting of a public advisory committee of the Food and Drug Administration (FDA). The meeting will be open to the public.

Name of Committee: Ophthalmic Devices Panel of the Medical Devices Advisory Committee.

General Function of the Committee: To provide advice and recommendations to the agency on FDA's regulatory issues.

Date and Time: The meeting will be held on January 12, 1999, 8 a.m. to 4:30 p.m.

Location: Corporate Bldg., conference room 020B, 9200 Corporate Blvd., Rockville, MD.

Contact Person: Sara M. Thornton, Center for Devices and Radiological Health (HFZ–460), Food and Drug Administration, 9200 Corporate Blvd., Rockville, MD 20850, or FDA Advisory Committee Information Line, 1–800–741–8138 (301–443–0572 in the Washington, DC area), code 12396. Please call the Information Line for up-to-date information on this meeting.

Agenda: The committee will discuss, make recommendations, and vote on a premarket approval application (PMA) for intrastromal corneal ring segments for the correction of myopia from -1.00 to -3.50 diopters in patients having 1.0 diopter or less of astigmatism.

Procedure: Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Written submissions may be made to the contact person by January 8, 1999. Oral presentations from the public will be scheduled between approximately 8:30 a.m. and 9 a.m. on January 12, 1999. Near the end of the committee deliberations, a 30-minute open public session will be conducted for interested persons to address issues specific to the submission before the committee. Time allotted for each presentation may be limited. Those desiring to make formal oral presentations should notify the contact person before January 8, 1999, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time requested to make their presentation.

Notice of this meeting is given under the Federal Advisory Committee Act (5 U.S.C. app. 2).

Dated: December 8, 1998.

Michael A. Friedman,

Deputy Commissioner for Operations.

[FR Doc. 98–33352 Filed 12–16–98; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

[Document Identifier: HCFA–317]

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Health Care Financing Administration, HHS.

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Health Care Financing Administration (HCFA), Department of Health and Human Services, is publishing the following summary of proposed collections for public comment. Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Type of Information Collection Request: Extension of a currently approved collection; *Title of Information Collection:* State Medicaid Eligibility Quality Control (MEQC) Sampling Plan and Supporting Regulations in 42 CFR 431.800–431.865; *Form No.:* HCFA–317 (OMB# 0938–0146); *Use:* MEQC is operated by the State Title XIX agency to monitor and improve the administration of its Medicaid system. The MEQC system is based on monthly State reviews of Medicaid cases identified through statistically reliable statewide samples of cases selected from the eligibility files. These reviews are conducted to determine whether or not the sampled cases meet applicable State Title XIX eligibility requirements. The reviews are also used to assess beneficiary liability, if any, and to determine the amounts paid to provide Medicaid services for these cases; *Frequency:* Semi-annually; *Affected Public:* State, Local, or Tribal Government; *Number of Respondents:* 55; *Total Annual Responses:* 110; *Total Annual Hours:* 2,640.

To obtain copies of the supporting statement and any related forms for the proposed paperwork collections referenced above, access HCFA's Web Site address at http://www.hcfa.gov/regs/prdact95.htm, or E-mail your request, including your address, phone number, OMB number, and HCFA document identifier, to Paperwork@hcfa.gov, or call the Reports Clearance Office on (410) 786–1326. Written comments and recommendations for the proposed information collections must be mailed within 60 days of this notice directly to the HCFA Paperwork Clearance Officer designated at the following address: HCFA, Office of Information Services, Security and Standards Group, Division of HCFA Enterprise Standards, Attention: Louis Blank, Room N2–14–26, 7500 Security Boulevard, Baltimore, Maryland 21244–1850.

Dated: December 7, 1998.

John P. Burke III,

HCFA Reports Clearance Officer, HCFA Office of Information Services, Security and Standards Group, Division of HCFA Enterprise Standards.

[FR Doc. 98–33423 Filed 12–16–98; 8:45 am]

BILLING CODE 4120–03–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

[Document Identifier HCFA–R–268]

Emergency Clearance: Public Information Collection Requirements Submitted to the Office of Management and Budget (OMB)

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Health Care Financing Administration (HCFA), Department of Health and Human Services (DHHS), is publishing the following summary of proposed collections for public comment. They invite interested persons to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity of the utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

We are, however, requesting an emergency review of the information collection referenced below. In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, we have submitted to the Office of Management and Budget (OMB) the following requirements for emergency review. Due to the unanticipated event and the fact that this collection of this information is needed before the expiration of the normal time limits under OMB's regulations at 5 CFR, Part 1320, we are requesting an emergency review.

The purpose of this submission is to request approval to collect information from Internet users as they exit from any of three web sites of the Department of Health and Human Services (DHHS): medicare.gov, 4woman.gov, and healthfinder.gov, which are respectively provided by the Health Care Financing Administration, the Office of Women's Health and the Office of Disease Prevention and Health Promotion (ODPHP). The latter two agencies are within the DHHS Office of Public Health and Science (OPHS). Obtaining feedback from users of these web sites is critical for these three agencies so that the agencies can continually revise the sites to respond to the needs of the public. As part of the effort to decide how these web sites can serve the public best, we request approval from OMB of ''bounceback'' forms. Internet users will fill out a bounceback form after visiting any of the web sites. They will compile and study the results of the forms so that the needs and preferences of the people who use the web sites guide future revisions to the web sites .

The present request is for OMB authorization to collect data on the reactions of users of all three federally mandated web sites. We will use the data to improve the web sites so that can best serve the needs of the users. The designers of medicare.gov will introduce changes to their site at various times in 1999. The Surgeon General recently announced the 4woman.gov web site on November 16, 1998. They will update and enhance the site often in the immediate future. The designers of the healthfinder.gov web site are preparing new sections, functionality, and updates for release March 18, 1999. They request expedited review of this submission so that pending enhancements and updates incorporate information collected from users. With an expedited review, the staff of these web sites will have findings in sufficient time to guide the revisions planned for the sites. Without receiving feedback from users of these sites, the developers of the sites would have little information from the perspective of actual users to guide the changes. Besides the need for having feedback to carry out anticipated changes in the web sites, each of the three World Wide Web

sites was created through Federal law and requires a systematic assessment.

One provision under the 1997 Balanced Budget Act (Pub. L. 105–33) established that we provide information to Medicare beneficiaries to promote informed choice on their expanded health care options. One activity for widely disseminating information on coverage options, which they required, was the creation of ''an Internet site through which individuals may electronically obtain information on such options and Medicare+Choice (M+C) plans in states that they offer M+C plans.'' As a result, the medicare.gov site was created to provide Medicare beneficiaries, their caregivers, and partners with an official source for Medicare information on the Internet. Comprehensive information for Medicare beneficiaries and anyone involved in helping them with their health care decisions is available on the medicare.gov web site; critical topics include: managed care and the ''Medicare+Choice'' options; contact information; publications in dual languages (English and Spanish); preventive services now available; detecting and reporting fraud and abuse; and data on nursing homes. We need to receive quick feedback from beneficiaries and partners about the content of the site to ensure that we are meeting their needs and whether the site functions well. Given that we have recently launched the National Medicare Education campaign and given that beneficiaries in only five pilot states received the Medicare & You Handbook and have access to 1–800 Medicare, without an expedited clearance, we would be unable to make quick changes to the medicare.gov web site to ensure that it is meeting the information needs of beneficiaries and those acting on their behalf in the non-pilot states. In addition, we need to quickly learn whether the World Wide Web is an effective method for delivering information to Medicare beneficiaries. The Internet site is one of three methods mandated by the 1997 BBA for disseminating information in the National Medicare Education campaign; therefore, receiving feedback in the most expedient way is critical not only from beneficiaries but our agents, partners, regional offices and congressional offices as well. In the first four days of operation the bounceback form for the Medicare & You Handbook page on the Internet elicited more than 800 responses. This type and level of immediate feedback are critical to gauge reaction to the national information strategy. With such quick feedback, we can revise and revamp the web site accordingly. If the web site is not providing information in a format that is easy to understand and use, this could result in harm to Medicare beneficiaries, especially if they cannot find or understand critical information. Thus, we need a quick turnaround from users of the site through expedited clearance.

The Office of Public Health and Science's Office of Women's Health first received funding for the establishment of the National Women's Health Information Center (NWHIC) through the Senate Appropriations Committee report accompanying the FY'96 Labor-DHHS-Education spending bill. Funding for the NWHIC has continued without interruption since then, showing the ongoing commitment to the NWHIC. The web site 4woman.gov is an important part of the NWHIC. With the recent announcement of the 4woman.gov web site by the Surgeon General, women and others now have a major resource for finding information concerning women's health issues, including research findings on diseases and the latest legislation to improve women's health. An expedited clearance for setting up a bounceback form for this web site will provide information on the utility of the information provided to women, researchers and providers. Solicitation of rapid feedback from users of the 4woman.gov web site will guide pending development of which issues women and their providers find beneficial. Healthfinder.gov is the world wide web extension of the National Health Information Center (NHIC), which was mandated by Congress in 1976 as part of the National Consumer Health Information and Health Promotion Act (Pub.L. 94–317), and has been in continuous operation since then. As a national referral source and a site that responds to information requests, the developers of healthfinder.gov need to know how valuable those referrals are to be certain of doing no harm and keeping the content topical. For healthfinder.gov, a heavily-used web site that produces reliable health information for the consumer, feedback from the users of the web site will be used to enhance and update the web site quickly to best serve the needs of the users. The most recent expansion to the healthfinder.gov web site was in April 1998 and to ensure that the site is meeting the needs of its users, it is critical to solicit feedback from users prior to upcoming changes and enhancements of the web site scheduled in 1999.

HCFA is requesting OMB review and approval of this collection within eleven working days, with a 180-day approval period. They will accept written comments and recommendations from the public if received by the individual designated below, within ten working days of publication of this notice in the **Federal Register**.

During this 180-day period, HCFA will pursue OMB clearance of this collection as stipulated by 5 CFR.1320.

Type of Information Collection Request: New Collection.

Title of Information Collection: Collection of Assessment Information on Three Federal Government Web Sites: www.medicare.gov, www.4woman.gov, and www.healthfinder.gov.

Form Nos.: HCFA–R–268.

Use: The purpose of the bounceback forms is to provide feedback to the government agencies that provide the web sites. The information collected through the bounceback forms will be used with other information collected about the web sites through focus groups, interviews, and expert evaluations. The combined information will guide future improvements to the web sites. Currently, there is no plan to distribute the information, other than through public health, medical, or other professional journals, in which we may report the results.

Frequency: Users will have the opportunity to complete the bounceback form whenever they exit the web site.

Affected Public: Individuals or households, Medicare beneficiaries, family members of beneficiaries, health professionals or providers, researchers, employees of an insurer, HMO or Managed Care organization, and Federal Government.

Number of Respondents: 212,185;

Total Annual Responses: 212,185 in first year, 636,55 after that;

Total Annual Hours: 21,221;

To obtain copies of the supporting statement and any related forms for the proposed paperwork collections referenced above, access HCFA's Web Site address at http://www.hcfa.gov/regs/prdact95.htm, or E-mail your request, including your address, phone number, OMB number, and HCFA document identifier, to Paperwork@hcfa.gov, or call the Reports Clearance Office on (410) 786–1326.

They invite interested persons to send comments regarding the burden or any other aspect of these collections of information requirements. However, as noted above, they must mail comments on this information collection and record keeping requirements and/or faxed to the designee referenced below, within ten working days of publication of this collection in the **Federal Register**:

Health Care Financing Administration, Office of Information Services, Security and Standards Group, Division of HCFA Enterprise Standards, Room N2–14–26, 7500 Security Boulevard, Baltimore, MD 21244–1850. Fax Number: (410) 786–0262, Attn: Louis Blank HCFA–R–268

and,

Office of Information and Regulatory Affairs, Office of Management and Budget, Room 10235, New Executive Office Building, Washington, DC 20503, Fax Number: (202) 395–6974 or (202) 395–5167, Attn: Allison Herron Eydt, HCFA Desk Officer.

Dated: December 7, 1998.

John P. Burke III,

HCFA Reports Clearance Officer, HCFA, Office of Information Services Security and Standards Group, Division of HCFA Enterprise Standards.

[FR Doc. 98–33422 Filed 12–16–98; 8:45 am]

BILLING CODE 4120–03–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

[Document Identifier: HCFA–R–205 & HCFA–R–206]

Emergency Clearance: Public Information Collection Requirements Submitted to the Office of Management and Budget (OMB)

AGENCY: Health Care Financing Administration, HHS.

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Health Care Financing Administration (HCFA), Department of Health and Human Services, is publishing the following summary of proposed collections for public comment. Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

We are, however, requesting an emergency review of the Information collections referenced below. In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, we have submitted to the Office of Management and Budget (OMB) the following requirements for emergency review. We are requesting an emergency review because the collection of this information is needed before the expiration of the normal time limits under OMB's regulations at 5 CFR, Part 1320. This is necessary to ensure compliance with section 111 of HIPAA necessary to implement congressional intent with respect to guaranteeing availability of individual health insurance coverage to certain individuals with prior group coverage. We cannot reasonably comply with the normal clearance procedures because public harm is likely to result because eligible individuals will not receive the health insurance protections under the statute.

HCFA is requesting OMB review and approval of this collection by 12/31/98, with a 180-day approval period. Written comments and recommendations will be accepted from the public if received by the individuals designated below by 12/29/98. During this 180-day period, we will publish a separate **Federal Register** notice announcing the initiation of an extensive 60-day agency review and public comment period on these requirements. We will submit the requirements for OMB review and an extension of this emergency approval.

(1) *Type of Information Collection Request:* Revision of a currently approved collection;

Title of Information Collection: Information Collection Requirements Referenced in HIPAA for the Individual Market and Supporting Regulations in 45 CFR Section 148;

Form No.: HCFA–R–205 (OMB# 0938–0703);

Use: These information collection requirements help ensure access to the individual insurance market for certain individuals and allows the States to implement their own program to meet the HIPAA requirements for access to the individual market. The information collection requirements outlined in this document are necessary for issuers and States to ensure individuals receive protection under section 111 of HIPAA.

Frequency: On occasion;

Affected Public: Business or other for-profit, Individuals or Households, Not-for-profit institutions, Federal Government, and State, Local or Tribal Government;

Number of Respondents: 1,365;

Total Annual Responses: 3,000,000;

Total Annual Hours: 670,000.

(2) *Type of Information Collection Request:* Revision of a currently approved collection;

Title of Information Collection: Information Collection Requirements Referenced in HIPAA for the Group Market and Supporting Regulations in 45 CFR Section 146;

Form No.: HCFA–R–206 (OMB# 0938–0702);

Use: This regulation and related information collection requirements will ensure that group health plans provide individuals with documentation necessary to demonstrate prior creditable coverage, and the group health plans notify individuals of their special enrollment rights in the group health insurance market.

Frequency: On occasion;

Affected Public: Business or other for-profit, Individuals or Households, Not-for-profit institutions, Federal Government, and State, Local or Tribal Government;

Number of Respondents: 2,400;

Total Annual Responses: 43,268,400;

Total Annual Hours: 2,561,200.

To obtain copies of the supporting statement and any related forms for the proposed paperwork collections referenced above, access HCFA's Web Site address at http://www.hcfa.gov/regs/prdact95.htm, or E-mail your request, including your address, phone number, to Paperwork@hcfa.gov, or call the Reports Clearance Office on (410) 786–1326.

Interested persons are invited to send comments regarding the burden or any other aspect of these collections of Information requirements. However, as noted above, comments on these Information collection and recordkeeping requirements must be mailed and/or faxed to the designees referenced below, by 12/29/98:

Health Care Financing Administration, Office of Information Services, Security and Standards Group, Division of HCFA Enterprise Standards, Attention: Dawn Willinghan, Room N2–14–26, 7500 Security Boulevard, Baltimore, Maryland 21244–1850

and

Office of Information and Regulatory Affairs, Office of Management and Budget, Room 10235, New Executive Office Building, Washington, DC 20503, Fax Number: (202) 395–6974 or (202) 395–5167, Attn: Allison Herron Eydt, HCFA Desk Officer.

Dated: December 7, 1998.

John P. Burke III,

HCFA Reports Clearance Officer, HCFA Office of Information Services Security and Standards Group, Dvision of HCFA Enterprise Standards.

[FR Doc. 98–33426 Filed 12–16–98; 8:45 am]

BILLING CODE 4120–03–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

[HCFA–1061–N]

RIN 0938–AJ33

Medicare Program; Meeting of the Competitive Pricing Advisory Committee

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Notice of a meeting.

SUMMARY: In accordance with section 10(a) of the Federal Advisory Committee Act, this notice announces a public meeting of the Competitive Pricing Advisory Committee (the CPAC) on January 6, 1999. Section 4012 of the Balanced Budget Act of 1997 required the Secretary of the Department of Health and Human Services (the Secretary) to create the CPAC. The CPAC meets periodically and makes recommendations to the Secretary concerning the designation of areas for inclusion in the Medicare+Choice competitive pricing demonstration project and suggests appropriate research designs for implementing the project.

DATES: The meeting is scheduled for January 6, 1999, from 9 a.m. until 5:30 p.m.

ADDRESSES: The meeting will be held at the Omni Shoreham Hotel, 2500 Calvert Street, NW., Washington, DC 20008.

FOR FURTHER INFORMATION CONTACT: Lu Zawistowich, Sc.D., Executive Director, Competitive Pricing Advisory Committee, Health Care Financing Administration, 7500 Security Boulevard C4–14–17, Baltimore, Maryland 21244–1850, (410) 786–6451.

SUPPLEMENTARY INFORMATION: Section 4011 of the Balanced Budget Act of 1997, (BBA) (Public Law 105–33) required the Secretary of the Department of Health and Human Services (the Secretary) to establish a demonstration project under which payments to Medicare+Choice organizations in designated areas are determined in accordance with a competitive pricing methodology. In addition, section 4012 of the BBA required the Secretary to appoint a Competitive Pricing Advisory Committee (the CPAC) to meet periodically to make recommendations to the Secretary concerning the designation of areas for inclusion in the project and appropriate research designs for implementing the project.

The CPAC consists of 15 individuals who are independent actuaries; experts in competitive pricing and the administration of the Federal Employees Health Benefit Program; and representatives of health plans, insurers, employers, unions, and beneficiaries. In accordance with section 4012(a)(5) of the BBA, the CPAC shall terminate on December 31, 2004.

The CPAC held its first meeting on May 7, 1998, its second meeting on June 24 and 25, 1998, its third meeting on September 23 and 24, 1998, and its fourth meeting on October 28, 1998. The CPAC members are: James Cubbin, Executive Director, General Motors Health Care Initiative; Robert Berenson, M.D., Director, Center for Health Plans and Providers, HCFA; John Bertko, CEO and Senior Actuary, PM-Squared Inc.; Dave Durenberger, Senior Health Policy Fellow, University of St. Thomas and Founder of Public Policy Partners; Gary Goldstein, M.D., CEO, The Oschner Clinic; Samuel Havens, Healthcare Consultant and Chairman of Health Scope/United; Margaret Jordan, Healthcare Consultant and CEO, The Margaret Jordan Group; Chip Kahn, CEO, The Health Insurance Association of America; Cleve Killingsworth, President, Health Alliance Plan; Nancy Kichak, Director, Office of Actuaries, Office of Personnel Management; Len Nichols, Principal Research Associate, The Urban Institute; Robert Reischauer, Senior Fellow, The Brookings Institute; John Rother, Director, Legislation and Public Policy, American Association of Retired Persons; Andrew Stern, President, Service Employees International Union, AFL–CIO; and Jay Wolfson, Director, The Florida Information Center, University of South Florida. The Chairperson is James Cubbin and the Co-Chairperson is Robert Berenson, M.D.

The agenda for the January 6, 1999, meeting will include a discussion and selection of demonstration sites and the approval of the Final Recommendation Report to the Secretary.

Individuals or organizations that wish to make 5-minute oral presentations on the agenda issues should contact the Executive Director by 12 noon, December 30, 1998, to be scheduled. The number of oral presentations may be limited by the time available. A written copy of the oral remarks should be submitted to the Executive Director no later than 12 noon, January 4, 1999.

Anyone who is not scheduled to speak may submit written comments to the Executive Director by 12 noon, January 4, 1999. The meeting is open to the public, but attendance is limited to the space available.

(Section 4012 of the Balanced Budget Act of 1997, Public Law 105–33 (42 U.S.C.1395w-23 note) and section 10(a) of Public Law 92–463 (5 U.S.C. App.2, section 10(a))

(Catalog of Federal Domestic Assistance Program No. 93.773, Medicare—Hospital Insurance; and Program No. 93.774, Medicare—Supplementary Medical Insurance Program)

Dated: December 11, 1998.

Nancy-Ann Min DeParle,

Administrator, Health Care Financing Administration.

[FR Doc. 98–33383 Filed 12–16–98; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of Inspector General

Program Exclusions: November 1998

AGENCY: Office of Inspector General, HHS.

ACTION: Notice of program exclusions.

During the month of November 1998, the HHS Office of Inspector General imposed exclusions in the cases set forth below. When an exclusion is imposed, no program payment is made to anyone for any items or services (other than an emergency item or service not provided in a hospital emergency room) furnished, ordered or prescribed by an excluded party under the Medicare, Medicaid, and all Federal Health Care programs. In addition, no program payment is made to any business or facility, e.g., a hospital, that submits bills for payment for items or services provided by an excluded party. Program beneficiaries remain free to decide for themselves whether they will continue to use the services of an excluded party even though no program payments will be made for items and services provided by that excluded party. The exclusions have national effect and also apply to all Executive Branch procurement and non-procurement programs and activities.

Subject, city, state	Effective date
PROGRAM-RELATED CONVICTIONS	
AFROOZ, NADER ..... VIENNA, OH	12/20/1998
ASONYE, MARSHALL G	12/20/1998

Subject, city, state	Effective date
ST ALBANS, NY	
ATKINS, FLOYD JR ..... MISSION, TX	12/20/1998
BENN, PETER D ..... JACKSONVILLE, FL	12/20/1998
BOYKIN, FILLISE DENESE ..... DECATUR, GA	12/20/1998
EISENHAUER, WILLIAM E ..... BALDWIN HARBOR, NY	12/20/1998
GALES, ALESIA SOLOMON .... AUSTELL, GA	12/20/1998
GRIFFIN, MARY BERNADETTE ..... BEAUMONT, TX	12/20/1998
HENRY, CLAUDIE M ..... COLUMBUS, OH	12/20/1998
HUMPHREY, JOHN ..... CENTREVILLE, IL	12/20/1998
LIENS, AMADOR E ..... MIAMI, FL	12/20/1998
MANN, MILLARD F ..... CAMERON, MO	12/20/1998
MARTINEZ, IVANHOE ..... MIAMI, FL	12/20/1998
MCMANUS, LINDA ..... PARMA HEIGHTS, OH	12/20/1998
MORENO-TORRES, EDWIN ... COAMO, PR	12/20/1998
MUNCRIEF, KIM IVAN ..... NORMAN, OK	12/20/1998
NEAL, ROBERT GORDON ..... FRIDLEY, MN	12/20/1998
PEREZ-MEDINA, JOSE A ..... MIAMI, FL	12/20/1998
PERROTTA, ROSEMARY L .... LONG BEACH, NY	12/20/1998
PIKE, ALBERT D ..... BOSTON, MA	12/20/1998
PINE, MICHAEL JOSEPH ..... ROSEBURG, OR	12/20/1998
PINKNEY, RHONDA SOLOMON ..... AUSTELL, GA	12/20/1998
REMSON, ELMER E ..... RICHMOND, VA	12/20/1998
REVIS, TERRANCE FRANKLIN ..... SAPULPA, OK	12/20/1998
SCHOOLER, MICHAEL W ..... ATLANTA, GA	12/20/1998
SOLOMON, VANESSA D ..... COLLEGE PARK, GA	12/20/1998
SOLOMON, DOROTHY R ..... ATLANTA, GA	12/20/1998
STERNBERG, DAVID EDWARD ..... LEAVENWORTH, KS	12/20/1998
THETFORD, NANCY ..... DENTON, TX	12/20/1998
VARANI, IGNACIO ..... MIAMI, FL	12/20/1998
WHITE, VERLYN ..... CENTREVILLE, IL	12/20/1998
WILLIAMS, JAMES P ..... MILWAUKEE, WI	12/20/1998
YANES, LUIS MARIO ..... MIAMI, FL	12/20/1998
FELONY CONVICTION FOR HEALTH CARE FRAUD	
RODRIGUEZ, LAURA DIAZ ..... PIRTLEVILLE, AZ	12/20/1998
SIMMONS, DORIS ..... EUGENE, OR	12/20/1998
FELONY CONTROL SUBSTANCE CONVICTION	
HESS, ARTHUR P ..... PORT CLINTON, OH	12/20/1998
PATIENT ABUSE/NEGLECT CONVICTIONS	
AGYEMAN, NETTIE MAE ..... JONES, OK	12/20/1998
ALDRICH, EDITH N ..... LYMAN, NH	12/20/1998
BEAR, KENNETH WAYNE ..... OKMULGEE, OK	12/20/1998
BRITT, RACHEL ..... BROOKHAVEN, MS	12/20/1998
BURKETT, CHARLENE KAY ... TULSA, OK	12/20/1998
CHISLER, JAMES T ..... AKRON, OH	12/20/1998
COLLINS, BETTY ..... ROLAND, OK	12/20/1998
CRENSHAW, MARY L ..... FAIRFIELD, TX	12/20/1998
CYPHERS, ELIZABETH ANN .. ARDMORE, OK	12/20/1998
DAVIS, CHARLES WAYNE ..... RIDGELAND, MS	12/20/1998
DODD, CECIL ..... HARRIMAN, TN	12/20/1998
DURANT, KATRINA KARLENE WILBURTON, OK	12/20/1998
EDWARDS, AQUINNITTA LOUISE ..... SACRAMENTO, CA	12/20/1998
EMANUEL, GWEN ..... MARION, OH	12/20/1998
FLICK, MELISSA A ..... GLENWOOD CITY, WI	12/20/1998
HUTCHINSON, MARIA ..... FOSTORIA, OH	12/20/1998
HUTTO, ADRIAN W ..... SIOUX CITY, IA	12/20/1998
JARVIS, DARLENE M ..... CLAREMONT, NH	12/20/1998
JOHNSON, HOPE W ..... TOLEDO, OH	12/20/1998
JONES, PATRICE ..... BATON ROUGE, LA	12/20/1998
KING, JODY LEE ..... TEMPE, AZ	12/20/1998
LEARY, JOHN MARK ..... LITTLE ROCK, AR	12/20/1998
LEE, MARILYN L ..... CINCINNATI, OH	12/20/1998
MIRZA, MUNEER MOHAMMED ..... AKRON, OH	12/20/1998
MORENO, DANIEL DIZON ..... SAN JOSE, CA	12/20/1998
MORINVILLE, ELSA ..... BROOKLYN, NY	12/20/1998
MURPHY, RAMONA ..... HUNTINGTON, NY	12/20/1998
PURIFOY, MARGARET ..... MIDWEST CITY, OK	12/20/1998
RIVERS, PATRICIA ..... SYRACUSE, NY	12/20/1998
RODOLPHE, KEVIN PETER .... PHOENIX, AZ	12/20/1998
SUITOR, MELANIE ..... LINCOLN, RI	12/20/1998
VIEIRA, ELVIRA ..... WARREN, RI	12/20/1998
WASHINGTON, THELMA M .... MARIANNA, AR	12/20/1998
WILLIAMS, JOHN K ..... PAWTUCKET, RI	12/20/1998
WRIGHT, CALVIN ..... MINNEAPOLIS, MN	12/20/1998
CONTROLLED SUBSTANCE CONVICTIONS	
SAVOCA, ANTHONY ..... WESTLAKE, OH	12/20/1998
SONNIE, CLIFFORD M ..... MEDINA, OH	12/20/1998
LICENSE REVOCATION/SUSPENSION/ SURRENDERED	
ADLY, CAMRAN G ..... LAFAYETTE, LA	12/20/1998
ARULPRAGASAM, ROHAN S SALT LAKE CITY, UT	12/20/1998
BABCOCK, DAPHNE M ..... CARLINVILLE, IL	12/20/1998
BAILEY, GORDON A ..... ZANESVILLE, OH	12/20/1998
BARNES, BRIGID ..... QUINCY, CA	12/20/1998
BARNETT, NANCY B ..... LAUREL, MS	12/20/1998
BERK, CHARLES ALLEN ..... IRVINE, CA	12/20/1998
BLACKMAN, SHARON TANYA CAMPBELL, CA	12/20/1998
BLANCETT, EDWARD ..... HENDERSON, NV	12/20/1998
BOLAND, GREGORY HAROLD CANYON CITY, CO	12/20/1998
BOYULS, CECIL L ..... CARLSBAD, CA	12/20/1998
BRAY, RHONDA ..... IUKA, MS	12/20/1998
BRINKLEY, BEN PAUL ..... MERIDAN, MS	12/20/1998
BRITSCH, KIMBERLY ..... LAS VEGAS, NV	12/20/1998
BROGAN, KAY MARIE ..... SAN FRANCISCO, CA	12/20/1998
CARTER, BERNICE ..... CHICAGO, IL	12/20/1998
CARTER, JULIE ..... LAS VEGAS, NV	12/20/1998
CASTRO, ORLANDO R ..... E LIVERPOOL, OH	12/20/1998
CAUSEY, MICHAEL ..... JACKSON, MS	12/20/1998
CHILDRESS, DIANA M ..... CHICAGO, IL	12/20/1998
CLARK, LEE DALE ..... ROSAMOND, CA	12/20/1998
COLHOUER, ROBERTA SUE SONOMA, CA	12/20/1998
COOK, BARBARA SANDY ..... COVINA, CA	12/20/1998
COUNTS, DEBRA JANE ..... MODESTO, CA	12/20/1998
DARROW, JOHN CROSBY ..... NEWINGTON, CT	12/20/1998
DAVIS, ROBERT S ..... HARAN, KY	12/20/1998
DEPO, RHONDA LEE	12/20/1998

Subject, city, state	Effective date
CICERO, NY	
DIFATTA, ANTHONY S ..... PHOENIX, AZ	12/20/1998
DOMINGUEZ, ELIS ..... LOS ANGELES, CA	12/20/1998
DOOLITTLE, CHERYL ALLEN AMORY, MS	12/20/1998
DYESS, ANGELA ..... PRENTISS, MS	12/20/1998
EAQUINTA, CITERIS PETO .... HELPER, UT	12/20/1998
FARNUM, TONIA L ..... OGDEN, IL	12/20/1998
FINERTY, EDWARD JAMES ... SANTA ROSA, CA	12/20/1998
FLOYD, KIMBERLY ..... CLINTON, MS	12/20/1998
FLY, TONYA CHRISTINA ..... RENO, NV	12/20/1998
FRANKOWSKI, ARMELLA ..... MOKENA, IL	12/20/1998
GALLUZZI, VINCENT NICHOLAS ..... SOLEDAD, CA	12/20/1998
GARLIPP, THOMAS FREDERICK ..... LA JOLLA, CA	12/20/1998
GEIGER, PATRICIA SIMMONS BOLTON, MS	12/20/1998
GEORGE, HILDA ..... SPARKS, NV	12/20/1998
GILL, VIRGINIA ROSE ..... LAGUNA NIGUEL, CA	12/20/1998
GREALIS, CHARLES ..... HENDERSON, NV	12/20/1998
GREINER, SCOT ANDREW .... LIVERMORE, CA	12/20/1998
HALL, CLAUDIA ..... CORVALIS, OR	12/20/1998
HARGETT, JOHN M ..... VAN ALSTYNE, TX	12/20/1998
HARLEY, JULIE RUTH ..... DARIEN, IL	12/20/1998
HARRELL, PEGGY ANN ..... STOCKTON, CA	12/20/1998
HARVEY, PENNY ..... COAL VALLEY, IL	12/20/1998
HAWKINS, CONNIE ..... CARMI, IL	12/20/1998
HAYMAN, JACKSON C ..... GEORGETOWN, MA	12/20/1998
HELBERG, KARIN I ..... ARLINGTON, MA	12/20/1998
HESTER, CAROLYN ..... RENO, NV	12/20/1998
HOLMES, VANESSA B ..... JACKSON, MS	12/20/1998
HOLT, PATRICIA ..... GAUTIER, MS	12/20/1998
HOPKINS, GLORIA Y ..... CLEARWATER, FL	12/20/1998
HORNOCKER, KATHREN K .... HIAWATHA, IA	12/20/1998
HORSLEY, HEIDI CHARLOTTE ..... LUBBOCK, TX	12/20/1998
HOWELL, MARY ANN ..... MT LAUREL, NJ	12/20/1998
HUTTON, THOMAS J ..... TOLEDO, OH	12/20/1998
HUTTON'S PHARMACY ..... TOLEDO, OH	12/20/1998
JEBBETT, DARRYL LYNN	12/20/1998

Subject, city, state	Effective date
ROCHESTER, NY	
JESSER, STEVIN DARRELL ... FONTANA, CA	12/20/1998
JOHANSSON, MARK N ..... BURNSVILLE, MN	12/20/1998
JOHNSON, GAIL ANN ..... LOCKPORT, NY	12/20/1998
JOHNSON, RICHARD A ..... FT LAUDERDALE, FL	12/20/1998
KANCEWICK, TAMMY L ..... TINLEY PARK, IL	12/20/1998
KINGRY, DAVID A ..... COLLEGEDALE, TN	12/20/1998
KULICK, JOSEPH A ..... CARY, NC	12/20/1998
LAGUAY, NANCY JOHNSON .. ELBRIDGE, NY	12/20/1998
LAND, EMMERY LEE ..... TUCSON, AZ	12/20/1998
LEWIS, JIM EARL ..... NOME, AK	12/20/1998
LIDDLE, TAMMY J ..... ANDOVER, MN	12/20/1998
MAGNUSON, JAMES VERNON ..... CONYERS, GA	12/20/1998
MERSOL, JOSEPH ..... STRUTHERS, OH	12/20/1998
MEYER, LUCINDA ..... GARDNERVILLE, NV	12/20/1998
MILES-STEVENS, JEANNETTE ..... HARVEY, IL	12/20/1998
MILLER, MELVIN L ..... SKOKIE, IL	12/20/1998
MILLER, MALCOLM A ..... SANTA ANA, CA	12/20/1998
MINOR, ANTHONY PAUL ..... DESERT HOT SPRINGS, CA	12/20/1998
MIXON, MARY JANE ..... ARLINGTON, VA	12/20/1998
NABAL, MARIE MONA ..... FORT LAUDERDALE, FL	12/20/1998
NEAL, RICHARD LINDLEY ..... COLUMBIA, MS	12/20/1998
NICOLOSI, ANGELO PHILIP ... ROCKFORD, IL	12/20/1998
NORRIS, DOLLY FRANCES .... WILMINGTON, NC	12/20/1998
OLIVER, GEORGE WILLIAM ... LOS ANGELES, CA	12/20/1998
OSBORNE, KAREN M ..... WHITE BEAR LAKE, MN	12/20/1998
PAAP, MARTHA M ..... DANVILLE, IL	12/20/1998
PAK, JAE S ..... SANTA ANA, CA	12/20/1998
PIETSCH, PRISCILLA E ..... SNOHOMISH, WA	12/20/1998
PIGNATARO, ANTHONY STEVEN ..... WEST SENECA, NY	12/20/1998
PRICE, TERRI LYNN ..... PARIS, IL	12/20/1998
QUINN, CLARA DIANE (VEST) GREENWOOD, MS	12/20/1998
RANDALL, BRUCE J ..... BEAVER DAMS, NY	12/20/1998
RASMUSSEN, ELLA ..... ELGIN, IL	12/20/1998
REGNIER, GUILENE ..... KANKAKEE, IL	12/20/1998
REID, GARREST F	12/20/1998

Subject, city, state	Effective date
TALLAHASSEE, FL	
RICE, LISA F ..... BROOKLYN PARK, MN	12/20/1998
RIDLEY, WILLIAM D ..... CHILLICOTHE, OH	12/20/1998
ROBBINS, MICHAEL EDWARD MOBILE, AL	12/20/1998
ROSEN, BARUCH D ..... MEZA, AZ	12/20/1998
ROSERO, BENITO O ..... CHERRY HILL, NJ	12/20/1998
ROSS, BEATRICE ..... WEXFORD, PA	12/20/1998
RUSSO, CHARLOTTE ANN .... COTO DE CAZA, CA	12/20/1998
SAINT HILLAIRE, KATHERINE LAS VEGAS, NV	12/20/1998
SCHIFFHAUER, RENE ..... WEAVERVILLE, NC	12/20/1998
SCHUSTER, ERIC A ..... HARVARD, IL	12/20/1998
SEXTON, BEVERLY A ..... SEASIDE, CA	12/20/1998
SHEFFIELD, JERRY WAYNE .. BIRMINGHAM, AL	12/20/1998
SHEPLER, LYNN TERESE ..... FALMOUTH, MA	12/20/1998
SHUMAKER, SCOTT D ..... LAYTON, UT	12/20/1998
SIMONS, EVELYN ..... DOLTON, IL	12/20/1998
SOTO, ALFRED ..... PALM SPRINGS, CA	12/20/1998
SPIESS, PAMELA S ..... JOHNSTON CITY, IL	12/20/1998
SPONSLER, VIRGINIA ANN .... EUREKA, CA	12/20/1998
STOVALL, BRENDA TONEY ... RICHARDSON, TX	12/20/1998
SWIRE, KENNETH M ..... JERUSALEM, ISRAEL	12/20/1998
TERSAGO, JOE ..... WOODSIDE, NY	12/20/1998
THOELE, NANCY ..... BLOOMINGTON, IL	12/20/1998
THOMPSON, MICHAEL ..... BLUE SPRINGS, MS	12/20/1998
TRESCARTES, LELAND ..... LAS VEGAS, NV	12/20/1998
TRIPP, JENNIFER M ..... ERLANGER, KY	12/20/1998
URSINY, TIMOTHY ..... WHEATON, IL	12/20/1998
WALKER, GREGORY TRENT SENATOBIA, MS	12/20/1998
WARD, ARNOLD ..... LAS VEGAS, NV	12/20/1998
WESTBAY, WILLIAM K ..... MCCOLL, SC	12/20/1998
WHEATON, LORETTA LYNN .. REDWAY, CA	12/20/1998
WHITE, KIMIKO ELLEN ..... SACRAMENTO, CA	12/20/1998
WHITE, PHYLLIS RENEE ..... SHALLOWATER, TX	12/20/1998
WILLIAMS, ALFRED VAUGHN SAN ANTONIO, TX	12/20/1998
WILLIAMS, TERRI ..... HIGH POINT, NC	12/20/1998
WILLIAMS, TOMMIE L ..... HOLLYWOOD, CA	12/20/1998
WONG, NORMAN K	12/20/1998

Subject, city, state	Effective date
WEST COVINA, CA	
FEDERAL/STATE EXCLUSION/ SUSPENSION	
ABUSEIF, ELSAYED K ..... NORTH BERGEN, NJ	12/20/1998
ACOSTA, RAMON ..... CAMDEN, NJ	12/20/1998
HARVEY, EDWARD LEE ..... SUISAN CITY, CA	12/20/1998
HOWARD, RICHARD ..... TOPEKA, KS	12/20/1998
MARSTON, CARROLL P ..... ELLSWORTH, ME	12/20/1998
STANLEY, RHONA GISSEN .... BRONX, NY	12/20/1998
SUTEX MEDICAL TRANS-PORT ..... N BERGEN, NJ	12/20/1998
OWNED/CONTROLLED BY CONVICTED/ EXCLUDED	
J & S PHARMACY INC ..... ELIZABETH, NJ	12/20/1998
JOHNSON'S PHARMACY ..... HONOLULU, HI	12/20/1998
MEDICAL SVCS OF DADE COUNTY ..... MIAMI, FL	12/20/1998
PEREZ-MEDINA BILLING CO INC ..... MIAMI, FL	12/20/1998
ROYAL MEDICAL GROUP, LTD (RMG) ..... MIAMI, FL	12/20/1998
TRIANGLE COR INC ..... MIAMI, FL	12/20/1998
ULTRA TECH DIAGNOSTICS MIAMI, FL	12/20/1998
DEFAULT ON HEAL LOAN	
AMMA-LESRINE, VASHTIC Z CROSBY, TX	12/20/1998
ANDROPOULOS, DEAN B ..... OAKLAND, CA	12/20/1998
ANGUIANO, GABRIEL ..... KENNEWHICH, WA	12/20/1998
BARNES, HERMAN R ..... ARLINGTON, TX	12/20/1998
BELLOCCHIO, PATRICK M ..... ANDERSON, SC	12/20/1998
BENDAVID, JACK ..... N HOLLYWOOD, CA	12/20/1998
BENNETT, YVONNE ELAINE .. LITTLETON, CO	12/20/1998
BERNSTEIN, DAVID M ..... SEATTLE, WA	12/20/1998
BISTRIMOVICH, MATTHEW A RED BANK, NJ	12/20/1998
BROOKS, MICHAEL DEVITO .. W BLOOMFIELD, MI	12/20/1998
BUFFALOE, ADRIENNE ROX-ANNE ..... NEW YORK, NY	12/20/1998
BUSHELLE, ANDREA LYNNE BROOKLYN, NY	12/20/1998
CLARK, NORMAN L ..... PARSIPPANY, NJ	12/20/1998
CLOUSE, WILLIAM J ..... SAN ANTONIO, TX	12/20/1998
CREVISTON, STEPHEN H ..... OLYMPIA, WA	12/20/1998
DAVIS, SAMUEL EVAN ..... FLORAL PARK, NY	12/20/1998
ELLIOTT, ROBERT L ..... BRIGHTON, MI	12/20/1998
EVORS, EDWARD J ..... TAMPA, FL	12/20/1998
HOPKINS, DARREL E ..... FOUNTAIN VALLEY, CA	12/20/1998
JEFERO, ALGIANON M ..... CLEVELAND, TN	12/20/1998
JUDD, MICHAEL G ..... GRASS VALLEY, CA	12/20/1998
KAHN, THEODORE O ..... GLENDORA, CA	12/20/1998
KELLEY, KATHERINE P ..... ALEXANDRIA, VA	12/20/1998
KHOSRAVI, ROKSANEH ..... LAKE FORREST, CA	12/20/1998
KOONCE, JACQUE L ..... TULSA, OK	12/20/1998
LAUER, MICHAEL S ..... HONOLULU, HI	12/20/1998
LEASE, TIMOTHY HUNTER .... REDWOOD CITY, CA	12/20/1998
LOUIS-JACQUES, GERARD JR ..... QUEENS VILLAGE, NY	12/20/1998
MANNINO, GUY CHRIS-TOPHER ..... NORTH POLE, AK	12/20/1998
MATHESON, ROBERT LLOYD RANCHO CUCAMONGA, CA	12/20/1998
MELKER, NEIL L ..... PRINCETON, NJ	12/20/1998
MILLER, LINDA L ..... ANAHEIM, CA	12/20/1998
MOELLER (HEINEKEN), LORIE J ..... MISSION VIEJO, CA	12/20/1998
MORITA, PHUONG T MINH .... IRVINE, CA	12/20/1998
NGUYEN, TRIEU H ..... SAN GABRIEL, CA	12/20/1998
NWACHUKU, COSMAS C ..... CHICAGO, IL	12/20/1998
ODELL, MICHAEL C ..... POWAY, CA	12/20/1998
OHAERI, CHRISTIANA C ..... S HOLLAND, IL	12/20/1998
ORENSTEIN, DAVID A ..... LOS ANGELES, CA	12/20/1998
PEREZ, JILL D ..... DALLAS, TX	12/20/1998
PERLMUTTER, MARK ALAN .. ROCKVILLE CENTRE, NY	12/20/1998
PETERSEN, RICK R ..... LOGAN, OH	12/20/1998
PODOS (BADER), MINDY A .... SUFFERN, NY	12/20/1998
POTOK, LEONARD A ..... BROOKLYN, NY	12/20/1998
POWELL, OMIEL L ..... NEW ROCHELLE, NY	12/20/1998
PREDMORE, BRIAN L ..... BETHANY, OK	12/20/1998
PRICE, PAULA L ..... KENNER, LA	12/20/1998
RAGAN, HOWARD W ..... DREXEL HILL, PA	12/20/1998
REYES, DANIEL A ..... VISALIA, CA	12/20/1998
ROGERS, THOMAS C ..... SANTA ANA, CA	12/20/1998
ROONEY-CHILES, MELISSA A SACRAMENTO, CA	12/20/1998
SAKA, WASIU ADEWALE ..... WICHITA, KS	12/20/1998
SCHINSTOCK, BOB J ..... MEDICINE LODGE, KS	12/20/1998
SCHLISSEL, MICHAEL ..... ROSLYN HEIGHTS, NY	12/20/1998
SCOTT, RACHEL A ..... EVELETH, MN	12/20/1998
SMITH, RONALD L ..... UPPER DARBY, PA	12/20/1998
SPEIGHT, YVETTE VANESSA BEVERLY HILLS, CA	12/20/1998
SPERL, JAROMIR K ..... PHILADELPHIA, PA	12/20/1998
SZABO, STEPHANIE K ..... SAN JOSE, CA	12/20/1998
TORRES, LUIS A ..... MIAMI, FL	12/20/1998
VACCO, RALPH R ..... ESCONDIDO, CA	12/20/1998
VEACH, BRUCE A ..... KINGMAN, KS	12/20/1998
WASHINGTON, JOSEPH D ..... ST LOUIS, MO	12/20/1998
WEITZNER, KENNETH B ..... CHESAPEAKE, VA	12/20/1998
WHITE, GARY L ..... REYNOLDSBURG, OH	12/20/1998
WILLIAMS, BRETT S ..... LOS ANGELES, CA	12/20/1998
YIM, KENNETH K ..... SAN JOSE, CA	12/20/1998

Dated: December 2, 1998.

Joanne Lanahan,

Director, Health Care Administrative Sanctions, Office of Inspector General.

[FR Doc. 98–32851 Filed 12–16–98; 8:45 am]

BILLING CODE 4150–04–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Nursing Research; Notice of Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of a meeting of the National Advisory Council for Nursing Research.

The meeting will be open to the public as indicated below, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections

552b(c)(4) and 552b(c)(6). Title 5 U.S.C., as amended. The grant applications and/or contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications and/or contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Advisory Council for Nursing Research.

Date: January 20–21, 1999.

Open: January 20, 1999, 1:00 PM to 5:00 PM.

Agenda: For discussion of program policies and issues.

Place: William H. Natcher Building, 45 Center Drive, Conference Room D, Bethesda, MD 20892.

Open: January 21, 1999, 9:30 AM to 10:00 AM.

Agenda: For discussion of program policies and issues.

Place: William H. Natcher Building, 45 Center Drive, Conference Room D, Bethesda, MD 20892.

Closed: January 21, 1999, 10:00 AM to Adjournment.

Agenda: To review and evaluate grant applications.

Place: William H. Natcher Building, 45 Center Drive, Conference Room D, Bethesda, MD 20892.

Contact Person: Mary Leveck, PHD, Director, Division of Extramural Programs, NINR, NIH, Building 45, Room 3AN–12, Bethesda, MD 20892, (301) 594–5963.

(Catalogue of Federal Domestic Assistance Program Nos. 93.361, Nursing Research, National Institutes of Health, HHS)

Dated: December 8, 1998.

Laverne Y. Stringfield,

Committee Management Officer, NIH.

[FR Doc. 98–33373 Filed 12–16–98; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of General Medical Sciences; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of General Medical Sciences Special Emphasis Panel, Pharmacology.

Date: December 15, 1998.

Time: 1:00 pm to 3:00 pm.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, NIGMS, Office of Scientific Review, Natcher Building, Room 1AS19K, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Bruce Wetzel, PhD, Scientific Review Administrator, Office of Scientific Review, NIGMS, Natcher Building, Room 1AS–19, Bethesda, MD 20892, (301) 594–3907.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: National Institute of General Medical Sciences Special Emphasis Panel, Trauma and Burn.

Date: December 18, 1998.

Time: 1:00 pm to 3:00 pm.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, NIGMS, Office of Scientific Review, Natcher Building, Room 1AS19K, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Bruce K. Wetzel, PhD, Scientific Review Administrator, Office of Scientific Review, NIGMS, Natcher Building, Room 1AS–19, Bethesda, MD 20892, (301) 594–3907.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.375, Minority Biomedical Research Support; 93.821, Cell Biology and Biophysics Research; 93.859, Pharmacology, Physiology, and Biological Chemistry Research; 93.862, Genetics and Developmental Biology Research; 93.88, Minority Access to Research Careers; 93.96, Special Minority Initiatives, National Institutes of Health, HHS)

Dated: December 10, 1998.

LaVerne Y. Stringfield,

Committee Management Officer, NIH.

[FR Doc. 98–33385 Filed 12–16–98; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Office of the Director, HIH; Notice of Meeting

Pursuant to section 10(a) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of a meeting of the Peer Review Oversight Group.

The meeting will be open to the public, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

Name of Committee: Peer Review Oversight Group.

Date: Janaury 5–6, 1999.

Time: January 5, 1999, 1:00 PM to 5:00 PM.

Agenda: The PROG will discuss consumer representation of peer review groups; review of bioengineering and behavioral and social science research applications; reports on the Center for Scientific Review's Panel on Scientific Boundaries of Review; and on training and orientation of scientific review administrators, reviewers and review panel chairs.

Place: National Institutes of Health, Natcher Building, Conference Room F, 45 Center Drive, Bethesda, MD 20892.

Time: January 6, 1999, 9:00 AM to 5:00 PM.

Agenda: To continue discussions of agenda topics from the previous day.

Place: National Institutes of Health, Natcher Building, Conference Room F, 45 Center Drive, Bethesda, MD 20892.

Contact Person: Peggy D. McCardie, PHD, MPH, Special Assistant to the Deputy Director for, Extramural Research, National Institutes of Health, Bldg. 1, Room 150, Bethesda, MD 20892, 301–402–2246.

(Catalogue of Federal Domestic Assistance Program Nos. 93.14, Intramural Research Training Award; 93.187, Undergraduate Scholarship Program for Individuals from Disadvantaged Backgrounds; 93.22, Clinical Research Loan Repayment Program for Individuals from Disadvantaged Backgrounds; 93.232, Loan Repayment Program for Research Generally; 93.39, Academic Research Enhancement Award; 93.936, NIH Acquired Immunodeficiency Syndrome Research Loan Repayment Program, National Institutes of Health, HHS)

Dated: December 10, 1998.

LaVerne Y. Stringfield,

Committee Management Officer, HIH.

[FR Doc. 98–33386 Filed 12–16–98; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C.,

as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel.
Date: December 14, 1998.
Time: 11:30 am to 12:30 pm.
Agenda: To review and evaluate grant applications.
Place: NIH, RockledgeII, Bethesda, MD 20892 (Telephone Conference Call).
Contact Person: J. Terrell Hoffeld, Phd, DDS, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4116, MSC 7816, Bethesda, MD 20892, (301) 435–1781.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel.
Date: December 16, 1998.
Time: 10:00 am to 12:00 pm.
Agenda: To review and evaluate grant applications.
Place: NIH, Rockledge 2, Bethesda, MD 20892 (Telephone Conference Call).
Contact Person: J. Terrell Hoffeld, Phd, DDS, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4116, MSC 7816, Bethesda, MD 20892, (301) 435–1781.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel.
Date: December 18, 1998.
Time: 4:00 pm to 5:00 pm.
Agenda: To review and evaluate grant applications.
Place: NIH, Rockledge 2, Bethesda, MD 20892 (Telephone Conference Call).
Contact Person: Garrett V. Keefer, Phd, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4190, MSC 7808, Bethesda, MD 20892, (301) 435–1152.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel.
Date: December 21, 1998.
Time: 1:30 pm to 3:30 pm.
Agenda: To review and evaluate grant applications.
Place: NIH, Rockledge 2, Bethesda, MD 20892 (Telephone Conference Call).
Contact Person: Marcelina B. Powers, DVM, MS, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4152, MSC 7804, Bethesda, MD 20892, (301) 435–1720.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel.
Date: December 21, 1998.
Time: 2:00 pm to 3:00 pm.
Agenda: To review and evaluate grant applications.
Place: NIH, Rockledge 2, Bethesda, MD 20892 (Telephone Conference Call).
Contact Person: Marcia Litwack, Phd, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4150, MSC 7804, Bethesda, MD 20892, (301) 435–1719.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel.
Date: December 21, 1998.
Time: 12:00 pm to 1:00 pm.
Agenda: To review and evaluate grant applications.
Place: NIH, Rockledge 2, Bethesda, MD 20892 (Telephone Conference Call).
Contact Person: Edmund Copeland, Phd, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4142, MSC 7804, Bethesda, MD 20892, (301) 435–1715.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel.
Date: December 22, 1998.
Time: 2:00 pm to 3:00 pm.
Agenda: To review and evaluate grant applications.
Place: NIH, Rockledge 2, Bethesda, MD 20892 (Telephone Conference Call).
Contact Person: Marcia Litwack, Phd, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4150, MSC 7804, Bethesda, MD 20892, (301) 435–1719.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel.
Date: December 22, 1998.
Time: 3:00 pm to 5:00 pm.
Agenda: To review and evaluate grant applications.
Place: NIH, Rockledge 2, Bethesda, MD 20892 (Telephone Conference Call).
Contact Person: Marcelina B. Powers, DVM, MS, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4152, MSC 7804, Bethesda, MD 20892, (301) 435–1720.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalog of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine, 93.306; 93.333, Clinical Research, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: December 10, 1998.

LaVerne Y. Stringfield,

Committee Management Officer, NIH.

[FR Doc. 98–33384 Filed 12–16–98; 8:45 am]
BILLING CODE 4140–01–M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Notice of Receipt of Applications for Permit

The following applicants have applied for a permit to conduct certain activities with endangered species. This notice is provided pursuant to Section 10(c) of the Endangered Species Act of 1973, *as amended* (16 U.S.C. 1531, *et seq.*):

PRT–005724

Applicant: American Museum of Natural History, New York, NY.

The applicant requests a permit to import black lemur (*Eulemur macaco*) blood samples from France for the purpose of enhancement of the survival of the species.

PRT–786600

Applicant: National Marine Fisheries Service, La Jolla, CA.

The applicant requests a permit to import biological samples collected as salvage or from live animals in a non-invasive manner of green (*Chelonia mydas*), hawksbill (*Eretmoychelys imbricata*), leatherback (*Demochelys coriacea*), loggerhead (*Caretta caretta*), and olive ridley (*Lepidochelys olivacea*) sea turtles for enhancement of survival of the species through scientific research. The permit, if issued, will cover the authorized activities for a period of up to five years.

PRT–005834

Applicant: Texas Memorial Museum (University of Texas at Austin), Austin, TX.

The applicant requests a permit to export and re-import non-living museum specimens of endangered and threatened species of animals previously accessioned into the permittee's collection for scientific research. This notification covers activities conducted by the applicant for a five year period.

Written data or comments should be submitted to the Director, U.S. Fish and

Wildlife Service, Office of Management Authority, 4401 North Fairfax Drive, Room 700, Arlington, Virginia 22203 and must be received by the Director within 30 days of the date of this publication.

Documents and other information submitted with these applications are available for review, *subject to the requirements of the Privacy Act and Freedom of Information Act*, by any party who submits a written request for a copy of such documents to the following office within 30 days of the date of publication of this notice: U.S. Fish and Wildlife Service, Office of Management Authority, 4401 North Fairfax Drive, Room 700, Arlington, Virginia 22203. Phone: (703/358–2104); FAX: (703/358–2281).

Dated: December 11, 1998.

MaryEllen Amtower,

Acting Chief, Branch of Permits, Office of Management Authority.

[FR Doc. 98–33374 Filed 12–16–98; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Geological Survey

Request for Public Comments on Proposed Three Year Program of Customer Satisfaction Information Collection—To Be Submitted to the Office of Management and Budget for Review Under the Paperwork Reduction Act

A plan for the three-year proposed information collection program described herein has been submitted to the Office of Management and Budget (OMB) for approval under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35). Copies of the proposed information collection plan may be obtained by contacting the USGS's Clearance Officer at the phone number listed below or e-mail customer@www.usgs.gov. OMB has up to 60 days to approve or disapprove the information collection, but may respond after 30 days; therefore, public comments should be submitted directly to the Desk Officer for the Interior Department, Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503 and to the Bureau Clearance Officer, USGS, National Center, 12201 Sunrise Valley Drive, M.S. 208, Reston, Virginia 20192. Telephone 703/648–7313.

Specific public comments are requested as to:

1. Whether the collection of information is necessary for the proper performance of the functions of the USGS, including whether the information will have practical utility;

2. The accuracy of the USGS estimate of the burden of the collection of information, including the validity of the methodology and assumptions used;

3. The quality, utility, and clarity of the information to be collected; and

4. How to minimize the burden of the collection of information on those who respond, including the use of appropriate automated, electronic, mechanical, or other forms of information technology.

Title: USGS Customer Surveys—Generic Clearance.

OMB approval number: New collection.

Abstract: The USGS provides science for a changing world by delivering reliable and impartial information that describes the Earth, its natural processes, and its natural species. Much of this information is used to minimize the loss of life and property from natural disasters; manage water, biological, energy, and mineral resources; enhance and protect quality of life; and to contribute to wise societal, economic, and physical development. The USGS recognizes that excellent customer service is a key component of good government and that its interface with customers reflects the effectiveness of its organization. USGS is committed to engaging customers in a dialog to identify customer needs and satisfaction levels, and to deliver USGS products, information and services to customers in a timely and accurate manner.

Under the proposed three year information collection program, voluntary customer surveys will be conducted to ascertain customer satisfaction with the products, information and services of the USGS. Measures such as timeliness, accessibility, accuracy, availability, product and service quality, service responsiveness, and courtesy of service will serve as the focus of these surveys. The surveys will involve individuals who interact directly with the USGS to use or to request its products, information and/or services. Over the three-year period, the USGS will focus on encouraging and obtaining satisfaction feedback from customers involved in three areas of effort: partnerships and cooperative agreements, technical assistance, and public inquiries and requests for publications, information, services, maps, and/or other products. This last area will also include a survey of our web-page customers to ensure that our web pages are useful and easy to access and read. For the partnerships and cooperative agreements area, the USGS will ask its partners and cooperators (many of whom work for State government agencies) for feedback about our service and whether or not we are meeting their needs. For the technical assistance area, USGS will ask customers who have requested scientific technical assistance if this assistance has been provided in a timely manner, with courtesy, and whether or not the assistance met the customer's expectations. In the public inquiries and requests for information, products, and services area, customers of USGS web pages, Information Centers, and map sales centers will be asked if the service was satisfactory and if the product was delivered in a timely manner.

To minimize burden on respondents, the surveys will be conducted using a variety of mechanisms ranging from questionnaires, comment cards, electronic queries and web-based feedback systems to focus groups. Customer information gathered from the surveys will be used to evaluate and improve satisfaction levels and to better meet customer needs. The average burden per response for these activities is estimated to range from 5 minutes for a simple comment card to 1 hour for a focus group. Summarized results of customer satisfaction surveys will be published annually by the USGS in a *Report to Customers*, which will be made available to customers through USGS information centers and through its web pages.

Bureau form number: None.

Frequency: An estimated 10–20 surveys (ranging from comment cards, web-based and electronic surveys, and mail-out questionnaires) and 5–10 focus groups per year to evaluate customer satisfaction with specific products, information and services.

Description of respondents: Representatives of state, local, and tribal government agencies; universities and schools; non-government and nonprofit natural resource organizations; and some private citizens.

Estimated completion time: Varies depending upon the mechanism used: approximately 5 minutes for a comment card to one hour for a focus group session.

Annual responses: Approximately 20 survey each with 500 responses and 10 focus groups each with 25 responses.

Annual burden hours: 2250 hours.

(20 surveys) (500 responses) (0.2 hours)+(10 focus groups) (25 responses) (1 hour)

Bureau clearance officer: John Cordyack, 703/648–7313.

Dated: October 20, 1998.

Michael P. McDermott,

Chief, Office of Outreach.

[FR Doc. 98–33393 Filed 12–16–98; 8:45 am]

BILLING CODE 4310–Y7–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[MT920–1310–00]

Dillon Oil and Gas Management Framework Plan (MFP) Environmental Impact Statement (EIS)/Amendment.

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Intent to Amend Oil and Gas Leasing Decisions in Madison and Beaverhead Counties of Montana for the Dillon Management Framework Plan.

SUMMARY: The BLM Dillon Field Office hereby gives notice of its intent to prepare a Management Framework Plan Amendment and Environmental Impact Statement. The purposes of this amendment are to analyze the environmental impacts associated with leasing and development of oil and gas resources and ensure compliance with BLM planning guidance for leasing federal minerals. The MFP amendment and associated EIS will provide analysis to enable fluid mineral leasing allocation decisions on approximately 902,528 acres of public land and 1,305,504 acres of subsurface mineral estate administered by the BLM. The BLM Dillon Field Office administers most of this area; however, 59,287 acres of public domain land located immediately south of the Big Hole River in the extreme northern portion of Beaverhead County are under the jurisdiction of the BLM Butte Field Office. The other issues covered in the existing MFP will continue to be valid and may be referenced in preparing the proposed amendment.

DATES: A public scoping brochure will be prepared and sent to the public and interested parties after this notice in the Federal Register. This is anticipated to happen shortly after the beginning of 1999. Local newspapers will issue press releases on this brochure and initiate a 30-day public comment period on the proposed amendment, issues, and planning criteria. A Draft MFP EIS/Amendment should be available for public review during early spring of 2000.

ADDRESSES: Bureau of Land Management, Dillon Field Office, 1005 Selway Drive, Dillon, Montana 59725–9431.

FOR FURTHER INFORMATION CONTACT: Bureau of Land Management, Attention: Scott Powers, Field Manager, 1005 Selway Drive, Dillon, Montana 59725-9431, Phone: (406) 683–2337.

SUPPLEMENTARY INFORMATION: The following are anticipated issues and concerns for the MFP EIS/Amendment:

1. The action of leasing (pre-lease) fluid minerals versus the process of permitting fluid mineral operations (post-lease) are not well understood.

2. Concerns about degradation of water quality from construction activity, disposal of produced water, and surface discharge from spills or accidents.

3. Geophysical exploration operations as a result of oil and gas leasing activity.

4. Not leasing or providing adequate protection for areas that have special wildlife concerns or habitat.

5. Sensitive species that may become listed as threatened and endangered.

6. Fisheries (specifically the West Slope Cutthroat Trout).

7. Consistency of stipulations with leasing stipulations on adjoining National Forest System lands.

The following planning criteria and assumptions to this plan will be as follows:

1. The current MFP cannot be protested.

2. The EIS/Amendment will stand alone, but may tier off or incorporate by reference other documents.

3. Scope of analysis will be consistent with the level of analysis in approved plans and standards which were developed due to the *Conner* vs *Burford*, 848 F.2d 1441 (9th Cir. 1988).

4. Area of analysis will be Federal mineral estate, excluding Forest System, National Park Service, and U.S. Fish and Wildlife Service lands in Madison and Beaverhead Counties within the BLM Dillon Field Office and the small portion administered by the BLM Butte Field Office in Beaverhead County.

5. Data acquisition will consist primarily of extrapolation and compilation of existing data and appropriate literature search.

6. Existing geological and fluid minerals data will be used to develop occurrence potentials and reasonably foreseeable development scenarios. These scenarios will be used to analyze the effects of various oil and gas leasing alternatives.

7. Narrative and format will be based on existing approved plans.

8. Automated mapping techniques will be used.

9. Special fluid leasing stipulations with a standard structure, wording, and usage will be developed and will be consistent with the Forest Service whenever possible.

10. Continuing management guidance will be expanded to reflect recent resource regulations and guidelines pertaining to oil and gas leasing.

11. A list of sensitive species will be identified and addressed in the document.

12. To the extent practicable, this document will be consistent with oil and gas leasing analysis for adjoining Forest Service lands and leases.

Dated: December 10, 1998.

Thomas P. Lonnie,

Deputy State Director, Division of Resources.

[FR Doc. 98–33421 Filed 12–16–98; 8:45 am]

BILLING CODE 4310–DN–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[WY–921–41–5700; WYW108811]

Notice of Proposed Reinstatement of Terminated Oil and Gas Lease

Pursuant to the provisions of 30 U.S.C. 188 (d) and (e), and 43 CFR 3108.2–3 (a) and (b)(1), a petition for reinstatement of oil and gas lease WYW108811 for lands in Fremont County, Wyoming, was timely filed and was accompanied by all the required rentals accruing from the date of termination. The lessee has agreed to the amended lease terms for rentals and royalties at rates of $5.00 per acre, or fraction thereof, per year and 16⅔ percent, respectively.

The lessee has paid the required $500 administrative fee and $125 to reimburse the Department for the cost of this **Federal Register** notice. The lessee has met all the requirements for reinstatement of the lease as set out in Section 31 (d) and (e) of the Mineral Lands Leasing Act of 1920 (30 U.S.C. 188), and the Bureau of Land Management is proposing to reinstate lease WYW108811 effective May 1, 1998, subject to the original terms and conditions of the lease and the increased rental and royalty rates cited above.

Dated: December 3, 1998.

Pamela J. Lewis,

Chief, Leasable Minerals Section.

[FR Doc. 98–33420 Filed 12–16–98; 8:45 am]

BILLING CODE 4310–22–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[AZ 020–1430–01; AZA 13016]

Public Land Order No. 7373; Revocation of Secretarial Order dated August 21, 1909; Arizona

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order partially revokes a Secretarial order insofar as it affects 2.5 acres of public land withdrawn for the Bureau of Reclamation's Salt River Project. The land is no longer needed for reclamation purposes, and the revocation is necessary to facilitate consummation of a pending land sale under Section 203 of the Federal Land Policy and Management Act of 1976. The land is temporarily closed to surface entry and mining due to the pending land sale. The land has been and will remain open to mineral leasing.

EFFECTIVE DATE: January 19, 1999.

FOR FURTHER INFORMATION CONTACT: Jim Andersen, BLM Phoenix Field Office, 2015 West Deer Valley Road, Phoenix, Arizona 85027, 602–580–5500.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1714 (1994), it is ordered as follows:

1. The Secretarial Order dated August 21, 1909, which withdrew public land for the Bureau of Reclamation's Salt River Project, is hereby revoked insofar as it affects the following described land:

Gila and Salt River Meridian

T. 1 N., R. 8 E.,
Sec. 2, SE¼SE¼NE¼NE¼SE¼,
E½NE¼SE¼NE¼SE¼, and
NE¼SE¼SE¼NE¼SE¼.

The area described contains 2.5 acres in Pinal County.

2. The above described land is hereby made available for sale under Section 203 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1713 (1994).

Dated: November 30, 1998.

John Berry,

Assistant Secretary of the Interior.

[FR Doc. 98–33372 Filed 12–16–98; 8:45 am]

BILLING CODE 4310–32–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[ES–931–1430–01; MIES–047725]

Public Land Order No. 7374; Partial Revocation of Executive Order dated December 9, 1852, and Transfer of Jurisdiction; Michigan

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order revokes an Executive order insofar as it affects 44.04 acres of public land withdrawn for the use by the United States Coast Guard for lighthouse purposes. The land is no longer needed for lighthouse purposes. In accordance with Public Law 104–208, this order also transfers jurisdiction of 33.08 of these acres to the United States Fish and Wildlife Service for inclusion in the National Wildlife Refuge System. The remaining 10.96 acres have been conveyed out of Federal ownership.

EFFECTIVE DATE: December 17, 1998.

FOR FURTHER INFORMATION CONTACT: Ed Ruda, Management Analyst, Bureau of Land Management, Eastern States, 7450 Boston Boulevard, Springfield, Virginia 22153, 703–440–1663.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1714 (1994), it is ordered as follows:

1. The Executive Order dated December 9, 1852, which withdrew land for lighthouse purposes, is hereby revoked insofar as it affects the following described land:

Whitefish Point Light Station

Michigan Meridian

T. 51 N., R. 5 W.,
Sec. 32, lots 6, 7, and 8 (formerly lot 4).

The area described contains 44.04 acres in Chippewa County.

2. In accordance with Public Law 104–208, subject to valid existing rights, the administrative jurisdiction of the following described land is hereby transferred from the United States Coast Guard to the United States Fish and Wildlife Service:

Michigan Meridian

T. 51 N., R. 5 W.,
Sec. 32, lot 8.

The area described contains 33.08 acres in Chippewa County.

The land will be included in the National Wildlife Refuge System and managed in accordance with the National Wildlife Refuge System Administration Act, 16 U.S.C. 668dd (1994). Future use of the land shall be in accordance with and subject to the provisions of Section 5505 of Public Law 104–208.

3. The following described land has been conveyed out of Federal ownership to the Great Lakes Shipwreck Historical Society and the Michigan Audobon Society in accordance with Section 5505 of Public Law 104–208:

Michigan Meridian

T. 51 N., R. 5 W.,
Sec. 32, lot 6 and 7.

The area described contains 10.96 acres in Chippewa County.

This is a record clearing action only.

Dated: November 30, 1998.

John Berry,

Assistant Secretary of the Interior.

[FR Doc. 98–33419 Filed 12–16–98; 8:45 am]

BILLING CODE 4310–GJ–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[CA–067–7123–6683]

Establishment of Supplementary Rule for Use of Camping Fee Areas on Public Lands in the California Desert District

AGENCY: Bureau of Land Management, Interior.

ACTION: Establishment of supplementary rule.

LOCATION:

North Dunes

13 S. 17½ E. Sec. 25 SW¼*SW¼SW¼, *SE¼*SW¼SW¼, S2SE¼;
13 S. 18 E. Sec. 31 NE¼*NE¼SW¼, SW¼*NE¼SW¼, SE¼NE¼SW¼, NE¼*SW¼SW¼, NW¼*SW¼SW¼, S2SW¼SW¼, SE¼SW¼,SE¼;
13 S. 18 E. Sec. 32 S2S2NE¼, S2*S2NW¼, S2;
13 S. 18 E. Sec. 33 SW¼*SW¼NW¼, S2;
13 S. 18 E. Sec. 34 NE¼*SW¼NW¼, NW¼SW¼NW¼, S2SW¼NW¼, SW¼*SE¼NW¼, NE¼*NE¼SW¼, NW¼NE¼SW¼, S2NE¼SW¼, NW¼SW¼, S2SW¼, SW¼*NW¼SE¼, SW¼SE¼, SW¼SE¼SE¼, SE¼*SE¼SE¼;
13 S. 17 E. Sec. 35 NE¼*NE¼SE¼, NW¼*NE¼SE¼, S2NE¼SE¼, SE¼NW¼SE¼, NE¼SW¼SE¼, SE¼*SW¼SE¼, SE¼SE¼;
13 S. 17 E. Sec. 36 S2SW¼NE¼, SE¼NE¼, SE¼*SE¼NW¼, S2;
13 S. 17½ E. Sec. 35 NE¼*NE¼, S2NW¼NE¼, S2N2, S2;
13 S. 17½ E. Sec. 36 ALL;
14 S. 18 E. Sec. 6 ALL;
14 S. 18 E. Sec. 5 ALL;
14 S. 18 E. Sec. 4 ALL;
14 S. 18 E. Sec. 3 ALL;
14 S. 18 E. Sec. 2 NW¼NW¼NW¼, S2NW¼NW¼, SW¼NW¼, NW¼NW¼SE¼, S2NW¼SE¼, SW¼SE¼, NE¼*SE¼SE¼, NW¼SE¼SE¼, S2SE¼SE¼;
14 S. 18 E. Sec. 1 SW¼*SW¼SW¼;
14 S. 17 E. Sec. 2 NE¼NE¼NE¼, NW¼*NE¼NE¼, SE¼*NE¼NE¼;

14 S. 17 E. Sec. 1 E2, N2NW¼, N2SW¼NW¼, NE¼SW¼NW¼, NE¼;
14 S. 18 E. Sec. 41 ALL;
14 S. 18 E. Sec. 40 ALL;
14 S. 18 E. Sec. 39 ALL;
14 S. 18 E. Sec. 38 ALL;
14 S. 18 E. Sec. 37 ALL;
14 S. 18 E. Sec. 9 ALL;
14 S. 18 E. Sec. 10 ALL;
14 S. 18 E. Sec. 11 ALL;
14 S. 18 E. Sec. 12 SW¼*NE¼NW¼, NW¼NW¼, S2NW¼, NE¼*NE¼SW¼, NW¼NW¼SW¼, NW¼SW¼, NW¼*SE¼SW¼;
14S. 17E. Sec. 12 NE¼NE¼, NW¼*NW¼NE¼, SE¼*NW¼NE¼, N2SE¼BE¼, SW¼*SE¼NE¼, SE¼SE¼BE¼;
14 S. 17 E. Sec. 7 N2, N2SW¼, NE¼SW¼SW¼, SE¼SW¼SW¼, SE¼;
14 S. 18 E. Sec. 8 ALL;
14 S. 18 E. Sec. 42 ALL;
14 S. 18 E. Sec. 43 ALL;
14 S. 18 E. Sec. 44 ALL;
14 S. 18 E. Sec. 45 ALL;
14 S. 18 E. Sec. 15 N2, SW¼, NE¼*NE¼SE¼, NW¼NE¼SE¼, SW¼*NE¼SE¼, NW¼SE¼, NW¼*SW¼SE¼;
14 S. 18 E. Sec. 14 N2NW¼NE¼, N2NW¼, N2SW¼NW¼, SW¼*SW¼NW¼, NW¼*SE¼NW¼;
14 S. 18 E. Sec. 18 N2NE¼, N2SW¼NE¼, SW¼*SW¼NE¼, SE¼SW¼NE¼, SE¼NE¼, N2NE¼NW¼, SE¼NE¼NW¼, NE¼SE¼, NE¼*NW¼SE¼, NE¼SE¼SE¼, SE¼*SE¼SE¼;
14 S. 18 E. Sec. 17 ALL;
14 S. 18 E. Sec. 16 ALL;
14 S. 18 E. Sec. 48 ALL;
14 S. 18 E. Sec. 47 N2, SW¼, SE¼*NE¼SE¼, W2NE¼SE¼, NW¼SE¼, N2SW¼SE¼, SW¼SW¼SE¼;
14 S. 18 E. Sec. 46 N2*;
14 S. 18 E. Sec. 22 NW¼* NE¼NW¼, N2 NW¼NW¼, SW¼NW¼NW¼, SE¼* NW¼NW¼;
14 S. 18 E. Sec. 20 NE¼, E2NW¼, E2NW¼NW¼, NW¼*NW¼NW¼, NE¼*SW¼NW¼, NE¼NE¼SW¼, SE¼*NE¼SW¼, N2SE¼, E2 SW¼SE¼, NW¼*SW¼, SE¼SE¼SE¼;
14 S. 18 E. Sec. 21 ALL;
14 S. 18 E. Sec. 49 ALL;
14 S. 18 E. Sec. 50 NW¼*NW¼NE¼, N2 NW¼, SW¼NW¼, NE¼*SE¼NW¼, E2 SE¼NW¼, NW¼NW¼SW¼, SW¼*NW¼SW¼;
14 S. 18 E. Sec. 29 NE¼NE¼, NE¼SE¼NE¼, SE¼*SE¼NE¼;
14 S. 18 E. Sec. 28 N2, NE¼SW¼, E2 NW¼SW¼, NW¼*NW¼SW¼, N2 SE¼SW¼, SW¼*SE¼SW¼, SE¼SE¼SW¼, N2SE¼, SW¼SE¼, N2SE¼SE¼, SW¼SE¼SE¼, SE¼*SE¼SE¼;
14 S. 18 E. Sec. 27 N2NW¼NE¼, SW¼NW¼NE¼, N2NW¼, SW¼NW¼, N2NW¼SW¼, SW¼NW¼SW¼, NW¼* SW¼SW¼;
14 S. 18 E. Sec. 33 NW¼*NE¼NE¼, N2NW¼NE¼, SW¼*NW¼NE¼, SE¼*NW¼NE¼, NE¼*NE¼NW¼;

South Dunes

16 S. 20 E. Sec. 26 ALL;
16 S. 20 E. Sec. 27 NE¼ excl. por. NW¼NW¼;
16 S. 20 E. Sec. 34 ALL;
16 S. 20 E. Sec. 35 ALL;
16 S. 20 E. Sec. 50 S2 NE¼*, S2SW¼*, E2NE¼SW¼*;
16 S. 20 E. Sec. 51 SW¼*, SE¼*, S2NW¼*;
16 S. 20 E. Sec. 52 SE¼SE¼*;
16 S. 20 E. Sec. 54 S2, S2 N2;
16 S. 20 E. Sec. 55 S2, NW¼, S2NE¼, SW¼NE¼;
16 S. 20 E. Sec. 56 ALL;
16 S. 20 E. Sec. 57 ALL;
16 S. 20 E. Sec. 58 ALL;
16 S. 20 E. Sec. 59 ALL;

SUMMARY: The primary purpose of this supplementary rule is to set out the stipulations of the user permit for the Imperial Sand Dunes Recreation Area. Any person using the recreation area must buy a weekly or yearly permit for the areas described in the above listed legal description.

1. A permit is required for all persons using the Imperial Sand Dunes Recreation Area.
2. Permits must be purchased and displayed within 30 minutes of arrival in the fee area.
3. Every primary transportation vehicle must have a permit. A primary transportation vehicle is a street legal vehicle used for transportation to the recreation site. A street legal vehicle that was towed to the site and whose sole purpose is to be driven off-road for recreation is not considered to be a primary transportation vehicle.
4. Yearly permits are non-transferable.
5. All permits must be visibly displayed in the front windshield of the primary transportation vehicle with the date side facing out.
6. Violations of these or other regulations relating to the Imperial Sand Dunes Recreation Area shall be grounds for removal from the Recreation Area for the time specified by the authorized officer.
7. All permits are non-refundable and may be revoked at any time by an authorized officer if violation(s) occur. The permit must be surrendered to the authorized officer upon demand.
8. This permit does not allow the permittee to camp in excess of 14 days out of every 28 consecutive days on public land without moving at least 25 miles away for 14 days.
9. Any directions listed on officially posted signs shall supersede these stipulations.

EFFECTIVE DATE: Effective December 17, 1998 and will remain in effect until rescinded or modified by the authorized officer.

FOR FURTHER INFORMATION CONTACT: Chief Area Ranger Robert Zimmer, Bureau of Land Management, El Centro Field Office, 1661 S. 4th St., El Centro, CA 92243 (760) 337–4407.

SUPPLEMENTARY INFORMATION: The authority for these rules is provided in 43 CFR 8365.1–6. Violation of these regulations is punishable by a fine not to exceed $100,000.00 and/or imprisonment not to exceed 12 months.

Dated: December 9, 1998.

Elayn M. Briggs,

Volunteer Program Specialist.

[FR Doc. 98–33424 Filed 12–16–98; 8:45 am]

BILLING CODE 4310–84–M

DEPARTMENT OF THE INTERIOR

National Park Service

Boundary Revision: Chesapeake and Ohio Canal National Historical Park

AGENCY: Interior, National Park Service.

ACTION: Notice of boundary revision.

SUMMARY: Notice is hereby given that the National Park Service is revising the boundary of Chesapeake and Ohio Canal National Historical Park to include one additional tract of land.

FOR FURTHER INFORMATION, CONTACT: Chief, Acquisition Division National Park Service, AT/LAFO, P.O. Box 908, Martinsburg, WV 25402–0908, (304) 263–4943.

SUPPLEMENTARY INFORMATION: Public Law 91–664, enacted January 8, 1971 authorizes the acquisition of certain lands for the Chesapeake and Ohio Canal National Historical Park. Section 7 (c) (ii) of the Land and Water Conservation Fund Act, as amended by Public Law 104-333, authorizes minor boundary revisions of areas within the National Park System. Such boundary revisions may be made, when necessary, after advising the appropriate Congressional Committees and following publication in the **Federal Register**.

In order to properly interpret and preserve the historic character of the Chesapeake and Ohio Canal National Historical Park it is necessary to revise the existing boundary to include one additional tract of land comprising approximately 15.24 acres.

Notice is hereby given that the exterior boundary of the Chesapeake and Ohio Canal National Historical Park is hereby revised to include the following tract of land: Tract 39–115, Chesapeake and Ohio Canal National Historical Park, is a portion of the same land acquired by the Nature Conservancy from Donald M. Warfield by deed dated July 31, 1992 and

recorded in Deed Book 1052, Page 85, in the Land Records of Washington County, State of Maryland.

Subject to existing easements for public roads and highways, public utilities, railroads and pipelines.

This tract of land is depicted on Segment Map 39, identified as Tract 39–115 dated June 1971. The map is on file and available for inspection in the office of the National Park Service, Appalachian Trail Land Acquisition Field Office, 1314 Edwin Miller Boulevard, P.O. Box 908, Martinsburg, West Virginia 25401.

Dated: November 9, 1999.

Gentry Davis,

Regional Director.

[FR Doc. 98–33451 Filed 12–16–98; 8:45 am]

BILLING CODE 4310–70–P

DEPARTMENT OF THE INTERIOR

National Park Service

San Francisco Maritime National Historical Park Agenda for the January 6, 1999 Advisory Commission Public Meeting, Golden Gate Club Presidio, 10:00 a.m.—12:15 p.m.

10:00 a.m.
Welcome—Neil Chaitin, Chairman
Opening Remarks—Neil Chaitin, Chairman, William G. Thomas, Superintendent
10:15 a.m.
Update—General Management Plan, Phase II Implementation, William G. Thomas, Superintendent
10:30 a.m.
Update—Haslett Warehouse, William G. Thomas, Superintendent, Steve Crabtree, Regional Concessions
10:45 a.m.
Update—SAFR Space needs for: Haslett Warehouse, Building E; Space Update: Alameda Building Leasing Project
Status—Port of Oakland, Bay Ship & Yacht Drydock, Tom Mulhern, Museum Services Manager
11:00 a.m.
Update—Disaster Plan
Status—Comprehensive Interpretive Plan, Marc Hayman, Chief IRM
11:15 a.m.
Status—Ship Preservation Update, Wayne Boykin, Ships Manager & Staff
11:30 a.m.
Status—Volunteer Program, Sue Schmidt, Volunteer Coordinator
11:45 a.m.
Update—National Maritime Museum Association, Projects, Kathy Lohan, Chief Executive Officer
12:00 p.m.
Public Comments and Questions
12:15 p.m.
Agenda Items/Date for next meeting

Michael Bell,

Acting Superintendent.

[FR Doc. 98–33452 Filed 12–16–98; 8:45 am]

BILLING CODE 4310–70–P

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Inventory Completion for Native American Human Remains from Nance County, NE in the Possession of the Nebraska State Historical Society, Lincoln, NE

AGENCY: National Park Service, DOI.

ACTION: Notice

Notice is hereby given in accordance with provisions of the Native American Graves Protection and Repatriation Act (NAGPRA), 43 CFR 10.9, of the completion of an inventory of human remains from Nance County, NE in the possession of the Nebraska State Historical Society, Lincoln, NE.

A detailed assessment of the human remains was made by Nebraska State Historical Society professional staff in consultation with representatives of the Shakopee Mdewakanton Sioux Community of Minnesota (Prior Lake), Lower Sioux Indian Community of Minnesota Mdewakanton Sioux Indians of the Lower Sioux Reservation in Minnesota, Upper Sioux Indian Community of the Upper Sioux Reservation, Minnesota, Prairie Island Indian Community of Minnesota Mdewakanton Sioux Indians of the Prairie Island Reservation, Minnesota, Spirit Lake Tribe, North Dakota (formerly known as the Devils Lake Sioux Tribe), Standing Rock Sioux Tribe of North and South Dakota, Santee Sioux Tribe of the Santee Reservation of Nebraska, Crow Creek Sioux Tribe of the Crow Creek reservation, South Dakota, Cheyenne River Sioux Tribe of the Cheyenne River Reservation, South Dakota, Yankton Sioux Tribe of South Dakota, Oglala Sioux Tribe of the Pine Ridge Reservation, South Dakota, Lower Brule Sioux Tribe of the Lower Brule Reservation, South Dakota, Rosebud Sioux Tribe of the Rosebud Indian Reservation, South Dakota, Sisseton-Wahpeton Sioux Tribe of the Lake Traverse Reservation, South Dakota, Flandreau Santee Tribe of South Dakota, Oglala Sioux Tribe of the Pine Ridge Reservation, and Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation, Montana.

In 1901, human remains representing one individual were loaned to the Nebraska State Historical Society by J.R. Coffin as part of a collection of ethnographic materials. In 1996 Mr. Coffin's heirs relinquished legal title to all human remains in the collection. No known individual was identified. Two earbobs are attached to these human remains.

The ethnographic collection containing these human remains was placed on loan to the Nebraska State Historical Society with a specific agreement signed by Mr. Coffin and representatives of the Nebraska State Historical Society. The human remains are listed in the 1901 loan agreement as ''C109, remnants of a Sioux who was cut up by the Pawnee.'' Mr. Coffin witnessed the killing of this Sioux man at the hands of the Pawnee which occurred sometime in the 1870s near the present-day city of Genoa in Nance County, NE. Consultation with the Rosebud Sioux presented the following information: Members of Spotted Tail's band from the Whetstone Agency raided the Pawnee villages near Genoa, NE. On October 6, 1870, one of the Sioux raiders was killed by the Pawnee. Descendants of Spotted Tail's people are today members of the Rosebud Sioux Tribe of the Rosebud Indian Reservation, South Dakota. Rosebud Tribal Officials state that no individual was identified in the historical information available to them.

The earbobs attached to the human remains do not appear to meet the definition of associated funerary objects as provided in NAGPRA. However, officials of the Nebraska State Historical Society have determined that the objects would have been placed with the individual at the time of his death according to the death rites and ceremonies of his people had they been able to bury him. Therefore, the Nebraska State Historical Society will repatriate the human remains with the earbobs intact. Officials of the Rosebud Sioux Tribe of the Rosebud Indian Reservation, South Dakota have stated that it is their intention to inter the ear and its attached ear decorations as required by their culture's death rites and ceremonies for burial of the dead.

Based on the above mentioned information, officials of the Nebraska State Historical Society have determined that, pursuant to 43 CFR 10.2 (d)(1), the human remain listed above represents the physical remains of one individual of Native American ancestry. Officials of the Nebraska State Historical Society have also determined that, pursuant to 43 CFR 10.2 (e), there is a relationship of shared group identity which can be reasonably traced between these Native American human

remains and associated funerary objects and the Rosebud Sioux Tribe of the Rosebud Indian Reservation, South Dakota.

This notice has been sent to officials of the Shakopee Mdewakanton Sioux Community of Minnesota (Prior Lake), Lower Sioux Indian Community of Minnesota Mdewakanton Sioux Indians of the Lower Sioux Reservation in Minnesota, Upper Sioux Indian Community of the Upper Sioux Reservation, Minnesota, Prairie Island Indian Community of Minnesota Mdewakanton Sioux Indians of the Prairie Island Reservation, Minnesota, Spirit Lake Tribe, North Dakota (formerly known as the Devils Lake Sioux Tribe), Standing Rock Sioux Tribe of North and South Dakota, Santee Sioux Tribe of the Santee Reservation of Nebraska, Crow Creek Sioux Tribe of the Crow Creek reservation, South Dakota, Cheyenne River Sioux Tribe of the Cheyenne River Reservation, South Dakota, Yankton Sioux Tribe of South Dakota, Oglala Sioux Tribe of the Pine Ridge Reservation, South Dakota, Lower Brule Sioux Tribe of the Lower Brule Reservation, South Dakota, Rosebud Sioux Tribe of the Rosebud Indian Reservation, South Dakota, Sisseton-Wahpeton Sioux Tribe of the Lake Traverse Reservation, South Dakota, Flandreau Santee Tribe of South Dakota, Oglala Sioux Tribe of the Pine Ridge Reservation, South Dakota, Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation, Montana. Representatives of any other Indian tribe that believes itself to be culturally affiliated with these human remains should contact Rob Bozell, Associate Director, Nebraska State Historical Society, 1500 R Street, P.O. Box 82554, Lincoln, NE 68501-2554; telephone: (402) 471-4789, before January 19, 1999. Repatriation of the human remains to the Rosebud Sioux Tribe of the Rosebud Indian Reservation may begin after that date if no additional claimants come forward.

Dated: November 24, 1998.

Francis P. McManamon,

Departmental Consulting Archeologist, Manager, Archeology and Ethnography Program.

[FR Doc. 98–33446 Filed 12–16–98; 8:45 am]

BILLING CODE 4310–70–F

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Inventory Completion for Native American Human Remains from near Oregon City, OR in the Possession of the Peabody Museum of Archaeology and Ethnology, Harvard University, Cambridge, MA

AGENCY: National Park Service, Interior

ACTION: Notice

Notice is hereby given in accordance with provisions of the Native American Graves Protection and Repatriation Act (NAGPRA), 43 CFR 10.9, of the completion of an inventory of human remains from near Oregon City, OR in the possession of the Peabody Museum of Archaeology and Ethnology, Harvard University, Cambridge, MA.

A detailed assessment of the human remains was made by Peabody Museum of Archaeology and Ethnology professional staff in consultation with representatives of the Confederated Tribes of the Grande Ronde of Oregon.

In 1895, human remains representing one individual were removed from a burial site two miles outside of Oregon City, OR by Dr. M.E. Pierce who donated these human remains to the Peabody Museum of Archaeology and Ethnology the same year. No known individual was identified. No associated funerary objects are present.

Based on cranial morphology, this individual has been determined to be Native American. Museum documentation records this individual to be ''Clackamas.'' Historical documents indicate the area of Oregon City was part of Clackamas traditional territory during the eighteenth and nineteenth centuries. The attribution of such a specific cultural affiliation to the individual by the collector indicates that interment post-dates sustained contact between indigenous groups and Europeans beginning in the late eighteenth century. Therefore, the antiquity of the human remains and the occupation of the area by Clackamas people coincide. The Clackamas people are represented by the Confederated Tribes of the Grande Ronde of Oregon.

Based on the above mentioned information, officials of the Peabody Museum of Archaeology and Ethnology have determined that, pursuant to 43 CFR 10.2 (d)(1), the human remains listed above represent the physical remains of one individual of Native American ancestry. Officials of the Peabody Museum of Archaeology and Ethnology have also determined that, pursuant to 43 CFR 10.2 (e), there is a relationship of shared group identity which can be reasonably traced between these Native American human remains and the Confederated Tribes of the Grande Ronde of Oregon.

This notice has been sent to officials of the Confederated Tribes of the Grande Ronde of Oregon. Representatives of any other Indian tribe that believes itself to be culturally affiliated with these human remains and associated funerary objects should contact Barbara Isaac, Repatriation Coordinator, Peabody Museum of Archaeology and Ethnology, Harvard University, 11 Divinity Ave., Cambridge, MA 02138; telephone: (617) 495-2254, before January 19, 1999. Repatriation of the human remains to the Confederated Tribes of the Grande Ronde of Oregon may begin after that date if no additional claimants come forward.

Dated: December 11, 1998.

Veletta Canouts,

Acting Departmental Consulting Archeologist, Deputy Manager, Archeology and Ethnography Program.

[FR Doc. 98–33448 Filed 12–16–98; 8:45 am]

BILLING CODE 4310–70–F

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Inventory Completion for Native American Human Remains, Associated Funerary Objects, and Unassociated Funerary Objects from Wisconsin in the Possession of the Neville Public Museum of Brown County, Green Bay, WI

AGENCY: National Park Service, Interior

ACTION: Notice

Notice is hereby given in accordance with provisions of the Native American Graves Protection and Repatriation Act (NAGPRA), 43 CFR 10.9, of the completion of an inventory of human remains and associated funerary objects from Wisconsin in the possession of the Neville Public Museum of Brown County, Green Bay, WI.

A detailed assessment of the human remains was made by Neville Public Museum professional staff in consultation with representatives of the Ho-Chunk Nation of Wisconsin, the Winnebago Tribe of Nebraska, and the Menominee Indian Tribe of Wisconsin.

In 1940, human remains representing five individuals were recovered from Allouez, WI during road construction on the corner of S. Jackson and Derby Lane. Between 1940 and 1941, these human remains were donated to the Neville

Public Museum by Alex Gauthier and W.C. McClendon. No known individuals were identified. The seven associated funerary objects include one iron sickle blade, one iron 10-d nail section, one iron spike, two pieces of burned sandstone, and two non-human large mammal bones.

Based on the associated funerary objects and the apparent age of the burials, these individuals have been identified as Native American from the Late Historic period. During the Late Historic period, the area of Allouez, WI was occupied primarily by the Menominee Indian Tribe.

In 1941, human remains representing 22 individuals were recovered from the Gibson Rock Shelter, Brown County, WI by R.L. Hall, W. Wittry, and A. Linck. No accession records exist for these human remains, but they are believed to have been donated by R.L. Hall, W. Wittry, and A. Linck. No known individual were identified. The minimum of 16 associated funerary objects include one antler point, one beveled bone knife, a shell bead, turtle plastron ''plaque'', non-human bones, one beaver incisor, one snail shell, one stick, and grit-tempered sherds, some of which form two Aztalan Collared vessels.

Based on the associated funerary objects and apparent age of the burials, these individuals have been determined to be Native American. Based on the ceramic types, these burials are estimated to date to the Woodland period. Based on continuities of ceramics and occupation, some archeologists believe the ceramics are associated with ancestors of the Menominee. Although other archeologists believe the ceramics could be associated with the Ho-Chunk, the museum feels the evidence indicates a primarily Menominee cultural affiliation.

In 1950, human remains representing 12 individuals were recovered from the Charles Grignon House, operated by the Outagamie County Historical Society, Outagamie County, WI during excavations. In 1953, these human remains were donated to the Neville Public Museum by William Wolf, then-curator of the Charles Grignon House. No known individuals were identified. The associated funerary objects were not donated to the Neville Public Museum. The Neville Public Museum feels that those objects and additional human remains are the responsibility of the Outagamie County Historical Society and will not attempt re-constituting the collection for the purpose of repatriation.

Based on analysis of the associated funerary objects, these individuals have been determined to be Native American from the Late Historic period. Historic documents (Bishop Kemper's 1834 tour) further establish an active Menominee cemetery at or very near this site.

In 1980, human remains representing two individuals were recovered from an embankment in Green Bay, WI and donated to the Neville Public Museum by the City of Green Bay Police Department. No known individuals were identified. The 604 associated funerary objects include glass beads and small mammal bones.

Based on the associated funerary objects and apparent age of the burials, these individuals have been determined to be Native American. Further, the presence of black seed beads suggests a Late Historic period date for the burials. During the Late Historic period, the area of Green Bay, WI was occupied primarily by the Menominee Indian Tribe.

The 30 cultural items consist of a stone pipe bowl, six faceted (cut) blue beads, three dark red beads, four Madison points, two humpbacked knives, one side-notched point, one bifurcate-base point, 12 faceted (cut) blue beads, and a string of tiny white and dark red beads.

In 1923, Mr. Lisle Perizak donated the 12 faceted (cut) blue beads and the string of tiny white and dark red beads to the Neville Public Museum. In 1925 and 1935, Mr. J.P. Schumacher sold the remainder of the cultural items listed above to the Neville Public Museum.

Museum records state that these 30 cultural items were all removed from burials in a mound in Green Bay, WI. Archeological records indicate that historic Menominee burials were located in this mound. The objects are being affiliated with the Menominee Tribe as they were all removed from a mound with historic Menominee burials.

Based on the above mentioned information, officials of the Neville Public Museum have determined that, pursuant to 43 CFR 10.2 (d)(1), the human remains listed above represent the physical remains of 31 individuals of Native American ancestry. Officials of the Neville Public Museum have also determined that, pursuant to 43 CFR 10.2 (d)(2), the 627 objects listed above are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony. Officials of the Neville Public Museum have determined that, pursuant to 43 CFR 10.2 (d)(2)(ii), these 30 cultural items are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony and are believed, by a preponderance of the evidence, to have been removed from a specific burial site of an Native American individual. Lastly, officials of the Neville Public Museum have determined that, pursuant to 43 CFR 10.2 (e), there is a relationship of shared group identity which can be reasonably traced between these Native American human remains, associated funerary objects, and unassociated funerary objects and the Menominee Indian Tribe of Wisconsin.

This notice has been sent to officials of the Ho-Chunk Nation of Wisconsin, the Winnebago Tribe of Nebraska, and the Menominee Indian Tribe of Wisconsin. Representatives of any other Indian tribe that believes itself to be culturally affiliated with these human remains and associated funerary objects should contact Ann Koski, Director, Neville Public Museum of Brown County, 210 Museum Place, Green Bay, WI 54303; telephone: (920) 448-4460, before January 19, 1999. Repatriation of the human remains and associated funerary objects to the Menominee Indian Tribe may begin after that date if no additional claimants come forward.

Dated: December 8, 1998.

Veletta Canouts,

Acting Departmental Consulting Archeologist,

Deputy Manager, Archeology and Ethnography Program.

[FR Doc. 98–33447 Filed 12–16–98; 8:45 am]

BILLING CODE 4310–70–F

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Inventory Completion for Native American Human Remains from Yavapai County, AZ in the Control of the Prescott National Forest, USDA Forest Service, Prescott, AZ

AGENCY: National Park Service, Interior

ACTION: Notice

Notice is hereby given in accordance with provisions of the Native American Graves Protection and Repatriation Act (NAGPRA), 43 CFR 10.9, of the completion of an inventory of human remains from Yavapai County, AZ in the control of the Prescott National Forest, USDA Forest Service, Prescott, AZ.

A detailed assessment of the human remains was made by Arizona State University, Museum of Northern Arizona and USDA Forest Service professional staff in consultation with

representatives of the Camp Verde Yavapai-Apache Indian Community, the Havasupai Tribe, the Hopi Tribe, the Hualapai Tribe, the Navajo Nation, the Pueblo of Zuni, and the Yavapai-Prescott Indian Tribe.

Between 1965-1975, human remains representing 21 individuals were recovered from four sites (AZ N:04:0002; AZ N:04:0005; AZ N:04:0012; and AZ N:04:0017) within the Prescott National Forest during legally authorized excavations conducted by Arizona State University. No known individuals were identified. The 23 associated funerary objects include ceramic fragments; bone and stone tools; burned animal bones; ground stone; shell; clay; and a burned corn cob.

Based on material culture, architecture, and site organization, these four sites have been identified as Southern Sinaguan large masonry pueblo, a small pueblo, a pithouse village, and a burial ground occupied between 900-1400 A.D. Continuities of ethnographic materials, technology, and architecture indicate affiliation of Southern Sinaguan sites in this portion of central Arizona with historic and present-day Puebloan cultures. Oral traditions presented by representatives of the Hopi Tribe support cultural affiliation with Southern Sinaguan sites in central Arizona.

In 1985, human remains representing one individual were recovered from site NA 18494 during legally authorized salvage excavations conducted by Dr. Thomas R. Cartledge of Kaibab National Forest following disturbance of the burial. No known individual was identified. No associated funerary objects are present.

Based on material culture, site NA 18494 has been identified as a Cohonina burial site dating between 700-900 A.D. Continuities of ethnographic materials, tecnology, and architecture indicate affiliation of Cohonina sites in north central Arizona with the Hopi Tribe. Oral traditions presented by representatives of the Hopi Tribe support Hopi cultural affiliation with Cohonina sites in this portion of Arizona.

Based on the above mentioned information, officials of the USDA Forest Service have determined that, pursuant to 43 CFR 10.2 (d)(1), the human remains listed above represent the physical remains of 22 individuals of Native American ancestry. Officials of the USDA Forest Service have also determined that, pursuant to 43 CFR 10.2 (d)(2), the 23 objects listed above are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony. Lastly, officials of the USDA Forest Service have also determined that, pursuant to 43 CFR 10.2 (e), there is a relationship of shared group identity which can be reasonably traced between these Native American human remains and associated funerary objects, the Hopi Tribe, and the Yavapai-Prescott Indian Tribe. .

This notice has been sent to officials of the Camp Verde Yavapai-Apache Indian Community, the Havasupai Tribe, the Hopi Tribe, the Hualapai Tribe, the Navajo Nation, the Pueblo of Zuni, and the Yavapai-Prescott Indian Tribe. Representatives of any other Indian tribe that believes itself to be culturally affiliated with these human remains should contact Dr. Frank E. Wozniak, NAGPRA Coordinator, Southwestern Region, USDA Forest Service, 517 Gold Ave. SW, Albuquerque, NM 87102; telephone: (505) 842-3238, fax: (505) 842-3800, before January 19, 1999. Repatriation of the human remains to the Hopi Tribe and the Yavapai-Prescott Indian Tribe may begin after that date if no additional claimants come forward.

Dated: December 11, 1998.

Veletta Canouts,

Acting Departmental Consulting Archeologist,

Deputy Manager, Archeology and Ethnography Program.

[FR Doc. 98–33449 Filed 12–16–98; 8:45 am]

BILLING CODE 4310–70–F

DEPARTMENT OF THE INTERIOR

National Park Service, Interior

Notice of Inventory Completion for Native American Human Remains and Associated Funerary Objects from the Naval Ordnance Center, Port Hadlock, WA in the Control of the Pacific Division, Port Hadlock Detachment, United States Navy, Port Hadlock, WA.

AGENCY: National Park Service, Interior

ACTION: Notice

Notice is hereby given in accordance with provisions of the Native American Graves Protection and Repatriation Act (NAGPRA), 43 CFR 10.9, of the completion of an inventory of human remains and associated funerary objects from the Naval Ordnance Center, Port Hadlock, WA in the control of the Pacific Division, Port Hadlock Detachment, United States Navy, Port Hadlock, WA.

A detailed assessment of the human remains was made by U.S. Navy professional staff in consultation with representatives of the Jamestown S'Klallam Tribe.

During 1975- November 16, 1990, human remains representing six individuals were recovered from the Walan Point and Bugge Spit sites at Port Hadlock Detachment located on Indian Island near Port Hadlock, WA during archeological surveys and construction projects by U.S. Navy personnel. No known individuals were identified. The 42 associated funerary objects include an antler tine, worked bone, an antler wedge, bone blanket pin, pendant, shell bead, dentalium, holed pectin shell, olivella shel bead, glass trade beads, and an iron knife blade.

Based on radiocarbon dates and burial location, the two individuals from the Walan Point site have been determined to be Native American, dated to between 1550-1260 years before present. The burnt condition of the remains of one individual may indicate cremation prior to burial.

Based on the archeological context and radiocarbon dates of surrounding material, the four individuals from the Bugge Spit site have been determined to be Native American, dated to be approximately 300 years old.

Ethnographic documents detailing territories of various Native American groups within the vicinity of these two sites indicate that Indian Island was inhabited by the Chemakum people at the time the first Euroamericans arrived in the Northwest. Around 1850, a series of battles between the Chemakum and the S'Klallam and Suquamish tribes ended in the virtual destruction of the Chemakum. Historic documents indicate the surviving Chemakum were absorbed into the neighboring S'Klallam villages.

Based on the above mentioned information, officials of the United States Navy have determined that, pursuant to 43 CFR 10.2 (d)(1), the human remains listed above represent the physical remains of six individuals of Native American ancestry. Officials of the United States Navy have also determined that, pursuant to 43 CFR 10.2 (d)(2), the 42 objects listed above are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony. Lastly, officials of the United States Navy have determined that, pursuant to 43 CFR 10.2 (e), there is a relationship of shared group identity which can be reasonably traced between these Native American human remains and associated funerary objects and the Jamestown S'Klallam Tribe.

This notice has been sent to officials of the Jamestown S'Klallam Tribe. Representatives of any other Indian tribe that believes itself to be culturally affiliated with these human remains and associated funerary objects should contact Mr. Tim Johnson, Naval Ordnance Center, Pacific Division, Port Hadlock Detachment, Port Hadlock, WA 98339; telephone: (360) 396-5236, before January 19, 1999. Repatriation of the human remains and associated funerary objects to the Jamestown S'Klallam Tribe may begin after that date if no additional claimants come forward.

Dated: December 11, 1998.

Veletta Canouts,

Acting Departmental Consulting Archeologist,

Deputy Manager, Archeology and Ethnography Program.

[FR Doc. 98–33450 Filed 12–16–98; 8:45 am]

BILLING CODE 4310–70–F

DEPARTMENT OF JUSTICE

Office of the Attorney General

[A.G. Order No. 2196–98]

RIN 1105–AA56

Final Guidelines for the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act, as Amended

AGENCY: Department of Justice.

ACTION: Final guidelines.

SUMMARY: The United States Department of Justice is publishing Final Guidelines to implement the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act as amended by Megan's Law, the Pam Lychner Sexual Offender Tracking and Identification Act of 1996, and section 115 of the General Provisions of Title I of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1998.

EFFECTIVE DATE: December 17, 1998.

SUPPLEMENTARY INFORMATION: The Pam Lychner Sexual Offender Tracking and Identification Act of 1996, Pub. L. 104–236, 110 Stat. 3093 (the ''Pam Lychner Act''), and section 115 of the General Provisions of Title I of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1998, Pub. L. 105–119, 111 Stat. 2440, 2461 (the ''CJSA''), amended section 170101 of the Violent Crime Control and Law Enforcement Act of 1994, Pub. L. 103–322, 108 Stat. 1796, 2038 (codified at 42 U.S.C. 14071), which contains the Jacob Wettlering Crimes Against Children and Sexually Violent Offender Registration Act (the ''Wetterling Act'' or ''the Act''). These legislative changes require conforming changes in the Final Guidelines for the Jacob Wetterling Act and Megan's Law (Pub. L. 104–145, 110 Stat. 1345) that were published by the Department of Justice on July 21, 1997, in the **Federal Register** (62 FR 39009).

The Wettlerling Act generally sets out minimum standards for state sex offender registration programs. States that fail to comply with these standards within the applicable time frame will be subject to a mandatory 10% reduction of formula grant funding under the Edward Byrne Memorial State and Local Law Enforcement Assistance Program (42 U.S.C. 3756), which is administered by the Bureau of Justice Assistance of the Department of Justice. Any funds that are not allocated to noncomplying states will be reallocated to states that are in compliance. Information concerning compliance review procedures and requirements appears in part VIII of these guidelines.

The Wetterling Act's requirements for compliance may be divided into three categories, each of which carries a different compliance deadline, depending on the legislation from which it derives:

1. *Original requirements.* Many of the provisions of the current formulation of the Wetterling Act derive from the original version of the Act, which was enacted on September 13, 1994, or from the Megan's Law amendment to the Act. These include, for example, the basic requirements to register offenders for at least 10 years; to take registration information from offenders and to inform them of registration obligations when they are released; to require registrants to update address information when they move; to verify the registered address periodically; and to release registration information as necessary for public safety. The deadline for compliance with these features of the Act was September 12, 1997, based on the specification of 42 U.S.C. 14071(g) that states have three years from the Act's original enactment date (i.e., September 13, 1994) to achieve compliance. However, 42 U.S.C. 14071(g) allows a two-year extension of the deadline for states that are making good faith efforts to achieve compliance, and states that have been granted this extension have until September 12, 1999, to comply with these features of the Act.

2. *Pam Lychner Act requirements.* The Pam Lychner Act's amendments to the Wetterling Act created a limited number of new requirements for state registration programs, including a requirement that the perpetrators of particularly serious offenses and recidivists be subject to lifetime registration. The time frame for compliance with these new requirements is specified in section 10(b) of the Pam Lychner Act—three years from the Pam Lychner Act's enactment date of October 3, 1996, subject to a possible extension of two years for states that are making good faith efforts to come into compliance. Hence, barring an extension, states will need to comply with these features of the Act by October 2, 1999.

3. *CJSA requirements.* CJSA amendments made extensive changes to the Wetterling Act, many of which afford states greater flexibility in achieving compliance. Under the effective date provisions in section 115(c) of the CJSA, states immediately have the benefit of amendments that afford them greater discretion and can rely on these amendments in determining what changes (if any) are needed in their registration programs to comply with the Act. For example, the Act as amended by CJSA affords states discretion concerning the procedures to be used in periodic verification of registrants' addresses, in contrast to the Act's original requirement that a specific verification-form procedure be used. In light of this change, effective immediately, states have discretion concerning the particular procedures that will be used in address verification.

While the CJSA's amendments to the Wetterling Act were largely in the direction of affording states greater discretion, the CJSA did add some new requirements to the Wetterling Act. For example, the CJSA added provisions to promote registration of sex offenders in states where they work or attend school (as well as states of residence) and to promote registration of federal and military sex offenders. The time frame for compliance with new requirements under the CJSA amendments, as specified in section 115(c)(2) of the CJSA, is three years from the CJSA's enactment date of November 26, 1997, subject to a possible extension of two years for states that are making good faith efforts to come into compliance, Hence, barring an extension, states will need to comply with these features of the Act by November 25, 2000.

The final guidelines in this publication identify and discuss separately all of the requirements that states will need to meet by each of the three specified deadlines, thereby making it clear when states will need to be in compliance with each element of

the Wetterling Act to maintain eligibility for full Byrne Formula Grant funding.

Summary of Comments on the Proposed Guidelines

On June 19, 1998, the U.S. Department of Justice published Proposed Guidelines in the **Federal Register** (63 FR 33696) to implement the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act as amended by Megan's Law, the Pam Lychner Sexual Offender Tracking and Identification Act of 1996, and section 115 of the General Provisions of Title I of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1998. The comment period expired on August 18, 1998.

Following the publication of the proposed guidelines, the Department received 9 comment letters, primarily from state law enforcement agencies. These letters contained numerous comments, questions and recommendations, all of which were considered carefully in developing the Final Guidelines. A summary of the comments and responses to them are provided in the following paragraphs.

A. Offense Coverage

One respondent commented that some states appear to be imposing registration requirements on individuals convicted of consensual adult sodomy. As the guidelines state, such offenses are not among the offenses for which the Act requires registration, and registration of persons convicted of such offenses would not further the Act's objectives.

B. Basic Registration Requirements

1. Initial Registration Requirement

One respondent asked about the applicability of the Act's requirements in relation to an offender who is released from custody and immediately moves to another state. In such cases, the state must: (1) inform the offender of the pertinent registration requirements and take information on the offender as prescribed in the Act; and (2) have procedures that ensure that notice is provided promptly to an agency responsible for registration in the state to which the offender moves, as with any other offender who is moving interstate (42 U.S.C. 14071(b)(1), (2) and (5)). The final guidelines include language that clarifies these requirements.

2. Duration of Registration

Two respondents commented on the minimum registration period required by the Act. One respondent noted that its state law currently allows discontinuance of registration ''upon restoration of civil rights,'' while another noted that its state law allows discontinuance of registration after seven years in certain circumstances. As the guidelines state, for persons convicted of offenses within the Act's offense categories, registration may be discontinued prior to 10 years *only* if the underlying conviction is reversed, vacated, or set aside, or if the registrant is pardoned. Thus, laws allowing discontinuance of registration for such persons prior to ten years for any other reasons would not be in compliance with the Act.

The requirement of registration for at least 10 years, like the other requirements of the Act, does not have to be applied retroactively to offenders who were convicted prior to the establishment of a conforming registration program. Hence, it is a matter of state discretion whether to allow termination of registration for such offenders after some shorter period of time.

C. Registration in Certain Interstate Contexts

1. Offense Coverage

One respondent inquired whether an offender's new state of residence, or a state in which an offender works or attends school, must register the offender if he or she does not fall into the categories of registration offenses specified in the state's sex offender registration laws. The Act requires states to register—or, in the case of non-resident workers and students, to accept registration information from—persons convicted of the offenses described in 42 U.S.C. 14071(a)(3)(A)–(B) or a comparable range of offenses. Thus, a state must register (or, for non-resident workers and students, accept registration information from) at least those persons to comply with the Act. The coverage of any offenses beyond those offenses is a matter of state discretion. Thus, for example, the Act does not require a state to accept registration information from a non-resident worker or student if that person's state of residence is registering the person on the basis of an offense that is outside of the Act's offense coverage requirements.

2. Notification to Other States

One respondent asked whether, to comply with the Act, a state must enact a statutory requirement providing for notification to other states when an offender moves interstate, or whether it could rely on informal practice to do so. As the guidelines state, in determining compliance, the Act does not require that it standards be implemented by statute. Thus, in assessing compliance with the Act, the totality of a state's rules governing the operation of its registration and notification system will be considered, including administrative policies and procedures as well as statutes. However, a completely informal practice, not adopted by statute and not included in an articulated administrative policy or procedure, would not be sufficient.

D. Requirements Related to Non-Resident Workers and Students

1. General Requirement

One respondent commented that the requirement that non-resident workers and student register both in the state in which they reside and the state in which they are employed places a burden on the non-resident state. The Act itself requires that states accept registration information from out-of-state workers and students (42 U.S.C. 14071(b)(7)). The guidelines cannot alter requirements appearing in the statute.

2. Procedures for Accepting Registration Information

One respondent asked whether states may comply with the requirement to accept registration information concerning non-resident workers and students by having local law enforcement agencies collect the information and then transfer it to the state. This approach is consistent with the Act.

One respondent asked whether registration information must be collected directly from the non-resident workers and students, or whether states may enter into agreements to exchange information on such persons. The Act requires states to ''ensure that procedures are in place to accept registration information from'' these categories of offenders (42 U.S.C. 14071(b)(7)). Thus, states must have some mechanism in place to accept registration information from non-resident workers and students. Should states also wish to enter into agreements for information exchange with other states, they are free to do so under the Act.

3. Offenders to Whom the Registration Requirements Apply

One respondent asked how the number of days of employment in the state should be calculated. More specifically, the respondent asked how to deal with employment involving

travel through several states, and whether work-related travel through a state or any amount of time spent working during a day should be counted towards or as a ''day'' of employment in the state. As the guidelines state, the Act requires states to accept registration information from non-residents who are employed ''full-time or part-time for a period of time exceeding 14 days or for an aggregate period of time exceeding 30 days during any calendar year'' (42 U.S.C. 14071(a)(3)(F). The Act and guidelines do not provide more specific rules concerning such questions as whether traveling through a state in the course of employment constitutes being employed in the state, or whether there is a lower limit on the amount of time worked during a day that will count as part-time employment. Thus, the resolution of those issues is a matter of state discretion.

One respondent inquired as to the definition of part-time student. The Act defines a ''student'' as a ''person who is enrolled on a full-time or part-time basis, in any public or private educational institution, including any secondary school, trade, or professional institution, or institution of higher education.'' (42 U.S.C. 14071(a)(3)(G)). The Act and guidelines do not further define the term ''part-time.'' Thus, is left to the states to apply this term in a manner consistent with the Act.

E. Requirements Related to Federal and Military Offenders

One respondent expressed interest in the federal government's role in sex offender registration, including the National Sex Offender Registry (NSOR) and the registration of federal and military offenders. Another respondent noted that, in order for the state to notify federal authorities if a federal or military offender fails to register, some mechanism must be established to alert the state when such an offender moves into the state. Procedures for state participation in NSOR are described in the guidelines, and the FBI will issue formal regulations governing the operation of NSOR. As the guidelines explain, recent legislation requires federal and military authorities to give notice to state and local authorities concerning the release to their areas of federal and military sex offenders. The responsible federal agencies are in the process of establishing procedures to implement these requirements.

F. Requirements Related to Aggravated Offenders and Recidivist

1. Application of Lifetime Registration Requirement

Two respondents questioned whether the lifetime registration requirements for aggravated offenders and recidivist apply retroactively or prospectively. The final guidelines clarify that the Act requires states to register for life offenders convicted for an aggravated offense, and recidivist convicted of the current offense, where such convictions occur after the adoption by the state of the lifetime registration requirement. However, states remain free to apply the lifetime registration requirement retroactively to offenders convicted prior to their adoption of the requirement, if they so wish. The lifetime registration requirement for aggravated offenders and recidivist was enacted by the Pam Lychner Act, and thus carriers a deadline of October 3, 1999, with a possible two-year extension for states making good faith efforts to comply.

One respondent asked how far back a state must look in determining whether an offender has a prior offense that would qualify him or her as a recidivist. There is no time limit under the Act on prior qualifying convictions. As the final guidelines make clear, in determining whether a person has a qualifying prior conviction, states must rely on the methods they normally use in searching criminal records.

2. Definition of Aggravated Offenses

One respondent sought clarification on the aggravated offenses for which lifetime registration is required. As the guidelines state, ''aggravated offense'' refers to state offenses comparable to aggravated sexual abuse as defined in federal law (18 U.S.C. 2241), which principally encompasses: (1) engaging in sexual acts in involving penetration with victims of any age through the use of force or the threat of serious violence; and (2) engaging in sexual acts involving penetration with victims below the age of 12. Thus, states can comply with the provision by requiring lifetime registration for persons convicted of the state offenses that cover such conduct, i.e., (1) engaging in sexual acts involving penetration with victims of any age through the use of force or the threat of serious violence; and (2) engaging in sexual acts involving penetration with victims below the age of 12.

G. Requirements Related to Sexually Violent Predators

1. Waiver

Several respondents expressed concern over the particular requirements regarding sexually violent predators. For example, two respondents noted that their state either does not use a board of experts to designate sexually violent predators or does not include certain representatives on the board that they use. The Act requires that the determination whether a person is a sexually violent predator be made by a court after considering the recommendation of a board with a specified composition (42 U.S.C. 14071(a)(2)(A)). However, the Act also allows the Attorney General to grant a waiver from these requirements where a state has established alternative procedures or legal standards for designating a person as a sexually violent predator (42 U.S.C. 14071(a)(2)(B)). As a result, as the guidelines state, the approach taken to determining whether an offender is a sexually violent predator will be treated as a matter of state discretion.

In addition, the Act allows the Attorney General to approve ''alternative measures of comparable or greater effectiveness in protecting the public from unusually dangerous or recidivistic sexual offenders'' in lieu of the specific measure set forth in the Act regarding sexually violent predators (42 U.S.C. 14071(a)(2)(C)). States that wish to request approval under this provision should do so during the compliance review process. States also may consider the adoption of alternative measures at any time after coming into compliance with the Act, and may seek approval from the reviewing authority for such later-developed alternatives.

2. Documentation of Treatment

Two respondents expressed concern with the requirements that the registration information collected on sexually violent predators must include documentation of treatment. The Act requires that, for registrants who have been designated as ''sexually violent predators'' under the Act's definition, the initial registration information must include ''documentation of treatment received for any mental abnormality or personality disorder of the person'' (42 U.S.C. 14071(b)(1)(B)). As the guidelines note, however, in determining whether offenders have received treatment, the officers responsible for obtaining the initial registration information may rely on information that is readily available to them, either from existing records on the offender, and may comply with the

requirement to document an offender's treatment history simply by noting that the offender received treatment. Of course, states that wish to include more detailed information about offenders' treatment histories are free to do so.

3. Termination of Sexually Violent Predator Status

One state recommend that its law allows certain sexually violent predators to obtain certificates of rehabilitation that terminate sexually violent predator status. As the guidelines make clear, the Act requires lifetime registration once it has been determined that a registrant is a sexually violent predator. Thus, a state would not be in compliance with this feature of the Act if its were to allow registration to be terminated for a person who has been found to be a sexually violent predator on the basis of a later determination that the person has been ''rehabilitated'' or is no longer a sexually violent predator. However, as noted in the guidelines and in (G)(1) above, the Attorney General may approve alternative measures of comparable or greater effectiveness in protecting the public from unusually dangerous or recidivistic sexual offenders in lieu of the specific measures set forth in the Act regarding sexually violent predators (42 U.S.C. 14071(a)(2)(C)).

H. The National Sex Offender Registry (NSOR)

One respondent had specific questions regarding the interface of its offender tracking system with NSOR. Procedures for state participation in NSOR are described in the guidelines, and the FBI will issue formal regulations governing the operation of NSOR. As the guidelines note, funding is available through the National Sex Offender Registry Assistance Program of the Bureau of Justice Statistics of the United States Department of Justice to facilitate state participation in NSOR and to upgrade state sex offender registries.

Final Guidelines for the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act, as Amended

1. General Purposes and Principles of Interpretation

These guidelines carry out a statutory directive to the Attorney General in subsection (a)(1) of the Wetterling Act (42 U.S.C. 14071(a)(1)) to establish guidelines for state registration programs under the Act. Before turning to the specific provisions of the Act, five general points should be noted concerning the Act's interpretation and application.

First, the general objective of the Act is to assist law enforcement and protect the public from convicted child molesters and violent sex offenders through requirements of registration and appropriate release of registration information. The Act is not intended to, and does not have the effect of, making states less free than they were under prior law to impose such requirements. Hence, the Act's standards constitute a floor for state programs, not a ceiling. States do not have to go beyond the Act's minimum requirements to maintain eligibility for full Byrne Grant funding, but they retain the discretion to do so, and state programs do often contain elements that are required under the Act's standards. For example, a state may have a registration system that covers broader classes of offenders than those identified in the Act, requires address verification for registered offenders at more frequent intervals than the Act prescribes, or requires offenders to register for a longer period of time than the period specified in the Act. Exercising these options creates no problem of compliance because the Act's provisions concerning duration of registration, covered offenders, and other matters do not limit state discretion to impose more extensive or stringent requirements that encompass the Act's baseline requirements.

Second, to comply with the Wetterling Act, states do not have to revise their registration systems to use technical definitions of covered sex offenses based on federal law. Rather, subject to certain constraints, they may use their own criminal law definitions and categories in defining registration requirements. This point is explained more fully below.

Third, the Act's definitions of covered offense categories are tailored to its general purpose of protecting the public from persons who molest or sexually exploit children and from other sexually violent offenders. Hence, these definitions do not include all offenses that involve a sexual element. For example, offenses consisting of consensual acts between adults are not among the offenses for which registration is required under the Act, and requiring registration for persons convicted of such offenses would not further the Act's objectives.

Fourth, the Wetterling Act contemplates the establishment of programs that will prescribe registration and notification requirements for offenders who are subsequently convicted of offenses in the pertinent categories. The Act does not require states to attempt to identify and to prescribe such requirements for offenders who were convicted prior to the establishment of a conforming program. Nevertheless, the Act does not preclude states from prescribing registration and notification requirements for offenders convicted prior to the establishment of the program.

Fifth, the Act sets minimum standards for state registration and notification programs but does not require that its standards be implemented by statue. In assessing compliance with the Act, the totality of a state's rules governing the operation of its registration and notification program will be considered, including administrative policies and procedures as well as statutes.

2. Related Litigation

Some state registration and notification systems have been challenged on constitutional grounds. The majority of courts, and all federal appeals courts, that have dealt with the issue thus far have held that systems like those contemplated by the Wetterling Act do not violate released offenders' constitutional rights. *See e.g., Roe* v. *Office of Adult Probation,* 125 F.3d 47 (2d Cir. 1997) (Connecticut probation office notification policy); *Russell* v. *Gregoire,* 124 F.3d 1079 (9th Cir. 1997) (Washington state act), *cert. denied,* 118 S.Ct. 1191 (1998); *Doe* v. *Pataki,* 120 F.3d 1263 (2d Cir. 1997) (New York act), *cert. denied,* 118 S.Ct. 1066 (1998); *E.B.* v. *Verniero,* 119 F.3d 1077 (3d Cir. 1997) (New Jersey notification provisions), *cert. denied,* 118 S.Ct. 1039 (1998); *Artway* v. *Attorney General,* 81 F.3d 1235 (3d Cir. 1996) (New Jersey registration provision); *Doe* v. *Kelley,* 961 F. Supp. 1105 (W.D. Mich. 1997) (Michigan notification provisions); *Doe* v. *Weld,* 954 F. Supp. 425 (D. Mass. 1996) (Massachusetts registration of juvenile offenders); *State* v. *Pickens,* 558 N.W.2d 396 (Iowa 1997); *Arizona Dep't of Public Safety* v. *Superior Court,* 949 P.2d 983 (Ariz. App. 1997); *Opinion of the Justices to the Senate,* 423 Mass. 1201, 668 N.E. 2d 738 (Mass. 1996); *Doe* v. *Poritz,* 142 N.J. 1, 662 A.2d 367 (N.J. 1995); *State* v. *Ward,* 123 Wash. 2d 488, 869 P.2d 1062 (Wash. 1994). The United States has filed ''friend of the court'' briefs in several of these cases, arguing that sex offender registration and community notification do not impose punishment for purposes of the Ex Post Facto and Double Jeopardy Clauses or violate privacy or liberty interests guaranteed by the federal Constitution.

In a few other cases, however, courts have found that certain applications or

provisions of some state systems violate the United States Constitution or provisions of a state constitution. *See, e.g., Doe* v. *Attorney General,* 426 Mass. 136, 686 N.E. 2d 1007 (Mass. 1997) (holding that the Massachusetts act implicates liberty and property interests protected by the Massachusetts constitution, so that the act could not be applied to Doe—who had been convicted of ''indecent assault'' for sexually suggestive touching of an undercover police officer in an area known for consensual sexual activity between adult males—without a prior hearing to determine if he individually presented any threat to persons for whose protection the act was passed; the court did not rule out the possibility that a categorical ''dangerousness'' determination could be justified by certain other conviction offenses); *State* v. *Myers,* 260 Kan. 669, 923 P.2d 1024 (Kan. 1996) (holding that due to the breadth of offenses subject to Kansas registration act and the potentially unlimited scope of notification, Kansas notification provisions violate the Ex Post Facto Clause), *cert. denied,* 117 S.Ct. 2508 (1997). The New Jersey Supreme Court in *Doe* v. *Poritz* (above) also found a state law privacy interest requiring certain procedural protections, and those procedures were further elaborated upon by the Third Circuit in *E.B.* v. *Verniero* (above).

In addition, when these guidelines were written, there were appeals pending in the Second Circuit, *see Doe* v. *Pataki,* 3 F. Supp. 2d 456 (S.D.N.Y. 1998) (finding a federally protected liberty interest sufficient to trigger due process concerns and that New York's law did not provide sufficient due process), appeal pending, 2d Cir. No. ____, in the Sixth Circuit, *see Cutshall* v. *Sundquist,* 980 F. Supp. 928 (M.D. Tenn. 1997) (holding that the Tennessee notification provisions implicate federal and state law privacy and employment interests, requiring procedural protections prior to notification), *appeal pending,* 6th Cir. Nos. 97–6276 & 97–6321, and in the Third Circuit, *see Paul* v. *Verniero,* 3d Cir. No. 97–5791 (from district court's rejection of constitutional privacy challenge to community notification). There was also ongoing litigation in federal district court in Minnesota and in state courts in Ohio and Pennsylvania.

3. Summary and Text of Guidelines

The following guidelines explain the interpretation and application of the Wetterling Act's standards for registration programs and related requirements. All citations in these guidelines to the Act are to the Act's current text, reflecting the Megan's Law, Pam Lychner Act, and CJSA amendments. The detailed explanation is preceded by a table that summarizes the organization of the guidelines, the major elements of the Act, and the time for compliance with each element under the enacting legislation.

Summary and Deadlines for Wetterling Act Compliance

I. Ten-year Minimum Registration For Persons Convicted of a Criminal Offense Against a Victim Who Is a Minor or a Sexually Violent Offense [Sept. 12, 1997; Possible Two-year Extension]

A. ''States'' to which the Act applies
B. Duration of registration
C. Coverage of offenses
D. Coverage of offenders

II. Registration and Tracking Procedures; Penalties for Registration Violations [Sept. 12, 1997; Possible Two-year Extension]

A. Initial registration procedures
B. Change of address procedures
C. Periodic address verification
D. Penalties for registration violations

III. Release of Registration Information [Sept. 12, 1997; Possible Two-year Extension]

IV. Special Registration Requirements Under the Pam Lychner Act for Recidivists and Aggravated Offenders [Oct. 2, 1999; Possible Two-year Extension]

V. Special Registration Requirements Under the Cjsa Amendments Relating to Sexually Violent Predators, Federal and Military Offenders, and Non-resident Workers and Students [Nov. 25, 2000; Possible Two-year Extension]

A. Heightened sexually violent predator registration or alternative measures
B. Federal and military offenders; non-resident workers and students

VI. Participation in the National Sex Offender Registry [Nov. 25, 2000; Possible Two-year Extension]

VII. Good Faith Immunity [Available to States Immediately]

VIII. Compliance Review; Consequences of Non-compliance

Text of Detailed Guidelines for Wetterling Act Compliance

I. Ten-year Minimum Registration for Persons Convicted of a Criminal Offense Against a Victim Who Is a Minor or a Sexually Violent Offense [September 12, 1997; Possible Two-year Extension]

To comply with subsections (a)(1) and (b)(6)(A) of the Wetterling Act, a state registration program must require current address registration for a period of 10 years for persons convicted of ''a criminal offense against a victim who is a minor'' or a ''sexually violent offense.'' This requirement derives from the Wetterling Act as originally enacted. The time for compliance is accordingly that provided in 42 U.S.C. 14071(g)—Sept. 12, 1997, or Sept. 12, 1999, for states that have received a two-year extension based on good faith efforts to achieve compliance.

The interpretation and application of this requirement are as follows:

A. ''States'' to Which the Act Applies

For purposes of the Act, ''state'' refers to the political units identified in the provision defining ''state'' for purposes of eligibility for Byrne Formula Grant funding (42 U.S.C. 3791(a)(2)). Hence, the ''states'' that must comply with the Act's standards for registration programs to maintain full eligibility for such funding are the fifty states, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Northern Marina Islands.

B. Duration of Registration

Subsection (b)(6)(A) provides that the registration requirement must remain in effect for 10 years following the registrant's release from prison or placement on parole, supervised release, or probation. States may choose to establish longer registration periods, and are required to do so under the Act's standards for certain types of offenders as discussed in parts IV and V of these guidelines. Registration requirements of shorter duration than 10 years are not consistent with the Act. Hence, for example, a state program would not be in compliance with the Act if it allowed registration obligations to be waived or terminated before the end of the 10 year period on such grounds as a finding of rehabilitation or a finding that registration (or continued registration) would not serve the purposes of the state's registration provisions. However, if the underlying conviction is reversed, vacated, or set aside, of if the registrant is pardoned, registration (or continued registration) is not required under the Act.

Also, in light of a proviso in subsection (b)(6), a state need not require registration ''during ensuing periods of incarceration.'' The reference to subsequent ''incarceration'' should be understood to include periods of civil commitment, as well as imprisonment for the commission of another criminal offense, since a state may conclude that it is superfluous to carry out address registration and verification procedures while the registrant is in either criminal or civil confinement. To comply with the Act, a state that does waive registration during subsequent criminal

or civil confinement must require that registration resume when the registrant is released, if time remains under the registration period required by the Act.

C. Coverage of Offenses

1. *''Criminal offense against a victim who is a minor''.* The Act requires registration of any person convicted of a ''criminal offense against a victim who is a minor.'' Subsection (a)(3)(A) defines the relevant category of offenses. The general purpose of the definition is to ensure comprehensive registration for persons convicted of offenses involving sexual molestation or sexual exploitation of minors. ''Minor'' for purposes of the Act means a person below the age of 18.

The specific clauses in the Act's definition of ''criminal offense against a victim who is a minor'' are as follows:

(1)–(2) Clauses (i) and (ii) cover kidnaping of a minor (except by a parent) and false imprisonment of a minor (except by a parent). All states have statutes that define offenses—going by such names as ''kidnaping,'' ''criminal restraint,'' or ''false imprisonment''—whose gravamen is abduction or unlawful restraint of a person. States can comply with these clauses by requiring registration for persons convicted of these statutory offenses whose victims were below the age of 18. It is a matter of state discretion under these clauses whether registration should be required for such offenses in cases where the offender is a parent of the victim.

(3) Clause (iii) covers offenses consisting of ''criminal sexual conduct toward a minor.'' States can comply with this clause by requiring registration for persons convicted of all statutory sex offenses under state law whose elements involve physical contact with a victim—such as provisions defining crimes of ''rape,'' ''sexual assault,'' ''sexual abuse,'' or ''incest''—in cases where the victim was a minor at the time of the offense. Coverage is not limited to cases where the victim's age is an element of the offense (such as prosecutions for specially defined child molestation offenses). It is a matter of state discretion under this clause whether registration should be required for sex offenses that do not involve physical contact, such as exhibitionism offenses.

(4) Clause (iv) covers offenses consisting of solicitation of a minor to engage in sexual conduct. The notion of ''sexual conduct'' should be understood in the same sense as in clause (iii). Hence, states can comply with clause (iv) by consistently requiring registration, in cases where the victim was below the age of 18, based on:

—A conviction for an offense involving solicitation of the victim under a general attempt or solicitation provision, where the object offense would be covered by clause (iii), and

—A conviction for an offense involving solicitation of the victim under any provision defining a particular crime whose elements include soliciting or attempting to engage in sexual activity involving physical contact.

(5) Clause (v) covers offenses consisting of using a minor in a sexual performance. This includes both live performances and using minors in the production of pornography.

(6) Clause (vi) covers offenses consisting of solicitation of a minor to practice prostitution. The interpretation of this clause is parallel to that of clause (iv). States can comply with clause (vi) by consistently requiring registration, in cases where the victim was below the age of 18, based on:

—A conviction for an offense involving solicitation of the victim under a general attempt or solicitation provision, where the object offense is a prostitution offense, and

—A conviction for an offense involving solicitation of the victim under any provision defining a particular crime whose elements include soliciting or attempting to get a person to engage in prostitution.

(7) Clause (vii) covers offenses consisting of any conduct that by its nature is a sexual offense against a minor. This clause is intended to ensure coverage of convictions under statutes defining sex offenses in which the status of the victim as a minor is an element of an offense, such as specially defined child molestation offenses, and other offenses prohibiting sexual activity with underage persons. States can comply with this clause by including convictions under these statutes in the registration requirement. A proviso at the conclusion of the Act's definition of ''criminal offense against a victim who is a minor'' allows states to exclude from registration requirements persons convicted for conduct that is criminal only because of the age of the victim if the perpetrator is 18 years of age or younger. Whether registration should be required for such offenders is a matter of state discretion under the Act.

(8) Considered in isolation, clause (viii) gives states discretion whether to require registration for attempts to commit offenses described in clauses (i) through (vii). However, state discretion to exclude attempted sexual offenses against minors is limited by other provisions of the Act, since any verbal command or attempted persuasion of the victim to engage is sexual conduct would bring the offense within the scope of the solicitation clause (clause (iv), and make it subject to the Act's mandatory registration requirements. Hence, the simplest approach for states is to include attempted sexual assaults on minors (as well as completed offenses) uniformly as predicates for the registration requirement.

2. *''Sexually violent offense''.* The Act prescribes a 10-year registration requirement for offenders convicted of a ''sexually violent offense,'' as well as for those convicted of a ''criminal offense against a victim who is a minor.'' Subsection (a)(3)(B) defines the term ''sexually violent offense.'' The general purpose of the definition is to require registration of persons convicted of rape or rape-like offenses—i.e., non-consensual sexually assaultive crimes involving penetration—regardless of the age of the victim. The definition refers specially to any criminal offense that consists of aggravated sexual abuse or sexual abuse (as described in sections 2241 and 2242 of title 18 of the United States Code, or as described in the state criminal code), or an offense that has as its elements engaging in physical contact with another person with intent to commit such an offense.

In light of this definition, there are two ways in which a state can satisfy the requirement of registration for persons convicted of ''sexually violent offenses'':

First, a state can comply by requiring registration for offenders convicted for criminal conduct that would violate 18 U.S.C. 2241 or 2242—the federal ''aggravated sexual abuse'' and ''sexual abuse'' offenses—if prosecuted federally. (The part of the definition relating to physical contact with intent to commit aggravated sexual abuse or sexual abuse does not enlarge the class of covered offenses under the federal law definitions, because sections 2241 and 2242 explicitly encompass attempts as well as completed offenses.)

Second, a state can comply by requiring registration for offenders convicted of the state offenses that correspond to the federal offenses described above—i.e., the most serious sexually assaultive crime or crimes under state law, covering non-consensual sexual acts involving penetration— together with state offenses (if any) that have as their elements engaging in physical contact with another person with intent to commit such a crime.

Like the other requirements of the Act, the requirement to register persons convicted of sexually violent offenses, regardless of the age of the victim,

establishes only a baseline for state registration programs. Whether registration should be required for additional offenses against adult victims is a matter of state discretion under the Act.

3. *''Comparable * * * range of offenses''.* As a result of language added by the CJSA amendments, states need not comply exactly with the specific offense coverage requirements in subparagraph (A) or (B) of subsection (a)(3). Rather, a state may comply with the Act by requiring registration for persons convicted of offenses in a ''range of offenses specified by State law which is comparable to or which exceeds'' the range of offenses described in the Act.

This change reflects a practical recognition by Congress that exact state compliance with the Act's offense coverage specifications may be difficult because of the degree of detail in the Act's definitions and because of the variations among different jurisdictions in the terminology and categorizations used in defining sex offenses. *See* H.R. Rep. No. 256, 105th Cong. 1st Sess. 15 (1997). As a result, Congress was concerned that some states ''may inadvertently find themselves out of compliance with the Watterling Act'' because of the state registration provisions ''are not exactly congruent'' with the Act's offense categories, ''even if the offenses covered by the [state] program are much broader in other respects then required by the Wetterling Act.'' *Id.* The language concerning coverage of a ''comparable'' range of offenses was added to address this concern.

States should aim to have their registration offenses fully encompass the offense categories described in the Act and will be assured of compliance with the Act's offense coverage requirements if they do so. However, in light of the CJSA amendments affording a degree of flexibility concerning offense coverage, inadvertent departures from the Act's offense category specifications will not necessarily result in a finding of non-compliance. Such departures will be allowed if, in the judgment of the reviewing, they do not substantially undermine the objective of comprehensive registration for persons convicted of crimes involving sexual molestation or sexual exploitation of minors, and persons convicted of rape or rape-like crimes against victims of any age.

In addition, in assessing compliance, the reviewing authority may consider whether a state program imposes registration requirements that are broader in other respects than the offense coverage specifications of the Act. For example, consistently requiring registration for persons convicted of attempted offenses, and of sexual assaults against adult victims other than rape-like offenses, goes beyond the Act's mandatory standards. Such additional coverage may be considered by the reviewing authority in deciding whether the overall offense coverage under a state program ''is comparable to or * * * exceeds'' the Act's offense coverage specifications.

D. Coverage of Offenders

1. *Resident offenders convicted in other states.* In addition to the Act's requirement that states register their own offenders in the pertinent categories, subsection (b)(7) of the Act requires states, as provided in these guidelines, to include in their registration programs residents who were convicted in other states.

To comply with this requirement, states must apply the Act's standards to residents who were convicted in other states of a criminal offense against a victim who is a minor or a sexually violent offense (as defined in the Act). Specifically, states must require such persons to promptly provide current address information to the appropriate authorities when they establish residence in the state, and thereafter must apply to such persons all of the Act's standards relating to treatment of registered offenders following release including reporting of subsequent changes of address, periodic address verification, criminal penalties for registration violations, and release of registration information as necessary for protection of the public. States also should be aware that it is a federal offense for registered offenders to change residence to another state without notifying the new state of residence and the FBI. *See* 42 U.S.C. 14072 (g)(3) and (i).

The durational requirements for registration of offenders convicted in other states are the same as those for in-state offenders—registration for at least 10 years or for life as provided in subsection (b)(6) of the Act. If a portion of the applicable registration period has run while the registrant was residing in another state, a new state of residence may give the registrant credit for that period. For example, if a person required to register for 10 years under the Act's standards has lived for six years following release in the state of conviction, another state to which the registrant moves at that point does not have to require registration for more than the four remaining years.

2. *Juvenile delinquents and offenders.* The Act's registration requirements depend in all circumstances on conviction for certain types of offenses. Hence, states are not required to mandate registration for juveniles who are adjudicated delinquent—as opposed to adults convicted of crimes and juveniles convicted as adults—even if the conduct on which the juvenile delinquency adjudication is based would constitute an offense giving rise to a registration requirement if engaged in by an adult. However, nothing in the Act prohibits states from requiring registration for juvenile delinquents, and the conviction of a juvenile who is prosecuted as an adult does count as a conviction for purposes of the Act's registration requirements.

3. *Tribal offenders.* The Act does not impose any requirements relating to registration of persons convicted of sex offenses in Indian tribal courts. However, a sex offender convicted in an Indian tribal court whose presence is unknown to state authorities or Indian tribal authorities raises the same public safety concerns as an unregistered offender convicted of a similar offense in a state court. States are accordingly encouraged to require registration for sex offenders subject to their jurisdiction who were convicted in Indian tribal courts and to work with tribal authorities to ensure effective registration for such persons.

4. *Protected witnesses.* The Act requires current address registration but does not dictate under what name a person must be required to register. Hence, the Act does not preclude states from taking measures for the security of registrants who have been provided new identities and relocated under the federal witness security program (*see* 18 U.S.C. 3521 *et seq.*) or comparable state programs. A state may provide that the registration system records will identify such a registrant only by his or her new name and that the registration system records will not include the true pre-location address of the registrant or other information from which his or her original identity or participation in a witness security program could be inferred. States are encouraged to make provision in their laws and procedures for the security of such registrants and to honor requests from the United States Marshals Service and other agencies responsible for witness protection to ensure that the identities of these registrants are not compromised.

States should also be aware that 18 U.S.C. 3521(b)(1)(H), enacted by section 115(a)(9) of the CJSA, specifically authorizes the Attorney General to adopt regulations to ''protect the

confidentiality of the identity and location'' of protected witnesses who are subject to registration requirements, ''including prescribing alternative procedures to those otherwise provided by Federal or State law for registration and tracking of such persons.'' The Attorney General's policy, to the maximum extent allowed by security considerations, is to require the registration of all federally protected witnesses who otherwise would be required to register. However, in the Attorney General's discretion, the Attorney General will decide on a case-by-case basis whether these registrations will utilize new identities, modified listings, or other special conditions or procedures that are warranted to avoid inappropriately jeopardizing the safety of the protected witnesses.

II. Registration and Tracking Procedures; Penalties for Registration Violations [September 12, 1997; Possible Two-year Extension]

Paragraphs (1)(A) and (2)(A) of subsection (b) of the Act set out general duties for states in relation to offenders required to register who are released from prison or who are placed on any form of post-conviction supervised release (''parole, supervised release, or probation''). The duties include taking registration information, informing the offender of registration obligations, making the information available at the state level and to local law enforcement, and transmission of conviction data and fingerprints to the FBI. Paragraphs (4)–(5) of subsection (b) of the Act contain requirements that are designed to ensure that registration information will be updated when the registrant changes address and that registrants will continue to be required to register when they move from one state to another during the registration period. Subsection (b)(3)(A) states that ''State procedures shall provide for verification of address at least annually.''

These requirements generally derive from the Wetterling Act as originally enacted. The time for compliance is accordingly that provided in 42 U.S.C. 14071(g)—Sept. 12, 1997, or Sept. 12, 1999, for states that have received a two-year extension based on good faith efforts to achieve compliance. However, one aspect of subsection (b)(1)(A)—a requirement to inform offenders that they must register in states where they work or attend school, in clause (iii)—derives from the CJSA and consequently is subject to a longer deadline for compliance as discussed in part V of these guidelines.

A. Initial Registration Procedures

1. *Taking of registration information and informing offenders of registration obligations.* Subsection (b)(1)(A) provides that ''a State prison officer, the court, or another responsible officer or official'' must carry out specified duties in relation to persons who are required to register. The purpose of this provision is to ensure that offenders are made aware of their registration obligations and to preclude ''honor systems'' in which the initial registration depends on the offender's reporting the information on his own. States have discretion under the Act concerning what types of officials or officers will be made responsible for these initial registration functions.

The specific duties set out in subparagraph (A) of paragraph (1) include: (i) informing the person of the day to register and obtaining the information required for registration (i.e., address information), (ii) informing the person that he must report subsequent changes of address in the manner provided by state law, (iii) informing the person that if he moves to another state, he must report the change of address in the manner provided by state law and comply with any registration requirement in the new state of residence, (iv) obtaining fingerprints and a photograph if they have not already been obtained, and (v) requiring the person to read and sign a form stating that these requirements have been explained.

In addition, the CJSA amended subparagraph (A)(iii) to require that the person be informed that he also must register in states where he works or attends school. States must comply with this new requirement by November 25, 2000 (subject to a possible two-year extension), as explained in part V of these guidelines.

These informational requirements, like other requirements in the Act, only define minimum standards. Hence, states may require more extensive information from offenders. For example, the Act does not require a state to obtain information about a registrant's expected employment when it releases him, but a state may legitimately wish to know if a convicted child molester is seeking or has obtained employment that involves responsibility for the care of children.

As a second example, states are strongly encouraged to collect DNA samples, where permitted under applicable legal standards, to be typed and stored in state DNA databases. States are also urged to participate in the Federal Bureau of Investigation's (FBI's) Combined DNA Index System (CODIS). CODIS is the FBI's program of technical assistance to state and local crime laboratories that allows them to store and match DNA records from convicted offenders and crime scene evidence. The FBI provides CODIS software, in addition to user support and training, free of charge, to state and local crime laboratories for performing forensic DNA analysis. CODIS permits DNA examiners in crime laboratories to exchange forensic DNA data on an intrastate level and will enable states to exchange DNA records among themselves through the national CODIS system. Thus, collection of DNA samples and participation in CODIS greatly enhance a state's capacity to investigate and solve crimes involving biological evidence, especially serial and stranger rapes.

2. *Transmission of registration information.* Paragraph (2)(A) of subsection (b) states, in part, that the registration information must be promptly made available to a law enforcement agency having jurisdiction where the registrant expects to reside and entered into the appropriate state records system. The purpose of this provision is to ensure that registration information will be available both to local law enforcement and at the state level.

States have discretion under the Act concerning the specific mechanisms and procedures for carrying out this requirement. For example, a state may provide that the responsible official or officer is to transmit the registration information concurrently to an appropriate local law enforcement agency and to the agency responsible for maintenance of the information at the state level, or may provide that the information is to be provided in the first instance only to the local agency or to the state agency, which then transmits it to the other. States also have discretion concerning the form of notification or transmission. For example, in meeting the requirement to make the information available to a law enforcement agency where the registration will reside, permissible options include written notice, electronic transmission of registration information, and provision of on-line access to registration information.

While the Act generally leaves states discretion concerning specific procedures for taking and transmitting registration information, it does require that the information be ''promptly'' made available to the appropriate recipient agencies (both state and local). This requirement precludes procedures under which lengthy delays are allowed

in the transmission or forwarding of the information. For example, in relation to registrants released from prison, state procedures must ensure: (1) that the registration information taken from the offender will be transmitted prior to release or within a short time (e.g., five days) thereafter, and (2) that there is no long delay in any subsequent forwarding of the information required for compliance with the Act, such as provision of the information to an appropriate local law enforcement agency by a state agency if only the state agency receives the information in the first instance.

The Act leaves states discretion in determining which state record system is appropriate for storing registration information, and which agency will be responsible at the state level for the maintenance of this information. As discussed in Part VI of these guidelines, however, states will be required effective November 25, 2000, to participate in the National Sex Offender Registry (NSOR), which is administered by the FBI. States can ensure that they will be able to freely exchange registration information with the FBI's records systems and comply with the requirement of participation in NSOR by making a ''criminal justice agency'' as defined in 28 CFR 20.3(c) responsible for the registration information at the state level. This continues to leave states with broad discretion concerning the designation of responsibility for the state registry, since ''criminal justice agency'' is defined broadly in the rule and generally includes, *inter alia*, law enforcement agencies, correctional and offender supervision agencies, and agencies responsible for criminal identification activities or criminal history records.

In addition to requiring procedures that ensure the prompt availability of the initial registration information both to local law enforcement and at the state level, paragraph (2)(A) of subsection (b) requires the prompt transmission of conviction data and fingerprints of registrants to the FBI. This should not be understood as requiring duplicative transmission of conviction data and fingerprints to the FBI at the time of initial registration if the state already has sent this information to the FBI (e.g., at the time of conviction).

3. *Fingerprinting.* The final subsection of the Wetterling Act—which should be designated as subsection (h) but is designated as a second subsection (g) because of a technical drafting error in section 115(a)(3) of the CJSA—relates to a requirement under the Pam Lychner Act that certain offenders register directly with the FBI. In conjunction with other provisions of the Pam Lychner Act, it requires that fingerprints be obtained from such offenders by the FBI or by a local law enforcement official pursuant to regulations issued by the Attorney General. However, section 115(a)(7) of the CJSA deferred the effective date for direct FBI registration of certain offenders and issuance of related regulations. Hence, the final subsection of the Wetterling Act does not impose any requirements on the states at the present time.

B. Change of Address Procedures

1. *Intrastate moves.* Subsection (b)(4) provides that registrants are to report changes of address in the manner provided by state law. It further provides that state procedures must ensure that the updated address information is promptly made available to a law enforcement agency having jurisdiction where the person will reside and is entered into the appropriate state records or data system.

The purpose of this provision is to ensure that current address information will continue to be available both to local law enforcement and at the state level. To comply with this part of the Act, states must require registrants to report changes of address within the state in a manner that ensures that information concerning the new address will promptly be made available to local law enforcement in the new place of residence and at the state level. Thus, states must require registrants to report changes of address prior to moving, or by some short time (e.g., 10 days) after moving.

States have discretion under the Act concerning specific mechanisms and procedures for reporting the updated address information and ensuring that it reaches the appropriate recipients. For example, many states require the registrant to notify local law enforcement agencies (e.g., local sheriffs' offices) in the place he is leaving and the place to which he is going and then require one of these local agencies to notify the agency responsible for maintenance of registration information at the state level. Alternatively, a state may require the registrant to directly notify a central registration agency at the state level, which then makes the information available to an appropriate local law enforcement agency. Another possibility is to require the registrant to report the change of address to a third party, such as a probation officer responsible for his supervision, who then is responsible for notifying a law enforcement agency in the new place of residence and the state registration agency.

The choice among these alternatives or the election of other alternatives beyond those described is a matter of state discretion. States will be in compliance as long as the procedures adopted ensure the prompt availability of the updated address information to law enforcement in the relevant local jurisdiction and at the state level.

2. *Interstate moves.* Subsection (b)(5) states that a registrant who moves to another state must report the change of address to the responsible agency in the state he is leaving and must comply with any registration requirement in the new state of residence. It further provides that the procedures of the state the registrant is leaving must ensure that notice is provided promptly to any agency responsible for registration in the new state of residence, if that state requires registration.

The purpose of this provision is to ensure a gap-free nationwide network of state registration programs that reliably tracks all offenders throughout the applicable period of registration and ensures that offenders cannot evade registration obligations by moving from one state to another. Hence, a state's procedures must require the registrant to report his departure to a responsible agency in the state, and must provide for prompt notice of the registrant's move by an agency in the state to the responsible registration authority in the new state of residence. An ''honor system'' approach, under which it is left to the registrant to notify the registration authority in the new state of residence on his own, does not satisfy the Act's requirements.

As discussed in part I.D.1 of these guidelines, the Wetterling Act's registration requirements ''follow the registrant'' if he moves to another state, and any state in which he establishes residence must include him in its registration program if registration is still required under the Wetterling Act's standards. This includes requiring the registrant to continue to register for at least the remainder of the Act's minimum ten-year registration period and to register for life if he is in a lifetime registration category under subsection (b)(6)(B) of the Act. Hence, the state a registrant is leaving is strongly encouraged to provide as part of its notice to the new state of residence sufficiently detailed information concerning the registrant's offenses and status to enable the new state to register him without difficulty in the appropriate category and for the appropriate amount of time.

In some instances, an offender convicted in a state may never be registered in that state as a resident,

because the offender goes to live in another state immediately upon release from imprisonment or sentencing to probation. The requirement under subsection (b)(5) that the state of conviction promptly notify a responsible registration agency in the state where the offender will reside remains applicable in such situations. In addition, a number of the Act's requirements under subsection (b)(1)–(2) remain relevant and applicable in relation to such an offender. These include: taking information concerning the offender's expected place of residence; informing the offender of the obligation to comply with any registration requirement in the state where he will reside and also to register in a state where he works or attends school; obtaining fingerprints and a photograph, if they have not already been obtained; obtaining a signed acknowledgment; and ensuring that conviction data and fingerprints are promptly transmitted to the FBI.

C. Periodic Address Verification

Subsection (b)(3)(A) requires that state procedures provide for the verification of registrants' addresses at least annually. The purpose of the requirement of periodic address verification is to ensure that the authorities will become aware if a registrant has moved away from the registered address and has failed to report the change of address. Such procedures are obviously important for effective tracking of sex offenders and enforcement of registration requirements.

As a result of change made by the CJSA amendments, the particular approach to address verification is a matter of state discretion under the Act. For example, some states verify addresses by having the responsible state or local agency annually send to the registered address a non-forwardable address verification form, which the registrant is required to sign and return with 10 days or some other limited period. This is one means by which states may comply with the verification requirement under subsection (b)(3)(A). The legislative history of the CJSA amendments to the Act noted other possible approaches: ''A review of State sex offender registry laws indicates that some States require registrants to appear in person periodically at local law enforcement agencies to verify their address (and for such purposes as photographing and fingerprinting). Some States assign caseworkers to verify periodically that registrants still reside at the registered address. These * * * procedures effectively verify registrants' location, and impress on registrants that they are under observation by the authorities, in addition to making law enforcement agencies aware of the presence and identity of registered sex offenders in their neighborhoods.'' H.R. Rep. No. 256, 105th Cong., 1st Sess. 17 (1997).

D. Penalties for Registration Violations

Subsection (d) provides that a person required to register under a state program established pursuant to the Act who knowingly fails to register and keep such registration current shall be subject to criminal penalties. Accordingly, states that wish to comply with the Act must have criminal provisions covering this situation.

The requirement of criminal penalties for registration violations under the Act applies both to a state's own offenders who are required to register and to persons convicted in other states who are required to register because they have moved into the state to reside.

The Act neither requires states to allow a defense for offenders who were unaware of their legal registration obligations nor precludes states from doing so. As a practical matter, states can ensure that offenders are aware of their obligations through consistent compliance with the Act's provisions for advising offenders of registration requirements at the time of release and obtaining a signed acknowledgment that this information has been provided.

As discussed in part V of these guidelines, the Act as amended by the CJSA includes provisions that are designed to promote the registration of federal and military offenders and of non-resident workers and students. The CJSA amendments did not apply the Act's mandatory requirement of criminal penalties under state law for registration violations to federal and military offenders who reside in the state or to non-resident workers and students. However, Congress recognized the desirability of fully incorporating such offenders into state registration programs by statute, *see* H.R. Rep. No. 256, 105th Cong., 1st Sess. 18 (1997), and the availability of substantial sanctions for registration violations by all types of sex offenders is important to realize the Act's objective of a comprehensive, nationwide sex offender registration system. Hence, states are strongly encouraged to provide criminal penalties for registration violations by all offenders within the scope of the Act, regardless of whether the registrant is present in the state as a resident, worker, or student, and regardless of whether registration is premised on a conviction under the law of a state or under federal or military law.

III. Release of Registration Information [September 12, 1997; Possible Two-Year Extension]

Subsection (e) of the Act governs the disclosure of information collected under state registration programs.

This part of the Act derives from the federal Megan's Law amendment to the Wetterling Act (Pub. L. No. 104–145, 110 Stat. 1345), which is subject to the same deadline for compliance as the original provisions of the Act under 42 U.S.C. 14071(g). Hence, the deadline for compliance is Sept. 12, 1997, or Sept. 12, 1999, for states that have received a two-year extension based on good faith efforts to achieve compliance.

Paragraph (1) of subsection (e) provides that information collected under a state registration program may be disclosed for any purpose permitted under the laws of the state. Hence, there is no requirements under the Act that registration information be treated as private or confidential to any greater extent than the state may wish.

Paragraph (2) of subsection (e) provides that the state or any agency authorized by the state shall release relevant information as necessary to protect the public. To comply with this requirement, a state must establish a conforming information release program that applies to offenders required to register on the basis of convictions occurring after the establishment of the program. States do not have to apply new information release standards to offenders whose convictions predate the establishment of a conforming program, but the Act does not preclude states from applying such standards retroactively to offenders convicted earlier if they so wish.

The principal objective of the information release requirement in paragraph (2) of subsection (e) is to ensure that registration programs will include means for members of the public to obtain information concerning registered offenders that is necessary for the protection of themselves or their families. Hence, a state cannot comply with the Act by releasing registration information only to law enforcement agencies, to other governmental or non-governmental agencies or organizations, to prospective employers, or to the victims of registrants' offenses. States also cannot comply by having purely permissive or discretionary authority for officials to release registration information. Information must be released to members of the public as necessary to protect the public from registered offenders. This disclosure

requirement applies both in relation to offenders required to register because of conviction for ''a criminal offense against a victim who is a minor'' and those required to register because of conviction for a ''sexually violent offense.''

States do, however, retain discretion to make judgments concerning the circumstances in which, and the extent to which, the disclosure of registration information to the public is necessary for public safety purposes and to specify standards and procedures for making these determinations. Several different approaches to this issue appear in existing state laws.

One type of approach, which is consistent with the requirements of the Act, involves particularized risk assessments of registered offenders, with differing degrees of information release based on the degree of risk. For example, some states classify registered offenders in this manner into risk levels, with registration information limited to law enforcement uses for offenders in the ''low-risk'' level; notice to organizations with a particular safety interest (such as schools and other child care entities) for ''medium risk'' offenders; and notice to neighbors for ''high risk'' offenders.

States also are free under the Act to make judgments concerning the degree of danger posed by different types of offenders and to provide information disclosure for all offenders (or only offenders) with certain characteristics or in certain offense categories. For example, states may decide to focus particularly on child molesters, in light of the vulnerability of the potential victim class, and on recidivists, in light of the threat posed by offenders who persistently commit sexual offenses.

Another approach by which states can comply with the Act is to make information accessible to members of the public on request. This may be done, for example, by making registration lists open for inspection by the public, or by establishing procedures to provide information concerning the registration status of identified individuals in response to requests by members of the public. As with proactive notification systems, states that have information-on-request systems may make judgments about which registered offenders or classes of registered offenders should be covered and what information will be disclosed concerning these offenders.

States are encouraged to involve victims and victim advocates in the development of their information release programs, and in the process for particularized risk assessments of registrants if the state program involves such assessments.

A proviso at the end of paragraph (2) of subsection (e) states that the identify of the victim of an offense that requires registration under the Act shall not be released. This proviso safeguards victim privacy by prohibiting disclosure of victim identity to the general public in the context of information release programs for registered offenders. It does not bar the dissemination of victim identity information for law enforcement or other governmental purposes (as opposed to disclosure to the public) and does not require that a state limit maintenance of or access to victim identity information in public records (such as police and court records) that exist independently of the registration system. Because the purpose of the proviso is to protect the privacy of victims, its restriction may be waived at the victim's option.

So long as the victim is not identified, the proviso in paragraph (2) does not bar including information concerning the characteristics of the victim and the nature and circumstances of the offense in information release programs for registered offenders. For example, states are not barred by the proviso from releasing such information as victim age and gender, a description of the offender's conduct, and the geographic area where the offense occurred. However, states are encouraged to avoid unnecessarily including information that may inadvertently result in the victim's identity becoming known, such as identifying a specific familial relationship between the offender and a victim who still lives in the area.

Concerns have been raised that the disclosure of registration information to the public under ''community notification'' programs may result in criminal acts or other reprisals against registrants. While currently available information does not indicate that this has been a significant problem under state programs, states are encouraged to consider including measures in their programs in minimize any possibility of misuse of the information released under the program. For example, some states include in their informational notices statements that the information is provided only for legitimate protective purposes, and that criminal acts against registrants will result in prosecution. As a further example, some states provide special training for officers responsible for community notification and/or hold community meetings in connection with the provision of notice of the community concerning a registrant's presence.

IV. Special Registration Requirements Under the Pam Lychner Act for Recidivists and Aggravated Offenders [October 2, 1999; Possible Two-Year Extension]

Subsection (b)(6)(B)(i)–(ii) of the Act requires lifetime registration for persons in two categories: (1) registrants who have a prior conviction for an offense for which registration is required by the Act, and (2) registrants who have been convicted of an ''aggravated offense.''

This requirement derives from an amendment to the Wetterling Act enacted by the Pam Lychner Act. The time for compliance is accordingly that provided in section 10(b) of the Pam Lychner Act—Oct 2, 1999, subject to a possible two-year extension for states making good faith efforts to come into compliance.

Subsection (b)(6)(B)(i) requires lifetime registration for certain recidivists. States can comply with this provision by requiring offenders to register for life where the following conditions are satisfied: (1) the current offense is one for which registrations is required by the Act—i.e., an offense in the range of offenses specified in subsection (a)(3)(A)-(B) or a comparable range of offenses, and (2) the offender has a prior conviction for an offense for which registration is required by the Act. There is no time limit under the Act on qualifying prior convictions. In determining whether a person has a qualifying prior conviction, states may rely on the methods they normally use in searching criminal records.

Subsection (b)(6)(B)(ii) requires lifetime registration for persons convicted of an ''aggravated offense,'' even on a first conviction. ''Aggravated offense'' refers to state offenses comparable to aggravated sexual abuse as defined in federal law (18 U.S.C. 2241), which principally encompasses: (1) engaging in sexual acts involving penetration with victims of any age through the use of force or the threat of serious violence, and (2) engaging in sexual acts involving penetration with victims below the age of 12. Hence, states can comply with this provision by requiring lifetime registration for person convicted of the state offenses which cover such conduct.

A state is not in compliance with subsection (b)(6)(B) (i) or (ii) if it has a procedure or authorization for terminating the registration of convicted offenders within the scope of these provisions at any point in their lifetimes. However, if the underlying conviction is reversed, vacated, or set aside, or if the registrant is pardoned, registration (or continued registration) is

not required under the Act. Likewise, if the applicability of the lifetime registration requirement is premised on a prior conviction pursuant to subsection (b)(6)(B)(i), it becomes inapplicable if the prior conviction is reversed, vacated, or set aside, or if the registrant is pardoned for the prior conviction offense.

The proviso in subsection (b)(6) that registration need not be required ''during ensuing periods of incarceration'' applies to registrants subject to lifetime registration. Hence, states are not required to carry out address registration and verification procedures for such registrants during subsequent periods in which the registrant is imprisoned or civilly committed. To comply with the Act, a state that does waive registration for such registrants during subsequent criminal or civil confinement must require that registration resume when the registrant is released.

As with the other requirements of the Act, a state may impose the lifetime registration requirement for recidivist and aggravated offenders prospectively, so that it applies only to offenders required to register on the basis of convictions occurring after the state has adopted the requirement. Hence, it is sufficient for compliance with the Act if lifetime registration is imposed on: (1) all offenders convicted of an aggravated offense after the lifetime registration requirement is adopted; and (2) all recidivist convicted of an offense for which registration is required under the Act after the lifetime registration requirement is adopted (regardless of when the prior qualifying conviction occurred). Of course, states remain free to apply the lifetime registration requirement retroactively to offenders convicted prior to its adoption if they so wish.

V. Special Registration Requirements Under the CJSA Amendments Relating to Sexually Violent Predators, Federal and Military Offenders, and Non-resident Workers and Students [November 25, 2000; Possible Two-Year Extension]

Subsections (a)(2), (3)(C)–(E), (b)(1)(B), (b)(3)(B), and (b)(6)(B)(iii) of the Act prescribe heightened registration requirements for persons who are determined to be ''sexually violent predators'' under specified procedures. These provisions also, however, allow the approval of alternative procedures and of alternative measures of comparable or greater effectiveness in protecting the public.

Subsection (b)(7) of the Act requires states, as provided in these guidelines, to ensure that procedures are in place to accept registration information from: (1) residents convicted of a federal offense or sentenced by a court martial, and (2) nonresident offenders who have crossed into another state in order to work or attend school.

Because these requirements, in their current form, derive from the CJSA, the time for compliance is that provided in section 115(c)(2) of the CJSA—Nov. 25, 2000, subject to a possible two-year extension for states making good faith efforts to come into compliance.

A. Heightened Sexually Violent Predator Registration or Alternative Measures

1. *Heightened sexually violent predator registration.* Subparagraphs (B)–(E) of subsection (a)(3) contain the Act's definition of ''sexually violent predator'' and related definitions. Subparagraph (C) defines ''sexually violent predator'' to mean a person who has been convicted of a sexually violent offense and who suffers from a mental abnormality or personality disorder that makes the person likely to engage in predatory sexually violent offenses. Subparagraph (D) essentially defines ''mental abnormality'' to mean a condition involving a disposition to commit criminal sexual acts of such a degree that it makes the person a menace to others. The definition of ''personality disorder'' is a matter of state discretion since the Act includes no specification on this point. For example, a state may choose to utilize the definition of ''personality disorder'' that appears in the Diagnostic and Statistical Manual of Medical Disorders: DSM–IV. American Psychiatric Association, *Diagnostic and Statistical Manual of Medical Disorders* (4th ed. 1994). Subparagraph (E) defines ''predatory'' to mean an act directed at a stranger or at a person with whom a relationship has been established or promoted for the primary purpose of victimization.

A state that wishes to comply with the Act's provisions concerning sexually violent predator registration must adopt some approach to deciding when a determination will be sought as to whether a particular offender is a sexually violent predator. However, the specifics are a matter of state discretion. For example, a state might commit the decision whether to seek classification of an offender as a sexually violent predator to the judgment of prosecutors, or might provide that a determination of this question should be undertaken routinely when a person is convicted of a sexually violent offense and has a prior history of committing such crimes. Similarly, the Act affords states discretion with regard to the timing of the determination whether an offender is a ''sexually violent predator.'' A state may, but need not, provide that a determination on this issue be made at the time of sentencing or as a part of the original sentence. It could, for example, be made instead when the offender has served a term of imprisonment and is about to be released from custody.

Subparagraphs (A) and (B) of subsection (a)(2) govern the procedures for making the sexually violent predator determination. Subparagraph (A) states that the determination is to be made by a court after considering the recommendation of a board composed of experts in the behavior and treatment of sex offenders, victims' rights advocates, and representatives of law enforcement agencies. However, subparagraph (B) allows the Attorney General to waive these requirements where a state has established alternative procedures or legal standards for designating a person as a sexually violent predator.

The waiver authority under subparagraph (B), which was added by the CJSA amendments, recognizes that a judicial determination informed by the recommendations of a board of mixed composition is not the only approach states may validly adopt to secure appropriate input and make fair determinations. For example, at a sentencing proceeding or other hearing to determine sexually violent predator status, a state might provide for input concerning psychological assessment through expert testimony; input from the law enforcement perspective through the prosecutor's presentation; and input from the perspective of victims through allocution or testimony by the victim(s) of the underlying sexually violent offense or offenses. Moreover, judicial determinations concerning sexually violent predator status are not the only legitimate approach since, for example, a state may decide to assign responsibility for such determinations to a parole board or other administrative agency with adjudicatory functions. Because there are many valid approaches that states may devise, the particular approach taken to determine whether an offender is a sexually violent predator as defined in the Act will be treated as a matter of state discretion under the Act.

For registrants who have been determined to be ''sexually violent predators'' under the Act's definitions, the Act prescribes three special registration requirements:

First, subsection (b)(1)(B) provides that the initial registration information obtained from a sexually violent

predator must include ''the name of the person, identifying factors, anticipated future residence, offense history, and documentation of any treatment received for the mental abnormality or personality disorder of the person.'' In determining whether offenders have received treatment, the officers responsible for obtaining the initial registration information may rely on information that is readily available to them, either from existing records or the offender, and may comply with the requirement to document an offender's treatment history simply by noting that the offender received treatment. If states want to require the inclusion of more detailed information about offenders' treatment history, however, they are free to do so.

Second, subsection (b)(3)(B) requires quarterly address verification for sexually violent predators, as opposed to the annual address verification required for registrants generally under subsection (b)(3)(A). Part II.C of these guidelines provides a general explanation of the Act's address verification requirement.

Third, subsection (b)(6)(B)(iii) requires lifetime registration for sexually violent predators. This requirement is unqualified. While language in subsection (a)(1)(B) of the Act alludes to possible termination of sexually violent predator status under subsection (b)(6)(B), this is a relic of earlier versions of the Act that has no referent in the Act's current text following the Pam Lychner Act and CJSA amendments.

Hence, for example, a state is not in compliance with the Act's requirements if it allows registration to be terminated for a person who has been found to be a sexually violent predator on the basis of a later determination that the person is no longer a sexually violent predator or has been rehabilitated. However, if the underlying conviction for a sexually violent offense is reversed, vacated, or set aside, or if the registrant is pardoned for that offense, registration (or continued registration) as a sexually violent predator is not required under the Act. Moreover, the proviso in subsection (b)(6) that registration need not be required ''during ensuing periods of incarceration'' applies to sexually violent predators. Hence, states are not required to carry out address registration and verification procedures when a sexually violent predator is subsequently imprisoned or civilly committed. To comply with the Act, a state that does waive registration for sexually violent predators during subsequent criminal or civil confinement must require that registration resume when the registrant is released.

2. *Alternative measures of comparable or greater effectiveness.* Subparagraph (C) of subsection (a)(2) authorizes the Attorney General to approve ''alternative measures of comparable or greater effectiveness in protecting the public from unusually dangerous or recidivistic sexual offenders in lieu of the specific measures set forth in this section regarding sexually violent predators.'' A state that wishes to have ''alternative measures'' approved under subparagraph (C) must make a request for such approval to the reviewing authority.

The authorization to approve alternative measures under subparagraph (C) was added by the CJSA, reflecting Congress's recognition that few states followed the Act's specific provisions concerning sexually violent predators; that it would be difficult for many states to do so; and that states can ''incorporate other features into their systems which further the objective of protecting the public from particularly dangerous sex offenders.'' H.R. Rep. No. 256, 105th Cong., 1st Sess. 15 (1997).

The legislative history of the CJSA identified a number of factors that would be pertinent to a determination whether a state has adopted alternative measures of comparable or greater effectiveness:

For example, some State programs have registration periods for broadly defined categories of sex offenders which are much longer than the basic 10-year registration period under the Wetterling Act. This may provide more protection for the public than heightened registration requirements limited to a relatively small class of offenders who would be classified as sexually violent predators * * *. Moreover, some States require civil commitment, lifetime supervision, or very long periods of imprisonment for sexually violent predators or broader classes of serious sex offenders. [Subsection (a)(2)] makes it clear that alternative approaches like these can be approved if a State's approach is equally effective or more effective in protecting the public from particularly dangerous sex offenders. H.R. Rep. No. 256, 105th Cong., 1st Sess. 15 (1997).

Hence, for example, the reviewing authority will approve a state system as providing alternative measures ''of comparable or greater effectiveness'' if the state applies the principal heightened registration requirements under the Act's sexually violent predator provisions—i.e., lifetime registration and quarterly address verification—to a class of offenders that is generally broader than ''sexually violent predators.'' Since ''sexually violent predators'' are, by definition, a subclass of persons convicted of a ''sexually violent offense,'' a state has obviously adopted an alternative measure of comparable or greater effectiveness if it requires lifetime registration and quarterly address verification uniformly for persons in the broader class of those convicted of a ''sexually violent offense''.

For states that follow other approaches, the determination whether ''alternative measures of comparable or greater effectiveness'' have been adopted will be made on a case-by-case basis.

B. Federal and Military Offenders; Non-resident Workers and Students

Subsection (b)(7) of the Act requires states, as provided in these guidelines, to ensure that procedures are in place to accept registration information from: (1) residents convicted of federal offenses or sentenced by courts martial, and (2) nonresident offenders who cross into other states in order to work or attend school.

This requirement was added to close two gaps in the Wetterling Act standards for registration programs. First, Congress was concerned about the lack of any provision for registration of persons convicted of federal sex offenses—such as those defined in chapters 109A, 110, and 117 of title 18, United States Code—and the lack of any provision for registration of persons convicted of sexual offenses under the Uniform Code of Military Justice while in the armed forces. Second, Congress was concerned about the commission of offenses by registered offenders at or near their places of work or study, where the local authorities are unaware of the offenders' presence in those areas because they reside in a different state. The new provisions relating to registration of federal and military offenders, and non-resident workers and students, were added to address these concerns.

1. *Federal and military offenders.* In relation to federal and military offenders, states can comply with the new requirement under subsection (b)(7) by accepting in their registration programs address information from such offenders who reside in the state, where the federal conviction or court martial sentence was for a criminal offense against a victim who is a minor or a sexually violent offense (as defined in the Act).

Congress did not otherwise make the Act's mandatory standards for state registration programs applicable to federal and military offenders. Congress, however, did note that ''it would be preferable that States fully incorporate federal offenders [and] persons sentenced by courts martial * * * into their registration and notification programs by statute.'' H.R. Rep. No. 256, 105th Cong., 1st Sess. 18 (1997). As a practical matter, the presence in a state of a sex offender whose whereabouts are unknown to the authorities poses the same potential danger to the public, regardless of whether the offender was convicted in a state court for a state offense or for a comparable offense under federal or military law.

Hence, as a matter of sound policy, states are strongly encouraged to subject federal and military offenders to the full panoply of registration requirements and procedures established for state offenders, including reporting of subsequent changes of address following the initial registration, periodic address verification, criminal penalties for registration violations, and release of registration information as necessary for protection of the public. Some states currently put sex offenders convicted in federal or military courts on the same footing as state offenders under their registration programs; all states are encouraged to adopt this approach.

States should be aware that the CJSA enacted provisions that impose complementary obligations on federal authorities to facilitate state registration of federal and military offenders. Specifically, provisions in section 115(a)(8) of the CJSA require federal and military authorities to notify state and local law enforcement and registration agencies concerning the release or subsequent movement to their areas of federal and military sex offenders. In addition, under amendments in section 115(a)(8) of the CJSA, federal sex offenders are required to register in states where they reside, work, or attend school as mandatory conditions of probation, parole, and post-imprisonment supervised release. State and local officers accordingly are encouraged to notify federal authorities of any failure by such offenders to register, so that appropriate action can be taken with respect to their federal release status. States also should be aware that section 115 of the CJSA amended the federal failure-to-register offense (42 U.S.C. 14072(i)) in order to bring within its scope federal and military sex offenders who fail to register.

2. *Non-resident workers and students.* Subsection (b)(7)(B) of the Act requires states to accept registration information from non-residents who have come into the state to work or attend school. Related provisions appear in subsections (a)(3)(F)–(G) and (c). As specified in these provisions, the workers from whom registration information must be accepted include those who have any sort of full-time or part-time employment in the state, with or without compensation, for more than 14 days, or for an aggregate period exceeding 30 days in a calendar year. The students from whom registration information must be accepted include those who are enrolled in any type of school in the state on a full-time or part-time basis.

The Act's provisions regarding non-resident workers and students sometimes refer to persons who cross into another state ''in order to work or attend school'' and sometimes refer to persons who are or may be in another state where the person ''is employed,'' ''carries on a vocation,'' or ''is a student.'' These are merely terminological variations; the Act's various references to non-resident workers and students all refer to the same classes of persons, as defined above.

States can comply with the Act's requirement to accept registration information from non-resident workers and students by accepting registration information from such persons, where the person would be required to register in his state of residence under the Act's standards. The ''registration information'' the state must accept from such a registrant to comply with the Act is, at a minimum, information concerning the registrant's place of employment or the school attended in the state and his address in his state of residence. States are free to accept or require more extensive information if they wish, such as information concerning any place of lodging the registrant may have in the state for purposes of work or school attendance.

Congress did not otherwise make the Act's mandatory standards for state registration programs applicable to non-resident workers and students, but did note that ''it would be preferable that States fully incorporate * * * offenders crossing State borders to work or go to school * * * into their registration and notification programs by statute.'' H.R. Rep. No. 256, 105th Cong., 1st Sess. 18 (1997). States are encouraged to include measures in their registration systems that will ensure effective registration of non-resident workers and students, including provision of criminal penalties under state law for such offenders who fail to register and release of registration information concerning such offenders as necessary for public safety. States also should be aware that section 115 of the CJSA amended the federal failure-to-register offense (42 U.S.C. 14072(i)) in order to bring within its scope non-resident workers and students who fail to register.

In addition to requiring states to accept registration information from non-resident workers and students, the CJSA amendments added, as part of subsection (b)(1)(A)(iii), a requirement to inform a registrant in the initial registration process that he must register in a state where he is employed, carries on a vocation, or is a student. As discussed in Part II.A of these guidelines, subsection (b)(1)(A) of the Act has always required that offenders be informed of the general duty to register, of the duty to report subsequent changes of address, and of the duty to register in any state of residence. States can readily supplement their procedures for informing offenders of registration obligations to include the information that the offender also must register in any state where he is employed, carries on a vocation, or is a student.

VI. Participation in the National Sex Offender Registry [November 25, 2000; Possible Two-Year Extension]

Subsequent (b)(2)(B) of the Act requires states to ''participate in the national database established under section 14072(b)''—i.e., the National Sex Offender Registry (NSOR)—''in accordance with guidelines issued by the Attorney General, including transmission of current address information and other information on registrants to the extent provided by the guidelines.''

This requirement derives from the amendment of the Wetterling Act by section 115(a)(2)(B) of CJSA. The time for compliance is accordingly that provided in section 115(c)(2) of CJSA—Nov. 25, 2000, subject to a possible two-year extension for states making good faith efforts to come into compliance. At the present time, many states are already participating in NSOR, and the remainder are strongly encouraged to do so as promptly as possible.

States should be aware that participation in NSOR is a condition for determining that a state has a ''minimally sufficient'' sex offender registration program as defined in 42 U.S.C. 14072(a)(3). Pursuant to section 115(a)(7) of the CJSA, states have until October 2, 1999, to establish ''minimally sufficient'' programs (subject to a possible two-year extension for states

making good faith efforts). In states that have not established ''minimally sufficient'' programs by that time, the FBI will be required to directly register sex offenders convicted in the state, and there will be correlative responsibilities on such states to facilitate FBI registration of their sex offenders as provided in 42 U.S.C. 14072 (h)(1) and (k). Hence, the failure of a state to participate in NSOR by October 2, 1999, may result in otherwise avoidable federal intervention in sex offender registration in the state.

States should also be aware that under the National Sex Offender Registry Assistance Program (NSOR–AP), funding is available from the Bureau of Justice Statistics of the United States Department of Justice to facilitate state participation in NSOR and upgrade state sex offender registries. States desiring additional information concerning this funding program should contact the Bureau of Justice Statistics.

In accordance with 42 U.S.C. 14072(b), the FBI has established an interim version of NSOR (the ''Interim Registry'') to track the whereabouts and movement of persons required to register under sex offender registration programs. The Interim Registry functions as a ''pointer'' system, indicating on an individual's FBI Identification Record the fact that the individual is a registered sex offender and the name and location of the state agency that maintains the offender's registration information.

The FBI will be issuing regulations concerning state participation in NSOR. To participate in NSOR under current procedures, states must submit the following information on registrants to the FBI: the name under which the person is registered; the registering agency's name and location; the date of registration; and the date registration expires. Upon the submission of this information, a notice indicating that an individual is a registered sex offender and listing the information will be included on the individual's FBI Identification Record.

The FBI is in the process of modifying the National Crime Information Center (NCIC) to establish a new crime information system that will be known as ''NCIC 2000.'' NCIC 2000, which is expected to go on-line in mid-1999, will include a Convicted Sexual Offender Registry File that will serve as the permanent National Sex Offender Registry (the ''Permanent Registry''). In the Permanent Registry, sex offender registration information will be entered directly into the NCIC Convicted Sexual Offender Registry File, via the NCIC communication circuit, and will include such information as the offender's name and address and details regarding the conviction resulting in registration. States will receive further guidance concerning participation in the Permanent Registry through future modifications of regulations and guidelines.

VII. Good Faith Immunity [Available to States Immediately]

Subsection (f) states that law enforcement agencies, employees of law enforcement agencies, independent contractors acting at the direction of such agencies, and state officials shall be immune from liability for good faith conduct under the Act. Inclusion of this provision in the Act was necessary to protect state actors and contractors involved in registration and notification programs from unwarranted exposure to liability, since the states cannot legislate immunities to liability under federal causes of action. This part of the Act does not impose any requirement on states and the character of state law provisions regarding the scope of immunity or liability will not be considered in the compliance review under the Act.

VIII. Compliance Review; Consequences of Non-Compliance

The time states have to comply with the Act's requirements depends on the legislation from which the requirements derive, as specified in these guidelines. Thus, the initial deadline for complying with requirements derived from the Wetterling Act as originally enacted or from Megan's Law was September 12, 1997, and the deadline is now September 12, 1999, for states that have received a two-year extension based on good faith efforts to achieve compliance. Requirements deriving from the Pam Lychner Act must be complied with by October 2, 1999, subject to a possible two-year extension for states making good faith efforts to comply. Requirements deriving from the CJSA must be complied with by November 25, 2000, subject to a possible two-year extension for states making good faith efforts to comply.

These deadlines set outer limits for state compliance to avoid a reduction of Byrne Formula Grant funding. States are strongly encouraged to attempt to achieve compliance with all parts of the Act as quickly as possible to maximize the benefits of the Act's reforms.

States that fail to come into compliance within the specified time periods will be subject to a mandatory 10% reduction of Byrne Formula Grant funding, and any funds that are not allocated to noncomplying states will be reallocated to states that are in compliance. If a state's funding has been reduced because it has failed to comply with the Act's requirements by an applicable deadline, the state may regain eligibility for full funding in later program years by establishing compliance with all applicable requirements of the Act in such later years.

States are encouraged to submit information concerning existing and proposed sex offender registration provisions to the Bureau of Justice Assistance with as much lead-time as possible. This will enable the reviewing authority to assess the status of state compliance with the Act and to suggest any necessary changes to achieve compliance before the funding reduction goes into effect. At the latest, state submissions must be provided on the following timetable:

To maintain eligibility for full Byrne Formula Grant funding following September 12, 1999—the end of the implementation period for the Act's original requirements and Megan's Law, for states that have received the two-year ''good faith'' extension—such states must submit to the Bureau of Justice Assistance by July 12, 1999, information that shows compliance, in the reviewing authority's judgment, with the requirements described in parts I, II, and III of these guidelines.

To maintain eligibility for full Byrne Formula Grant funding following October 2, 1999—the end of the implementation period for the Pam Lychner Act requirements, absent an extension—states must submit to the Bureau of Justice Assistance by July 12, 1999, information that shows compliance, in the reviewing authority's judgment, with the requirements described in part IV of these guidelines, or a written explanation of why compliance cannot be achieved within that period and a description of the good faith efforts that justify an extension of time (but not more than two years) for achieving compliance.

To maintain eligibility for full Byrne Grant funding following November 25, 2000—the end of the implementation period for the CJSA requirements, absent an extension—states must submit to the Bureau of Justice Assistance by September 25, 2000, information that shows compliance, in the reviewing authority's judgment, with the requirements described in parts V and VI of these guidelines, or a written explanation of why compliance cannot be achieved within that period and a description of the good faith efforts that justify an extension of time (but not

more than two years) for achieving compliance.

After the reviewing authority has determined that a state is in compliance with the Act,the state will be required as part of the Byrne Formula Grant application process in subsequent program years to certify that the state remains in compliance with the Act.

Dated: December 10, 1998.

Janet Reno,

Attorney General.

[FR Doc. 98–33377 Filed 12–16–98; 8:45 am]

BILLING CODE 4410–BB–M

DEPARTMENT OF JUSTICE

Antitrust Division

United States v. General Electric Company; Response to Public Comments

Notice is hereby given pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. § 16(b) through (h), that a Public Comment and the Response of the United States have been filed with the United States District Court for the District of Montana, Missoula Division, in *United States* v. *General Electric Company,* Civil Action No. 96–121–M–CCL. Copies of the Complaint, proposed Final Judgment, Competitive Impact Statement, Public Comment, and the Response of the United States are available for inspection at the Department of Justice in Washington, D.C., in Room 215, 325 Seventh Street, N.W., and the Office of the Clerk of the United States District Court for the District of Montana, 301 South Park, Room 542, Helena, Montana 59626.

The Complaint in this case, filed in August 1996, alleged that General Electric had entered into agreements that violated Sections 1 and 2 of the Sherman Act, 15 U.S.C. §§ 1 and 2, by requiring hospitals that licensed certain diagnostic software from GE to agree not to compete with GE in unrelated service markets. On July 14, 1998, the United States filed a proposed Final Judgment and a Stipulation signed by the parties allowing for entry of the Final Judgment following compliance with the Tunney Act. The United States also filed a Competitive Impact Statement (''CIS''), which it published, along with the proposed Final Judgment, in the **Federal Register.** *See* 63 FR 40737 (1998).

The proposed Final Judgment enjoins GE from agreeing with any licensee that the licensee will not service third-party medical equipment, or from otherwise restraining the licensee from providing third-party service as a condition of licensing certain advanced service materials. The proposed Final Judgment also requires GE to implement a compliance program, and provides procedures that the United States may utilize to determine and secure GE's compliance.

Under the Tunney Act, interested parties have 60 days from the date the proposed Final Judgment and CIS are published in the **Federal Register** to submit to the United States any comments they have on the Judgment. The 60-day period for public comments relating to this matter expired on September 28, 1998. The United States received only one Comment. The Comment and the Responses thereto, are hereby published in the **Federal Register** and have been filed with the Court.

Rebecca P. Dick,

Director of Civil Non-Merger Enforcement, Antitrust Division.

Ronald S. Katz, Esq.,

General Counsel, ISNI, Coudert Brothers, 4 Embarcadero Center, Ste. 3300, San Francisco CA 94111, Telephone: 415–986–1300.

United States District Court for the District of Montana Missoula Division

United States of America, Plaintiff, v. General Electric Company, Defendant. CV 96–121–M–CCL, PUBLIC COMMENT OF INDEPENDENT SERVICE NETWORK INTERNATIONAL PURSUANT TO 15 U.S.C. § 16(b), (d).

Pursuant to 15 U.S.C. § 16(b), (d), of the Antitrust Procedures and Penalty Acts (''APPA'') Independent Service Network International (''ISNI''), a trade association of 157 maintainers of high technology equipment, including medical equipment of the type at issue in this matter,[1] submits this public comment to the Competitive Impact Statement (''CIS'') published in the **Federal Register** at 63 FR 40737.

I. Introduction

This proposed consent decree grants GEMS the right to commit a *per se* violation of the antitrust laws, i.e., to prohibit hospital service organizations from licensing GEMS' advanced service materials unless the hospital agrees that such service materials may not be used by part-time employees. As will be detailed below, there is no justification for such a limitation, which could well distort the market, particularly in sparsely populated areas like Montana. Because *per see* violations of the antitrust laws are by definition contrary to public policy, it is not possible for the Court to make a determination that this consent decree is in the public interest pursuant to § (e) of the APPA.

A public interest determination is particularly important in this case because it involves the cost of healthcare, a subject important to all Americans, and because GEMS has a high market share in the relevant markets, which it has extended through recent aggressive transactions unopposed by the Government. Therefore, pursuant to APPA § (f) and based on the showing detailed below, ISNI respectfully requests that the Court not make a determination that this consent decree is in the public interest. ISNI also respectfully requests that the Court authorize ISNI to appear at any hearing that the court may convene in order to determine whether this consent decree is in the public interest.

II. ISNI and its Interest in this Proceeding

ISNI, an association of 157 independent service organizations (''ISOs''), i.e., organizations servicing equipment manufactured by others (see Betzner Decl., Exhibit B for a list of members), is a non-profit corporation incorporated in the District of Columbia. In competition with the Service organizations of manufacturers, the members of ISNI service various types of high-technology equipment, including medical equipment of the type that is the subject of the CIS. ISNI's members account for over $1.5 billion in commerce.

The purpose of ISNI for the past fourteen years has been to promote and maintain a closer union and organization of ISOs. Specifically ISNI develops educational methods to increase awareness about ISOs and studies economic and legal problems confronting them. ISNI also serves as a clearing house for information and data relating to its members' businesses and ISNI promotes better relations among providers, distributors and manufacturers of supplies and services.

ISNI appears in Appendix C of the Pre-discovery Disclosure Statement of the United States filed in this matter on May 16, 1997. Page C–1 of that

[1] InnoServ Technologies, Inc., which General Electric Medical Systems (''GEMS'') is attempting to acquire, is a member of ISNI, but, because of conflict of interest considerations, has not been informed of or consulted about this public comment. Similarly, this comment is not intended to express any views of Serviscope, an ISNI member acquired by GEMS in August, 1998. See attached Declaration of Claudia Betzner, para. 6.

The Innoserv conflict arises from another simultaneous consent decree between the U.S. and General Electric, described in a CIS at 63 FR 39894. Although that CIS informs the D.C. District Court about this consent decree, the CIS in this case, for reasons known only to the parties, does not inform this Court about that consent decree. That the two decrees are related is evidenced by the GEMS press release on the consent decrees, which stated that GEMS settled this suit in order ''to obtain clearance to complete the Innoserv acquisition * * *'' See attached Declaration of Claudia Betzner, Exhibit A.

document is headed ''List of individuals who may have relevant information'' and number four under that heading reads

> Individuals associated with industry associations * * * that likely possess information pertaining to: (a) the prices of medical equipment; (b) the functions of different types of medical equipment; (c) regulations for imaging equipment; and/or (d) market data, including trends in the medical equipment or service industries. (See Appendix C–58 to C–60.)

The seventh name listed on page C–58 of that document is that of Claudia Betzner, ISNI's Executive Director. Therefore, the Government acknowledges that ISNI has relevant information related to the proceeding.

ISNI has participated in various legal proceedings on behalf of its members. For example, ISNI, then known as Computer Service Network International, filed a friend-of-the-court brief which was cited by the United States Supreme Court in its landmark antitrust decision concerning service aftermarkets, *Eastman Kodak Co. v. Image Technical Services, Inc., et Al.,* 504 U.S. 451, 462 n.6 (1992). Also, pursuant to the order of Chief Judge Thomas P. Griesa of the Southern District of New York (Betzner Decl., Exhibit C), ISNI has been granted the right to intervene for purposes of appeal in the proceeding concerning the termination of the IBM consent decree, *United States of America* v. *International Business Machines Corporation*, 52 CIV. 72–344 (TPG), currently pending the U.S. Court of Appeals for the Second Circuit. ISNI has filed a brief in that proceeding.

In his order, Judge Griesa found that ''ISNI has a legitimate interest in appealing from the May ruling, and it is in the public interest to allow ISNI to appeal'' (*Id* at 2). Similarly, it is in the public interest for ISNI to intervene in this proceeding because, as a result of GEMS' anticompetitive practices, a dwindling number of its members compete with GEMS to service the equipment involved in this case. The reasons that the number is dwindling are that GEMS has a large market share; it has aggressively extended that market share through the transactions described below, unopposed by the U.S. government; and its advanced diagnostics are an essential facility necessary to compete in the relevant markets. Now GEMS may further its stranglehold on the service market by precluding, pursuant to the Proposed Final Judgment, ISOs and hospital service organizations from cooperating in certain ways, such as ISOs providing part-time employees for hospital service organizations, serving as agents for hospital service organizations, or joint-venturing with hospital service organizations.

Such cooperation is particularly important in sparsely populated areas like Montana, which may not have enough medical equipment of various types to justify full-time employees. Like businesses throughout history, hospital service organizations may find it most efficient from time to time to employ part-time personnel, and, depending on market conditions, it may be economic for an ISO to provide such part-time personnel. The Proposed Final Judgment, however, prevents this perfectly normal working of a free and open market.

The reasons that it is in the public interest for ISNI to intervene in this matter are cogently set forth in the Government's complaint in this matter. The complaint clearly targets GEMS' practice of constraining competition from the hospital *or its employees.* For example, paragraph 32 of the Complaint describes how under the offending GEMS licensing agreement, ''* * * the hospitals also agreed to prohibit *their service employees* from competing with G.E. during the employees' business and off hours'' (emphasis added).

Paragraph 33 of the Complaint quotes a ''continuing representation'' from the hospitals in GE's standard licensing agreement: ''You [the hospital] have no *full or part-time employee* who services any type of medical equipment of any person or entity other than you'' (emphasis added). Paragraph 37 of the Complaint states that to effectuate ''* * * its agreements not to compete, G.E. * * * provided valuable advanced diagnostics and training in exchange for the licensees' commitment that neither the licensees *nor their employees* would compete with G.E. in servicing medical equipment or provide service for medical equipment sold to other health care facilities by GE's competitors; and * * * to enforce the agreements not to compete when it discovered that licensees *or their employees* were servicing other health care providers' medical equipment'' (emphasis added).

These agreements against hospitals *and their employees* resulted in the following ''Harm to Competition'' described in the Complaint:

> 38. GE's agreements with its licensees have eliminated significant actual or potential high-quality, low-cost competitors throughout the United States from numerous markets for servicing medical equipment.
>
> * * * * *
>
> 40. Throughout the United States, health care providers that use imaging equipment have been forced to pay supra-competitive prices to have their equipment serviced.
>
> 41. Medical equipment owners and operators, and their patients, have been denied the benefits of free and open competition in the servicing of medical equipment in Montana and throughout the United States.
>
> 42. Medical equipment owners and operators, and their patients, have been denied the benefits of free and open competition in the sale of medical equipment in Montana and throughout the United States.
>
> 43. Less service has been purchased by medical equipment owners and operators than would have been purchased in the absence of GE's restraints.
>
> 44. By preventing hospitals with in-house service organizations from servicing other manufacturers' equipment, GE's agreements have made it more costly and difficult for those manufacturers to sell their imaging equipment in areas where they lack a significant installed base.
>
> 45. GE's agreements with its licensees in Montana have disadvantaged many of GE's competitors in selling imaging equipment in Montana and have reduced customer choice.

Despite these pernicious effects, the government has agreed in § V(g) of the Proposed Final Judgment in this matter that GE is not prohibited ''* * * from agreeing with a licensee of Defendant's Operating and Service Materials that such materials may be used only by the Licensee's full-time employees.'' As will be detailed below, there is no justification whatsoever for this agreement, which distorts the workings of free and open competition. It is a *per se* violation of the antitrust laws, which by definition is not in the public interest and should not be countenanced by this Court.

III. GEMS' Monopoly and its Successful Efforts to Maintain and Extend it

According to its own press release, ''E.G. Medical Systems, based in Milwaukee, WIS., is a $4.5 billion global provider of medical diagnostic imaging systems, services and solutions with 16,000 employees worldwide.'' (Betzner Decl., Exhibit A.) According to the Complaint in this matter, ''health care providers spend over three billion dollars each year to service and repair all types of medical equipment'' (para. 1), ''GE is the world's largest manufacturer of imaging equipment'' (para. 4), and GE's licensing agreements with hospitals ''* * * reduced competition in servicing medical equipment'' (para. 5).

Furthermore, GEMS has extended and maintained its market power by a number of recent aggressive transactions unopposed by the U.S. government:

- August, 1994: strategic alliance with Advanced NMR Systems, Inc.

regarding very high field magnetic resonance systems. (Betzner Decl., Exhibit D.)

- June, 1995: five-year agreement with Columbia/HCA Healthcare Corp. covering the service of all diagnostic imaging equipment in the hospital chain, which at that time consisted of 320 hospitals. (*Id.*, Exhibit E.)
- February, 1996: acquisition of National Medical Diagnostics, Inc., which at the time of acquisition provided medical equipment maintenance services to 220 hospitals in 23 states. (*Id.*, Exhibit F.)
- August, 1996: acquisition of Specialty Underwriters, a seller of maintenance insurance to the healthcare industry, and Maintenance Management, which provides service for medical equipment. (*Id.*, Exhibit G.)
- August, 1997: investment of $5.1 million in Advanced NMR Systems, Inc., an extension of the August 1994 alliance described above. (*Id.*, Exhibit H.)
- December, 1997: five-year marketing pact with INPHACT, a provider of on-line radiology services for radiologists. (*Id.*, Exhibit I.)
- August 1998: acquired Serviscope, a medical equipment maintenance and asset management company that was one of the few potential candidates to compete with GEMS to acquire Innoserv. (*Id.* at para 6.)
- September, 1998: pending acquisition of imaging business of Elscint (*Id.*, Exhibit J).

With each of these transactions, GEMS got stronger both absolutely and also relative to its much smaller hospital and ISO competitors. For GEMS to dictate when these hospital competitors can use part-time employees distorts free and open competition and has no justification whatsoever.

IV. Non-Compliance With The APPA

A. The CIS Does Not Provide the Required Information on the Restrictions on Part-time Employees

§ (b)(3) of the APPA requires the CIS to recite ''an explanation of the proposal for a consent judgment, including an explanation of * * * relief to be obtained thereby, and the anticipated effects on competition of such relief.'' The information required by § (b) has not been provided with respect to the part-time employee issue. Indeed, *no* information has been provided explaining or justifying GE's ability to restrict hospital competitors from using part-time employees. The reason for this lack of information is that there is no justification for this distortion of free and open competition, a fact which prevents this Court from determining that this Proposed Final Judgment is in the public interest.

Speaking about *this* case, the InnoServ CIS, 63 FR 39894, 39899, states that ''GE * * * agreed to all of the relief that the Government was seeking. * * *'' That is simply not true. Paragraph 3 of the Prayer for Relief in the Complaint reads as follows:

> That GE, its officers, directors, agents, employees, subsidiaries, and successors, and all other persons acting or claiming to act on its behalf, be permanently enjoined, restrained and prohibited from, in any manner, directly or indirectly, continuing, enforcing, or renewing these agreements, or from engaging in any other confirmation, conspiracy, agreement, understanding, plan, program, or other arrangement limiting competition in the service of medical equipment, except for reasonable limitations on the use of copyrighted software and manuals themselves. Clearly the unjustified limitation on the use of part-time employees by hospital service organizations is contrary to this prayer for relief because (1) that limitation is part of the enjoined agreement and (2) that limitation is an arrangement ''limiting competition in the service of medical equipment.'' *Id.*

B. The Proposed Final Judgment Is Not In the Public Interest

APPA § (e) requires this court to determine that the entry of judgment is in the public interest by considering among other things, ''the competitive impact of such judgment.'' Because of the part-time employee prohibition, the competitive impact of this judgment would be negative.

This Court can take judicial notice that since time immemorial employers have been using part-time employees to adjust to market conditions. The flexibility to use part-time employees is critical to being competitive: if one hires a full-time employee when only a part-time employee is needed, then one's costs are too high; if one does not hire a part-time employee when there is sufficient work for such an employee, then one's production is insufficient.

The need for part-time employees is particularly acute in sparsely populated areas like Montana. The CIS itself acknowledges this fact by acknowledging at page 40739 that (1) ''[h]ospitals are reluctant to purchase a piece of imaging equipment unless someone near their facility can service it'' and (2) ''[b]ecause manufacturers cannot economically place their own service engineers in areas [like Montana] where they do not have a large installed base, they need someone else in those areas who is qualified to service their equipment.'' Because the installed base is not large, that ''someone else'' may well be a part-time employee, especially in the critical early stages of the creation of an installed base of equipment.

An obvious source of part-time employees for a hospital service organization is a local ISO. Because the ISO might not have enough for its employees to do in a sparsely populated area, it could be economic for the ISO to provide such an employee or to enter into other mutually advantageous relationships with a hospital service organization. Such relationships could include becoming the service agent for the hospital service organization or joint venturing with a hospital service organization. Under § 5(g) of the Proposed Final Judgment, however, GEMS could choose not to license advanced service materials to such a hospital solely because a part-time employee may be using GE's advanced service materials.

There is absolutely no justification for this distortion of free and open competition. The only possible justification—security of the advanced service materials—is debunked by the CIS itself at page 40739:

> The non-compete agreements are not ancillary to any legitimate business interest that GE had in licensing advanced service materials particularly since they were not reasonably necessary to prevent the hospital from using the advanced service materials on third-party equipment, in a manner not authorized by the license agreements. As a result of software security procedures adopted by GE, the advanced service materials will only work on the specific GE machine to which the license agreement relates. Furthermore, the advanced service materials are model specific, i.e., the advanced service materials for one model of GE imaging equipment cannot be used on another model, even if the two models are of the same 'modality' (e.g., if both are GE CT scanners), and cannot be used on other manufacturers' equipment * * * Given the machine and model-specific nature of the software, the restrictions imposed by the license agreements on third-party service are unrelated to any legitimate interest GE has in preventing the unauthorized use of its software.

Obviously the same security that prevents hospitals from unauthorized use of the advanced software materials would also prevent such use by part-time employees of the hospitals.

This fact makes the agreement allowed by the Proposed Final Judgment—i.e., a license agreement between GE and a hospital prohibiting the hospital from allowing part-time employees to use GE's advanced service materials—a non-ancillary agreement to allocate territories or customers.

Indeed, it is just a potentially milder version of the agreement on which the

Government brought suit. That agreement was that hospitals could not compete with G.E. for service customers if the hospitals wanted GEMS' advanced service materials for their own use. The new agreement is that hospitals using part-time employees cannot compete with G.E. for service customers if the hospitals want GEMS' advanced service materials for the hospitals' own use. Such agreements are illegal *per se,* as the United States demonstrates at Appendix B–1 of its Pre-Discovery Disclosure Statement filed with this Court on May 16, 1997:

> Non-ancillary agreements between actual or potential competitors to allocate territories or customers are illegal *per se* because they are ''naked restraints of trade with no purpose except stifling of competition.'' *Palmer* v. *BRG of Georgia,* 498 U.S. 46, 49–50 (1990). Such agreements are anticompetitive regardless of whether the parties split a market within which both do business or whether they merely reserve one market for one and another for the other. *Id.* An agreement not to compete in terms of price or *output,* without some pro-competitive justification, is simply 'inconsistent with the Sherman Act's command that price and *supply* be responsive to consumer preference. *National Collegiate Athletic Association* v. *Board of Regents of the University of Oklahoma,* 468 U.S. 85, 109–10(1984). Moreover, 'the existence of a vertical aspect to the relationship between [GE and its hospital licensees] does not foreclose *per se* treatment of agreements to eliminate competition between them.' *United States* v. *General Electric Co.* (Order of March 18, 1997), 1997–1 CCH Trade Cases, at 71,765, pp. 79,408–409 (citing *Palmer*) * * * (emphasis added).

The underscored references to output and supply mentioned above relate directly to the employment of part-time employees, a factor which effects output/supply.

This Court has also recognized the *per se* nature of the challenged agreements at page five of its March 18, 1997 slip opinion in this matter:

> While it is true that restraints which are ancillary to a legitimate transaction are exempt from the *per se* rule, the government has alleged in the complaint that the agreements not to compete are not ancillary restraints * * * Of course, GE may offer evidence to refute the allegation later in this litigation, but for now the allegation is sufficient to withstand the motion to dismiss.

Not only did GE not refute this allegation, but also the CIS now acknowledges at page 40739 that ''* * * [t]he non-compete agreements are not ancillary to any legitimate business interest that GE had in licensing advanced service materials * * *''

Therefore, these agreements, with their totally unjustified prohibition on part-time employees, are still *per se* violations of the antitrust laws. As such, this Court should not determine that a consent decree that permits them is in the public interest because the Supreme Court has already determined that such agreements are ''naked restraints of trade with no purpose except stifling of competition.'' *Palmer,* 498 U.S. at 49–50.

C. The CIS Asserts, Incredibly, That There Were No Materials Which the United States Considered Determinative in Formulating the Consent Decree

APPA § (b) requires the United States to publish with the CIS ''* * * any other materials and documents which the United States considered determinative in formulating such proposal * * *'' The CIS at 40741 states, incredibly, that ''The government considered no materials or documents determinative in formulating the proposed Final Judgment.''

This Court can take judicial notice that antitrust cases are among the most complex, document-intensive cases in the Federal Courts. This Court should respond in the same way as another District Court Judge responded to the same incredible claim: with incredulity and with an order to produce documents required by law. *U.S.* v. *Central Contracting Co., Inc.,* 537 F. Supp. 571, 575, 577 (E.D.Va. 1982):

> The Act [APPA] clearly does not require a full airing of Justice Department files, but the Court cannot countenance plaintiff's claim that though Congress enacted sunshine legislation the courts may blandly (and blindly) accept government certification in case after case that no document or materials, by themselves or in the aggregate, led to a determination by the government that it should enter into a consent decree * * * * * * * * *
>
> This does not require full disclosure of Justice Department files . . . or defendant's files, but it does require a good faith review of all pertinent documents and materials and a disclosure of those which meet the above [APPA] criterium.

Although no entity but the Government can know what these documents are, they should include at least the documents, if any, which led the Government to conclude that it was reasonable to permit GE to distort free and open competition by having the ability to limit its competitors from having part-time employees. These documents or documents like them must exist or else there is no reasoned basis for the consent decree. If they do not exist, then the Antitrust Division is not acting in a professional, competent manner.

V. This Court Should Authorize ISNI to Participate in any Public Interest Hearing That the Court May Convene

APPA § (f) authorizes this Court to ''authorize full or limited participation in proceedings before the court by interested persons or agencies, including . . . intervention as a party pursuant to the Federal Rules of Civil Procedure . . .'' The defects of the CIS described above amply justify such an authorization.

As mentioned in § II above, the ISNI has the interest, expertise and the experience to aid the Court. At the very least, the Court should order a hearing before making its public interest determination and should permit the ISNI to participate in that hearing.

VI. Conclusion

Because the Proposed Final Judgment permits GEMS to engage in a *per se* violation of the antitrust laws, it is by definition not in the public interest. It will raise healthcare costs and reduce choice for patients. Therefore, ISNI respectfully requests the Court not to approve the Proposed Final Judgment.

Respectfully submitted.

Dated: September 24, 1998

By

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Certificate of Service

This certifies that on December 10, 1998, I caused copies of the foregoing Public Comment of Independent Service Network International to be served as indicated upon the parties to this action and courtesy copies to be served as indicated upon each commenter:

By hand:

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By first-class mail

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Attorneys for the United States.

Responses to Public Comment.

Pursuant to the requirements of the Antitrust Procedures and Penalties Act, 15 U.S.C. § 16(b)–(h) (''APPA'' or

''Tunney Act''), the United States hereby responds to the public comment received regarding the proposed Final Judgment in this case.

I. Background

On August 1, 1996, the United States filed the Complaint in this matter, alleging that General Electric Company (''GE'') has violated Sections 1 and 2 of the Sherman Act, 15 U.S.C. §§ 1 and 2, by requiring hospitals that licensed certain diagnostic software from GE to agree not to compete with GE in unrelated service markets. On July 14, 1998, the United States filed a proposed Final Judgment and a Stipulation signed by the parties allowing for entry of the Final Judgment following compliance with the Tunney Act. The United States also filed a Competitive Impact Statement (''CIS''), which it published, along with the proposed Final Judgment, in the **Federal Register**. See 63 Fed. Reg. 40737 (1998).

As is explained more fully in the Complaint, CIS, and various memoranda filed in this matter, GE, the world's largest manufacturer of medical imaging equipment, is also a leading provider of service for all types and brands of medical equipment. Many hospitals with in-house service departments also want to offer service to other nearby hospitals or clinics. In sparsely populated rural areas, such as Montana, these hospitals may be the only service providers other than GE that are qualified to service certain equipment. GE regularly granted these hospitals licenses that permitted them to use GE's software (''advanced service materials'') to service their own medical imaging equipment, but only if the hospitals agreed not to compete with GE to service other customers, even though the hospitals would not use GE's software to provide that service. These agreements harmed competition by foreclosing actual and potential competitors from offering service. The United States alleged that these agreements not to compete were per se illegal.

The proposed Final Judgment prohibits certain conduct, requires GE to implement a compliance program, and provides procedures that the United States may utilize to determine and secure GE's compliance. The proposed Final Judgment enjoins GE from agreeing with any licensee that the licensee will not service third-party medical equipment. It defines ''third-party service'' to mean the service of any medical equipment in the United States not owned, leased, or operated by the party performing it. Section IV(A) of the Final Judgment prohibits GE from entering into or enforcing any agreement in conjunction with the licensing of advanced service materials or related training whereby (a) the end-user represents that it has not, does not, or will not perform third-party medical equipment service or (b) the end-user is prevented or restrained from providing third-party service. Section IV(B) prohibits GE from requiring that a potential licensee give GE information regarding that person's provision of third-party service. Section IV(C) enjoins GE from representing that it has a policy or general practice of refusing to license operating or service materials for medical equipment, or of refusing to provide training thereon, because an end-user offers third-party medical equipment service. Section IV(D) prohibits GE from offering to sell or license operating or service materials on terms that vary depending on whether the end user has provided, does provide or will provide third-party medical equipment service.

Under the Tunney Act, interested parties have 60 days from the date the proposed Final Judgment and CIS are published in the **Federal Register** to submit to the United States any comments they have on the Judgment. The United States then files with the court any such comments, along with its responses, and published them in the **Federal Register**. 15 U.S.C. § 16(d). Provided that nothing in the public comments alters its conclusion that the proposed Final Judgment is in the public interest, the United States files a motion with the court asking for entry of the Judgment. The court thereafter must make its own determination of whether the proposed Final Judgment is in the public interest. 15 U.S.C. § 16(e).

The 60-day period for public comments relating to this matter expired on September 28, 1998. The United States received only one comment, that of Independent Service Network International (''ISNI''). ISNI, based in Washington, D.C., is a trade association of 157 maintainers of high technology equipment, including some Independent Service Organizations (''ISOs'') that service medical imaging equipment. The United States has carefully considered the views expressed in ISNI's Comment. Nothing in the Comment has altered the United States' conclusion that the proposed Final Judgment is in the public interest. Accordingly, once ISNI's Comment and this Response are published in the **Federal Register**, as required by the Tunney Act, the United States will file a motion with this Court seeking entry of the proposed Final Judgment.

III. Response to the Comment of Independent Service Network International

ISNI's primary concern with the proposed Final Judgment relates to Section V(g), which states: ''[N]othing in this Final Judgment shall be construed . . . to prevent Defendant from agreeing with a licensee of [its advanced service materials] . . . that such materials may be used only by the licensee's full-time employees.'' ISNI contends that because the proposed Final Judgment does not prohibit GE from agreeing with its hospital licensees that part-time employees may not use GE's software and because, it asserts, such agreements would be *per se* violations of the Sherman Act, the proposed Final Judgment is not in the public interest. ISNI Comment at 7. ISNI believes that in the absence of such licensing restrictions, ISO's (including, presumably, some of ISNI's members) might ''share'' an employee with a hospital on a part-time basis, who then would use GE's software to repair the hospital's equipment. ISNI Comment at 10–11.

ISNI also contends that the United States failed to comply with the Tunney Act because in ISNI's view it did not adequately explain why the Judgment does not prohibit these restrictions regarding use by part-time employees, and because the United States did not identify any determinative documents. ISNI Comment at 9–15. ISNI urges the Court to hold a hearing on the public interest determination and seeks to participate at that hearing.

A. The Proposed Final Judgment Adequately and Properly Remedies the Violation Alleged in the Complaint.

ISNI's principal objection to the proposed Final Judgment—that it does not prohibit GE from entering into agreements with its licensees restricting the use of its software to certain employees—fails to raise an appropriate issue for consideration under the Tunney Act. The agreements to which ISNI objects are not of the type that were challenged in the United States' Complaint.

The Complaint in this case challenges agreements not to compete that GE required of hospitals that wished to secure GE's advanced service materials. Complaint ¶ 31. These noncompete agreements between GE and the hospitals that are its actual or potential competitors in the third-party service business were unrelated to any legitimate interest of GE. An agreement between horizontal competitors not to compete is tantamount to an agreement

to allocate markets and is the type of restraint that is so likely to have anticompetitive effects that it is deemed to be *per se* illegal under the antitrust laws. *See, e.g., Palmer v. BRG of Georgia, Inc.*, 498 U.S. 46 (1990) (per curiam). The proposed Final Judgment prohibits GE from enforcing any such existing agreements and from entering into any similar agreements in the future. It provides full and complete relief for the violations alleged in the Complaint.

ISNI is complaining about other potential provisions in GE's licensing agreements—restrictions not challenged in the Complaint—that do restrict the way in which the hospital licensees may use GE's software. GE's licenses contain a number of these provisions. For example, the license requires the hospital to commit that ''[n]either [the] hospital nor any of [the hospital's] employees will permit any one other than [the hospital's] service employee . . . to have access to or to use any part of the [advanced service materials].'' These restrictions are similar to those found in many software licenses in order to prevent against misappropriation or to limit the license to certain categories of users. Contrary to ISNI's assertions, such provisions typically found in GE's licenses, including provisions regarding that only full-time employees use GE's software, do *not* prohibit licensee hospitals with part-time employees from competing with GE for third-party service customers. Licensee hospitals may even use their part-time employees to provide that service. The restrictions questioned by ISNI concern who within the hospital may use GE's software, not the provision of third-party service. The Complaint did not allege that such restrictions on use violate the antitrust laws, and thus the proposed Final Judgment does not prohibit them. *See* CIS at 8.

The Tunney Act does not contemplate judicial review of the government's determination of which conduct to challenge or which violations to allege in the Complaint. The government's decision not to challenge particular conduct based on the facts and law before it at a particular time, like any other decision not to prosecute, ''involves a complicated balancing of a number of factors which are peculiarly within [the government's] expertise.'' *Heckler v. Chaney*, 470 U.S. 821, 831 (1985). The United States has wide discretion within the reaches of the public interest to resolve potential litigation. *See United States v. Western Elec. Co.*, 993 F.2d 1572, 1577 (D.C. Cir. 1993). Moreover, in conducting its Tunney Act evaluation, the Court must not look beyond the Complaint ''to evaluate claims that the government did not make and to inquire as to why they were not made.'' *United States v. Microsoft*, 56 F.3d, 1448, 1459 (D.C. Cir. 1995). Last year, the United States Court of Appeals for the District of Columbia Circuit stated that courts, in making their public interest determination:

> Must examine the decree in light of the violations charged in the complaint and should withhold approval only if any of the terms appear ambiguous, if the enforcement mechanism is inadequate, if third parties will be positively injured, or if the decree otherwise makes ''a mockery of judicial power.''

Massachusetts School of Law at Andover, Inc. v. *United States, 118 F.3d 776, 783 (D.C. Cir. 1997), quoting United States* v. *Microsoft Corp.*, 56 F.3d 1448, (D.C. Cir. 1995).

B. The Proposed Final Judgment Does Not Authorize GE to Include Any Particular Restrictions in Its Licenses

ISNI suggests that Section V(g) of the proposed Final Judgment grants GE the right to engage in *per se* illegal conduct. ISNI Comment at 2. ISNI has misconstrued the impact of Section V of the Final Judgment. Section V is intended to clarify the meaning of Section IV, which contains the key prohibitions. Section V makes it clear that the Judgment should not be read to prohibit certain conduct. It does not, however, reach any conclusions as to whether that conduct is otherwise lawful, nor does it authorize GE to engage in any particular activity. Instead, as was stated in the CIS, the proposed Final Judgment is silent as to whether any particular restriction addressed in Section V would violate the antitrust laws. CIS at 8. Section V thus provides GE with no defense to any later allegation, made by a private party or even the United States, that the conduct described in Section V(g) violated the antitrust laws. Furthermore, entry of a proposed Final Judgment does not bar a private party from seeking and obtaining appropriate antitrust remedies, whether or not the challenged conduct is prohibited by the Final Judgment. In short, the proposed Final Judgment does not authorize GE to include any particular restrictions in its licenses.[1]

C. The United States Has Complied with the Tunney Act

1. The CIS Adequately Explains the Relief

ISNI contends that the United States failed to comply with the Tunney Act because it did not explain why the Judgment does not prohibit GE from agreeing with its licenses that only full-time employees could use its software. ISNI mischaracterizes the CIS, which states:

> The limiting conditions are consistent with the relief sought in the Complaint. The Complaint alleged that GE had used its advanced service materials to induce hospitals with in-house service capability to agree not to compete with GE in the servicing of medical equipment. The Complaint did not allege that GE's refusal to license its intellectual property to any or all persons who might seek such licenses violated the antitrust laws, and the Final Judgment is silent as to that conduct.
>
> CIS at 8.

2. There Were No Determinative Documents

ISNI next contends that the United States failed to comply with the Tunney Act because it did not identify any determinative documents. ISNI characterizes as ''incredible'' the CIS's statement that there were no determinative materials or documents within the meaning of the APPA that were considered in formulating the proposed Final Judgment. ISNI Comment at 14.

The Tunney Act requires, in pertinent part, that the United States make available to the public copies of the proposed final Judgment ''and any other materials and documents which the United States considered determinative in formulating such proposal.'' 15 U.S.C. § 16(b) (emphasis added). Thus, the United States is required to disclose only those documents that it considered

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[1] Although the proposed Final Judgment does not authorize GE to prevent a hospital's part-time employee from using its software, and although the United States takes no position regarding the validity of this particular restriction, ISNI's contention that this restriction is illegal per se is wrong. The Supreme court has ruled that certain conduct, such as the agreements challenged in this case, is so inherently anticompetitive that it is illegal *per se* under Section 1. *See Palmer,* 498 U.S. at 48–50. However, the *per se* standard is generally not applied to restrictions on the way a licensee can use software it has licensed, provided that the restrictions do not restrain competition that would occur in the absence of the license. An owner of intellectual property is ordinarily not required to license others to use it, but may choose to do so and to subject the licensee to reasonable restrictions and conditions. Such restrictions and conditions often serve procompetitive purposes by allowing licensors to exploit their intellectual property rights and by encouraging others to make similar investments. For these reasons, restrictions on the way a licensee may use intellectual property are generally reviewed under the rule of reason standard, which takes into account market conditions and other relevant factors, rather than a *per se* standard. *See* U.S. Department of Justice and the Federal Trade Comm'n, *Antitrust Guidelines for the Licensing of Intellectual Property*, 4 Trade Reg. Rep. (CCH) ¶ 13,132 at 20,735–36, 20740–41 (1995).

determinative in its decision to settle the case on the terms set forth in the proposed Final Judgment. Documents that were determinative in the decision to file the case need not be disclosed. During Senate hearings on the Tunney Act, one witness specifically urged that ''as a condition precedent to * * * the entry of a consent decree in a civil case * * * the Department of Justice be required to file and make a matter of public record a detailed statement of the evidentiary facts on which the complaint * * * was predicated.'' [2] Congress, however, rejected that recommendation. ISNI's broad request for the documents providing the good-faith basis for filing the Compliant is contrary to the plain language of the Tunney Act and its legislative history and therefore should be denied.

ISNI's request falls outside the scope of what courts have interpreted to be determinative documents. Just last year, the United States Court of Appeals for the District of Columbia Circuit, in a case brought by the Antitrust Division challenging certain portions of the American Bar Association's law school accreditation activities, held that a third-party was not entitled to a wide range of documents in the government's files. *Massachusetts School of Law at Andover, Inc.* v. *United States*, 118 F.3d 776 (D.C. Cir. 1997). In that case, the United States asserted that the determinative documents provision referred ''only to documents, such as reports to the government, 'that individually had a significant impact on the government's formulation of relief—i.e., on its decision to propose or accept a particular settlement.' '' Id. at 784. The court held that both the statutory language and the legislative history supported this interpretation. Indeed, the court noted that during the senate debate on the Tunney Act, Senator Tunney himself cited a report to the government by an outside expert analyzing the economic consequences of proposed relief in an earlier case as exemplifying a ''determinative document.'' Id.[3] The court also considered a broad disclosure requirement to be inappropriate because it would directly interfere with the United States' ability to negotiate settlement agreements. Id. at 784–85. Similarly, in another recent Antitrust Division case the Second Circuit held that ''the range of materials that are 'determinative' under the Tunney Act is fairly narrow'' and that only documents that were ''a substantial inducement to the government to enter into the consent decree'' should be subject to disclosure. *United States* v. *Bleznak*, 153 F.3rd 16, 20–21 (2d Cir. 1998).[4]

ISNI has given no reason to doubt the United States' assertion that there are no determinative documents in this case. The United States did not receive any expert reports or any other document that substantially contributed to its determination to proceed with the settlement.

D. The Court Need Not Hold a Hearing in Making Its Public Interest Determination

ISNI requests that this Court convene a hearing before it makes its public interest determination. I further requests that the Court authorize ISNI to participate in the hearing. ISNI Comment at 15. The United States believes that a hearing is unnecessary because ISNI has already adequately expressed its views through the public comment procedure, as provided by statute. *See United States* v. *G. Heileman Brewing Co.*, 563 F. Supp. 642, 650 (D. Del. 1983) (court denies request for evidentiary hearing when ''those same issues have already been raised by movants through the APPA's third-party comment procedure); *United States* v. *Carrols Development Corp.*, 454 F. Supp. 1215, 1221–22 (N.D.N.Y. 1978) (request for limited participation denied when ''the moving parties have set forth their views in considerable detail in briefs and affidavits filed with this Court as well as in written comments submitted to the Government under the APPA''). If, however, the Court determines that a hearing would be useful in making its public interest determination, the United States would not object to ISNI's appearance as an *amicus curiae.*

IV. Conclusion

After careful review of ISNI's Comment, the United States continues to believe that entry of the proposed Final Judgment will provide an effective and appropriate remedy for the antitrust violation alleged in the Complaint and is therefore in the public interest. Upon the publication of this Public Comment and the Response by the United States in the **Federal Register**, the United States will move the Court to enter the proposed Final Judgment. Once the United States moves for entry of the proposed Final Judgment, the Tunney Act directs this Court to determine whether its entry ''is in the public interest.'' 15 U.S.C. § 16(e). In making that determination, ''the court's function is not to determine whether the resulting array of rights and liabilities is one that will *best* serve society, but only to confirm that the resulting settlement is within the *reaches* of the public interest.'' *Western Elec. Co.*, 993 F.2d at 1576 (emphasis added, internal quotation and citation omitted). This Court should evaluate the relief set forth in the proposed Final Judgment and should enter the Judgment if it falls within the government's ''rather broad discretion to settle with the defendant within the reaches of the public interest.'' *Microsoft*, 56 F.3d at 1461; *accord United States* v. *Associated Milk Producers*, 534 F.2d 113, 117–18 (8th Cir. 1976), *cert. denied*, 429 U.S. 940 (1976).

Dated: December 9, 1998.

Respectfully submitted,

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Certificate of Service

This certifies that on December 9, 1998, I caused copies of the foregoing Response to Public Comment to be served as indicated upon the parties to this action and courtesy copies to be served as indicated upon each commenter:

By facsimile & hand:

[2] The Antitrust Procedures and Penalties Act: Hearings on S. 782 and S. 1088 Before the Subcommittee on Antitrust and Monopoly of the Senate Judiciary Committee, 93d Cong., 1st Sess. 26, 57 (1973) (prepared statement of Maxwell M. Blecher, attorney).

[3] Congress enacted the Tunney Act in response to consent judgments entered in 1971 in three cases involving acquisitions by International Telephone and Telegraph Corporation (''ITT''), including that of the Hartford Fire Insurance Company. The consent judgments permitted ITT to retain Hartford. Subsequent Congressional hearings revealed that the Antitrust Division had employed Richard J. Ramsden, a financial consultant, to prepare a report analyzing the economic consequences of ITT's possible divestiture of Hartford. Ramsden concluded that requiring ITT to divest Hartford would have adverse consequences on ITT and on the stock market generally. Based in part on the Ramsden Report, the United States concluded that the need for the divestiture of Hartford was outweighed by the divestiture's projected adverse effects on the economy. In explaining the determinative documents provision, Senator Tunney stated, ''I am thinking here of the so-called Ramsden memorandum which was important in the ITT case.'' 119 Cong. Rec. 24,605 (1973).

[4] The single case cited by ISNI—*United States* v. *Central Contracting Co.*, 537 F. Supp. 571 (E.D. Va. 1982)—has not been followed by any other court. Moreover, even that opinion recognized that the Tunney Act ''does not require full disclosure of Justice Department files, or grand jury files, or defendant's files, but it does require a good faith review of all pertinent documents and materials and a disclosure of'' those ''materials and documents that substantially contribute to the determination [by the government] to proceed by consent decree * * *.'' Id. at 577.

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Joan H. Hogan

[FR Doc. 98–33378 Filed 12–16–98; 8:45 am]

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DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No 98–26]

Church of the Living Tree; Denial of Application

On April 7, 1998, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA) issued an Order to Show Cause to Church of the Living Tree (Respondent) of Leggett, California, notifying it of an opportunity to show cause as to why DEA should not deny its application for registration as a manufacturer (non-human consumption) of marijuana, under 21 U.S.C. 823(a), for reason that it is not authorized by the State of California to manufacture marijuana.

By letter dated April 14, 1998, Respondent filed a request for a hearing on the issues raised by the Order to Show Cause and the matter was docketed before Administrative Law Judge Mary Ellen Bittner. In its request for a hearing, Respondent indicated that it intends to rent space to medical marijuana patients to cultivate marijuana for their own use and that ''[a]fter the patients have harvested their plants and removed the medical portions, the remaining stalk material will be a legal commodity which we will use for making paper.''

On April 24, 1998, Judge Bittner issued an Order for Prehearing Statements. In lieu of filing a prehearing statement, the Government filed a Motion for Summary Disposition on May 21, 1998. On June 18, 1998, Respondent filed its response to the Government's motion. On July 31, 1998, Judge Bittner issued her Opinion and Recommended Decision, granting the Government's Motion for Summary Disposition and recommending that Respondent's application for registration as a manufacturer of marijuana for non-human consumption be denied. Neither party filed exceptions to Judge Bittner's Opinion and Recommended Decision and on August 31, 1998, Judge Bittner transmitted the record of these proceedings to the then-Acting Deputy Administrator. The Deputy Administrator has considered the record in its entirety, and pursuant to 21 CFR 1316.67, hereby issues his final order based upon findings of fact and conclusions of law as hereinafter set forth.

The Government included with its Motion for Summary Disposition a copy of Respondent's application dated January 21, 1997, for registration as a manufacturer of marijuana for non-human consumption and its attachments which indicated that Respondent intended to cultivate hemp for use in making paper. Also accompanying the motion was a letter from Respondent dated January 20, 1998, to among others, a DEA investigator in San Francisco, California. This letter outlined Respondent's proposal to rent space to medical marijuana patients who would grow marijuana on Respondent's property for their own use pursuant to California's Compassionate Use Act and then Respondent would use the mature stalks of the plant to manufacture paper.

In its motion, the Government argued that California does not permit the cultivation of marijuana for non-human consumption, citing California Health and Safety Code § 11358 which provides that, ''every person who plants, cultivates, harvests, dries or processes marijuana shall be punished by imprisonment in state prison.'' The Government contends that there is no provision under California law, including the Compassionate Use Act (California Health and Safety Code § 11362.5, which allows for the cultivation of marijuana for medical use in limited circumstances), which permits the cultivation of marijuana for non-human consumption. The Government pointed out that while 21 U.S.C. 823(a) does not include an express requirement of state authorization, DEA has previously held that it ''would be pointless to grant a Federal registration when Respondent lacked state authority.'' *Michael Schumacher*, 60 FR 13,171 (1995). Also, 21 CFR 1307.02 provides that DEA will not authorize ''any person to do any act which such person is not authorized or permitted to do under * * * the law of the State in which he/she desires to do such act. * * *''

The Government further argued that California's Compassionate Use Act does not provide Respondent with the required state authorization. Respondent proposes to rent space to medical marijuana patients who will grow marijuana on Respondent's property for their own medical use and Respondent would then use the mature stalks of the plants, which pursuant to 21 U.S.C. 802(16) are not considered a controlled substance. But the Government argued that ''if Respondent's registration is granted, as requested in Respondent's application, the registered location would only be authorized to manufacture marijuana for non-human consumption and any activity related to the manufacture of marijuana for human consumption would be outside of Respondent's authorization from DEA and in violation of Federal law.''

The Government argued that since Respondent is not authorized by California to grow marijuana for non-human consumption and because state authorization is a necessary prerequisite to DEA registration, there is no question of fact presented which would necessitate an evidentiary hearing. Therefore, the Government requested that Respondent's application be denied without a hearing.

In its response to the Government's motion, Respondent noted that the basis for the Government's motion that ''this matter be summarily dismissed rests upon the assumption that we are applying for Registration to cultivate cannabis for non-human consumption, and that is not allowed under California law.'' Respondent argued that:

> [a]fter five years of applying for Registration to cultivate industrial fiber hemp for research * * * it is clear that we are now taking a whole new tack. Following the only legal course available to us to cultivate cannabis within the State of California, we are now applying for registration as a Bulk Manufacturer of Medical Marijuana for California patients who qualify under the Compassionate Use Act of 1996. This purpose is decidedly ''for Human Consumption'', and fully complies with California law. This intention is quite clearly and unequivocally expressed in our letter of January 20, 1998.

In her Opinion and Recommended Decision, Judge Bittner found that pursuant to 21 CFR 1301.16(a), ''[a]n application may be amended or withdrawn with permission of the Administrator at any time where good cause is shown by the applicant or where the amendment or withdrawal is in the public interest.'' (emphasis added). Judge Bittner found that since there is no evidence that Respondent received permission to amend its application, the application before her is for registration as a manufacturer of marijuana for non-human consumption.

Judge Bittner agreed with the Government that state authorization to manufacture marijuana is required

before DEA can issue Respondent a registration, and since California law does not allow the cultivation of marijuana for non-human consumption, DEA cannot grant Respondent's application. Therefore, Judge Bittner found that summary disposition is proper. It is well-suited that when no question of fact is involved, or when the material facts are agreed upon, a plenary, adversary administrative proceeding involving evidence and cross-examination of witnesses is not required. *Philip E. Kirk, M.D.,* 48 FR 32,887 (1983), *aff'd sub nom. Kirk* v. *Mullen,* 749 F.2d 297 (6th Cir. 1984); *see also NLRB* v. *International Association of Bridge, Structural and Ornamental Ironworkers, AFL–CIO,* 549 F.2d 634 (9th Cir. 1977); *United States* v. *Consolidated Mines & Smelting Co.,* 44 F.2d 432 (9th Cir. 1971). As a result, Judge Bittner granted the Government's Motion for Summary Disposition and recommended that Respondent's application for registration to manufacture marijuana for non-human consumption be denied.

The Deputy Administrator agrees with Judge Bittner that if Respondent's application is for registration to manufacture marijuana for non-human consumption, then it would have to be denied because California does not allow the cultivation of marijuana for non-human consumption. However, the Deputy Administrator disagrees with Judge Bittner that the application that is the subject of these proceedings is seeking registration as a manufacturer of marijuana for non-human consumption. Judge Bittner found that pursuant to 21 CFR 1301.16(a), Respondent needed permission to amend its application if it is seeking registration for other than non-human consumption. Judge Bittner concluded that since there was no evidence that Respondent received permission to amend its application, the pending application is for registration to manufacture marijuana for non-human consumption.

The Deputy Administrator finds that 21 CFR 1301.16(a) also provides that ''[a]n application may be amended or withdrawn without permission of the Administrator at any time before the date on which the applicant receives an order to show cause. * * *'' Respondent's January 20, 1998 letter to the DEA investigator in San Francisco advised DEA that Respondent was seeking registration to allow it to rent space to medical marijuana patients to cultivate marijuana for their own use and then Respondent would use the mature stalks to make paper. The Order to Show Cause proposing to deny Respondent's application was not issued until April 7, 1998. While Respondent's January 20, 1998 letter did not specifically state that it was amending its application, that was clearly Respondent's intent. Therefore, since Respondent sent this letter to DEA prior to the April 7, 1998 issuance of the Order to Show Cause, Respondent did not need permission to amend its application for registration.

Nonetheless, the Deputy Administrator finds that Respondent's application for registration must be denied. Respondent currently proposes to rent space on its property to medical marijuana patients who would be the ones manufacturing the marijuana. The medical marijuana patients would agree that after harvesting the marijuana, they would leave the mature stalk, which is not considered a controlled substance, for Respondent to process into paper. However, 21 U.S.C. 822(a) states that ''[e]very person who manufactures or distributes any controlled substance * * *, or who proposes to engage in the manufacture or distribution of any controlled substance * * *, shall obtain annually a registration. * * *'' In addition, 21 U.S.C. 823(a) provides for the registration of applicants to manufacture Schedule I and II controlled substances. Under its current proposal, it is clear that Respondent will be renting space on its property to others, but it will not be the one manufacturing marijuana. Therefore, the Deputy Administrator concludes that since Respondent will not be manufacturing marijuana nor is it proposing to manufacture marijuana, its application to be a manufacturer of marijuana must be denied.

Accordingly, the Deputy Administrator of the Drug Enforcement Administration, pursuant to the authority vested in him by 21 U.S.C. 823 and 824 and 28 CFR 0.100(b) and 0.104, hereby orders that the application dated January 21, 1997, submitted by the Church of the Living Tree, for registration as a manufacturer of marijuana, be, and it hereby is, denied. This order is effective January 16, 1999.

Dated: December 8, 1998.

Donnie R. Marshall,

Deputy Administrator.

[FR Doc. 98–33357 Filed 12–16–98; 8:45 am]

BILLING CODE 4410–09–M

DEPARTMENT OF LABOR

Office of the Secretary

Agency Record Keeping/Reporting Requirements Under Emergency Review by the Office of Management and Budget (OMB)

December 14, 1998.

The Department of Labor has submitted the following (see below) emergency processing public information collection request (ICR) to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995 (Pub. L. 104–13, 44 U.S.C. Chapter 35). OMB approval has been requested by December 23, 1998. A copy of this ICR, with applicable supporting documentation, may be obtained by calling the Department of Labor Departmental Clearance Officer, Todd Owen ({202} 219–5096, x.143). Comments and questions about the ICR listed below should be forwarded to Office Information and Regulatory Affairs, Attn: OMB Desk Officer for the Employment and Training Administration, Office of Management and Budget, Room 10235, Washington, DC 20503 ({202} 395–7316).

The Office of Management and Budget is particularly interested in comments which:

* Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, Including whether the information will have practical utility;

* Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

* Enhance the quality, utility, and clarity of the information to be collected; and

* Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of response.

Agency: Employment and Training Administration.

Title: Planning Guidance and Instructions For Submission of the Strategic Five-Year State Plan For Title I of the Workforce Investment Act of 1998 (Workforce Investment Systems) and the Wagner-Peyser Act.

OMB Number: 1205–0NEW.

Frequency: One time—5 Year Strategic Plan Required.

Affected Public: State and Local Governments.

Number of Respondents: 59.

Estimated Time Per Respondent: 50 hours.

Total Burden Hours: 2950.

Total Burden Cost (capital/startup): 0.

Total Burden Cost (operating/maintaining): 0.

Description: Workforce Investment Act of 1998 (Public Law 105–220, August 7, 1998), Fund Management. Section 112(a) of the Workforce Investment Act requires the Governor of the State to submit a single State Plan to the Secretary to be eligible to receive an allocation under Section 127 or 132 or to receive financial assistance under the Wagner-Peyser Act. The State outlines a 5-year strategy for the statewide workforce investment system of the State that meets the requirements of Section 111 and 112 of the Act.

Todd Owen,

Departmental Clearance Officer.

[FR Doc. 98–33408 Filed 12–16–98; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[Docket No. NRTL–1–89]

Intertek Testing Services, NA, Inc., Applications for Renewal and Expansion of Recognition

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Notice.

SUMMARY: This notice announces: (1) the application of Intertek Testing Services, NA, Inc., for renewal of its recognition as a Nationally Recognized Testing Laboratory under 29 CFR 1910.7, and (2) the applications of Intertek Testing Services, NA, Inc., for expansion of its recognition to use additional standards, sites, and programs, and presents the Agency's preliminary finding. This preliminary finding does not constitute an interim or temporary approval of these applications.

DATES: Comments submitted by interested parties must be received no later than February 16, 1999.

ADDRESSES: Send comments concerning this notice to: Office of Technical Programs and Coordination Activities, NRTL Program, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue, NW, Room N3653, Washington, D.C. 20210.

FOR FURTHER INFORMATION CONTACT: Bernard Pasquet, Office of Technical Programs and Coordination Activities at the above address, or phone (202) 219–7056.

SUPPLEMENTARY INFORMATION:

Notice of Application

The Occupational Safety and Health Administration (OSHA) hereby gives notice that Intertek Testing Services, NA, Inc. (ITSNA) has applied for renewal and for expansion of its current recognition as a Nationally Recognized Testing Laboratory (NRTL). ITSNA's expansion request covers the use of additional test standards, sites, and programs. OSHA recognizes an organization as an NRTL, and processes applications related to such recognitions, following requirements in Section 1910.7 of Title 29, Code of Federal Regulations (29 CFR 1910.7). Appendix A to this section requires that OSHA publish this public notice of the preliminary finding on an application.

The renewal and expansion of recognition covered by this notice apply only to the administrative, testing, and certification facilities that are part of the ITSNA organization and operations as an NRTL. No part of the recognition will apply to any other part of ITSNA, or to any other legal entity, subsidiary, facility, operation, unit, division, or department of Intertek Testing Services Ltd. (ITSLtd), which encompasses ITSNA. The term ''ITSNA'' also represents the NRTL's predecessors ''ETL'' and/or ''InchcapeNA,'' as appropriate and as explained below.

The most recent notices published by OSHA for ITSNA's recognition covered an expansion for additional sites, which OSHA announced on August 8, 1997 (62 FR 42829) and granted on December 1, 1997 (62 FR 63562). The following is a chronology of the other **Federal Register** notices published by OSHA concerning the recognition of ITSNA, all of which involved an expansion of recognition for additional test standards: a request announced on October 26, 1990 (55 FR 43229) and granted on December 18, 1990 (55 FR 51971; see correction, 56 FR 2953 1/25/91); a request announced on November 18, 1992 (57 FR 54422) and granted on July 13, 1993 (58 FR 37749; see correction, 58 FR 47001, 9/3/93); and a request announced on August 9, 1996 (61 FR 41659) and granted on November 20, 1996 (61 FR 59111; see correction, 63 FR 1126, 1/8/98). The renewal will incorporate all recognitions granted to ITSNA through the date of publication of this preliminary finding.

The current address of the ITSNA testing facilities already recognized by OSHA are:

ITSNA Cortland, 3933 U.S. Route 11, Cortland, New York 13045

ITSNA Boxborough, 593 Massachusetts Avenue, Boxborough, Massachusetts 01719

ITSNA Atlanta, 4317-A Park Drive, Norcross, Georgia 30093

ITSNA San Francisco, 1365 Adams Court, Menlo Park, CA 94025

*ITSNA Pittsburg, 530 Garcia Avenue, Pittsburg, California 94565

*ITSNA Vancouver, 211 Schoolhouse Street, Coquitlam, British Columbia, V3K 4X9 Canada

ITSNA Hong Kong, 2/F., Garment Centre, 576 Castle Peak Road, Kowloon, Hong Kong

ITSNA Taiwan, 14/F Huei Fung Building, 27, Chung Shan North Road, Sec. 3, Taipei 10451, Taiwan

The current address of the ITSNA/ETL ''Certification'' office to be recognized as part of the renewal request is:

ITSNA Cortland Certification, 24 Groton Avenue, Cortland, New York 13045.

The current address of the additional ITSNA testing sites covered by the expansion requests are:

ITSNA Los Angeles, 27611 LaPaz Road, Suite C, Laguna Niguel, California 92677

ITSNA Minneapolis, 7435 Fourth Street North, Lake Elmo, Minnesota 55042

ITSNA Totowa, 40 Commerce Way, Unit B, Totowa, New Jersey 07512

*ITSNA Madison, 8431 Murphy Drive, Middleton, Wisconsin 53562

* One of the three sites permitted to authorize the use of the ''WHI'' certification mark.

General Background on the Applicant and Applications

ITSNA, as ''ETL,'' has submitted a request for the renewal, dated September 29, 1993 (see Exhibit 30A). It later submitted multiple requests to expand its recognition: applications for recognition of additional sites, dated August 24, 1994 (see Exhibits 30B, 30C, and 30D), and dated April 3, 1996 (see Exhibit 30E); requests for recognition to use additional test standards, dated April 25, 1997 and January 2, 1998 (see Exhibits 30F and 30H); and the request for recognition to use additional programs and procedures, dated November 20, 1997 (see Exhibit 30G). ITSNA submitted an application for another site that it subsequently withdrew.

When first recognized as an NRTL in 1989, the organization's name was ETL Testing Laboratories, Inc. (ETL). According to the preliminary **Federal Register** notice for the recognition (54 FR 8411), ETL was part of Inchcape

Inspection and Testing Services, U.S.A., Inc. (IITS), based in New York. IITS was in turn owned by Inchcape plc, based in the United Kingdom.

In 1996, ''ETL'' informed OSHA (See Exhibit 23E) of a change in legal structure and name to ''Inchcape Testing Services NA, Inc.'' (InchcapeNA). OSHA published a final notice reflecting this change on November 20, 1996 (61 FR 59111). In this notice, OSHA also noted: (1) the 1991 acquisition by IITS of Dash, Strauss, and Goodhue, Inc. (DS&G), and (2) that it granted the voluntary termination of recognition of DS&G as an NRTL, as requested by InchcapeNA. OSHA had recognized DS&G as an NRTL on June 16, 1989 (54 FR 25643) for one location. This site maintained its recognition as part of IITS.

More recently, InchcapeNA informed OSHA (see Exhibit 25F) of the substantial acquisition of ''Inchcape Testing Services'' by Charterhouse Development Capitol Limited (Charterhouse) and ''affiliated investors.'' Following this, ''InchcapeNA'' informed OSHA (see Exhibit 25G) of a name change to ''Intertek Testing Services NA Inc.'' in connection with a change in corporate identity by ITSLtd, headquartered in London, England.

ITSNA, as ETL, received its recognition as an NRTL on September 13, 1989 (see 54 FR 37845), for a period of five years ending September 13, 1994. Appendix A to 29 CFR 1910.7 stipulates that the period of recognition of an NRTL is five years and that an NRTL may renew its recognition by applying not less than nine months, nor more than one year, before the expiration date of its current recognition. ETL submitted its renewal request within the time allotted, and ITSNA retains its recognition pending OSHA's final decision in this renewal process. However, OSHA temporarily withheld its consideration of the renewal and the expansion requests pending resolution by the NRTL of discrepancies noted at its facilities during OSHA audits. Staff of the OSHA NRTL Program accepted resolution of the discrepancies in December 1996, permitting OSHA to resume processing all the requests it had received from ITSNA.

Regarding the expansions, ITSNA requests recognition to use additional standards, testing facilities (sites), and additional programs and procedures. All the ITSNA testing sites listed above will be recognized to use the programs and procedures, and to perform testing, but not to authorize the ''ETL'' certifications.

Renewal of NRTL Recognition

ITSNA seeks renewal of its recognition for the eight sites that OSHA has previously recognized. The renewal of each of these sites is limited to performing testing to the test standards for which OSHA has recognized ITSNA, and for which the site has the proper capability and control programs. However, OSHA intends to impose certain limitations on the testing that can be performed at ITSNA's sites, and in general, to the testing permitted under some of the test standards.

The renewal will allow ITSNA to maintain its current operation as an NRTL. Specifically, only the ITSNA ''Cortland Certification'' office, currently at the address identified above, may authorize the use of the ''ETL'' certification mark or certifications for the NRTL Program. Only the Vancouver, Pittsburg, and proposed Madison sites identified above may authorize the use of the ''WHI'' (Warnock Hersey) certification mark or certifications.

ITSNA also seeks renewal of its recognition for testing and certification of products to demonstrate compliance to the following 405 test standards, which OSHA has previously recognized for ITSNA. OSHA recognition of any NRTL for a particular test standard is limited to products for which OSHA standards require third party testing and certification before use in the workplace.

ANSI/ASME A90.1 Safety Standard for Belt Manlifts
ANSI/IEEE C37.13 Low Voltage AC Power Circuit Breakers Used in Enclosures
ANSI/IEEE C37.14 Low Voltage DC Power Circuit Breakers Used in Enclosures
ANSI/IEEE C37.20.1 Metal-Enclosed Low Voltage Power Circuit Breaker Switchgear
ANSI/IEEE C37.20.2 Metal-Clad and Station-Type Cubicle Switchgear
ANSI/IEEE C37.20.3 Metal-Enclosed Interrupter Switchgear
[1] ANSI/ISA S12.12 Nonincendive Electrical Equipment for Use in Class I and II, Division 2, and Class III, Divisions 1 and 2, Hazardous (Classified) Locations
ANSI/ISA S12.13.1 Performance Requirements for Combustible Gas Detectors
ANSI Z21.1 Household Cooking Gas Appliances
ANSI Z21.5.1 Gas Clothes Dryers—Volume I—Type 1 Clothes Dryers
ANSI Z21.5.2 Gas Clothes Dryers—Volume II—Type 2 Clothes Dryers
ANSI Z21.10.1 Gas Water Heaters—Volume I—Storage Water Heaters with Input Ratings of 75,000 Btu per Hour or less
ANSI Z21.10.3 Gas Water Heaters—Volume III—Storage, with Input Ratings above 75,000 Btu per Hour, Circulating and Instantaneous Water Heaters
ANSI Z21.11.1 Gas-Fired Room Heaters—Volume I—Vented Room Heaters
ANSI Z21.11.2 Gas-Fired Room Heaters—Volume II, Unvented Room Heaters
ANSI Z21.12 Draft Hoods
ANSI Z21.13 Gas-Fired Low-Pressure Steam and Hot Water Boilers
ANSI Z21.15 Manually Operated Gas Valves
ANSI Z21.17 Domestic Gas Conversion Burners
ANSI Z21.18 Gas Appliance Pressure Regulators
ANSI Z21.20 Automatic Gas Ignition Systems and Components
ANSI Z21.21 Automatic Valves for Gas Appliances
ANSI Z21.23 Gas Appliance Thermostats
ANSI Z21.35 Pilot Gas Filters
ANSI Z21.40.1 Gas-Fired, Heat Activated Air Conditioning and Heat Pump Appliances
ANSI Z21.40.2 Gas-Fired, Work Activated Air-Conditioning and Heat Pump Appliances (Internal Combustion)
ANSI Z21.47 Gas-Fired Central Furnaces
ANSI Z21.48 Gas-Fired Gravity and Fan Type Floor Furnaces
ANSI Z21.49 Gas-Type Gravity and Fan Type Vented Wall Furnaces
ANSI Z21.56 Gas-Fired Pool Heaters
ANSI Z83.4 Direct Gas-Fired Make-Up Air Heaters
ANSI Z83.8 Gas Unit Heaters and Gas-Fired Duct Furnaces
ANSI Z83.11 Gas Food Service Equipment—Range and Unit Broilers
ANSI Z83.16 Gas-Fired Unvented Commercial and Industrial Heaters
ANSI Z83.18 Direct Gas-Fired Industrial Air Heaters
ANSI/UL 1 Flexible Metal Conduit
ANSI/UL 3 Flexible Nonmetallic Tubing for Electric Wiring
ANSI/UL 4 Armored Cable
ANSI/UL 5 Surface Metal Raceways and Fittings
UL 6 Rigid Metal Conduit
UL 9 Fire Tests of Window Assemblies
UL 10B Fire Tests of Door Assemblies
UL 10C Positive Pressure Fire Tests of Door Assemblies
UL 13 Power-Limited Circuit Cables
ANSI/UL 17 Vent or Chimney Connector Dampers for Oil-Fired Appliances
ANSI/UL 20 General-Use Snap Switches
ANSI/UL 21 LP-Gas Hose
ANSI/UL 22 Amusement and Gaming Machines
ANSI/UL 25 Meters for Flammable and Combustible Liquids and LP Gas
ANSI/UL 44 Rubber-Insulated Wires and Cables
ANSI/UL 45 Portable Electric Tools
ANSI/UL 48 Electric Signs
ANSI/UL 50 Electrical Cabinets and Boxes
ANSI/UL 62 Flexible Cord and Fixture Wire
ANSI/UL 65 [Electric] Wired Cabinets
ANSI/UL 67 [Electric] Panelboards
ANSI/UL 69 Electric-Fence Controllers
ANSI/UL 73 [Electric] Motor-Operated Appliances
ANSI/UL 79 Power-Operated Pumps for Petroleum Product Dispensing Systems
ANSI/UL 82 Electric Gardening Appliances
ANSI/UL 83 Thermoplastic-Insulated Wires and Cables
ANSI/UL 87 Power-Operated Dispensing Devices for Petroleum Products

ANSI/UL 94 Tests for Flammability of Plastic Materials for Parts in Devices and Appliances
ANSI/UL 96 Lightning Protection Components
ANSI/UL 98 Enclosed and Dead-Front Switches
UL 104 Elevator Door Locking Devices and Contacts
ANSI/UL 114 Electric Office Appliances and Business Equipment
ANSI/UL 122 Photographic Equipment
ANSI/UL 130 Electric Heating Pads
UL 136 Pressure Cookers
ANSI/UL 141 Garment Finishing Appliances
ANSI/UL 150 Antenna Rotators
ANSI/UL 153 Portable Electric Lamps
ANSI/UL 154 Carbon-Dioxide Fire Extinguisher
ANSI/UL 174 Household Electric Storage Tank Water Heaters
UL 181 Factory Made Air Ducts and Connectors
ANSI/UL 183 Manufactured Wiring Systems
ANSI/UL 187 X-Ray Equipment
ANSI/UL 197 Commercial Electric Cooking Appliances
ANSI/UL 198B Class H Fuses
ANSI/UL Class K Fuses
ANSI/UL 198E Class R Fuses
ANSI/UL 198F Plug Fuses
ANSI/UL 198G Fuses for Supplementary Overcurrent Protection
ANSI/UL 198H Class T Fuses
ANSI/UL 198L DC Fuses for Industrial Uses
ANSI/UL 198M Mine-Duty Fuses
ANSI/UL 201 Standard for Garage Equipment
ANSI/UL 207 Refrigerant Containing Components and Accessories, Nonelectrical
UL 209 Cellular Metal Floor Raceways and Fittings
ANSI/UL 224 Extruded Insulating Tubing
ANSI/UL 231 [Electrical] Power Outlets
ANSI/UL 244A Solid-State Controls for Appliances
ANSI/UL 250 Household Refrigerators and Freezers
ANSI/UL 291 Automated Teller Systems
ANSI/UL 294 Access Control System Units
ANSI/UL 296 Oil Burners
ANSI/UL 296A Waste Oil-Burning Air-Heating Appliances
ANSI/UL 298 Portable Electric Hand Lamps
ANSI/UL 299 Dry Chemical Fire Extinguisher
ANSI/UL 303 Refrigeration and Air-Conditioning Condensing and Compressor Units
ANSI/UL 307A Liquid Fuel-Burning Heating Appliances for Manufactured Homes and Recreational Vehicles
ANSI/UL 310 Electrical Quick-Connect Terminals
ANSI/UL 325 Door, Drapery, Gate, Louver, and Window Operators and Systems
UL 330 Hose and Hose Assemblies for Dispensing Gasoline
ANSI/UL 343 Pumps for Oil-Burning Appliances
ANSI/UL 347 High-Voltage Industrial Control Equipment
ANSI/UL 353 Limit Controls
ANSI/UL 355 Cord Reels
ANSI/UL 360 Liquid-Tight Flexible Steel Conduit
ANSI/UL 363 Knife Switches
ANSI/UL 365 Police Station Connected Burglar Alarm Units and Systems
ANSI/UL 372 Primary Safety Controls for Gas-and Oil-Fired Appliances
UL 378 Draft Equipment
ANSI/UL 399 Drinking-Water Coolers
ANSI/UL 407 Manifolds for Compressed Gases
ANSI/UL 412 Refrigeration Unit Coolers
ANSI/UL 414 Meter Sockets
ANSI/UL 416 Refrigerated Medical Equipment
ANSI/UL 427 Refrigerating Units
ANSI/UL 429 Electrically Operated Valves
ANSI/UL 430 [Electric] Waste Disposers
ANSI/UL 443 Steel Auxiliary Tanks for Oil-Burner Fuel
UL 444 Communications Cables
ANSI/UL 448 Pumps for Fire-Protection Service
ANSI/UL 464 Audible Signal Appliances
ANSI/UL 465 Central Cooling Air Conditioners
ANSI/UL 466 Electric Scales
ANSI/UL 467 [Electrical] Grounding and Bonding Equipment
ANSI/UL 469 Musical Instruments and Accessories
ANSI/UL 471 Commercial Refrigerators and Freezers
ANSI/UL 474 Dehumidifiers
ANSI/UL 482 Portable Sun/Heat Lamps
ANSI/UL 484 Room Air Conditioners
ANSI/UL 486A Wire Connectors and Soldering Lugs for Use With Copper Conductors
ANSI/UL 486B Wire Connectors for Use with Aluminum Conductors
ANSI/UL 486C Splicing Wire Connectors
ANSI/UL 486E Equipment Wiring Terminals for Use with Aluminum and/or Cooper Conductors
ANSI/UL 489 Molded-Case Circuit Breakers and Circuit-Breaker Enclosures
ANSI/UL 493 Thermoplastic-Insulated Underground Feeder and Branch-Circuit Cables
ANSI/UL 496 Edison Base Lampholders
ANSI/UL 497 Protectors for Communication Circuits
UL 497A Secondary Protectors for Communication Circuits
ANSI/UL 497B Protectors for Data Communication and Fire Alarm Circuits
ANSI/UL 498 Attachment Plugs and Receptacles
ANSI/UL 499 Electric Heating Appliances
ANSI/UL 506 Specialty Transformers
ANSI/UL 507 Electric Fans
ANSI/UL 508 Electric Industrial Control Equipment
ANSI/UL 508C Power Conversion Equipment
ANSI/UL 510 Insulating Tape
ANSI/UL 512 Fuseholders
ANSI/UL 514A Metallic Outlet Boxes
ANSI/UL 514B Fittings for Conduit and Outlet Boxes
ANSI/UL 514C Nonmetallic Outlet Boxes, Flush-Device Boxes and Covers
ANSI/UL 525 Flame Arresters for Use on Vents of Storage Tanks for Petroleum Oil and Gasoline
ANSI/UL 541 Refrigerated Vending Machines
ANSI/UL 542 Lampholders, Starters, and Starter Holders for Fluorescent Lamps
UL 544 Electric Medical and Dental Equipment
ANSI/UL 547 Thermal Protectors for Electric Motors
ANSI/UL 551 Transformer-Type Arc-Welding Machines
ANSI/UL 558 Industrial Trucks, Internal Combustion Engineer-Powered
ANSI/UL 559 Heat Pumps
ANSI/UL 561 Floor-Finishing Machines
ANSI/UL 563 Ice Makers
ANSI/UL 567 Pipe Connectors for Flammable and Combustible Liquids and LP Gas
ANSI/UL 574 Electric Oil Heaters
ANSI/UL 583 Electric-Battery-Powered Industrial Trucks
ANSI/UL 603 Power Supplies for Use with Burglar-Alarm Systems
ANSI/UL 606 Linings and Screens for Use with Burglar-Alarm Systems
ANSI/UL 609 Local Burglar-Alarm Units and Systems
ANSI/UL 621 Ice Cream Makers
ANSI/UL 626 2 ½ Gallon Stored-Pressure, Water-Type Fire Extinguisher
ANSI/UL 632 Electrically Actuated Transmitters
ANSI/UL 634 Connectors and Switches for Use with Burglar-Alarm Systems
ANSI/UL 639 Intrusion-Detection Units
ANSI/UL 641 Low-Temperature Venting Systems, Type L
ANSI/UL 644 Container Assemblies for LP-Gas
ANSI/UL 651 Schedule 40 and 80 PVC Conduit
ANSI/UL 651A Type EB and A Rigid PVC Conduit and HDPE Conduit
UL 664 Commercial Dry-Cleaning Machines (Type IV)
(1) ANSI/UL 674 Electric Motors and Generators for Use in Hazardous Locations, Class I, Groups C and D, Class II, Groups E, F, and G
ANSI/UL 676 Underwater Lighting Fixtures
(1) ANSI/UL 698 Industrial Control Equipment for Use in Hazardous (Classified) Locations
ANSI/UL 705 Power Ventilators
UL 710 Exhaust Hoods for Commercial Cooking Equipment
ANSI/UL 711 Rating and Fire Testing of Fire Extinguishers
ANSI/UL 719 Nonmetallic Sheathes Cables
ANSI/UL 726 Oil-Fired Boiler Assemblies
ANSI/UL 727 Oil-Fired Central Furnaces
ANSI/UL 729 Oil-Fired Floor Furnaces
ANSI/UL 730 Oil-Fired Wall Furnaces
ANSI/UL 731 Oil-Fired Unit Heaters
ANSI/UL 732 Oil-Fired Storage Tank Water Heaters
UL 733 Oil-Fired Air Heaters and Direct-Fired Heaters
UL 745–1 Portable Electric Tools
UL 745–2–1 Particular Requirements of Drills
UL 745–2–2 Particular Requirements for Screwdrivers and Impact Wrenches
UL 745–2–3 Particular Requirements for Grinders, Polishers, and Disk-Type Sanders
UL 745–2–4 Particular Requirements for Sanders
UL 745–2–5 Particular Requirements for Circular Saws and Circular Knives
UL 745–2–6 Particular Requirements for Hammers
UL 745–2–8 Particular Requirements for Shears and Nibblers
UL 745–2–9 Particular Requirements for Tappers

UL 745–2–11 Particular Requirements for Reciprocating Saws
UL 745–2–12 Particular Requirements for Concrete Vibrators
UL 745–2–14 Particular Requirements for Planers
UL 745–2–17 Particular Requirements for Routers and Trimmers
UL 745–2–30 Particular Requirements for Staplers
UL 745–2–31 Particular Requirements for Diamond Core Drills
UL 745–2–32 Particular Requirements for Magnetic Drill Presses
UL 745–2–33 Particular Requirements for Portable Bandsaws
UL 745–2–34 Particular Requirements for Strapping Tools
UL 745–2–35 Particular Requirements for Drain Cleaners
UL 745–2–36 Particular Requirements for Hand Motor Tools
UL 745–2–37 Particular Requirements for Plate Jointers
ANSI/UL 746C Polymeric Materials—Use in Electrical Equipment Evaluations
ANSI/UL 749 Household [Electric] Dishwashers
ANSI/UL 751 Vending Machines
ANSI/UL 756 Coin and Currency Changers and Actuators
UL 763 Motor-Operated Commercial Food Preparing Machines
ANSI/UL 773 Plug-In, Locking Type Photocontrols for Use with Area Lighting
ANSI/UL 773A Nonindustrial Photoelectric Switches for Lighting Control
UL 775 Graphic Arts Equipment
ANSI/UL 778 Motor-Operated Water Pumps
(1)ANSI/UL 781 Portable Electric Lighting Units for Use in Hazardous (Classified) Locations
UL 795 Commercial-Industrial Gas-Heating Equipment
ANSI/UL 796 Electrical Printed-Wiring Boards
ANSI/UL 797 Electrical Metallic Tubing
UL 810 Capacitors
ANSI/UL 813 Commercial Audio Equipment
ANSI/UL 814 Gas-Tube-Sign and Ignition Cable
ANSI/UL 817 Cord Sets and Power-Supply Cords
(1)ANSI/UL 823 Electric Heaters for Use in Hazardous (Classified) Locations
ANSI/UL 826 Household Electric Clocks
ANSI/UL 827 Central-Stations for Watchman, Fire-Alarm, and Supervisory Services
ANSI/UL 834 Electric Heating, Water Supply, and Power Boilers
ANSI/UL 842 Valves for Flammable Liquids
(1)ANSI/UL 844 Electric Lighting Fixtures for Use in Hazardous (Classified) Locations
ANSI/UL 845 Motor Control Centers
ANSI/UL 854 Service-Entrance Cables
ANSI/UL 857 Electric Busways and Associated Fittings
ANSI/UL 858 Household Electric Ranges
UL 858A Safety-Related Solid-State Controls for Household Electric Ranges
ANSI/UL 859 Electrical Personal Grooming Appliances
ANSI/UL 863 Time-Indicating and—Recording Appliances
ANSI/UL 864 Control Units for Fire-Protective Signaling Systems
ANSI/UL 867 Electrostatic Air Cleaners
ANSI/UL 873 [Electrical] Temperature-Indicating and Regulating Equipment
ANSI/UL 875 Electric Dry Bath Heaters
(1)ANSI/UL 877 Circuit Breakers and Circuit-Breaker Enclosures for Use in Hazardous (Classified) Locations
ANSI/UL 879 Electrode Receptacles for Gas-Tube Signs
ANSI/UL 883 Fan-Coil Units and Room Fan-Heater Units
ANSI/UL 884 Underfloor Raceways and Fittings
(1)ANSI/UL 886 Outlet Boxes and Fittings for Use in Hazardous (Classified) Locations
ANSI/UL 891 Dead-Front Electrical Switchboards
(1)ANSI/UL 894 Switches for Use in Hazardous (Classified) Locations
ANSI/UL 900 Test Performance of Air-Filter Units
ANSI/UL 910 Test Method for Fire and Smoke Characteristics of Electrical and Optical-Fiber Cables Used in Air Handling Spaces
ANSI/UL 913 Intrinsically Safe Apparatus and Associated Apparatus for Use in Class I, II, and III, Division 1, Hazardous Locations
ANSI/UL 916 Energy Management Equipment
ANSI/UL 917 Clock-Operated Switches
ANSI/UL 921 Commercial Electric Dishwashers
ANSI/UL 923 Microwave Cooking Appliances
ANSI/UL 924 Emergency Lighting and Power Equipment
ANSI/UL 935 Fluorescent-Lamp Ballasts
ANSI/UL 943 Ground-Fault Circuit Interrupters
ANSI/UL 961 Hobby and Sports Equipment
ANSI/UL 964 Electrically Heated Bedding
ANSI/UL 969 Marking and Labeling Systems
ANSI/UL 977 Fuse Power-Circuit Devices
ANSI/UL 982 Motor-Operated Household Food Preparing Machines
ANSI/UL 983 Surveillance Camera Units
ANSI/UL 984 Hermetic Refrigerant Motor-Compressors
ANSI/UL 987 Stationary and Fixed Electric Tools
UL 991 Safety-Related Controls Employing Solid-State Devices
ANSI/UL 998 Humidifiers
(1)ANSI/UL 1002 Electrically Operated Valves for Use in Hazardous (Classified) Locations
ANSI/UL 1004 Electric Motors
ANSI/UL 1005 Electric Flatirons
ANSI/UL 1008 Automatic Transfer Switches
ANSI/UL 1012 Power Supplies
ANSI/UL 1017 Vacuum Cleaner Machines and Blower Cleaners
ANSI/UL 1020 Thermal Cutoffs for Use in Electrical Appliances and Components
UL 1022 Line Isolated Monitors
ANSI/UL 1026 Electric Household Cooking and Food Serving Appliances
ANSI/UL 1028 [Electric] Hair-Clipping and Shaving Appliances
ANSI/UL 1029 High-Intensity Discharge Lamp Ballasts
ANSI/UL 1030 Sheathed Heating Elements
ANSI/UL 1037 Antitheft Alarms and Devices
ANSI/UL 1042 Electric Baseboard Heating Equipment
ANSI/UL 1047 Isolated Power Systems Equipment
ANSI/UL 1054 Special-Use Switches
UL 1059 [Electrical] Terminal Blocks
ANSI/UL 1063 Machine-Tool Wires and Cables
ANSI/UL 1066 Low-Voltage AC or DC Power Circuit Breakers Used in Enclosures
ANSI/UL 1069 Hospital Signaling and Nurse-Call System
ANSI/UL 1072 Medium-Voltage Power Cables
UL 1075 Gas Fired Cooling Appliances for Recreational Vehicles
ANSI/UL 1076 Proprietary Burglar Alarm Units and Systems
ANSI/UL 1077 Supplementary Protectors for Use in Electrical Equipment
ANSI/UL 1081 [Electric] Swimming Pool Pumps, Filters, and Chlorinators
ANSI/UL 1082 Household Electric Coffee Makers and Brewing-Type Appliances
ANSI/UL 1083 Household Electric Skillets and Frying-Type Appliances
ANSI/UL 1086 Household Trash Compactors
ANSI/UL 1097 Double Insulation Systems for Use in Electrical Equipment
(1)ANSI/UL 1203 Explosion-Proof and Dust-Ignition-Proof Electrical Equipment for Use in Hazardous (Classified) Locations
UL 1206 Electrical Commercial Clothes-Washing Equipment
ANSI/UL 1207 Sewage Pumps for Use in Hazardous [Class I only] (Classified) Locations
ANSI/UL 1230 Amateur Movie Lights
ANSI/UL 1236 Electric Battery Chargers
ANSI/UL 1238 Control Equipment for Use with Flammable Liquid Dispensing Devices
UL 1240 Electric Commercial Clothes-Drying Equipment
UL 1244 Electrical and Electronic Measuring and Testing Equipment
ANSI/UL 1261 Electric Water Heaters for Pools and Tubs
ANSI/UL 1262 Laboratory Equipment
ANSI/UL 1270 Radio Receivers, Audio Systems, and Accessories
ANSI/UL 1277 Electrical Power and Control Tray Cables with Optional Optical-Fiber Members
ANSI/UL 1278 Movable and Wall- or Ceiling-Hung Electric Room Heaters
ANSI/UL 1286 Office Furnishings
ANSI/UL 1310 Direct Plug-In Transformer Units
ANSI/UL 1313 Nonmetallic Safety Cans for Petroleum Products
ANSI/UL 1316 Glass-Fiber-Reinforced Plastic Underground Storage Tanks for Petroleum Products
UL 1323 Scaffold Hoists
ANSI/UL 1409 Low-Voltage Video Products Without Cathode-Ray-Tube Displays
ANSI/UL 1410 Television Receivers and High-Voltage Video Products
ANSI/UL 1411 Transformers and Motor Transformers for Use in Audio-, Radio-, and Television-Type Appliances
ANSI/UL 1413 High-Voltage Components for Television-Type Appliances
ANSI/UL 1414 Across-the-Line, Antenna-Coupling, and Line-By-Pass Capacitors for Radio- and Television-Type Appliances

ANSI/UL 1416 Overcurrent and Overtemperature Protectors for Radio- and Television-Type Appliances
ANSI/UL 1417 Special Fuses for Radio- and Television-Type Appliances
ANSI/UL 1418 Implosion-Protected Cathode-Ray Tubes for Television-Type Appliances
ANSI/UL 1424 Cables for Power-Limited Alarm Circuits
ANSI/UL 1433 Control Centers for Changing Message Type Electric Signs
ANSI/UL 1436 Outlet Circuit Testers and Similar Indicating Devices
UL 1437 Electrical Analog Instruments—Panel Board Types
ANSI/UL 1438 Household Electric Drip-Type Coffee Makers
ANSI/UL 1445 Electric Water Bed Heaters
ANSI/UL 1446 Systems of Insulating Materials—General
ANSI/UL 1447 Electric Lawn Mowers
ANSI/UL 1448 Electric Hedge Trimmers
UL 1449 Transient Voltage Surge Suppressors
ANSI/UL 1450 Motor-Operated Air Compressors, Vacuum Pumps and Painting Equipment
ANSI/UL 1453 Electric Booster and Commercial Storage Tank Water Heaters
UL 1459 Telephone Equipment
ANSI/UL 1480 Speakers for Fire Protective Signaling Systems
ANSI/UL 1481 Power Supplies for Fire Protective Signaling Systems
ANSI/UL 1492 Audio-Video Products and Accessories
ANSI/UL 1557 Electrically Isolated Semiconductor Devices
UL 1558 Metal-Enclosed Low-Voltage Power Circuit Breaker Switchgear
ANSI/UL 1559 Insect-Control Equipment, Electrocution Type
ANSI/UL 1561 Large General Purpose transformers
UL 1562 Transformers, Distribution, Dry-Type—Over 600 Volts
ANSI/UL 1563 Electric Hot Tubs, Spas, and Associated Equipment
ANSI/UL 1564 Industrial Battery Chargers
ANSI/UL 1565 Wire Positioning Devices
UL 1567 Receptacles and Switches for Use With Aluminum Wire
ANSI/UL 1569 Metal-Clad Cables
ANSI/UL 1570 Fluorescent Lighting Fixtures
ANSI/UL 1571 Incandescent Lighting Fixtures
ANSI/UL 1572 High Intensity Discharge Lighting Fixtures
ANSI/UL 1573 Stage and Studio Lighting Units
ANSI/UL 1574 Track Lighting Systems
ANSI/UL 1577 Optical Isolaters
ANSI/UL 1581 Reference Standard for Electrical Wires, Cables, and Flexible Cords
ANSI/UL 1585 Class 2 and Class 3 Transformers
ANSI/UL 1594 Sewing and Cutting Machines
[1] UL 1604 Electrical Equipment for Use in Class I and II, Division 2, and Class III Hazardous (Classified) Locations
ANSI/UL 1610 Central-Station Burglar-Alarm Units
ANSI/UL 1638 Visual Signaling Appliances
UL 1640 Portable Power Distribution Units
ANSI/UL 1647 Motor-Operated Massage and Exercise Machines
UL 1660 Liquid-Tight Flexible Nonmetallic Conduit
ANSI/UL 1662 Electric Chain Saws
ANSI/UL 1664 Immersion-Detection Circuit-Interrupters
ANSI/UL 1666 Standard Test for Flame Propagation Height of Electrical and Optical-Fiber Cables Installed Vertically in Shafts
ANSI/UL 1673 Electric Space Heating Cables
ANSI/UL 1676 Discharge Path Resistors
ANSI/UL 1690 Data-Processing Cables
ANSI/UL 1711 Amplifiers for Fire Protective Signaling Systems
ANSI/UL 1727 Commercial Electric Personal Grooming Appliances
UL 1738 Venting Systems for Gas-Burning Appliances, Categories II, III, and IV
ANSI/UL 1778 Uninterruptible Power Supply Equipment
UL 1795 Hydromassage Bathtubs
UL 1812 Ducted Heat Recovery Ventilators
UL 1815 Nonducted Heat Recovery Ventilators
ANSI/UL 1876 Isolating Signal and Feedback Transformers for Use in Electronic Equipment
ANSI/UL 1917 Solid-State Fan Speed Controls
ANSI/UL 1950 Information Technology Equipment Including Electrical Business Equipment
UL 1993 Self-Ballasted Lamps and Lamp Adapters
UL 1994 Low-Level Path Marking and Lighting Systems
UL 1995 Heating and Cooling Equipment
ANSI/UL 1996 Duct Heaters
UL 2021 Fixed and Location-Dedicated Electric Room Heaters
ANSI/UL 2044 Commercial Closed Circuit Television Equipment
ANSI/UL 2097 Double Insulation Systems for Use in Electronic Equipment
UL 2601–1 Medical Electrical Equipment, Part 1: General Requirements for Safety
UL 3044 Surveillance Closed Circuit Television Equipment
UL 3101–1 Electrical Equipment for Laboratory Use; Part 1: General
UL 3111–1 Electrical Measuring and Test Equipment, Part 1: General
ANSI/UL 6500 Audio/Visual and Musical Instrument Apparatus for Household, Commercial, and Similar General Use
UL 8730–1 Electrical Controls for Household and Similar Use; Part 1: General
UL 8730–2–4 Automatic Electrical Controls for Household and Similar Use; Part 2: Particular Requirements for Thermal Motor Protectors for Motor Compressors or Hermetic and Semi-Hermetic Type
UL 8730–2–7 Automatic Electrical Controls for Household and Similar Use; Part 2: Particular Requirements for Timers and Time Switches
UL 8730–2–8 Automatic Electrical Controls for Household and Similar Use; Part 2: Particular Requirements for Electrically Operated Water Valves

[1] Testing and certification of products under this test standard is limited to Class I locations. See also general note and condition for hazardous location testing.

Note 1—All safety testing for Class I locations is limited to recognized ITSNA sites properly pre-qualified by ITSNA. See ''Limitations.''

Note 2—Testing and certification of gas operated equipment is limited to equipment for use with ''liquefied petroleum gas.''

The designations and titles of the above test standards were current at the time of the preparation of this notice. They may differ from those that OSHA used in the original recognition of the test standards published in the **Federal Register**. In addition, OSHA had recognized ITSNA for ASTM E152, ASTM E163, and a few other standards that the standards organization has withdrawn or replaced. ITSNA has substituted alternative standards where possible, and these are listed above.

In their report on the recognitions, the NRTL Program staff recommended certain limitations on intrinsic testing that will apply to all hazardous location testing. These limitations are described partly in the note above and more fully under *Limitations* below. These limitations will apply to the renewal of recognition of the above test standards.

Expansion of NRTL Recognition

Expansion of Recognition—Additional Facilities

ITSNA requests recognition of the 4 additional sites listed above. OSHA's recognition of the Los Angeles, Minneapolis, and Totowa sites will be limited to performing testing to the test standards for which the site has the proper capability and control programs. In addition, OSHA will not recognize these three sites for authorizing certifications under the NRTL Program. OSHA intends to recognize the Madison site for performing testing to a limited number of test standards, but also for authorizing the ''WHI'' certifications under the Program. However, as previously noted, OSHA intends to impose certain limitations on the testing that can be performed at ITSNA's sites, and in general, to the testing permitted under some of the test standards. The expansion will also permit ITSNA to conduct activities that meet the criteria of the specific programs for which ITSNA seeks recognition.

Expansion of Recognition—Additional Test Standards

ITSNA seeks recognition for testing and certification of products to demonstrate compliance with the following 112 test standards, and OSHA has determined the standards are appropriate, as prescribed by 29 CFR 1910.7(c). OSHA recognition of any NRTL for a particular test standard is limited to products for which OSHA standards require third party testing and

certification before use in the workplace.

[2] ANSI/IEEE C37.013 AC High-Voltage Generator Circuit Breakers Rated on a Symmetrical Current Basis
[2] ANSI C37.17 Trip Devices for AC and General Purpose DC Low-Voltage Power Circuit Breakers
[2] ANSI/IEEE C37.18 Enclosed Field Discharge Circuit Breakers for Rotating Electric Machinery
[2] ANSI/IEEE C37.21 Control Switchboards
[2] ANSI/IEEE C37.29 Low-Voltage AC Power Circuit Protectors Used in Enclosures
[2] ANSI/IEEE C37.38 Gas-Insulated, Metal-Enclosed Disconnecting, Interrupter and Grounding Switches
[2] ANSI C37.46 Power Fuses and Fuse Disconnecting Switches
[2] ANSI C37.50 Low-Voltage AC Power Circuit Breakers Used in Enclosures—Test Procedures
[2] ANSI C37.51 Metal-Enclosed Low-Voltage AC Power Circuit-Breaker Switchgear Assemblies—Conformance Test Procedures
[2] ANSI C37.55 Metal-Clad Switchgear Assemblies—Conformance Test Procedures
[2] ANSI C37.57 Metal-Enclosed Interrupter Switchgear Assemblies—Conformance Testing
[2] ANSI/IEEE C37.90 Relays and Relay Systems Associated with Electric Power Apparatus
[2] ANSI C37.121 Unit Substations—Requirements
[2] ANSI/IEEE C57.12.00 Distribution, Power and Regulating Transformers—General Requirements
[2] ANSI/IEEE C57.13 Instrument Transformers—Requirements
[2] ANSI/IEEE C57.13.2 Instrument Transformers—Conformance Test Procedures
[2] ANSI/IEEE C62.11 Metal-Oxide Surge Arresters for AC Power Circuits
ANSI K61.1 Storage and Handling of Anhydrous Ammonia (CGA G–2.1)
ANSI/ISA S82.01 Electrical and Electronic Test, Measuring, Control and Related Equipment: General Requirements
ANSI/ISA S82.03 Electrical and Electronic Process Measuring and Control Equipment
ANSI Z21.24 Metal Connectors for Gas Appliances
ANSI Z21.44 Gas-Fired Gravity and Fan-Type Direct Vent Wall Furnaces
ANSI Z21.50 Vented Decorative Gas Appliances
ANSI Z21.57 Recreational Vehicle Cooking Gas Appliances
ANSI Z21.58 Outdoor Cooking Gas Appliances
ANSI Z21.60 Decorative Gas Appliances for Installation in Solid-Fuel Burning Fireplaces
ANSI Z21.72 Portable Camp Cook Stoves for Use With Propane Gas
ANSI Z83.6 Gas-Fired Infrared Heaters
ANSI Z83.7 Gas-Fired Construction Heater
UL 5A Nonmetallic Surface Raceways and Fittings
ANSI/UL 8 Foam Fire Extinguishers
ANSI/UL 123 Oxy-Fuel Gas Torches
ANSI/UL 180 Liquid-Level Indicating Gauges and Tank-Filling Signals for Petroleum Products
ANSI/UL 217 Single and Multiple Station Smoke Detectors
UL 218 Fire Pump Controllers
UL 228 Door Closers-Holders, and Integral Smoke Detectors
ANSI/UL 234 Low Voltage Lighting Fixtures for Use in Recreational Vehicles
ANSI/UL 248–1 Low-Voltage Fuses—Part 1: General Requirements
ANSI/UL 248–2 Low-Voltage Fuses—Part 2: Class C Fuses
ANSI/UL 248–3 Low-Voltage Fuses—Part 3: Class CA and CB Fuses
ANSI/UL 248–4 Low-Voltage Fuses—Part 4: Class CC Fuses
ANSI/UL 248–5 Low-Voltage Fuses—Part 5: Class G Fuses
ANSI/UL 248–6 Low-Voltage Fuses—Part 6: Class H Non-Renewable Fuses
ANSI/UL 248–7 Low-Voltage Fuses—Part 7: Class H Renewable Fuses
ANSI/UL 248–8 Low-Voltage Fuses—Part 8: Class J Fuses
ANSI/UL 248–9 Low-Voltage Fuses—Part 9: Class K Fuses
ANSI/UL 248–10 Low-Voltage Fuses—Part 10: Class L Fuses
ANSI/UL 248–11 Low-Voltage Fuses—Part 11: Plug Fuses
ANSI/UL 248–12 Low-Voltage Fuses—Part 12: Class R Fuses
ANSI/UL 248–13 Low-Voltage Fuses—Part 13: Semiconductor Fuses
ANSI/UL 248–14 Low-Voltage Fuses—Part 14: Supplemental Fuses
ANSI/UL 248–15 Low-Voltage Fuses—Part 15: Class T Fuses
ANSI/UL 248–16 Low-Voltage Fuses—Part 16: Test Limiters
ANSI/NEMA 250 Enclosures for Electrical Equipment
UL 252A Compressed Gas Regulator Accessories
UL 300 Fire Testing of Fire Extinguishing Systems for Protection of Restaurant Cooking Areas
UL 307B Gas Burning Heating Appliances for Manufactured Homes and Recreational Vehicles
ANSI/UL 391 Solid-Fuel and Combination-Fuel Control and Supplementary Furnaces
ANSI/UL 588 Christmas-Tree and Decorative-Lighting Outfits
UL 635 Insulating Bushings
ANSI/UL 668 Hose Valves For Fire Protection Service
ANSI/UL 696 Electric Toys
ANSI/UL 697 Toy Transformers
UL762 Power Ventilators for Restaurant Appliances
ANSI/UL 783 Electric Flashlights and Lanterns for Use in Hazardous [Class I only] (Classified) Locations
UL 791 Residential Incinerators
ANSI/UL 870 Wireways, Auxiliary Gutters, and Associated Fittings
UL 962 Household and Commercial Furnishings
ANSI/UL 1018 Electric Aquarium Equipment
ANSI/UL 1023 Household Burglar-Alarm System Units
ANSI/UL 1090 Electric Snow Movers
ANSI/UL 1247 Diesel Engines for Driving Centrifugal Fire Pumps
UL 1248 Engine-Generator Assemblies for Use in Recreational Vehicles
ANSI/UL 1283 Electromagnetic-Interference Filter
UL 1363 Relocatable Power Taps
ANSI/UL 1419 Professional Video and Audio Equipment
ANSI/UL 1431 Personal Hygiene and Health Care Appliances
ANSI/UL 1472 Solid-State Dimming Controls
ANSI/UL 1482 Solid Fuel Room Type Heaters
ANSI/UL 1484 Residential Gas Detectors
ANSI/UL 1635 Digital Burglar Alarm Communicator System Units
ANSI/UL 1651 Optical Fiber Cable
UL 1693 Electric Radiant Heating Panels and Heating Panel Sets
UL 1694 Tests for Flammability of Small Polymeric Component
ANSI/UL 1703 Flat Plate Photovoltaic Modules and Panels
ANSI/UL 1740 Industrial Robots and Robotic Equipment
ANSI/UL 1773 Termination Boxes
ANSI/UL 1776 High-Pressure Cleaning Machines
ANSI/UL 1786 Nightlights
UL 1821 Thermoplastic Sprinkler Pipe and Fittings for Fire Protection
UL 1838 Low Voltage Landscape Lighting Systems
UL 1863 Communication Circuit Accessories
ANSI/UL 1889 Commercial Filters for Cooking Oil
UL 1951 Electric Plumbing Accessories
ANSI/UL 1963 Refrigerant Recovery/Recycling Equipment
ANSI/UL 1971 Signaling Devices for the Hearing Impaired
UL 1977 Component Connectors for Use in Data, Signal, Control and Power Applications
ANSI/UL 1981 Central Station Automation Systems
UL 2024 Optical Fiber Cable Raceway
UL 2034 Single and Multiple Station Carbon Monoxide Detectors
ANSI/UL 2083 Halon 1301 Recovery/Recycling Equipment
ANSI/UL 2096 Commercial/Industrial Gas and/or Gas Fired Heating Assemblies with Emission Reduction Equipment
UL 2106 Field Erected Boiler Assemblies
ANSI/UL 2157 Electric Clothes Washing Machines and Extractors
ANSI/UL 2158 Electric Clothes Dryers
UL 2250 Instrumentation Tray Cable
([1]) FMRC 3600 Electrical Equipment for Use in Hazardous (Classified) Locations, General Requirements
([1]) FMRC 3610 Intrinsically Safe Apparatus and Associated Apparatus for Use in Class I, II and III, Division 1 Hazardous (Classified) Locations
([1]) FMRC 3611 Electrical Equipment for Use in Class I, Division 2; Class II, Division 2; and Class III, Division 1 and 2 Hazardous Locations
FMRC 3615 Explosionproof Electrical Equipment, General Requirements
UL 8730–2–3 Automatic Electrical Controls for Household and Similar Use; Part 2: Particular Requirements for Thermal Motor Protectors for Ballasts for Tubular Fluorescent Lamps

([1]) Testing and certification of products under this test standard is limited to Class I

locations. See also general note and condition for hazardous location testing.

(2) These standards are approved for equipment or materials intended for use in commercial and industrial power system applications. These standards are not approved for equipment or materials intended for use in installations that are excluded by the provisions of Subpart S in 29 CFR 1910, in particular Section 1910.302(b)(2).

Note 1—All safety testing for Class I locations is limited to recognized ITSNA sites properly pre-qualified by ITSNA. See ''Limitations.''

Note 2—Testing and certification of gas operated equipment is limited to equipment for use with ''liquefied petroleum gas.''

As previously noted, in their recommendation on the recognitions, the NRTL Program staff recommended certain limitations on intrinsic testing, partly described in the note above and more fully under *Limitations* below. These limitations will also apply to the expansion of recognition for the above additional test standards.

Expansion of Recognition—Programs and Procedures

ITSNA has applied to use the following supplemental programs and procedures, based upon the criteria detailed in the March 9, 1995 **Federal Register** notice (60 FR 12980, 3/9/95). This notice lists nine (9) programs and procedures (collectively, programs), eight of which an NRTL may use to control and audit, but not actually to generate, the data relied upon for product certification. An NRTL's initial recognition will always include the first or basic program, which requires that all product testing and evaluation be performed in-house by the NRTL that will certify the product. The on-site review report indicates that ITSNA appears to meet the criteria for use of all the following supplemental programs and procedures, for which it has applied:

1. Program 2: Acceptance of testing data from independent organizations, other than NRTLs.
2. Program 3: Acceptance of product evaluations from independent organizations, other than NRTLs.
3. Program 4: Acceptance of witnessed testing data.
4. Program 5: Acceptance of testing data from non-independent organizations.
5. Program 6: Acceptance of evaluation data from non-independent organizations (requiring NRTL review prior to marketing).
6. Program 7: Acceptance of continued certification following minor modifications by the client.
7. Program 8: Acceptance of product evaluations from organizations that function as part of the International Electrotechnical Commission Certification Body (IEC-CB) Scheme.
8. Program 9: Acceptance of services other than testing or evaluation performed by subcontractors or agents.

Impacts on ITSNA Independence

Section 1910.7(b)(3) requires that the NRTL be completely independent of employers subject to the tested equipment requirements, and of any manufacturers or vendors of equipment or materials [''products''] being tested for these purposes. In complying with this requirement, an NRTL must not be affiliated with manufacturers or vendors (''suppliers'') of the products the NRTL may test and certify.

According to the on-site review report for the Cortland facilities, ITSNA currently owns Design Engineering, a manufacturer of laboratory test equipment. If ITSNA were to certify the type of products manufactured or sold by Design Engineering, then ITSNA would not meet the requirement in 29 CFR 1910.7 for complete independence. Also, ITSNA's apparent parent company is Intertek Testing Services, Ltd. (ITSLtd). If ITSNA were to certify a type of product for an entity owned by ITSLtd, and that entity is also a supplier of that type of product, then ITSNA would not be ''completely independent.'' The NRTL Program staff believes that such situations can occur due to the large number of products for which OSHA has recognized ITSNA and the possible current or future interests of ITSLtd. Although ITSNA may not directly own or be owned by such an entity, both are fully within the same organization. Mere legal separation of the entities does not suffice for purposes of meeting the requirement for complete independence.

Conditions

Due to the foregoing, OSHA intends to impose the following condition on the renewal and expansion of recognition of ITSNA to mitigate or eliminate situations that will cause it to fail to meet the independence requirement of 29 CFR 1910.7. This condition applies solely to ITSNA's operations as an NRTL, and will be in addition to any other condition that OSHA normally imposes in its recognition of an organization as an NRTL.

ITSNA may not test and certify any products for a client that is a manufacturer or vendor, and that is either owned in excess of 2% by ITSLtd, or affiliated organizationally with ITSNA, including Design Engineering.

Limitations

The following limitations will apply solely to ITSNA's operations as an NRTL.

1. ITSNA may perform safety testing for hazardous location products only at the specific ITSNA sites that OSHA has recognized, and that have been pre-qualified by the ITSNA Chief Engineer. In addition, all safety test reports for hazardous location products must undergo a documented review and approval at the Cortland testing facility by a test engineer qualified in hazardous location safety testing, prior to ITSNA's initial or continued authorization of the certifications covered by these reports.
2. ITSNA may use the Vancouver, Pittsburg, and proposed Madison sites to perform testing and certification only of the products included within the scope of the following 3 test standards:

UL 9 Fire Tests of Window Assemblies
UL10B Fire Tests of Door Assemblies
UL10C Positive Pressure Fire Tests of Door Assemblies

In addition, only these three sites may authorize the use of the WHI certification mark or certifications.

3. Only the Cortland certification office may authorize the use of the ETL certification mark or certifications.

Preliminary Finding

ITSNA has submitted acceptable requests for renewal and expansion of its recognition as an NRTL. In connection with the renewal and the use of the programs, OSHA has performed an on-site review (evaluation) of the Cortland, New York, facilities. OSHA also performed an on-site review (evaluation) of the four additional facilities for which ITSNA seeks recognition. ITSNA has addressed the discrepancies noted by the auditors following the review, and the auditors included the resolution in the on-site review reports (see Exhibits 31A–31E).

Following a review of the application file, the on-site review report, and other pertinent information, the NRTL Program staff has concluded that OSHA can grant, to ITSNA: (1) the renewal for the 8 sites and the test standards listed above, and (2) the expansion for the additional 112 test standards, 4 sites, and 8 programs, with the above limitations and conditions to be applied as noted. The staff therefore recommended to the Assistant Secretary that the application be preliminarily approved.

Based upon the recommendations of the staff, the Assistant Secretary has made a preliminary finding that Intertek Testing Services, NA, Inc., can meet the requirements as prescribed by 29 CFR

1910.7 for the renewal and expansion of recognition, subject to the above conditions and limitations. This preliminary finding does not constitute an interim or temporary approval of the applications for ITSNA.

OSHA welcomes public comments, in sufficient detail, as to whether ITSNA has met the requirements of 29 CFR 1910.7 for the renewal and expansion of its recognition as a Nationally Recognized Testing Laboratory. Your comment should consist of pertinent written documents and exhibits. To consider it, OSHA must receive the comment at the address provided above (see **ADDRESSES**), no later than the last date for comments (see **DATES** above). You may obtain or review copies of ITSNA's applications, the on-site review reports, and all submitted comments, as received, by contacting the Docket Office, Room N2625, Occupational Safety and Health Administration, U.S. Department of Labor, at the above address. You should refer to Docket No. NRTL–1–89, the permanent record of public information on ITSNA's recognition.

The NRTL Program staff will review all timely comments, and after resolution of issues raised by these comments, will recommend whether to grant ITSNA's renewal and expansion requests. The Assistant Secretary will make the final decision on granting the renewal and expansion, and in making this decision, may undertake other proceedings that are prescribed in Appendix A to 29 CFR Section 1910.7. OSHA will publish a public notice of this final decision in the **Federal Register**.

Signed at Washington, D.C. this 17th day of November, 1998.

Charles N. Jeffress,

Assistant Secretary.

[FR Doc. 98–33406 Filed 12–16–98; 8:45 am]

BILLING CODE 4510–26–P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[Docket No. NRTL–2–90]

SGS U. S. Testing Company Inc., Correction of Recognition

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Notice.

SUMMARY: This notice corrects the renewal and expansion of recognition recently granted to SGS U.S. Testing Company Inc.

EFFECTIVE DATE: This correction becomes effective on December 17, 1998.

FOR FURTHER INFORMATION CONTACT: Bernard Pasquet, NRTL Program, Office of Technical Programs and Coordination Activities, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue, NW, Room N3653, Washington, D.C. 20210, or phone (202) 219–7056.

SUPPLEMENTARY INFORMATION:

Notice of Final Decision

The Occupational Safety and Health Administration (OSHA) is correcting the renewal and expansion of recognition granted to SGS U.S. Testing Company Inc. (SGS), on August 28, 1998 (see 463 FR 6084). OSHA recognizes an organization as an NRTL, and processes applications related to such recognitions, following requirements in Section 1910.7 of Title 29, Code of Federal Regulations (29 CFR 1910.7), and in Appendix A to this section. This correction notice falls outside the requirements of this section, and will be the only notice that OSHA will publish on this matter.

The current addresses of the two sites which OSHA has recognized for SGS are: SGS U.S. Testing Company Inc., 555 Telegraph Road, Los Angeles, California 90040; SGS U.S. Testing Company Inc., 291 Fairfield Avenue, Fairfield, New Jersey 07004.

In the August 28 notice, OSHA renewed the recognition of the SGS site in Los Angeles, which had received its original recognition under the name U.S. Testing Company, Inc., California Division. OSHA also expanded the recognition of SGS to include the additional site located in Fairfield, and an additional 5 test standards. However, OSHA recognized the Fairfield site only for these 5 test standards, since they were part of the application for this site, and renewed the recognition of the Los Angeles site only for the 16 test standards of the original recognition.

Such a ''site-specific'' recognition of test standards is inconsistent with the recognition that OSHA has granted to other NRTLs that operate multiple sites. For these NRTLs, OSHA generally recognizes the NRTL for the test standards for which it is qualified, and the NRTL may then use a site to perform product testing and certifications only to the test standards for which the site has the proper capability and programs. OSHA does not limit recognition of a site to particular test standards unless that site's capability is limited. In the case of SGS, OSHA did not intend to impose a site-specific limitation, but just granted what it believed SGS had requested.

Just prior to publication of the August 28 notice, SGS informed OSHA that it had intended to request recognition of its existing and the additional standards for both the Los Angeles and Fairfield sites. SGS also inquired about the possibility of changing the notice, however the deadline for changing the notice had passed. The NRTL Program staff did review the application and the on-site review report to confirm that a site-specific limitation was not necessary.

SGS has formally requested, in a letter dated September 3, 1998 (see Exhibit 12), that OSHA correct the August 28 notice. The NRTL Program staff has determined that the site-specific recognition of the test standards is due to the way that SGS submitted its request for the expansion, and not due to any apparent lack of capability or other factor that would warrant a limitation. The staff therefore recommended to the Assistant Secretary that OSHA correct the recognition of SGS to reflect that it is recognized for 21 test standards and not for particular standards at each site. However, the staff recommendation includes the condition that SGS use a site to perform testing and certifications only to the test standards for which the site has the proper capability and programs.

Based on the recommendation of the staff, the Assistant Secretary is correcting the recognition of SGS to reflect that it is recognized for 21 test standards and not for particular standards at each site. This correction is subject to the above condition recommended by staff. All other terms and conditions of SGS' recognition as an NRTL remain the same.

For information purposes, the 21 test standards are relisted below.

ANSI/UL 1 Flexible Metal Conduit
ANSI/UL 3 Flexible Nonmetallic Tubing for Electric Wiring
ANSI/UL 94 Tests for Flammability of Plastic Materials for Parts in Devices and Appliances
ANSI/UL 250 Household Refrigerators and Freezers
ANSI/UL 514A Metallic Outlet Boxes, Electrical
UL 544 Electric Medical and Dental Equipment
ANSI/UL 632 Electrically Actuated Transmitters
ANSI/UL 751 Vending Machines
ANSI/UL 913 Intrinsically Safe Apparatus and Associated Apparatus for Use in Class I, II, and III, Division I, Hazardous (Classified) Locations
ANSI/UL 1012 Power Supplies
UL 1236 Electric Battery Chargers
UL 1270 Radio Receivers, Audio Systems, and Accessories

ANSI/UL 1418 Implosion-Protected Cathode-Ray Tubes for Television-Type Appliances
UL 1459 Telephone Equipment
ANSI/UL 1484 Residential Gas Detectors
ANSI/UL 1571 Incandescent Lighting Fixtures
UL 1604 Electrical Equipment for Use in Class I and II, Division 2 and Class III Hazardous (Classified) Locations
ANSI/UL 1950 Information Technology Equipment Including Electrical Business Equipment
UL 2601–1 Medical Electrical Equipment, Part 1: General Requirements for Safety
UL 3101–1 Electrical Equipment for Laboratory Use; Part 1: General Requirements
UL 3111–1 Electrical Measuring and Test Equipment, Part 1: General

A copy of SGS' September 3, 1998 letter to OSHA is available for inspection and duplication at the Docket Office, Room N2625, Occupational Safety and Health Administration, U.S. Department of Labor, at the above address. The letter will be available under Docket No. NRTL–2–90, the permanent record of public information on SGS' recognition.

Signed at Washington, D.C. this 8th day of December, 1998.

Charles N. Jeffress,

Assistant Secretary.

[FR Doc. 98–33407 Filed 12–16–98; 8:45 am]

BILLING CODE 4510–26–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 72–4]

Notice of Issuance of Amendment to Materials License SNM–2503; Duke Power Company; Oconee Nuclear Station Independent Spent Fuel Storage Installation

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment 5 to Materials License No. SNM–2503 held by Duke Power Company for the receipt, possession, storage, and transfer of spent fuel at the Oconee independent spent fuel storage installation (ISFSI), located in Seneca, South Carolina. The amendment is effective as of the date of issuance.

By application dated January 19, 1998, Duke Power Company requested an amendment to revise Materials License SNM–2503 and the Technical Specifications for the Oconee ISFSI to change its corporate name from Duke Power Company to Duke Energy Corporation.

This amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment.

In accordance with 10 CFR 72.46(b)(2), a determination has been made that the amendment does not present a genuine issue as to whether public health and safety will be significantly affected. Therefore, the publication of a notice of proposed action and an opportunity for hearing or a notice of hearing is not warranted. Notice is hereby given of the right of interested persons to request a hearing by December 31, 1998, on whether the action should be rescinded or modified.

The Commission has determined that the issuance of the amendment meets the criteria for a categorical exclusion set forth in 10 CFR 51.22(c)(10)(ii) of the regulations. Therefore, an environmental assessment need not be prepared in connection with issuance of the amendment.

Documents related to this action are available for public inspection at the Commission's Public Document Room located at the Gelman Building, 2120 L Street, NW, Washington, DC 20555.

Dated at Rockville, Maryland, this 30th day of November 1998.

For the Nuclear Regulatory Commission.

William F. Kane,

Director, Spent Fuel Project Office, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 98–33432 Filed 12–16–98; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 40–8681-MLA–5; ASLBP No. 99–758–02–MLA]

International Uranium (USA) Corporation; Designation of Presiding Officer

Pursuant to delegation by the Commission dated December 29, 1972, published in the **Federal Register**, 37 FR 28710 (1972), and Sections 2.105, 2.700, 2.702, 2.714, 2.714a, 2.717 and 2.1207 (1998) of the Commission's Regulations, a single member of the Atomic Safety and Licensing Board Panel is hereby designated to rule on petitions for leave to intervene and/or requests for hearing and, if necessary, to serve as the Presiding Officer to conduct an informal adjudicatory hearing in the following proceeding.

International Uranium (USA) Corporation (IUSA) (Request for Material License Amendment)

The hearing, if granted, will be conducted pursuant to 10 C.F.R. Subpart L of the Commission's Regulations, ''Informal Hearing Procedures for Adjudications in Materials and Operator Licensing Proceedings.'' This proceeding concerns requests for hearing submitted by the State of Utah, Envirocare of Utah, Inc., the Navajo Utah Commission of the Navajo Nation Council of San Juan County, Utah, the Concerned Citizens of San Juan County, Utah, and Ken Sleight in response to a notice of receipt of an application of the International Uranium (USA) Corporation to amend its license. The notice was published in the **Federal Register** at 63 Fed. Reg. 59340 (November 3, 1998).

The Presiding Officer in this proceeding is Administrative Judge Peter B. Bloch. Pursuant to the provisions of 10 CFR § 2.722 (1998), Administrative Judge Richard F. Cole has been appointed to assist the Presiding Officer in taking evidence and in preparing a suitable record for review.

All correspondence, documents and other materials shall be filed with Judge Bloch and Judge Cole in accordance with 10 CFR 2.1203. Their addresses are:

Administrative Judge Peter B. Bloch, Presiding Officer, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555;

Dr. Richard F. Cole, Special Assistant, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

Issued at Rockville, Maryland, this 11th day of December 1998.

B. Paul Cotter, Jr.,

Chief Administrative Judge, Atomic Safety and Licensing Board Panel

[FR Doc. 98–33429 Filed 12–16–98; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–443]

North Atlantic Energy Service Corporation, et al.; Notice of Withdrawal of Applications for Amendments to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has permitted North Atlantic Energy Service Corporation's (NAESCO) withdrawal of

its April 3, 1998, and April 22, 1998, applications for proposed amendments to Facility Operating License No. NPF–86 for the Seabrook Station, Unit No. 1, located in Seabrook Township, Rockingham County.

The proposed amendments would have revised the Technical Specifications to change the interval of a variety of surveillance tests from 18 months to 24 months including the corresponding administrative changes. The applications for the proposed amendments identified the license amendment requests as LAR 98–02 and LAR 98–04.

The Commission had previously issued a Notice of Consideration of Issuance of Amendment published in the **Federal Register** on April 22, 1998, (63 FR 19974) and on June 3, 1998, (63 FR 30265). However, by letter dated October 14, 1998, the licensee withdrew the proposed changes.

For further details with respect to this action, see the applications for amendments dated April 3, 1998 and April 22, 1998, and the licensee's letter dated October 14, 1998, which withdrew the applications for license amendments. The above documents are available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and at the local public document room located at the Exeter Public Library, Founders Park, Exeter, NH 03833.

Dated at Rockville, Maryland, this 8th day of December 1998.

For the Nuclear Regulatory Commission.

John Harrison,

Project Manager, Project Directorate I–3, Division of Reactor Projects—I/II, Office of Nuclear Reactor Regulation.

[FR Doc. 98–33431 Filed 12–16–98; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Vermont Yankee Nuclear Power Corporation; Vermont Yankee Nuclear Power Station; Issuance of Director's Decision Under 10 CFR 2.206

[Docket No. 50–271]

Notice is hereby given that the Director, Office of Nuclear Reactor Regulation, has acted on a Petition for action under 10 CFR 2.206 received from Mr. Jonathan Block on May 27, 1998, and supplemented on June 9, 1998, concerning the Vermont Yankee Nuclear Power Station.

The Petition requests that the Commission take immediate enforcement action by suspending the operating license for the Vermont Yankee Nuclear Power Station, operated by the Vermont Yankee Nuclear Power Corporation, until the entire facility has been subjected to an independent safety analysis review similar to the one conducted at the Maine Yankee Atomic Power Station. As an alternative, Petitioner requests that the U.S Nuclear Regulatory Commission (NRC) immediately act to modify the operating license for the facility by requiring that before restart (1) Vermont Yankee management certify under oath that all backup safety systems and all security systems are fully operable and that all safety systems and security systems meet and comply with NRC requirements; (2) Vermont Yankee be held to compliance with all of the restart criteria and protocols in the NRC [Inspection] Manual; (3) Vermont Yankee only be allowed to resume operations after the NRC has conducted a ''vertical slice'' examination of the degree to which the new design-basis documents (DBDs) and the Final Safety Analysis Report (FSAR) accurately describe at least two of the primary safety systems for the Vermont Yankee reactor; (4) once operation resumes Vermont Yankee only be allowed to continue operation for as long as it adheres to its schedule for coming into compliance and completing the DBD and the FSAR projects; and (5) the NRC hold a public hearing to discuss the changes to the torus, the Vermont Yankee DBD and FSAR projects, and Vermont Yankee's scheduled completion of these projects in relation to operational safety.

As a basis for the request, the Petitioner raised concerns about the operation of the Vermont Yankee facility, including challenges to the single-failure criterion, inadequate safety evaluations, potential over-reliance on Yankee Atomic Electric Company analyses, an inadequate operational experience review program, high potential for other serious safety problems, and lack of adequate perimeter security. The Petitioner also attached four documents prepared by the Union of Concerned Scientists (UCS). One UCS document, dated May 14, 1998, provided a review of Vermont Yankee daily event reports (DERs) made over the previous year as requested by the Citizens Awareness Network, Inc., (CAN). These DERs are verbal reports made by licensees under 10 CFR 50.72 to the NRC and put in written form by the NRC. Another UCS document, dated January 29, 1998, was addressed to the NRC Region I Senior Allegation Coordinator; it discussed a specific concern with NRC DER 33545 of January 15, 1998, associated with Vermont Yankee water hammer effects on certain systems. The third document, a UCS letter dated May 5, 1997, to the NRC Chairman and Commissioners, discussed mis-located fuel bundle loading errors. The final UCS document attached was titled ''Potential Nuclear Safety Hazard Reactor Operation With Failed Fuel Cladding,'' dated April 2, 1998. In the supplement of June 9, 1998, Petitioner asserted that the event on June 9, 1998, at Vermont Yankee indicated a lack of reasonable assurance that safety-related systems at Vermont Yankee will perform adequately.

The Director of the Office of Nuclear Reactor Regulation has determined that the request should be denied for the reasons stated in the ''Director's Decision Pursuant to 10 CFR 2.206'' (DD–98–13), the complete text of which follows this notice and which is available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555–0001, and at the Local Public Document Room located at the Brooks Memorial Library, 224 Main Street, Brattleboro, VT 05301.

As provided in 10 CFR 2.206(c) a copy of this Decision will be filed with the Secretary of the Commission for the Commission's review. This Decision will constitute the final action of the Commission 25 days after issuance unless the Commission, on its own motion, institutes review of the Decision within that time.

Dated at Rockville, Maryland, this 7th day of December 1998.

For the Nuclear Regulatory Commission.

Samuel J. Collins,

Director, Office of Nuclear Reactor Regulation.

Director's Decision Pursuant to 10 CFR 2.206

[DD–98–13]

I. Introduction

By a Petition submitted pursuant to 10 CFR 2.206 on May 27, 1998, Mr. Jonathan M. Block, on behalf of the Citizens Awareness Network, Inc. (CAN or Petitioner), requested that the U.S. Nuclear Regulatory Commission (NRC) take immediate action with regard to the Vermont Yankee Nuclear Power Station operated by the Vermont Yankee Nuclear Power Corporation (licensee or Vermont Yankee). By letter dated June 9, 1998, Petitioner supplemented the Petition.

In the Petition of May 27, 1998, the Petitioner requested that the NRC take immediate enforcement action by

suspending the operating license for the Vermont Yankee facility until the entire facility has been subjected to an independent safety analysis review similar to the one conducted at the Maine Yankee Atomic Power Station. As an alternative, the Petitioner requested that the NRC immediately act to modify the operating license for the facility by requiring that before restart in June 1998 (1) Vermont Yankee management certify under oath that all backup safety systems and all security systems are fully operable and that all safety systems and security systems meet and comply with NRC requirements; (2) Vermont Yankee be held to compliance with all of the restart criteria and protocols in the NRC [Inspection] Manual; (3) Vermont Yankee only be allowed to resume operations after the NRC has conducted a ''vertical slice'' examination of the degree to which the new design-basis documents (DBDs) and Final Safety Evaluation Report (FSAR) accurately describe at least two of the primary safety systems for the Vermont Yankee reactor; (4) once operation resumes, Vermont Yankee only be allowed to continue operation for as long as it adheres to its schedule for coming into compliance and completing the DBD and the FSAR projects; and (5) the NRC hold a public hearing to discuss the changes to the torus, the Vermont Yankee DBD and FSAR projects, and Vermont Yankee's scheduled completion of these projects in relation to operational safety.

By letter dated June 9, 1998, Petitioner renewed its requests for relief on the basis of an event occurring on June 9, 1998, at Vermont Yankee and reported by the licensee in Daily Event Report (DER) 34366. This event involved the automatic shutdown of the reactor because of problems in the feedwater system. The Petitioner stated that this event indicated a lack of reasonable assurance that safety-related systems at Vermont Yankee will perform adequately.

On July 6, 1998, the Director of the Office of Nuclear Reactor Regulation informed the Petitioner that he was denying the request for immediate suspension or modification of the operating license at Vermont Yankee, that the Petition was being evaluated under 10 CFR 2.206 of the Commission's regulations, and that action would be taken in a reasonable time. In that letter, the Director also denied Petitioner's request for a public hearing.

On July 9, 1998, in accordance with established staff guidance for reviewing 10 CFR 2.206 Petitions, the NRC requested that the licensee address the concerns raised in the Petition and the need to perform the actions requested by the Petitioner. The licensee responded by letter dated September 14, 1998, and the information provided by the licensee was taken into consideration by the NRC staff.

The NRC staff's review of the Petition and its supplement is now complete. For the reasons set forth below, the Petitioner's remaining requests are denied.

II. Background

In support of these requests, the Petitioner raised concerns about the operation of the Vermont Yankee facility, including challenges to the single-failure criterion, inadequate safety evaluations, potential over-reliance on Yankee Atomic Electric Company analyses, an inadequate operational experience review program, high potential for other serious safety problems, and lack of adequate perimeter security. The Petitioner also attached four documents prepared by the Union of Concerned Scientists (UCS). One UCS document, dated May 14, 1998, provided a review of Vermont Yankee DERs made over the previous year as requested by CAN. These DERs are verbal reports made by licensees under 10 CFR 50.72 to the NRC and put in written form by the NRC. Another UCS document, dated January 29, 1998, was addressed to the NRC Region I Senior Allegation Coordinator; it discussed a specific concern with NRC DER 33545 of January 15, 1998, associated with Vermont Yankee water hammer effects on certain systems. The third document, a UCS letter dated May 5, 1997, to the NRC Chairman and Commissioners, discussed mislocated fuel bundle loading errors. The final UCS document attached was titled ''Potential Nuclear Safety Hazard Reactor Operation With Failed Fuel Cladding,'' dated April 2, 1998. In the supplement to the Petition of June 9, 1998, Petitioner asserted that the event on June 9, 1998, at Vermont Yankee indicated a lack of reasonable assurance that safety-related systems at Vermont Yankee will perform adequately.

Many of the DERs have been generated as a result of the licensee's ongoing review of Vermont Yankee design-basis information, and the following is a brief history describing this effort. On October 9, 1996, the NRC issued a request for information to licensees pursuant to 10 CFR 50.54(f) regarding the adequacy and availability of design-basis information. The purpose of this request was to provide the NRC with added confidence and assurance that nuclear plants are operated and maintained within the design bases and any deviations are reconciled in a timely manner. This request was necessary on the basis of NRC's findings during inspections and reviews that identified broad programmatic weaknesses that have resulted in design and configuration deficiencies at some plants, including Millstone. The licensee responded by letters dated February 14 and March 11, 1997, stating that although its overall performance in the areas of design and configuration control was sound, it would undertake a series of actions designed to provide improved configuration management. These actions included developing and implementing a design-basis documentation program and an FSAR verification program. The DBD program at Vermont Yankee was initiated in the fall of 1996. The NRC staff evaluated the licensee's response and determined that subsequent inspection in this area was necessary. From May 5 through June 13, 1997, the NRC staff performed an architect/engineer (A/E) inspection, Inspection Report (IR) 50–271/97–201, to evaluate the capability of selected systems to perform the safety functions required by their design bases, as well as the adherence of the systems to their respective design and licensing bases, and the consistency of the as-built configuration and system operations with the FSAR. The NRC team concluded that the systems evaluated were capable of performing their intended safety functions; however, some concerns (apparent violations of NRC requirements) were identified. IR 50–271/97–10 documented the NRC follow-up inspection completed in November 1997 and provided the Notice of Violations (NOVs) associated with the concerns noted in the A/E report. On March 2, 1998, an enforcement conference was held with the licensee to discuss the apparent violations of NRC requirements identified in the A/E inspection. The licensee responded to the NOVs by letter dated May 14, 1998, and the NRC will continue to evaluate the adequacy of the licensee's corrective actions during future inspections, currently expected to be completed by the end of 1998.

The licensee's DBD program has identified numerous design-basis issues, many of which required reporting under 10 CFR 50.71, 10 CFR 50.72, and/or 10 CFR 50.73. In the NRC's systematic assessment of licensee performance (SALP) for the period January 19, 1997, through July 18, 1998, issued on August 28, 1998, the NRC staff found that the

licensee's program to review and document the plant's design basis has been rigorous, as evidenced by the number and significance of the issues identified during the development and validation of the system DBDs. The NRC staff considers that the number and significance of the issues, some of which required reporting, demonstrate a desirable situation in which problems are identified and resolved.

The matters raised in support of Petitioner's requests are discussed below.

III. Discussion

A. Evaluation of Plant Operation With Deficiencies

Petitioner titled this section ''Single-Failure Criterion Challenged,'' but the discussion focused on the cumulative effect of deficiencies at Vermont Yankee. Petitioner states that Vermont Yankee's volume of longstanding deficiencies in safety-related equipment strongly suggests that the single-failure criterion may have been violated. In support of this statement, reference is made by the Petitioner to an evaluation of Vermont Yankee DERs by the UCS dated May 14, 1998. Petitioner also states that it was not able to find any evidence that Vermont Yankee considered the impact of the cumulative effect of concurrent degraded conditions on the safety margin of the plant.

Appendix A to 10 CFR Part 50 gives a definition of the single-failure criterion. The capability to withstand a single failure is a consideration in the design of nuclear power plants. For example, General Design Criterion 35 for emergency core cooling systems in Appendix A to 10 CFR Part 50 states that suitable redundancy in components and features shall be provided to assure that the system safety function can be accomplished, assuming a single failure.

Technical specification requirements must be met. A deficiency in a safety system, including deficiencies in which the capability to withstand a single failure is lost, is to be evaluated by licensees and treated as a degraded and nonconforming condition. A prompt determination of operability is to be made by licensees. For any deficiency, including those in which the capability to withstand a single failure is lost, licensees must evaluate the deficiency and, if the deficiency affects the design-basis requirements for the particular plant, correct the deficiency in accordance with 10 CFR Part 50, Appendix B, Criterion XVI, Corrective Action. The NRC has issued guidance regarding resolution of deficiencies in the form of Generic Letter (GL) 91–18, Revision 1, ''Information to Licensees Regarding NRC Inspection Manual Section on Resolution of Degraded or Nonconforming Conditions.'' The guidance in Vermont Yankee's corrective action program is consistent with the NRC's guidance in GL 91–18. Identified deficiencies are evaluated by the licensee in accordance with the licensee's corrective action program, which meets the requirements of 10 CFR Part 50, Appendix B. If required by 10 CFR 50.71, 50.72, and/or 50.73 the deficiency is reported to the NRC.

NRC regulations do not explicitly require an integrated assessment of deficiencies. If a deficiency cannot be immediately corrected, the licensee evaluates the acceptability of continued operation consistent with the NRC guidance in GL 91–18. A determination of operability is needed for each deficiency.

The NRC staff requested and the licensee provided an integrated assessment of items that were scheduled for final resolution after the spring 1998 outage by letters to the NRC dated May 1 and May 28, 1998. IR 50–271/98–06 documented the NRC's review of the licensee's letter of May 1, 1998, and concluded that the licensee's actions to resolve the outstanding items, as they pertain to restart of the plant following the spring 1998 refueling outage, have been appropriate. No concerns were identified by the NRC staff regarding the operability determinations, compensatory actions, or corrective actions, as documented in IR 50–271/98–06.

In summary, deficiencies at Vermont Yankee are entered in the licensee's corrective action program which meets the requirements of 10 CFR Part 50, Appendix B. The acceptability of continued operation with outstanding deficiencies is evaluated using the NRC guidance in GL 91–18. The NRC has been aware of the events and deficiencies referred to by the Petitioner as the basis for its concern. The staff assessed the DERs and concluded an appropriate response would be to inspect licensee activities. The results of the NRC review are documented in NRC inspection reports. For example, NRC IR 50–271/98–06 documented the NRC's inspection of the licensee's engineering and technical support for operations as they pertain to the licensee's process for evaluating deficiencies and determining the acceptability of continued operation with the deficiency. No concerns were raised with regard to operability determinations, compensatory actions, or corrective actions. No additional NRC actions were deemed necessary in this area.

B. Inadequate Safety Evaluations

Petitioner states that there is evidence that the Vermont Yankee licensee performed inadequate safety evaluations required by 10 CFR 50.59 and listed DERs 31906, 31949, 32106, and 34005 as examples.

The licensee stated in its response of September 14, 1998, to the Petition that the examples cited are similar in that their cause can be traced to the difficulty in quickly retrieving the specific design-basis information in the time period available to determine system operability. Had the design bases been readily retrievable, it is unlikely that these issues would have constituted a condition requiring reporting. The licensee has recognized the need to upgrade the DBDs and is currently performing this action, as previously discussed.

In Inspection Report 50–271/98–12, the NRC reviewed the four event reports listed by the Petitioner as examples of inadequate safety evaluations at Vermont Yankee. DER 34005 was found to not involve an inadequate safety evaluation. In this case, the licensee was not able to immediately retrieve a necessary design-basis calculation for the anticipated transient without scram (ATWS) mitigation system. Subsequently, the licensee found that the calculation had been performed by their fuel vendor and was in fact available. The licensee retracted that event report due to the retrieval of this calculation. DERs 31906, 31949 and 32106 were each partially a result of inadequate design-basis information being available. This led to safety evaluations in support of modifications to plant RHR system operating procedures and installation of fire protection hardware that were erroneously found acceptable. The licensee notified the NRC of these three conditions in March and early April 1997.

At the time of discovery, the licensee was implementing their Individual Plant Examination of External Events (IPEEE) program. This special review revealed errors in both the original design of the plant, as well as weak documentation of certain design bases that led to the prior acceptance of these plant vulnerabilities to external event initiated internal flooding events. The licensee appropriately reported these conditions to the NRC and took necessary corrective actions to remove the identified vulnerabilities. Since the conditions had not occurred that were necessary to exploit these plant vulnerabilities, such as a seismic event, no adverse safety consequences were

realized even though the plant had operated outside of the design bases.

The Licensee Event Reports (LERs) associated with DERs 31906, 31949 and 32106 (LER 50–271/96–012 and 50–271/97–004, respectively) were reviewed by the NRC in Section E8.3 of IR 50–271/97–10. In that report, the NRC concluded that the licensee's root cause analyses and corrective actions were acceptable and that these issues met the criteria for handling as non-cited violations per Section VII.B.3, ''Old Design Issues,'' of the NRC Enforcement Policy.

Subsequent to the licensee notifying the NRC of these events, the NRC performed two major engineering/design inspections at the Vermont Yankee plant. The A/E team inspection in June 1997, concluded that there were weaknesses in the design control process; but, that the licensee was to address these deficiencies in their Configuration Management Improvement Project. In the engineering team follow-up inspection of November 1997, the NRC concluded that the licensee had strengthened its design bases documentation validation process as a result of the lessons learned from the A/E inspection. Further, the NRC found that the licensee had adjusted the depth and breadth of its validation inspection using the Safety System Function Inspection techniques, similar to those used in the A/E team inspection, and concluded that its validation efforts should produce results similar to the A/E team review. The inspection results also included a number of findings, some of which were design bases control violations that resulted in a Civil Penalty issued in April 1998.

In response to the Civil Penalty, the NRC determined that the licensee's corrective actions were sufficient to identify and resolve existing design bases errors. As a result of the licensee's comprehensive corrective actions, the NRC concluded that no additional measures were warranted for the design bases concerns at Vermont Yankee. The NRC will continue to monitor and assess the licensee's progress in completing their proposed corrective actions as part of the regular inspection process for follow-up to identified violations.

The NRC has recently assessed the licensee's performance in the area of safety evaluation as documented in IR 50–271/98–80 issued on July 16, 1998. The NRC reviewed the licensee's procedural guidance for the safety evaluation program to assess that program against the latest guidance contained in NRC Inspection Manual 9900 and the regulatory requirements of 10 CFR 50.59. In addition, selected safety screenings and safety evaluations were reviewed. Although some deficiencies were noted, neither the deficiencies noted in the report, nor the examples referenced in the Petition constitute a condition warranting further extensive inspection in this area. The licensee's corrective actions for the deficiencies noted in IR 50–271/98–80 will be evaluated during future inspections.

C. Potential Over-Reliance on Yankee Atomic Electric Company Analyses

Petitioner states that there is evidence that the Vermont Yankee licensee has been relying upon Yankee Atomic Electric Company (YAEC) to conduct engineering analyses, and there is a potential that Vermont Yankee may have the same kind of serious compromises in safety systems that existed at other facilities that relied upon YAEC's engineering analyses. Petitioner refers to an NRC demand for information (DFI) to YAEC regarding information needed by the NRC to determine whether enforcement action should be taken against YAEC to ensure future compliance, on the part of NRC licensees, with NRC requirements. DERs 31915, 32106, 33259, 33502, and 34145 were listed by the Petitioner as those that may have involved analyses by YAEC. Petitioner requested that the NRC suspend Vermont Yankee's license to operate until assurance can be obtained that all analyses that YAEC prepared for Vermont Yankee have been reviewed by the NRC staff to ensure that they have been performed properly.

The NRC staff acknowledges that YAEC performed many engineering analyses for Vermont Yankee.

The serious compromises (according to the Petitioner) in safety systems that existed at other facilities that relied upon YAEC's engineering analysis to which the Petitioner refers originated with an allegation involving YAEC's analyses performed for Maine Yankee Atomic Power Company (MYAPCo). A letter dated December 1, 1995, from the UCS contained an anonymous allegation that certain analyses performed by YAEC for MYAPCo were flawed. A number of investigations and technical reviews were initiated, and the NRC issued a DFI to YAEC and Duke Engineering & Services, Inc. (DE&S),[1] in December 1997. The DFI required an explanation why the NRC should permit any NRC licensee to use the services of YAEC and/or DE&S to perform loss-of-coolant accident (LOCA) analyses or any safety-related analyses to meet NRC requirements. The DFI was issued on the basis of NRC's concerns regarding specific inadequacies in small-break LOCA analyses provided by the YAEC LOCA Group to MYAPCo that caused MYAPCo to be in violation of NRC requirements. DE&S responded on February 27, 1998, to the NRC's DFI regarding continued engineering services to nuclear utilities. The response provided a detailed description of the reviews that had been conducted and the associated findings. NRC subsequently issued violations to MYAPCo on October 8, 1998.

After review of the complete record in this matter, the NRC staff concluded that the actions taken by the YAEC LOCA Group caused MYAPCo to be in violation of Commission requirements in a number of areas, but that these actions did not result from willfulness on the part of DE&S and/or YAEC employees.[2] The staff further concluded that the corrective actions accomplished and planned, as discussed in the DE&S response to the DFI, provide a basis for reasonable assurance that in the future, the NRC and licensees can rely upon DE&S to provide complete and accurate information and that DE&S is willing and able to otherwise conduct its activities in accordance with the Commission's requirements. Therefore, the NRC staff determined that no further enforcement action shall be taken against YAEC or DE&S regarding the actions of the LOCA Group of concern in the DFI.

In reaching these conclusions, the NRC staff considered the entire record of investigations and technical reviews that resulted in part or in whole from the allegation of December 1995. The broader implication of the allegation, beyond the specific analysis performed for Maine Yankee, suggested cause for concern in two areas. First, there was a concern regarding the adequacy of LOCA analyses provided to other NRC licensees, including Vermont Yankee, by the YAEC LOCA Group. Secondly, it also suggested cause for concern regarding the adequacy of other safety-related analyses performed by the Yankee Nuclear Services Division of YAEC on behalf of NRC licensees to demonstrate compliance with Commission requirements.

[1] DE&S acquired portions of YAEC, including the YAEC LOCA Group, in December 1997.

[2] The NRC staff addressed its final conclusions regarding the SBLOCA analysis violations at Maine Yankee in the NOV issued to MYAPCo on October 8, 1998. The NRC staff's conclusions regarding the provision of LOCA analyses or other safety-related analyses to NRC licensees by YAEC and/or DE&S are discussed in letters to YAEC and DE&S dated October 8, 1998.

Regarding the first concern, in May 1996 the NRC staff audited the LOCA analyses provided to Vermont Yankee by the YAEC LOCA Group. This review also incorporated a concern regarding the conditions and events leading to Vermont Yankee's LER No. 96–010 dated May 9, 1996.[3] The review concluded that the analyses performed by the YAEC LOCA Group for Vermont Yankee were consistent with the conditions on the use of the RELAP5YA code for Vermont Yankee as specified in the staff's safety evaluations for the code dated August 25, 1987, and October 21, 1992. Note that the RELAP5YA code was a BWR version and was different than the Maine Yankee version, a pressurized water reactor version. Since the staff's approval of the use of the code, the staff found that the code had been transferred to a different computer operating system and that the fuel behavior package had been modified. The staff reviewed these changes and concluded that approved quality assurance procedures were followed throughout the code modifications.

Regarding the second concern, the Independent Safety Assessment (ISA) of MYAPCo conducted in the summer of 1996 evaluated non-LOCA safety-related analyses performed by YAEC on behalf of MYAPCo. As stated in the ISA report dated October 7, 1996, the ISA concluded that conditions of approval in NRC safety evaluations were met in the use of selected analytic codes for performing non-LOCA safety-related analyses, but that weaknesses in documentation and validation represented vulnerabilities that warranted licensee attention. The ISA also concluded that cycle-specific core performance analyses were excellent, but that weaknesses were found in more complicated, less frequently performed analyses. These weaknesses did not cause the analyses results to exceed the facility design and licensing bases. In its response to the DFI, DE&S described corrective actions, including strengthened personnel training; formal documentation of organizational roles, responsibilities, and communication requirements; and independent assessment to provide management with direct feedback on the compliance of work process, practices, and products. These corrective actions address the weaknesses identified by the ISA in documentation, validation, and the conduct of complicated, infrequently performed analyses.

In its letter of September 14, 1998, the Vermont Yankee licensee indicated that the conclusions reached on the basis of the reviews conducted give confidence that the analyses performed by YAEC on Vermont Yankee's behalf are of high quality. The Vermont Yankee licensee reviewed the concerns raised by the DFI for potential impact on Vermont Yankee. The licensee indicated that an independent technical assessment of specific analyses performed for Vermont Yankee was conducted and stated that the assessment identified no significant technical errors. The licensee did not uncover any reason to suspect the quality or the accuracy of engineering analyses performed by YAEC for Vermont Yankee.

On the basis of the results of several NRC staff investigations and technical reviews, the NRC staff has concluded that the violations associated with the SB LOCA analyses provided to MYAPCo by the YAEC LOCA Group were isolated. LOCA analyses and other safety-related analyses provided to NRC licensees by YAEC and/or DE&S, including the LOCA Group, have generally been found to be in compliance with NRC requirements. Therefore, the actions requested by the Petitioner are not necessary.

With respect to future work by DE&S, weaknesses or vulnerabilities identified during these reviews are being addressed by DE&S. Therefore, the NRC staff has concluded that there is no basis for taking action against DE&S and/or YAEC to prevent them from providing safety-related analysis services to NRC licensees, nor to take action against NRC licensees, including Vermont Yankee, to prevent them from using the engineering services provided by YAEC and/or DE&S.

D. Inadequate Operational Experience Review Program

Petitioner states that there is evidence that strongly suggests that the Vermont Yankee licensee does not have an adequate operational experience review program and listed DERs 31923, 32016, and 33789 as examples of inadequacy and violation of NRC regulations. Petitioner states that an inadequate operational experience review program leads to ''compromised engineering conservation in safety systems, and the eventual failure of such systems during a serious emergency event.''

The licensee acknowledges that weaknesses have been identified in the reviews of industry operation experiences in that reviews were not always timely and some opportunities to learn from industry operating experiences were sometimes missed. A task force was developed to address the weaknesses.

The NRC assessed licensee performance in this area on September 6, 1997, and documented the findings in IR 50–271/97–06. The NRC concluded that the previous weaknesses identified in the licensee's operating experience review process had been appropriately addressed through implementation of a new administrative procedure. This report also stated that a selected sample of recently dispositioned items identified that a proper review of the individual concerns had been made and that closure of the individual concerns had been achieved.

In IR 50–271/98–12, the NRC reviewed the three event reports listed by the Petitioner as examples that the licensee does not have an adequate operational experience feedback (OEF) review program. On March 10, 1997, DER 31923 was identified as a result of the licensee's IPEEE program. The licensee determined that the root cause of this event was an inadequate initial design. Related to this cause was an inadequate flood design bases. This contributed to the licensee's failure to identify this concern during earlier design studies, including those in response to NRC Information Notices on similar events in the industry. The licensee's IPEEE program was a very detailed and intrusive review that questioned design basis assumptions. Due to the scope of that review, this concern as well as several other flooding design concerns were discovered by the licensee. The root cause and corrective actions for this event were described in LER 50–271/97–002. This LER was previously reviewed in Section E8.3 of IR 50–271/97–10. In that report, the NRC concluded that the licensee's root cause analyses and corrective actions were acceptable and that this issue met the NRC Enforcement Policy for handling as a non-cited violation per Section VII.B.3, ''Old Design Issues.''

DERs 32016 and 33789 were found to be related. The earlier of these two

[3] LER 96–010 was associated with an inadequate design/single failure evaluation during a design change. The NRC staff found that the plant-specific analysis had failed to consider the limiting single-failure scenario. This issue was addressed by the staff in an NOV and Proposed Imposition of Civil Penalty—$50,000, dated August 23, 1996. The staff concluded that this violation resulted from ineffective communications between the plant operations staff and the YAEC safety analysts, resulting in failure to identify the fact that the safety analysis assumptions were not consistent with the plant configuration. In its response to the DFI, DE&S noted that ineffective communication between YAEC, MYAPCo, and the NRC also played an important role in the assumptions of all parties regarding the demonstration of compliance with the technical requirements of 10 CFR 50.46. DE&S identified corrective actions to clearly define and formally document regulatory and organizational interface requirements with its nuclear clients to prevent recurrence of the communication and organizational responsibility uncertainties that contributed to the events described in the DFI.

events was discovered on March 25, 1997, as a result of the licensee's operational experience feedback review of an event report by Lasalle on February 21, 1997. After this initial discovery, the licensee took appropriate corrective measures to ensure that the standby gas treatment system would not be operated in a configuration that could lead to failure of the system during a design basis accident. The licensee prematurely removed the corrective actions, which resulted in a second event with the standby gas treatment system operated in a configuration that could lead to failure. The NRC issued a violation in IR 50–271/97–06 for this second event. The licensee attributed the cause of this second event to a weakness in the license and design-basis information for this system. The licensee appropriately reported this event to the NRC in LER 50–271/97–014.

As a result of additional engineering review committed to as a corrective action listed in LER 50–271/97–014, the licensee discovered an additional vulnerability for the standby gas treatment system that was subsequently reported to the NRC on February 25, 1998, in DER 33789. The NRC concluded that this latter event was not a result of ineffective operational experience review, but rather a result of the corrective actions for an identified problem.

The NRC concluded that these event reports were a result of original design deficiencies, and related weaknesses in the design and licensing basis information for the plant systems in question. The root causes of these events did not raise concern with the adequacy of the licensee's current OEF review program, as discussed in IR 50–271/97–06. Except for DER 33789, which was a result of the licensee's corrective actions program, these events predated the licensee's revised OEF program as discussed in IR 50–271/97–06. Also, one of the events was licensee identified by use of the OEF process.

The DERs referenced by the Petitioner do not constitute a failure of the operational experience review program. On the basis of NRC's previous inspection in this area, the licensee has an adequate industry operational experience review program. Follow-up on the effectiveness of the licensee's operational experience program remains an item of routine review for the NRC inspection staff.

E. High Potential for Other Serious Safety Problems

Petitioner states that since Vermont Yankee's safety evaluation and operational experience review program do not seem adequate, and since it has relied on YAEC engineering analyses, it is reasonable to expect that there are many more design and licensing-bases problems yet to be dealt with at Vermont Yankee. Petitioner states that the NRC required Salem and Millstone reactor licensees to certify that the safety-related systems at these facilities were within their design and licensing basis before permitting them to be restarted when pervasive and systemic problems very similar to those at Vermont Yankee were identified at these facilities.

As stated in the ''Background'' section of this Director's Decision, the A/E inspection conducted at Vermont Yankee was performed as a follow-up on the design-basis problems noted at facilities, including Millstone. As previously stated, the NRC team concluded that the systems evaluated were capable of performing their intended safety functions. The concerns identified were not of the significance of those observed at Millstone.

Salem Units 1 and 2 were shut down in May and June 1995 respectively because of inadequate control room ventilation, and because of problems with a minimum flow valve that made the residual heat removal system inoperable. Before the shutdown, both Salem units were the subject of significant regulatory attention because of a series of performance problems dating back to 1990. Additionally, NRC Augmented Inspection Teams were dispatched to the Salem units every year between 1991 and 1994 to evaluate significant operational events, including a catastrophic turbine-generator failure and control rod system failures. The NRC was concerned about Salem operation because of frequent equipment failures and personnel errors and failure of previous initiatives to achieve long-term performance improvement. In June 1995, the Region I Regional Administrator issued a confirmatory action letter confirming the licensee's commitment to develop a long-term plan to identify and correct the longstanding equipment deficiencies and address the poor condition of materials, weak management oversight, and ineffective corrective actions.

The magnitude of problems that existed at Salem have not been observed at Vermont Yankee. As previously stated, the NRC considers that the licensee's safety evaluation and operational experience review program are adequate on the basis of NRC's inspections. In addition, the NRC has not identified any significant concerns with the YAEC/DE&S analysis for Vermont Yankee that warrant the actions requested by the Petitioner.

The Vermont Yankee licensee is conducting a DBD and FSAR review that examines safety-related systems to identify and correct design and licensing-basis problems. Plant operation may continue during these assessments, provided the plant is operated in accordance with its license and NRC's regulations. Deficiencies identified are entered into the corrective action process and operability is determined using guidance similar to that contained in NRC GL 91–18 as discussed previously.

In our recent SALP IR 50–271/98–99, dated August 28, 1998, the NRC concluded that licensee management established a lower threshold for problem reporting, thereby improving problem identification. Particularly noteworthy was management's implementation of the Configuration Management Improvement Project, which improved identification of design and licensing issues. The activities have been rigorous, as evidenced by the number and significance of the issues identified during the development and validation of the system DBDs. The NRC considered the licensee's performance in engineering to be good. The SALP was based on the results of numerous NRC inspections at Vermont Yankee, including a major design (A/E) inspection of certain systems. On the basis of our recent assessment of engineering at Vermont Yankee, the staff concluded that the actions requested by the Petitioner are not warranted.

F. Lack of Adequate Perimeter Security

Petitioner states that Vermont Yankee's lax perimeter security demonstrates that management did not adequately respond to all of the implications of the recent incident involving a former Vermont Yankee contractor. On August 19, 1997, this former contractor was involved in shootings in New Hampshire and Vermont that left four people dead. The individual was subsequently killed in a confrontation with Vermont law enforcement authorities. Law enforcement authorities later found bomb-making materials stored at the individual's residence. Petitioner states that NRC inspectors recently discovered a major weakness in the security system by having five out of eight inspectors successfully invade the security perimeter, including one inspector who passed through the metal detector with a gun.

The NRC conducted a special inspection at Vermont Yankee on August 27 and 28, 1997, to determine if

the access authorization program, access controls, and fitness for duty program, as implemented, revealed information that should have prevented the individual involved in the shootings of August 19, 1997, from being granted unescorted access. The NRC determined that the licensee's program met regulatory requirements. The NRC did not identify any information used by the licensee in processing the individual for access authorization that should have prevented the licensee from granting the individual unescorted access to the secured portions of the plant. The results of the inspection are documented in IR 50–271/97–07. No changes or corrective actions to the licensee's program were found to be necessary.

The NRC conducted a physical security inspection at Vermont Yankee on March 16–19, 1998, as documented in IR 50–271/98–05. This inspection concluded that within the scope of the inspection, the Vermont Yankee licensee had in place a satisfactory program for the protection of public health and safety. However, two violations of regulatory requirements associated with access control of packages and the intrusion detection (perimeter security) system were identified. The violations were categorized as Severity Level IV violations in accordance with the NRC enforcement policy and are discussed below.

Performance testing of the intrusion detection system by the NRC regional assistance team resulted in the assistance team's successfully gaining undetected access into the protected area by climbing over the protected area barrier without generating an alarm in 6 of 10 zones. This weakness constituted a violation of NRC requirements. The licensee took adequate corrective actions for the violation by immediately implementing compensatory measures and adjusting all fence zone sensors. All zones subsequently successfully detected deliberative, non-aggressive climbing attempts by a specially selected security force member. A specifically defined non-aggressive climb test was incorporated into regularly scheduled operability testing of the system. Despite this violation, the NRC concluded that the licensee's security facilities and equipment were well maintained and reliable on the basis of inspection, testing, maintenance, compensatory measures, protected area detection aids, and assessment aids.

During the performance testing of the personnel and package search equipment, a test device was placed in a backpack with other items and placed on the x-ray machine. The x-ray machine detected an object in the backpack that could not be identified and the backpack was physically searched by a security force member. However, the test device was not discovered during the physical search, constituting a violation of NRC requirements. The licensee took adequate corrective actions, including counseling and retraining the search officer involved, as well as assessing the hand search practices utilized by other security officers. Lessons learned and performance expectations were also communicated to each individual member of the security force. The NRC concluded that the licensee was conducting its security and safeguards activities in a manner that protected public health and safety on the basis of the inspection of the access authorization program, alarm stations, and access control of personnel and packages in the protected area despite the violation in this area.

The licensee had adequately addressed the issues raised by IR 50–271/98–05 violations. The NRC performed a follow-up inspection described in IR 50–271/98–12 during the week of August 31, 1998, which included an evaluation of the licensee's corrective actions for the violations and found the corrective actions acceptable. NRC's SALP report dated August 28, 1998, considered these issues and concluded that site management continued to provide appropriate oversight of the security program. These violations were not related to the situation involving the former Vermont Yankee contractor previously discussed. Therefore, since these situations are not related and no changes or corrective actions to the licensee program were necessary following the former contractor issue, the NRC considers that Petitioner's statement that lax perimeter security demonstrates that management did not adequately respond to all of the implications of the recent incident involving a former Vermont Yankee contractor is not valid.

G. Operation Conditional Upon the DBD and the FSAR Schedule

Petitioner stated that Vermont Yankee should be allowed to operate only if it meets the scheduling obligations it set up for completing DBDs and updating the FSAR (by imposition of a license condition or Order). The Petition stated that Vermont Yankee's lagging efforts at regulatory compliance easily justify this action.

As previously stated, on October 9, 1996, the NRC issued a request for information pursuant to 10 CFR 50.54(f) regarding the adequacy and availability of design-basis information. By letters dated February 14 and March 11, 1997, the licensee responded to the request for information. The licensee committed to a series of actions designed to provide improved configuration management (adequacy and availability of design-basis information). These actions included a DBD program and an FSAR verification program. The A/E inspection previously discussed, IR 50–271/97–201, was conducted to review particular aspects of the licensee's design control programs and processes. The DBD and the FSAR verification programs were originally scheduled to be completed by October 1998 and December 1998, respectively. The NRC understands that these programs require extensive use of engineering resources and that the scheduled date for completion of these programs may be delayed. The NRC staff has concluded that licensee management has placed an appropriately high emphasis on the configuration management improvement project, which includes the DBD and the FSAR verification programs. A delay in the licensee's implementation would not necessarily constitute a condition warranting a license condition or imposition of an Order. The NRC staff currently believes that an adequate time frame for completion of the FSAR verification programs is March 30, 2000, for structures, systems, and components of high safety significance as defined in the licensee's maintenance rule, and March 30, 2001, for all other information. Delayed completion of these programs may be subject to enforcement.

With respect to Vermont Yankee's regulatory compliance, compliance issues have been appropriately addressed by the NRC and the licensee as previously discussed. In the SALP report issued on August 28, 1998, the NRC concluded that licensee performance has been good in all functional areas, which reflects NRC's assessment of regulatory compliance during the period of January 19, 1997, to July 18, 1998. On the basis of this information, the NRC has determined that the requested action is not necessary.

H. Necessity for a ''Vertical Slice'' Safety Assessment

Petitioner states that a ''vertical slice'' safety assessment on at least two systems for which the licensee has completed review is necessary to be certain that Vermont Yankee's DBD and FSAR projects have accurately captured

the actual operating condition of the facility's safety systems. By ''vertical slice,'' the Petitioner appears to be referring to an inspection similar to the A/E inspection previously performed and documented in IR 50–271/97–201. Petitioner references statements made during the enforcement conference on March 2, 1998, between the NRC and the licensee following the NRC A/E inspection, which discussed the process that the licensee was using in the DBD validation process.

This area was evaluated by the NRC and documented in IR 50–271/97–10. The NRC had been concerned that at the time of the A/E inspection, it did not appear that the DBD reviews would have identified the design issues found by the NRC team based on an initial review of the licensee's design-basis efforts. At the enforcement conference meeting on March 2, 1998, the licensee stated that it had committed to perform the DBD reviews and recognized the need for DBD validation prior to issuance of the NRC's 10 CFR 50.54(f) letter regarding the adequacy and availability of design-basis information. However, the validation effort had not been fully defined at the time of the A/E inspection. The licensee stated that the validation effort would have been designed to identify the type of problems found by the A/E team. On the basis of the findings of the follow-up inspection completed in November 1997 (IR 50–271/97–10) and the information provided at the March 1998 meeting, the NRC was no longer concerned with DBD validation effort. The NRC staff documented this conclusion by letter dated April 14, 1998, which issued the NOV and civil penalty related to the A/E inspection and IR 50–271/97–10. The SALP report issued August 28, 1998, concluded that overall the activities in this area have been rigorous, as evidenced by the number and significance of the issues identified during the development and validation of the system DBDs.

The NRC considers that the licensee's efforts in this area are adequate, and allocation of additional NRC resources to perform an additional ''vertical slice'' safety assessment is unnecessary at this time. The NRC will continue to evaluate the adequacy of the licensee's corrective actions for the violations identified during the A/E inspection in future inspections.

I. Conduct of a Public Hearing in Brattleboro, Vermont To Inform the Public

Petitioner requested that the NRC conduct a public hearing in Brattleboro, Vermont, to inform the public about changes to the torus, compliance with the DBD and the FSAR process, results of the A/E inspection, results of an NRC ''vertical slice'' analysis of Vermont Yankee's first sets of DBDs, and the implications for public health and safety of Vermont Yankee's schedule for complying with the requirements that it verify and update all DBDs and the FSAR.

The NRC has conducted several public meetings on many of these issues. In addition, the NRC conducted a public meeting in Brattleboro, Vermont, on September 16, 1998, to discuss the results of the latest SALP for Vermont Yankee. Following the meeting with the licensee, the NRC met with members of the public, including members of the Petitioner's organization, to discuss any issues that members of the public wished to discuss. Both the July 6, 1998, NRC letter to the Petitioner and the SALP public meeting notice indicated that NRC officials would be available following the SALP meeting. Issues discussed with members of the public included those described by the Petitioner. Further commitment of NRC staff resources to conduct the requested hearing is not warranted.

J. Review of Vermont Yankee Daily Event Reports

Petitioner attached to the Petition a letter dated May 14, 1998, from the UCS to the Petitioner that contained a review of DER information at Vermont Yankee and provided general observations and conclusions. Concerns raised included the single-failure criterion, inadequate safety evaluations, potential over-reliance on YAEC, and the program to review inadequate operational experience. These issues were addressed earlier in this Director's Decision. The conditions documented in the DERs have been addressed by NRC inspection follow-up when appropriate and no additional action is necessary.

K. Concern About Water Hammer Effects on Certain Systems

Petitioner attached a document titled ''Vermont Yankee HPCI/RCIC [High Pressure Coolant Injection Reactor Core Isolation Cooling] Waterhammer, DER 33545,'' dated January 29, 1998, to David J. Vito, Senior Allegation Coordinator for the NRC, from the UCS.

The document questioned (1) whether the Vermont Yankee FSAR analyses assume that HPCI and RCIC start and stop, and, if so, is suppression pool temperature such that conditions for water hammer exist; (2) whether the FSAR appropriately documents the existence (and related design and licensing basis) of the vacuum breakers in the HPCI and RCIC exhaust lines; and (3) whether the related Vermont Yankee LER should discuss the risk to the public from two fission product barriers being degraded (the fuel cladding due to known leaking fuel at Vermont Yankee, and the primary containment boundary due to potential water hammer).

In response, the NRC reviewed Vermont Yankee's subsequent LER 98–05, issued on April 9, 1998, and performed inspection activities at Vermont Yankee in June 1998, as described in IR 50–271/98–80. The NRC review found that the effect of the suppression pool air space pressure was not adequately considered in the original HPCI and RCIC vacuum breaker design. However, the NRC also concluded that the forces associated with the potential water hammer transients caused by this design issue would not have challenged the structural integrity of the piping.

Although the previous vacuum breaker design was not adequately described in the FSAR, earlier versions of HPCI and RCIC piping and instrument diagrams did accurately reflect the installed configuration. A subsequent modification to correct the design deficiency shows that controlled drawings, the DBDs for HPCI and RCIC, and the FSAR have been or will be updated to reflect the newly installed vacuum breaker configurations. The NRC also sampled design changes since 1974 related to HPCI and RCIC and found none that would have influenced the piping configuration in question. Further, the DBD prepared for each system represents a comprehensive evaluation of past modifications and design information. In January 1998, during the preparation of the HPCI and RCIC DBDs, the licensee identified the vacuum breaker deficiency. Therefore, on the basis of the NRC's and the licensee's reviews, there is reasonable assurance that no past evaluations would have been flawed as a result of the lack of discussion in the FSAR.

Regarding the content of LER 98–05, the NRC concluded that the potential water hammer forces would not have been high enough to challenge pipe structural limits and, therefore, containment integrity. Regarding the fuel cladding, the leakage experienced in the last cycle of operation was limited to a single fuel rod bundle, and was within the operational limits of the Vermont Yankee technical specifications (TSs) and well below that assumed in the FSAR accident analysis. As such, no significant increase in risk was presented in this circumstance.

L. Mislocated Fuel Bundle Loading Errors

Petitioner also attached a letter dated May 5, 1997, from the UCS to the NRC regarding ''Mislocated Fuel Bundle Loading Error.'' The letter urges NRC to revisit the misoriented and mislocated fuel bundle loading issues for boiling-water reactors (BWRs). It also questioned the validity of General Electric's (GE's) estimated probability of these events as submitted to NRC.

GE proposed that these events be reclassified as accidents because they are potentially limiting events for critical power ratio (CPR) margin to the CPR safety limit, particularly for the BWR6 design. GE's estimated probability of these events was not accepted by the staff, and they continue to be treated as anticipated operational occurrences for licensing purposes.

The UCS letter implies that GE may have purposely submitted an unrealistically low probability value for these events. GE's estimated probability was based on the fact that since 1981, when SIL–347 (which gives guidelines for core verification procedures for detection of misoriented fuel bundles) was first implemented, there had been no reported cases of plant operation with a misoriented bundle. GE's assessment was made before the Hope Creek misoriented fuel bundle event. GE's estimated probability in this specific case (Hope Creek) was not unreasonable considering reactor performance after SIL–347 implementation and before this event.

M. Potential Safety Hazard Reactor Operation With Failed Fuel Cladding

Petitioner also attached a document from the UCS titled ''Potential Nuclear Safety Hazard Reactor Operation With Failed Fuel Cladding,'' which concludes that existing design and licensing requirements do not allow plants to operate with known fuel cladding failures. This document was also provided to the NRC from the UCS to support a Petition submitted pursuant to 10 CFR 2.206. A Director's Decision is being prepared. A copy of that Decision will be forwarded to the Petitioner when it becomes available.

With regard to plant safety, the Vermont Yankee plant is not prohibited from operation with a minimal amount of fuel cladding damage, as stated in the letter of July 6, 1998. The Vermont TS Section 1.1 addresses limits to be observed to prevent significant fuel cladding damage. Operation is allowed to continue with a minimal amount of fuel damage, provided that the coolant chemistry requirements of TS 3.6.B are met. These limits are set to values of coolant activity that ensure that the radiological consequences of postulated design-basis accidents are within the appropriate dose acceptance criteria. Petitioner did not submit any information indicating that Vermont Yankee has operated outside these limits.

N. Event of June 9, 1998

In response to the June 9 event, the NRC performed a special team inspection to review the causes, safety implications, and licensee actions associated with the event. The event involved a reactor vessel high water level turbine trip (due to foreign material in a reactor feedwater valve) and reactor scram followed by an electrical transient. The NRC staff concluded that continued operation of Vermont Yankee does not constitute an undue risk to public health and safety and immediate action to suspend or modify the operating license is not warranted at this time. IR 50–271/98–09, dated July 10, 1998, documented the team's findings.

IV. Conclusion

The NRC staff has evaluated the information provided by the Petitioner as its basis for the actions requested. As previously discussed, the information provided by the Petitioner does not warrant any further action.

The NRC staff has been closely monitoring events at Vermont Yankee and has taken numerous actions to ensure that there is no undue risk to public health and safety. The Petitioner did not submit any significant new information about safety issues. The NRC already knew of the events, inspection reports, and concerns presented in support of the Petition. Neither the information presented in the Petition nor any other information of which the NRC is aware warrants the actions requested by the Petitioner. Accordingly, the Petitioner's requests for action are denied.

As provided in 10 CFR 2.206(c) a copy of this Decision will be filed with the Secretary of the Commission for the Commission's review. This Decision will constitute the final action of the Commission 25 days after issuance unless the Commission, on its own motion, institutes review of the Decision within that time.

Dated at Rockville, Maryland, this 7th day of December 1998.

For the Nuclear Regulatory Commission.

Samuel J. Collins,

Director, Office of Nuclear Reactor Regulation.

[FR Doc. 98–33467 Filed 12–16–98; 8:45 am]

BILLING CODE 7590–01–P

RAILROAD RETIREMENT BOARD

Proposed Data Collection Available for Public Comment and Recommendations

SUMMARY: In accordance with the requirement of Section 3506 (c)(2)(A) of the Paperwork Reduction Act of 1995 which provides opportunity for public comment on new or revised data collections, the Railroad Retirement Board will publish periodic summaries of proposed data collections.

Comments are invited on: (a) Whether the proposed information collection is necessary for the proper performance of the functions of the agency, including whether the information has practical utility; (b) the accuracy of the RRB's estimate of the burden of the collection of the information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden related to the collection of information on respondents, including the use of automated collection techniques or other forms of information technology.

Title and Purpose of information collection: Railroad Separation Allowance or Severance Pay Report Section 6 of the Railroad Retirement Act provides for a lump-sum payment to an employee or the employee's survivors equal to the Tier II taxes paid by the employee on a separation allowance or severance payment for which the employee did not receive credits toward retirement. The lump-sum is not payable until retirement benefits begin to accrue or the employee dies. Also, Section 4 (a–1)(iii) of the Railroad Unemployment Insurance Act provides that a railroad employee who is paid a separation allowance is disqualified for unemployment and sickness benefits for the period of time the employee would have to work to earn the amount of the allowance. In order to calculate and provide payments, the Railroad Retirement Board (RRB) must collect and maintain records of separation allowances and severance payments which were subject to Tier II taxation from railroad employers. The RRB uses Form BA–9 to obtain, on a quarterly basis, the information needed from railroad employers concerning the separation allowances and severance payments made to railroad employees

and/or the survivors of railroad employees. All reports contain a one-line entry for each such payment or adjustment. The RRB proposes no changes to Form BA–9.

Estimate of Annual Respondent Burden

The estimated annual respondent burden is as follows:

Form No.	Annual responses	Time (min)	Burden (hrs)
BA–9	1,072	75	1,340

Additional Information or Comments: To request more information or to obtain a copy of the information collection justification, forms, and/or supporting material, please call the RRB Clearance Officer at (312) 751–3363. Comments regarding the information collection should be addressed to Ronald J. Hodapp, Railroad Retirement Board, 844 N. Rush Street, Chicago, Illinois 60611–2092. Written comments should be received within 60 days of this notice.

Chuck Mierzwa,

Clearance Officer.

[FR Doc. 98–33417 Filed 12–16–98; 8:45 am]

BILLING CODE 7905–01–M

RAILROAD RETIREMENT BOARD

Determination of Quarterly Rate of Excise Tax for Railroad Retirement Supplemental Annuity Program

In accordance with directions in Section 3221(c) of the Railroad Retirement Tax Act (26 U.S.C., Section 3221(c)), the Railroad Retirement Board has determined that the excise tax imposed by such Section 3221(c) on every employer, with respect to having individuals in his employ, for each work-hour for which compensation is paid by such employer for services rendered to him during the quarter beginning January 1, 1999, shall be at the rate of 27 cents.

In accordance with directions in Section 15(a) of the Railroad Retirement Act of 1974, the Railroad Retirement Board has determined that for the quarter beginning January 1, 1999, 38.1 percent of the taxes collected under Sections 3211(b) and 3221(c) of the Railroad Retirement Tax Act shall be credited to the Railroad Retirement Account and 61.9 percent of the taxes collected under such Sections 3211(b) and 3221(c) plus 100 percent of the taxes collected under Section 3221(d) of the Railroad Retirement Tax Act shall be credited to the Railroad Retirement Supplemental Account.

Dated: December 9, 1998.

Beatrice Ezerski,

Secretary to the Board.

[FR Doc. 98–33418 Filed 12–16–98; 8:45 am]

BILLING CODE 7905–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. IC–23596; 812–10730]

Northern Institutional Funds, et al.; Notice of Application

December 10, 1998.

AGENCY: Securities and Exchange Commission (''SEC'').

ACTION: Notice of application for exemption under section 6(c) of the Investment Company Act of 1940 (''Act'') from section 15(a) of the Act and rule 18f–2 under the Act as well as certain disclosure requirements.

SUMMARY OF APPLICATION: Applicants request an order to permit them to hire subadvisers and materially amend subadvisory agreements without shareholder approval, and grant relief from certain disclosure requirements.

APPLICANTS: Northern Institutional Funds (''NIF''), Northern Funds (''Northern Funds'') (collectively, the ''Trusts''), The Northern Trust Company (''Northern''), Northern Trust Quantitative Advisors, Inc. (''Quantitative''), and The Northern Trust Company of Connecticut (''Connecticut'') (collectively, the ''Advisers'').

FILING DATE: The application was filed on July 21, 1997, and amended on July 6, 1998, and December 7, 1998.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the SEC orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving applicants with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on January 4, 1999, and should be accompanied by proof of service on applicants, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 Fifth Street, N.W., Washington, D.C. 20549. Applicants, 50 South LaSalle Street, Chicago, Illinois 60675.

FOR FURTHER INFORMATION CONTACT: Edward P. Macdonald, Branch Chief, at (202) 942–0564 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee at the SEC's Public Reference Branch, 450 Fifth Street, N.W. Washington, D.C. 20549 (tel. 202–942–8090).

Applicant's Representations

1. The Trusts are open-end management investment companies organized as Massachusetts business trusts and registered under the Act. NIF currently has 17 portfolios and Northern Funds currently has 25 portfolios (collectively, the ''Portfolios''), each of which has its own investment objectives and policies.

2. Northern, the investment adviser for thirty-five Portfolios, is an Illinois state-chartered bank and is exempt from registration under the Investment Advisers Act of 1940 (''Advisers Act''). Quantitative, the investment adviser to four NIF Portfolios and three Northern Portfolios, is registered under the Advisers Act. Connecticut, currently not an investment adviser to any of the Portfolios, is a state-chartered trust company exempt from registration under the Advisers Act. Connecticut specializes in evaluating and monitoring the qualifications and performance of investment advisers. Quantitative, Northern, and Connecticut are all under the common control of Northern Trust Corporation.

3. Applicants propose to implement an Adviser/Subadviser structure for the Portfolios. Under Applicants' proposed structure, Northern and/or Quantitative each would serve as a co-Adviser with Connecticut, who would offer its expertise in evaluating and monitoring

investment subadvisers (''Subadvisers''), to one or more Portfolios. The Advisers would have overall responsibility for the Portfolios and would recommend Subadvisers to the Trusts' boards of trustees (''Boards''). The Advisers would monitor each Subadviser's compliance with each Portfolio's investment objectives and policies, would review the performance of each Subadviser, and would periodically report each Subadviser's performance to the Board. As compensation for their services, the Advisers would receive a fee from the Portfolios.

4. Under investment advisory agreements between the Advisers and the Subadvisers (''Subadvisory Agreements'') the specific investment decisions for each Portfolio would be made by each Subadviser subject to supervision by the Advisers and ultimately the Boards. The Subadvisers' fees would be paid by the Advisers out of the fee they receive from the Portfolios.

5. Applicants request an exemption from section 15(a) of the Act and rule 18f–2 under the Act to permit Subadvisers approved by the Boards to serve as portfolio managers for the Portfolios without obtaining shareholder approval.[1] Shareholder approval would continue to be required for any Subadviser that is an ''affiliated person,'' as defined in section 2(a)(3) of the Act, of the Portfolio or an Adviser other than by reason of serving as a Subadviser of the Portfolio (an ''Affiliated Subadviser'').

6. Applicants also request an exemption from the various disclosure provisions described below that may require the Portfolios to disclose the fees paid by the Adviser to the Subadvisers. Each Portfolio will disclose the following (both as a dollar amount and as a percentage of a Portfolio's net assets): (1) aggregate fees paid to the Advisers and Affiliated Subadvisers; and (2) aggregate fees paid to Subadvisers other than Affiliated Subadvisers (''Aggregate Fee Disclosure''). For any Portfolio that employs an Affiliated Subadviser, the Portfolio will provide separate disclosure of any fees paid to such Affiliated Subadviser.

[1] Applicants request that the relief also apply to any registered open-end management investment company created in the future and each series for which Northern and Connecticut, or any entity controlling, controlled by, or under common control with Northern and Connecticut acts as investment adviser (''Future Funds''). All registered open-end management investment companies that currently intend to rely on the requested order are named as applicants and any Future Fund that relies on the order will do so only in accordance with the terms and conditions contained in the application.

Applicants' Legal Analysis

Shareholder Voting

1. Section 15(a) of the Act provides, in relevant part, that it is unlawful for any person to act as an investment adviser to a registered investment company except pursuant to a written contract which has been approved by the vote of a majority of the outstanding voting securities of the registered investment company. Rule 18f–2 under the Act provides that each series of stock in a series investment company effected by a manner must approve that matter if the Act requires shareholder approval.

2. Section 6(c) authorizes the SEC to exempt persons or transactions from the provisions of the Act to the extent that such exemptions are appropriation in the public interest and consistent with the protection of investors and the purposes fairly intended by the policies and provisions of the Act.

3. Applicants request an order under section 6(c) of the Act from section 15(a) of the Act and rule 18f–2 under the Act to permit them to enter into and materially amend Subadvisory Agreements without shareholder approval. Applicants assert that when the Portfolios implement the Adviser/Subadviser structure, a Portfolio's investors will rely on the Advisers to select Subadvisers best suited to achieve the Portfolio's investment objectives. Applicants assert that Connecticut, which will serve as co-Adviser to the Portfolios, has over fifteen years of experience evaluating investment advisory firms. In evaluating investment advisers, Connecticut considers, among other factors, the adviser's level of expertise, relative performance, consistency of performance compared with investment discipline and philosophy, investment personnel, financial strength, and quality of service. Applicants state that, in addition to selecting and monitoring Subadvisers, the Advisers will supervise the Portfolios' overall investment programs.

4. Applicants state that, from the perspective of an investor, the role of the Subadvisers will be similar to that of individual portfolio managers employed by traditional investment advisory firms. Applicants assert that the requested relief would allow the Portfolios to operate the proposed Adviser/Subadviser structure more efficiently. Applicants also note that each Portfolio's investment advisory agreement with the Advisers will remain subject to the shareholder approval requirements of section 15 of the Act and rule 18f–2 under the Act.

Fee Disclosure

Applicants also request relief under section 6(c) of the Act from certain disclosure requirements to provide Aggregate Fee Disclosure.

5. Form N–1A is the registration statement used by open-end investment companies. Items 3, 6(a)(i), and 15(a)(3) of Form N–1A require disclosure of the method and amount of an investment adviser's compensation.

6. Form N–14 is the registration form for business combinations involving open-end investment companies. Item 3 of Form N–14 requires the inclusion of a ''table showing the current fees for the registrant and the company being acquired and pro forma fees, if different, for the registrant after giving effect to the transaction.''

7. Rule 20a–1 under the Act requires proxies solicited with respect to an investment company to comply with Schedule 14A under the Securities Exchange Act of 1934 (''Exchange Act''). Item 22(a)(3)(iv) of Schedule 14A requires a proxy statement for a shareholder meeting at which a new fee will be established or an existing fee will be increased to include a table of the current and pro forma fees. Items 22(c)(1)(ii), 22(c)(1)(iii), 22(c)(8), and 22(c)(9), taken together, require a proxy statement for a shareholder meeting at which the advisory contract will be voted upon to include the ''rate of compensation of the investment adviser,'' the ''aggregate amount of the investment adviser's fees,'' a description of ''the terms of the contract to be acted upon,'' and, if a change in the advisory fee is proposed, the existing and proposed fees and the difference between the two fees.

8. Form N–SAR is the semi-annual report filed with the SEC by registered investment companies. Item 48 of Form N–SAR requires investment companies to disclose the rate schedule for fees paid to their investment advisers, including the Subadvisers.

9. Regulation S–X sets forth the requirements for financial statements required to be included as part of investment company registration statements and shareholder reports filed with the SEC. Sections 6–07(2)(a), (b), and (c) of Regulation S–X require that investment companies include in their financial statements information about investment advisory fees.

10. Applicants assert that the information provided in the Aggregate Fee Disclosure would give investors adequate information to compare the

advisory fees of the Portfolios with those of other funds. Applicants also assert that some Subadvisers use a ''posted'' rate schedule to set their fees, particularly at lower asset levels. Based upon the Advisers' discussions with prospective Subadvisers, applicants believe that some organizations may be unwilling to serve as Subadvisers at any fee rate other than their ''posted'' fee rates, unless the rate negotiated for the Portfolios is not publicly disclosed. Applicants state that requiring disclosure of each Subadviser's fees may deprive the Advisers of their bargaining power while producing no benefit to shareholders, since the total advisory fee the shareholders pay would not be affected.

Applicants' Conditions

Applicants agree that any order of the SEC granting the requested relief will be subject to the following conditions:

1. The Advisers will provide general investment management services to the Portfolios, including overall supervisory responsibility for the general management and investment of the Portfolios' securities, and, subject to review and approval by each Board with respect to its respective Portfolios, will: (a) set the Portfolios' overall investment strategies; (b) recommend and select Subadvisers; (c) allocate and reallocate the Portfolio's assets among Subadvisers in those cases where a Portfolio has more than one Subadviser; (d) monitor and evaluate Subadviser performance; and (e) implement procedures to ensure that the Subadvisers comply with the relevant Portfolio's investment objective, policies, and restrictions.

2. Before a Portfolio may rely on the requested order, the operation of the Portfolio as described in the application will be approved by a majority of the Portfolio's outstanding voting securities, as defined in the Act, or, in the case of a new Portfolio whose public shareholders purchase shares on the basis of a prospectus containing the disclosure addressed in condition 3 below, by the sole shareholder before offering shares of such Portfolio to the public.

3. Each Portfolio relying on the requested order will disclose in its prospectus the existence, substance, and effect of the order granted pursuant to this application. In addition, each Portfolio will hold itself out to the public as employing the Adviser/Subadviser structure described in the application. The prospectus will prominently disclose that the Advisers have ultimate responsibility to oversee Subadvisers and to recommend their hiring, termination, and replacement.

4. Within ninety (90) days of the hiring of any new Subadviser, the affected Portfolio will furnish its shareholders all information about the new Subadviser. The information will include any change in the disclosure caused by the addition of a new Subadviser of the Portfolio. The Portfolios will meet this obligation by providing shareholders within 90 days of the hiring of a new Subadviser an information statement meeting the requirements of Regulation 14C, Schedule 14C, and Item 22 of Schedule 14A under the Exchange Act, except as modified by Aggregate Fee Disclosure.

5. No Trustee, director, or officer of a Trust or the Advisers will own direct or indirectly (other than through a pooled investment vehicle over which such person does not have control) any interest in any Subadviser except for (a) ownership of interests in the Advisers or any entity that controls, is controlled by or is under common control with the Advisers; or (b) ownership of less than 1% of the outstanding securities of any class of equity or debt of a publicly-traded company that is either a Subadviser or an entity that controls, is controlled by or is under common control with a Subadviser.

6. The Advisers will not enter into a Subadvisory Agreement with any Affiliated Subadviser without such agreement, including the compensation to be paid thereunder, being approved by the shareholders of the applicable Portfolio.

7. At all times, a majority of the members of each Board, including a majority of the trustees will be persons who are not ''interested persons'' of the Trusts as defined in section 2(a)(19) of the Act (''Independent Trustees''), and the nomination of new or additional Independent Trustees will be placed within the discretion of the then existing Independent Trustees.

8. When a Subadviser change is proposed for a Portfolio with an Affiliated Subadviser the Board, including a majority of the Independent Trustees, will make a separate finding, reflected in the Board's minutes, that such change is in the best interests of the Portfolio and its shareholders and does not involve a conflict of interest from which the Advisers or the Affiliated Subadviser derives an inappropriate advantage.

9. Each Portfolio will disclose in its registration statement the respective Aggregate Fee Disclosure.

10. At all times, independent counsel knowledgeable about the Act and the duties of Independent Trustees will be engaged to represent the Independent Trustees of the Trust involved. The selection of such counsel will be placed within the discretion of the Independent Trustees.

11. The Advisers will provide the Board of each Trust, no less frequently than quarterly, with information about the Advisers' profitability for each Portfolio using an Adviser/Subadviser structure. Such information will reflect the impact on profitability of the hiring or termination of Subadvisers during the quarter.

12. Whenever a Subadviser to a particular Portfolio is hired or terminated, the Advisers will provide the Board with information showing the expected impact on the Advisers' profitability.

For the Commission, by the Division of Investment Management, under delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 98–33364 Filed 12–16–98; 8:45 am]

BILLING CODE 8010–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–40780; File No. SR–CBOE–98–48]

Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change and Amendments Nos. 1 and 2 by the Chicago Board Options Exchange, Inc. Relating to the Exchange's Rapid Opening System (ROS)

December 10, 1998.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on November 4, 1998, the Chicago Board Options Exchange, Inc. (''CBOE'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the CBOE. On December 9, 1998, the CBOE filed Amendment No. 1 to the proposed rule change with the Commission.[3] On December 9, 1998, the CBOE also filed Amendment No. 2 to the proposed rule change with the Commission.[4] The

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 204.19b–4.

[3] In Amendment No. 1, the Exchange replaced its original proposal. *See* Letter from Timothy Thompson, Director, Regulatory Affairs, Legal Department, CBOE, to Michael Walinskas, Deputy Associate Director, Division of Market Regulation (''Division''), Commission, dated December 8, 1998 (''Amendment No. 1'').

[4] In Amendment No. 2, the Exchange corrected technical errors in the notice. *See* Letter from Timothy Thompson, Director, Regulatory Affairs,

Commission is publishing this notice to solicit comments on the proposed rule change, as amended, from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The CBOE proposes to adopt new CBOE Rule 6.2A, *Rapid Opening System*, and a related rule change to CBOE Rule 6.2 to govern the operation of, and the eligibility to participate in, the Exchange's new Rapid Opening System.

The text of the proposed rule change is available at the Office of the Secretary, CBOE and at the Commission.

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 CBOE 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 text of these statements may be examined at the places specified in Item IV below. The CBOE 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

1. Purpose

The purpose of the proposed rule change is to adopt rules to govern the operation of, and the eligibility to participate in, the Exchange's new Rapid Opening System (''ROS''). ROS will provide the Exchange the ability to automate the opening of its various option classes, thereby avoiding the lengthier opening rotations that can occur under the present circumstances when there is a large influx of orders entered before or during the opening rotation. As the opening occurs, fill reports on all participating orders will be generated automatically and immediately, opening market quotes and last sales will be disseminated, and market-makers will receive notification of assigned trades.

By entering into open trading more quickly using ROS (and nearly instantaneously in many circumstances), the Exchange believes that its customers will be better served by being able to have their orders addressed in open trading in a more timely manner. Under the current circumstances, in those situations where there is a longer than normal opening rotation, orders entered after the opening rotation begins are locked out and these orders become subject to substantial market risk as the quotes may change from the time the series is opened to the time the rotation is completed. ROS should provide the Exchange's market-makers with the ability to open option classes within seconds of the opening of the underlying security.

Availability of ROS. ROS may be used to open a class of options at the beginning of the day and it may be used to re-open a class of options during the trading day *e.g.*, following a trading halt. The appropriate Floor Procedure Committee (''FPC'') for each option class traded on the floor will determine to what extent ROS will be available, although it is anticipated that ROS will be nearly universally available on the floor and will be used routinely. Because the initial version of ROS will employ the Exchange's AutoQuote system, only those option classes that employ the AutoQuote system may use ROS initially. While most option classes on the floor use the Exchange's AutoQuote system, certain index options (including DJX, NDX, and OEX [5]) and classes traded at certain Designated Primary Market Maker (''DPM'') trading stations do not currently employ the Exchange's AutoQuote system. Those DPMs that do not use the Exchange's AutoQuote system may decide to do so (or may be required to do so by the appropriate FPC) at least at the opening to take advantage of ROS. Later versions of ROS may accommodate inputs from systems other than the Exchange's AutoQuote system.

When ROS is first introduced (currently anticipated to be in December 1998, pending SEC approval), it may be introduced initially to a few classes so that the system can be tested. The Exchange expects ROS to be implemented throughout the floor wherever it may be accommodated soon after its introduction. Pursuant to its authority under CBOE Rule 6.2, the appropriate FPC, chairman or designee may decide where ROS should be used. Once implemented, the Exchange expects ROS will be used routinely and every day for those option classes where it is employed. If there remain option classes where ROS can be employed but is not employed, two Floor Officials may permit an Order Book Official (''OBO'') to use ROS on a case-by-case basis pursuant to Interpretation .01(b) of CBOE Rule 6.2.

Obligations and Eligibility of Market-Makers. Each morning the market-makers who plan to participate on ROS must log onto ROS and identify the classes of options in which they will participate. If ROS was being employed in a DPM trading crowd, the DPM would be expected to participate on ROS. As with RAES, any DPM designee (all of whom are permitted to act as both market-makers and floor brokers) would be entitled to log onto ROS and share equally in any imbalance to trade at the opening price. To participate in the opening, the market-makers must log in prior to the opening or by some other earlier time designated by the appropriate FPC. (Similarly, in a delayed opening or a re-opening during the day, the participating market-makers must be logged on prior to the operation of ROS or by some earlier time.) Any market-maker that will be present at a particular trading station for the opening may log onto ROS for a class traded at that station [6] but once a market-maker has logged onto ROS for that class during an expiration month, that market-maker must log onto ROS any time he is going to be present in the crowd at the opening during the remainder of the expiration cycle. This requirement is intended to ensure that those market-makers who participate in ROS will be obligated to participate on those more volatile or busy days.

Similar to the Exchange's rules governing the eligibility to participate on the Exchange's Retail Automatic Execution System (''RAES''), *i.e.*, CBOE Rule 6.8, there are two other provisions to help ensure the viability of the system in various market situations. First, the appropriate Market Performance Committee (''MPC'') may determine to require a market-maker to log onto ROS for specified classes traded at a particular trading station.

Second, notwithstanding the limitations in proposed CBOE Rule 6.2A

Legal Department, CBOE, to Michael Walinskas, Deputy Associate Director, Division, Commission, dated December 8, 1998 (''Amendment No. 2''). Additional technical amendments corrected errors in the proposal. Telephone conversations between Timothy Thompson, Director, Regulatory Affairs, Legal Department, CBOE, and Kenneth Rosen, Attorney, Division, Commission (December 10, 1998).

[5] These are the Dow Jones Industrial Average, Nasdaq-100, and Standard & Poors 100 index options.

[6] Because the openings generally will occur simultaneously, it will generally be possible to possible on ROS only in those classes traded at one particular trading station on any given day. A market-maker is not permitted to log onto ROS for classes at two or more stations when those openings are expected to occur at approximately the same time.

requiring the market-maker to be present in the crowd for the opening and to log onto ROS by a designated time, if insufficient market-maker participation exists for a particular class, two Floor Officials of the appropriate MPC will have the authority to log onto ROS those market-makers who are members of the trading crowd, as defined in CBOE Rule 8.50, or those Floor Officials may allow market-makers in other classes of options to log onto ROS in such classes.

Participation on ROS will be monitored by the OBOs or DPMs at the particular trading station. The ROS screen in each trading crowd will indicate the number of market-makers that have signed onto ROS. If for any reason the OBO, the DPM, or the participating market-makers believe that the participation rate is inadequate, then the OBO or DPM may call Floor Officials to either have them log on other market-makers or conduct an opening rotation under the manual procedures employed currently.

Participation Rate for ROS. ROS will be designed to assign the contracts to trade for a particular class equally among all participating market-makers for that class to the extent possible. For example, if there are twenty-one contracts for the market-makers who are logged onto ROS to trade after the customer orders have been crossed and there are four market-makers logged onto ROS for that class, then three market-makers would be assigned five contracts and the fourth market-maker would be assigned six contracts.

Orders Participating on ROS and in the Opening. When ROS is employed, all pre-open orders that are routed to the Exchange's Electronic Book will participate automatically in the opening process. All customer orders (both markets and limit orders) without contingencies are eligible to be placed on the Electronic Book prior to the opening. Orders that cannot be placed on the Electronic Book, including broker-dealer and customer contingency orders will be accommodated in the opening manually.

To entitle these orders to participate, the brokers representing these orders must inform the OBO or DPM and the logged-in ROS market-makers of the terms of the order (including limit price and volume) prior to the opening bell or by some earlier time as established by the appropriate FPC. This notification will enable the quantity of orders and any imbalance they represent to be taken into account in establishing the opening price as described below. Although these orders will not be represented in the ROS algorithm (discussed further below), the market-makers will be able to consider the effect of those orders when they decide whether to adjust their AutoQuote values. Once ROS determines the opening price, the participating market-makers will, as described below, trade at the opening price electronically with the imbalance of the booked orders and via open outcry with non-bookable orders that are deserving a fill [7] at the same opening price. The Exchange anticipates that a futrue release of ROS will incorporate non-bookable orders electronically. The Exchange notes that there are few broker-dealer orders entered prior to the opening today and the Exchange believes this is likely to be true when ROS is employed on the floor.

Operation of ROS. To determine a single opening price, AutoQuotes for all series will be provided to ROS. Generally, one participating market-maker will determine the variables that will determine the AutoQuote values. However, any participating market-maker will have the opportunity to improve individual quotes before the AutoQuotes values are sent to ROS. ROS will not open a class until it has received AutoQuotes for all eligible series. The market-makers participating in ROS for a particular option class will determine collectively when they will send the AutoQuote values to ROS. In making this determination, the participating market-makers will have access to information that indicates the total contracts that would be traded on the opening just as do specialists on other exchanges in setting their opening prices today. The information will be available on a screen at each trading station that employs ROS. Each screen will provide the following information: the number of market-makers logged onto ROS for the class, the total delta of all the orders in a particular class of options, the total contracts to trade, the last sale price of the underlying, the AuteQuote calculation values for the underlying. Individuals at the trading station can also access a detail screen that provides information on the number of long and short contracts to trade on a series basis, series AutoQuote values, contracts to trade on a series basis, total delta on a series basis, and thresholds for the class.

Before the start of the trading day, participating market-makers, who together share the obligation to trade at the opening price, will have established thresholds for the aggregate risk and aggregate number of contracts to trade they as a group are willing to assume for a particular class. If the actual aggregate risk and number of contracts to trade at the opening are both below these established thresholds, ROS will automatically open that particular class without any further intervention by the market-makers once AutoQuote has received input of the underlying stock value. In these cases, the opening quotes and last sales will be disseminated immediately. In those cases whether either the aggregate risk or the aggregate contracts to trade exceed the established thresholds, a participating market-maker may manually adjust the AutoQuote values as is done under the opening rotations currently.

To adjust the AutoQuote values, a participating market-maker must touch a button to ''lock'' the particular class. The ''lock'' feature allows market-makers to adjust the AutoQuote values to account for the risk in the positions and contracts to trade, while incoming orders queue (just as orders queue during opening rotations today). Those orders entered during the ''lock'' will not be eligible to participate in the opening. The Exchange expects that the lock feature generally only will be used for very brief periods. Once the market-makers have adjusted AutoQuote, they will send the values of ROS and the class will open. ROS should allow the Exchange to transition into open trading much faster than under the current system and the backlog of orders that sometimes develops during the opening should rarely, if ever, occur.

In both those cases in which the opening is automatic and in those cases where market-makers adjust the AutoQuote values while a class is locked, the actual single opening price that ROS calculates for each series will be determined based upon the bid/ask values sent from AutoQuotes (as they may be adjusted by the market-makers) and the orders contained in the book. The exact price will be sent according to an algorithm, or a set of rules coded into the system, designed to maximize the number of customer orders able to be traded at or between the bid-ask values.[8] Once the price is determined,

[7] These procedures were designed to ensure an order is filled under proposed CBOE Rule 6.2A as if the standard opening procedures were in place. A non-bookable order will be filled by market-makers in the crowd if it is a (1) market order; (2) limit order and the limit price betters the opening price, or (3) limit order and the limit price equals the opening price and equals or exceeds the opposite side of the AutoQuote bid and offer (as it may have been adjusted by the market-makers) that is submitted to ROS. If the non-bookable order is a limit order and the limit price equals the opening price and is between the AutoQuote bid and offer, then this order may be filled against any orders in the Exchange's book.

[8] The algorithm looks for the maximum number of orders to trade at the QutoQuote bid or offer or

all customer orders that should be crossed at that opening price will be crossed, while the balance of orders, if any, will be assigned to participating market-makers if the opening price is at either the AutoQuote bid or offer. If the opening price is between the AutoQuote bid or offer, then no trades will be assigned to participating market-makers. However, any orders that are not executed as part of the opening will remain in the Exchange's Electronic Book and will be reflected in the opening bid or offer improving the AutoQuote bid or offer. Non-bookable orders that were presented to the OBO or DPM prior to the opening in accordance with proposed CBOE Rule 6.2A(a)(ii) will be filled by the market-makers in the crowd at the opening price if the order is deserving of such price. As ROS completes the opening for each class, public customers will receive an electronic fill report for each order traded, quotes and last sales will be disseminated to Options Price Reporting Authority, market-makers will be informed of their participating via an electronic trade notification or a paper notice, and trade match records will be created for clearance.

Surveillance of Market-Maker Procedures. The market-maker participating on ROS will be required to price the contracts fairly, in a manner consistent with their obligations under CBOE Rule 8.7(b)(iv). The Exchange believes that a number of factors including scrutiny by customers and firms representing customer orders will ensure that market-makers adjust the AutoQuote values consistent with their obligations. In addition, if an OBO notices any unusual activity in the setting of AutoQuote values, the OBO will fill out an OBO Unusual Activity Report which will be investigated by the Exchange. Finally, the Exchange's AutoQuote has an audit trail log that details every key stroke employed in the use of AutoQuote. This audit trail report can be studied in the event of any concerns with the way the AutoQuote values were established for ROS.

2. Statutory Basis

The proposed rule changes are consistent with Section 6(b) of the Act in general and further the objectives of Section 6(b)(5) in particular in that they are designed to promote just and equitable principles of trade and to protect investors and the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

The CBOE does not believe that the proposed rule change will impose any burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to 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:

(A) By order approve such proposed rule change, or

(B) 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, including whether the proposed rule change is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., 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 Room. Copies of such filing will also be available for inspection and copying at the principal office of the CBOE. All submissions should refer to File No. SR–CBOE–98–48 and should be submitted by January 7, 1999.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[9]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 98–33365 Filed 12–16–98; 8:45 am]

BILLING CODE 8010–01–M

at any price in between. The rules, which the system proceeds through in the following order, are:

(1) If there are more contracts to trade at the bid price than at any other price point, then the opening price will be set at the bid price. If the bid equals, 0, then use the zero bid rule. This rule states if there is a net to sell at 0, any buy volume will be crossed at 1/16 with the available sell volume. If there is a balance remaining to sell, the sell volume will be booked at 1/16. If there is no buy volume, then, as with the current EBook functionality, there are 0 to sell at 1/16 and the orders will be booked at 1/16.

(2) If there are more contracts to trade at the offer price than at any other price point, then the opening price will be set at the offering price.

(3) If neither (1) nor (2) is satisfied, then look for the other price point at which the maximum number of contracts will be traded.

(4) There may be no contracts to trade at any of the price points.

(5) If there is only one price point at which the maximum number of contracts may be traded, then open at that price point.

(6) If there are multiple price points at which the maximum number of contracts may be traded then follow rules 7 through 10.

(7) If there is only one price point at which the net between number of contracts to buy and sell is 0 and at which the maximum number of contracts can be traded, then open at that price point.

(8) If there are multiple points where the net between buys and sells is 0 and at which the maximum number of contracts can be traded, then calculate what the best quote will be coming out of rotation, and open at the net zero point closest to the midpoint of the best quote.

(9) If there is not a single net zero closest to the midpoint of the best quote, then use the net change rule (discussed below) to determine the opening price.

(10) If there are no points where the net between buys and sells is zero and at which the maximum number of contracts can be traded, then open at a price at which the maximum number of contracts can be traded and where the net between buys and sells is greater than zero but less than or equal to the total buys or sells at that price. Use the net change rule if necessary.

Net change rule: If the direction of the last underlying change is positive and the option is to a call, open at the higher price, and if it is a put, open at the lower price. Similarly, for negative change, if it is a call option open at the lower price and if it is a put option, open at the higher price.

[9] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–40763; File No. SR–CHX–98–25]

Self-Regulatory Organizations; Chicago Stock Exchange, Inc.; Order Granting Approval to Proposed Rule Change Relating to the Addition of an Interpretation to the Minimum Variation Rule

December 8, 1998.

I. Introduction

On September 25, 1998, the Chicago Stock Exchange, Inc. (''CHX'' or ''Exchange'') submitted to the Securities and Exchange Commission (''SEC'' or ''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act

of 1934 (''Exchange Act'' or ''Act'')[1] and Rule 19b–4 thereunder,[2] a proposed rule change to add an interpretation to the Minimum Variation Rule.

The proposed rule change was published for comment in the **Federal Register** on October 23, 1998.[3] No comments were received on the proposal. This order approves the proposal, as amended.[4]

II. Description of the Proposal

The CHX proposes to add Interpretation and Policy .06 to Article XX, Rule 22 relating to the trading by members in increments smaller than the minimum variation in order to match bids and offers displayed in other markets for the purpose of preventing Intermarket Trading System (''ITS'') trade-throughs.

Over the past 18 months, a number of self regulatory organizations (''SROs''), including the Exchange, the Pacific Exchange, Inc. (''PCX''), the American Stock Exchange (''Amex''), the Nasdaq Stock Market (''Nasdaq''), the New York Stock Exchange (''NYSE'') and the Chicago Board Options Exchange (''CBOE''), have reduced the minimum trading and quotation increments of most equity securities to as little as 1/16 of one dollar.[5] Subsequent to the reduction to sixteenths, several third market makers have commenced quoting securities in increments smaller than those approved for trading on the exchanges on which the securities are listed or traded.[6] Several exchanges have responded by permitting their members to execute trades in these finer increments under certain circumstances.[7] Like these other exchanges, the CHX believes that it is important to provide its members with flexibility to effect transactions on the Exchange at a smaller increment than is set forth in its existing interpretations and policies (*i.e.,* 1/16 for most securities) for the purpose of matching a displayed bid or offer in another market at such smaller increment (*i.e.,* 1/32, 1/64 or smaller) for the purpose of preventing ITS trade-throughs. For example, if the best bid on the Exchange is 8 and a bid of 8 1/32 is displayed through ITS in another market center, the Exchange specialist or floor broker may execute a market or marketable limit order at 8 1/32 in order to match the other market's bid. Limit orders entered on the Exchange, however, will continue to be priced at the current minimum trading increments (*i.e.*, usually 1/16), and orders priced in smaller increments will not be accepted. In addition, specialists will not be permitted to quote in these finer increments.

The proposed amendment will allow CHX traders to match prices disseminated by market makers that may better the CHX quote by an increment finer than the current minimum increment (usually 1/16). Further, the proposal will enable the Exchange to match prices disseminated by another exchange in the event that another exchange were to reduce its minimum trading increment. Thus, the proposed amendment will assist Exchange members in fulfilling their obligation to obtain the best price for their customers.

While the new interpretation would give members the extra flexibility that they need, the Exchange believes that a member would violate the spirit and intent of this new interpretation and would, most likely, be considered to have engaged in manipulative activity, in the event that the member enters an order in another market in a smaller variation for the express purpose of enabling such member to execute trades on the Exchange at such smaller increment. For example, if floor broker sent to a third market maker a 100 share limit order to buy that is priced 1/32 or 1/64 better than the current quote solely to enable the floor broker to cross a large block of stock on the Exchange at such better price without a specialist intervention, the Exchange would probably consider the floor broker to have engaged in manipulative activity.[8]

III. Discussion

The Commission finds that the proposed rule change is consistent with the requirements of the Act[9] and the rules and regulations thereunder applicable to a national securities exchange, and, in particular, with the requirements of Section 6(b) of the Act.[10] Specifically, the Commission believes the proposal is consistent with Section 6(b)(5) in that it is designed to promote just and equitable principles of trade, to prevent fraudulent and manipulative acts, and, in general, to protect investors and the public interest.[11]

Recently, there has been a movement within the industry to reduce the minimum trading and quotation increments imposed by the various SROs. Last year, Amex, Nasdaq, NYSE, PCX and CBOE reduced their minimum increments.[12] Currently, exchange rules provide for trading of most equity securities in increments as small as 1/16 of a dollar. The CHX exchange represents that several third market makers have begun quoting securities in increments smaller than those approved for trading on the primary markets. The Exchange's proposed rule change will provide it the limited flexibility it needs to address this development and remain competitive with these third markets.

The size of the minimum trading increment for securities traded through the facilities of the Nasdaq system is determined by the technical limitations of the Nasdaq system. Currently, Nasdaq systems are capable of trading securities priced under $10 in increments as fine

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[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Exchange Act Release No. 40545 (October 13, 1998), 63 FR 56956 (October 23, 1998).

[4] Amendment No. 2 makes a technical word change to the proposed rule change, replacing the word ''that'' with ''than'' in the second line of the proposed Interpretation and Policy .06 to Art. XX, Rule 22. Since this amendment is completely technical in nature, good cause for accelerated approval is not necessary. Letter from Kirsten M. Carlson, Counsel to the CHX, to Katherine A. England, Assistant Director, Division of Market Regulation, Commission, dated October 14, 1998.

[5] *See* Exchange Act Release Nos. 38780 (June 26, 1997), 62 FR 36087 (July 3, 1997) (approving a PCX rule change to reduce the minimum quotation increment to 1/16 for stocks); 38571 (May 5, 1997), 62 FR 25682 (May 9, 1997) (approving an Amex proposal to reduce the minimum trading increment to 1/16 for certain Amex-listed equity securities); 38678 (May 27, 1997), 62 FR 30363 (June 6, 1997) (approving a Nasdaq rule change to reduce the minimum quotation increment to 1/16 for certain Nasdaq-listed securities); 38897 (August 1, 1997), 62 FR 42847 (August 8, 1997) (approving a NYSE rule change to reduce the minimum quotation increment to 1/16 for certain NYSE-listed securities); and 39159 (September 30, 1997), 62 FR 52365 (October 9, 1997) (approving a CBOE rule change to reduce the minimum quotation increment to 1/16 for stocks).

[6] For example, Nasdaq systems are capable of trading securities priced under $10 in increments as fine as 1/32 of one dollar. Securities priced over $10 may be traded in increments as fine as 1/16 of one dollar. As a result, the third market makers may trade Amex listed securities that are traded on CHX and priced at less than $10 in increments finer than sixteenths.

[7] *See* Exchange Act Release Nos. 40199 (July 14, 1998), 63 FR 39336 (July 22, 1998) (approving PCX rule permitting members to trade in increments smaller than 1/16, in order to match bids and offers displayed in other markets for the purpose of preventing ITS trade-throughs); and 40189 (July 10, 1998), 63 FR 38439 (July 16, 1998) (approving Amex rule permitting members to trade in increments smaller than 1/16, in order to match bids and offers displayed in other markets for the purpose of preventing ITS trade- throughs).

[8] The Exchange believes this is consistent with a recent SEC enforcement action brought against two brothers who used the SEC's Limit Order Display Rule to manipulate the quote to their advantage. *See In re Ian Fishman and Lawrence Fishman*. Admin. Proc. File No. 3–9629 (June 24, 1998). In that case, the Commission stated that the brothers used a limit order ''to move the public bid or offer quote, in order to permit [Fishman] to buy or sell a security at a price that otherwise would not have been available in the market,'' and found that such activity violated Exchange Act Rule 10b–5.

[9] In reviewing this proposal, the Commission has considered the proposal's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

[10] 15 U.S.C. 78f(b).

[11] 15 U.S.C. 78f(b)(5).

[12] *See supra*, note 5.

as 1/32 of one dollar. Securities priced over $10 may be traded in increments as fine as 1/16 of one dollar.[13] As a result, the Commission recognizes that third market makers may trade exchange listed securities priced at less than $10 in increments finer than sixteenths. Nasdaq has informed the Commission that third market makers are currently posting quotes for listed securities in increments finer than sixteenths.[14] The proposed amendment to CHX Article XX, Rule 22, will allow CHX traders to match price disseminated by third market makers that may better the CHX quote by an increment finer than the 1/16 minimum increment. In addition, the Commission notes that the proposal will enable the Exchange to match prices disseminated by other exchanges in the event that another exchange were to reduce its minimum trading increment.[15] The proposal should assist Exchange members to fulfill their obligation to obtain the best price for their customers. Accordingly, the Commission finds that it is reasonable for the CHX to allow trading in increments finer than 1/16 for the limited purpose of preventing an ITS trade-through.

IV. Conclusion

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[16] that the proposed rule change (SR–CHX–98–25), as amended, is approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[17]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 98–33360 Filed 12–16–98; 8:45 am]

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[13] The Commission notes that any change to the minimum increment for securities traded through the facilities of the Nasdaq system would be considered a change in an existing order-entry or trading system of an SRO. Accordingly, the Nasdaq would be required to file a proposed rule change under Section 19(b)(3)(A) of the Act to change its minimum increment.

[14] *See* Exchange Act Release No. 40189 (July 10, 1998), 63 FR 38439 (July 16, 1998).

[15] To change its minimum increment, an exchange would be required to file a proposed rule change that would become immediately effective under Section 19(b)(3)(A).

[16] 15 U.S.C. 78s(b)(2).

[17] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–40771; File No. SR–NASD–98–79]

Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change by the National Association of Securities Dealers, Inc. Relating to Issuer Responsibilities When Using the Internet; Updating MarketWatch Contact Information and Other Matters

December 10, 1998.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on October 21, 1998, the National Association of Securities Dealers, Inc. (''NASD'' or ''Association''), through its wholly-owned subsidiary, the Nasdaq Stock Market, Inc. (''Nasdaq'') filed with the Securities Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by Nasdaq.[3] 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

Nasdaq is proposing to amend NASD Rule IM–4120–1 with respect to the use of the Internet for dissemination of issuer disclosures. below is the text of the proposed rule change. Proposed new language is in *italics;* proposed deletions are in [brackets].

4120. Trading Halts

(a) No Change

(b) Procedure for Initiating a Trading Halt

(1) Nasdaq issuers are required to notify Nasdaq of the release of any material news prior to the release of such information to *appropriate news services*[the press] as required by Rule 4310(c)(16) and 4320[(d)(15)]*(e)(14).*

(b)(2) through (5) No Change

Footnote to 4120(b)(2):

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Amendment No. 1 was received by the Commission on December 3, 1998, the substance of which is incorporated into this notice. Letter from Andrew S. Margolin, Assistant General Counsel, Nasdaq, to Katherine A. England, Division of Market Regulation (''Division''), Commission, dated December 2, 1998 (''Amendment No. 1''). Amendment No. 2 was received by the Commission on December 10, 1998, the substance of which is incorporated into this notice. Letter from Andrew S. Margolin, Assistant General Counsel, Nasdaq, to Katherine A. England, Division, Commission, dated December 9, 1998 (''Amendment No. 2'').

[The current telephone number is 1–800–537–3929, (301) 590–6411, or from 6 p.m. to 8 a.m. Eastern Time, (301) 590–6413. The Stock Watch fax number is (301) 590–6482.] *Notification may be provided to the MarketWatch Department by telephone 1–800–537–3929 and (301) 590–6411. Between 6 p.m. and 8 a.m. Eastern Time, voice mail messages may be left on either number. The fax number is (301) 590–6482.*

* * * * *

IM–4120–1. Disclosure of Material Information

Rules 4310(c)(16) and 4320[(d)(15)](e)(14) require that, except in unusual circumstances, Nasdaq issuers disclose promptly to the public through *appropriate*[the] news [media]*services* any material information which would reasonably be expected to affect the value of their securities or influence investors' decisions and that Nasdaq issuers notify Nasdaq of the release of any such information prior to its release to the public through the news [media]*services.* Nasdaq recommends that Nasdaq issuers provide such notification at least ten minutes before such release.* Under unusual circumstances issuers may not be required to make public disclosure of material events; for example, where it is possible to maintain confidentiality of those events and immediate public disclosure would prejudice the ability of the company to pursue its legitimate corporate objectives. However, Nasdaq issuers remain obligated to disclose this information to Nasdaq upon request pursuant to Rules 4310(c)15) or 4320[(d)(14)]*(e)(13).*

Whenever unusual market activity takes place in a Nasdaq issuer's securities, the issuer normally should determine whether there is material information or news which should be disclosed. If rumors or unusual market activity indicate that information on impending developments has become known to the investing public, or if information from a source other than the issuer becomes known to the investing public, a clear announcement may be required as to the state of negotiations or development of issuer plans. Such an announcement may be required, even though the issuer may not have previously been advised of such information or the matter has not yet been presented to the issuer's Board of Directors for consideration. It may also be appropriate, in certain circumstances, to publicly deny false or inaccurate rumors which are likely to

have, or have had, as effect on the trading in its securities or would likely have an influence on investment decisions.

* * * * *

Use of the Internet In the Disclosure of Material Information

While Nasdaq requires that its listed issuers disseminate material press releases to one of the traditional news services, such as a major news wire, Nasdaq recognizes the increased utilization of the Internet as a vehicle for additional news dissemination. The Internet is a valuable disclosure resource that can enhance the orderly dissemination of material information for all shareholders and market participants.

Issuers can and should provide shareholders direct access to corporate disclosures via their Internet home pages and web sites.

To ensure a level playing field for all investors in Nasdaq companies, however, this policy on disclosure of corporate information requires that the use of the Internet to disseminate material press releases is appropriate provided the information is not made available over the Internet before the same information is transmitted to, and received by, traditional news services and such news services are free from any restrictions as to its release at that time (i.e., the information is for ''immediate release'' or is no longer subject to embargo). Issuers must still notify Nasdaq at least ten minutes prior to the release of any information that would reasonably be expected to affect the value of securities or influence investors' decisions, as indicated in this policy.

Footnote to IM–4120–1:

• [Notification may be provided to the MarketWatch Department by telephone 1–800–537–3929, (301) 590–6411, or from 6 p.m. to 8 a.m. Eastern Time, (301) 590–6413. Information communicated orally should be confirmed promptly in writing. The StockWatch fax number is (301) 590–6482.]

Notification may be provided to the MarketWatch Department by telephone 1–800–537–3929 and (301) 590–6411. Between 6 p.m. and 8 a.m. Eastern Time, voice mail messages may be left on either number. Information communicated orally should be confirmed promptly in writing. The fax number is (301) 590–6482.

The MarketWatch Department will provide a list of suggested news services or confirm use of a particular service, by telephone at 1–800–537–3929 or (301) 590–6411. Between 6 p.m. and 8 a.m. Eastern Time, voice mail messages may be left on either number.

* * * * *

4310. Qualifications Requirements for Domestic and Canadian Securities

Footnote to 4310(c)(16):

This notice shall be made to Nasdaq's MarketWatch Department at 9513 Key West Avenue, Rockville, Maryland 20850–3389. The telephone numbers [is] *are* 1–800–537–3929[,] *and* (301) 590–6511.[, or from] *Between* 6 p.m. [to] *and* 8 a.m. Eastern Time, [(301) 590–6413] voice mail messages may be left on either number. The fax number is (301) 590–6482.

4320. Qualification Requirements for Non-Canadian Foreign Securities and American Depositary Receipts

Footnote to 4320(e)(14):

This notice shall be made to Nasdaq's MarketWatch Department at 9513 Key West Avenue, Rockville, Maryland 20850–3389. The telephone numbers [is] *are* 1–800–537–3929[,] *and* (301) 590–6511.[, or from] *Between* 6 p.m. [to] *and* 8 a.m. Eastern Time, [(301) 590–6413] voice mail messages may be left on either number. The fax number is (301) 590–6482.

* * * * *

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, Nasdaq 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 text of these statements may be examined at the places specified in Item IV below. Nasdaq 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

1. Purpose

Increased use of the Internet to provide access to corporate information for shareholders has resulted in questions regarding the timing of news releases over the Internet and the use of issuers' Internet sites as replacements for traditional dissemination of news to the media. While Nasdaq believes that it is generally in the public interest to encourage widespread dissemination of information to investors through the Internet, Nasdaq also believes that it is important to maintain a level playing field for all investors, including those who do not have Internet access or who may not generally rely on the Internet as their primary source of material corporate news. Consequently, Nasdaq is not proposing to alter its traditional requirement that news be disseminated through traditional news services. These include Dow Jones News Service, Reuters, Bloomberg Business News, Business Wire, PR Newswire, The Wall Street Journal, and The New York Times.[4]

Accordingly, Nasdaq is proposing to amend NASD Interpretation IM–4120–1 to state that Nasdaq fully supports companies' use of Internet home pages to disseminate information to shareholders, but that the Internet must not be a substitution for the dissemination of news through traditional news services. In the interests of maintaining a level playing field for all investors and to avoid situations of potential selective disclosure, the Nasdaq policy will be amended to indicate that dissemination of news over the Internet is appropriate provided it is not made available over the Internet before the same information is transmitted to, and received by, the traditional news services. Furthermore, the amended policy will reiterate that issuers must still notify Nasdaq at least ten minutes prior to any release of material information, consistent with the existing policy.

In addition, Nasdaq is making technical corrections to several cross references contained in NASD Rule, 4120 and IM–4120–1, as well as eliminating several footnote references to an outdated phone number used to contact Market Watch, which are contained in NASD Rules 4120, 4310, and 4320.

2. Statutory Basis

Nasdaq believes that the proposed rule change is consistent with the provisions of Section 15A(b)(6) of the Act[5] in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principals of trade, and in general, to protect investors and the public interest. The amended policy on corporate disclosure facilitates widespread public availability of issuers information while ensuring a level playing field regarding its dissemination.

[4] For a complete list of appropriate news services, contact the MarketWatch Department by telephone 1–800–537–3929 or (301) 590–6411. Between 6 p.m. and 8 p.m. Eastern Time, voice mail messages may be left on either number.

[5] 15 U.S.C. 78*o*–3(b)(6).

B. Self-Regulatory Organization's Statement on Burden on Competition

Nasdaq does not believe that the proposed rule change will impose any inappropriate burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the 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:

(A) by order approve the proposed rule change, or

(B) 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, including whether the proposal is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., 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 at the Commission's Public Reference Room. Copies of such filing will also be available for inspection and copying at the principal office of the NASD. All submissions should refer to File No. SR–NASD–98–79 and should be submitted by January 7, 1999.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[6]

[6] 17 CFR 200.30–3(a)(12).

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 98–33363 Filed 12–16–98; 8:45 am]

BILLING CODE 8010–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–40779; File No. SR–OCC–98–13]

Self-Regulatory Organizations; The Options Clearing Corporation; Notice of Filing and Order Granting Accelerated Approval of a Proposed Rule Change Clarifying Adjustment and Settlement Procedures for Currency Related Options Relating to the Euro

December 10, 1998.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] notice is hereby given that on October 28, 1998, The Options Clearing Corporation (''OCC'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which items have been prepared primarily by OCC. The Commission is publishing this notice and order to solicit comments on the proposed rule change from interested persons and to grant accelerated approval.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The purpose of the proposed rule change is to clarify OCC's adjustment and settlement procedures for currency related options in anticipation of the European Union conversion to the euro, which is scheduled to be effective January 1, 1999.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, OCC 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 text of these statements may be examined at the places specified in Item IV below. OCC has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.[2]

[1] 15 U.S.C. 78s(b)(1).

[2] The Commission has modified parts of these statements.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

On January 1, 1999, the European Union is scheduled to introduce the euro which will replace the national currencies of the eleven countries which currently qualify for inclusion in European Monetary Union. On January 1, 1999, these eleven countries will begin to use the euro along with their existing currencies (''legacy currencies''). At that point, the legacy currencies will become units of the euro and will continue to constitute legal tender in their respective countries of origin until 2002. In 2002, the legacy currencies will cease to be units of the euro, and the euro will be the sole medium of exchange of the participating member states.

The legacy currencies include four that are trading currencies or underlying currencies in the Philadelphia Stock Exchange's (''PHLX'') currency options market. They are the French franc, German mark, Italian lira, and Spanish peseta. On January 1, 1999, the European currency unit (''ECU'') will be converted on a one-to-one basis into the euro, and the current PHLX ECU option contract will be adjusted to call for delivery of euros.

PHLX has advised OCC that effective January 1, 1999, it will also begin to trade currency options with the euro as the underlying or trading currency. PHLX also has indicated that it will permit additional contracts with legacy currencies as the underlying or trading currency to be listed for a limited period after January 1, 1999. Current open interest in legacy currency contracts will extend to July 1999.

OCC will continue to identify all existing legacy contracts in reports and in settlement instructions. OCC will continue to effect its settlements in legacy currency but will allow members to elect to delivery either legacy currency or the euro equivalent to meet settlement obligations. Each legacy currency will have a fixed conversion to the euro. Because OCC will continue to deliver legacy currency, members that wish to receive euros will be required to notify their agent banks to convert legacy currency into euros. Banks will be required to convert legacy currency into euros, and vice versa, at no cost to members.

OCC's by-laws currently provide for adjustments of the terms of outstanding options if the country of origin of the trading currency or the underlying currency (i) issues a new currency intended to replace its existing currency

or (ii) alters the exchange rate or exchange characteristics of its currency. Euros, however, will not be issued by the countries of origin of the currencies that they replace.

The proposed rule change clarifies that when a trading currency or an underlying currency is replaced, affected options may be adjusted whether or not the replacement currency is issued by the country of origin of the replaced currency. Similarly, the rule change clarifies that when a currency's exchange rate or exchange characteristics are officially altered, affected options may be adjusted whether or not the alteration is made by the currency's country of origin.

The proposed rule change also amends OCC's by-laws and rules applicable to the settlement of currency related options to accommodate the introduction of the euro. As described above, OCC will continue to use legacy currencies during the euro transition period. The proposed rule change authorizes members to deliver euros in lieu of the legacy currencies during the transition period specified by the European Union provided that the euros are delivered to the OCC agency bank that would have received the specified legacy currency. OCC's agent banks will determine if the amount of euros delivered is equivalent (based on the official conversion rate) to the amount of legacy currency called for in OCC's settlement instruction. OCC will not permit members to net obligations to deliver euros under any new euro-denominated contracts against obligations to receive legacy currencies or vice versa as such netting would be inconsistent with OCC's credit arrangements.

OCC's rules currently provide that Belgium is the country of origin for delivery of ECUs unless OCC specifies otherwise. The proposed rule change similarly specifies Germany as the country of origin for delivery of the euros unless OCC otherwise directs. OCC is also authorized to elect to receive euros through a multi-currency account outside the specified country of origin.

OCC believes that the proposed rule change is consistent with the requirements of Section 17A because it clarifies OCC's authority to adjust outstanding foreign currency options in the event that the European Union converts to the euro and to prescribe the procedures for settlement in euros.[3]

[3] 15 U.S.C. 78q–1.

(B) Self-Regulatory Organization's Statement on Burden on Competition

OCC does not believe that the proposed rule change will impose any burden on competition.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were not and are not intended to be solicited with respect to the proposed rule change, and none have been received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Section 17A(b)(3)(F)[4] requires that the rules of a clearing agency be designed to promote the prompt and accurate clearance and settlement of securities transactions. The Commission believes that OCC's rule change is consistent with OCC's obligations under Section 17A(b)(3)(F) because it clarifies the adjustment and settlement procedures applicable to currency-related options in anticipation of the European Union's scheduled conversion to the euro. This clarification of procedures should help increase the number of transactions which settle promptly and on a timely basis during the euro transition period.

OCC has requested that the Commission find good cause for approving the proposed rule change prior to the thirtieth day after the date of publication of notice of the filing. Because the European Union is scheduled to introduce the euro on January 1, 1999, the Commission finds good cause for approving the proposed rule change prior to the thirtieth day after the date of publication of notice of filing.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., 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 Fifth Street, N.W., Washington, D.C. 20549. Copies of such filing will also be available for inspection and copying at the principal office of OCC. All submissions should refer to the File No. SR–OCC–98–13 and should be submitted by January 7, 1999.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the proposed rule change (File No. SR–OCC–98–13) be and hereby is approved on an accelerated basis.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.[5]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 98–33362 Filed 12–16–98; 8:45 am]

BILLING CODE 8010–01–M

[4] 15 U.S.C. 78q–1(b)(3)(F).

[5] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–40757; File No. SR–Phlx–98–39]

Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change by the Philadelphia Stock Exchange, Inc. Relating to an Increase in Position and Exercise Limits for Narrow-Based Index Options

December 7, 1998.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Exchange Act'' or ''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on September 3, 1998, the Philadelphia Stock Exchange, Inc. (''Phlx'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. Phlx filed an amendment to the proposed rule change on September 28, 1998.[3] The Commission is publishing this notice to solicit

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Letter to Michael Walinskas, Deputy Associate Director, Division of Market Regulation, Commission, from Nandita Yagnik, Attorney, Phlx, dated September 25, 1998 (''Amendment No. 1''). Amendment No. 1 clarified that the Exchange intended to propose a tripling of the current position and exercise limits for narrow-based index options, not a doubling of the limits as stated in the original filing.

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

Phlx proposed to amend Phlx Rule 1001A(b)(1) by increasing narrow-based (industry) index option position limits,[4] which are subject to a three-tier position limit determination. Specifically, the current levels of 9,000, 12,000 and 15,000 contracts are proposed to be increased to 27,000, 36,000 and 45,000 contracts—a tripling of the current limits.

Exchange exercise limits,[5] which are contained in Phlx Rule 1002A, are established by reference to position limits, such that any increase in position limits would also increase exercise limits. Accordingly, the Phlx is proposing to increase its exercise limits to correspond to the proposed increases in position limits.

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 text of these statements may be examined at the places specified in Item IV below. 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

1. Purpose

The purpose of the proposed rule change is to increase industry index option position and exercise limits in order to attract additional trading interest and, thus, promote depth and liquidity in Phlx index options. The Exchange believes that the current limits constrain certain investors from trading index options. Pursuant to Rule 1001A, the three-tiered levels of position and exercise limits are currently 9,000, 12,000 or 15,000 contracts. These position limits, which are standard among all of the options exchanges respecting narrow-based index options, are based on the degree of concentration of a component stock of the index.[6] For the reasons given below, the Exchange proposes to increase these limits to 27,000, 36,000 or 45,000 contracts.

The Exchange believes that the proposed increase is appropriate at this time, in light of the Exchange's nearly 15 years experience trading index options. In 1983, the Gold/Silver Index, XAU, was the first narrow-based index option to be traded on the Phlx, listed with a position limit of 4,000 contracts.[7] Since that time, the Exchange has listed additional index options, many of which have been successful products. Currently, the Phlx trades options on the following ten narrow-based indexes, noting the current position limits:

(1) Gold/Silver Index (''XAU''): 9,000 contracts
(2) Utility Index (''UTY''): 15,000 contracts
(3) Phlx/KBW Bank Index (''BKX''): 15,000 contracts
(4) Phone Index (''PNX''): 12,000 contracts
(5) Semiconductor Index (''SOX''): 12,000 contracts
(6) Airline Sector Index (''PLN''): 15,000 contracts
(7) Forest and Paper (''FPP''): 15,000 contracts
(8) Box Maker Index (''BMX''): 9,000 contracts
(9) OTC Prime Index (''OTC''): 12,000 contracts
(10) Oil Service Index (''OSX''): 12,000 contracts

The market for index options has also evolved, as more investors are familiar with the product and its uses.

The Exchange recognizes that the purposes of these limits are to prevent manipulation and protect against disruption of the markets for both the option as well as the underlying security. The Exchange has considered the effects of increased position limits on the marketplace, and believes that manipulation and disruption concerns are addressed by a tripled position limit and are offset by the market need for the increased limits. Specifically, the Phlx continues to monitor the markets for evidence of manipulation or disruption caused by investors with positions at or near current position or exercise limits; the new limits will not diminish the surveillance function in this regard.

The current levels has been in place since October 1996,[8] such that a review of the current position limits is appropriate. The Exchange believes that the proposed increases are reasonable. In prior releases approving increased position limits, the Commission acknowledged that a gradual, evolutionary approach has been adopted by the Commission and the various options exchanges in increasing position and exercise limits. In light of the nearly 2 years since limits were changed, the Exchange believes that these increases are reasonable.[9]

The Phlx also believes that higher position limits would further accommodate the hedging needs of Exchange market makers and specialists, who are also restricted by current levels. The Exchange continues to believe that increases are needed for traders and investors. The Exchange has been requested by its members and customers, who have repeatedly expressed that these limits hamper the ability to execute investment strategies, to again propose an increase in position limits. Such requests emphasize that institutional hedging needs and trading objectives may exceed current limits, in view of the large portfolios common to institutional trading and that certain sized transactions are required to execute complicated, cross-market strategies. Floor members have expressed the resulting deleterious effect on index options trading in an exchange environment. Based on such

[4] Position limits impose a ceiling on the number of option contracts in each class on the same side of the market (*i.e.,* aggregating long calls and short puts or long puts and short calls) that can be held or written by an investor or group of investors acting in concert.

[5] Exercise limits prohibit an investor or group of investors acting in concert from exercising more than a specified number of puts or calls in a particular class within five consecutive business days.

[6] Specifically, Rule 1001A(b)(1) currently provides the following position limits for industry index options: (i) 9,000 contracts for an index where a single component stock accounted, on average, for 30% or more of the index value during the 30-day period immediately preceding the Exchange's semi-annual review of industry index option position limits; (ii) 12,000 contracts for an index where a single component stock accounted, on average, for 20% or more of the index value or any five component stocks together accounted, on average, for more than 50% of the index value but not single component stock accounted, on average, for 30% or more of the index value during the 30-day period immediately preceding the Exchange's semi-annual review of industry index option position limits; or (iii) 15,000 contracts where the conditions requiring a limit of 9,000 or 12,000 contracts have not occurred.

[7] Exchange Act Release No. 20437 (December 2, 1983)(SR–Phlx–83–17).

[8] *See* Exchange Act Release No. 37863 (October 24, 1996) (SR–Phlx–96–33). Previously, position limits were increased in 1983, 1993 and 1995.

[9] The most recent position limit change in 1996 represented a 50% percent increase in the lowest tier from 6,000 to 9,000 contracts; a 33% increase in the middle tier from 9,000 to 12,000 contracts and a 25% increase in the highest tier from 12,000 to 15,000 contracts. In 1995, the changes represented a 9% increase in the lowest tier from 5,500 to 6,000 contracts; a 20% increase from 7,500 to 9,000 contracts; and a 15% increase in the highest tier from 10,500 to 12,000 contracts. In 1993, the changes resulted in increases in 38% from 4,000 to 5,500 contracts; 25% from 6,000 to 7,500 contracts; and 31% from 8,000 to 10,500 contracts.

member and customer requests, the Exchange has also realized that the current position limit levels continue to discourage market participation by large investors and the institutions that compete to facilitate the trading interests of large investors. Accordingly, this proposal aims to also accommodate the liquidity and hedging needs of large investors and the facilitators of those investors.

Concurrent with the proposed increase to position limits, the Exchange is also proposing a corresponding increase to industry index option exercise limits. The Exchange believes that this increase is necessary and appropriate for the same reasons as the rationale cited herein for the proposed position limit increases. Furthermore, exercise limits constrict trading strategies by preventing investors from exercising positions larger than the limit within five consecutive business days. The Exchange also notes that most of its index options currently are European style, exercisable only during a specified period at expiration, such that the manipulation and market disruption concerns associated with large exercises will be limited.[10]

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6 of the Act [11] in general, and in particular, with Section 6(b)(5) in that it is designed to promote just and equitable principles trade, prevent fraudulent and manipulative acts and practices, as well as to protect investors and the public interest. The Exchange believes that the proposed rule change should remove impediments to and perfect the mechanism of a free and open market by providing market opportunity to investors constricted by current position limit level. The Phlx also believes that by stimulating market participation and thereby increasing option market depth and liquidity, the proposed rule change should promote just and equitable principles of trade. At the same time, the Phlx believes that the proposed position limits should continue to prevent fraudulent and manipulative acts and practices as well as protect investors and the public interest by limiting the ability to disrupt and manipulate the markets for options as well as the underlying securities. The Exchange believes that the proposal represents a balance between creating a disincentive to manipulate or disrupt the marketplace consistent with the purposes of such limits, and setting such limit so low so as to discourage market participation or liquidity providing activity.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believes that the proposed rule change will impose any inappropriate burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the 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 findings or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) by order approve the proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested person are invited to submit written date, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549. Copies of the submissions, 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 of 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 at the Commission's Public Reference Room. Copies of such filing will also be available for inspection and copying at the principal office at the Exchange. All submissions should refer to File No. SR–File–98–39 and should be submitted by January 7, 1999.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.[12]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 98–33361 Filed 12–16–98; 8:45 am]

BILLING CODE 8010–01–M

[10] The following index options are European style: UTY, BKX, PLN, FPP, BMX, OTC, OSX and SOX (SOX have both European and American style options).

[11] 15 U.S.C. 78f(b).

[12] 17 CFR 200.30–3(a)(12).

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

Reports, Forms and Recordkeeping Requirements; Agency Information Collection Activity Under OMB Review

AGENCY: Office of the Secretary, DOT.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), this notice announces that the Information Collection Request (ICR) abstracted below has been forwarded to the Office of Management and Budget (OMB) for review and comment. The ICR describes the nature of the information collections and their expected burden. The **Federal Register** Notice soliciting comments on an interim final rule was published on September 1, 1998 [63 FR 46389–46394].

DATES: Comments must be submitted on or before January 19, 1999.

FOR FURTHER INFORMATION CONTACT: The following persons at the National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590: For program issues, Joan Catherine Tetrault, State and Community Services, NSC–01, (202) 366–2674; For legal issues, John Donaldson, Office of the Chief Counsel, NCC–30, (202) 366–1834.

SUPPLEMENTARY INFORMATION:

National Highway Traffic Safety Administration

Title: Uniform Criteria for State Observational Surveys of Seat Belt Use.

OMB Number: 2127–0597.

Type of Request: Extension of a currently approved collection

Abstract: Section 1403 of the recently enacted Transportation Equity Act for the 21st Century (Pub. L. 105–178) added a new Section 157 to Title 23 of the United States Code (replacing a predecessor Section 157). The new section authorizes a State seat belt incentive grant program covering fiscal years 1999 through 2003. Under this program, the Secretary of Transportation is directed to allocate funds to the States (beginning in fiscal year 1999) based on

their seat belt use rates. The interim rule published on September 1, 1998 promulgates the Uniform Criteria for State Observational Surveys of Seat Belt Use (hereafter, Uniform Criteria) to provide guidance to the States on the seat belt use rate information to be submitted under this new program for calendar year 1998 and beyond.

Section 157 requires the Secretary to allocate funds to States that achieve a seat belt use rate in the preceding two years that is higher than the national average use rate or, failing that, a seat belt use rate that is higher than the highest seat belt use rate achieved by the State during specified previous calendar years. In order to make the calculations necessary to allocate funds under this provision, State seat belt use rate information extending back to calendar year 1996 is needed. For calendar years 1996 and 1997, seat belt use rate information submitted by the States is required to be weighted by the Secretary to ensure national consistency in methods of measurement. Beginning in calendar year 1998, States must measure seat belt use rates following criteria established by the Secretary, to ensure that the measurements are ''accurate and representative.'' In accordance with that mandate, this interim final rule establishes uniform criteria for States to follow in conducting surveys of seat belt use, starting with surveys conducted in calendar year 1998.

Affected Public: State agencies, District of Columbia, and Puerto Rico.

Estimated Total Annual Burden: 17,942.

FOR FURTHER INFORMATION CONTACT: Mr. Michael Robinson, NHTSA Information Collection Clearance Officer, at 202/366–9456.

ADDRESSES: Send comments, within 30 days, to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725–17th Street, NW., Washington, DC 20503, Attention DOT Desk Officer. Comments are invited on: whether the proposed collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; the accuracy of the Department's estimate of the burden of the proposed information collection; ways to enhance the quality, utility and clarity of the information to be collected; and ways to minimize the burden of the collection of information on respondents, including the use of automated collection techniques or other forms of information technology.

Issued in Washington, DC, on December 14, 1998.

Vanester M. Williams,

Clearance Officer, United States Department of Transportation.

[FR Doc. 98–33470 Filed 12–16–98; 8:45 am]

BILLING CODE 4910–62–P

DEPARTMENT OF TRANSPORTATION

Coast Guard

[USCG–1998–4765]

Intent To Prepare a Programmatic Environmental Assessment for the Coast Guard ''Optimize Training Infrastructure'' Initiative

AGENCY: Coast Guard, DOT.

ACTION: Notice of intent; notice of meetings and request for comments; extension of comment period.

SUMMARY: The Coast Guard is extending the comment period on the notice published in the **Federal Register** on November 19, 1998 (63 FR 64309) concerning the ''Optimize Training Infrastructure'' (OTI) Initiative. The initiative involves an assessment of the Coast Guard's training activities, methods, and facilities. The notice announces the Coast Guard's intend to prepare a Programmatic Environmental Assessment (PEA) and asks for public comments. The deadline for comments is changed from December 24, 1998, to January 6, 1999.

DATES: Comments must reach the Docket Management Facility on or before January 6, 1999.

ADDRESSES: You may mail your comments to the Docket Management Facility, (USCG–1998–4765), U.S. Department of Transportation, room PL–401, 400 Seventh Street SW., Washington, DC 20590–0001, or deliver them to room PL–401 on the Plaza level of the Nassif Building at the same address between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The telephone number is 202–366–9329.

FOR FURTHER INFORMATION CONTACT: For questions on this notice, the NEPA process, and NEPA documents, contact Ms. Susan Boyle, Environmental Branch Chief of the Coast Guard Maintenance and Logistics Command Pacific; telephone: 510–437–3973; e-mail: CoastGuard@ttsfo.com. For questions on the OTI Initiative, contact LCDR Keith Curran, Reserve and Training Directorate, Coast Guard Headquarters; telephone: 202–267–2429; e-mail CoastGuard@ttsfo.com. For questions on viewing or submitting material to the docket, contact Ms. Dorothy Walker, Chief, Dockets, Department of Transportation; telephone: 202–366–9329.

SUPPLEMENTARY INFORMATION: The Coast Guard received a request to extend the deadline for public comments because the original deadline's proximity to two major holidays might limit public comment.

Dated: December 11, 1998.

F.L. Ames,

RADM, USCG, Assistant Commandant for Human Resources.

[FR Doc. 98–33359 Filed 12–16–98; 8:45 am]

BILLING CODE 4910–15–M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Environmental Impact Statement: Allegheny County, Pennsylvania

AGENCY: Federal Highway Administration (FHWA) DOT.

ACTION: Change from environmental impact statement to environmental assessment.

SUMMARY: The FHWA is issuing this notice to advise the public that an environmental assessment will be prepared instead of an environmental impact statement for a proposed project in Allegheny County, Pennsylvania.

FOR FURTHER INFORMATION CONTACT: David W. Cough, P.E., District Engineer, Federal Highway Administration, 228 Walnut Street, Room 536, Harrisburg, Pennsylvania 17101–1720, Telephone (717) 221–3411, or Raymond S. Hack, P.E., District Engineer, Pennsylvania Department of Transportation, 45 Thomas Run Road, Bridgeville. PA 15017, Telephone (412) 429–5001.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the Pennsylvania Department of Transportation (PADOT), will prepare an Environmental Assessment (EA) instead of an Environmental Impact Statement (EIS) on a proposal to improve access to and egress from the Parkway West (Routes 60, 30, 22). A Notice of Intent to prepare an EIS for the project was published in the **Federal Register** on August 23, 1989. The original project proposed the construction of two new interchanges (Settlers Cabin Interchange and the Robinson-Collier Interchange) and widening Campbells Run Road, a two-lane County road, to four lanes. The proposed project currently includes one interchange (Settlers Cabin Interchange) and widening Campbells Run Road to three lanes. The limits of the project

have been decreased and preliminary environmental and engineering studies have shown that the proposed project will have no significant impacts, and an EA will be prepared accordingly. The EA for the project will be made available for agency and public review and comment. EA availability will be advertised in local newpapers, and EA documents placed in local dispositories. Based on the impacts of the current alternatives under study, this project is likely to result in a Finding of No Significant Impact.

To ensure that the full range of issues related to the proposed action are addressed and all issues are identified, comments and suggesting are invited from all interested parties. Comments or questions concerning the proposed action should be directed to the FHWA or PennDOT at the addresses noted above.

(Category of Federal Document Assistance Number 20.205, Highway Research, Planning, and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program)

David Cough,

District Engineer, Harrisburg, Pennsylvania.

[FR Doc. 98–33425 Filed 12–16–98; 8:45 am]

BILLING CODE 4910–22–M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Intelligent Transportation Society of America; Public Meeting

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of Public Meeting.

SUMMARY: The Intelligent Transportation Society of America (ITS AMERICA) will hold a meeting of its Board of Directors on Thursday, January 14, 1999. The meeting begins at 1:00 p.m. The letter designations that follow each item mean the following: (I) is an information item; (A) is an action item; (D) is a discussion item. The General Session includes the following items: (1) Introductions and ITS America Antitrust Policy and Conflict of Interest Statements; (2) Review and Approval of Previous Meeting's Minutes for August 5, 1998, and October 11, 1998 (A); (3) U.S. Federal ITS Initiatives Report (I/D); (4) Executive Committee Report (I); (5) Coordinating Council Report (A); (6) National ITS Deployment Strategy Project (I); (7) State Chapters Task Force and Council Report (I); (8) Electronic Commerce Blue Ribbon Panel (I); (9) ITS America Association/Congressional Report (I); (10) Report of the ITS World Congresses—Seoul World Congress Overview, Toronto World Congress Update/Other International Activities, Ratification of Approval of International Affairs Council Charter, Membership and Officers; (11) 1999/2001 ITS America Annual Meetings (I/D); (12) President's Report (External Issues) (I); (13) Other Business. 3:30 p.m. Business Session (US DOT participants excused; Board Members, ITS America Members and Staff Only.) (14) Report of the Finance Committee—Ratification of the Executive Committee Approval of the 1999 Budget, 1998 Budget Status, and the Strategic Plan. (A); (15) President's Report (Internal Issues), Membership Report (I); (16) Proposed Bylaws Revisions (A); (17) Presentation of the Slate of Nominees for the Board and Coordinating Council Positions and Officers of the Board and State Chapters Council (A); (18) Other Business; (19) Adjournment until April 1999, Board of Directors Meeting #30 held in conjunction with the Annual Meeting at the Sheraton Washington Hotel in Washington, D.C.

ITS AMERICA provides a forum for national discussion and recommendations on ITS activities including programs, research needs, strategic planning, standards, international liaison, and priorities.

The charter for the utilization of ITS AMERICA establishes this organization as an advisory committee under the Federal Advisory Committee Act (FACA) 5 U.S.C. app. 2, when it provides advice or recommendations to DOT officials on ITS policies and programs. (56 FR 9400, March 6, 1991).

DATES: The Board of Directors of ITS AMERICA will meet on Thursday, January 14, 1999, from 1 p.m.–5 p.m.

ADDRESSES: The Marriott Wardman Park Hotel, the Virginia Suite, 2660 Woodley Road, NW, Washington, D.C. 20008. Phone #: (202) 328–2000; Fax#: (202) 234–0015.

FOR FURTHER INFORMATION CONTACT: Materials associated with this meeting may be examined at the offices of ITS AMERICA, 400 Virginia Avenue SW, Suite 800, Washington, D.C. 20024. Persons needing further information or who request to speak at this meeting should contact Marlene Vence-Crampton at ITS AMERICA by telephone at (202) 484–2904 or by FAX at (202) 484–3483. The DOT contact is Mary C. Pigott, FHWA, HVH–1, Washington, D.C. 20590, (202) 366–9230. Office hours are from 8:30 a.m. to 5 p.m., e.t., Monday through Friday, except for legal holidays.

(23 U.S.C. 315; 49 CFR 1.48)

Issued on: December 11, 1998.

Jeffrey Paniati,

Deputy Director, ITS Joint Program Office.

[FR Doc. 98–33358 Filed 12–16–98; 8:45 am]

BILLING CODE 4910–22–P

DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

[FTA Docket No. FTA–98–4907]

Notice of Request for Revision of a Currently Approved Information Collection

AGENCY: Federal Transit Administration, DOT.

ACTION: Notice of request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the intention of the Federal Transit Administration (FTA) to request the Office of Management and Budget (OMB) to revise the following currently approved information collection:

Customer Service Surveys.

DATES: Comments must be submitted before February 16, 1999.

ADDRESSES: All written comments must refer to the docket number that appears at the top of this document and be submitted to the United States Department of Transportation, Central Dockets Office, PL–401, 400 Seventh Street, S.W., Washington, D.C. 20590. All comments received will be available for examination at the above address from 10:00 a.m. to 5:00 p.m., e.t., Monday through Friday, except Federal holidays. Those desiring notification of receipt of comments must include a self-addressed, stamped postcard/envelope.

FOR FURTHER INFORMATION CONTACT: Ms. Yvonne Griffin, Office of Budget and Policy, (202) 366–1727.

SUPPLEMENTARY INFORMATION: Interested parties are invited to send comments regarding any aspect of this information collection, including: (1) the necessity and utility of the information collection for the proper performance of the functions of the FTA; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the collected information; and (4) ways to minimize the collection burden without reducing the quality of the collected information. Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection.

Title: Customer Service Surveys (*OMB Number: 2132–0559*).

Background: Executive Order 12862, ''Setting Customer Service Standards,''

requires FTA to identify its customers and determine what they think about FTA's service. The surveys covered in this request for a blanket clearance will provide FTA with a means to gather data directly from its customers. The information obtained from the surveys will be used to assess the kind and quality of services customers want and their level of satisfaction with existing services. The surveys will be limited to data collections which solicit voluntary opinions and will not involve information that is required by regulations.

Respondents: State and local government, Public Transit Operators, Metropolitan Planning Organizations (MPO's), transit constituents, Transit manufacturers, and Private transit operators.

Estimated Annual Burden on Respondents: Varies according to survey.

Estimated Total Annual Burden: 1,873 hours.

Frequency: Annual.

Issued: December 14, 1998.

Gordon J. Linton,

Administrator.

[FR Doc. 98–33403 Filed 12–16–98; 8:45 am]

BILLING CODE 4910–57–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Docket No. MC–F–20938]

Coach USA, Inc. and Coach Canada, Inc.—Control and Continuance in Control—Autocar Connaisseur, Inc., Erie Coach Lines Company, and Trentway-Wagar, Inc.

AGENCY: Surface Transportation Board.

ACTION: Notice Tentatively Approving Finance Transaction.

SUMMARY: Coach USA, Inc. (Coach), a noncarrier that controls numerous motor passenger carriers, and its wholly owned noncarrier subsidiary, Coach Canada, Inc. (Coach Canada) (collectively, applicants), filed an application under 49 U.S.C. 14303 for control of Autocar Connaisseur, Inc. (Autocar) and Erie Coach Lines Company (Erie), and for continuance in control of Trentway-Wagar, Inc. (Trentway), all motor carriers of passengers or, in the case of Erie, an entity that intends to become a motor carrier of passengers. Persons wishing to oppose the application must follow the rules under 49 CFR 1182.5 and 1182.8.[1] The Board has tentatively approved the transaction, and, if no opposing comments are timely filed, this notice will be the final Board action.

DATES: Comments must be filed by February 1, 1999. Applicants may file a reply by February 22, 1999. If no comments are filed by February 1, 1999, this notice is effective on that date.

ADDRESSES: Send an original and 10 copies of any comments referring to STB Docket No. MC-F–20938 to: Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, N.W., Washington, DC 20423–0001. In addition, send one copy of comments to applicants' representatives: Betty Jo Christian and David H. Coburn, Steptoe & Johnson LLP, 1330 Connecticut Avenue, N.W., Washington, DC 20036.

FOR FURTHER INFORMATION CONTACT: Joseph H. Dettmar, (202) 565–1600. [TDD for the hearing impaired: (202) 565–1695.]

SUPPLEMENTARY INFORMATION: Coach currently controls several motor passenger carriers. Coach Canada is a wholly owned Coach subsidiary established for the purpose of obtaining control of those motor passenger carriers that Coach currently controls that are based in Canada, as well as Canada-based motor passenger carriers that Coach and Coach Canada may in the future seek to control. In their application, Coach and Coach Canada state that Coach assumed control of Autocar[2] by a stock transaction that was consummated on December 19, 1996. Applicants indicate that Coach did not until recently determine that Autocar holds not only operating authority from Canadian agencies, but also authority issued by the Interstate Commerce Commission. Having discovered this unresolved control issue, Coach and Coach Canada now seek Board authority to control this carrier.

Coach and Coach Canada also seek Board authority to control Erie, which they will acquire through a stock transaction. Erie, a noncarrier, intends to obtain through a transfer of authority to be requested from the Federal Highway Administration the operating authority currently held by Erie Coach (1985), Inc. (Erie 1985).[3] The stock of both Erie and Erie Coach (1985) is currently being held in voting trusts pending the transfer of authority and any action by the Board approving this application.

Coach currently controls Trentway.[4] The Board exempted that control in *Coach USA, Inc. and Leisure Time Tours—Control and Merger Exemption—Van Nortwick Bros., et al.*, Finance Docket No. 33428 (STB served Nov. 13, 1997). By this application, Coach seeks Board approval for Coach Canada to obtain direct control of Trentway by acquiring all of the voting stock of Trentway's ultimate parent, 337429 Canada, Inc., with Coach retaining indirect control of Trentway through its control of Coach Canada.

Applicants state that granting the application will not result in any changes to carrier operations that are now being conducted and will not reduce competitive options available to the traveling public. They assert that each carrier is relatively small and faces substantial competition from other bus companies and modes of transportation.

Applicants also submit that granting the application will produce, or continue to produce, substantial benefits, including savings in interest costs from the restructuring of debt and reduced operating costs from Coach's enhanced volume purchasing power. Specifically, applicants claim that the carriers to be acquired will benefit from the lower insurance premiums negotiated by Coach or Coach Canada and from volume discounts for equipment and fuel. Applicants indicate that Coach will provide each carrier with centralized legal and accounting functions and coordinated purchasing services. In addition, applicants state that vehicle sharing arrangements will be facilitated through Coach or Coach Canada to ensure maximum use and

[1] Revised procedures governing finance applications filed under 49 U.S.C. 14303 were adopted in *Revisions to Regulations Governing Finance Applications Involving Motor Passenger Carriers*, STB Ex Parte No. 559 (STB served Sept. 1, 1998).

[2] Autocar is a Quebec corporation. It holds federally issued operating authority in Docket No. MC–166643, allowing it to conduct charter and special operations between certain U.S./Canada border crossings and points in the United States. Autocar operates a fleet of approximately 180 buses and employs approximately 250 full and part time persons. Autocar's annual revenues for the twelve month period ending June 1998 were approximately $12.1 million.

[3] Erie, a Nova Scotia corporation, plans to acquire from Erie (1985) federally issued operating authority in Docket No. MC–127027. That authority authorizes transportation of passengers between U.S./Canada border crossing points and points in the United States. Erie will operate a fleet of 23 motorcoaches and employ approximately 35 persons. Erie 1985s' gross revenues for the twelve month period ending June 1998 were approximately $1.7 million.

[4] Trentway is an Ontario corporation. It holds federally issued operating authority in Docket No. MC–126430. That authority allows it to operate regular route and charter and special services between points in Canada and points in the United States. Trentway operates a fleet of approximately 348 buses and employs approximately 600 full and part time persons. Its annual revenues for the twelve month period ending June 1998 were approximately $28.4 million.

efficient operation of equipment. Applicants aver that, with Coach's and Coach Canada's assistance, coordinated driver training services will be provided, enabling each carrier to allocate driver resources in the most efficient manner possible. Applicants add that the proposed transaction will benefit the employees of each carrier and that collectively bargained agreements will be recognized.

Applicants state that Coach Canada, like other management subsidiaries that Coach has established to assume control of, and manage the operations of, motor passenger carriers as to which control authority has previously been granted to Coach, will focus its efforts on those carriers that are based in Canada. Applicants also state that Coach Canada will be responsible for developing strategic business and growth plans for the Canadian based entities that it seeks to control and for assessing opportunities for further Canadian acquisitions of passenger transportation entities. Applicants indicate that, over the long term, Coach and Coach Canada will provide centralized marketing and reservation services for the bus firms that they control, thereby further enhancing the benefits resulting from these control transactions.

Applicants certify that: (1) None of the carriers holds an unsatisfactory safety rating from the U.S. Department of Transportation; [5] (2) each has sufficient liability insurance; (3) none is domiciled in Mexico or owned or controlled by persons of that country; and (4) approval of the transaction will not significantly affect either the quality of the human environment or the conservation of energy resources. Additional information may be obtained from applicants' representatives.

Under 49 U.S.C. 14303(b), we must approve and authorize a transaction we find consistent with the public interest, taking into consideration at least: (1) the effect of the transaction on the adequacy of transportation to the public; (2) the total fixed charges that result; and (3) the interest of affected carrier employees. The prior consummation of the transaction involving Autocar does not bar approval of the application under section 14303 if the evidence establishes that the transaction would be consistent with the public interest in other respects, and for the future.[6] Approval is granted in such circumstances when the record contains strong affirmative evidence of public benefits to be derived from the resulting control, warranting the view that the public should not be penalized by being deprived of those benefits. Moreover, in this case, the record shows an absence of intent to flout the law or of a deliberate or planned violation. *See Kenosha Auto Transport Corp.—Control,* 85 M.C.C. 731, 736 (1960).

On the basis of the application, we find that the proposed acquisition of control and continuance in control is consistent with the public interest and should be authorized. If any opposing comments are timely filed, this finding will be deemed vacated and, unless a final decision can be made on the record as developed, a procedural schedule will be adopted to reconsider the application.[7] If no opposing comments are filed by the expiration of the comment period, this decision will take effect automatically and will be the final Board action.

Board decisions and notices are available on our website at ''WWW.STB.DOT.GOV.''

This decision will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. The proposed acquisition of control and continuance in control is approved and authorized, subject to the filing of opposing comments.

2. If timely opposing comments are filed, the findings made in this decision will be deemed as having been vacated.

3. This decision will be effective on February 1, 1999, unless timely opposing comments are filed.

4. A copy of this notice will be served on: (1) the U.S. Department of Transportation, Office of Motor Carriers-HIA 30, 400 Virginia Avenue, S.W., Suite 600, Washington, DC 20024; and (2) the U.S. Department of Justice, Antitrust Division, 10th Street & Pennsylvania, N.W., Washington, DC 20530.

Decided: December 9, 1998.

By the Board, Chairman Morgan and Vice Chairman Owen.

Vernon A. Williams,

Secretary.

[FR Doc. 98–33459 Filed 12–16–98; 8:45 am]

BILLING CODE 4915–00–P

[5] Trentway and Autocar each hold satisfactory ratings. Erie 1985 has a conditional rating, while Erie, which is not presently a carrier, has no rating.

[6] Applicants seek *nunc pro tunc* approval of their control of Autocar, which they already control. While we are granting our tentative approval, the need for retroactive effect has not been demonstrated. Applicants recognize that they should have sought our approval sooner but, under the circumstances, the Board does not intend to pursue enforcement actions against applicants for the previously unauthorized common control.

[7] Under revised 49 CFR 1182.6(c), a procedural schedule will not be issued if we are able to dispose of opposition to the application on the basis of comments and the reply.

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Docket No. MC–F–20940]

Laidlaw Inc. and Laidlaw Transit Acquisition Corp.—Merger—Greyhound Lines, Inc.

AGENCY: Surface Transportation Board.

ACTION: Notice tentatively approving finance transaction.

SUMMARY: Laidlaw Inc. (Laidlaw), a noncarrier that controls seven interstate motor passenger carriers, and Laidlaw Transit Acquisition Corp. (LTAC), a wholly owned noncarrier subsidiary (collectively, applicants), have filed an application under 49 U.S.C. 14303 for approval of the merger of LTAC with Greyhound Lines, Inc. (Greyhound), a motor carrier of passengers. Persons wishing to oppose the application must follow the rules under 49 CFR part 1182 (effective October 1, 1998). The Board has tentatively approved the transaction, and, if no opposing comments are timely filed, this notice will be the final Board action.

DATES: Comments must be filed by February 1, 1999. Applicants may file a reply by February 16, 1999. If no comments are filed by February 1, 1999, this notice is effective on that date.

ADDRESSES: Send an original and 10 copies of any comments referring to STB Docket No. MC–F–20940 to: Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, N.W., Washington, DC 20423–0001. In addition, send one copy of comments to applicants' representative: Raymond A. Jacobsen, Jr., McDermott, Will & Emery, 600 13th Street, N.W., Washington, DC 20005–3096.

FOR FURTHER INFORMATION CONTACT: Beryl Gordon, (202) 565–1600. [TDD for the hearing impaired: (202) 565–1695.]

SUPPLEMENTARY INFORMATION: Laidlaw [1] currently controls seven interstate motor passenger carriers [2] and three intrastate or regional carriers not subject to federal

[1] Laidlaw, through its affiliates, is one of the largest school bus operators in the United States. It also operates municipal, transit, charter buses, and medical transportation in Canada and the United States. However, no carrier controlled by Laidlaw conducts any regularly scheduled intercity passenger operations in the United States.

[2] Laidlaw's federally regulated affiliates are: Greyhound Canada Transportation Corp. (Greyhound Canada) (MC–304126), which is not currently affiliated with Greyhound Lines, Inc.; Laidlaw Transit, Inc. (MC–161299); Laidlaw Transit Ltd. (MC–102189); Roesch Lines, Inc. (Roesch) (MC–119843); Safe Ride Services, Inc. (Safe Ride) (MC–246193); Vancom Transportation-Illinois, L.P. (MC–167816); and Willett Motor Coach Co. (Willett) (MC–16073).

economic regulation.[3] Greyhound holds nationwide, motor passenger carrier operating authority under Docket No. MC–1515, and controls, directly or indirectly, ten regional motor passenger carriers.[4]

Pursuant to a merger agreement with Greyhound, Laidlaw will acquire Greyhound's outstanding common stock, and LTAC will be merged with and into Greyhound, with Greyhound being the surviving corporation. After completion of the merger, Greyhound will be a subsidiary of Laidlaw. As a consequence, no operating authorities for any of the carriers involved will be transferred as a result of this transaction.

Applicants submit that approval of the proposed transaction will be consistent with the public interest and will have no adverse effects on the adequacy of transportation to the public, the interest of employees, or fixed charges. On the contrary, applicants assert that the proposed merger will significantly benefit the traveling public, employees, and shareholders, through the synergies, efficiencies, and savings that will result from the combined resources, skill, and operations of the two complementary companies. In this regard, it is anticipated that savings will be derived from volume purchases of vehicles, fuel, equipment, and services, and from reduced overhead and operating costs related to insurance, financing, headquarters, and securities and accounting reporting. The combined companies will be better positioned to manage equipment utilization, to develop financial and strategic plans, and to improve the operations with the goal of enhancing service to the public while achieving growth for the company. In this regard, Laidlaw's financial strength is expected to assist in reducing Greyhound's debt and permit investments for growth while improving customer service. Moreover, the proposed merger of the two complementary operations is expected to facilitate the implementation of seamless U.S. and Canadian passenger services, including the development of cross-border fares and greater promotional fares between Greyhound Canada and Greyhound.

Applicants state that Greyhound's management will remain with Greyhound, to ensure continued employee enthusiasm and Greyhound's reputation for service. Given the seasonal nature of the scheduled intercity motor passenger carrier business, the proposed merger is also expected to permit greater annual financial stability for Greyhound, due to the strength and stability of Laidlaw's cash flow. In addition to this added financial stability, the merger is expected to provide Greyhound the capital it needs to continue to revitalize and expand affordable intercity bus services and, therefore, provide better service to the public. Applicants assert that the merger will not adversely affect Laidlaw's fixed charges.

Applicants submit that the proposed transaction will greatly benefit current and future carrier employees. They assert that the merged company will observe all current Greyhound collective-bargaining agreements, that all Greyhound carrier employees will be able to continue in their present positions, and that no layoffs are planned in the short-term as part of the merger. Rather, Laidlaw anticipates continued growth and expansion of services, which may result in the need to hire new carrier employees.

Applicants state that the aggregate gross operating revenues from interstate operations of the companies exceeded $2 million during the 12-month period prior to the date of the application. Applicants certify that neither Laidlaw, Greyhound, nor any of their affiliates, holds an unsatisfactory safety rating from the U.S. Department of Transportation.[5] Applicants also certify that they have sufficient insurance coverage and that neither Laidlaw nor any of the carriers it controls is domiciled in Mexico nor owned or controlled by persons of that country. Additional information may be obtained from applicants' representative.

Under 49 U.S.C. 14303(b), we must approve and authorize a transaction we find consistent with the public interest, taking into consideration at least: (1) The effect of the proposed transaction on the adequacy of transportation to the public; (2) the total fixed charges that result from the proposed transaction; and (3) the interest of affected carrier employees.

On the basis of the application, we find that the proposed merger is consistent with the public interest and should be authorized. If any opposing comments are timely filed, this finding will be deemed vacated, and unless a final decision can be made on the record as developed, a procedural schedule will be adopted to reconsider the application.[6] If no opposing comments are filed by the expiration of the comment period, this decision will take effect automatically and will be the final Board action.

Board decisions and notices are available on our webside at ''WWW.STB.DOT.GOV.''

This decision will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. The proposed merger is approved and authorized, subject to the filing of opposing comments.

2. If timely opposing comments are filed, the findings made in this decision will be deemed vacated.

3. This decision will be effective on February 1, 1999, unless timely opposing comments are filed.

4. A copy of this notice will be served on: (1) the U.S. Department of Justice, Antitrust Division, 10th Street & Pennsylvania Avenue, N.W., Washington, DC 20530; and (2) the U.S. Department of Transportation, Office of Motor Carriers-HIA 30, 400 Virginia Avenue, S.W., Suite 600, Washington, DC 20024.

Decided: December 9, 1998.

By the Board, Chairman Morgan and Vice Chairman Owen.

Vernon A. Williams,

Secretary.

[FR Doc. 98–33460 Filed 12–16–98; 8:45 am]

BILLING CODE 4915–00–P

[3] Laidlaw's other motor transportation affiliates are: Empex Ventures, Inc. (California); Laidlaw Transit Services, Inc. (Minnesota and the Washington Metropolitan Area Transit Commission); and The Dave Companies, Inc. (California and Minnesota).

[4] Greyhound's motor passenger carrier affiliates are: Continental Panhandle Lines, Inc. (MC–8742); Valley Transit Co., Inc. (MC–74); Carolina Coach Co., Inc. (MC–13300); Texas, New Mexico & Oklahoma Coaches, Inc. (MC–61120); Vermont Transit Co. Inc. (MC–45626); Los Rapidos, Inc. (MC–293638); Americanos U.S.A., L.L.C. (Americanos) (MC–309813); Gonzales, Inc. d/b/a Golden State Transportation (Gonzales) (MC–173837); PRB Acquisition LLC (MC–66810); and Autobuses Amigos, L.L.C. (Amigos) (MC–340462–C).

[5] It appears that Laidlaw's affiliates are unrated, except for Greyhound Canada, Roesch, Safe Ride, and Willett, all of which have satisfactory safety ratings. One of Greyhound's affiliates, Gonzales, however, has a conditional safety rating. Americanos and Amigos are unrated, and the remainder have satisfactory safety ratings.

[6] Under revised 49 CFR part 1182, effective October 1, 1998, as adopted in *Revisions to Regulations Governing Finance Applications Involving Motor Passenger Carriers*, STB Ex Parte No. 559 (STB served Sept. 1, 1998), a procedural schedule will not be issued if the Board is able to dispose of opposition to the application on the basis of the comments and applicants' reply.

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 33672]

Central Kansas Railway, L.L.C.—Lease Exemption—Union Pacific Railroad Company

Central Kansas Railway, L.L.C. (CKR), a Class III rail common carrier, has filed a notice of exemption under 49 CFR 1150.41 to lease from Union Pacific Railroad Company (UP) and operate over the rail freight easement pursuant to an agreement between CKR and UP of approximately .73-miles of rail line between milepost 312.65 and milepost 313.38 in Wichita, KS.

Because its annual revenues exceed $5 million, pursuant to 49 CFR 1150.42(e), CKR certified on October 1, 1998, that it had served the national offices of all labor unions with employees on the affected line with a copy of a notice of its intent to undertake this transaction and posted such notice at the workplace of the employees on the line on September 30, 1998.

The transaction was scheduled to be consummated on or shortly after November 30, 1998 (60 days after CKR's certification to the Board, that it had complied with the Board's rule at 49 CFR 1150.42(e)). Upon consummation, CKR will become the exclusive operator of the rail line.

The proposed transaction is part of the overall settlement between UP and the City of Wichita.[1]

Pursuant to the settlement agreement, UP will relocate its tracks through the center of Wichita and CKR will rehabilitate its line that connects with the .73-mile line that is the subject of this notice. With UP's track relocation, UP will no longer be able to serve the one shipper located on the .73-mile line. Therefore, CKR has agreed to serve that shipper pursuant to the rail freight easement until that shipper relocates its facilities.

If the notice contains false or misleading information, the exemption is void *ab initio.* Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 33672, must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, N.W., Washington, DC 20423–0001. In addition, one copy of each pleading must be served on Karl Morell, Ball Janik LLP, 1445 F Street, N.W., Suite 225, Washington, DC 20005.

Board decisions and notices are available on our website at "WWW.STB.DOT.GOV."

Decided: December 9, 1998.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. 98–33112 Filed 12–16–98; 8:45 am]

BILLING CODE 4915–00–P

DEPARTMENT OF THE TREASURY

Submission for OMB Review; Comment Request

December 8, 1998.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 2110, 1425 New York Avenue, NW., Washington, DC 20220.

Dates: Written comments should be received on or before January 19, 1999 to be assured of consideration.

Internal Revenue Service (IRS)

OMB Number: 1545–0015.

Form Number: IRS Form 706.

Type of Review: Extension.

Title: United States Estate (and Generation-Skipping Transfer) Tax Return.

Description: Form 706 is used by executors to report and compute the Federal Estate Tax imposed by Internal Revenue Code (IRC) section 2001 and the Federal GST tax imposed by IRC section 2601. IRS uses the information to enforce these taxes and to verify that the tax has been properly computed.

Respondents: Individuals or households, Business and other for-profit.

Estimated Number of Respondents/ Recordkeepers: 75,000.

Estimated Burden Hours Per Respondent/Recordkeeper:

Form/schedule	Recordkeeping	Learning about the law or the form	Preparing the form	Copying, assembling, and sending the form to the IRS
706	2 hr., 11 min.	1 hr., 25 min.	3 hr., 34 min.	49 min.
Schedule A	20 min.	16 min.	10 min.	20 min.
Schedule A–1	46 min.	25 min.	59 min.	49 min.
Schedule B	20 min.	16 min.	20 min.	20 min.
Schedule C	13 min.	2 min.	8 min.	20 min.
Schedule D	7 min.	6 min.	8 min.	20 min.
Schedule E	40 min.	7 min.	24 min.	20 min.
Schedule F	33 min.	8 min.	21 min.	20 min.
Schedule G	26 min.	23 min.	11 min.	14 min.
Schedule H	26 min.	7 min.	10 min.	14 min.
Schedule I	26 min.	27 min.	11 min.	20 min.
Schedule J	26 min.	7 min.	16 min.	20 min.
Schedule K	26 min.	10 min.	10 min.	20 min.
Schedule L	13 min.	5 min.	10 min.	20 min.
Schedule M	13 min.	29 min.	24 min,20 min..	
Schedule O	20 min.	11 min.	18 min.	17 min.

[1] *See Union Pacific Corporation, Union Pacific Railroad Company, and Missouri Pacific Railroad Company—Control and Merger—Southern Pacific Rail Corporation, Southern Pacific Transportation Company, St. Louis Southwestern Railway Company, SPCSL Corp., and The Denver and Rio Grande Western Railroad Company*, Finance Docket No. 32760 [Decision No. 80] (STB served July 8, 1998).

Form/schedule	Recordkeeping	Learning about the law or the form	Preparing the form	Copying, assembling, and sending the form to the IRS
Schedule P	7 min.	14 min.	18 min.	14 min.
Schedule Q	7 min.	10 min.	11 min.	14 min.
Schedule Q (Worksheet)	7 min.	10 min.	59 min.	20 min.
Schedule R	20 min.	34 min.	1 hr., 1 min.	49 min.
Schedule R–1	7 min.	29 min.	24 min.	20 min.
Schedule T	1 hr., 12 min.	26 min.	1 hr., 14 min.	1 hr., 3 min.
Schedule U	20 in.	3 min.	29 min.	20 min.
706 Continuation	20 min.	3 min.	7 min.	20 min.

Frequency of Response: Other (once).

Estimated Total Reporting/ Recordkeeping Burden: 1,739,052 hours.

Clearance Officer: Garrick Shear, Internal Revenue Service, Room 5571, 1111 Constitution Avenue, NW, Washington, DC 20224.

OMB Reviewer: Alexander T. Hunt, (202) 395–7860, Office of Management and Budget, Room 10202, New Executive Office Building, Washington, DC 20503.

Lois K. Holland,

Departmental Reports Management Officer.

[FR Doc. 98–33415 Filed 12–16–98; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Submission for OMB Review; Comment Request

December 11, 1998

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 2110, 1425 New York Avenue, NW., Washington, DC 20220.

Dates: Written comments should be received on or before January 19, 1999 assured of consideration.

Internal Revenue Service (IRS)

OMB Number: 1545–1554.

Form Number: IRS Form MTQ/941.

Type of Review: Revision.

Title: Montana Quarterly Tax Report/ Employer's Quarterly Federal Tax Return.

Description: Form MTQ/941 is used by employers to report payments made to employees subject to income and social security and Medicare taxes and the amounts of these taxes. The state of Montana and the Simplified Tax and Wage Reporting System (STAWRS) have formed a partnership to explore the potential of combining Montana's quarterly reports for state withholding, Old Fund Liability tax, and the Unemployment Insurance with the Employer's Quarterly Federal Tax Return (Form 941). One form will satisfy both state and federal requirements and will make employer filing faster and easier.

Respondents: Business and other for-profit, Individuals or households, Not-for-profit institutions, Federal Government, State, Local or Tribal Government.

Estimated Number of Respondents/ Recordkeepers: 90.

Estimated Burden Hours Per Respondent/Recordkeeper:

Recordkeeping—9 hr., 34 min.

Learning about the law or the form—30 min.

Preparing, copying, assembling, and sending the form to the IRS—41 min.

Frequency of Response: Quarterly.

Estimated Total Reporting/ Recordkeeping Burden: 3,956 hours.

Clearance Officer: Garrick Shear, Internal Revenue Service, Room 5571, 1111 Constitution Avenue, NW, Washington, DC 20224.

OMB Reviewer: Alexander T. Hunt (202) 395–7860, Office of Management and Budget, Room 10202, New Executive Office Building, Washington, DC 20503.

Lois K. Holland,

Departmental Reports Management Officer.

[FR Doc. 98–33416 Filed 12–16–98; 8:45 am]

BILLING CODE 4830–01–P

UNITED STATES INFORMATION AGENCY

Culturally Significant Objects Imported for Exhibition Determinations: ''Pieter de Hooch, 1629–1684''

Note: FR Doc. 98–29738 published at 63 FR 60043 in the **Federal Register** of November 6, 1998, is republished in its entirety.

AGENCY: United States Information Agency.

ACTION: Notice.

SUMMARY: Notice is hereby given of the following determinations: Pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985, 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978 (43 FR 13359, March 29, 1978), and Delegation Order No. 85–5 of June 27, 1985 (50 FR 27393, July 2, 1985). I hereby determine that the objects to be included in the exhibit ''Pieter de Hooch, 1629–1684,'' imported from abroad for temporary exhibition without profit within the United States, are of cultural significance. These objects are imported pursuant to a loan agreement with the foreign lenders. I also determine that the exhibition or display of the listed exhibit objects at the Wadsworth Atheneum, Hartford, Connecticut, from on or about December 17, 1998, to on or about February 27, 1999, is in the national interest. Public Notice of these determinations is ordered to be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: For a copy of the list of exhibit objects or for further information, contact Jacqueline Caldwell, Assistant General Counsel, Office of the General Counsel, United States Information Agency, at 202/619–6992, or USIA, 301 4th Street, S.W., Room 700, Washington, D.C. 20547–0001.

Dated: December 11, 1998.

Les Jin,

General Counsel.

[FR Doc. 98–33323 Filed 12–16–98; 8:45 am]

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Part II

Department of the Treasury

Privacy Act of 1974; Republication of System of Records; Notices

DEPARTMENT OF THE TREASURY

Privacy Act of 1974: Systems of Records

Pursuant to the Privacy Act of 1974 (5 U.S.C. 552a) and the Office of Management and Budget (OMB) Circular No. A–130, the Department of the Treasury has completed a review of its Privacy Act systems of records notices to identify minor changes that will more accurately describe these records.

Customs .067—Bank Secrecy Act Reports File, was transferred to Departmental Offices (DO) due to change in organizational responsibilities (published January 10, 1997, at 62 FR 1489). The system was renamed and renumbered as ''Treasury/DO .213—Bank Secrecy Act Reports System.'' The system retains the exemptions claimed in 31 CFR 1.36.

IRS 42.029—Audit Underreporter Case Files was renumbered as IRS 24.047 to reflect new ownership within the IRS, and IRS 26.013 was renamed as ''Trust Fund Recovery Cases/One Hundred Percent Penalty Cases.'' In addition, the IRS has added a ''Purpose(s)'' statement to many of its notices.

Other changes throughout the document are editorial in nature and consist principally of changes to system locations and system manager addresses, retention and disposal schedules, revisions to organizational titles and transfers of functions.

The following four systems of records have been added to the Department of the Treasury's inventory of Privacy Act notices since October 1, 1995:

Departmental Offices:
- DO .212—Suspicious Activity Report System (SARS) (published 3/26/97 at 62 FR 14532.)

Financial Management Service:
- FMS .016—Payment Records for Other Than Regular Recurring Benefit Payments (published 9/12/95 at 60 FR 47435.)

Internal Revenue Service:
- IRS 00.003—Customer Feedback System (published 7/23/97, at 62 FR 39604.)
- IRS 46.050—Automated Information Analysis System (published 9/9/96 at 61 FR 47547.)

As a result of this review, 19 systems of records, identified below, are being removed from Treasury's inventory of Privacy Act systems:

Departmental Offices:
- DO .062—Executive Inventory Files
- DO .065—Appointment at Above the Minimum Rate of the Grade File
- DO .067—Detailed Employee Files
- DO .070—Automated Systems Division, ASD Project Recording System
- DO .205—Executive Information System (EIS)

U.S. Customs Service:
- CS .014—Advice Requests (Legal) (Pacific Region)
- CS .028—Baggage Declaration
- CS .092—Exit Interview
- CS .161—Optional Retirement List
- CS .210—Revocation of I. D. Privileges and ''Cash Basis Only'' for Reimbursable Services List
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- CS .220—Supervisory Notes and Files
- CS .277—Drivers License File

Bureau of Engraving and Printing:
- BEP .023—Motor Vehicle Licensing Records

Internal Revenue Service:
- IRS 90.006—Former Chief Counsel Interpretative Case Files

Bureau of the Public Debt:
- BPD .008—Savings Bonds Sales Promotion/Volunteer Record System
- BPD .009—Savings Bond Sales Record System

Office of Thrift Supervision:
- OTS .009 Health Files

The systems notices are reprinted in their entirety following the Table of Contents.

Dated: November 19, 1998.

Shelia Y. McCann,

Deputy Assistant Secretary (Administration).

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Mint .009—Mail order and catalogue sales system (MACS), customer mailing list, order processing record for coin sets, medals and numismatic items, and records of undelivered orders, product descriptions, availability and inventory (formerly Numismatic Coin Operations System (NUCOS) Records, Customer Mailing List, Order Processing Record for Coin Sets, Medals and Numismatic Items, and records of undelivered orders)
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Systems Covered by This Notice

This notice covers all systems of records adopted up to September 30, 1998.

Departmental Offices

TREASURY/DO .002

SYSTEM NAME:

Treasury Integrated Management Information Systems (TIMIS)—Treasury/DO.

SYSTEM LOCATION:

The system management staff of TIMIS is located at 740 15th Street NW, Suite 400, Washington, DC 20005. The TIMIS processing site is located at the United States Department of Agriculture National Finance Center, 13800 Old Gentilly Road, New Orleans, LA 70129.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and historical payroll/personnel data of employees of all Treasury bureaus and organizations, except the Office of Thrift Supervision (OTS).

CATEGORIES OF RECORDS IN THE SYSTEM:

Information contained in the records of the TIMIS system include such data as: (1) Employee identification and status data such as name, social security number, date of birth, sex, race and national origin designator, awards received, suggestions, work schedule, type of appointment, education, training courses attended, veterans preference, and military service. (2) Employment data such as service computation for leave, date probationary period began, date of performance rating, and date of within-grade increases. (3) Position and pay data such as position identification number, pay plan, step, salary and pay basis, occupational series, organization location, and accounting classification codes. (4) Payroll data such as earnings (overtime and night differential), deductions (Federal, state and local taxes, bonds and allotments), and time and attendance data. (5) Employee retirement and Thrift Savings Plan data. (6) Tables of data for editing, reporting and processing personnel and pay actions. These include nature of action codes, civil service authority codes, standard remarks, signature block table, position title table, financial organization table, and salary tables.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

The Office of Personnel Management Manual, 50 U.S.C. App. 1705–1707; 31 U.S.C. and Departmental Circular 145 and 830. The Department of the Treasury Fiscal Requirements Manual; 5 U.S.C. 301; FPM Letter 298–10, Office of Personnel Management; Federal Personnel Manual (Chapter 713 Subchapter 3A).

PURPOSE(S):

The purposes of the system include, but are not limited to: (1) Maintaining current and historical payroll records which are used to compute and audit pay entitlement; to record history of pay transactions; to record deductions, leave accrued and taken, bonds due and issued, taxes paid; maintaining and distributing Leave and Earnings statements; commence and terminate allotments; answer inquiries and process claims, and (2) maintaining current and historical personnel records and preparing individual administrative transactions relating to education and training, classification; assignment; career development; evaluation; promotion, compensation, separation and retirement; making decisions on the rights, benefits, entitlements and the utilization of individuals; providing a data source for the production of reports, statistical surveys, rosters, documentation, and studies required for the orderly personnel administration within Treasury.

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

These records and information in these records may be used to: (1) Furnish data to the Department of Agriculture, National Finance Center (which provides payroll/personnel processing services for TIMIS under a cross-servicing agreement) affecting the conversion of Treasury employee payroll and personnel processing services to TIMIS; the issuance of paychecks to employees and distribution of wages; and the distribution of allotments and deductions to financial and other institutions, some through electronic funds transfer; (2) furnish the Internal Revenue Service and other jurisdictions which are authorized to tax the employee's compensation with wage and tax information in accordance with a withholding agreement with the Department of the Treasury pursuant to 5 U.S.C. 5516, 5217, and 5520, for the purpose of furnishing employees with Forms W–2 which report such tax distributions; (3) provide records to the Office of Personnel Management, Merit Systems Protection Board, Equal Employment Opportunity Commission, and General Accounting Office for the purpose of properly administering Federal personnel systems or other agencies' systems in accordance with

applicable laws, Executive Orders, and regulations; (4) furnish another Federal agency information to effect interagency salary or administrative offset, except that addresses obtained from the Internal Revenue Service shall not be disclosed to other agencies; to furnish a consumer reporting agency information to obtain commercial credit reports; and to furnish a debt collection agency information for debt collection services. Current mailing addresses acquired from the Internal Revenue Service are routinely released to consumer reporting agencies to obtain credit reports and to debt collection agencies for collection services; (5) disclose information to a Federal, state, local or foreign agency maintaining civil, criminal or other relevant enforcement information or other pertinent information which has requested information relevant to or necessary to the requesting agency's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit; (6) disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation or settlement negotiations in response to a subpoena where relevant or potentially relevant to a proceeding, or in connection with criminal law proceedings; (7) disclose information to foreign governments in accordance with formal or informal international agreements; (8) provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains; (9) provide information to the news media in accordance with guidelines contained in 28 CFR 50.2 which relates to civil and criminal proceedings; (10) provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation; (11) provide information to unions recognized as exclusive bargaining representatives under the Civil Service Reform Act of 1978, 5 U.S.C. 7111 and 7114; (12) provide wage and separation information to another agency, such as the Department of Labor or Social Security Administration, as required by law for payroll purposes; (13) provide information to a Federal, state, or local agency so that the agency may adjudicate an individual's eligibility for a benefit, such as a state employment compensation board, housing administration agency and Social Security Administration; (14) disclose pertinent information to appropriate Federal, state, local or foreign agencies responsible for investigating or prosecuting the violation of, or for implementing a statute, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil, or criminal law or regulation; (15) disclose information about particular Treasury employees to requesting agencies or non-Federal entities under approved computer matching efforts, limited to only those data elements considered relevant to making a determination of eligibility under particular benefit programs administered by those agencies or entities or by the Department of the Treasury or any constituent unit of the Department, to improve program integrity, and to collect debts and other monies owed under those programs (i.e., matching for delinquent loans or other indebtedness to the government);(16) disclose to the Office of Child Support Enforcement, Administration for Children and Families, Department of Health and Human Services, the names, social security numbers, home addresses, dates of birth, dates of hire, quarterly earnings, employer identifying information, and State of hire of employees, for the purposes of locating individuals to establish paternity, establishing and modifying orders of child support, identifying sources of income, and for other child support enforcement activities as required by the Personal Responsibility and Work Opportunity Reconciliation Act (Welfare Reform Law, Pub. L. 104–193).

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosures may be made pursuant to 5 U.S.C. 552a(b)(12) and section 3 of the Debt Collection Act of 1982; debt information concerning a government claim against an individual is also furnished, in accordance with 5 U.S.C. 552a(b)(12) and section 3 of the Debt Collection Act of 1982 (Pub. L. 97–365), to consumer reporting agencies to encourage repayment of an overdue debt. Disclosures may be made to a consumer reporting agency as defined in the Fair Credit Reporting Act, 15 U.S.C. 1681a(f) or the Federal Claims Collection Act of 1966, 31 U.S.C. 701(a)(3).

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

STORAGE:

Magnetic media, microfiche, and hard copy. Disbursement records are stored at the Federal Records Center.

RETRIEVABILITY:

Records are retrieved generally by social security number, position identification number within a bureau and region, or employee name. Secondary identifiers are used to assure accuracy of data accessed, such as master record number or date of birth.

SAFEGUARDS:

Entrance to data centers and support organization offices are restricted to those employees whose work requires them to be there for the system to operate. Identification (ID) cards are verified to ensure that only authorized personnel are present. Disclosure of information through remote terminals is restricted through the use of passwords and sign-on protocols which are periodically changed. Reports produced from the remote printers are in the custody of personnel and financial management officers and are subject to the same privacy controls as other documents of like sensitivity.

RETENTION AND DISPOSAL:

The current payroll and personnel system and the Treasury Integrated Management Information Systems (TIMIS) master files are kept on magnetic media. Information rendered to hard copy in the form of reports and payroll information documentation is also retained in automated magnetic format. Employee records are retained in automated form for as long as the employee is active on the system (separated employee records are maintained in an ''inactive'' status). Files are purged in accordance with Treasury Directives Manual TD 25–02, ''Records Disposition Management Program.''

SYSTEM MANAGER(S) AND ADDRESS:

Director, Treasury Integrated Management Information Systems (System Manager for TIMIS), 740 15th Street NW, Suite 400, Washington, DC 20005.

NOTIFICATION PROCEDURE:

Individuals wishing to be notified if they are identified in this system, or to gain access to records maintained in the system, must submit a written request containing the following elements: (1) Identification of the record system; (2) identification of the category and types of records sought; and (3) at least two items of secondary identification (e.g. employee name and date of birth, employee identification number, date of employment or similar information). The individual's identity must be verified by one other identifier, such as a photocopy of a driver's license or

other official document bearing the individual's signature. Alternatively, a notarized statement may be provided. Address inquiries to Assistant Director, Disclosure Services, Department of the Treasury, 1500 Pennsylvania Avenue, NW, Room 1054–MT, Washington, DC 20220.

RECORD ACCESS PROCEDURES:

See ''Notification procedure'' above.

CONTESTING RECORD PROCEDURES:

See ''Notification procedure'' above.

RECORD SOURCE CATEGORIES:

The information contained in these records is provided by or verified by the subject of the record, supervisors, and non-Federal sources such as private employers.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

TREASURY/DO .004

SYSTEM NAME:

Personnel Security System—Treasury/DO.

SYSTEM LOCATION:

For individuals in category (a), Room 3210 Treasury Annex, 1500 Pennsylvania Avenue, NW., Washington, DC 20220. For individuals in category (b), Room 3020 Treasury Annex, 1500 Pennsylvania Avenue, NW, Washington, DC 20220.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

(a) Current and former senior officials of the Department and Treasury bureaus, and those within the Department who are involved in Personnel Security matters. (b) Current and former government employees or applicants occupying or applying for sensitive positions in the Department.

CATEGORIES OF RECORDS IN THE SYSTEM:

(1) Background investigations, (2) FBI and other agency name checks, and (3) investigative information relating to personnel investigations conducted by the Department of the Treasury and other Federal agencies and departments on preplacement and postplacement basis to make suitability and employability determinations and for granting security clearances. Card records comprised of Notice of Personnel Security Investigation (TD F 67–32.2) or similar, previously used card indexes, and an automated data system reflecting identification data on applicants, incumbents and former employees, and record type of E.O. 10450 investigations and degree and date of security clearance, if any, as well as status of investigations.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

E.O. 10450, Sections 2 and 3, E.O. 12958, and E.O. 12968.

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

These records and information in these records may be used to disclose information to departmental officials or other Federal agencies relevant to, or necessary for, making suitability or employability retention or security clearance determinations.

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

STORAGE:

File folders, index cards, and magnetic media.

RETRIEVABILITY:

Records are retrieved by name.

SAFEGUARDS:

Records are stored in locked metal containers and in locked rooms. They are limited to officials who have a need to know in the performance of their official duties.

RETENTION AND DISPOSAL:

Active files are retained during incumbent tenure and are subject to update personnel investigation. Files of employees who effect intra-agency transfers (between Treasury bureaus) are automatically transferred to the gaining bureaus. When an employee transfers to another government agency or leaves the Federal government, files are retained, separate from the active files, for no more than five years. Background investigations completed by OPM may be returned to that agency or destroyed. Card indexes are periodically updated to reflect changes and maintained as long as needed.

SYSTEM MANAGER(S) AND ADDRESS:

Director of Security, Room 3210 Treasury Annex, 1500 Pennsylvania Avenue, NW., Washington, DC 20220.

NOTIFICATION PROCEDURE:

Individuals wishing to be informed if they are named in this system or gain access to records maintained in the system must submit a written, signed request containing the following elements: (1) Identify the record system; (2) identify the category and type of records sought; and (3) provide at least two items of secondary identification (date of birth, employee identification number, dates of employment, or similar information). Address inquiries to Assistant Director, Disclosure Services (see ''Record access procedures'' below).

RECORD ACCESS PROCEDURES:

Assistant Director, Disclosure Services, Department of the Treasury, Room 1054 MT, 1500 Pennsylvania Avenue, NW, Washington, DC 20220.

CONTESTING RECORD PROCEDURES:

See ''Record access procedures'' above.

RECORD SOURCE CATEGORIES:

The information provided or verified by applicants or employees whose files are on record as authorized by those concerned, information obtained from current and former employers, co-workers, neighbors, acquaintances, educational records and instructors, and police and credit record checks.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

This system is exempt from 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), through (e)(4)(I), and (f) of the Privacy Act pursuant to 5 U.S.C. 552a(k)(5).

TREASURY/DO .005

SYSTEM NAME:

Grievance Records—Treasury/DO.

SYSTEM LOCATION:

These records are located in personnel or designated offices in the bureaus in which the grievances were filed.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current or former Federal employees who have submitted grievances with their bureaus in accordance with part 771 of the Office of Personnel Management's (OPM) regulations (5 CFR part 771), the Treasury Employee Grievance System (TPM Chapter 771), or a negotiated procedure.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system contains records relating to grievances filed by Treasury employees under part 771 of the OPM's regulations. These case files contain all documents related to the grievance including statements of witnesses, reports of interviews and hearings, examiner's findings and recommendations, a copy of the original and final decision, and related correspondence and exhibits. This system includes files and records of internal grievance and arbitration systems that bureaus and/or the Department may establish through negotiations with recognized labor organizations.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 1302, 3301, 3302; E.O. 10577; 3 CFR 1954–1958 Comp., p. 218; E.O. 10987; 3 CFR 1959–1963 Comp., p. 519;

agency employees, for personal relief in a matter of concern or dissatisfaction which is subject to the control of agency management.

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

These records and information in these records may be used: (1) To disclose pertinent information to the appropriate Federal, state, or local agency responsible for investigating, prosecuting, enforcing, or implementing a statute, rule, regulation, or order, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation; (2) to disclose information to any source from which additional information is requested in the course of processing in a grievance, to the extent necessary to identify the individual, inform the source of the purpose(s) of the request, and identify the type of information requested; (3) to disclose information to a Federal agency, in response to its request, in connection with the hiring or retention of an individual, the issuance of a security clearance, the conducting of a security or suitability investigation of an individual, the classifying of jobs, 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 requesting the agency's decision on the matter; (4) to provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains; (5) to disclose information to another Federal agency or to a court when the Government is party to a judicial proceeding before the court; (6) by the National Archives and Records Administration in records management inspections conducted under authority of 44 U.S.C. 2904 and 2908; (7) by the bureau maintaining the records of the Department in the production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained, or for related work force studies. While published statistics and studies do not contain individual identifiers, in some instances the selection of elements of data included in the study may be structured in such a way as to make the data individually identifiable by inference; (8) to disclose information to officials of the Merit Systems Protection Board, including the Office of the Special Counsel, the Federal Labor Relations Authority and its General Counsel, the Equal Employment Opportunity Commission, or the Office of Personnel Management when requested in performance of their authorized duties; (9) to disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing Counsel or witnesses in the course of civil discovery, litigation or settlement negotiations in response to a subpoena, or in connection with criminal law proceedings; (10) to provide information to officials of labor organizations reorganized under the Civil Service Reform Act when relevant and necessary to their duties of exclusive representation concerning personnel policies, practices, and matters affecting work conditions.

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

STORAGE:

File folders.

RETRIEVABILITY:

By the names of the individuals on whom they are maintained.

SAFEGUARDS:

Lockable metal filing cabinets to which only authorized personnel have access.

RETENTION AND DISPOSAL:

Disposed of 3 years after closing of the case. Grievances filed against disciplinary adverse actions are retained by the United States Secret Service for 4 years. Disposal is by shredding or burning.

SYSTEM MANAGER(S) AND ADDRESSES:

ATF (Alcohol, Tobacco and Firearms), Chief, Personnel Division, 650 Massachusetts Ave., NW., Washington, DC 20226.

Customs

Director, Office of Human Resources, Ronald Reagan Building, Room 2.4A, 1300 Pennsylvania Avenue, NW, Washington, DC 20229

E&P (Engraving and Printing), Chief, Office of Industrial Relations, 14th & C Streets, SW., Room 202–13A, E&P Annex, Washington, DC 20228

FLETC (Federal Law Enforcement Training Center), Personnel Officer, Building 94, Room 1F–14, Glynco, GA 31524.

FMS (Financial Management Service), Director, Personnel Management Division, Prince George Metro Center II, 3700 East West Hwy, Room 115–F, Hyattesville, MD 20782

IRS (Internal Revenue Service), Director, Human Resources Division, 1111 Constitution Avenue, NW, Room 1408 IR, Washington, DC 20224

DO (Departmental Offices), Chief, Personnel Resources, Room 1316 MT, 1500 Pennsylvania Ave., NW., Washington, DC 20220

PD (Public Debt), Director, Personnel Management Division, 300 13th Street, SW., Room 446–4, E&P Annex, Washington, DC 20239.

SS (Secret Service), Chief, Personnel Division, 1800 G Street, NW, Room 901, Washington DC 20223

Mint

Assistant Director for Human Resources, 633 3rd Street, NW, Room 147, Washington, DC 20004

OCC (Office of Comptroller of the Currency), Director, Human Resources, 250 E Street, SW, Washington, DC 20219

OTS (Office of Thrift Supervision), Manager, Human Resources Branch, 2nd Floor, 1700 G Street, NW, Washington, DC 20552

Records pertaining to administrative grievances filed at the Departmental level: Director, Office of Personnel Policy, Room 4150-Annex, Pennsylvania Ave. at Madison Place, NW, Washington, DC 20220.

NOTIFICATION PROCEDURE:

It is required that individuals submitting grievances be provided a copy of the record under the grievance process. They may, however, contact the agency personnel or designated office where the action was processed, regarding the existence of such records on them. They must furnish the following information for their records to be located and identified: (1) Name, (2) date of birth, (3) approximate date of closing of the case and kind of action taken, (4) organizational component involved.

RECORD ACCESS PROCEDURES:

It is required that individuals submitting grievances be provided a copy of the record under the grievance process. However, after the action has been closed, an individual may request access to the official copy of the grievance file by contacting the bureau personnel or designated office where the action was processed. Individuals must provide the following information for their records to be located and identified: (1) Name, (2) date of birth, (3) approximate date of closing of the case and kind of action taken, (4) organizational component involved.

CONTESTING RECORD PROCEDURES:

Review of requests from individuals seeking amendment of their records

which have been the subject of a judicial or quasi-judicial action will be limited in scope. Review of amendment requests of these records will be restricted to determining if the record accurately documents the action of the agency ruling on the case, and will not include a review of the merits of the action, determination, or finding. Individuals wishing to request amendment to their records to correct factual errors should contact the bureau personnel or designated office where the grievance was processed. Individuals must furnish the following information for their records to be located and identified: (1) name, (2) date of birth, (3) approximate date of closing of the case and kind of action taken, (4) organizational component involved.

RECORD SOURCE CATEGORIES:

Information in this system of records is provided: (1) By the individual on whom the record is maintained, (2) by testimony of witnesses, (3) by agency officials, (4) from related correspondence from organizations or persons.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

TREASURY/DO .007

SYSTEM NAME:

General Correspondence Files—Treasury/DO.

SYSTEM LOCATION:

Departmental Offices, Department of the Treasury, 1500 Pennsylvania Ave., NW, Washington, DC 20220. Components of this record system are in the following offices within the Departmental Offices:

Office of Foreign Assets Control
Office of Tax Policy
Office of the Assistant Secretary for International Affairs
Office of the Executive Secretariat
Office of Public Correspondence
Office of Legislative Affairs

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Members of Congress, U.S. Foreign Service officials, officials and employees of the Treasury Department, officials of municipalities and state governments, and the general public, foreign nationals, members of the news media, businesses, officials and employees of other Federal Departments and agencies.

CATEGORIES OF RECORDS IN THE SYSTEM:

Incoming correspondence and replies pertaining to the mission, function, and operation of the Department, tasking sheets, and internal Treasury memorandum.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301.

PURPOSE(S):

The manual systems and/or electronic databases (e.g., Treasury Automated Document System (TADS)) used by the system managers are to manage the high volume of correspondence received by the Departmental Offices and to accurately respond to inquiries, suggestions, views and concerns expressed by the writers of the correspondence. It also provides the Secretary of the Treasury with sentiments and statistics on various topics and issues of interest to the Department.

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

These records and information in these records may be used to: (1) Provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains; (2) provide information to the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's functions relating to civil and criminal proceedings; (3) provide information to unions recognized as exclusive bargaining representatives under the Civil Service Reform Act of 1978, 5 U.S.C. 7111 and 7114; (4) provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation; (5) provide information to appropriate Federal, State, local, or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license; (6) provide information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations or in connection with criminal law proceedings.

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

STORAGE:

Paper records, file folders and magnetic media.

RETRIEVABILITY:

By name of individual or letter number, address, assignment control number, or organizational relationship.

SAFEGUARDS:

Access is limited to authorized personnel with a direct need to know. Rooms containing the records are locked after business hours. Some folders are stored in locked file cabinets in areas of limited accessibility except to employees. Others are stored in electronically secured areas and vaults. Access to electronic records is by password.

RETENTION AND DISPOSAL:

Some records are maintained for three years, then destroyed by burning. Other records are updated periodically and maintained as long as needed. Some electronic records are periodically updated and maintained for two years after date of response; hard copies of those records are disposed of after three months in accordance with the NARA schedule. Paper records of the Office of the Executive Secretary are stored indefinitely at the Federal Records Center.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Foreign Assets Control, U.S. Treasury Department, Room 2233, Treasury Annex, 1500 Pennsylvania Ave., NW, Washington, DC 20220.

Freedom of Information Act Officer, Office of Tax Policy, U.S. Treasury Department, Room 1041–MT, 1500 Pennsylvania Ave., NW, Washington, DC 20220

Director, OASIA Secretariat, U.S. Treasury Department, Room 5422–MT, 1500 Pennsylvania Ave., NW, Washington, DC 20220

Office of the Executive Secretariat, U.S. Treasury Department, Room 3419–MT, Washington, DC 20220

Director, Office of Public Correspondence, U.S. Treasury Department, Room 2124–MT, Washington, DC 20220

Director, Office of Legislative Affairs, U.S. Treasury Department, Room 3132–MT, Washington, DC 20220

NOTIFICATION PROCEDURE:

Individuals wishing to be notified if they are named in this system of records, or to gain access to records maintained in this system may inquire in accordance with instructions appearing at 31 CFR part 1, subpart C, appendix A. Individuals must submit a written request containing the following elements: (1) Identify the record system; (2) identify the category and type of records sought; and (3) provide at least two items of secondary identification (date of birth, employee identification number, dates of employment or similar information). Address inquiries to

Assistant Director, Disclosure Services (see ''Record access procedures'' below).

Record Access Procedures: Assistant Director, Disclosure Services, Department of the Treasury, Room 1054–MT, 1500 Pennsylvania Ave., NW, Washington, DC 20220.

CONTESTING RECORD PROCEDURES:

See ''Record access procedures'' above.

RECORD SOURCE CATEGORIES:

Members of Congress or other individuals who have corresponded with the Departmental Offices, other governmental agencies (Federal, state and local), foreign individuals and official sources.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

TREASURY/DO .010

SYSTEM NAME:

Office of Domestic Finance, Actuarial Valuation System—Treasury/DO.

SYSTEM LOCATION:

Departmental Offices, Office of Government Financing, Office of the Government Actuary, 1500 Pennsylvania Avenue, NW, Washington, DC 20220.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Participants and beneficiaries of the Foreign Service Retirement and Disability System and the Foreign Service Pension System. Covered employees are located in the following agencies: Department of State, Department of Agriculture, United States Information Agency, Agency for International Development, Peace Corps, and the Department of Commerce.

CATEGORIES OF RECORDS IN THE SYSTEM:

Information in the system is as follows: Active Records: Name; social security number; salary; category-grade; year of entry into system; service computation date; year of birth; year of resignation or year of death, and refund if any; indication of LWOP status (if any); Retired Records: Same as actives; annuity; year of separation; cause of separation (optional, disability, deferred, etc.); years and months of service by type of service; single or married; spouse's year of birth; principal's year of death; number of children on annuity roll; children's years of birth and annuities.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

22 U.S.C. 1101.

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

Data regarding specific individuals is released only to the contributing agency for purposes of verification.

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

STORAGE:

Data are on computer tapes and computer printouts.

RETRIEVABILITY:

Alphabetically.

SAFEGUARDS:

Records are stored in the Actuary's office. Access is restricted to employees of the Office of the Government Actuary.

RETENTION AND DISPOSAL:

Records are retained on a year-to-year basis. When agencies whose pension funds are valued forward new records for valuation, older records are discarded.

SYSTEM MANAGER(S) AND ADDRESS:

The Government Actuary, Departmental Offices, 1500 Pennsylvania Ave., NW, Washington, DC 20220.

NOTIFICATION PROCEDURE:

Individuals wishing to be notified if they are named in this system of records, or gain access to records maintained in this system must submit a written request containing the following elements: (1) Identify the record system; (2) identify the category and type of records sought; and (3) provide at least two items of secondary identification (date of birth, employee identification number, dates of employment or similar information). Address inquiries to Assistant Director, Disclosure Services (see ''Record access procedures'' below).

RECORD ACCESS PROCEDURES:

Assistant Director, Disclosure Services, Department of the Treasury, Room 1054–MT, 1500 Pennsylvania Ave., NW, Washington, DC 20220.

CONTESTING RECORD PROCEDURES:

See ''Record access procedures'' above.

RECORD SOURCE CATEGORIES:

Data for actuarial valuation are provided by organizations responsible for pension funds listed under ''category of individual,'' namely the Department of State, Department of Agriculture, United States Information Agency, Agency for International Development, Peace Corps, and the Department of Commerce.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

TREASURY/DO .060

SYSTEM NAME:

Correspondence Files and Records on Employee Complaints and/or Dissatisfaction—Treasury/DO.

SYSTEM LOCATION:

Office of Personnel Policy, Room 4150-Annex, Pennsylvania Avenue at Madison Place, NW, Washington, DC 20220.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Former and current Department employees who have submitted complaints to the Office of Personnel or whose correspondence concerning a matter of dissatisfaction has been referred to the Office of Personnel.

CATEGORIES OF RECORDS IN THE SYSTEM:

Correspondence dealing with former and current employee complaints.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301.

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

These records and information in these records may be used to: (1) Disclose pertinent information to appropriate Federal, state, and local, or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential civil or criminal law or regulation; (2) provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains; (3) provide information to unions recognized as exclusive bargaining representatives under the Civil Service Reform Act of 1978, 5 U.S.C. 7111 and 7114; (4) provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

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

STORAGE:

File folders, file cabinets.

RETRIEVABILITY:

By bureau and employee name.

SAFEGUARDS:

Maintained in filing cabinet and released only to Office of Personnel staff or other Treasury officials on a need-to-know basis.

RETENTION AND DISPOSAL:

Records are maintained and disposed of in accordance with Department of the Treasury Directive 25–02, ''Records Disposition Management Program'' and the General Records Schedule.

SYSTEM MANAGER(S) AND ADDRESS:

The Government Actuary, Departmental Offices, 1500 Pennsylvania Ave., NW, Washington, DC 20220. Avenue at Madison Place NW, Washington, DC 20220.

NOTIFICATION PROCEDURE:

Persons inquiring as to the existence of a record on themselves may contact: Assistant Director, (Human Relations) Department of the Treasury, Room 4150-Annex, Pennsylvania Avenue at Madison Place, NW, Washington, DC 20220. The inquiry must include the individual's name and employing bureau.

RECORD ACCESS PROCEDURES:

Persons seeking access to records concerning themselves may contact: The Director, Office of Personnel Policy, Department of the Treasury, Room 4150-Annex, Pennsylvania Avenue at Madison Place, NW, Washington, DC 20220. The inquiry must include the individual's name and employing bureau.

CONTESTING RECORD PROCEDURES:

Individuals wishing to request amendment to their records to correct factual error should contact the Director of Personnel at the address shown in Access, above. They must furnish the following information: (a) Name; (b) employing bureau; (c) the information being contested; (d) the reason why they believe information is untimely, inaccurate, incomplete, irrelevant, or unnecessary.

RECORD SOURCE CATEGORIES:

Current and former employees, and/or representatives, employees' relatives, Congressmen, the White House, management officials.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

TREASURY/DO .068

SYSTEM NAME:

Time-In-Grade Exception Files—Treasury/DO. System location: Room 1462–MT, 1500 Pennsylvania Ave., NW, Washington, DC 20220.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons employed by, or proposed for employment by, the Department of the Treasury and for whom an exception to Time-In-Grade Restrictions is sought.

CATEGORIES OF RECORDS IN THE SYSTEM:

A collection of documents required for approval of exceptions to Time-In-Grade Requirements including: Request for Approval of Non-Competitive Action (SF–59); Personal Qualifications Statement (SF–171); Position Description (OF–8); and, in some instances, Request for Personnel Action (SF–52); and memoranda of justification.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, and 5 U.S.C. 1104.

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

Information from these records may be disclosed to (1) the Office of Personnel Management for audit of exceptions granted, and (2) a Congressional office in response to an inquiry made at the request of the individual to whom the record pertains.

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

STORAGE:

File cabinet.

RETRIEVABILITY:

Indexed by name in log and filed chronologically.

SAFEGUARDS:

Access is limited to authorized Treasury personnel and management officials on a need-to-know basis.

RETENTION AND DISPOSAL:

Records are retained for 2 years and are destroyed by standard destruction methods including burning.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Personnel Resources, Room 1462–MT, 1500 Pennsylvania Ave., NW, Washington, DC 20220.

NOTIFICATION PROCEDURE:

Director, Personnel Resources, Room 1316–MT, 1500 Pennsylvania Ave., NW, Washington, DC 20220. The individual is required to provide his/her name and the Treasury organizational assignment, position title, grade/salary, and approximate date of the Time-In-Grade exception requested.

RECORD ACCESS PROCEDURES:

Director, Personnel Resources Directorate, Room 1316–MT, 1500 Pennsylvania Ave., NW, Washington, DC 20220.

CONTESTING RECORD PROCEDURES:

See ''Record access procedures'' above.

RECORD SOURCE CATEGORIES:

The documents which constitute this system, and which are listed under Categories of Records, came from the individual employee or applicant, his servicing personnel office, and other concerned management officials within the Department of the Treasury.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

TREASURY/DO .111

SYSTEM NAME:

Office of Foreign Assets Control Census Records—Treasury/DO.

SYSTEM LOCATION:

Office of Foreign Assets Control Treasury Annex, Washington, DC 20220.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Although most reporters in the Census in this system of records are not individuals, such censuses reflect some small number of U.S. individuals as holders of assets subject to U.S. jurisdiction which are blocked under the various sets of Treasury Department regulations involved.

CATEGORIES OF RECORDS IN THE SYSTEM:

Reports of several censuses of U.S.-based, foreign-owned assets which have been blocked at any time since 1940 under Treasury Department regulations found under 31 CFR subpart B, chapter V.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

50 U.S.C., App. 5(b); 22 U.S.C. 2370(a); 50 U.S.C. 1701 *et seq.*; and 31 CFR chapter V.

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

These records and information in these records may be used to: (1) Disclose information to appropriate state agencies which are concerned with or responsible for abandoned property; (2) disclose information to foreign governments in accordance with formal or informal international agreements; (3) provide information to a Congressional office in response to an inquiry made at the request of the individual to whom

the record pertains; (4) provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation; (5) provide certain information to appropriate senior foreign-policy-making officials in the Department of State.

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

STORAGE:

Records stored on magnetic media and/or as hard copy documents.

RETRIEVABILITY:

By name of holder or custodian or owner of blocked property.

SAFEGUARDS:

Locked room, or in locked file cabinets located in areas in which access is limited to Foreign Assets Control employees. Computerized records are password-protected.

RETENTION AND DISPOSAL:

Records are periodically updated and maintained as long as needed. When no longer needed, records are retired to Federal Records Center or destroyed in accordance with established procedures.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Foreign Assets Control, Room 2233-Annex, Department of the Treasury, NW, Washington, DC 20220.

NOTIFICATION PROCEDURE:

Individuals wishing to be notified if they are named in this system of records, or to gain access to records maintained in the system, must submit a written request containing the following elements: (1) Identify the record system; (2) identify the category and type of record sought; and (3) provide at least two items of secondary identification (date of birth, employee identification number, dates of employment or similar information). Address inquiries to Assistant Director, Disclosure Services (See ''Record access Procedures'' below.)

RECORD ACCESS PROCEDURES:

Assistant Director, Disclosure Services, Department of the Treasury, Room 1054, 1500 Pennsylvania Ave., NW, Washington, DC 20220.

CONTESTING RECORD PROCEDURES:

See ''Record access procedures'' above.

RECORD SOURCE CATEGORIES:

Custodians or other holders of blocked assets.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

TREASURY/DO .114

SYSTEM NAME:

Foreign Assets Control Enforcement Records—Treasury/DO.

SYSTEM LOCATION:

Office of Foreign Assets Control, Treasury Annex, Washington, DC 20220.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have engaged in or who are suspected of having engaged in transactions and activities prohibited by Treasury Department regulations found at 31 CFR subpart B, chapter V.

CATEGORIES OF RECORDS IN THE SYSTEM:

Documents related to suspected or actual violations of relevant statutes and regulations administered by the Office of Foreign Assets Control.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

50 U.S.C., App. 5(b); 50 U.S.C. 1701 *et seq.*; 22 U.S.C. 287(c); 22 U.S.C. 2370(a); and 31, CFR, Chapter V; 100 Stat. 1086, as amended by H.J. Res. 756, Pub. L. 99–631.

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

These records and information in these records may be used to: (1) Disclose information to appropriate Federal agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order or license; (2) disclose information to a Federal, state, or local agency, maintaining civil, criminal or other relevant enforcement or other pertinent information, which has requested information relevant to or necessary to the requesting agency's official functions; (3) disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosure to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations or in response to a subpoena or in connection with criminal law proceedings; (4) disclose information to foreign governments in accordance with formal or informal international agreements; (5) provide information to a Congressional office in response to an inquiry made at the request of the individual to whom the record pertains; (6) provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

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

STORAGE:

File folders and magnetic media.

RETRIEVABILITY:

By name of individual.

SAFEGUARDS:

Folders in locked file cabinets are located in areas of limited accessibility. Computerized records are password-protected.

RETENTION AND DISPOSAL:

Records are periodically updated and are maintained as long as necessary. When no longer needed, records are retired to Federal Records Center or destroyed in accordance with established procedures.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Foreign Assets Control, Room 2233-Annex, U.S. Treasury Department, Washington, DC 20220.

NOTIFICATION PROCEDURE:

This system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual.

RECORD ACCESS PROCEDURES:

This system of records may not be accessed for purposes of inspection or for contest of content of records.

CONTESTING RECORD PROCEDURES:

See ''Record access procedures'' above.

RECORD SOURCE CATEGORIES:

From the individual, from the Office of Foreign Assets Control investigations, and from other federal, state or local agencies.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

This system is exempt from 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4), (G), (H), (I), and (f) of the Privacy Act pursuant to 5 U.S.C. 552a(k)(2).

TREASURY/DO .118

SYSTEM NAME:

Foreign Assets Control Licensing Records—Treasury/DO.

SYSTEM LOCATION:

Office of Foreign Assets Control, Treasury Annex, Washington, DC 20220.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Applicants for permissive and authorizing licenses under Treasury Department regulations found at 31 CFR subpart B, chapter V.

CATEGORIES OF RECORDS IN THE SYSTEM:

Applications for Treasury licenses—together with related and supporting documentary material and copies of licenses issued.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

50 U.S.C., App. 5(b); 22 U.S.C. 2370(a); 22 U.S.C. 287(c); 50 U.S.C. 1701 *et seq.*; 31 CFR, chapter V; 100 Stat. 1086, as amended by H.J. Res. 756, Pub. L. 99–631.

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

These records and information in these records may be used to: (1) Disclose information to appropriate Federal, state, local, or foreign agencies responsible for investigating or prosecuting the violation of, or for enforcing or implementing, a statute, rule, regulation, order, or license; (2) disclose information to the Department of State, Commerce, Defense or other federal agencies, in connection with Treasury licensing policy or other matters of mutual interest or concern; (3) disclose information to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement or other pertinent information, which has requested information relevant to or necessary to the requesting agency's official functions; (4) disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosure to opposing counsel or witnesses, in the course of civil discovery, litigation, or settlement negotiations in response to a subpoena or in connection with criminal law proceedings; (5) disclose information to foreign governments in accordance with formal or informal international agreements; (6) provide information to a Congressional office in response to an inquiry made at the request of the individual to whom the record pertains.

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

STORAGE:

File folders and magnetic media.

RETRIEVABILITY:

The records are retrieved by license or letter number.

SAFEGUARDS:

Folders in locked filed cabinets are located in areas of limited accessibility. Computerized records are password-protected.

RETENTION AND DISPOSAL:

Records are periodically updated to reflect changes and maintained as long as needed. When no longer needed, records are retired to Federal Records Center or destroyed in accordance with established procedures.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Foreign Assets Control, Room 2233-Annex, Department of the Treasury, Washington, DC 20220.

NOTIFICATION PROCEDURE:

Individuals wishing to be notified if they are named in this system of records, or to gain access to records maintained in the system of records, must submit a written request containing the following elements: (1) Indentify the record system; (2) identify the category and type of records sought; and (3) provide at least two items of secondary identification (date of birth, employee identification number, dates of employment or similar information). Address inquiries to Assistant Director, Disclosure Services (See ''Record access procedures'' below).

RECORD ACCESS PROCEDURES:

Assistant Director, Disclosure Services, Department of the Treasury, Room 1054, 1500 Pennsylvania Ave., NW, Washington, DC 20220.

CONTESTING RECORD PROCEDURES:

See ''Record access procedures'' above.

RECORD SOURCE CATEGORIES:

Applicants for Treasury Department licenses under regulations administered by the Office of Foreign Assets Control.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

TREASURY/DO .144

SYSTEM NAME:

General Counsel Litigation Referral and Reporting System—Treasury/DO.

SYSTEM LOCATION:

U.S. Department of the Treasury, Office of the General Counsel, 1500 Pennsylvania Avenue NW, Washington, DC 20220.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons who are parties, plaintiff or defendant, in civil litigation or administrative proceedings involving or concerning the Department of the Treasury or its officers or employees. The system does not include information on every civil litigation or administrative proceeding involving the Department of the Treasury or its officers and employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system of records consists of a computer data base containing information related to litigation or administrative proceedings involving or concerning the Department of the Treasury or its officers or employees.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 31 U.S.C. 301.

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

These records and information in these records may be used to: (1) Disclose pertinent information to appropriate Federal, State, or foreign agencies responsible for investigating or prosecuting the violations of, or for implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation; (2) disclose information to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit; (3) disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations in response to a subpoena or in connection with criminal law proceedings; (4) disclose information to foreign governments in accordance with formal or informal international agreements; (5) provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains; (6) provide information to the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's functions relating to civil and criminal proceedings; (7) provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

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

STORAGE:

The computerized records are maintained in computer data banks and printouts.

RETRIEVABILITY:

The computer information is accessible by the name of the non-government party involved in the case, and case number and docket number (when available).

SAFEGUARDS:

Access is limited to employees who have a need for such records in the course of their work. Background checks are made on employees. All facilities where records are stored have access limited to authorized personnel.

RETENTION AND DISPOSAL:

The computer information is maintained for up to ten years after a record is created.

SYSTEM MANAGER(S) AND ADDRESS:

Associate General Counsel (Legislation, Litigation, and Regulation), Office of the General Counsel, Department of the Treasury, 1500 Pennsylvania Ave., NW., Washington, DC 20220.

NOTIFICATION PROCEDURE:

Individuals wishing to be notified if they are named in this system of records, or gain access to records maintained in this system must submit a written request containing the following elements: (1) An identification of the record system; and (2) an identification of the category and type of records sought. This system contains records that are exempt under 31 CFR 1.36; 5 U.S.C. 552a(j)(2); and (k)(2). Address inquiries to Assistant Director, Disclosure Services, Department of the Treasury, Room 1054 MT, 1500 Pennsylvania Ave., NW., Washington, DC 20220.

RECORD ACCESS PROCEDURES:

Assistant Director, Disclosure Services, Department of the Treasury, Room 1054, 1500 Pennsylvania Ave., NW, Washington, DC 20220.

CONTESTING RECORD PROCEDURES:

See ''Record access procedures'' above.

RECORD SOURCE CATEGORIES:

Treasury Department Legal Division, Department of Justice Legal Division.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

This system is exempt from 5 U.S.C. 552a(d), (e)(1), (e)(3), (e)(4)(G), (H), (I), and (f) of the Privacy Act pursuant to 5 U.S.C. 552a(k)(2).

TREASURY/DO .149

SYSTEM NAME:

Foreign Assets Control Legal Files—Treasury/DO.

SYSTEM LOCATION:

U.S. Department of the Treasury, Room 3133-Annex, Washington, DC 20220.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons who are or who have been parties in litigation involving the Office of Foreign Assets Control or statutes and regulations administered by the agency found at 31 CFR subpart B, chapter V.

CATEGORIES OF RECORDS IN THE SYSTEM:

Information and documents relating to litigation involving the Office of Foreign Assets Control or statutes and regulations administered by the agency.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

31 U.S.C. 301; 50 U.S.C. App. 5(b); 50 U.S.C. 1701 et seq; 22 U.S.C. 278(c); and other statutes relied upon by the President to impose economic sanctions.

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

These records and information in these records may be used to: (1) Prosecute, defend, or intervene in litigation related to the Office of Foreign Assets Control and statutes and regulations administered by the agency; (2) disclose pertinent information to appropriate Federal, State, local, or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order or license; (3) disclose information to a Federal, State, or local agency, maintaining civil, criminal, or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's official functions; (4) disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations or in connection with criminal law proceedings; (5) provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains.

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

STORAGE:

Folders in file cabinets and magnetic media.

RETRIEVABILITY:

By name of private plaintiff or defendant.

SAFEGUARDS:

Folders are in lockable file cabinets located in areas of limited public accessibility. Where records are maintained on computer hard drives, access to the files is password-protected.

RETENTION AND DISPOSAL:

Records are periodically updated and maintained as long as needed.

SYSTEM MANAGER(S) AND ADDRESS:

Administrative Officer, Room 3006–MT, U.S. Treasury Department, Washington, DC 20220.

NOTIFICATION PROCEDURE:

Individuals wishing to be notified if they are named in this system of records, or gain access to records maintained in this system must submit a written request containing the following elements: (1) Identify the record system; (2) identify the category and type of records sought; and (3) provide at least two items of secondary identification (date of birth, employee identification number, dates of employment or similar information).

RECORD ACCESS PROCEDURES:

Address inquiries to Assistant Director, Disclosure Services, Department of the Treasury, Room 1054, 1500 Pennsylvania Ave., NW, Washington, DC 20220.

CONTESTING RECORD PROCEDURES:

See ''Record access procedures'' above.

RECORD SOURCE CATEGORIES:

Pleadings and other materials filed during course of a legal proceeding, discovery obtained pursuant to applicable court rules; materials obtained by Office of Foreign Assets Control investigation; material obtained pursuant to requests made to other Federal agencies; orders, opinions, and decisions of courts.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

TREASURY/DO .150

SYSTEM NAME:

Disclosure Records—Treasury/DO.

SYSTEM LOCATION:

Departmental Offices, Department of the Treasury, 1500 Pennsylvania Ave., NW, Washington DC 20220.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have submitted requests for information to the Departmental Offices or who have appealed initial denials to the requests.

CATEGORIES OF RECORDS IN THE SYSTEM:

Requests for records or information pursuant to the Freedom of Information Act, 5 U.S.C. 552, and/or the Privacy Act, 5 U.S.C. 552a, internal processing documents, memoranda, and referrals are kept by the Disclosure Office. Copies of requested records are kept by the program office responsible for fulfilling the request.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 552, 5 U.S.C. 552a, 31 CFR Part 1.

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

These records and information in these records may be used to: (1) Disclose information to other agencies when required for coordination of response or referral; (2) disclose information to the Department of Justice for defending law suits.

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

STORAGE:

Paper files, magnetic media.

RETRIEVABILITY:

By name and case number.

SAFEGUARDS:

Stored in filing cabinets. Access limited to individuals with need to know or legitimate right to review.

RETENTION AND DISPOSAL:

Retained in accordance with the provisions of the Departmental records management procedures.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Director, Disclosure Services, Department of the Treasury, Room 1054, 1500 Pennsylvania Ave., NW, Washington, DC 20220.

Deputy Assistant Secretary (Law Enforcement), Department of the Treasury, Room 4414, 1500 Pennsylvania Ave., NW, Washington, DC 20220.

Freedom of Information Act Officer, Office of Tax Policy, Department of the Treasury, Room 4028A–MT, 1500 Pennsylvania Ave., NW, Washington, DC 20220.

NOTIFICATION PROCEDURE:

Individuals wishing to be notified if they are named in this system of records, or gain access to records maintained in this system must submit a written request containing the following elements: (1) Identify the record system; (2) identify the category and type of records sought; and (3) provide at least two items of secondary identification (date of birth, employee identification number, dates of employment or similar information). Address inquiries to Assistant Director, Disclosure Services at the above address.

RECORD ACCESS PROCEDURES:

See ''Notification procedure'' above.

CONTESTING RECORD PROCEDURES:

See ''Notification procedure'' above.

RECORD SOURCE CATEGORIES:

Individuals who make Freedom of Information Act requests, federal officials responding to Freedom of Information Act requests, and documents from official records.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

TREASURY/DO .156

SYSTEM NAME:

Tax Court Judge Applicants—Treasury/DO.

SYSTEM LOCATION:

Department of the Treasury, Office of the General Counsel, Room 3000 MT, 1500 Pennsylvania Ave., NW, Washington, DC 20220.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals requesting consideration for appointment to Tax Court judgeships.

CATEGORIES OF RECORDS IN THE SYSTEM:

Information concerning the qualification of individuals for appointment to the Tax Court.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

26 U.S.C. 7443.

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

Information from this system may be disclosed to the White House with recommendations to the President on appointments to the Tax Court.

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

STORAGE:

File cabinets.

RETRIEVABILITY:

By name of individual.

SAFEGUARDS:

The files are kept in locked cabinets with a limited number of employees-permitted access.

RETENTION AND DISPOSAL:

The records relating to individuals are destroyed at the end of each administration.

SYSTEM MANAGER(S) AND ADDRESS:

Administrative Officer, Office of the General Counsel, Room 3006–MT, 1500 Pennsylvania Ave., NW, Washington, DC 20220.

NOTIFICATION PROCEDURE:

Individuals wishing to be notified if they are named in this system of records, or gain access to records maintained in this system must submit a written request containing the following elements: (1) Identify the record system; (2) Identify the category and type of records sought; (3) Provide at least two items of secondary identification (date of birth, employee identification number, dates of employment or similar information). Address inquiries to Assistant Director, Disclosure Services (See ''Record access procedures'' below).

RECORD ACCESS PROCEDURES:

Assistant Director, Disclosure Services, Department of the Treasury, Room 1054 MT, 1500 Pennsylvania Ave., NW, Washington, DC 20220.

CONTESTING RECORD PROCEDURES:

See ''Record access procedures'' above.

RECORD SOURCE CATEGORIES:

Individual concerned and letters of recommendation from other individuals submitted at the request of the individual and/or the Department.

EXEMPTIONS CLAIMED FOR THE SYSTEMS:

None.

TREASURY/DO .183

SYSTEM NAME:

Private Relief Tax Bill Files—Office of the Assistant Secretary for Tax Policy-Treasury/DO.

SYSTEM LOCATION:

Room 4040–MT, 1500 Pennsylvania Ave., NW, Washington, DC 20220.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have had private relief tax bills introduced in Congress on their behalf.

CATEGORIES OF RECORDS IN THE SYSTEM:

Congressional Committee or OMB request for Treasury views on proposed legislation, plus comments on proposal from offices or bureaus of Treasury, plus the Internal Revenue Service data concerning the issues involved and that unit's recommendation, and the report of the Treasury on the Bill.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301.

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

Information from this system may be disclosed to OMB and Congress.

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

STORAGE:

File Folders.

RETRIEVABILITY:

By bill numbers or name of person for whom relief is sought.

SAFEGUARDS:

Access limited to Tax Policy personnel.

RETENTION AND DISPOSAL:

Records are periodically updated to reflect changes and maintained as long as needed until shipped to National Archives and Records Administration.

SYSTEM MANAGER(S) AND ADDRESS:

Management Services, Office of Tax Policy, Room 1041–MT, 1500 Pennsylvania Ave., NW, Washington, DC 20220.

NOTIFICATION PROCEDURE:

Individuals wishing to be notified if they are named in this system of records, or gain access to records maintained in this system must submit a written request containing the following elements: (1) Identify the record system; (2) identify the category and type of records sought; and (3) provide at least two items of secondary identification (date of birth, employee identification number, dates of employment or similar information). Address inquiries to Assistant Director, Disclosure Services (See ''Record access procedures'' below).

RECORD ACCESS PROCEDURES:

Assistant Director, Disclosure Services, Department of the Treasury, Room 1054–MT, 1500 Pennsylvania Ave., NW, Washington, DC 20220.

CONTESTING RECORD PROCEDURES:

See ''Record access procedures'' above.

RECORD SOURCE CATEGORIES:

Principally the Congress and the Internal Revenue Service.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

TREASURY/DO .190

SYSTEM NAME:

General Allegations and Investigative Records—Treasury/DO.

SYSTEM LOCATION:

Office of Inspector General (OIG), Assistant Inspector General for Investigations, 1201 Constitution Avenue, NW, Washington, DC 20220; Regional Inspectors General for Investigations in Washington, DC; Houston, TX; Los Angeles, CA; and Chicago, IL; and Office of Investigations field offices in New York, NY, and Glynco, GA. Addresses may be obtained from the system manager.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

(A) Current and former employees of the Department of the Treasury and persons whose association with current and former employees relate to the alleged violations of the Department's rules of conduct, the Office of Personnel Management merit system, or any other criminal or civil misconduct, which affects the integrity or facilities of the Department of the Treasury. The names of individuals and the files in their names may be: (1) Received by referral; or (2) initiated at the discretion of the Office of the Inspector General in the conduct of assigned duties. (B) Individuals who are: Witnesses; complainants; confidential or nonconfidential informants; suspects; defendants; parties who have been identified by the Office of the Inspector General, constituent units of the Department of Treasury, other agencies, or members of the general public in connection with the authorized functions of the Inspector General. (C) Current and former senior Treasury and bureau officials who are the subject of investigations initiated and conducted by the Office of the Inspector General.

CATEGORIES OF RECORDS IN THE SYSTEM:

(A) Letters, memoranda, and other documents citing complaints of alleged criminal or administrative misconduct. (B) Investigative files which include: (1) Reports of investigations to resolve allegations of misconduct or violations of law with related exhibits, statements, affidavits, records or other pertinent documents obtained during investigations; (2) transcripts and documentation concerning requests and approval for consensual (telephone and consensual non-telephone) monitoring; (3) reports from or to other law enforcement bodies; (4) prior criminal or noncriminal records of individuals as they relate to the investigations; and (5) reports of actions taken by management personnel regarding misconduct and reports of legal actions resulting from violations of statutes referred to the Department of Justice for prosecution.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

The Inspector General Act of 1978, as Amended, 5 U.S.C.A. App.3.

PURPOSE(S):

The records and information collected for and maintained in this system are used to (a) receive allegations of violations of the Department's rules of conduct, the Office of Personnel Management merit system, or any other criminal or civil misconduct and to (b) prove or disprove, to the extent possible, allegations which the OIG receives that are made against Department of the Treasury employees.

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

These records and information in these records may be used to: (1) Disclose information to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation; (2) disclose pertinent information to appropriate Federal, State, local, or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing a statute, rule, regulation, order, or license, or where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation; (3) disclose information to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an employee, or the issuance of a security clearance, license, contract, grant, or other benefit; (4) disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or

settlement negotiations in response to a subpoena or in connection with criminal law proceedings; (5) provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains; (6) provide information to the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's functions relating to civil and criminal proceedings; (7) provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

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

STORAGE:

Paper records in file jackets are maintained in a secured locked room. Also, magnetic media maintained on the case tracking systems are password protected, secured by an internal lock and locked in a secured room. Backup of the magnetic media is maintained in a locked safe.

RETRIEVABILITY:

Alphabetically by name of subject or complainant, by case number, and by special agent name and/or employee number.

SAFEGUARDS:

Paper records and word processing disks are maintained in locked safes and all access doors are locked when offices are vacant. Automated records are controlled by computer security programs which limit access to authorized personnel who have a need for such information in the course of their duties. The records are available to Office of Inspector General personnel who have an appropriate security clearance on a need-to-know basis.

RETENTION AND DISPOSAL:

Investigative files and paper indices are stored on-site for 3 years. Indices to those files are stored on-site on magnetic media for an indefinite time. The magnetic media will be retained indefinitely; however, they will be updated periodically to reflect changes. Upon expiration of their respective retention periods, the investigative files are transferred to the Federal Records Center, Suitland, Maryland, for storage and in most instances destroyed by burning, maceration or pulping when 20 years old.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Inspector General for Investigations, Room 7320, 1201 Constitution Avenue, NW, Washington, DC 20220.

NOTIFICATION PROCEDURE:

Pursuant to 5 U.S.C. 552a(j)(2) and (k)(2), this system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual.

RECORD ACCESS PROCEDURES:

See ''Notification Procedure'' above.

CONTESTING RECORD PROCEDURES:

See ''Notification Procedure'' above.

RECORD SOURCE CATEGORIES:

See ''Categories of individuals'' above. This system contains investigatory material for which sources need not be reported.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

This system is exempt from 5 U.S.C. 552(a)(c)(3)(4), (d)(1)(2)(3)(4), (e)(1)(2)(3), (4)(G), (H), and (I), (e)(5) and (8), (f) and (g) of the Privacy Act pursuant to 5 U.S.C. 552a(j)(2) and (k)(2).

TREASURY/DO .191

SYSTEM NAME:

OIG Management Information System (MIS).

SYSTEM LOCATION:

Office of Inspector General (OIG), all headquarters, regional and field offices. (See appendix A.)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and former employees of the Office of Inspector General.

CATEGORIES OF RECORDS IN THE SYSTEM:

(1) MIS Personnel system records contain OIG employee name, office, start of employment, series/grade, title, separation date; (2) MIS tracking records contain status information on audits, investigations and other projects from point of request or annual planning through follow-up and closure; (3) MIS Timekeeping records contain assigned projects and distribution of time; (4) MIS Equipment Inventory records contain assigned equipment; (5) MIS Travel records contain dates, type of travel and costs; (6) MIS Training records contain dates, title of training, and costs.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Inspector General Act of 1978, as amended; (5 U.S.C. Appendix 3) 5 U.S.C. 301; and 31 U.S.C. 321.

PURPOSE(S):

The purpose of the MIS system is to: (1) Manage effectively OIG resources and projects; (2) capture accurate statistical data for mandated reports to the Secretary of the Treasury, the Congress, the Office of Management and Budget, the General Accounting Office, the President's Council on Integrity and Efficiency and other federal agencies; and (3) provide accurate information critical to the OIG's daily operation, including employee performance and conduct.

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

(1) A record from the system of records, which indicates, either by itself or in combination with other information, a violation or potential violation of law, whether civil or criminal, and whether arising by statute, regulation, rule or order issued pursuant thereto, may be disclosed to a Federal, State, local, or foreign agency or other public authority that investigates or prosecutes or assists in investigation or prosecution of such violation, or enforces or implements or assists in enforcement or implementation of the statute, rule, regulation or order. (2) A record from the system of records may be disclosed to a Federal, State, local, or foreign agency or other public authority, or to private sector (i.e., non-Federal, State, or local government) agencies, organizations, boards, bureaus, or commissions, which maintain civil, criminal, or other relevant enforcement records or other pertinent records, such as current licenses in order to obtain information relevant to an agency investigation, audit, or other inquiry, or relevant to a decision concerning the hiring or retention of an employee or other personnel action, the issuance of a security clearance, the letting of a contract, the issuance of a license, grant or other benefit, the establishment of a claim, or the initiation of administrative, civil, or criminal action. Disclosure to the private sector may be made only when the records are properly constituted in accordance with agency requirements; are accurate, relevant, timely and complete; and the disclosure is in the best interest of the Government. (3) A record from the system of records may be disclosed to a Federal, State, local, or foreign agency or other public authority, or private sector (i.e., non-Federal, State, or local government) agencies, organizations, boards, bureaus, or commissions, if relevant to the recipient's hiring or retention of an employee or other personnel action, the issuance of a security clearance, the letting of a contract, the issuance of a license, grant or other benefit, the establishment of a

claim, or the initiation of administrative, civil, or criminal action. Disclosure to the private sector may be made only when the records are properly constituted in accordance with agency requirements; are accurate, relevant, timely and complete; and the disclosure is in the best interest of the Government. (4) A record from the system of records may be disclosed to any source, private or public, to the extent necessary to secure from such source information relevant to a legitimate agency investigation, audit, or other inquiry. (5) A record from the system of records may be disclosed to the Department of Justice when the agency or any component thereof, or any employee of the agency in his or her official capacity, or any employee of the agency in his or her individual capacity where the Department of Justice has agreed to represent the employee, or the United States, where the agency determines that litigation is likely to affect the agency or any of its components, is a party to litigation or has an interest in such litigation, and the use of such records by the Department of Justice is deemed by the agency to be relevant and necessary to the litigation and the use of such records by the Department of Justice is therefore deemed by the agency to be for a purpose that is compatible with the purpose for which the agency collected the records. (6) A record from the system of records may be disclosed in a proceeding before a court or adjudicative body, when the agency, or any component thereof, or any employee of the agency in his or her official capacity, or any employee of the agency in his or her individual capacity where the agency has agreed to represent the employee, or the United States, where the agency determines that litigation is likely to affect the agency or any of its components, is a party to litigation or has an interest in such litigation, and the agency determines that use of such records is relevant and necessary to the litigation and the use of such records is therefore deemed by the agency to be for a purpose that is compatible with the purpose for which the agency collected the records. (7) A record from the system of records may be disclosed to a Member of Congress from the record of an individual in response to an inquiry from the Member of Congress made at the request of that individual. (8) A record from the system of records may be disclosed to the Department of Justice and the Office of Government Ethics for the purpose of obtaining advice regarding a violation or possible violation of statute, regulation, rule or order or professional ethical standards. (9) A record from the system of records may be disclosed to the Office of Management and Budget for the purpose of obtaining its advice regarding agency obligations under the Privacy Act, or in connection with the review of private relief legislation. (10) A record from the system of records may be disclosed in response to a subpoena issued by a Federal agency having the power to subpoena records of other Federal agencies if, after careful review, the OIG determines that the records are both relevant and necessary to the requesting agency's needs and the purpose for which the records will be used is compatible with the purpose for which the records were collected. (11) A record from the system of records may be disclosed to a private contractor for the purpose of compiling, organizing, analyzing, programming, or otherwise refining records subject to the same limitations applicable to U.S. Department of Treasury officers and employees under the Privacy Act. (12) A record from the system of records may be disclosed to a grand jury agent pursuant either to a Federal or State grand jury subpoena, or to a prosecution request that such record be released for the purpose of its introduction to a grand jury provided that the Grand Jury channels its request through the cognizant U.S. Attorney, that the U.S. Attorney has been delegated the authority to make such requests by the Attorney General, that she or he actually signs the letter specifying both the information sought and the law enforcement purpose served. In the case of a State Grand Jury subpoena, the State equivalent of the U.S. Attorney and Attorney General shall be substituted. (13) A record from the system of records may be disclosed to a Federal agency responsible for considering suspension or debarment action where such record would be relevant to such action. (14) A record from the system of records may be disclosed to an entity or person, public or private, where disclosure of the record is needed to enable the recipient of the record to take action to recover money or property of the United States Department of the Treasury, where such recovery will accrue to the benefit of the United States, or where disclosure of the record is needed to enable the recipient of the record to take appropriate disciplinary action to maintain the integrity of the programs or operations of the Department of the Treasury. (15) A record from the system of records may be disclosed to a Federal, state, local or foreign agency, or other public authority, for use in computer matching programs to prevent and detect fraud and abuse in benefit programs administered by an agency, to support civil and criminal law enforcement activities of any agency and its components, and to collect debts and over payments owed to any agency and its components. (16) A record from the system of records may be disclosed to a public or professional licensing organization when such record indicates, either by itself or in combination with other information, a violation or potential violation of professional standards, or reflects on the moral, educational, or professional qualifications of an individual who is licensed or who is seeking to become licensed. (17) A record from the system of records may be disclosed to the Office of Management and Budget, the General Accounting Office, the President's Council on Integrity and Efficiency and other Federal agencies for mandated reports.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Debtor information may also be furnished, in accordance with 5 U.S.C. 552a(b)(12) and 31 U.S.C. 3711(e) to consumer reporting agencies to encourage repayment of an overdue debt.

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

STORAGE:

Paper records and magnetic media.

RETRIEVABILITY:

Most files are accessed by OIG employee name, employee number, office, or cost center. Some records may be accessed by entering equipment or project information.

SAFEGUARDS:

Access is limited to OIG employees who have a need for such information in the course of their work. A central console is located in a departmental computer room which is staffed during normal business hours and locked at other times. Terminals and paper copies are maintained in offices which are staffed during normal business hours and locked at other times. Access to records on magnetic media is controlled by computer passwords. Access to specific MIS records is further limited and controlled by computer security programs limiting access to authorized personnel.

RETENTION AND DISPOSAL:

Records are periodically updated to reflect changes and are retained as long as necessary.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Inspector General for Resources, Suite 510, 740 15th St. NW, Washington, DC 20220.

NOTIFICATION PROCEDURE:

Individuals wishing to be notified if they are named in this system of records, or to gain access to records maintained in this system may inquire in accordance with instructions appearing in 31 CFR part 1, subpart C, appendix A. Individuals must submit a written request containing the following elements: (1) Identify the record system; (2) identify the category and type of records sought; and (3) provide at least two items of secondary identification (date of birth, employee identification number, dates of employment or similar information). Address inquiries to Assistant Director, Disclosure Services (see ''Record access Procedures'' below).

RECORD ACCESS PROCEDURES:

Assistant Director, Disclosure Services, Department of the Treasury, Room 1054, 1500 Pennsylvania Avenue, NW, Washington, DC 20220.

CONTESTING RECORDS PROCEDURES:

See ''Record access procedures'' above.

RECORD SOURCE CATEGORIES:

Current and former employees of the OIG.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

Appendix A—Addresses of OIG Offices

Headquarters: Department of Treasury, Office of Inspector General, Office of the Assistant Inspector General for Resources, Suite 510, 740 15th Street, NW, Washington, D.C. 20220.

Field Locations: Contact System Manager for addresses.

Department of Treasury, Office of Inspector General, Office of the Assistant Inspector General for Investigations, Office of the Regional Inspector General for Investigations, Mid-States Regional Office, Houston, TX 77057.

Department of Treasury, Office of Inspector General, Office of the Assistant Inspector General for Investigations, Chicago Field Office, Chicago, IL 60690.

Department of Treasury, Office of Inspector General, Office of the Assistant Inspector General for Investigations, Office of the Regional Inspector General for Investigations, Western Regional Office, El Segundo, CA 90245–4320.

Department of Treasury, Office of Inspector General, Office of the Assistant Inspector General for Audit, FLETC Field Office, Federal Law Enforcement Training Center, Glynco, GA 31524.

Department of Treasury, Office of Inspector General, Office of the Assistant Inspector General for Audit, Office of the Regional Inspector General for Audit, Eastern Regional Office, Boston, MA 02110.

Department of Treasury, Office of Inspector General, Office of the Assistant Inspector General for Audit, Office of the Deputy Assistant Inspector General for Audit, New York Field Office, New York, NY 10048.

Department of Treasury, Office of Inspector General, Office of the Assistant Inspector General for Audit, Office of the Regional Inspector General for Audit, Eastern Regional Office, Philadelphia Field Office, Marlton, NJ 08053.

Department of Treasury, Office of Inspector General, Office of the Assistant Inspector General for Audit, Office of the Regional Inspector General for Audit, Central Regional Office, Chicago, IL 60603.

Department of Treasury, Office of Inspector General, Office of the Assistant Inspector General for Audit, Office of the Deputy Assistant Inspector General for Audit, Indianapolis Field Office, Indianapolis, IN 46278.

Department of Treasury, Office of Inspector General, Office of the Assistant Inspector General for Audit, Office of the Regional Inspector General for Audit, Southern Regional Office, Houston, TX 77057.

Department of Treasury, Office of Inspector General, Office of the Assistant Inspector General for Audit, Office of the Regional Inspector General for Audit, Southern Regional Office, Miami Field Office, Miami, FL 33166–7710.

Department of Treasury, Office of Inspector General, Office of the Assistant Inspector General for Audit, Office of the Regional Inspector General for Audit, New Orleans Field Office, New Orleans, LA 70130.

Department of Treasury, Office of Inspector General, Office of the Assistant Inspector General for Audit, Office of the Regional Inspector General for Audit, Western Regional Office, El Segundo, CA 90245–4320.

Department of Treasury, Office of Inspector General, Office of the Assistant Inspector General for Audit, Office of the Regional Inspector General for Audit, Western Regional Office, San Francisco Field Office, San Francisco, CA 94105.

TREASURY/DO .193

SYSTEM NAME:

Employee Locator and Automated Directory System—Treasury/DO.

SYSTEM LOCATION:

Main Treasury Building, 1500 Pennsylvania Ave., NW, Washington, DC 20220.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Information on all employees of the Department is maintained in the system if the proper locator card is provided.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, office telephone number, bureau, office symbol, building, room number, home address and phone number, and person to be notified in case of emergency.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301.

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

Disclosures are not made outside of the Department.

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

STORAGE:

Hard copy and magnetic media.

RETRIEVABILITY:

Indexed by name and/or block code numbers.

SAFEGUARDS:

All records, including computer system and all terminals are located within secure space. Only authorized personnel have access.

RETENTION AND DISPOSAL:

Records are kept as long as needed, updated periodically and destroyed by burning.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Telecommunications Operations Branch, Room 1121–MT, 1500 Pennsylvania Ave., NW, Washington, DC 20220.

NOTIFICATION PROCEDURE:

See ''System manager'' above.

RECORD ACCESS PROCEDURES:

See ''System manager'' above.

CONTESTING RECORD PROCEDURES:

See ''System manager'' above.

RECORD SOURCE CATEGORIES:

Information is provided by individual employees. Necessary changes made if requested.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

TREASURY/DO .194

SYSTEM NAME:

Circulation System—Treasury.

SYSTEM LOCATION:

Department of the Treasury, Library and Information Services Division, Room 5030-MT, 1500 Pennsylvania Avenue, NW, Washington, DC 20220.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees who borrow library materials or receive library materials on distribution. The system also contains records concerning interlibrary loans to local libraries which are not subject to the Privacy Act.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records of items borrowed from the Treasury Library collection and patron records are maintained on central computer. Records are maintained by name of borrower, office locator information, and title of publication.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301.

PURPOSES(S):

Track circulation of library materials and their borrowers.

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

These records and information in these records may be used to disclose information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains.

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

STORAGE:

Electronic media.

RETRIEVABILITY:

Data can be retrieved from the system by borrower name or bar code number and publication title or its associated bar code number.

SAFEGUARDS:

Access to the system requires knowledge of password identification codes and protocols for calling up the data files. Access to the records is limited to staff of the Readers Services Branch who have a need-to-know the information for the performance of their duties.

RETENTION AND DISPOSAL:

Only current data are maintained on-line. Records for borrowers are deleted when employee leaves Treasury.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Director, Library and Information Services, Department of the Treasury, Room 5030–MT, 1500 Pennsylvania Ave., NW, Washington, DC 20220.

NOTIFICATION PROCEDURE:

Inquiries should be addressed to Assistant Director, Disclosure Services, Department of the Treasury, Room 1054–MT, 1500 Pennsylvania Ave., NW, Washington DC 20220.

RECORD ACCESS PROCEDURES:

See ''Notification procedure'' above.

CONTESTING RECORD PROCEDURES:

See ''Notification procedure'' above.

RECORD SOURCE CATEGORIES:

Patron information records are completed by borrowers and library staff.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

TREASURY/DO .196

SYSTEM NAME:

Security Information System—Treasury/DO.

SYSTEM LOCATION:

Components of this system are located in the following offices within the Departmental Offices: Office of Security, Room 3210 Treasury Annex, 1500 Pennsylvania Avenue, NW, Washington, DC 20220, and Assistant Director, Security, Safety and Parking, Administrative Operations Division, Room 1212 MT, 1500 Pennsylvania Avenue, NW, Washington, DC 20220.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

(1) Department of the Treasury officials who classify documents with a national security classification, i.e., Top Secret, Secret, or Confidential. (2) Each Department of the Treasury official, by name and position title, who has been delegated the authority to downgrade and declassify national security information and who is not otherwise authorized to classify a document at its present classification level. (3) Each Department of the Treasury official, by name and position title, who has been delegated the authority for original classification of national security information, exclusive of officials specifically authorized original classification authority by Treasury Order 102–10. (4) Each Department of the Treasury office by name and position title delegated the authority to derivatively classify national security information in accordance with an approved classification guide or on the basis of source documents. (5) Each Department of the Treasury official who does not have original classification authority for national security information and who is not authorized to downgrade and declassify national security information, but who may control and/or decontrol limited official use information. (6) An alphabetical listing of Department of the Treasury employees who have valid security violations as a result of the improper handling, safeguarding, or storage of classified national security and limited official use information. (7) Department of the Treasury personnel concerned with classified national security and limited official use information who have participated in a security orientation program regarding the salient features of the security requirements and procedures for the handling and safeguarding of such information.

CATEGORIES OF RECORDS IN THE SYSTEM:

The following records are maintained by the Director of Security: (1) Report of Authorized Downgrading and Declassification Officials, (2) Report of Authorized Classifiers, (3) Report of Authorized Derivative Classifiers, (4) Designation of Controlling/Decontrolling Officials, and (5) Record of Security Violation. The Assistant Director, Security, Safety and Parking maintains the following records: The Security Orientation Acknowledgment.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Executive Order No. 12958, dated April 17, 1995, and Office of Security Manual, TDP 71–10.

PURPOSE(S):

The system is designed to (1) oversee compliance with Executive Order No. 12958 and Departmental programming and implementation, (2) ensure proper classification of national security information, (3) record details of valid security violations and (4) assist in determining the effectiveness of information security programs affecting classified and limited official use information.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

These records and information in these records may be used to disclose information to appropriate Federal agencies and for enforcing or implementing a statute, rule, regulation or order.

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

STORAGE:

Hard Copy paper files.

RETRIEVABILITY:

Manually filed and indexed by office or bureau, date, name of official and position title, where appropriate.

SAFEGUARDS:

Secured in security equipment to which access is limited to personnel with the need to know.

RETENTION AND DISPOSAL:

With the exception of the Record of Security Violation, which is maintained for a period of two years, and the Security Orientation Acknowledgment, the remaining records are destroyed and/or updated on an annual basis. Destruction is effected by shredding or other comparable means.

SYSTEM MANAGER(S) AND ADDRESS:

Director of Security, 3210 Treasury Annex, 1500 Pennsylvania Avenue NW, Washington, DC 20220, and Assistant Director, Security, Safety and Parking, Administrative Operations Division, Room 1212 MT, 1500 Pennsylvania Avenue., NW, Washington, DC 20220

NOTIFICATION PROCEDURE:

Individuals wishing to be notified if they are named in this system of records, or to gain access to records maintained in this system, must submit a written request containing the following elements: (1) Identify the record system; (2) identify the category and types of records sought; and (3) provide at least two items of secondary identification (date of birth, employee identification number, dates of employment or similar information) to the Assistant Director, Disclosure Services. (See ''Record access procedures'' below).

RECORD ACCESS PROCEDURES:

Assistant Director, Disclosure Services, Department of the Treasury, Room 1054 MT, 1500 Pennsylvania Ave., NW, Washington, DC 20220.

CONTESTING RECORD PROCEDURES:

See ''Record access procedures'' above.

RECORD SOURCE CATEGORIES:

The sources of the information are office and bureau employees of the Department of the Treasury. The information concerning any security violation is reported by Department of the Treasury security officials and Department of State security officials as concerns Treasury personnel attached to U.S. diplomatic posts or missions.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

TREASURY/DO .200

SYSTEM NAME:

FinCEN Data Base—Treasury/DO.

SYSTEM LOCATION:

The Financial Crimes Enforcement Network, 2070 Chain Bridge Road, Vienna, VA 22182.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

(1) Individuals who relate in any manner to official FinCEN efforts in support of the enforcement of the Bank Secrecy Act and money-laundering and other financial crimes. Such individuals may include, but are not limited to, subjects of investigations and prosecutions; suspects in investigations; victims of such crimes; witnesses in such investigations and prosecutions; and close relatives and associates of any of these individuals who may be relevant to an investigation; (2) Current and former FinCEN personnel whom FinCEN considers relevant to an investigation or inquiry; (3) individuals who are the subject of unsolicited information possibly relevant to violations of law or regulations, who offer unsolicited information relating to such violations, who request assistance from FinCEN, and who make inquiries of FinCEN.

CATEGORIES OF RECORDS IN THE SYSTEM:

Every possible type of information that contributes to effective law enforcement may be maintained in this system of records, including, but not limited to, subject files on individuals, corporations, and other legal entities; information provided pursuant to the Bank Secrecy Act; information gathered pursuant to search warrants; statements of witnesses; information relating to past queries of the FinCEN Data Base; criminal referral information; complaint information; identifying information regarding witnesses, relatives, and associates; investigative reports; and intelligence reports.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, 31 U.S.C. 5311 *et seq.*; 31 CFR part 103; Treasury Department Order No. 105–08 (April 25, 1990).

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

Records in this system may be used to: (1) Provide responses to queries from Federal, State, territorial, and local law enforcement and regulatory agencies, both foreign and domestic, regarding Bank Secrecy Act and other financial crime enforcement; (2) furnish information to other Federal, State, local, territorial, and foreign law enforcement and regulatory agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing a statute, rule, regulation, order, or license, where FinCEN becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation; (3) furnish information to the Department of Defense, to support its role in the detection and monitoring of aerial and maritime transit of illegal drugs into the United States and any other role in support of law enforcement that the law may mandate; (4) respond to queries from INTERPOL in accordance with agreed coordination procedures between FinCEN and INTERPOL; (5) furnish information to individuals and organizations, in the course of enforcement efforts, to the extent necessary to elicit information pertinent to financial law enforcement; (6) furnish information to a court, magistrate or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation or settlement negotiations, in response to a subpoena, or in connection with civil or criminal law proceedings; (7) furnish information to the news media in accordance with the guidelines contained in 28 CFR 50.2, which relate to civil and criminal proceedings; and (8) furnish information to the Department of State and the Intelligence community to further those agencies' efforts with respect to national security and the foreign aspects of international narcotics trafficking.

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

STORAGE:

Magnetic media and hard copy.

RETRIEVABILITY:

By name, address, or unique identifying number.

SAFEGUARDS:

All FinCEN personnel accessing the system will have successfully passed a background investigation. FinCEN will furnish information from the system of records to approved personnel only on a ''need to know'' basis using passwords and access control. Procedural and physical safeguards to be utilized include the logging of all queries and periodic review of such query logs; compartmentalization of information to restrict access to authorized personnel; physical protection of sensitive hard copy information; encryption of electronic communications; intruder alarms; and 24-hour building guards.

RETENTION AND DISPOSAL:

FinCEN personnel will review records each time a record is retrieved and on

a periodic basis to see whether it should be retained or modified. FinCEN will dispose of all records after six years and will never retain any record for more than seven years. Records will be disposed of by erasure of magnetic media and by shredding and/or burning of hard copy documents.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Financial Crimes Enforcement Network, 2070 Chain Bridge Road, Vienna, VA 22182.

NOTIFICATION PROCEDURE:

Pursuant to 5 U.S.C. 552a(j)(2), (k)(1), and (k)(2), this system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual.

RECORD ACCESS PROCEDURES:

See ''Notification procedure'' above.

CONTESTING RECORD PROCEDURES:

See ''Notification procedure'' above.

RECORD SOURCE CATEGORIES:

See ''Categories of individuals covered by the system'' above. The system contains material for which sources need not be reported.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

This system is exempt from 5 U.S.C. 552a(c)(3), (c)(4), (d)(1), (d)(2), (d)(3), (e)(1), (e)(2), (e)(3), (e)(4)(G), (H), and (I), (e)(5), (e)(8), (f), and (g) of the Privacy Act pursuant to 5 U.S.C. 552a(j)(2), (k)(1) and (k)(2).

TREASURY/DO .201

SYSTEM NAME:

Fitness Center Records—Treasury/DO.

SYSTEM LOCATION:

Department of the Treasury, 1500 Pennsylvania Avenue, NW, Washington, DC 22020.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Treasury Department employees who have applied for membership and participate in the Treasury fitness program.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, job title, addresses, date of birth, age, sex; name, address, and telephone number of personal physician; name, and address and telephone number of emergency contact; health and exercise history; physician's clearance; informed consent form, waiver and release form, program interest survey form; fitness assessment results; and results of health tests taken by the Fitness Center members.

AUTHORITY FOR THE MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301.

PURPOSE(S):

The records are collected and maintained to provide the Fitness Center contractor with written documentation of user's membership status. The records enable the contractor to identify the current fitness level and potential health risks faced by each user. The collection of these records provides essential baseline information allowing the contractor to prescribe the appropriate exercise program to each user.

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

No disclosures will be made outside the Departmental Offices.

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

STORAGE:

Paper records and magnetic media.

RETRIEVABILITY:

By name and membership number.

SAFEGUARDS:

Records are stored in locked cabinets in a locked room. Access is limited to authorized employees of the contractor responsible for servicing the records in the performance of their duties.

RETENTION AND DISPOSAL:

Active records are retained indefinitely. Inactive records are held for three years, then are destroyed by shredding.

SYSTEM MANAGER AND ADDRESS:

Director, Administrative Operations, Department of the Treasury, Room 1212–MT, 1500 Pennsylvania Ave., NW, Washington, DC 20220. Name of the contractor will be provided by the system manager upon request.

NOTIFICATION PROCEDURE:

Individuals seeking access to any record contained in the system of records, or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR part 1, subpart C, appendix A. Inquiries should be addressed to Assistant Director, Disclosure Services, Departmental Offices, Room 1054–MT, 1500 Pennsylvania Avenue, NW, Washington, DC 20220.

RECORD ACCESS PROCEDURES:

Inquiries should be addressed to the Assistant Director, Disclosure Services, Departmental Offices, Room 1054–MT, 1500 Pennsylvania Avenue, NW, Washington, DC 20220.

CONTESTING RECORD PROCEDURES:

See ''Notification procedures'' above.

RECORD SOURCE CATEGORIES:

The source of the data is the Treasury Department employee who has applied for membership, contractor personnel and the employee's personal physician.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

TREASURY/DO .202

SYSTEM NAME:

Drug-Free Workplace Program Records—Treasury/DO.

SYSTEM LOCATION:

Records are located within Personnel Resources, Workforce Effectiveness, Room 1450–MT, Department of the Treasury, Departmental Offices, 1500 Pennsylvania Ave., NW, Washington, DC 20220.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees of Departmental Offices.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records related to selection, notification, testing of employees, drug test results, and related documentation concerning the administration of the Drug-Free Workplace Program within Departmental Offices.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Pub. L. 100–71; 5 U.S.C. 7301 and 7361; 21 U.S.C. 812; Executive Order 12564, ''Drug-Free Federal Workplace''.

PURPOSE(S):

The system will be established to maintain records relating to the selection, notification, and testing of Departmental Offices' employees for use of illegal drugs and drugs identified in Schedules I and II of 21 U.S.C. 812.

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

These records and information in these records may be disclosed to a court of competent jurisdiction where required by the United States Government to defend against any challenge against any adverse personnel action.

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

STORAGE:

Records consist of paper records maintained in file folders and magnetic media.

RETRIEVABILITY:

Records are retrieved by name of employee, position, title, social security number, I.D. number (if assigned), or any combination of these.

SAFEGUARDS:

Records will be stored in secure containers, e.g., safes, locked filing cabinets, etc. Access to such records is restricted to individuals having direct responsibility for the administration of the agency's Drug-Free Workplace Program. Procedural and documentary requirements of Pub. L. 100–71 and the Department of Health and Human Services Guidelines will be followed.

RETENTION AND DISPOSAL:

Records are retained for two years and then destroyed by shredding, burning, or, in case of magnetic media, erasure. Written records and test results may be retained up to five years or longer when necessary due to challenges or appeals of adverse action by the employee.

SYSTEM MANAGER AND ADDRESS:

Departmental Offices, Office of Personnel Resources, Department of the Treasury, 1500 Pennsylvania Ave., Room 1450–MT, Washington, DC 20220.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information about themselves should address written inquiries to the attention of the Assistant Director, Disclosure Services, Departmental Offices, 1500 Pennsylvania Ave., Room 1054–MT, Washington, DC 20220. Individuals must furnish their full name, Social Security Number, the title, series, and grade of the position they occupied, the month and year of any drug test(s) taken, and verification of identity as required by 31 CFR part 1, subpart C, appendix A.

RECORD ACCESS PROCEDURES:

Individuals seeking to determine whether this system of records contains information about themselves should address written inquiries to the attention of the Assistant Director, Disclosure Services, Departmental Offices, 1500 Pennsylvania Ave., Room 1054–MT, Washington, DC 20220. Individuals must furnish their full name, Social Security Number, the title, series, and grade of the position they occupied, the month and year of any drug test(s) taken, and verification of identity as required by 31 CFR part 1, subpart C, appendix A.

CONTESTING RECORD PROCEDURES:

The Department of the Treasury rules for accessing records, for contesting contents, and appealing initial determinations by the individual concerned are published in 31 CFR part 1, subpart A, appendix A.

RECORD SOURCE CATEGORIES:

Records are obtained from the individual to whom the record pertains; Departmental Offices employees involved in the selection and notification of individuals to be tested; contractor laboratories that test urine samples for the presence of illegal drugs; Medical Review Officers; supervisors and managers and other Departmental Offices official engaged in administering the Drug-Free Workplace Program; the Employee Assistance Program, and processing adverse actions based on drug test results.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

TREASURY/DO .203

SYSTEM NAME:

Public Transportation Incentive Program Records—Treasury/DO.

SYSTEM LOCATION:

(1) Departmental Offices, Department of the Treasury, 1500 Pennsylvania Avenue, NW, Washington, DC 20220.

(2) Bureau of Engraving and Printing, 14th and C Streets, SW, Washington, DC 20228.

(3) United States Mint, Judiciary Square Building, 633 Third Street, NW, Washington, DC 20220; United States Mint, 151 North Independence Mall East, Philadelphia, PA 19106; United States Mint, 320 West Colfax Avenue, Denver, CO 80204; United States Mint, 901 Market Street, Suite 470, San Francisco, CA 94103.

(4) Bureau of the Public Debt, 13th and C Streets, SW., and 999 E Street NW., Washington, DC 20239; 200 Third Street, Parkersburg, WV 26106.

(5) Office of Inspector General, Office of Assistant Inspector for Resources, Office of Administrative Services, Suite 510, 740 15th, NW., Washington, DC 20220; Office of Inspector General, Field Office Manager (Audit), #6 World Trade Center, Room 745, New York, NY 10048; Office of Inspector General, Assistant Inspector General for Investigations, Chicago Field Office, Suite 520, 55 West Monroe Street, Chicago, IL 60603; Office of Inspector General, Regional Inspector General for Audit, Eastern Regional Office, Room 330, 408 Atlantic Avenue, Boston, MA 02110; Office of Inspector General, Regional Inspector General for Audit, Central Region, Suite 510, 55 West Monroe Street, Chicago, IL 60603; Office of Inspector General, Regional Inspector General for Audit, Western Region, Room 275, 333 Market Street, San Francisco, CA 94105.

(6) Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Ave., NW, Washington, DC 20226.

(7) Financial Management Service, 3700 East West Hwy., Hyattsville, MD 20782.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees who have applied to participate in the Public Transportation Incentive Program.

CATEGORIES OF RECORDS IN THE SYSTEM:

(1) Public Transportation Incentive Program application form containing the participant's name, social security number, place of residence, office address, office telephone, grade level, duty hours, previous method of transportation, and the type of fare incentive requested. (2) Reports submitted to the Department of the Treasury in accordance with Treasury Directive 74–10.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301 and Pub. L. 101–509.

PURPOSE(S):

The records are collected and maintained to provide written documentation pertaining to applicants and participants in the Public Transportation Incentive Program.

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

These records and information in these records may be used to disclose information to: (1) Appropriate Federal, state, local, or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order or license; (2) a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a court-ordered subpoena, or in connection with criminal law proceedings; (3) a congressional office in response to an inquiry made at the request of the individual to whom the

record pertains; (4) unions recognized as exclusive bargaining representatives under the Civil Service Reform Act of 1978, 5 U.S.C. 7111 and 7114; (5) agencies, contractors, and others to administer Federal personnel and payroll systems, and for debt collection and employment or security investigations; and (6) other Federal agencies for matching to ensure that employees receiving PTI Program benefits are not listed as a carpool or vanpool participant or the holder of a parking permit.

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

STORAGE:

Paper records, file folders and magnetic media.

RETRIEVABILITY:

Alphabetically by individual and by office.

SAFEGUARDS:

Access is limited to authorized employees. Files are maintained in locked safes and/or file cabinets. Records on magnetic media are password-protected. During non-work hours, records are stored in locked safes and/or cabinets in a locked room.

RETENTION AND DISPOSAL:

Active records are retained indefinitely. Inactive records are held for three years and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

(1) Departmental Offices: Director, Administrative Operations Division, Department of the Treasury, Room 1212 MT, 1500 Pennsylvania Avenue, NW, Washington, DC 20220.

(2) Bureau of Engraving and Printing: Chief, Office of Management Services, Bureau of Engraving and Printing, 14th and C Streets, SW, Washington, DC 20228.

(3) United States Mint: Executive Secretariat, United States Mint, Judiciary Square Building, 633 Third Street, NW, Washington, DC 20220; Property Management Officer, Management Analysis and Property Management Staff, United States Mint, 151 North Independence Mall East, Philadelphia, PA 19106; Chief, Administrative Services Division, United States Mint, 320 West Colfax Avenue, Denver, CO 80204; Human Resources Division and Budget and Accounting Division, United States Mint, 901 Market Street, Suite 470, San Francisco, CA 94103.

(4) Bureau of the Public Debt: Assistant Commissioner, Office of Administration, 200 Third Street, Parkersburg, WV 26106.

(5) Office of Inspector General: Office of Assistant Inspector for Resources, Office of Administrative Services, Suite 510, 740 15th St. NW., Washington, DC 20220.

(6) Bureau of Alcohol, Tobacco and Firearms: Chief, Protection Program, 650 Massachusetts Ave., NW, Washington, DC 20226.

(7) Financial Management Service: Director, Facilities Management Division, Financial Management Service, 3700 East West Hwy., Room 144, Hyattsville, MD 20782.

NOTIFICATION PROCEDURE:

Individuals seeking access to any record contained in the system of records, or seeking to contest its content, may inquire in accordance with instructions given in the Appendix for each Treasury component appearing at 31 CFR part 1, subpart C. Inquiries should be sent to the agency official identified below:

(1) Departmental Offices: Inquiries should be addressed to Assistant Director, Disclosure Services, Departmental Offices, Room 1054 MT, 1500 Pennsylvania Avenue, NW, Washington, DC 20220.

(2) Bureau of Engraving and Printing: Inquiries should be addressed to Disclosure Officer, Bureau of Engraving and Printing, 14th and C Streets, SW, Washington, DC 20228.

(3) United States Mint: Inquiries should be addressed to Executive Secretariat, United States Mint, Judiciary Square Building, 633 Third Street, NW, Washington, DC 20220; Property Management Officer, Management Analysis and Property Management Staff, United States Mint, 5th and Arch Streets, Philadelphia, PA 19106; Chief, Administrative Services Division, United States Mint, 320 West Colfax Avenue, Denver, CO 80204; Human Resources Division and Budget and Accounting Division, United States Mint, Old Mint Building, 88 Fifth Street, San Francisco, CA 94103.

(4) Bureau of the Public Debt: Assistant Commissioner, Office of Administration, 200 Third Street, Parkersburg, WV 26106.

(5) Office of Inspector General: Inquiries should be addressed to: Assistant Director, Disclosure Services, Departmental Offices, Room 1054 MT, 1500 Pennsylvania Avenue, NW., Washington, DC 20220.

(6) Bureau of Alcohol, Tobacco and Firearms: Privacy Act Request, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue, NW, Washington, DC 20226.

(7) Financial Management Service: Inquiries should be addressed to Disclosure Officer, Financial Management Service, 401 14th St. SW., Washington, DC 20227.

RECORD ACCESS PROCEDURES:

See ''Notification procedure'' above.

CONTESTING RECORD PROCEDURES:

See ''Notification procedure'' above.

RECORD SOURCE CATEGORIES:

The source of the data are employees who have applied for the transportation incentive, the system managers, and appropriate agency officials.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

TREASURY/DO .206

SYSTEM NAME:

Office Tracking System (OTS)—Treasury/DO.

SYSTEM LOCATION:

Office of Administration, Automated Systems Division, 15th and Pennsylvania Avenue, NW, Washington, DC 20220.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Departmental offices employees granted access to the OTS and individuals who correspond with the Departmental Offices.

CATEGORIES OF RECORDS IN THE SYSTEM:

Each piece of correspondence will have a record generated in OTS containing the name of the addresser, addressee, initials of the approving individual and the name of the individual assigned to respond or take action. This correspondence consists of letters to or from the public, Congress or other agencies, and internal memoranda.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301.

PURPOSE(S):

The primary purpose of the system is to provide a facility to track the status of incoming and internally generated correspondence within an office. It provides management information related to action(s) required and the responsible individual.

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

Disclosures are not made outside Departmental Offices.

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

STORAGE:

Magnetic media.

RETRIEVABILITY:

The records may be retrieved by name of writer, name of addresses, or subject of document.

SAFEGUARDS:

Access is limited by a computer sign-on procedure which includes access identification and a password protection as well as individual file protection features.

RETENTION AND DISPOSAL:

The records are retained at the discretion of the OTS user who may electronically delete or file the records. All records are saved to a backup magnetic media at least once a month. These media are retained for two years.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Automated Systems Development Branch, Automated Systems Division, Room SC–1, 15th and Pennsylvania Avenue, NW, Washington, DC 20220.

NOTIFICATION PROCEDURE:

Individuals seeking access to any record contained in the system of records, or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR part 1, subpart C, appendix A. Inquiries should be addressed to Assistant Director, Disclosure Services, Departmental Offices, 15th and Pennsylvania Avenue, NW, Washington, DC 20220.

RECORD ACCESS PROCEDURES:

Inquiries should be addressed to the Assistant Director, Disclosure Services, Departmental Offices, 15th and Pennsylvania Avenue, NW, Washington, DC 20220.

CONTESTING RECORD PROCEDURES:

See ''Notification procedure'' above.

RECORD SOURCE CATEGORIES:

The source of data in OTS is letters or memoranda from Treasury officials, other agencies, members of Congress, the public or the press.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

TREASURY/DO .207

SYSTEM NAME:

Waco Administrative Review Group Investigation—Treasury/DO.

SYSTEM LOCATION:

Department of the Treasury, Office of Enforcement, 1500 Pennsylvania Ave., NW Washington, DC 20220.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

(A) Current and former employees of the Department of the Treasury and its bureaus and persons whose associations with current and former employees relate to the Bureau of Alcohol, Tobacco & Firearms execution of search and arrest warrants at the Branch Davidian compound, near Waco, Texas on February 28, 1993, or any other criminal or civil misconduct, which affects the integrity or facilities of the Department of the Treasury. The names of individuals and the files in their names may be: (1) Received by referral; or (2) developed in the course of the investigation. (B) Individuals who are: Witnesses; complainants; confidential or non-confidential informants; suspects; defendants who have been identified by the Office of Enforcement, constituent units of the Department of the Treasury, other agencies, or members of the general public in connection with the authorized functions of the Office of Enforcement. (C) Members of the general public who provide information pertinent to the investigation.

CATEGORIES OF RECORDS IN THE SYSTEM:

(A) Letters, memoranda, and other documents citing complaints of alleged criminal misconduct pertinent to the events leading to the Bureau of Alcohol, Tobacco & Firearms execution of search and arrest warrants at the Branch Davidian compound, near Waco, Texas, on February 28, 1993. (B) Investigative files which include: (1) Reports of investigations to resolve allegations of misconduct or violations of law and to comply with the President's specific directive for a fact finding report on the events leading to the Bureau of Alcohol, Tobacco & Firearms execution of search and arrest warrants at the Branch Davidian compound, near Waco, Texas, on February 28, 1993, with related exhibits, statements, affidavits, records or other pertinent documents obtained during investigation; (2) transcripts and documentation concerning requests and approval for consensual telephone and consensual nontelephone monitoring; (3) reports from or to other law enforcement bodies; (4) prior criminal or noncriminal records of individuals as they relate to the investigations; and (5) reports of actions taken by management personnel regarding misconduct and reports of legal actions resulting from violations of statutes referred to the Department of Justice for prosecution; (6) videotapes of events pertinent to the events leading to the Bureau of Alcohol, Tobacco & Firearms execution of search and arrest warrants at the Branch Davidian compound, near Waco, Texas, on February 28, 1993, or to the Department of Justice criminal prosecutions; (7) audiotapes with transcripts of events pertinent to the events leading to the Bureau of Alcohol, Tobacco & Firearms execution of search and arrest warrants at the Branch Davidian compound, near Waco, Texas, on February 28, 1993, or to the Department of Justice criminal prosecutions; (8) photographs and blueprints pertinent to the events leading to the Bureau of Alcohol, Tobacco & Firearms execution of search and arrest warrants at the Branch Davidian compound, near Waco, Texas, on February 28, 1993, or to the Department of Justice criminal prosecutions; and (9) drawings, sketches, models portraying events pertinent to the events leading to the Bureau of Alcohol, Tobacco & Firearms execution of search and arrest warrants at the Branch Davidian compound, near Waco, Texas, on February 28, 1993, or to the Department of Justice criminal prosecutions.

PURPOSE(S):

The purpose of the system of records is to implement a data base containing records of investigation conducted by the Waco Administrative Review Group, and other relevant information with regard to the events leading to the Bureau of Alcohol, Tobacco & Firearms execution of search and arrest warrants at the Branch Davidian compound, near Waco, Texas, on February 28, 1993, and, where appropriate, to disclose to other law enforcement agencies which have an interest in the information.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 31 U.S.C. 321.

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

These records and information in these records may be used to: (1) Disclose information to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation; (2) disclose pertinent information to appropriate Federal, State, local, or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing a statute, rule, regulation, order, or license, or where the disclosing agency becomes aware of an indication of a violation or

potential violation of civil or criminal law or regulation; (3) disclose information to a Federal, State, or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's hiring or retention of an employee, or the issuance of a security clearance, license, contract, grant, or other benefit; (4) disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations in response to a subpoena, where relevant and necessary, or in connection with criminal law proceedings; (5) provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation; and (6) provide a report to the President and the Secretary of the Treasury detailing the investigation and findings concerning the events leading to the Bureau of Alcohol, Tobacco & Firearms' execution of search and arrest warrants at the Branch Davidian compound, near Waco, Texas, on February 28, 1993.

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

STORAGE:

Paper records in binders and file jackets and all multi-source media information are maintained in locked offices with access, through the administrative documents and records control personnel for the Waco Administrative Review Group, available to personnel with a need to know. Records will be maintained in locked offices during non-business hours. Records will be maintained in the Departmental Offices, in the main Treasury building which is subject to 24-hour security.

RETRIEVABILITY:

Alphabetically by name, and or by number, or other alpha-numeric identifiers.

SAFEGUARDS:

Records and word processing disks are maintained by administrative documents and records control personnel of the Waco Administrative Review Group. All access doors are locked when office is vacant. The records are available on a need-to-know basis to the Waco Administrative Review Group and Office of Enforcement personnel and other Federal and state law enforcement personnel who have an appropriate security clearance.

RETENTION AND DISPOSAL:

Investigative files are stored on-site for six years and indices to those files are stored on-site for ten years. The word processing disks will be retained indefinitely, and to the extent required they will be updated periodically to reflect changes and will be purged when the information is no longer required. Upon expiration of their respective retention periods, the investigative files and their indices are transferred to the Federal Records Center, Suitland, Maryland, for storage and in most instances destroyed by burning, maceration or pulping when 20 years old.

SYSTEM MANAGER(S) AND ADDRESS:

Office of Enforcement, Room 4312–MT, 1500 Pennsylvania Ave., NW., Washington, DC 20220.

NOTIFICATION PROCEDURE:

Pursuant to 5 U.S.C. 552a(j)(2) and (k)(2), this system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual.

RECORD ACCESS PROCEDURES:

See ''Notification Procedure'' above.

CONTESTING RECORD PROCEDURES:

See ''Notification Procedure'' above.

RECORD SOURCE CATEGORIES:

See ''Categories of Individuals'' above. This system contains investigatory material for which sources need not be reported.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

TREASURY/DO .209

SYSTEM NAME:

Personal Services Contracts (PCSs)—Treasury/DO.

SYSTEM LOCATION:

(1) Office of Technical Assistance, Department of the Treasury, 1730 K Street, NW., Suite 204, Washington, DC 20006. (2) Procurement Services Division, Departmental Offices, Department of the Treasury, 1310 G St., NW., Suite 400 East, Washington, DC 20005.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have been candidates or who have been awarded a personal services contract (PSC) with the Department of the Treasury.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, address, telephone number, demographic data, education, contracts, supervisory notes, personnel related information, financial, payroll and medical data and documents pertaining to the individual contractors.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Support for Eastern European Democracy (SEED) Act of 1989 (Pub. L. 101–179), Freedom Support Act (Pub. L. 102–511), Executive Order 12703.

PURPOSE(S):

To maintain records pertaining to the awarding of personal services contracts to individuals for the provision of technical services in support of the SEED Act and the FSA, and which establish an employer/employee relationship with the individual.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records and information in these records may be used to disclose: (1) Pertinent information to appropriate Federal, State, local, or foreign agencies, or other public authority, responsible for investigating or prosecuting the violations of, or for enforcing or implementing a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation; (2) information to the Department of Justice for the purpose of litigating an action or seeking legal advice; (3) information to a Federal, State, local, or other public authority maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's, bureau's, or authority's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit; (4) information in a proceeding before a court, adjudicative body, or other administrative body before which the agency is authorized to appear when: (a) The agency, or (b) any employee of the agency in his or her official capacity, or (c) any employee of the agency in his or her individual capacity where the Department of Justice or the agency has agreed to represent the employee; or (d) the United States, when the agency determines that litigation is likely to affect the agency, is party to litigation or has an interest in such litigation, and the use of such records by the agency is deemed to be relevant and necessary to the litigation or administrative proceeding and not otherwise privileged, and (5) information to a

Congressional office in response to an inquiry made at the request of the individual to whom the record pertains.

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

STORAGE:

Maintained in file folders and on electronic media.

RETRIEVABILITY:

Retrieved by name of the individual contractor and contract number.

SAFEGUARDS:

Records are maintained in a secured vault with locked file cabinets with access limited to authorized personnel. Offices are locked during non-working hours with security provided on a 24-hour basis. Electronic media is password protected.

RETENTION AND DISPOSAL:

Records are periodically updated when a contract is modified. Contract records, including all biographical or other personal data, are retained for the contract period, with disposal after contract completion in accordance with the Federal Acquisition Regulation 4.805. Other records are retained for two years then are destroyed when no longer needed.

SYSTEM MANAGER(S) AND ADDRESS:

(1) Director, Office of Technical Assistance, Department of the Treasury, 1730 K Street, NW., Suite 204, Washington, DC 20006.

(2) Director, Procurement Services Division, Departmental Offices, Department of the Treasury, 1310 G St., NW., Suite 400 East, Washington, DC 20005.

NOTIFICATION PROCEDURE:

Individuals wishing to be notified if they are named in this system of records, or to gain access or seek to contest its contents, may inquire in accordance with instructions appearing at 31 CFR part 1, subpart C, appendix A. Inquiries should be addressed to Assistant Director, Disclosure Services, Departmental Offices, Room 1054–MT, 1500 Pennsylvania Avenue, NW., Washington, DC 20220.

RECORD ACCESS PROCEDURES:

See ''Notification procedure'' above.

CONTESTING RECORD PROCEDURES:

See ''Notification procedures'' above.

RECORD SOURCE CATEGORIES:

Information is provided by the candidate, individual Personal Services Contractor, and Treasury employees.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

TREASURY/DO .210

SYSTEM NAME:

Treasury Integrated Financial Management and Revenue System—Treasury/DO.

SYSTEM LOCATION:

Department of the Treasury, 1500 Pennsylvania Avenue, NW., Washington, DC 20220. Other locations at which the system is maintained by Treasury components and their associated field offices are:

(a)(1) Departmental Offices (DO),

(2) Financial Crimes Enforcement Network (FinCEN),

(3) Office of Inspector General (OIG);

(b) Bureau of Alcohol, Tobacco and Firearms (ATF);

(c) Office of the Comptroller of the Currency (CC);

(d) United States Customs Service (CS);

(e) Bureau of Engraving and Printing (BEP);

(f) Federal Law Enforcement Training Center (FLETC);

(g) Financial Management Service (FMS);

(h) Internal Revenue Service (IRS);

(I) United States Mint (MINT);

(j) Bureau of the Public Debt (BPD);

(k) United States Secret Service (USSS);

(l) Office of Thrift Supervision (OTS).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

(1) Current and former Treasury employees, non-Treasury personnel on detail to the Department, current and former vendors, all debtors including employees or former employees; (2) persons paying for goods or services, returning overpayment or otherwise delivering cash; (3) individuals, private institutions and business entities who are currently doing business with, or who have previously conducted business with the Department of the Treasury to provide various goods and services; (4) individuals who are now or were previously involved in tort claims with Treasury; (5) individuals who are now or have previously been involved in payments (accounts receivable/revenue) with Treasury; and (6) individuals who have been recipients of awards. Only records reflecting personal information are subject to the Privacy Act. The system also contains records concerning corporations, other business entities, and organizations whose records are not subject to the Privacy Act.

CATEGORIES OF RECORDS IN THE SYSTEM:

The financial systems used by the Treasury components to collect, maintain and disseminate information include the following types of records: Routine billing, payment, property accountability, and travel information used in accounting and financial processing; administrative claims by employees for lost or damaged property; administrative accounting documents, such as relocation documents, purchase orders, vendor invoices, checks, reimbursement documents, transaction amounts, goods and services descriptions, returned overpayments, or otherwise delivering cash, reasons for payment and debt, travel-related documents, training records, uniform allowances, payroll information, student intern documents, etc., which reflect amount owed by or to an individual for payments to or receipt from business firms, private citizens and or institutions. Typically, these documents include the individual's name, social security number, address, and taxpayer identification number. Records in the system also include employment data, payroll data, position and pay data.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

31 U.S.C. 3512, 31 U.S.C. 3711, 31 U.S.C. 3721, 5 U.S.C. 5701 *et seq.*, 5 U.S.C. 4111(b), Pub. L. 97–365, 26 U.S.C. 6103(m)(2), 5 U.S.C. 5514, 31 U.S.C. 3716, 31 U.S.C. 321, 5 U.S.C. 301, 5 U.S.C. 4101 *et seq.*, 41 CFR parts 301–304, EO 11348, and Treasury Order 140–01.

PURPOSE(S):

The Treasury Integrated Financial Management and Revenue System is to account for and control appropriated resources; maintain accounting and financial information associated with the normal operations of government organizations such as billing and follow-up, for paying creditors, to account for goods and services provided and received, to account for monies paid and received, process travel authorizations and claims, process training claims, and process employee claims for lost or damaged property. The records management and statistical analysis subsystems provide a data source for the production of reports, statistical surveys, documentation and studies required for integrated internal management reporting of costs associated with the Department's operation.

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

These records and information in these records may be used to disclose

information: (1) To appropriate Federal, State, local, or foreign agencies, or other public authority responsible for investigating or prosecuting the violations of or for enforcing or implementing a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation; (2) To the Department of Justice when seeking legal advice, or when (a) the agency or (b) any component thereof, or (c) any employee of the agency in his or her official capacity, or (d) any employee of the agency in his or her individual capacity where the Department of Justice has agreed to represent the employee, or (e) the United States, where the agency determines that litigation is likely to affect the agency or any of its components, is a party to litigation or has an interest in such litigation, and the use of such records by the Department of Justice is deemed by the agency to be relevant and necessary to the litigation and the use of such records by the Department of Justice is therefore deemed by the agency to be for a purpose that is compatible with the purpose for which the agency collected the records; (3) To a Federal, State, local, or other public authority maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's, bureau's, or authority's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit; (4) In a proceeding before a court, adjudicative body, or other administrative body before which the agency is authorized to appear when: (a) The agency, or (b) or any component thereof, or (c) any employee of the agency in his or her official capacity, or (d) any employee of the agency in his or her individual capacity where the Department of Justice or the agency has agreed to represent the employee; or (e) the United States, when the agency determines that litigation is likely to affect the agency, is a party to litigation or has an interest in such litigation, and the use of such records by the agency is deemed to be relevant and necessary to the litigation or administrative proceeding and not otherwise privileged; (5) To a Congressional office in response to an inquiry made at the request of the individual to whom the record pertains; (6) To the news media in accordance with guidelines contained in 28 CFR 50.2 which pertain to an agency's functions relating to civil and criminal proceedings; (7) To third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation; (8) To a public or professional licensing organization when such information indicates, either by itself or in combination with other information, a violation or potential violation of professional standards, or reflects on the moral, educational, or professional qualifications of an individual who is licensed or who is seeking to become licensed; (9) To a contractor for the purpose of compiling, organizing, analyzing, programming, processing, or otherwise refining records subject to the same limitations applicable to U.S. Department of the Treasury officers and employees under the Privacy Act; (10) To a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations or in connection with criminal law proceedings or in response to a subpoena; (11) Through a computer matching program, information on individuals owing debts to the Department of the Treasury, or any of its components, to other Federal agencies for the purpose of determining whether the debtor is a Federal employee or retiree receiving payments which may be used to collect the debt through administrative or salary offset; (12) To other federal agencies to effect salary or administrative offset for the purpose of collecting debts, except that addresses obtained from the IRS shall not be disclosed to other agencies; (13) To disclose information to a consumer reporting agency, including mailing addresses obtained from the Internal Revenue Service, to obtain credit reports; (14) To a debt collection agency, including mailing addresses obtained from the Internal Revenue Service, for debt collection services; (15) To unions recognized as exclusive bargaining representatives under the Civil Service Reform Act of 1978, 5 U.S.C. 7111 and 7114, the Merit Systems Protection Board, arbitrators, the Federal Labor Relations Authority, and other parties responsible for the administration of the Federal labor-management program for the purpose of processing any corrective actions, or grievances, or conducting administrative hearings or appeals, or if needed in the performance of other authorized duties; (16) To a public or professional auditing organization for the purpose of conducting financial audit and/or compliance audits; (17) To a student participating in a Treasury student volunteer program, where such disclosure is necessary to support program functions of Treasury, and (18) To insurance companies or other appropriate third parties, including common carriers and warehousemen, in the course of settling an employee's claim for lost or damaged property filed with the Department.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosures made pursuant to 5 U.S.C. 552a(b)(12): Debt information concerning a government claim against an individual may be furnished in accordance with 5 U.S.C. 552a(b)(12) and section 3 of the Debt Collection Act of 1982 (Pub. L. 97–365) to consumer reporting agencies to encourage repayment of an overdue debt.

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

STORAGE:

Paper, microform and electronic media.

RETRIEVABILITY:

Name, social security number, vendor ID number, and document number (travel form, training form, purchase order, check, invoice, etc.).

SAFEGUARDS:

Protection and control of sensitive but unclassified (SBU) records in this system is in accordance with TD P 71–10, Department of the Treasury Security Manual, and any supplemental guidance issued by individual components.

RETENTION AND DISPOSAL:

Record maintenance and disposal is in accordance with National Archives and Records Administration retention schedules, and any supplemental guidance issued by individual components.

SYSTEM MANAGER(S) AND ADDRESS:

Departmental Offices: Director, Financial Management Division 1500 Pennsylvania Avenue, NW., Room 4101-Annex, Washington, DC 20220.

Chief Financial Officer, FinCEN, 2070 Chain Bridge Road, Vienna, VA 22182.

Assistant Inspector General for Resources, Suite 510, 740 15th St. NW., Washington, DC 20220.

ATF: Chief, Financial Management Division, Bureau of Alcohol, Tobacco & Firearms, 650 Massachusetts Avenue, NW., Room 4270 Washington, DC 20226.

IRS: Chief Financial Officer, Internal Revenue Service, 1111 Constitution

Avenue, NW., Room 3013, Washington, DC 20224.

BPD: Director, Division of Financial Management, Bureau of Public Debt, 200 Third Street, PO Box 1328, Parkersburg, WV 26106–1328.

CS: Chief Financial Officer, U.S. Customs Service, 1300 Pennsylvania Avenue, NW., Room 4.5–D, Washington, DC 20229.

FLETC: Comptroller, Budget and Finance Division, Federal Law Enforcement Training Center, Glynco Facility, Bldg. 94, Glynco, GA 31524.

CC: Chief Financial Officer, Comptroller of the Currency, 250 E Street, SW., Washington, DC 20219.

BEP: Chief Financial Officer, Bureau of Engraving and Printing 14th & C Streets, NW., Room 113M, Washington, DC 20228.

FMS: Chief Financial Officer, Financial Management Service 3700 East West Highway, Room 106A, Hyattsville, MD 20782.

Mint: Chief Financial Officer, U.S. Mint, 633 3rd Street, NW., Room 625, Washington, DC 20220.

USSS: Chief, Financial Management Division, U.S. Secret Service, 1800 G Street, NW., Room 748, Washington, DC 20226.

OTS: Director, Planning, Budget and Finance Division, Office of Thrift Supervision, 1700 G Street, NW., Third Floor, Washington, DC 20552.

NOTIFICATION PROCEDURE:

Individuals seeking notification and access to any record contained in the system of records, or seeking to contest its content, may inquire in accordance with instructions pertaining to individual Treasury components appearing at 31 CFR part 1, subpart C, appendices A–L.

RECORD ACCESS PROCEDURES:

See ''Notification procedure'' above.

CONTESTING RECORD PROCEDURES:

See ''Notification procedure'' above.

RECORD SOURCE CATEGORIES:

Individuals, private firms, other government agencies, contractors, documents submitted to or received from a budget, accounting, travel, training or other office maintaining the records in the performance of their duties.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

TREASURY/DO .211

SYSTEM NAME:

Telephone Call Detail Records—Treasury/DO.

SYSTEM LOCATION:

Department of the Treasury, 1425 New York Avenue, NW, Washington DC 20220. Other locations of this records system consisting of the following Treasury components and their associated field offices are: Departmental Offices (DO), including the Office of Inspector General (OIG); Bureau of Alcohol, Tobacco and Firearms (ATF); Comptroller of the Currency (CC); United States Customs Service (CS); Bureau of Engraving and Printing (BEP); Federal Law Enforcement Training Center (FLETC); Financial Management Service (FMS); Internal Revenue Service (IRS); United States Mint (Mint); Bureau of the Public Debt (BPD); United States Secret Service (USSS), and the Office of Thrift Supervision (OTS).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals (generally agency employees and contractor personnel) who make local and/or long distance calls, individuals who received telephone calls placed from or charged to agency telephones.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records relating to the use of Department telephones to place local and/or long distance calls, whether through the Federal Telecommunications System (FTS), commercial systems, or similar systems; including voice, data, and videoconference usage; telephone calling card numbers assigned to employees; records of any charges billed to Department telephones; records relating to location of Department telephones; and the results of administrative inquiries to determine responsibility for the placement of specific local or long distance calls. Telephone calls made to any Treasury Office of Inspector General Hotline numbers are excluded from the records maintained in this system pursuant to the provisions of 5 U.S.C., appendix 3, section 7(b) (Inspector General Act of 1978).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

12 U.S.C. 1, 12 U.S.C. 93a, 12 U.S.C. 481, 5 U.S.C. 301 and 41 CFR 201–21.6.

PURPOSE(S):

The Department, in accordance with 41 CFR 201–21.6, Use of Government Telephone Systems, established the Telephone Call Detail program to enable it to analyze call detail information for verifying call usage, to determine responsibility for placement of specific long distance calls, and for detecting possible abuse of the government-provided long distance network.

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 disclosed: (1) To representatives of the General Services Administration or the National Archives and Records Administration who are conducting records management inspections under authority of 44 U.S.C. 2904 and 2906; (2) to employees or contractors of the agency to determine individual responsibility for telephone calls; (3) to appropriate Federal, State, local, or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing a statute, rule, regulation, order, or license, or where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation; (4) to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings where relevant and necessary; (5) to a telecommunications company providing telecommunication support to permit servicing the account; (6) to another Federal agency to effect an interagency salary offset, or an interagency administrative offset, or to a debt collection agency for debt collection services. Mailing addresses acquired from the Internal Revenue Service may be released to debt collection agencies for collection services, but shall not be disclosed to other government agencies; (7) to the Department of Justice for the purpose of litigating an action or seeking legal advice; (8) in a proceeding before a court, adjudicative body, or other administrative body, before which the agency is authorized to appear when: (a) The agency, or (b) any employee of the agency in his or her official capacity, or (c) any employee of the agency in his or her individual capacity where the Department of Justice has agreed to represent the employee; or (d) the United States, when the agency determines that litigation is likely to affect the agency, is a party to the litigation or has an interest in such litigation, and the use of such records by the agency is deemed relevant and necessary to the litigation or administrative proceeding and not otherwise privileged; (9) to a congressional office in response to an

inquiry made at the request of the individual to whom the record pertains; (10) to unions recognized as exclusive bargaining representatives under the Civil Service Reform Act of 1978, 5 U.S.C. 7111 and 7114, the Merit Systems Protection Board, arbitrators, the Federal Labor Relations Authority, and other parties responsible for the administration of the Federal labor-management program for the purpose of processing any corrective actions or grievances or conducting administrative hearings or appeals or if needed in the performance of other authorized duties; (11) to the Defense Manpower Data Center (DMDC), Department of Defense, the U.S. Postal Service, and other Federal agencies through authorized computer matching programs to identify and locate individuals who are delinquent in their repayment of debts owed to the Department, or one of its components, in order to collect a debt through salary or administrative offsets; (12) in response to a Federal agency's request made in connection with the hiring or retention of an individual, issuance of a security clearance, license, contract, grant, or other benefit by the requesting agency, but only to the extent that the information disclosed is relevant and necessary to the requesting agency's decision on the matter.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosures pursuant to 5 U.S.C. 552a(b)(12): Disclosures may be made from this system to ''consumer reporting agencies'' as defined in the Fair Credit Reporting Act (15 U.S.C. 1681(f)) or the Federal Claims Collections Act of 1966 (31 U.S.C. 3701(a)(3)).

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

STORAGE:

Microform, electronic media, and/or hard copy media.

RETRIEVABILITY:

Records may be retrieved by: Individual name; component headquarters and field offices; by originating or terminating telephone number; telephone calling card numbers; time of day; identification number, or assigned telephone number.

SAFEGUARDS:

Protection and control of any sensitive but unclassified (SBU) records are in accordance with TD P 71–10, Department of the Treasury Security Manual, and any supplemental guidance issued by individual components.

RETENTION AND DISPOSAL:

Records are maintained in accordance with National Archives and Records Administration General Records Schedule 3. Hard copy and microform media disposed by shredding or incineration. Electronic media erased electronically.

SYSTEM MANAGER(S) AND ADDRESSES:

Department of the Treasury: Official prescribing policies and practices—Director, Corporate Systems Management, Department of the Treasury, Room 2150, 1425 New York Avenue, NW., Washington, DC 20220. The system managers for the Treasury components are:

DO: Chief, Telecommunications Branch, Automated Systems Division, Room 1121, 1500 Pennsylvania Avenue, NW., Washington, DC 20220.

OIG: Assistant Inspector General for Resources, Suite 510, 740 15th St. NW., Washington, DC 20220.

ATF: Chief, Voice Communications Branch, 650 Massachusetts Avenue, NW., Washington, DC 20552.

CC: Associate Director, Telecommunications, Systems Support Division, Office of the Comptroller of the Currency, 835 Brightseat Road, Landover, MD 20785.

CS: Chief, Voice Communications, Office of Systems Engineering and Operations, Field Office Division, 7681 Boston Boulevard, Springfield, VA 22153.

BEP: Deputy Associate Director (Chief Information Officer), Office of Information Systems, Bureau of Engraving and Printing, Room 711A, 14th and C Street, SW., Washington, DC 20228.

FLETC: Information Systems Officer, Information Systems Division, ISD–Building 94, Glynco, GA 31524.

FMS: Director, Platform and Support Management, Room 424E, 3700 East West Highway, Hyattsville, MD 20782.

IRS: Official prescribing policies and practices: National Director, Operations and Customer Support, Internal Revenue Service, 1111 Constitution Avenue, NW, Washington, DC 20224. Office maintaining the system: Director, Detroit Computing Center, (DCC), 1300 John C. Lodge Drive, Detroit, MI 48226.

Mint: Assistant Director for Information Resources Management, 633 3rd Street, NW., Washington, DC 20220.

BPD: Official prescribing policies and practices: Assistant Commissioner (Office of Automated Information Systems), 200 Third Street, Room 202, Parkersburg, WV 26106–1328. Office maintaining the system: Division of Communication, 200 Third Street, Room 107, Parkersburg, WV 26106–1328.

USSS: Chief, Information Resources Management Division, 1800 G Street, NW., Room 1000, Washington, DC 20223.

OTS: Director, Office of Information Systems, 1700 G Street, NW., 2nd Floor, Washington, DC 20552.

NOTIFICATION PROCEDURE:

Individuals seeking notification and access to any record contained in the system of records, or seeking to contest its content, may inquire in accordance with instructions pertaining to individual Treasury components appearing at 31 CFR part 1, subpart C, appendices A–M.

RECORD ACCESS PROCEDURES:

Individuals seeking notification and access to any record contained in this system of records, or seeking to contest its content, may inquire in accordance with instructions pertaining to individual Treasury components appearing at 31 CFR part 1, subpart C, appendices A–M.

CONTESTING RECORD PROCEDURES:

See ''Notification procedure'' above.

RECORD SOURCE CATEGORIES:

Telephone assignment records, call detail listings, results of administrative inquiries to individual employees, contractors or offices relating to assignment of responsibility for placement of specific long distance or local calls.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

TREASURY/DO .212

SYSTEM NAME:

Suspicious Activity Reporting System (the ''SAR System'').

SYSTEM LOCATION:

The SAR System is housed at the Internal Revenue Service Computing Center (''DCC'') in Detroit, Michigan and is managed by the Financial Crimes Enforcement Network (''FinCEN''), 2070 Chain Bridge Road, Suite 200, Vienna, VA 22182, with the assistance of the staff of DCC.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

The SAR System contains information about: (1) Individuals or entities that are known perpetrators or suspected perpetrators of a known or suspected federal criminal violation, or pattern of criminal violations, committed or attempted against a financial institution, or participants in a transaction or

transactions conducted through the financial institution, that has been reported by the financial institution, either voluntarily or because such a report is required under the rules of FinCEN, one or more of the Federal Supervisory Agencies (the Board of Governors of the Federal Reserve System (''the Board''), the Office of the Comptroller of the Currency (''OCC''), the Federal Deposit Insurance Corporation (''FDIC''), the Office of Thrift Supervision (''OTS''), and the National Credit Union Administration (''NCUA'') (collectively, the ''Federal Supervisory Agencies'')), or both. (2) Individuals or entities that are participants in transactions, conducted or attempted by, at or through a financial institution, that have been reported because the institution knows, suspects, or has reason to suspect that: (a) The transaction involves funds derived from illegal activities, the transaction is intended or conducted to hide or disguise funds or assets derived from illegal activities as part of a plan to violate or evade any law or regulation or to avoid any transaction reporting requirement under Federal law; (b) the transaction is designed to evade any regulations promulgated under the Bank Secrecy Act, Pub. L. 91–508, as amended, codified at 12 U.S.C. 1829b, 12 U.S.C. 1951–1959, and 31 U.S.C. 5311–5330; or (c) the transaction has no business or apparent lawful purpose or is not the sort in which the particular customer would normally be expected to engage, and the financial institution knows of no reasonable explanation for the transaction after examining the available facts, including the background and possible purpose of the transaction; (3) Individuals who are directors, officers, employees, agents, or otherwise affiliated with a financial institution; (4) Individuals or entities that are actual or potential victims of a criminal violation or series of violations; (5) Individuals who are named as possible witnesses in connection with matters arising from any such report; (6) Individuals or entities named as preparers of any such report; (7) Individuals or entities named as persons to be contacted for assistance by government agencies in connection with any such report; (8) Individuals or entities who have or might have information about individuals or criminal violations described above; and (9) Individuals or entities involved in evaluating or investigating any matters arising from any such report.

CATEGORIES OF RECORDS IN THE SYSTEM:

The SAR System contains information reported to FinCEN by financial institutions on a Suspicious Activity Report (''SAR'') required under the authority of FinCEN or one or more of the Federal Supervisory Agencies, or both. SARs contain information about the categories of persons or entities specified in ''Categories of Individuals Covered by the System.'' The SAR System may also contain records pertaining to criminal prosecutions, civil actions, enforcement proceedings, and investigations resulting from or relating to SARs. Additionally, it will contain records pertaining to criminal prosecutions, civil actions, enforcement proceedings, and investigations relating to institutions required to file reports or under the supervision of one or more of the Federal Supervisory agencies.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

The system is established and maintained in accordance with 31 U.S.C. 5318(g); 31 CFR part 103; 31 U.S.C. 321; and Department of the Treasury Order 105–08.

PURPOSE(S):

The requirements of FinCEN and the Federal Supervisory Agencies create an integrated process for reporting suspicious activity and known or suspected crimes by, at, or through depository institutions and certain of their affiliates. The process is based on a single uniform SAR filed with FinCEN.

The SAR System has been created, as a key part of this integrated reporting process, to permit coordinated and enhanced analysis and tracking of such information, and rapid dissemination of SAR information to appropriate law enforcement and supervisory agencies. The provisions of 31 U.S.C. 5318(g)(4)(B) specifically require that the agency designated as repository for SARs refer those reports to any appropriate law enforcement or supervisory agency.

Data from the SAR System will be exchanged, retrieved, and disseminated, both manually and electronically among FinCEN, the Federal Supervisory Agencies, appropriate federal, state, and local law enforcement agencies, and state banking supervisory agencies. Agencies to which information will be referred electronically, which in certain cases may involve electronic transfers of batch information, include the Federal Supervisory Agencies, the Federal Bureau of Investigation (FBI), the Criminal Investigation Division of the Internal Revenue Service, the United States Secret Service, the United States Customs Service, the Executive Office of the United States Attorneys and the Offices of the 93 United States Attorneys, and state bank supervisory agencies and certain state law enforcement agencies, which have entered into appropriate agreements with FinCEN. (The FBI and Secret Service may receive electronic transfers of batch information as forms are filed to permit those agencies more efficiently to carry out their investigative responsibilities.) Organizations to which information is regularly disseminated are referred to as SAR System Users. It is anticipated that information from the SAR system will also be disseminated to other appropriate federal, state, or local law enforcement organizations and regulatory agencies that enter into appropriate agreements with FinCEN. In addition, information may be disseminated to non-United States financial regulatory and law enforcement agencies.

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

These records and information in these records may be used to: (1) Provide information or records, electronically or manually, to SAR System Users relevant to the enforcement and supervisory programs and operations of those Users; (2) Provide SAR System Users and their Executive Departments with reports that indicate the number, amount, individual identity, and other details concerning potential violations of the law that have been the subject of Suspicious Activity Reports; (3)Provide information or records to any appropriate domestic or non-United States governmental agency or self-regulatory organization charged with the responsibility of administering law or investigating or prosecuting violations of law, or charged with the responsibility of enforcing or implementing a statute, rule, regulation, order, or policy, or charged with the responsibility of issuing a license, security clearance, contract, grant, or benefit, when relevant to the responsibilities of these agencies or organizations; (4) Provide information or records, when appropriate, to international and foreign governmental authorities in accordance with law and formal or informal international agreement; (5) Disclose on behalf of a SAR System User, the existence, but not necessarily the content, of information or records to a third party, in cases where a SAR System User is a party or has a direct interest and where the SAR System User has concluded that such disclosure is necessary; (6)Provide information or records to the Department of Justice, or in a

proceeding before a court, adjudicative body, or other administrative body before which the SAR System User is authorized to appear, when (a) the SAR System User, or any component thereof; or (b) any employee of the SAR System User in his or her official capacity; or (c) any employee of the SAR System User, where the Department of Justice or the SAR System User has agreed to represent the employee; or (d) the United States is a party to litigation or has an interest in such litigation, when the SAR System User determines that litigation is likely to affect the SAR System User or any of its components and the use of such records by the Department of Justice or the SAR System User is deemed by the SAR System User to be relevant and necessary to the litigation, provided, however, that in each case it has been determined that the disclosure is compatible with the purpose for which the records were collected; (7) Disclose information or records to individuals or entities to the extent necessary to elicit information pertinent to the investigation, prosecution, or enforcement of civil or criminal statutes, rules, regulations, or orders; (8) In accordance with Executive Order 12968 (August 2, 1995), provide information or records to any appropriate government authority in connection with investigations and reinvestigations to determine eligibility for access to classified information to the extent relevant for matters that are by statute permissible subjects of inquiry; (9) Provide, when appropriate, information or records to a bar association, or other trade or professional organization performing similar functions, for possible disciplinary action; (10) Provide information or records to the Department of State and to the United States Intelligence Community, within the meaning of Executive Order 12333 (December 4, 1981) to further those agencies' efforts with respect to national security and international narcotics trafficking; (11) Furnish analytic and statistical reports to government agencies and the public providing information about trends and patterns derived from information contained on Suspicious Activity Reports, in a form in which individual identities are not revealed; and (12) Disclose information or records to any person with whom FinCEN, the DCC or a SAR System User contracts to provide consulting, data processing, clerical, or secretarial functions relating to the official programs and operations of FinCEN, DCC, or the SAR System User.

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

STORAGE:

Records are maintained in magnetic media and on hard paper copy.

RETRIEVABILITY:

Data in the SAR System may be retrieved by sectionalized data fields (i.e., name of financial institution or holding company, type of suspected violation, individual suspect name, witness name, and name of individual authorized to discuss the referral with government officials) or by the use of search and selection criteria.

SAFEGUARDS:

The system is located in a guarded building that has restricted access. Access to the computer facilities and any paper records is subject to additional physical safeguards that restrict access. Access to any electronic records in the system is restricted by means of passwords and non-transferable identifiers issued to authorized SAR System Users. The system complies with all applicable security requirements of the Department of the Treasury.

RETENTION AND DISPOSAL:

Records in this system will be updated periodically to reflect changes, and will be maintained in electronic form as long as needed for the purpose for which the information was collected. Records will then be disposed of in accordance with applicable law.

SYSTEM MANAGERS AND ADDRESS:

Deputy Director, Financial Crimes Enforcement Network, United States Department of the Treasury, 2070 Chain Bridge Road, Suite 200, Vienna, Virginia 22182.

NOTIFICATION PROCEDURE:

This system is exempt from notification requirements, record access requirements, and requirements that an individual be permitted to contest its contents, pursuant to the provisions of 5 U.S.C. 552a(j)(2) and (k)(2).

RECORD ACCESS PROCEDURES:

See ''Notification Procedure'' above.

CONTESTING RECORD PROCEDURES:

See ''Notification Procedure'' above.

RECORD SOURCE CATEGORIES:

Records in this system may be provided by or obtained from: Individuals; financial institutions and certain of their affiliates; Federal Supervisory Agencies; State financial institution supervisory agencies; domestic or foreign governmental agencies; foreign or international organizations; and commercial sources. Pursuant to the provisions of 5 U.S.C. 552a(j)(2) and (k)(2), this system is exempt from the requirement that the record source categories be disclosed.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

This system is exempt from 5 U.S.C. 552a(c)(3), (c)(4), (d)(1), (d)(2), (d)(3), (d)(4), (e)(1), (e)(2), (e)(3), (e)(4)(G), (e)(4)(H), (e)(4)(I), (e)(5), (e)(8), (f) and (g) of the Privacy Act pursuant to 5 U.S.C. 552a(j)(2) and (k)(2).

TREASURY/DO .213.

SYSTEM NAME:

Bank Secrecy Act Reports System—Treasury/DO .213.

SYSTEM LOCATION:

Electronic Records: Currency and Banking Retrieval System, Internal Revenue Service Detroit Computing Center, 985 Michigan Avenue, Detroit, Michigan 48226–1129 and Treasury Enforcement Communications System, United States Customs Service Newington, 7681 Boston Boulevard, Springfield, Virginia, 22153–3140. Paper Records: Form 4790–U.S. Customs Service, Newington, VA. All other forms, including, but not limited to, Form 4789, TDF 90.22–1 and Form 8362—Internal Revenue Service, Detroit, MI.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons identified in reports required to be filed under the Bank Secrecy Act and its implementing regulations (31 CFR part 103) including, but not limited to, reports made on IRS Form 4789 (Currency Transaction Report), IRS Form 8362 (Currency Transaction Report by Casinos), Customs Form 4790 (Report of International Transportation of Currency or Monetary Instruments), Treasury Form TDF 90–22.1 (Report of Foreign Bank and Financial Accounts), and forms filed by casinos located in the State of Nevada in lieu of Form 8362. (This system of records does not cover persons identified in Suspicious Activity Reports, TDF 90–22.47. Those reports are included in another system of records, ''Suspicious Activity Reporting System—Treasury/DO .212.'')

CATEGORIES OF RECORDS IN THE SYSTEM:

Reports required to be filed under the Bank Secrecy Act and its implementing regulations (31 CFR part 103) including, but not limited to, reports made on IRS Form 4789 (Currency Transaction Report), IRS Form 8362 (Currency Transaction Report by Casinos),

Customs Form 4790 (Report of International Transportation of Currency or Monetary Instruments), Treasury Form TDF 90–22.1 (Report of Foreign Bank and Financial Accounts), and forms filed by casinos located in the State of Nevada in lieu of Form 8362. (This system does not include Suspicious Activity Reports, TDF 90–22.47, required under 31 CFR part 103. Those reports are included in another system of records, ''Suspicious Activity Reporting System—Treasury/DO .212.'') These reports include names of individuals and other entities filing the reports, names of the owners of monetary instruments, the amounts and kinds of currency or other monetary instruments transported, reported, or in foreign banking accounts, account numbers, addresses, dates of birth, and other personal identifiers.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

12 U.S.C. 1829b and 1951–1959; 31 U.S.C. 5311–5314, 5316–5330; 5 U.S.C. 301; 31 CFR part 103; Treasury Department Order No. 105–08.

PURPOSES:

The Bank Secrecy Act, codified at 12 U.S.C. 1829b and 1951–1959 and 31 U.S.C. 5311–5314, 5316–5330, authorizes the Secretary of the Treasury to issue regulations requiring records and reports that are determined to have a high degree of usefulness in criminal, tax, and regulatory matters. The Secretary's authority has been implemented through regulations promulgated at 31 CFR part 103. The purpose of this system of records is to maintain the information contained on the reports required under these regulations. This information is disseminated, both electronically and manually, in accordance with strict safeguards, to appropriate Federal, State, local and foreign criminal law enforcement and regulatory personnel in the official performance of their duties. The information is used in a wide range of criminal investigations, including, but not limited to, investigation of international and domestic money laundering, tax evasion, fraud, and other financial crimes.

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

These records and information in these records may be used to: (1) Disclose pertinent information to appropriate Federal, State, local, or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation; (2) Disclose information to Federal, State, or local agencies, maintaining civil, criminal or other relevant information, which has requested information relevant to or necessary to the requesting agency's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit; (3) Disclose to appropriate Federal, State, or local agencies engaged in the identification, investigation, and prosecution of violations or potential violations of criminal statutes, information, in a computerized format, to identify or to permit the identification of patterns of suspected criminal activity that fall within the jurisdiction of the agency requesting the information; (4) Disclose information to Federal or State regulatory agencies or self regulatory agencies responsible for supervising compliance with the Bank Secrecy Act, limited to information relevant to meeting supervisory or compliance responsibilities; (5) Disclose relevant information on individuals to authorized Federal and State agencies through computer matching in order to help eliminate waste, fraud, and abuse in Government programs and identify individuals who are potentially in violation of civil law, criminal law, or regulation; (6) Disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings; (7) Provide information to the news media, in accordance with guidelines contained in 28 CFR 50.2, that relates to an agency's functions relating to civil and criminal proceedings; and (8) Provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

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

STORAGE:

Records are maintained in magnetic media and on hard paper copy.

RETRIEVABILITY:

By name and other unique identifier.

SAFEGUARDS:

All persons with electronic access to records in the system will have successfully completed a background investigation. All State and local agency personnel, and all Federal personnel outside the U. S. Department of the Treasury with electronic access will have successfully completed appropriate training. Passwords and access controls will be utilized. Signed agreements outlining usage and dissemination rules are required of all non-Treasury agencies before electronic access is authorized. Procedural and physical safeguards include: The logging of all queries and periodic review of such query logs; compartmentalization of information to restrict access to authorized personnel; physical protection of sensitive hard copy documents and magnetic tapes; encryption of electronic communications; intruder alarms and other security devices; and 24-hour building guards. The system complies with all applicable security requirements of the Department of the Treasury.

RETENTION AND DISPOSAL:

Indefinite.

SYSTEM MANAGER(S) AND ADDRESS:

General Policy: Director, Financial Crimes Enforcement Network, 2070 Chain Bridge Road, Vienna, Virginia 22182–2536.

COMPUTER SYSTEMS MAINTENANCE AND ADMINISTRATION:

Director, IRS Computing Center, 985 Michigan Avenue, Detroit, Michigan, 48226–1129 and Director, Office of Information Technology, U.S. Customs Service Newington, 7681 Boston Boulevard, Springfield, Virginia, 22153–3140.

NOTIFICATION PROCEDURE:

This system is exempt from notification requirements, record access requirements, and requirements that an individual be permitted to contest its contents, pursuant to the provisions of 5 U.S.C. 552a(j)(2) and (k)(2).

RECORD ACCESS PROCEDURES:

See ''Notification Procedure'' above.

CONTESTING RECORD PROCEDURES:

See ''Notification Procedure'' above.

RECORD SOURCE CATEGORIES:

Pursuant to the provisions of 5 U.S.C. 552a(j)(2) and (k)(2), this system is exempt from the requirement that the record source categories be disclosed.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

This system is exempt from 5 U.S.C. 552a(c)(3), (c)(4), (d)(1), (d)(2), (d)(3), (d)(4), (e)(1), (e)(2), (e)(3), (e)(4)(G), (e)(4)(H), (e)(4)(I), (e)(5), (e)(8), (f) and (g) of the Privacy Act pursuant to 5 U.S.C. 552a(j)(2) and (k)(2). See 31 CFR 1.36.

BILLING CODE: 4810–31–P

Bureau of Alcohol, Tobacco, and Firearms

TREASURY/ATF .001

SYSTEM NAME:

Administrative Record System—Treasury/ATF.

SYSTEM LOCATION:

Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue, NW, Washington, DC 20226. Components of this record system are geographically dispersed throughout the Bureau's field offices. A list of field offices is available by writing to the Chief, Disclosure Division, Room 8290, 650 Massachusetts Avenue, NW, Washington, DC 20226.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

(1) Present employees of the Bureau of ATF. (2) Former employees of the Bureau of ATF. (3) Claimants against the Bureau of ATF.

CATEGORIES OF RECORDS IN THE SYSTEM:

(1) Accident Report—vehicle; (2) Fatality reports; (3) Injury reports; (4) Chief Counsel and District Counsel memoranda and opinions.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

(1) Federal Claims Collection Act. (2) Federal Property and Administration Services Act of 1949, as amended. (3) Federal Tort Claims Act. (4) Military Personnel and Civilian Claim Act. (5) Occupational Safety and Health Act of 1970. (6) Small Claims Act. (7) 5 U.S.C. 1302, 3301, 3302.

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

A record in this system may be disclosed as a routine use to: (1) Employees of government agencies when required or authorized to be released by statute, regulations or Executive Order; (2) any third party, to the extent necessary, to collect relevant information from the third party, provided that the information is needed by the Bureau to render a decision in regard to an administrative matter; (3) appropriate Federal, state, local or foreign agencies responsible for enforcing administrative, civil or criminal laws; hiring or retention of an employee; issuance of a security clearance, license, contract, grant or other benefit; (4) a court, magistrate or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of or in preparation for civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings; (5) unions recognized as exclusive bargaining representatives in accordance with provisions contained in the Civil Service Reform Act of 1978, 5 U.S.C. 7111 and 7114; (6) a congressional office in response to an inquiry made at the request of the individual to whom the record pertains; (7) provide information to the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's functions relating to civil and criminal proceedings.

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

STORAGE:

Active records stored in file folders in security filing cabinets. Inactive records stored in file folders at Federal Records Centers.

RETRIEVABILITY:

Records are retrievable by name of individual.

SAFEGUARDS:

Direct access restricted to personnel in Department of the Treasury in the performance of their duty. Transmitted to routine users on a ''need to know'' basis or where ''a right to access'' is established, and to others upon verification of the substance and propriety of the request. Stored in lockable metal file cabinets in rooms locked during non-duty hours.

RETENTION AND DISPOSAL:

Records are retained in accordance with General Records Schedules Numbers 1 through 23 issued by the National Archives and Records Administration, and Bureau of Alcohol, Tobacco and Firearms records control schedules numbers 101 and 201 and disposed of by shredding or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Administrative Program Division, Bureau of Alcohol, Tobacco, and Firearms, 650 Massachusetts Avenue, NW, Washington, DC 20226.

NOTIFICATION PROCEDURE:

Inquiries should be addressed to: Privacy Act Request, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue, NW, Washington, DC 20226. Requests may be delivered personally to Room 8290, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue, NW, Washington, DC 20226.

RECORD ACCESS PROCEDURES:

Requests for access to records made by mail should be addressed to: Privacy Act Request, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue, NW, Washington, DC 20226.

CONTESTING RECORD PROCEDURES:

See ''Record access procedures'' above.

RECORD SOURCE CATEGORIES:

(1) Administrative records. (2) Claimants. (3) Doctors. (4) Employee records. (5) Fiscal records. (6) Former employees of the Bureau of ATF. (7) Former employers. (8) General Services Administration. (9) Individuals who have information relevant to claims. (10) Inspections records. (11) Internal Investigation reports. (12) Police reports. (13) Present employees of the Bureau of ATF. (14) Supervisors. (15) Witnesses. (16) Insurance companies.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

TREASURY/ATF .002

SYSTEM NAME:

Correspondence Record System—Treasury/ATF.

SYSTEM LOCATION:

Bureau of Alcohol, Tobacco, and Firearms, 650 Massachusetts Avenue NW, Washington, DC 20226. Components of this record system are geographically dispersed throughout the Bureau's field offices. A list of field offices is available by writing to the Chief, Disclosure Division, Room 8290, 650 Massachusetts Avenue, NW Washington, DC 20226.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

(1) Persons who correspond with the Bureau requesting information relating to Bureau personnel. (2) Persons who correspond with the Bureau requesting information relating to Bureau activities. (3) Persons who correspond with the Bureau requesting rulings, interpretations, or technical and scientific matters of a general nature. (4) Persons who correspond with others and whose correspondence is referred to ATF for response. (5) Persons referred to in correspondence with the Bureau. (6) Authors and publishers of technical and

scientific matters relating to Bureau activities.

CATEGORIES OF RECORDS IN THE SYSTEM:

Correspondence with individuals who contact the Bureau requesting information relating to Bureau personnel and/or activities, Chief Counsel and Regional Counsel memoranda and opinions.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Executive Order 11222.

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

A record in this system may be disclosed as a routine use to: (1) Employees of government agencies when required or authorized to be released by statute, regulations or Executive Order; (2) any third party, to the extent necessary, to collect relevant information from the third party, provided that the information is needed by the Bureau to render a decision in regard to an administrative, fiscal or personnel matter; (3) appropriate Federal, state, local or foreign agencies responsible for enforcing administrative, civil or criminal laws; hiring or retention of an employee; issuance of a security clearance, license, contract, grant or other benefit; (4) a court, magistrate or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of or in preparation for civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings; (5) a congressional office in response to an inquiry made at the request of the individual to whom the record pertains; (6) provide information to the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's functions relating to civil and criminal proceedings.

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

STORAGE:

Active records stored in file folders in security filing cabinets. Inactive records stored in file folders at Federal Records Centers.

RETRIEVABILITY:

Records are retrieved by name, subject matter and date of correspondence.

SAFEGUARDS:

Transmitted to routine users on a ''need to know'' basis. Stored in lockable file cabinets in rooms locked during non-duty hours.

RETENTION AND DISPOSAL:

Records are retained in accordance with General Records Schedules numbers 1 through 20 issued by the National Archives and Records Administration, and Bureau of Alcohol, Tobacco and Firearms Records Control Schedules numbers 101 and 201 and disposed of by shredding or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Liaison and Public Information, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue, NW, Washington, DC 20226.

NOTIFICATION PROCEDURE:

Inquiries should be addressed to: Privacy Act Request, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue, NW, Washington, DC 20226. Requests may be delivered personally to Room 8290, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue, NW, Washington, DC 20226.

RECORD ACCESS PROCEDURES:

Requests for access to records made by mail should be addressed to: Privacy Act Request, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue, NW, Washington, DC 20226. Requests may be delivered personally to room 8290, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue, NW, Washington, DC 20226. Appeals may be delivered personally to room 8290, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue, NW, Washington, DC 20226.

CONTESTING RECORD PROCEDURES:

See ''Record access procedures'' above.

RECORD SOURCE CATEGORIES:

Persons who correspond with the Bureau on general, technical or scientific matters.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

TREASURY/ATF .003

SYSTEM NAME:

Criminal Investigation Report System—Treasury/ATF.

SYSTEM LOCATION:

Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue, NW, Washington, DC 20226. Components of this record system are geographically dispersed throughout Bureau of Alcohol, Tobacco and Firearms' field offices. A list of field offices is available by writing to the Chief, Disclosure Division, Room 8290, 650 Massachusetts Avenue, NW, Washington, DC 20226.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

(1) Criminal offenders or alleged criminal offenders acting alone or in concert with other individuals and suspects who have been or are under investigation for a violation or suspected violation of laws enforced by the Bureau. (2) Criminal offenders or alleged criminal offenders acting alone or in concert with individuals who have been referred to the Bureau of Alcohol, Tobacco and Firearms by other law enforcement agencies, governmental units and the general public. (3) Informants. (4) Persons who come to the attention of the Bureau in the conduct of criminal investigations. (5) Persons who have been convicted of a crime punishable by imprisonment for a term exceeding one year and who have applied for relief from disabilities under Federal law with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and explosives and whose disability was incurred by reason of such conviction. (6) Victims of crimes. (7) Witnesses.

CATEGORIES OF RECORDS IN THE SYSTEM:

(a) Records containing information compiled for the purpose of identifying individual criminal offenders and alleged offenders and consisting only of identifying data and notations of arrest, the nature and disposition of criminal charges, sentencing, confinement, release, and parole and probation status; (b) Records containing information compiled for the purpose of a criminal investigation, including reports of informants and investigators, and associated with an identifiable individual; (c) Records containing reports identifiable to an individual compiled at various stages of the process of enforcement of criminal laws from arrest or indictment through release from supervision; (d) Records compiled and maintained by the Bureau as generally described in (a), (b), and (c) above including the following: (1) Abandoned property reports. (2) ATF Criminal Investigation Reports. (3) ATF referrals to foreign, Federal, state, and local law enforcement agencies. (4) Chief and Regional Counsel opinions. (5) Contemporaneous investigative notes. (6) Criminal investigatory correspondence from and to foreign, Federal, state and local law enforcement agencies. (7) Criminal intelligence information on individuals suspected to

be violating ATF laws and regulations. (8) Documentary proof of defendant's criminal record, identity, or lack of registration of N.F.A. (as amended) firearm(s). (9) FBI Criminal Record Reports. (10) Fingerprints and palmprints. (11) Fugitive arrest warrants. (12) Handwriting exemplars. (13) Index cards, violation and reputation. (14) Illicit liquor and raw material surveys. (15) Laboratory reports of evidence analysis. (16) Memoranda of expected testimony of witnesses. (17) Organized crime members violating or suspected of violating ATF laws. (18) Parole and pardon reports. (19) Personal histories (address, employment, social security number, financial background, physical description, etc.). (20) Photographs. (21) Purchase of evidence records. (22) Records of electronic surveillance by ATF. (23) Records received in response to summons and subpoenas. (24) Reliefs from disability. (25) Reports of interview with witnesses. (26) Search warrants and affidavits for search warrants. (27) Seized property reports. (28) Significant criminals, armed and dangerous, firearms, explosives and liquor. (29) Special agent's daily activity diary (accessible by date only). (30) State and local law enforcement criminal investigative reports. (31) Statements of defendants. (32) Statements of witnesses. (33) Summons and subpoenas issued pursuant to criminal investigations. (34) Voice prints. (35) Wagering tax suspected violators. (36) Warning and demand letters. (37) Criminal violation reports (a formal report compiling all or portions of the foregoing for prosecutive purposes).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

(1) 26 U.S.C. Chapters 35 and 40; (2) 26 U.S.C. Chapters 51 and 52; (3) 26 U.S.C. Chapter 53, as amended; (4) 26 U.S.C. Chapters 61 through 80, as amended; (5) 27 U.S.C. Chapter 8, as amended (Federal Alcohol Administration Act); (6) 18 U.S.C. Chapter 40; (7) 18 U.S.C. Chapter 44; (8) 18 U.S.C. Chapter 59; (9) 18 U.S.C. App. 1201–1203 (Title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended by Title III of the Gun Control Act of 1968); (10) 22 U.S.C. section 414, (Mutual Security Act of 1954, as amended); (11) 5 U.S.C. sections 901 and 903, 5 U.S.C. App. (Reorganization Plan of 1950), Treasury Order 221, 5 U.S.C. section 301.

PURPOSE(S):

The purpose of this system is to suppress traffic in illicit untaxpaid distilled spirits; to enforce the Federal laws relating to the illegal possession and use of firearms, destructive devices, explosives, explosive materials; and to assist Federal, state, local and foreign law enforcement agencies in reducing crime and violence.

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

A record in this system may be disclosed as a routine use to: (1) Employees of other government agencies when required or authorized to be released by statute, regulations or Executive Order; (2) third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation; (3) appropriate Federal, state, local and foreign agencies for the purpose of enforcing and investigating administrative, civil or criminal laws relating to the hiring or retention of an employee; issuance of security clearance, license, contract, grant or other benefit; (4) a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of or in preparation for civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings; (5) INTERPOL and similar criminal intelligence gathering organizations for the purpose of identifying and suppressing the activities of international and national criminals and terrorists; (6) appropriate Federal, state, local or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation; (7) insurance companies making determinations regarding claims in cases that the Bureau has conducted or is conducting an arson investigation; (8) a congressional office in response to an inquiry of the individual to whom the record pertains; (9) unions recognized as exclusive bargaining representatives in accordance with provisions contained in the Civil Service Reform Act of 1978, 5 U.S.C. 7111 and 7114; (10) provide information to the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's functions relating to civil and criminal proceedings.

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

STORAGE:

Active records stored in file folders in security filing cabinets. Inactive records stored in file folders at Federal Records Centers. Records also stored in electronic media.

RETRIEVABILITY:

Records are retrievable by name, date of birth, social security number, unique identifier, investigation number, serial number of firearm, or a combination of any of these; plus date and geographical location of incident giving rise to investigation.

SAFEGUARDS:

Direct access restricted to personnel in Department of Treasury in the performance of their duty. Transmitted to routine users on a ''need to know'' basis and to others upon verification of the substance and propriety of the request. Stored in lockable file cabinets in rooms locked during non-duty hours.

RETENTION AND DISPOSAL:

Records are retained in accordance with General Records Schedules numbers 1 through 23 issued by the National Archives and Records Administration, and Bureau of Alcohol, Tobacco and Firearms Records Control Schedules numbers 101 and 201 and disposed of by shredding or burning. Records on tape or on-line mass storage are disposed of by degaussing.

SYSTEM MANAGER(S) AND ADDRESS:

Associate Directors, Firearms Explosive & Arson, Alcohol and Tobacco Field Operations and Science & Technology, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue, NW, Washington, DC 20226.

NOTIFICATION PROCEDURE:

The Director of the Bureau of Alcohol, Tobacco and Firearms has exempted this system of records from compliance with the provisions of 5 U.S.C. 552a (e)(4)(G).

RECORD ACCESS PROCEDURES:

The Director of the Bureau of Alcohol, Tobacco and Firearms has determined this system of records to be exempt from compliance with the provisions of 5 U.S.C. 552a (e)(4)(H).

CONTESTING RECORD PROCEDURES:

The Director of the Bureau of Alcohol, Tobacco and Firearms has determined this system of records to be exempt from compliance with the provisions of 5 U.S.C. 552a (e)(4)(H).

RECORD SOURCE CATEGORIES:

The Director of the Bureau of Alcohol, Tobacco and Firearms has determined this system of records to be exempt from compliance with the provisions of 5 U.S.C. 552a (e)(4)(I).

EXEMPTIONS CLAIMED FOR THE SYSTEM:

Exempt under 5 U.S.C. 552a (j) and 31 CFR 1.36.

TREASURY/ATF .005

SYSTEM NAME:

Freedom of Information Requests—Treasury/ATF.

SYSTEM LOCATION:

Bureau of Alcohol, Tobacco and Firearms, Disclosure Division, 650 Massachusetts Avenue, NW, Washington, DC 20226.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who are requesting information.

CATEGORIES OF RECORDS IN THE SYSTEM:

Correspondence pursuant to the Freedom of Information Act, internal processing documents and memoranda, referrals and copies of requested records, and Chief Counsel and Regional Counsel memoranda and opinions.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Freedom of Information Act, 5 U.S.C. 552.

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

These records and information in these records may be used to: (1) Disclose information to other agencies when required for coordination of response or referral; (2) disclose information to the Department of Justice for defending law suits; (3) provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains.

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

STORAGE:

File folders.

RETRIEVABILITY:

By name of requester(s) and date of request.

SAFEGUARDS:

Filed in filing cabinet and released only to individuals with legitimate right to review.

RETENTION AND DISPOSAL:

In accordance with the provisions of the Act and Departmental records management procedures.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Disclosure Division, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue, NW, Washington, DC 20226.

NOTIFICATION PROCEDURE:

See ''System manager.''

RECORD ACCESS PROCEDURES:

See ''System manager.''

CONTESTING RECORD PROCEDURES:

See ''System manager.''

RECORD SOURCE CATEGORIES:

Individuals who make Freedom of Information Act requests. Federal officials responding to Freedom of Information Act requests and documents from official records.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

TREASURY/ATF .006

SYSTEM NAME:

Internal Security Record System—Treasury/ATF.

SYSTEM LOCATION:

Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue, NW, Washington, DC 20226.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

(1) Present employees of the Bureau of ATF. (2) Former employees of the Bureau of ATF. (3) Applicants for employment. (4) Non-Bureau employees involved in criminal acts toward Bureau employees and Bureau property. (5) Individuals who were interviewed by Internal Affairs Special Agents. (6) Contract employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

(1) Records containing investigative material compiled for law enforcement purposes including reports relating to: (a) Conduct of employees and contract employees. (b) Integrity of employees. (2) Records containing investigative material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment or access to classified information including reports relating to security clearances of employees.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

18 U.S.C. 201, Executive Order 10450, Executive Order 11222.

PURPOSE(S):

This system is used to assure the Bureau Director, the Department of the Treasury, and the public that the Bureau is taking strong and vigorous steps to maintain the highest standards of integrity, loyalty, conduct, and security among Bureau personnel and contract employees. When a criminal investigation results in a compilation of information contained in this system, the information so compiled shall be transferred to the ATF Criminal Investigation Report System and shall become a part of that system for all purposes of the Privacy Act of 1974.

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

A record in this system may be disclosed as a routine use to: (1) Employees of other government agencies when required or authorized to be released by statute, regulations or Executive Order; (2) third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation; (3) appropriate Federal, state, local and foreign agencies for the purpose of enforcing and investigating administrative, civil or criminal law relating to the hiring or retention of an employee; issuance of a security clearance, license, contract, grant or other benefit; (4) a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of or in preparation for civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings; (5) appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation; (6) a congressional office in response to an inquiry made at the request of the individual to whom the record pertains; (7) unions recognized as exclusive bargaining representatives in accordance with provisions contained in the Civil Service Reform Act of 1978, 5 U.S.C. 7111 and 7114; (8) provide information to the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's functions relating to civil and criminal proceedings.

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

STORAGE:

Active records stored in file folders in security filing cabinets and computer system (hard disk). Inactive records stored in file folders at Federal Records Center.

RETRIEVABILITY:

Records are retrievable by name.

SAFEGUARDS:

Direct access restricted to personnel in Department of the Treasury in the performance of their duty. Transmitted to routine users on a ''need to know'' basis and to others upon verification of the substance and propriety of the request. Stored in lockable metal file cabinets in rooms locked during non-duty hours.

RETENTION AND DISPOSAL:

Records are retained in accordance with General Records Schedules Numbers 1 through 20 issued by the National Archives and Records Administration, and Bureau of Alcohol, Tobacco and Firearms Records Control Schedules numbers 101 and 201 and disposed of by shredding or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Director (Office of Inspection), Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue, NW, Washington, DC 20226.

NOTIFICATION PROCEDURE:

The Director of the Bureau of Alcohol, Tobacco and Firearms has determined this system of records to be exempt from compliance with the provisions of 5 U.S.C. 552a (e)(4)(G).

RECORD ACCESS PROCEDURES:

The Director of the Bureau of Alcohol, Tobacco and Firearms has determined this system of records to be exempt from compliance with the provisions of 5 U.S.C. 552a (e)(4)(H).

CONTESTING RECORD PROCEDURES:

See ''Record access procedures'' above.

RECORD SOURCE CATEGORIES:

(1) Employees of this Bureau; (2) Internal Investigative report forms; (3) Witnesses; (4) Informants; (5) Federal, state and local enforcement agencies; (6) Employers; (7) Educational institutions; (8) Credit agencies; (9) Neighbors; (10) References; (11) Professional Organizations; (12) Other government agencies; (13) Claimants; (14) Victims.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

Portions exempt under 5 U.S.C. 552a (k) (relating to security clearances) and 5 U.S.C. 552a (k)(2) (relating to conduct and integrity) and 31 CFR 1.36.

TREASURY/ATF .007

SYSTEM NAME:

Personnel Record System—Treasury/ATF.

SYSTEM LOCATION:

Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue, NW, Washington, DC 20226. Components of this record system are geographically dispersed throughout the Bureau's field offices. A list of field offices is available by writing to the Chief, Disclosure Division, Room 8290, 650 Massachusetts Avenue, NW, Washington, DC 20226.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

(1) Present Employees of the Bureau of ATF. (2) Former Employees of the Bureau of ATF. (3) Applicants for employment with ATF.

CATEGORIES OF RECORDS IN THE SYSTEM:

(1) Allotment and Dues. (2) Annual Tax Reports. (3) Applicants for employment. (4) Applications for reassignment. (5) Awards, honors, and fellowship records. (6) Classification appeal records. (7) Death claim records. (8) Educational history. (9) Employee indebtedness records. (10) Employees qualified as Grievance Examiners. (11) Employee Suggestions. (12) Employee history. (13) Employee relations case file. (14) Equal employment opportunity records. (15) Health maintenance records. (16) Insurance records. (17) Military history. (18) Occupational injuries, disabilities, and Worker's Compensation Records. (19) Official personnel folder. (20) Outside employment and identification numbers, business or professional records. (21) Outside employment. (22) Outside financial interests. (23) Overtime and/or Premium Pay records. (24) Performance evaluation records. (25) Personal history. (26) Position description records. (27) Promotion/Selection Certificates Records. (28) Property custody records. (29) Retirement records. (30) Records of security clearance. (31) Statement of career goals. (32) Supervisory or managerial potential records. (33) Temporary assignments and details. (34) Time application reports and records. (35) Training record. (36) U.S. Savings Bond participation records. (37) Upward mobility applications. (38) Vehicle accidents. (39) Withholding tax records. (40) Work schedule records. (41) Chief Counsel and Regional Counsel memoranda and opinions.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

(1) 5 U.S.C. Chapter 29, Subchapter II. (2) 5 U.S.C. Chapters 31 and 33. (3) 5 U.S.C. Chapter 43. (4) 5 U.S.C. Chapter 45. (5) 5 U.S.C. Chapter 51. (6) 5 U.S.C. Chapter 55, subchapter III. (7) 5 U.S.C. Chapter 61. (8) 5 U.S.C. Chapter 75. (9) 5 U.S.C. Chapter 83. (10) 5 U.S.C. Section 301. (11) 5 U.S.C. 4503. (12) 5 U.S.C. Section 5101–5115. (13) 5 U.S.C. section 7151–7154. (14) 5 U.S.C. Section 7901. (15) Pub. L. 92–261 (Equal Employment Act of 1972). (16) Pub. L. 93–579. (Federal Employees Compensation Act). (17) Occupational Safety and Health Act of 1970. (18) Executive Order 10561. (19) Executive Order 11222. (20) Executive Order 11478. (21) Executive Order 11491.

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

A record in this system may be disclosed as a routine use to: (1) Employees of government agencies when required or authorized to be released by statute, regulations or Executive Order; (2) any third party, to the extent necessary, to collect relevant information from the third party, provided that the information is needed by the Bureau to render a decision in regard to a personal matter; (3) appropriate Federal, state, local or foreign agencies responsible for enforcing administrative, civil, or criminal laws; hiring or retention of an employee; issuance of a security clearance, license, contract, grant or other benefit; (4) a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of or in preparation for civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings; (5) unions recognized as exclusive bargaining representatives in accordance with provisions contained in the Civil Service Reform Act of 1978, 5 U.S.C. 7111 and 7114; (6) a congressional office in response to an inquiry made at the request of the individual to whom the record pertains; (8) provide information to the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's functions relating to civil and criminal proceedings.

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

STORAGE:

Active records stored in file folders in security filing cabinets. Inactive records stored in file folders at Federal Records Centers. Records also stored in electronic media.

RETRIEVABILITY:

Records are retrievable by name, date of birth, social security number, employee identification number, or a combination of any of these four.

SAFEGUARDS:

Direct access restricted to personnel in Department of Treasury in the performance of their duty. Transmitted to routine users on a ''need to know'' basis or where ''a right to access'' is established, and to others upon verification of the substance and propriety of the request. Stored in lockable file cabinets in rooms locked during non-duty hours.

RETENTION AND DISPOSAL:

Records are retained in accordance with General Records Schedules numbers 1 through 23 issued by the National Archives and Records Administration, and Bureau of Alcohol, Tobacco and Firearms Records Control Schedules numbers 101 and 201 and disposed of by shredding, burning or by degaussing.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Director (Management)/ Chief Financial Officer, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue, NW, Washington, DC 20226.

NOTIFICATION PROCEDURE:

The Director of the Bureau of Alcohol, Tobacco and Firearms has exempted this system of records from compliance with the provisions of 5 U.S.C. 552a (e)(4)(G).

RECORD ACCESS PROCEDURES:

The Director of the Bureau of Alcohol, Tobacco and Firearms has exempted this system of records from compliance with the provisions of 5 U.S.C. 552a (e)(4)(H).

CONTESTING RECORD PROCEDURES:

See ''Record access procedures'' above.

RECORD SOURCE CATEGORIES:

(1) Administrative Records. (2) Applicants for employment with the Bureau. (3) Acquaintances. (4) Business and professional associates. (5) Creditors. (6) Criminal records. (7) Educational Institutions attended. (8) Employee records. (9) Equal Employment Opportunity Commission. (10) Financial institutions. (11) Fiscal records. (12) Former employees. (13) Former employers. (14) Inspection records. (15) Internal investigation reports. (16) Internal Revenue Service. (17) Military records. (18) Outside employers. (19) Physicians. (20) Police reports. (21) Position classification specialists. (22) Psychiatrists. (23) References. (24) Supervisors. (25) Training officers. (26) Unions, accredited. (27) Office of Personnel Management. (28) Witnesses.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

Exempt under 5 U.S.C. 552a (k) and 31 CFR 1.36.

TREASURY/ATF .008

SYSTEM NAME:

Regulatory Enforcement Record System—Treasury/ATF.

SYSTEM LOCATION:

Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue, NW, Washington, DC 20226. Components of this system of records are also geographically dispersed throughout ATF's district and field offices. A list of field offices is available by writing to the Chief, Disclosure Division, Room 8290, 650 Massachusetts Avenue, NW, Washington, DC 20226.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

(1) Individuals who have been issued permits or licenses, have filed applications with ATF, or have registered with ATF as: (a) Brewers; (b) Claimants for refund, abatement, credit, allowance or drawback of excise or special occupational taxes; (c) Collectors of firearms or ammunition; (d) Importers of firearms or ammunition, and (e) Users of explosive materials.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records containing investigative material compiled for law enforcement purposes which may consist of the following: (1) Abstracts of offers in compromise. (2) Administrative law judge decisions. (3) Assessment records: (a) notices of proposed assessments. (b) notices of shortages or losses. (c) notices to IRS to assess taxes. (d) recommendation for assessments. (4) Claim records: (a) claims. (b) letters of claim rejection. (c) sample reports. (d) supporting data. (e) vouchers and schedules of payment. (5) Comments on proposed rulemakings. (6) Complaints from third parties. (7) Correspondence concerning records in this system and related matters. (8) Financial statements. (9) Inspection and investigation reports. (10) Joint demands on principals and sureties for payment of excise tax liabilities. (11) Letters of reprimand. (12) Lists of permittees and licensees. (13) Lists of officers, directors and principal stockholders. (14) Mailing lists and addressograph plates. (15) Notices of delinquent reports. (16) Offers in compromise. (17) Operation records: (a) Operating reports. (b) Reports of required inventories. (c) Reports of thefts or losses of firearms—who maintains records. (d) Reports of thefts of explosive materials—who maintains records. (e) Transaction records. (f) Transaction reports. (18) Orders of revocation, suspension or annulment of permits or licenses. (19) District and Chief Counsel opinions and memoranda. (20) Reports of violations. (21) Permit status records. (22) Qualifying records: (a) Access authorizations. (b) Advertisement records. (c) Applications. (d) Bonds. (e) Business histories. (f) Criminal records. (g) Diagrams of premises. (h) Educational histories. (I) Employment histories. (j) Environmental records. (k) Financial data. (l) Formula approvals. (m) Label approvals. (n) Licenses. (o) Notices. (p) Permits. (q) Personal references. (r) Plant profiles. (s) Plant capacities. (t) Plats and plans. (u) Registrations. (v) Sample reports. (w) Signature authorities. (x) Special permissions and authorizations. (y) Statements of process. (23) Show cause orders. (24) Tax records: (a) Control cards relating to periodic payment and prepayment of taxes. (b) Excise and special tax returns. (c) Notices of tax discrepancy or adjustment.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

(1) 26 U.S.C. 5172. (2) 26 U.S.C. 5271 (b)(1). (3) 26 U.S.C. 5356. (4) 26 U.S.C. 5401. (5) 26 U.S.C. 5417. (6) 26 U.S.C. 5502 (b). (7) 26 U.S.C. 5511 (3). (8) 26 U.S.C. 5521 (a). (9) 26 U.S.C. 5179 (a). (10) 22 U.S.C. 204 (c). (11) 26 U.S.C. 5105. (12) 26 U.S.C. 5275. (13) 26 U.S.C. 5301 (b). (14) 26 U.S.C. 5132. (15) 26 U.S.C. 5042 (a)(2). (16) 26 U.S.C. 7011. (17) 26 U.S.C. 5712. (18) 18 U.S.C. 923 (a). (19) 18 U.S.C. 923 (b). (20) 18 U.S.C. 843 (a). (21) 22 U.S.C. 414. (22) 26 U.S.C. 4401 (a). (23) 26 U.S.C. 6001. (24) 26 U.S.C. 6011 (a). (25) 26 U.S.C. 5001. (26) 26 U.S.C. 5021–5023. (27) 26 U.S.C. 5041. (28) 26 U.S.C. 5051. (29) 26 U.S.C. 6201. (30) 26 U.S.C. 5008. (31) 26 U.S.C. 5044. (32) 26 U.S.C. 5056. (33) 26 U.S.C. 5705. (34) 26 U.S.C. 6423 (b). (35) 26 U.S.C. 5009 (a). (36) 26 U.S.C. 5006 (a). (37) 26 U.S.C. 5055. (38) 26 U.S.C. 5062 (c). (39) 26 U.S.C. 5106. (40) 26 U.S.C.

5131 (c). (41) 26 U.S.C. 5064. (42) 26 U.S.C. 7122. (43) 27 U.S.C. 207. (44) 18 U.S.C. 843 (d). (45) 18 U.S.C. 923 (f). (46) 27 U.S.C. 204 (e). (47) 26 U.S.C. 5312 (a). (48) 26 U.S.C. 5042 (a)(3). (49) Reorganization Act of 1949, 5 U.S.C. Sections 901 et seq.; Revenue Act of 1951, section 616; Treasury Department Order 221 (37 FR 11696, dated June 19, 1972). (50) 5 U.S.C. 301. (51) 26 U.S.C. 5181.

PURPOSE(S):

The purpose of this system is to determine suitability, eligibility or qualifications of individuals who are engaged or propose to engage in activities regulated by ATF; achieve compliance with laws under ATF's jurisdiction; assure full collection of revenue due from legal industries; eliminate commercial bribery, consumer deception and other improper trade practices in the distilled spirits, beer and wine industries; interact with Federal, state and local governmental agencies in the resolution of problems relating to industrial development, revenue protection, public health, ecology, and other areas of joint jurisdictional concern. When a criminal investigation results a compilation of information contained in this system of records, the information shall be transferred to the Treasury ATF -Criminal Investigation Report System and shall become part of that system for all purposes of the Privacy Act of 1974.

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

A record in this system may be disclosed as a routine use to: (1) Employees of other governmental agencies when required or authorized to be released by statute, regulations or Executive Order; (2) any third party to the extent necessary to collect or verify information pertinent to the Bureau's decision to grant, deny or revoke a license or permit; to initiate or complete an investigation of violations or alleged violations of laws and regulations administered by the Bureau; (3) appropriate Federal, state, local or foreign agencies for the purpose of enforcing administrative, civil or criminal laws; hiring or retention of an employee; issuance of a security clearance, license, contract, grant or other benefit; (4) a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of or in preparation for civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings; (5) INTERPOL and similar national and international intelligence gathering organizations for the purpose of identifying international and national criminals involved in consumer fraud, revenue evasion or crimes; (6) foreign governments in accordance with formal or informal international agreements; (7) appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation; (8) a congressional office in response to an inquiry made at the request of the individual to whom the record pertains; (10) provide information to the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's functions relating to civil and criminal proceedings.

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

STORAGE:

Active records stored in file folders in filing cabinets and in electronic media.

RETRIEVABILITY:

Records are retrievable by name, permit or license number, by document locator number, or by employer Identification Number (EIN).

SAFEGUARDS:

Direct access restricted to personnel in the Department of Treasury in the performance of their duty. Transmitted to routine users on a ''need to know'' basis and others upon verification of the substance and propriety of the request. Stored in file cabinets in rooms locked during non-duty hours.

RETENTION AND DISPOSAL:

Records are retained in accordance with General Records Schedules numbers 1 through 20 issued by the National Archives and Records Administration, and Bureau of Alcohol, Tobacco and Firearms Records Control Schedules numbers 101 and 201 and disposed of by shredding, burning or by degaussing.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Directors (Firearms Explosive & Arson, Alcohol and Tobacco Field Operations and Science & Technology), Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue, NW, Washington, DC 20226.

NOTIFICATION PROCEDURE:

The Director of the Bureau of Alcohol, Tobacco and Firearms has determined this system of records to be exempt from compliance with the provisions of 5 U.S.C. 552a (e)(4)(G).

RECORD ACCESS PROCEDURES:

The Director of the Bureau of Alcohol, Tobacco and Firearms has determined this system of records to be exempt from compliance with the provisions of 5 U.S.C. 552a (e)(4)(H).

CONTESTING RECORD PROCEDURES:

See ''Record access procedures'' above.

RECORD SOURCE CATEGORIES:

(1) Acquaintances. (2) Bureau Personnel. (3) Business and Professional Associates. (4) Creditors. (5) Criminal Records. (6) Financial Institutions. (7) Former Employers. (8) Internal Revenue Service. (9) Military Records. (10) Physicians. (11) Psychiatrists. (12) References. (13) Police Reports. (14) Witnesses. (15) Federal Law Enforcement Agencies. (16) State Law Enforcement Agencies. (17) Local Law Enforcement Agencies. (18) State Regulatory Agencies. (19) Federal Regulatory Agencies. (20) Local Regulatory Agencies. (21) Chief Counsel's Opinions. (22) Regional Counsel's Opinions. (23) Chief Counsel's Memoranda. (24) Regional Counsel's Memoranda. (25) Field Investigation Reports. (26) Third Parties.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

Exempt under 5 U.S.C. 552a (k)(2) and 31 CFR 1.36.

TREASURY/ATF .009

SYSTEM NAME:

Technical and Scientific Services Record System—Treasury/ATF.

SYSTEM LOCATION:

Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue, NW, Washington, DC 20226. Components of this record system are geographically dispersed throughout Bureau of Alcohol, Tobacco and Firearms' field offices. A list of field offices is available by writing to the Chief, Disclosure Division, Room 8290, 650 Pennsylvania Avenue, NW, Washington, DC 20226.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

(1) Applicants to register firearms under the National Firearms Act. (2) Applicants for Surplus Military Firearms under the Director of Civilian Marksmanship Program. (3) Importers of

implements of war as defined under the Mutual Security Act of 1954 and the Arms Export Control Act of 1976. (4) Licensed importers registered under the Mutual Security Act of 1954 and the Arms Export Control Act of 1976. (5) Manufacturers of National Firearms Act who are exempt from payment of Special (Occupational) tax provisions. (6) Non-Bureau chemists certified to make analysis of alcoholic beverages. (7) Persons involved in explosives tagging and detection program. (8) Registered owners of National Firearms Act firearms. (9) Special (Occupational) taxpayers as defined under Title II of the Gun Control Act of 1968. (10) Victims of explosives. (11) Individuals involved in Government funded research projects.

CATEGORIES OF RECORDS IN THE SYSTEM:

(1) Alterations of registered National Firearms Act firearms. (2) Applications for surplus military firearms. (3) Applications to register firearms and destructive devices under the National Firearms Act. (4) Applications to import articles on the United States Munitions list. (5) Blueprints. (6) Certifications of payment of Special (occupational) tax payments. (7) Changes of address for owner of firearms registered under the National Firearms Act. (8) Claims for erroneous Special (Occupational) taxes payments. (9) Descriptions of Inventions. (10) Delinquency notices regarding proof of importation of National Firearms Act Firearms. (11) Explosive reports. (12) Non-Bureau chemists' statements of qualification. (13) Patent information. (14) Registrations of firearms and destructive devices under the National Firearms Act. (15) Registration of war trophy firearms. (16) Requests and authorizations for temporary movement and/or temporary storage of National Firearms Act firearms. (17) Technical and scientific data. (18) Transaction records concerning National Firearms Act firearms. (19) Trade secrets. (20) United States Government contracts to manufacturers of National Firearms Act firearms. (21) Chief Counsel and Regional Counsel memoranda and opinions.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

(1) 18 U.S.C. Chapter 40; (2) 18 U.S.C. Chapter 44; (3) 18 U.S.C. section 3056; (4) 26 U.S.C. Sections 6001 (a), 5001, 5008, 5009 (a), 5006 (a), 5021 –5023, 5041, 5042 (a)(2), 5051, 5053, 5056, 5062(c), 5705, 6201, 6423(b), 5105, 5106, 5131(c), 5132, 5172, 5172 (b)(1), 5275, 5301(b), 5356, 5401, 5417, 5502 (b), 5511 (3), 5521 (a), 517 9(a), 5712, 7011; (5) 27 U.S.C. Sections 204 (c); (6) 26 U.S.C. Chapter 35; (7) Executive Order 10973, as amended by Executive Order 11432.

PURPOSE(S):

The purpose of this system is to provide technical and scientific support and expertise to Criminal and Regulatory Enforcement activities of the Bureau; to other Federal, state, local and foreign law enforcement agencies; and to industries involved in activities regulated by the Bureau. When a criminal investigation results in a compilation of information contained in this system, the information so compiled shall be transferred to the ATF Criminal Investigation Report System and shall become a part of that system for all purposes of the Privacy Act of 1974.

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

A record in this system may be disclosed as a routine use to: (1) Employees of other governmental agencies when required or authorized to be released by statute, regulations or Executive Order; (2) any third party to the extent necessary to collect or verify information pertinent to the Bureau's decision to grant, deny or revoke a license or permit; to initiate or complete an investigation of violations or alleged violations of laws and regulations administered by the Bureau; (3) appropriate Federal, state, local or foreign agencies, for the purpose of enforcing administrative, civil, criminal laws; hiring or retention of an employee; issuance of a security clearance, license, contract, grant or other benefit; (4) a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings; (5) INTERPOL and similar national and international intelligence gathering organizations for the purpose of identifying international and national criminals involved in consumer fraud, revenue evasion or crimes; (6) foreign governments in accordance with formal or informal international agreements; (7) appropriate Federal, state, local or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation; (8) insurance companies making determinations regarding claims in cases that the Bureau has conducted or is conducting in an arson investigation; (9) a congressional office in response to an inquiry made at the request of the individual to whom the record pertains; (10) provide information to the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's functions relating to civil and criminal proceedings.

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

STORAGE:

Active records stored in file folders and in electronic media.

RETRIEVABILITY:

Records are retrievable by name, by unique identifier, control number, serial number of National Firearms Act firearms.

SAFEGUARDS:

Stored in file cabinets locked during non-duty hours.

RETENTION AND DISPOSAL:

Records are retained in accordance with General Records Schedules numbers 1 through 20 issued by the National Archives and Records Administration, and Bureau of Alcohol, Tobacco and Firearms Records Control Schedules numbers 101 and 201 and disposed of by shredding or burning. Records stored on tape discs or on-line mass storage are disposed of by degaussing.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Directors (Firearms Explosive & Arson, Alcohol and Tobacco Field Operations and Science & Technology), Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue, NW, Washington, DC 20226.

NOTIFICATION PROCEDURE:

The Director of the Bureau of Alcohol, Tobacco and Firearms has determined this system of records to be exempt from compliance with the provisions of 5 U.S.C. 552a(e)(4)(G).

RECORD ACCESS PROCEDURES:

The Director of the Bureau of Alcohol, Tobacco and Firearms has determined this system of records to be exempt from compliance with the provisions of 5 U.S.C. 552a(e)(4)(H).

CONTESTING RECORD PROCEDURES:

See ''Record access procedures'' above.

RECORD SOURCE CATEGORIES:

(1) Individuals. (2) Companies. (3) Corporations. (4) Firearms Licensees. (5) Explosive Licensees. (6) Explosive Permittees. (7) Bureau personnel. (8) Federal law enforcement agencies. (9) State law enforcement agencies. (10) Local law enforcement agencies. (11) Foreign law enforcement agencies. (12) Federal Regulatory agencies. (13) State Regulatory agencies. (14) Local Regulatory agencies. (15) Non-Bureau Chemists.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

Exempt under 5 U.S.C. 552a(k)(2) and 31 CFR 1.36.

BILLING CODE: 4810–33–P

Comptroller of the Currency

TREASURY/COMPTROLLER .004

SYSTEM NAME:

Consumer Complaint and Inquiry Information System—Treasury/Comptroller.

SYSTEM LOCATION:

Office of the Comptroller of the Currency, Customer Assistance Group, 1301 McKinney Street, Suite 3710, Houston, Texas 77010.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons who file complaints against national banks and those who make inquiries about banks or banking issues, whether filed or made directly or through second parties—e.g., attorneys, Congressional representatives, or others.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records maintained in the system include: The name and address of the correspondent; the name and charter number of the involved national bank(s); the dates of the incoming correspondence and its receipt, numeric codes identifying the nature of the complaint or inquiry, the source of the complaint or inquiry, and the type of resolution; identification of the involved OCC district or supervisory office and the OCC personnel assigned to review the correspondence; the resolution date; and, if appropriate, the amount of reimbursement. Supporting records include documents and correspondence submitted by complainants and individuals making inquiries.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

12 U.S.C. 1, et.seq., 5 U.S.C. 301, 15 U.S.C. 41 et. seq.

PURPOSE(S):

The information in these and supporting records is maintained by OCC staff in its consumer affairs program for the investigation and resolution of consumer complaints and inquiries; and by OCC staff in the supervision of national banks.

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

The information in these records may be disclosed by OCC staff to respond to Congressional inquiries and the referral of complaints or inquiries made on behalf of constituents and to provide statistical data to Congress and federal or state agencies. Redacted copies of the files may be used in response to Congressional inquiries on specific subjects.

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

STORAGE:

Records comprising this system are stored electronically. Supporting records or materials are maintained in file folders and cabinets.

RETRIEVABILITY:

Correspondence records are retrieved from the Customer Assistance Group's office using either: (a) The name of the correspondent, the correspondent's representative, or the Congressman or Senator who has made inquiry on behalf of a constituent; or (b) the identification number assigned to the correspondence.

SAFEGUARDS:

Access to electronic records is limited to users in appropriate OCC units having appropriate identification codes and passwords. Supporting records or materials are maintained in locked file rooms.

RETENTION AND DISPOSAL:

Electronic records are maintained indefinitely. Supporting records and materials are retained in accordance with the OCC's record management policies.

SYSTEM MANAGER(S) AND ADDRESS:

Ombudsman, Office of the Comptroller of the Currency, 1301 McKinney Street, Suite 3710, Houston, Texas 77010.

NOTIFICATION PROCEDURE:

Individuals who wish to be notified if they are named in the system may write or call the Disclosure Officer, Communications, Office of the Comptroller of the Currency, 250 E Street, SW, Washington, DC 20219. Telephone 202–874–4700. Persons requesting such information must provide their name, address, name of the involved bank, the date of their complaint or inquiry, and, if available, the complaint identification number.

RECORD ACCESS PROCEDURES:

See ''Notification procedure'' above.

CONTESTING RECORD PROCEDURES:

See ''Notification procedure'' above.

RECORD SOURCE CATEGORIES:

The initial source is the person filing a complaint against a national bank or making an inquiry about a bank or banking issue. Subsequent sources are from bank correspondence, bank files, or from reports based on on-site investigations.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

TREASURY/COMPTROLLER .012

SYSTEM NAME:

Freedom of Information Index and Log—Treasury/Comptroller.

SYSTEM LOCATION:

Office of the Comptroller of the Currency (OCC), Disclosure Office, 250 E Street, SW, Washington, DC 20219.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons making requests under the Freedom of Information Act (FOIA).

CATEGORIES OF RECORDS IN THE SYSTEM:

Names of individuals making written requests for records under the FOIA, the mailing addresses of such individuals, and the dates of such requests and their receipt by the OCC. Supporting records include the written correspondence received from the requesters and the responses made to such requests by the OCC. Comparable records are maintained in this system with respect to any appeals made from initial denials of access.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

12 U.S.C. 1, 5 U.S.C. 301, and 5 U.S.C. 552.

PURPOSE(S):

Records are maintained to facilitate fulfillment of the responsibilities of the OCC under the FOIA.

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

These records may be made available to other federal agencies as well as third parties.

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

STORAGE:

Records comprising this system are stored electronically. Supporting

records or materials are maintained in unlocked file cabinets.

RETRIEVABILITY:

Records may be retrieved by the name of a requester or the FOIA case number assigned to a request.

SAFEGUARDS:

Access to electronic records is restricted through use of passwords assigned to personnel of the OCC's Disclosure Office.

RETENTION AND DISPOSAL:

Electronic records are maintained indefinitely. Supporting records and materials are retained in accordance with the OCC's records management policies.

SYSTEM MANAGER(S) AND ADDRESS:

Disclosure Officer, Communications, Office of the Comptroller of the Currency, 250 E Street, SW, Washington, DC 20219. Telephone 202–874–4700.

NOTIFICATION PROCEDURE:

Individuals wishing to be notified if they are named in this system should contact the OCC's Disclosure Officer, Communications, Office of the Comptroller of the Currency, 250 E Street, SW, Washington, DC 20219. Telephone 202–874–4700.

RECORD ACCESS PROCEDURE:

See Notification procedure'' above.

CONTESTING RECORD PROCEDURES:

See ''Notification procedure'' above.

RECORD SOURCE CATEGORIES:

Persons making written requests under the FOIA for access to OCC records.

EXEMPTIONS CLAIMED FOR THIS SYSTEM:

None.

TREASURY/COMPTROLLER .013

SYSTEM NAME:

Enforcement and Compliance Information System—Treasury/ Comptroller.

SYSTEM LOCATION:

Office of the Comptroller of the Currency (OCC), Enforcement and Compliance Division, 250 E Street, SW, Washington, DC 20219. Computerized records of Suspicious Activity Reports (SAR), administrative actions, with status updates, are managed by FinCEN, Department of the Treasury, pursuant to a contractual agreement, and are stored at the IRS Computing Center in Detroit, Michigan. Authorized personnel at the Federal financial regulatory agencies have on-line access to the computerized database managed by FinCEN through individual work stations that are linked to the database central computer.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Directors, officers, employees, shareholders, agents, and persons participating in the conduct of the affairs of entities regulated by the OCC who have been involved in suspected criminal activity or suspicious financial transactions and referred to law enforcement officials; and/or who have been involved in irregularities, violations of law, unsafe or unsound practices and/or breaches of fiduciary duty and have been the subject of an administrative action taken by the OCC.

CATEGORIES OF RECORDS IN THE SYSTEM:

SAR filed by national banks and/or by national bank examiners or attorneys for the OCC. The SAR contains information identifying the financial institution involved, the suspected person, the type of suspicious activity involved, the amount of loss known, and any witnesses. Also, administrative actions taken by the OCC against directors, officers, employees, shareholders, agents, and persons participating in the conduct of the affairs of entities regulated by the OCC.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

12 U.S.C. 481, 1817(j), 1818, and 1820; 15 U.S.C. 78c(a)(34), 78l(I), 78u, 78o–4.

PURPOSE(S):

The overall system serves as a central OCC repository for investigatory or enforcement information related to the responsibility of the OCC to examine and supervise entities regulated by the OCC.

The system maintained by FinCEN serves as the database for the cooperative storage, retrieval, analysis, and use of information relating to Suspicious Activity Reports made to or by the Federal financial regulatory agencies and FinCEN to various law enforcement agencies for possible criminal, civil, or administrative proceedings based on known or suspected violations affecting or involving persons, financial institutions, or other entities under the supervision or jurisdiction of such Federal financial regulatory agencies.

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 to: (1) Provide the Department of Justice with periodic reports that indicate the number, amount, individual identity, and other details concerning outstanding potential criminal violations of the law that have been referred to the Department; (2) Provide the Federal financial regulatory agencies and FinCEN with information relevant to their operations; (3) Disclose information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation; (4) Provide information or records to any appropriate domestic or foreign governmental agency or self-regulatory organization charged with the responsibility of administering law or investigating or prosecuting violations of law or charged with enforcing or implementing a statute, rule, regulation, order, policy, or license; (5) Disclose, when considered appropriate, information to a bar association, or other trade or professional organization performing similar functions, for possible disciplinary action; (6) Disclose information, when appropriate, to international and foreign governmental authorities in accordance with law and formal or informal international agreements; (7) Disclose the existence, but not necessarily the content, of information or records in cases where the OCC is a party or has a direct interest and where the OCC, in its sole discretion, has concluded that such disclosure is necessary; and (8) Disclose information to any person with whom the OCC contracts to reproduce, by typing, photocopying or other means, any record within this system for use by the OCC and its staff in connection with their official duties or to any person who is utilized by the OCC to perform clerical or stenographic functions relating to the official business of the OCC.

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

STORAGE:

Records are maintained on magnetic media and in paper and card files.

RETRIEVABILITY:

Computer output, file folders, and card files are retrievable by indexes of data fields, including name of financial institution and individuals' names.

SAFEGUARDS:

Paper and card files are stored in lockable metal file cabinets. Computer disks maintained at the OCC are accessed only by authorized personnel. The database maintained by FinCEN complies with applicable security requirements of the Department of the

Treasury. On-line access to the information in the database is limited to authorized individuals who have been specified by each Federal financial regulatory agency and FinCEN, and each such individual has been issued a non-transferable identifier or password.

RETENTION AND DISPOSAL:

Records are maintained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Enforcement and Compliance Division, OCC, 250 E Street, SW, Washington, DC 20219.

NOTIFICATION PROCEDURE:

Certain records in this system are exempt from notification and record-access requirements and requirements that an individual be permitted to contest its contents under 5 U.S.C. 552a(j)(2) and (k)(2) as relating to investigatory material compiled for law enforcement purposes. Requests relating to records not subject to exemption should be sent to the OCC's Disclosure Officer, Communications, Office of the Comptroller of the Currency, 250 E Street, SW, Washington, DC 20219. Telephone 202–874–4700. Requesters must attest to their identity and provide data supporting this identification.

RECORD ACCESS PROCEDURE:

See ''Notification procedures'' above.

CONTESTING RECORD PROCEDURES:

See ''Notification procedures'' above.

RECORD SOURCE CATEGORIES:

Suspicious activity reports and related historical information and updating forms and administrative actions taken against individuals compiled by the OCC and the other Federal financial regulatory agencies for law enforcement purposes. The OCC will also include information from its Enforcement and Compliance Information System.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

Components of this system have been designated as exempt from 5 U.S.C. 552a (c)(3), (c)(4), (d), (e)(1), (e)(2), (e)(3), (e)(4)(G), (e)(4)(H), (e)(5), (e)(8), (f) and (g) of the Privacy Act pursuant to 5 U.S.C. 552a(j)(2) and (k)(2).

TREASURY/COMPTROLLER .014

SYSTEM NAME:

Personnel Security/Investigation Files/Employee/Applicant Reference File—Treasury/Comptroller.

SYSTEM LOCATION:

Office of the Comptroller of the Currency (OCC), Administrative Services Division, 250 E Street, SW, Washington, DC 20219. Components of this system are geographically dispersed throughout the following six (6) district offices.

(1) Northeastern District: New York District Office, 1114 Avenue of the Americas, Suite 3900, New York, NY 10036.

(2) Southeastern District: Atlanta District Office, Marquis One Tower, Suite 600, 245 Peachtree Center Ave., NE, Atlanta, GA 30303.

(3) Central District: Chicago District Office, One Financial Place, Suite 2700, 44 South La Salle Street, Chicago, IL 60605.

(4) Midwestern District: Kansas City District Office, 2345 Grand Boulevard, Suite 700, Kansas City, MO 64108–2683.

(5) Southwestern District: Dallas District Office, 1600 Lincoln Plaza, 500 North Akard, Dallas, TX 75201–3394.

(6) Western District: San Francisco District Office, 50 Fremont Street, Suite 3900, San Francisco, CA 94105.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Applicants for employment with and employees of the Comptroller of the Currency.

CATEGORIES OF RECORDS IN THE SYSTEM:

Compilation of material for a determination regarding employability and/or Security Clearance.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

12 U.S.C. 1; 5 U.S.C. 301; and EO 10450 and 12356.

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

Disclosures are not made outside the Department.

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

STORAGE:

Locked steel file cabinets located in a room secured with a key lock.

RETRIEVABILITY:

Filed in alphabetical order.

SAFEGUARDS:

Locked Steel file cabinets located in a room secured with a key lock. Only the security officer within the Human Resources area has access.

RETENTION AND DISPOSAL:

Materials are retained for three months after employee leaves and the records are disposed by shredding.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Administrative Services Division, Office of the Comptroller of the Currency, 250 E Street, SW, Washington, DC 20219.

NOTIFICATION PROCEDURE:

Individuals wishing to be notified if they are named in this system should contact the OCC's Disclosure Officer, Communications, Office of the Comptroller of the Currency, 250 E Street, SW, Washington, DC 20219. Telephone 202–874–4700. Individuals wishing to be notified if they are named in the system must provide (1) the category and type of records sought; and (2) attestation to their identity and at least two items of secondary identification.

RECORD ACCESS PROCEDURE:

See ''Notification procedure'' above.

CONTESTING RECORD PROCEDURES:

See ''Notification procedure'' above.

RECORD SOURCE CATEGORIES:

The information contained in these records is provided by subject of the record: employers, co-workers, friends, neighbors and associates, and finances.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

Portions of this system have been designated as exempt from certain provisions of the Privacy Act pursuant to 5 U.S.C. 552a (k)(5).

TREASURY/COMPTROLLER .015

SYSTEM NAME:

Chain Banking Organizations System—Treasury/Comptroller.

SYSTEM LOCATION:

Office of the Comptroller of the Currency (OCC), 250 E Street, SW, Washington, DC 20219, and the OCC's district offices, as follows:

(1) Northeastern District: New York District Office, 1114 Avenue of the Americas, Suite 3900, New York, NY 10036.

(2) Southeastern District: Atlanta District Office, Marquis One Tower, Suite 600, 245 Peachtree Center Ave., NE, Atlanta, GA 30303.

(3) Central District: Chicago District Office, One Financial Place, Suite 2700, 44 South La Salle Street, Chicago, IL 60605.

(4) Midwestern District: Kansas City District Office, 2345 Grand Boulevard, Suite 700, Kansas City, MO 64108–2683.

(5) Southwestern District: Dallas District Office, 1600 Lincoln Plaza, 500 North Akard, Dallas, TX 75201–3394.

(6) Western District: San Francisco District Office, 50 Fremont Street, Suite 3900, San Francisco, CA 94105.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who directly, or indirectly, or in concert with others, own and/or control a chain banking organization.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records consist of two types of data: (1) Name of an individual (or group of individuals acting in concert) that owns or controls a chain banking organization; and (2) information concerning each bank in the chain, such as: name; location; charter number; charter type; date of last examination; percentage of outstanding stock owned by controlling individual or group; and, if applicable, name of intermediate holding entity and percentage of it held by controlling individual or group.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

12 U.S.C. 1, 12 U.S.C. 481, 12 U.S.C. 1817(j).

PURPOSE(S):

These records are maintained and used within the OCC to carry out the agency's supervisory responsibilities with respect to national and district banks.

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

The records may be used to: (1) Disclose information about specific chain banking organizations to other financial institution supervisory authorities for: (a) Coordination of examining resources when the chain banking organization is composed of banks or financial institutions subject to multiple supervisory jurisdiction; (b) coordination of evaluations and analysis of the condition of the consolidated chain group; (c) coordination of supervisory, corrective, or enforcement actions; (2) disclose information to the extent provided by law or regulation and as necessary to report any apparent violations of law to appropriate law enforcement agencies; (3) disclose pertinent information to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation; (4) disclose information to a Federal, State, or local agency, maintaining civil, criminal, or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit; (5) disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course or civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings; (6) provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains.

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

STORAGE:

Records comprising this system are stored electronically or in hard copy printouts stored in file cabinets.

RETRIEVABILITY:

Records may be retrieved by district location, state, alphabetically by surname of the individual(s) and/or entity controlling the chain banking organization.

SAFEGUARDS:

Access to electronic records is restricted to personnel of the OCC's Core Policy Development unit and the OCC's district offices. Access to hard copy printouts is restricted to OCC personnel who have a need for such records in the performance of their duties.

RETENTION AND DISPOSAL:

Electronic records are maintained indefinitely. Hard copy printouts are maintained in accordance with the OCC's record management policies.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Core Policy Development, Office of the Comptroller of the Currency, 250 E Street, SW, Washington, DC 20219.

NOTIFICATION PROCEDURE:

Individuals who wish to be notified if they are named in the system should contact the OCC's Disclosure Officer, Communications, Office of the Comptroller of the Currency, 250 E Street, SW, Washington, DC 20219. Telephone 202–874–4700. Individuals must provide the name and location of the bank(s) which they control individually or in concert with others. Requesters may also be required to attest to their identity and/or submit data substantiating such identity.

RECORD ACCESS PROCEDURE:

See ''Notification procedure'' above.

CONTESTING RECORD PROCEDURE:

See ''Notification procedure'' above.

RECORD SOURCE CATEGORIES:

Information that identifies chain banking groups primarily is gathered from: (1) Examination reports and related materials; (2) regulatory filings; and (3) Change in Bank Control notices filed pursuant to 12 U.S.C. 1817(j).

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

TREASURY/COMPTROLLER .016

SYSTEM NAME:

Litigation Information System (LIS)—Treasury/Comptroller.

SYSTEM LOCATION:

Office of the Comptroller of the Currency (OCC), Litigation Division, 250 E Street, SW, Washington, DC 20219.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

(A) Individuals who file administrative or judicial claims against the OCC and/or officials or employees of the OCC in their capacity as such; (B) individuals against whom the OCC files administrative or judicial claims; (C) individuals named as party-plaintiffs or defendants in administrative or judicial claims in which the OCC participates as a nonparty; (D) all other individuals, including actual or potential witnesses, involved in litigation brought by or against the OCC or in which the OCC participates as a nonparty; and (E) persons submitting requests for testimony and/or production of documents pursuant to 12 CFR part 4, subpart C.

CATEGORIES OF RECORDS IN THE SYSTEM:

All records generated in connection with the claim or litigation, including evidentiary material, transcripts of testimony, documents prepared for administrative or judicial proceedings, correspondence, and staff memoranda and records relating to requests for information pursuant to 12 CFR part 4, subpart C.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

12 U.S.C. 1 and 481; 15 U.S.C. 78c(a)(34), 78(I), 78o–4.

PURPOSE(S):

The information maintained in this system is utilized within the OCC to assist in the representation of the agency's interests in administrative and judicial claims by or against the OCC.

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

These records may be used to: (1) provide the Department of Justice with pleadings, memoranda, correspondence, litigation reports, and other documents that will assist it in the preparation of litigation involving the OCC; (2) disclose information to the news media in accordance with guidelines contained in 28 CFR 50.2, which covers the release of information relating to civil and criminal proceedings; (3) disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosure to opposing counsel or potential or actual witnesses in the course of discovery, in litigation, or in settlement negotiations, or in response to a subpoena, where relevant or potentially relevant to the proceeding; (4) provide information or records to any other appropriate domestic or foreign governmental agency or self-regulatory organization charged with responsibility of administering law or investigating or prosecuting violations of law or charged with enforcing or implementing statutes, rules, regulations or orders pursuant thereto; (5) disclose information to bank and consumer groups; and (6) disclose information to any person with whom the OCC contracts to reproduce by typing, photocopy, or other means, any record within the system of records for use by the OCC and its staff in connection with their official duties or to any person who is utilized by the OCC to perform clerical or stenographic functions relating to the official business of the OCC.

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

STORAGE:

Records comprising this system are maintained in file folders kept in lockable file cabinets.

RETRIEVABILITY:

Access to the records is by name of the individual litigant(s), witness(es), or requester(s).

SAFEGUARDS:

Records are accessible only to authorized personnel.

RETENTION AND DISPOSAL:

Records are retained in accordance with the OCC's records management policies.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Litigation Division, Office of the Comptroller of the Currency, 250 E Street, SW, Washington, DC 20219.

NOTIFICATION PROCEDURE:

Individuals wishing to be notified if they are named in this system should contact the OCC's Disclosure Officer, Communications, Office of the Comptroller of the Currency, 250 E Street, SW, Washington, DC 20219. Telephone 202–874–4700. Individuals wishing to be notified if they are named in the system must provide: (1) The name of the action in which a claim has been asserted; (2) the date in which the action was initiated or completed; and (3) attestation to their identity and at least two items of secondary identification.

RECORD ACCESS PROCEDURE:

See ''Notification procedure'' above.

CONTESTING RECORD PROCEDURES:

See ''Notification procedure'' above.

RECORD SOURCE CATEGORIES:

Individuals who file claims against or otherwise are involved in legal proceedings to which the OCC or an official or employee in such capacity is a party or in which the OCC otherwise participates; communications and documents generated or received by the OCC or its officials or employees in the course of legal proceedings; persons submitting requests for testimony and/or production of documents.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

TREASURY/COMPTROLLER .221

SYSTEM NAME:

Registration Records for Municipal and United States Government Securities Dealers—Treasury/Comptroller.

SYSTEM LOCATION:

Office of the Comptroller of the Currency (OCC), Treasury and Market Risk Division, 250 E Street SW, Washington, DC 20219.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons who are or seek to be associated with a municipal securities dealer or a government securities broker/dealer which is a national or District of Columbia bank, or a department or division of any such bank, in the capacity of municipal securities principals, municipal securities representatives, or government security associated persons.

CATEGORIES OF RECORDS IN THE SYSTEM:

These records contain identifying information, detailed educational and occupational histories, certain professional qualifications, examination information, disciplinary histories, and information concerning the termination of employment of individuals covered by the system. Identifying information includes name, address history, date and place of birth, and may include Social Security number.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

12 U.S.C. 1 et seq and section 15B(c), 17 and 23 of the Securities Exchange Act of 1934 (15 U.S.C. 78o–4(c)(5), 78o–5(a)(1)(B)(ii), 78o–5(b)(2)(C)(ii), 78q(c) and 78w).

PURPOSE(S):

These records are maintained and used within the OCC to carry out the agency's supervisory responsibilities with respect to national and district banks, the securities activities of such institutions, and the professional qualifications of bank officials engaged in these activities.

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

The information contained in these records may be subject to the following uses: (1) Referral to the appropriate governmental authority, whether Federal, State, local, or foreign, or to the appropriate self-regulatory organization, of such information as may indicate a violation or potential violation of law, regulation, or rule; (2) referral to the appropriate court, magistrate, or administrative law judge of such information as may be relevant to proceedings before any such court or judicial officer; (3) disclosure of such information as may aid in the resolution of any action or proceeding: (a) In which the Federal securities or banking laws are at issue; (b) in which the propriety of any disclosure of information contained in the system is at issue; or (c) to which the OCC or a past or present member of its staff is a party or otherwise involved in an official capacity; (4) disclosure to a Federal, State, local, or foreign governmental authority, or to a selfregulatory organization, of such information as may be necessary to obtain from such authority or organization additional information concerning the qualifications of an individual covered by the system; (5) disclosure of such information as may be necessary to respond to a request from a Federal, State, local, or foreign governmental authority, or from a self-regulatory

organization, for information needed in connection with the issuance of a license, granting of a benefit, or similar action by such authority or organization affecting an individual covered by the system; and (6) disclosure of such information as may be necessary to respond to any Congressional inquiry undertaken at the request of an individual covered by the system.

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

STORAGE:

Records comprising this system are stored electronically. Supporting records or materials are maintained in file folders.

RETRIEVABILITY:

Records are indexed by name of individual and by a numerical identifier assigned by the OCC.

SAFEGUARDS:

Computerized data base is accessible to only authorized personnel. File folders are stored in lockable metal cabinets.

RETENTION AND DISPOSAL:

Electronic records are maintained indefinitely. Supporting records and materials are retained in accordance with the OCC's records management policies.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Treasury and Market Risk Division, Office of the Comptroller of the Currency, 250 E Street SW, Washington, DC 20219.

NOTIFICATION PROCEDURE:

Individuals wishing to be notified if they are named in this system should contact the OCC's Disclosure Officer, Communications, Office of the Comptroller of the Currency, 250 E Street, SW, Washington, DC 20219. Telephone 202–874–4700. Individuals may be required to attest to their identity and/or submit data substantiating such identity.

RECORD ACCESS PROCEDURE:

See ''Notification procedure'' above.

CONTESTING RECORD PROCEDURES:

See ''Notification procedure'' above.

RECORD SOURCE CATEGORIES:

Those individuals and municipal and U.S. Government securities dealers described in the section entitled ''Categories of individuals covered by the system'' provide the bulk of information in the system. Additional input is provided by Federal, State, local, and foreign governmental authorities, and by self-regulatory organizations, which regulate the securities industry.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

TREASURY/COMPTROLLER .300

SYSTEM NAME:

Administrative Personnel System—Treasury/Comptroller.

SYSTEM LOCATION:

Office of the Comptroller of the Currency (OCC), Administrative Services Division, 250 E Street, SW, Washington, DC 20219. Components of this system are geographically dispersed throughout the following six district offices:

(1) Northeastern District: New York District Office, 1114 Avenue of the Americas, Suite 3900, New York, NY 10036.

(2) Southeastern District: Atlanta District Office, Marquis One Tower, Suite 600, 245 Peachtree Center Ave., NE, Atlanta, GA 30303.

(3) Central District: Chicago District Office, One Financial Place, Suite 2700, 44 South La Salle Street, Chicago, IL 60605.

(4) Midwestern District: Kansas City District Office, 2345 Grand Boulevard, Suite 700, Kansas City, MO 64108–2683.

(5) Southwestern District: Dallas District Office, 1600 Lincoln Plaza, 500 North Akard, Dallas, TX 75201–3394.

(6) Western District: San Francisco District Office, 50 Fremont Street, Suite 3900, San Francisco, CA 94105.

CATEGORIES OF RECORDS IN THE SYSTEM:

Employment related administrative records. This system contains internal control type information about employees and contractual users of agency facilities and systems. The type of records found within this system are: List of individuals who are issued building passes, credit or identification cards, parking permits, accountable property and travel documents; lists of individuals who perform specialized duties (building wardens, relocation teams, safety officers, and civil defense officers); reports about individuals who are involved in accidents while employed, and authorization codes for use of internal computer systems.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

General authority: 12 U.S.C. 1, 481, 482 and 5 U.S.C. 301. Specific authority is derived from a number of laws, regulations and Executive Orders.

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

A record in this system may be disclosed as a routine use to: (1) The Office of Personnel Management (OPM) for the purpose of complying with regulations issued by the OPM; (2) the General Services Administration (GSA) for the purpose of complying with regulations issued by the GSA; (3) the Department of Labor for the purpose of investigating claims for work related injuries.

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

STORAGE:

File folders, magnetic tape, lists and forms.

RETRIEVABILITY:

Records are retrieved primarily by name (filed alphabetically by category of records); secondary identifiers are used to assure accuracy (date of birth, social security number or employee identification number).

SAFEGUARDS:

Records are stored in lockable cabinets or secure rooms; access is limited to officials who have a need for the information; employees are trained to make only authorized disclosures.

RETENTION AND DISPOSAL:

Personnel-type records are retained for thirty (30) days after termination. All other records are retained and destroyed in accordance with published disposition and retention schedules.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Administrative Services Division, Office of the Comptroller of the Currency, 250 E Street, SW, Washington, DC 20219.

NOTIFICATION PROCEDURE:

Individuals wishing to be notified if they are named in this system should contact the OCC's Disclosure Officer, Communications, Office of the Comptroller of the Currency, 250 E Street, SW, Washington, DC 20219, Telephone 202–874–4700. Individuals wishing to be notified if they are named in the system must provide: (1) The category and type of record sought; (2) the location of the OCC office where last employed; and (3) attestation to their identity and at least two items of secondary identification.

RECORD ACCESS PROCEDURE:

See ''Notification procedure'' above.

CONTESTING RECORD PROCEDURES:

See ''Notification procedure'' above.

RECORD SOURCE CATEGORIES:

The information in these records was provided by or verified by the subject of the record, employers and co-workers.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

TREASURY/COMPTROLLER .310

SYSTEM NAME:

Financial System—Treasury/Comptroller.

SYSTEM LOCATION:

Office of the Comptroller of the Currency (OCC), Financial Services, 250 E Street, SW, Washington, DC 20219. Components of this system are geographically dispersed throughout the following six district offices:

(1) Northeastern District: New York District Office, 1114 Avenue of the Americas, Suite 3900, New York, NY 10036.

(2) Southeastern District: Atlanta District Office, Marquis One Tower, Suite 600, 245 Peachtree Center Ave., NE, Atlanta, GA 30303.

(3) Central District: Chicago District Office, One Financial Place, Suite 2700, 44 South La Salle Street, Chicago, IL 60605.

(4) Midwestern District: Kansas City District Office, 2345 Grand Boulevard, Suite 700, Kansas City, MO 64108–2683.

(5) Southwestern District: Dallas District Office, 1600 Lincoln Plaza, 500 North Akard, Dallas, TX 75201–3394.

(6) Western District: San Francisco District Office, 50 Fremont Street, Suite 3900, San Francisco, CA 94105.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Present and past employees of the Office of the Comptroller of the Currency.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system contains payroll and disbursement type records including: Travel records, debt information, and information about employees. The types of records found within this system are: Award, allowance, salary, fund advancement justification and disbursement records; personnel information; leave information; payroll deductions for taxes, life and health insurance, financial institutions, retirement funds including the Federal Employees Retirement System and the Civil Service Retirement System, Thrift Savings Plan, and charitable groups.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

General authority: 12 U.S.C. 1, 481, 482; 5 U.S.C. 301.

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

These records and information in these records may be used to: (1) furnish the Internal Revenue Service and other jurisdictions which are authorized to tax the employee's compensation, with wage and tax information in accordance with a withholding agreement with the Department of the Treasury pursuant to 5 U.S.C. 5516, 5517, and 5520; (2) furnish the Office of Personnel Management (OPM) with data to update the Central Personnel Data File and other statistical reports as required for the purpose of complying with regulations issued by OPM; (3) furnish another Federal agency information to effect interagency salary offset; to furnish another Federal agency information to effect interagency administrative offset, except that addresses obtained from the Internal Revenue Service shall not be disclosed to other governmental agencies; and to furnish a debt collection agency information for debt collection services. Current mailing addresses acquired from the Internal Revenue Service are routinely released to debt collection agencies for collection services; (4) the General Services Administration (GSA) for the purpose of complying with regulations issued by GSA; (5) the General Accounting Office for the purpose of conducting audits; (6) entities designated to receive payroll deductions; (7) Department of Labor to determine eligibility for unemployment benefits; (8) disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing Counsel or witnesses in the course of civil discovery, litigation or settlement negotiations in response to a subpoena, or in connection with criminal law proceedings.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosures pursuant to 5 U.S.C. 552(b)(12) and section 3 of the Debt Collection Act of 1982; Debt information concerning a government claim against an individual is also furnished in accordance with 5 U.S.C. 552a(b)(12) and section 3 of the Debt Collection Act of 1982 (Pub. L. 97–365), to consumer reporting agencies to encourage repayment of an overdue debt.

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

STORAGE:

Maintained in file folders, magnetic media including computer discs and tapes, microfiche, and hard copy printout. Disbursement records are stored at the Federal Records Center.

RETRIEVABILITY:

Records are retrieved primarily by name (filed alphabetically), or an assigned identification number (Social Security Number or an assigned identification number). Secondary identifiers are used to assure accuracy of data assessed, including date of birth, Social Security number, or employee identification number.

SAFEGUARDS:

File folders are stored in lockable cabinets or secure rooms; access is limited to officials who have a need for the information; employees are trained to make only authorized disclosures. Computer records are accessed only by authorized personnel.

RETENTION AND DISPOSAL:

Payroll and disbursement records are retained by the Office in accordance with the Comptroller of the Currency's Comprehensive Records Disposition Schedule.

SYSTEM MANAGER(S) AND ADDRESS:

Chief Financial Officer, Financial Services, Office of the Comptroller of the Currency, 250 E Street, SW, Washington, DC 20219.

NOTIFICATION PROCEDURE:

Individuals wishing to be notified if they are named in this system should contact the OCC's Disclosure Officer, Communications, Office of the Comptroller of the Currency, 250 E Street, SW, Washington, DC 20219, Telephone 202–874–4700. Individuals wishing to be notified if they are named in the system must provide: (1) The category and type of record sought; (2) the location of the OCC office where last employed; and (3) attestation to their identity and at least two items of secondary identification.

RECORD ACCESS PROCEDURE:

See ''Notification procedure'' above.

CONTESTING RECORD PROCEDURES:

See ''Notification procedure'' above.

RECORD SOURCE CATEGORIES:

The information contained in these records is provided by or verified by the subject of the record and OCC employees.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

TREASURY/COMPTROLLER .320

SYSTEM NAME:

General Personnel System—Treasury/Comptroller.

SYSTEM LOCATION:

Office of the Comptroller of the Currency (OCC), Human Resources, 250 E Street, SW, Washington, DC 20219. Components of this system are geographically dispersed throughout the following six district offices:

(1) Northeastern District: New York District Office, 1114 Avenue of the Americas, Suite 3900, New York, NY 10036.

(2) Southeastern District: Atlanta District Office, Marquis One Tower, Suite 600, 245 Peachtree Center Ave., NE, Atlanta, GA 30303.

(3) Central District: Chicago District Office, One Financial Place, Suite 2700, 44 South La Salle Street, Chicago, IL 60605.

(4) Midwestern District: Kansas City District Office, 2345 Grand Boulevard, Suite 700, Kansas City, MO 64108–2683.

(5) Southwestern District: Dallas District Office, 1600 Lincoln Plaza, 500 North Akard, Dallas, TX 75201–3394.

(6) Western District: San Francisco District Office, 50 Fremont Street, Suite 3900, San Francisco, CA 94105.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Present and past employees and applicants for employment.

CATEGORIES OF RECORDS IN THE SYSTEM:

Employment related biographical and performance material. This category of records is typically identified as personnel type records and contains data about employees and applicants. The records found within this category include: Performance evaluations; educational, employment, medical and military histories; employee benefit applications, forms and claims; travel and relocation claims; locator and emergency contact information; dependent and beneficiary information; physical and qualification descriptions.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

General authority—12 U.S.C. 1, 481, 482, and 5 U.S.C. 301. Specific authority is derived from a number of laws, regulations and Executive Orders.

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

A record in this system may be disclosed as a routine use to: (1) The Office of Personnel Management (OPM) for the purpose of complying with regulations issued by the OPM; (2) the Veterans Administration (VA) for the purposes of determining veterans preference and pension benefits; (3) the Equal Employment Opportunity Commission for the purpose of providing minority information and case reports; (4) respond to requests from labor organizations for names of employees and identifying information; (5) the Department of Labor for the purpose of reporting health and safety matters; (6) the General Services Administration (GSA) for the purpose of complying with regulations issued by GSA; (7) the Merit Systems Protection Board for the purpose of providing necessary information relating to employee appeals; (8) the Department of Labor to provide information relative to Unemployment Compensation and OWCP claims.

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

STORAGE:

File folders, magnetic media, microfiche, printouts, lists and forms.

RETRIEVABILITY:

Records are retrieved primarily by name (filed alphabetically by category of records). Secondary identifiers are used to assure accuracy (date of birth, Social Security number or employee identification number).

SAFEGUAREDS:

Records are stored in lockable cabinets, electronic data bases requiring security access codes or secure rooms; access is limited to officials who have a need for the information; employees are trained to make only authorized disclosures. Records maintained with vendors are under contractual obligation to maintain confidentiality.

RETENTION AND DISPOSAL:

Most personnel-type records are retained for thirty (30) days after termination, at which time they are transferred to the Federal Records Center or destroyed. Some records are retained for varying periods of time in accordance with Federal Personnel Manual Regulations.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Human Resources, Office of the Comptroller of the Currency, 250 E Street, SW, Washington, DC 20219.

NOTIFICATION PROCEDURE:

Individuals wishing to be notified if they are named in this system should contact the OCC's Disclosure Officer, Communications, Office of the Comptroller of the Currency, 250 E Street, SW, Washington, DC 20219, Telephone 202–874–4700. Individuals wishing to be notified if they are named in the system must provide: (1) The category and type of record sought; (2) the location of the OCC office where last employed; and (3) attestation to their identity and at least two items of secondary identification.

RECORD ACCESS PROCEDURE:

See ''Notification procedure'' above.

CONTESTING RECORD PROCEDURES:

See ''Notification procedure'' above.

RECORD SOURCE CATEGORIES:

The information contained in these records was provided or verified by the subject of the record, employers, co-workers, friends, neighbors and associates listed as references, financial and educational institutions.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

TREASURY/COMPTROLLER .500

SYSTEM NAME:

Chief Counsel's Management Information System—Treasury/Comptroller.

SYSTEM LOCATION:

Office of the Comptroller of the Currency (OCC), Chief Counsel, 250 E Street, SW, Washington, DC 20219. Supporting records and materials are maintained by components of the OCC's Law Department, including the legal staffs located in the following six district offices.

(1) Northeastern District: New York District Office, 1114 Avenue of the Americas, Suite 3900, New York, NY 10036.

(2) Southeastern District: Atlanta District Office, Marquis One Tower, Suite 600, 245 Peachtree Center Ave., NE, Atlanta, GA 30303.

(3) Central District: Chicago District Office, One Financial Place, Suite 2700, 44 South La Salle Street, Chicago, IL 60605.

(4) Midwestern District: Kansas City District Office, 2345 Grand Boulevard, Suite 700, Kansas City, MO 64108–2683.

(5) Southwestern District: Dallas District Office, 1600 Lincoln Plaza, 500 North Akard, Dallas, TX 75201–3394.

(6) Western District: San Francisco District Office, 50 Fremont Street, Suite 3900, San Francisco, CA 94105.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons who: (1) Have requested information or action from OCC's Law Department, (2) have initiated administrative or judicial actions against the OCC and/or officials or

employees of the OCC in their capacity as such; (3) persons against whom the OCC has filed, or may file, administrative or judicial actions; and (4) persons referenced in documents received by the Law Department in the course of the OCC's bank supervisory functions.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records maintained electronically in this system relate to work assignments received by the OCC's Law Department and may include, as appropriate, the name and organization of the individual requesting information or action, the name and organization of the individual who is the subject of such a request, the staff attorney assigned to a request, and a description of the assignment and its nature. Supporting records include the written correspondence received from the requesters and related materials.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

12 U.S.C. 1, 12 U.S.C. 481, 5 U.S.C. 301.

PURPOSE(S):

The records maintained in this system relate to work assignments made to members of the OCC's legal staff. These matters relate to the OCC's status as an agency responsible for the chartering and supervision of national banks and the interpretation and enforcement of those laws, regulations, and rules applicable to these institutions and their directors, officers, and employees.

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

The information contained in these records may also be subject to the following uses: (1) The disclosure of pertinent information to appropriate Federal, State, local, or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation; (2) the disclosure of information to a Federal, State, or local agency, maintaining, civil, criminal, or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit; (3) the disclosure of information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings; and (4) the provision of information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

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

STORAGE:

Records comprising this system are stored electronically. Supporting records or materials are maintained in file folders and cabinets.

RETRIEVABILITY:

Records are indexed on a variety of data elements, including a correspondent's name and organization, the assigned attorney, the nature of an assignment, the dates of the correspondence and its receipt by the OCC, and the date of the assignment's completion.

SAFEGUARDS:

The electronic data base is accessible to only authorized personnel having assigned identification codes and passwords. With respect to supporting records and materials, employees are trained to make disclosures of such information to only those individuals who have a need for the information.

RETENTION AND DISPOSAL:

Electronic records are maintained indefinitely. Supporting records and materials are retained in accordance with the OCC's records management policies.

SYSTEM MANAGER(S) AND ADDRESS:

Chief Counsel, Office of the Comptroller of the Currency, 250 E Street, SW, Washington, DC 20219.

NOTIFICATION PROCEDURE:

The system contains records which are exempt under 5 U.S.C. 552a(j)(2) or 552a(k)(2). Requests relating to records not subject to these exemptions should be sent to the Disclosure Officer, Communications, Office of the Comptroller of the Currency, 250 E Street, SW, Washington, DC 20219, telephone 202–874–4700. Individuals wishing to be notified if they are named in the system may be required to attest to their identity and/or submit data substantiating such identity.

RECORD ACCESS PROCEDURES:

See ''Notification procedure'' above.

CONTESTING RECORD PROCEDURES:

See ''Notification procedure'' above.

RECORD SOURCE CATEGORIES:

Materials received by the Law Department from various sources, including, inter alia, correspondence or requests received from members of the public, national banks and their affiliated organizations or directors, officers, employees or agents, other Federal agencies, state and local agencies, and OCC personnel.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

This system is exempt from 5 U.S.C. 552a(c)(3)(4), (d)(1)(2)(3)(4), (e)(1)(2)(3)(4), (G), (H), and (I), (e)(5) and (8), (f), and (g) of the Privacy Act pursuant to 5 U.S.C. 552a(j)(2) and (k)(2).

BILLING CODE: 4820–02–P

U.S. Customs Service

TREASURY/CS–001

SYSTEM NAME:

Acceptable Level of Competence, Negative Determination—Treasury/Customs.

SYSTEM LOCATION:

Located in Customs Headquarters Offices and in each Customs Management Center, Port, SAC, and appropriate post of duty.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any employee of U.S. Customs Service, who receives a negative determination regarding acceptable level of competence.

CATEGORIES OF RECORDS IN THE SYSTEM:

Employee's name, social security number, position description, grade, and correspondence containing specific reasons for negative determination.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

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

These records and information in these records may be used to: (1) Disclose pertinent information to appropriate Federal, State, local, or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation; (2) disclose information to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement information or

other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit; (3) disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings; (4) provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains; (5) provide information to unions recognized as exclusive bargaining representatives under the Civil Service Reform Act of 1978, 5 U.S.C. 7111 and 7114; (6) provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

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

STORAGE:

Records are maintained in file folders and stored in locked file cabinets.

RETRIEVABILITY:

The records are filed by the individual's name.

SAFEGUARDS:

Stored in locked cabinets.

RETENTION AND DISPOSAL:

Records are retained until the employee leaves the Customs Service.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Labor and Employee Relations Division, Office of Human Resources, Customs Headquarters, or Labor and Employee Relations Office, Customs Management Center Headquarters, or appropriate managerial official in employee's, SAC, port or post of duty offices.

NOTIFICATION PROCEDURE:

Correspondence with systems manager.

RECORD ACCESS PROCEDURES:

Correspondence with systems manager.

CONTESTING RECORD PROCEDURES:

Correspondence with systems manager.

RECORD SOURCE CATEGORIES:

Information is furnished by the employee, employee's supervisor and the Merit Systems Protection Board.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

TREASURY/CS .002

SYSTEM NAME:

Accident Reports—Treasury/Customs.

SYSTEM LOCATION:

Field Mission Support, U. S. Customs Service, 555 Battery Street, Rm. 326, San Francisco, CA 94111.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any employee who has had an accident on Government property or in an official vehicle since 1973.

CATEGORIES OF RECORDS IN THE SYSTEM:

Standard Government forms dealing with accidents and personal injuries.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended. Executive Order 11807 and section 19 of Occupational Health & Safety Act of 1970; 5 U.S.C. 8101–8150, 8191–8193.

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 to: (1) Disclose to employee's beneficiary in event of death following the accident or injury or to employee's agent in case of disability; (2) disclose pertinent information to appropriate Federal, State, local, or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation; (3) disclose information to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit; (4) disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings; (5) provide information to the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's functions relating to civil and criminal proceedings; (6) provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

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

STORAGE:

Each case folder is maintained in an unlocked drawer in chronological order by date.

RETRIEVABILITY:

Each case is identified by employee name and date of accident.

SAFEGUARDS:

The metal container described above is maintained within the area assigned to the Logistics Management Division within the Southeast Region Headquarters Building. During non-working hours the room in which the metal container is located is locked.

RETENTION AND DISPOSAL:

Accident Record files are retained in accordance with the Records Disposal Manual.

SYSTEM MANAGER(S) AND ADDRESS:

Management Program Technician, Field Mission Support, U. S. Customs Service, 555 Battery Street, San Francisco, CA 94111.

NOTIFICATION PROCEDURE:

See Customs appendix A.

RECORD ACCESS PROCEDURES:

See Customs appendix A.

CONTESTING RECORD PROCEDURES:

See Access, Customs appendix A.

RECORD SOURCE CATEGORIES:

Information originates with employees who have been injured and/or have been involved in accidents during the exercise of their official duties. Also included are witness reports and statements, the employees' supervisors' statements and doctors' reports.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

TREASURY/CS .005

SYSTEM NAME:

Accounts Receivable—Treasury/Customs.

SYSTEM LOCATION:

Financial Management Division, National Finance Center, U.S. Customs Service, 6026 Lakeside Blvd., Indianapolis, IN 46278; U.S. Customs Service, Financial Management Division, Increase and Refund Section, 6 World Trade Center, New York, NY 10048; Financial Management Division, U.S. Customs Service, 423 Canal Street, New Orleans, LA 70130.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons owing money for Customs duties and services and money owed to persons for overpayment of excessive duties and services.

CATEGORIES OF RECORDS IN THE SYSTEM:

Correspondence and documentation of telephone calls with debtors and creditors or their representatives.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

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 to: (1) Provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains; (2) provide information to unions recognized as exclusive bargaining representatives under the Civil Service Reform Act of 1978, 5 U.S.C. 7111 and 7114.

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

STORAGE:

Data is stored in file folders which are contained in an unlocked metal file cabinet.

RETRIEVABILITY:

The file is retrieved by the name of the individual which is kept in alphabetical order within the work area of the Collection Section.

SAFEGUARDS:

The files are located within an office that is locked during non-working hours. The building is guarded by uniformed security police and only authorized persons are permitted entry to the building.

RETENTION AND DISPOSAL:

The file is retained until collection or refund is effected and two (2) years thereafter, then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Customs Management Center, U.S. Customs Service, 6 World Trade Center, New York, NY 10048; Financial Management Division, U.S. Customs Service, Gulf Customs Management Center, 423 Canal Street, New Orleans, LA 70130.

NOTIFICATION PROCEDURE:

See Customs appendix A.

RECORD ACCESS PROCEDURES:

See Customs appendix A.

CONTESTING RECORD PROCEDURES:

See Access, Customs appendix A.

RECORD SOURCE CATEGORIES:

The information in the system is obtained from data gathered from the automated billing system and ports of entry.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

TREASURY/CS .009

SYSTEM NAME:

Acting Customs Inspector (Excepted)—Treasury/Customs.

SYSTEM LOCATION:

Director, East Texas Customs Management Center, 2323 South Shepard St., Suite 1200, Houston, TX 77019; Office of the Port Director, San Diego, CA; Offices of the Port Directors, San Ysidro, CA; Calexico, CA; Tecate, CA; Andrade, CA; San Diego Barge Office; U.S. Customhouse, PO Box 111, Port Director's Office, St. Albans, VT 05478.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees or members of other Federal agencies who are designated by the Port Directors as Customs Inspectors (Excepted).

CATEGORIES OF RECORDS IN THE SYSTEM:

System has name, social security number, rank or grade and duty station of the individual.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

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 to: (1) Provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains; (2) provide information to unions recognized as exclusive bargaining representatives under the Civil Service Reform Act of 1978, 5 U.S.C. 7111 and 7114.

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

STORAGE:

CF 55 forms kept in manila folders in file cabinet.

RETRIEVABILITY:

Filed alphabetically.

SAFEGUARDS:

During non-working hours the offices and/or buildings in which records are located are locked.

RETENTION AND DISPOSAL:

Until individual transfers or designation is canceled. Form is then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Director, East Texas Customs Management Center, 2323 South Shepard St., Suite 1200, Houston, TX 77019; Port Directors within the San Diego Customs District (see appendix A.); Port Director, U.S. Customs Service, St. Albans, VT 05478, Port Director, 1, LaPontilla St. PO Box 2112, San Juan, PR 00901.

NOTIFICATION PROCEDURE:

See Customs appendix A.

RECORD ACCESS PROCEDURES:

See Customs appendix A.

CONTESTING RECORD PROCEDURES:

See Access, Customs appendix A.

RECORD SOURCE CATEGORIES:

Information is supplied by the individual and his or her agency.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

TREASURY/CS .021

SYSTEM NAME:

Arrest/Seizure/Search Report and Notice of Penalty File-Treasury/Customs.

SYSTEM LOCATION:

Port Director, United States Customs Service, PO Box 1641, Honolulu, HI 96806.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons who are suspected of attempting to smuggle, or have smuggled, merchandise or contraband into the United States; individuals who have undervalued merchandise upon entry into the United States; vessels and aircraft which have been found to be in violation of Customs laws.

CATEGORIES OF RECORDS IN THE SYSTEM:

Names of individuals, vessels, aircraft; identifying factors; nature of

violation or suspected violation; circumstances surrounding violation or suspected violation; date and place of violation or suspected violation; and on-site disposition actions.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

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 to: (1) Disclose pertinent information to appropriate Federal, State, local, or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation; (2) disclose information to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit; (3) disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings; (4) provide information to the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's functions relating to civil and criminal proceedings; (5) provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

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

STORAGE:

Each report is assigned a case number and filed accordingly in a locked, metal file located in the Office of Investigations.

RETRIEVABILITY:

Each report is identified in a manual alphabetical card file by the name of the individual, vessel or aircraft.

SAFEGUARDS:

In addition to being stored in a locked metal cabinet, these records are located in a locked room, the keys of which are controlled and issued only to authorized personnel.

RETENTION AND DISPOSAL:

These records are retained for one year (1) or until action has been completed.

SYSTEM MANAGER(S) AND ADDRESS:

Office of Investigations, U.S. Customs Service, Post Office Box 1641, Honolulu, HI 96806.

NOTIFICATION PROCEDURE:

See Customs appendix A.

RECORD ACCESS PROCEDURES:

See Customs appendix A.

CONTESTING RECORD PROCEDURES:

See Access, Customs appendix A.

RECORD SOURCE CATEGORIES:

See ''Categories of individuals covered by the system'' above. The system contains material for which sources may not need to be reported.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

This system is exempt from 5 U.S.C. 552a (c)(3), (d)(1), (d)(2), (d)(3), (d)(4), (e)(1), (e)(4)(G), (H) and (I) and (f) of the Privacy Act pursuant to 5 U.S.C. 552a (k)(2).

TREASURY/CS .022

SYSTEM NAME:

Attorney Case File—Treasury/Customs.

SYSTEM LOCATION:

The Chief Counsel, U.S. Customs Service Headquarters, 1300 Pennsylvania Avenue, NW., Washington, DC 20229; Office of the Associate Chief Counsel of each Region (for addresses see ''Customs Management Center Directors'' section, appendix A). Assistant Chief Counsel, Charleston, SC; Assistant Chief Counsel, San Diego, CA; Assistant Chief Counsel, Seattle, WA; Assistant Chief Counsel, 9400 Viscount Drive, Suite 102, El Paso, TX 79925; Resident Counsel, U.S. Customs Service Academy, Building 67–FLETC, Glynco, GA 31524; Assistant Chief Counsel (CIT), U.S. Customs Service, Room 258, 26 Federal Plaza, New York, NY 10007; Assistant Chief Counsel (NFC), National Logistics Finance Center, U.S. Customs Service, PO Box 68914, Indianapolis, IN 46278.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who are subject of adverse actions, equal employment opportunity complaints, unfair labor practice complaints, and grievances; individuals who are the subject of Customs license or other administrative revocation or suspension proceedings; individuals who are the subject of or have requested legal advice from the various offices; individuals requesting access to information pursuant to any statute, regulation, directive, or policy to disclose such information, including individuals who are the subject of a Federal or state administrative or judicial subpoena; individuals who have filed or may file claims under the various Federal claims acts; individuals who are parties in litigation with the United States government or subunits or employees or officers thereof, in matters which affect or involve the United States Customs Service; individuals who are seeking relief from fines and penalties and forfeitures assessed for violations of the law and regulations administered by Customs; individuals who have outstanding Customs bills submitted for collection; and individuals who have challenged contracting decisions of the agency.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system of records consists of a computer database containing information designed to allow the system manager to track matters which have come into his or her office. The categories of records maintained in the file folders which are indexed by computer system are personnel actions; administrative revocation or suspension proceedings; intra-agency or inter-agency memoranda, reports of investigation, and other documents relating to the request for legal advice; claims and cases in administrative and judicial litigation; requests, information, records, documents, internal Customs Service memoranda, or memoranda from other agencies and related materials regarding the disclosure of information.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended; 28 U.S.C. 2672, et. seq.; 28 CFR 14.1, et. seq.; 31 CFR 3.1, et. seq.; 31 U.S.C. 3701 et. seq.; 31 CFR part 4; 5 U.S.C. 552, 31 CFR part 1, Reorganization Plan No. 1 of 1965; Government employee laws found in Title 5 of the United States Code; government contracting laws found in Titles 31, 40, and 41 of the United States Code; and the Customs laws and regulations found in Title 19 of the United States Code and Code of Federal Regulations, respectively.

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 to: (1) Disclose pertinent information to appropriate Federal, State, local, or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation; (2) disclose information to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit; (3) disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings; (4) provide information to the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's functions relating to civil and criminal proceedings; (5) provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

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

STORAGE:

The computerized indices are maintained in computer data base. Each file is maintained in a numbered file folder which is filed in an unlocked drawer in the responsible attorney's office, a metal file cabinet, or a storage room at the local system manager's location.

RETRIEVABILITY:

Through the use of the computer located at the local system manager's location, each file is retrievable by name, number and title.

SAFEGUARDS:

Access is limited to employees who have a need for such records in the course of their work. Background checks are made on employees. All facilities where records are stored have access limited to authorized personnel. During non-working hours the rooms in which the files are located are locked. During working hours, the rooms in which the files are located are under control of the staff of the local systems manager.

RETENTION AND DISPOSAL:

The file folders are retained in accordance with the Federal Records Retention Manual.

SYSTEM MANAGER(S) AND ADDRESS:

See systems location above.

NOTIFICATION PROCEDURE:

See Customs appendix A.

RECORD ACCESS PROCEDURES:

See Customs appendix A.

CONTESTING RECORD PROCEDURES:

See Access, Customs appendix A.

RECORD SOURCE CATEGORIES:

The information contained in these files originates from the subject individual, U.S. Customs employees, Reports of Investigation, Customs penalty case files, other government agencies, parties involved in administrative and judicial litigation, administrative proceedings regarding disciplinary action taken against Customs Service employees, Equal Opportunity complaints, unfair labor practice complaints, parties involved in administrative revocation or suspension proceedings, individuals or employees requesting legal advice, and from the parties requesting disclosure of information.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

This system is exempt from 5 U.S.C. 552a (c)(3), (d)(1), (d)(2), (d)(3), (d)(4), (e)(1), (e)(4)(G), (H) and (I), and (f) of the Privacy Act pursuant to 5 U.S.C. 552a (k)(2).

TREASURY/CS .030

SYSTEM NAME:

Bankrupt Parties-in-Interest—Treasury/Customs.

SYSTEM LOCATION:

U.S. Customs Service, Director, National Finance Center, PO Box 68907, Indianapolis, Indiana 46268

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals indebted to U.S. Customs.

CATEGORIES OF RECORDS IN THE SYSTEM:

Listed by name, address, port of service, bill number, and dollar amount of delinquent receivables.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Pub. L. 89–508, the ''Federal Claims Collection Act of 1966;'' 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

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 to: (1) Disclose pertinent information to appropriate Federal, State, local, or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation; (2) disclose information to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit; (3) disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings; (4) provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains; (5) provide information to the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's functions relating to civil and criminal proceedings; (6) provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

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

STORAGE:

Cases are maintained in file folders at work site.

RETRIEVABILITY:

Alphabetical order by name.

SAFEGUARDS:

These cases are placed in locked cabinets during non-working hours. The building is guarded by uniformed security police.

RETENTION AND DISPOSAL:

As satisfaction is received, cases are closed. Records are maintained per Records Control Manual FIS–4 No. 124.

SYSTEM MANAGER(S) AND ADDRESS:

Director, U.S. Customs, National Finance Center, 6026 Lakeside Boulevard, Indianapolis, IN 46268.

NOTIFICATION PROCEDURE:

See Customs appendix A.

RECORD ACCESS PROCEDURES:

See Customs appendix A.

CONTESTING RECORD PROCEDURES:

See Access, Customs appendix A.

RECORD SOURCE CATEGORIES:

The source of information is obtained from individuals, bankruptcy courts, Customhouse brokers, and sureties.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

TREASURY/CS .031

SYSTEM NAME:

Bills Issued Files—Treasury/Customs.

SYSTEM LOCATION:

Director, U.S. Customs, National Finance Center, P.O. Box 68907.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals to whom bills have been issued.

CATEGORIES OF RECORDS IN THE SYSTEM:

Correspondence received from or sent to individuals in relation to bills issued by the United States Customs Service.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

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 to: (1) Disclose pertinent information to appropriate Federal, State, local, or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation; (2) disclose information to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit; (3) disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings; (4) provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains; (5) provide information to the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's functions relating to civil and criminal proceedings; (6) provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

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

STORAGE:

Individual alphabetical file folders in file cabinet.

RETRIEVABILITY:

Access by name of individual.

SAFEGUARDS:

The file cabinet is maintained in the offices of the Director, National Finance Center. During non-working hours the room/building in which the file is located is locked. Access is limited to authorized personnel.

RETENTION AND DISPOSAL:

Correspondence is maintained for a period of three (3) years then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Director, U.S. Customs, National Finance Center, PO. Box 68907, Indianapolis, Indiana 46268.

NOTIFICATION PROCEDURE:

See Customs appendix A.

RECORD ACCESS PROCEDURES:

See Customs appendix A.

CONTESTING RECORD PROCEDURES:

See Access, Customs appendix A.

RECORD SOURCE CATEGORIES:

The information consists of copies of letters or memoranda issued to or received from individuals. Records of phone calls and copies of documents related to the individual's transaction.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

TREASURY/CS .032

SYSTEM NAME:

Biographical Files (Headquarters)—Treasury/Customs.

SYSTEM LOCATION:

Public Information Division, U.S. Customs Service Headquarters, 1300 Pennsylvania Avenue, NW, Washington, DC 20229, and the Customs Management Center Public Information offices located at the addresses listed in Customs appendix A.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

General biographical records are maintained on all Customs employees for news release and public information purposes.

CATEGORIES OF RECORDS IN THE SYSTEM:

General biographical information including home address, date and place of birth, educational background, work experience, honors and awards, hobbies, and other information.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

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 to: (1) Provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains; (2) provide information to unions recognized as exclusive bargaining representatives under the Civil Service Reform Act of 1978, 5 U.S.C. 7111 and 7114.

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

STORAGE:

Information is maintained in file cabinets in the Public Information Division at Customs Headquarters.

RETRIEVABILITY:

File folders are identified by the name of the person and are filed in alphabetical order.

SAFEGUARDS:

The office in which the records are located is locked during non-working hours and the building is guarded by uniformed guards.

RETENTION AND DISPOSAL:

Files are retained during the individual's tenure as an employee of the Customs Service, after which the files are destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Public Information Division, U.S. Customs Service Headquarters, 1300 Pennsylvania Avenue, NW, Washington, DC 20229.

NOTIFICATION PROCEDURE:

See Customs appendix A.

RECORD ACCESS PROCEDURES:

See Customs appendix A.

CONTESTING RECORD PROCEDURES:

See Access, Customs appendix A.

RECORD SOURCE CATEGORIES:

The individual involved, Customs personnel officers and co-workers.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

TREASURY/CS .040

SYSTEM NAME:

Carrier File—Treasury/Customs.

SYSTEM LOCATION:

Located in the Office of the Area Port Director, Terminal Island, San Pedro, CA; Office of the Port Director, San Diego, CA; Office of the Port Director, Los Angeles International Airport, Los Angeles, CA; Office of the Port Director, Terrace and International Streets, Nogales, AZ 85621; San Ysidro, CA; Tecate, CA; Calexico, CA; Andrade, CA; San Diego Barge Office.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Officers or owners, employees, associates of Customs Bonded Carriers.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, date of birth, social security number, place of birth and other information relating to Officers, Associates, employees, etc., of Bonded Carriers.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended, and the Customs Regulations.

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 to: (1) Disclose pertinent information to appropriate Federal, State, local, or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation; (2) disclose information to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit; (3) disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings; (4) provide information to the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's functions relating to civil and criminal proceedings; (5) provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

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

STORAGE:

Manila folder in file cabinet.

RETRIEVABILITY:

Filed by name of company or individual.

SAFEGUARDS:

Building locked during non-working hours.

RETENTION AND DISPOSAL:

Records retained until obsolete, then destroyed by burning.

SYSTEM MANAGER(S) AND ADDRESS:

Customs Management Center Director and Service Port Directors, within the San Diego Customs District; Area Port Director, Terminal Island, San Pedro, CA; Area Port Director, Los Angeles International Airport; and Port Director, U.S. Customhouse, Nogales, AZ 85621. (See Customs appendix A.)

NOTIFICATION PROCEDURE:

See Customs appendix A.

RECORD ACCESS PROCEDURES:

See Customs appendix A.

CONTESTING RECORD PROCEDURES:

See Access, Customs appendix A.

RECORD SOURCE CATEGORIES:

Customs Bonded Carriers' employees and correspondence.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

TREASURY/CS .041

SYSTEM NAME:

Cartmen or Lightermen—Treasury/Customs.

SYSTEM LOCATION:

Customs ports and Customs Management Centers. (See Customs appendix A.)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals and firms who have applied for or hold a license as a bonded cartman or lighterman and individuals employed by cartman or lightermen.

CATEGORIES OF RECORDS IN THE SYSTEM:

Internal Customs Service memoranda and related materials regarding applications for licenses and identification cards, reports of investigations for approving these licenses and identification cards and card files showing outstanding identification cards and their location. Files also include fingerprint cards.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

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

These records and the information in these records may be used to: (1) Disclose pertinent information to appropriate Federal, State, local, or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation; (2) disclose information to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit; (3) disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings; (4) provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

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

STORAGE:

The information in this system is contained in a metal file cabinet in the office maintaining the system, or on magnetic disc.

RETRIEVABILITY:

Each case file is identified in a manual alphabetical card file by the name of the licensed cartman or lighterman and in the alphabetical file folder by the name of the licensed cartman or lighterman. Each employee's record is filed in a manual alphabetical card file cross-referenced with company names.

SAFEGUARDS:

The file is placed in a metal file cabinet at the work site. At locations where work is not performed on a 24–hour basis the work area is locked and only authorized persons are permitted in the building.

RETENTION AND DISPOSAL:

Files are reviewed at least once a year at which time canceled I.D. cards may be removed. Closed CF 3078's may also be removed, but normally are held for approximately three years in case a new application is received from the same company or transferred to another company after a new investigation.

SYSTEM MANAGER(S) AND ADDRESS:

Area Port Directors and Customs Management Center Directors. (See Customs appendix A.)

NOTIFICATION PROCEDURE:

See Customs appendix A.

RECORD ACCESS PROCEDURES:

See Customs appendix A.

CONTESTING RECORD PROCEDURES:

See Access, Customs appendix A.

RECORD SOURCE CATEGORIES:

See ''Categories of individuals covered by the system'' above. The system contains material for which sources may not need to be reported.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

This system is exempt from 5 U.S.C. 552a (c)(3), (d)(1), (d)(2), (d)(3), (d)(4), (e)(1), (e)(4)(G), (H) and (I), and (f) of the Privacy Act pursuant to 5 U.S.C. 552a (k)(2).

TREASURY/CS .042

SYSTEM NAME:

Case and Complaint File—Treasury/Customs.

SYSTEM LOCATION:

Office of Associate Chief Counsel (Chicago), U.S. Customs Service, 610 S. Canal St., 7th floor, Chicago, IL 60607.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any individual initiating a court case or against whom a court case is brought; any individual involved in a personnel action, either initiating a grievance, discrimination complaint, or unfair labor practice complaint against the U.S. Customs Service or against whom a disciplinary or other adverse action is initiated; claimants or potential claimants under the Federal Tort Claim Act; individuals involved in accidents with U.S. Customs Service employees; U.S. Customs Service employees involved in accidents; persons seeking relief from fines, penalties and forfeitures and restoration of proceeds from the sale of seized and forfeited property; requesters under the Freedom of Information Act.

CATEGORIES OF RECORDS IN THE SYSTEM:

The System contains the individual's name, the type of case, the uniform filing guide number, the Associate Chief Counsel's office file number, by whom the matter was referred, the district where the action originated, if applicable.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

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 to: (1) Provide information to the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's functions relating to civil and criminal proceedings; (2) provide information to unions recognized as exclusive bargaining representatives under the Civil Service Reform Act of 1978, 5 U.S.C. 7111 and 7114.

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

STORAGE:

Each alphabetical card is inserted in a metal file drawer.

RETRIEVABILITY:

Each card is identified alphabetically by the individual's name described in Category of Individual and the filing is alphabetically used by last name.

SAFEGUARDS:

The metal filing drawer containing the alphabetical cards described above is maintained within the area assigned to the Office of Associate Chief Counsel (Chicago), U.S. Customs Service, 610 S. Canal St., 7th floor, Chicago, IL 60607. During non-working hours, the room in which the metal filing drawer is located is locked and access to the building is controlled at all times by uniformed guards with a check-in system for employees. Only employees of the Associate Chief Counsel's Office and authorized building personnel have keys to the building.

RETENTION AND DISPOSAL:

These files are retained until there is no longer space available for them within the metal filing drawer at which time the oldest cards for closed files will be transferred to the storage area within the confines of the office. The storage area is a large area containing cardboard boxes and metal storage cabinets, unable to be locked.

SYSTEM MANAGER(S) AND ADDRESS:

Associate Chief Counsel (Chicago), U.S. Customs Service, 610 S. Canal St., 7th floor, Chicago, IL 60607.

NOTIFICATION PROCEDURE:

See Customs appendix A.

RECORD ACCESS PROCEDURES:

See Customs appendix A.

CONTESTING RECORD PROCEDURES:

See Access, Customs appendix A.

RECORD SOURCE CATEGORIES:

The information contained on these cards originates with the initiation of any action by an individual which is channeled through the Assistant Chief Counsel's Office. Additional information is identifying information for locating the particular case file relating to the court case, personnel action, tort claim, relief petition, or request under the Freedom of Information Act.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

TREASURY/CS .043

SYSTEM NAME:

Case Files (Associate Chief Counsel—Gulf Customs Management Center)—Treasury/Customs.

SYSTEM LOCATION:

The system is located at 423 Canal Street, New Orleans, LA 70130; Associate Chief Counsel—Gulf Customs Management Center, United States Customs Service.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

(1) The first category of individuals on whom records are maintained in the system includes employees who have filed adverse actions, equal employment opportunity complaints, and grievances within the Gulf Region; employees who have filed tort claims under the Military Personnel and Civilian Employees Act; employees of the Associate Chief Counsel's staff with regard to travel, training, evaluations, and other related personnel records; and applications for employment submitted to the Office of the Associate Chief Counsel by prospective employees. (2) The second category of individuals on whom records are maintained in the system includes those individuals not employed by the agency who have filed equal employment opportunity complaints; tort claims under the Federal Tort Claims Act; tort claims filed under the Small Claims Act; individuals who have outstanding Customs bills submitted for collection; individuals, corporations, partnerships, and proprietorships who have filed supplemental petitions on fines, penalties, and forfeitures within the Gulf Region; files relating to individuals, corporations, partnerships, and proprietorships upon whom criminal case reports are prepared pending litigation and prosecution for violation of 19 U.S.C. 1305, 18 U.S.C. 542, 18 U.S.C. 545, 18 U.S.C. 549, 18 U.S.C. 1001, 18 U.S.C. 496, and 18 U.S.C. 371; on individuals, corporations, partnerships, and proprietorships who have filed supplemental petitions submitted in civil and technical violations for 19 U.S.C. 1592, 19 U.S.C. 1453, 19 U.S.C. 1448, 19 U.S.C. 1584, irregular deliveries, shortages and overages; and miscellaneous civil and technical violations.

CATEGORIES OF RECORDS IN THE SYSTEM:

The categories of records maintained in the system are personnel actions; tort claims; collection efforts; supplemental petitions for fines, penalties, and forfeitures cases in the Gulf Region; criminal case reports for pending litigation and prosecution of cases in the Gulf Region; supplemental petitions for civil and technical violations committed within the Gulf Region; and employment applications for positions in the Office of the Associate Chief Counsel, Gulf Region.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

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 to: (1) Disclose pertinent information to appropriate Federal, State, local, or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation; (2) disclose information to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the Bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit; (3) disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings; (4) provide information to the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's functions relating to civil and criminal proceedings; (5) provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

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

STORAGE:

The records are currently maintained in alphabetical file folders which are filed in two steel filing cabinets in the Office of the Assistant Chief Counsel (New Orleans), and they are maintained under lock and key outside the ordinary business hours.

RETRIEVABILITY:

Records maintained by the Office of the Assistant Chief Counsel (New Orleans), are retrievable by identifying the character of the record (i.e., adverse action, grievance, tort claim, criminal case), then by comparable statute or regulation, and then alphabetically by name and identifier. In addition, each case file is similarly identified on the alphabetical file folder within the steel filing cabinet.

SAFEGUARDS:

The steel filing cabinets described above are maintained within the area assigned to the Office of the Assistant Chief Counsel (New Orleans), 423 Canal Street, New Orleans, LA 70130. During non-working hours the room in which the locked steel cabinets are located is locked, and access to the building is controlled at all times by uniformed guards. The policies and practices of the Office of the Assistant Chief Counsel regarding access controls are that only members of the staff of the Office of the Assistant Chief Counsel have access to the records maintained by the office.

RETENTION AND DISPOSAL:

Individual records are placed into a file of closed cases by category as stated above, and within each category by name. The oldest closed cases are forwarded to the Federal Records Center in accordance with the Treasury Records Control Manual.

SYSTEM MANAGER(S) AND ADDRESS:

The agency official responsible for the system of records maintained by the Office of the Assistant Chief Counsel is the Assistant Chief Counsel (New Orleans), 423 Canal Street, New Orleans, LA 70130.

NOTIFICATION PROCEDURE:

See appendix A.

RECORD ACCESS PROCEDURES:

See Customs appendix A.

CONTESTING RECORD PROCEDURES:

See Access, Customs appendix A.

RECORD SOURCE CATEGORIES:

The categories of sources of records in this system are the individual himself and files compiled by the United States Customs Service by using employers, other government agency resources, financial institutions, educational institutions attended, and previous employers. Additional information in these files is also derived from reports of investigation regarding the enforcement of civil or criminal statutes, administrative proceedings regarding disciplinary action taken against Customs Service employees, equal opportunity complaints, investigations of tort claims, the processing of interoffice memoranda information requested under the Freedom of Information Act, and the investigation regarding the collection of debts due the Government.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

This system is exempt from 5 U.S.C. 552a (c)(3), (d)(1), (d)(2), (d)(3), (d)(4), (e)(1), (e)(4)(G), (H) and (I), and (f) of the

Privacy Act pursuant to 5 U.S.C. 552a(k)(2).

TREASURY/CS .044

SYSTEM NAME:

Certificates of Clearance—Treasury/Customs.

SYSTEM LOCATION:

North Atlantic Customs Management Center, 10 Causeway Street, Boston, MA 02222.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All employees of the North Atlantic Region, Boston, MA, who have transferred, retired or resigned.

CATEGORIES OF RECORDS IN THE SYSTEM:

Documented detailed information on an ''in-house'' prepared form indicating that the employee has returned all Government property in his/her personal possession and that the employee has cleared all debts owing to Customs such as unearned uniform allowances and travel advances.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

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 to: (1) Provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains; (2) provide information to unions recognized as exclusive bargaining representatives under the Civil Service Reform Act of 1978, 5 U.S.C. 7111 and 7114.

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

STORAGE:

Data is stored in file folders by Port and name of employee in a metal file cabinet in the work area of the Payment Section.

RETRIEVABILITY:

The file is retrievable by Port and name of employee.

SAFEGUARDS:

The file is located within an office that is locked during non-working hours. The building is guarded by uniformed security police and only authorized persons are permitted entry to the building.

RETENTION AND DISPOSAL:

The files are kept for 10 years and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Director, North Atlantic Customs Management Center, 10 Causeway Street, Boston, MA 02222.

NOTIFICATION PROCEDURE:

See Customs appendix A.

RECORD ACCESS PROCEDURES:

See Customs appendix A.

CONTESTING RECORD PROCEDURES:

See Access, Customs appendix A.

RECORD SOURCE CATEGORIES:

The information contained in the system originates at the District where the individual is employed.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

TREASURY/CS .045

SYSTEM NAME:

Claims Act File-Treasury/Customs.

SYSTEM LOCATION:

Office of the Associate Chief Counsel (Los Angeles), U.S. Customs Service, One World Trade Center, Suite 741, P.O. Box 32709, Long Beach, CA 90832.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current or former Customs employees who have filed, or may file claims under the Military Personnel and Civilian Employees' Claim Act of 1964 for damage to or loss of personal property incident to their service.

CATEGORIES OF RECORDS IN THE SYSTEM:

Documents relating to the administrative handling of the claim and documents submitted by the claimant in support of the claim.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

31 U.S.C. 240–243; 31 CFR part 4; Treasury Department Administrative Circular No. 131, August 19, 1965.

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 to: (1) Provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains; (2) provide information to unions recognized as exclusive bargaining representatives under the Civil Service Reform Act of 1978, 5 U.S.C. 7111 and 7114.

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

STORAGE:

Each case file is inserted numerically in a file folder which is filed in an unlocked drawer within a metal container.

RETRIEVABILITY:

Each case file is identified numerically in the file folder within the metal container by the name of the person who has filed or may file a claim.

SAFEGUARDS:

The metal container described above is maintained within the area assigned to the Office of the Associate Chief Counsel within the New Federal Building. During non-working hours the room in which the metal container is located is locked, and access to the building is controlled at all times by uniformed guards.

RETENTION AND DISPOSAL:

These files are retained indefinitely or until there is no longer any space available for them within the metal container, at which time the oldest closed files are transferred to the Federal Records Center.

SYSTEM MANAGER(S) AND ADDRESS:

Associate Chief Counsel (Los Angeles), U.S. Customs Service, One World Trade Center, Suite 741, P.O. Box 32709, Long Beach, CA 90832.

NOTIFICATION PROCEDURE:

See Customs appendix A.

RECORD ACCESS PROCEDURES:

See Customs appendix A.

CONTESTING RECORD PROCEDURES:

See Access, Customs appendix A.

RECORD SOURCE CATEGORIES:

The information contained in these files originates with a Treasury Department Form No. 3079, Civilian Employee Claim For Loss or Damage to Personal Property, which is completed and filed with the Customs Service by the claimant. Additional information contained in these files may be separately provided by the claimant or by the claimant's supervisor. Where a claim is not filed, the information is limited to the investigative reports of damage to or loss of personal property of a Customs employee.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

TREASURY/CS .046

SYSTEM NAME:

Claims Case File-Treasury/Customs.

SYSTEM LOCATION:

Assistant Chief Counsel (Boston), 10 Causeway Street, Boston, MA 02222;

Office of the Assistant Chief Counsel (San Francisco), 555 Battery Street, San Francisco, CA 94111; Office of the Associate Chief Counsel (Houston), U.S. Customs Service, 2323 South Shepard St., Suite 1246, Houston, TX 77019.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Parties who have filed claims for damage or injury against the Government, or against whom the Government has a claim for damage or injury in matters which affect or involve the U.S. Customs Service; private individuals or Government employees who are involved in the incident which gave rise to the claim.

CATEGORIES OF RECORDS IN THE SYSTEM:

Reports relative to the circumstances of the claim (including accident reports provided by Customs personnel, agents' investigative reports, correspondence between Customs and the claimant or his representative); reports relative to an individual's ability to pay a claim for damages.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

28 U.S.C. 2672 et seq.; 28 CFR part 14; 31 CFR part 3; 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

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 to: (1) Disclose pertinent information to appropriate Federal, State, local, or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation; (2) disclose information to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit; (3) disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings; (4) provide information to the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's functions relating to civil and criminal proceedings; (5) provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

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

STORAGE:

Records maintained in file folders.

RETRIEVABILITY:

Records indexed by name of individual making a claim or against whom a claim is made, cross-referenced file with name of Government employee, if any, involved.

SAFEGUARDS:

Open case files maintained in file cabinets with access by Assistant Chief Counsel and his staff only; closed case files maintained in locked cabinet with keys retained by Assistant Chief Counsel and staff only.

RETENTION AND DISPOSAL:

Retained until there is no longer any space available within metal cabinets, at which time the oldest files are transferred to the Federal Records Center.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Chief Counsel (Boston), 10 Causeway Street, Boston, MA 02222; Office of the Assistant Chief Counsel (San Francisco), 555 Battery Street, San Francisco, CA 94111; Office of the Associate Chief Counsel (Houston), U.S. Customs Service, 2323 South Shepard St., Suite 1246, Houston, TX 77019.

NOTIFICATION PROCEDURE:

See Customs appendix A.

RECORD ACCESS PROCEDURES:

See Customs appendix A.

CONTESTING RECORD PROCEDURES:

See Access, Customs appendix A.

RECORD SOURCE CATEGORIES:

The information contained in these files is received from U.S. Customs employees, reports of investigation, credit checks, private individuals involved in the claims, other Government agencies and other individuals with pertinent information.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

This system is exempt from 5 U.S.C. 552a (c)(3), (d)(1), (d)(2), (d)(3), (d)(4), (e)(1), (e)(4)(G), (H) and (I), and (f) of the Privacy Act pursuant to 5 U.S.C. 552a (k)(2).

TREASURY/CS .050

SYSTEM NAME:

Community Leader Survey-Treasury/Customs.

SYSTEM LOCATION:

Equal Employment Opportunity Officer, U.S. Customs Service, East Texas Customs Management Center, 2323 South Shepard St., Suite 1200, Houston, TX 77019.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

The names, titles, and organization of persons who may be construed to be occupying a community leadership role and who may be in a position to furnish information or have some influence in regard to the equal employment opportunity program area.

CATEGORIES OF RECORDS IN THE SYSTEM:

These records consist of a card index of the names, titles, and organization of community leaders.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

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 to: (1) Provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains; (2) provide information to unions recognized as exclusive bargaining representatives under the Civil Service Reform Act of 1978, 5 U.S.C. 7111 and 7114.

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

STORAGE:

An alphabetical card listing filed in a metal file cabinet.

RETRIEVABILITY:

Listed and filed alphabetically.

SAFEGUARDS:

The metal file cabinet described above is maintained within the area assigned to the Equal Employment Opportunity Officer. During non-working hours this office area is locked and access to the building is controlled at all times by uniformed guards.

RETENTION AND DISPOSAL:

To be useful, this information file must be kept current. Non-current files will be destroyed locally.

SYSTEM MANAGER(S) AND ADDRESS:

Equal Employment Opportunity Officer, U.S. Customs Service, East Texas Customs Management Center, 2323 South Shepard St., Suite 1200, Houston, TX 77019.

NOTIFICATION PROCEDURE:

See Customs appendix A.

RECORD ACCESS PROCEDURES:

See Customs appendix A.

CONTESTING RECORD PROCEDURES:

See Access, Customs appendix A.

RECORD SOURCE CATEGORIES:

The information included in these files is developed from local agencies (city, county, state, and Federal) and from local civic organizations.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

TREASURY/CS .053

SYSTEM NAME:

Confidential Source Identification File—Treasury/Customs.

SYSTEM LOCATION:

Components of this system are located in the Office of Investigations, U.S. Customs Service Headquarters, and the Office of Internal Affairs, U.S. Customs Service Headquarters, 1300 Pennsylvania Avenue, NW., Washington, DC 20229.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals (sources) supplying confidential information to the U.S. Customs Service, Office of Investigations and Office of Internal Affairs.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system contains some or all of the following information: Name (actual or assumed), source (identifying) number, date number assigned, address, citizenship, occupational information, date and place of birth, physical description, photograph, miscellaneous identifying number such as social security number, driver's license number, FBI number, passport number, Customs Form 4621 documenting information received from confidential source, amount and date of monetary payment made to source for information supplied, criminal record, copy of driver's license, and copy of alien registration card.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended; 19 U.S.C. 1619; and 18 U.S.C. Chapter 27.

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

Disclosures are not made outside the Department.

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

STORAGE:

Records are kept in locked cabinets. Access during working hours is limited to authorized personnel.

RETRIEVABILITY:

Office of Investigations and Office of Internal Affairs—The name of each source is filed in both alphabetical order and by location of the submitting office.

SAFEGUARDS:

In addition to being stored in secure metal cabinets with government approved locks, the files are located in closely watched rooms of the Office of Investigations and the Office of Internal Affairs. Personnel maintaining the files are selected for their reliability, among other qualities, and afforded access only after having been cleared by a full field investigation. During non-working hours the rooms in which the records are located are locked and access to the building is controlled by uniformed security guards.

RETENTION AND DISPOSAL:

The Office of Investigations destroys a file when it no longer has any utility by either shredding or burning; the Office of Internal Affairs reviews files annually for relevance and necessity, and when a file no longer has any utility, it is destroyed either by shredding or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Commissioner, Office of Investigations, U.S. Customs Service Headquarters, 1300 Pennsylvania Avenue, NW., Washington, DC 20229, for those components of the system maintained by the Office of Investigations; Director, Office of Internal Affairs, (Integrity Management), U.S. Customs Service Headquarters, 1300 Pennsylvania Avenue, NW., Washington, DC 20229, and for those components of the system maintained by the Office of Internal Affairs.

NOTIFICATION PROCEDURE:

This system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual. (See 5 U.S.C. 552a (e)(4)(G) and (f)(1).)

RECORD ACCESS PROCEDURES:

This system of records may not be accessed under the Privacy Act for the purpose of inspection.

CONTESTING RECORD PROCEDURES:

Since this system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual and those records, if any, cannot be inspected, the system may not be accessed under the Privacy Act for the purpose of contesting the content of the record.

RECORD SOURCE CATEGORIES:

This system contains investigatory material compiled for law enforcement purposes whose sources need not be reported.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

This system is exempt from 5 U.S.C. 552a (c)(3), (c)(4), (d)(1), (d)(2), (d)(3), (d)(4), (e)(1), (e)(2), (e)(3), (e)(4) (G), (H) and (I), (5) and (8), (f) and (g) of the Privacy Act pursuant to 5 U.S.C. 552a (j)(2) and (k)(2).

TREASURY/CS .054

SYSTEM NAME:

Confidential Statements of Employment and Financial Interests-Treasury/Customs.

SYSTEM LOCATION:

Located in each Assistant Commissioner Office, Headquarters, and Customs Management Centers.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Covered individuals to be determined by agency, in accordance with 5 CFR part 2634.

CATEGORIES OF RECORDS IN THE SYSTEM:

Form OGE–450 Executive Branch Confidential Financial Disclosure Report.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

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 to: (1) Disclose pertinent information to appropriate Federal, State, local, or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or

regulation; (2) disclose information to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit; (3) disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings; (4) provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

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

STORAGE:

Records are maintained in file folders.

RETRIEVABILITY:

Records are indexed by name.

SAFEGUARDS:

Records are maintained in locked safe.

RETENTION AND DISPOSAL:

Maintained for 6 years for any covered position. Records are destroyed two (2) years after the employee leaves the position, or two (2) years after leaving the agency, whichever is earlier.

SYSTEM MANAGERS AND ADDRESS:

Assistant Commissioner (Internal Affairs) and Directors, Customs Management Centers.

NOTIFICATION PROCEDURE:

Write to systems manager.

RECORD ACCESS PROCEDURES:

Write to systems manager.

CONTESTING RECORD PROCEDURES:

Write to systems manager.

RECORD SOURCE CATEGORIES:

Individuals required to submit Form OGE–450.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

TREASURY/CS .056

SYSTEM NAME:

Congressional and Public Correspondence File—Treasury/Customs.

SYSTEM LOCATION:

Office of Field Operations (Administrative Staff), U.S. Customs Service, 1300 Pennsylvania Avenue, NW, Washington, DC 20229.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Those persons sending letters of inquiry or complaint concerning Customs activities and procedures.

CATEGORIES OF RECORDS IN THE SYSTEM:

Incoming correspondence, the agency's reply, and related materials.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

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 to: (1) Provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains; (2) provide information to unions recognized as exclusive bargaining representatives under the Civil Service Reform Act of 1978, 5 U.S.C. 7111 and 7114.

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

STORAGE:

Correspondence records are maintained in file folders and on a computer system.

RETRIEVABILITY:

Correspondence records are identified by the name of the person making inquiry or complaint. They are retrievable by name.

SAFEGUARDS:

Access to the records is granted only to authorized Customs personnel. During non-working hours the room in which the records are located is locked and access to the building is controlled by uniformed security police.

RETENTION AND DISPOSAL:

The records are maintained from two to five years and then destroyed or retired to the Federal Records Center as appropriate.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Workforce Effectiveness and Development Staff, U.S. Customs Service, 1300 Pennsylvania Avenue, NW, Washington, DC 20229.

NOTIFICATION PROCEDURE:

See Customs appendix A.

RECORD ACCESS PROCEDURES:

See Customs appendix A.

CONTESTING RECORD PROCEDURES:

See Access, Customs appendix A.

RECORD SOURCE CATEGORIES:

Correspondence and related records and materials.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

TREASURY/CS .057

SYSTEM NAME:

Container Station Operator Files—Treasury/Customs.

SYSTEM LOCATION:

Office of Process Owner, Passenger Operations Div., Office of Field Operations., U.S. Customs, 1300 Pennsylvania Avenue, NW, Washington, DC 20229; Director, Mid-America Customs Management Center, Chicago, IL (see Customs appendix A).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Present and past container station operators and employees that require an investigation and related information.

CATEGORIES OF RECORDS IN THE SYSTEM:

Report of investigations, application and approval or denial of bond to act as container station operator and other Customs Service memoranda. Names, addresses, social security numbers, and dates and places of birth of persons employed.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended; Customs Regulations, Part 19.

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 to: (1) Disclose pertinent information to appropriate Federal, State, local, or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation; (2) disclose information to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security

clearance, license, contract, grant, or other benefit; (3) disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings; (4) provide information to the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's functions relating to civil and criminal proceedings; (5) provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

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

STORAGE:

Records are maintained in file folders and stored in file cabinets in each Port Director's office within the Mid-America Customs Management Center, Chicago, IL.

RETRIEVABILITY:

Each file is identified by the name of the container station operator.

SAFEGUARDS:

The file cabinets are maintained within the area assigned to the Port Director. During non-working hours, the room and/or building in which the file cabinet is located is locked.

RETENTION AND DISPOSAL:

These files are disposed of in accordance with the Treasury Records Control Manual. Employee name data retained for period of employment with container station operator.

SYSTEM MANAGER(S) AND ADDRESS:

Process Owner, Office of Field Operations, U.S. Customs, 1300 Pennsylvania Avenue, NW, Washington, DC 20229; Director, each Port within the Mid-America Customs Management Center, Chicago, IL. (See Customs appendix A.)

NOTIFICATION PROCEDURE:

See Customs appendix A.

RECORD ACCESS PROCEDURES:

See Customs appendix A.

CONTESTING RECORD PROCEDURES:

See Access, Customs appendix A.

RECORD SOURCE CATEGORIES:

The information in this file originates from the individual applicant for container station operator bond, from reports of investigation and other Customs memoranda.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

This system is exempt from 5 U.S.C. 552a (c)(3), (d)(1), (d)(2), (d)(3), (d)(4), (e)(1), (e)(4)(G), (H) and (I), and (f) of the Privacy Act pursuant to 5 U.S.C. 552a (k)(2).

TREASURY/CS .058

SYSTEM NAME:

Cooperating Individual Files—Treasury/Customs.

SYSTEM LOCATION:

These files are located in field and local Customs Office of Investigations Offices within the United States. (See Customs' appendix A.)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons providing confidential information to the U.S. Customs Service Office of Investigations.

CATEGORIES OF RECORDS IN THE SYSTEM:

These records include: assumed names; actual names; code numbers; addresses; telephone numbers; physical descriptions; miscellaneous identifying numbers such as social security numbers, driver's license number, etc., date individual's record was established; amount and date of reward paid for information supplied.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

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

Disclosures are not made outside the Department.

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

STORAGE:

All files and indices relating to cooperating individuals are stored in metal file cabinets secured with combination locks in a government secured building.

RETRIEVABILITY:

The name of each cooperating individual is filed in alphabetical order by assumed name and by actual name. The indices are maintained in the same alphabetical order and are also cross-referenced by the Office of Investigations alphanumeric code number. All other identifying data is used for verification of identity rather than method of retrieval.

SAFEGUARDS:

In addition to being stored in secure metal cabinets with government approved locks, the metal files are kept locked when not in use and located in a closely watched room of the Office of Investigations. Personnel maintaining the files are selected for their reliability among other qualities, and they are afforded access only after having been cleared by a full field investigation. The files are given the same treatment as material classified as Secret. During duty hours, Office of Investigations personnel maintain visual control and during off-duty hours the area containing the files is locked.

RETENTION AND DISPOSAL:

Retention periods have been established for records contained in the file in accordance with the Treasury Records Control Manual. When a file no longer has any utility, it is destroyed either by shredding or burning.

SYSTEM MANAGER(S) AND ADDRESS:

The Assistant Commissioner (Investigations); the Special Agent in Charge in regional SAC Offices; and the Resident Agent in Charge in sub-offices of the Special Agent in Charge. (See Customs appendix A.)

NOTIFICATION PROCEDURE:

See Customs appendix A.

RECORD ACCESS PROCEDURES:

See Customs appendix A.

CONTESTING RECORD PROCEDURES:

See Access, Customs appendix A.

RECORD SOURCE CATEGORIES:

See ''Categories of individuals covered by the system'' above. The system contains material for which sources may not need to be reported.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

This system is exempt from 5 U.S.C. 552a (c)(3), (d)(1), (d)(2), (d)(3), (d)(4), (e)(1), (e)(4)(G), (H) and (I), and (f) of the Privacy Act pursuant to 5 U.S.C. 552a (k)(2).

TREASURY/CS .061

SYSTEM NAME:

Court Case File—Treasury/Customs.

SYSTEM LOCATION:

Office of the Associate Chief Counsel, One World Trade Center, Suite 741, P.O. Box 32709, Los Angeles, CA 90832; Office of the Assistant Chief Counsel, 555 Battery Street, San Francisco, CA 94111; Office of the Associate Chief Counsel, Mid-America Customs Management Center, 55 E. Monroe Street, Room 1417, Chicago, IL 60603;

Office of the Assistant Chief Counsel, 1000 Second Avenue, Suite 2200, Seattle, Washington 98104.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons who are parties in litigation with the United States Government or subunits or employees or officers thereof, in matters which affect or involve the United States Customs Service.

CATEGORIES OF RECORDS IN THE SYSTEM:

Court documents with exhibits, reports of investigations, internal Customs Service memoranda summarizing or relating to the matter in controversy and other background information relating to the subject matter or origin of the litigation.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

28 U.S.C. 2676, 19 U.S.C. 1603, 5 U.S.C. 301; E.O. 6166; Treasury Department Order No. 165, Revised, as amended.

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 to: (1) Disclose pertinent information to appropriate Federal, State, local, or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation; (2) disclose information to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit; (3) disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings; (4) provide information to the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's functions relating to civil and criminal proceedings; (5) provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

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

STORAGE:

Each case file is inserted in a numerical file folder which is filed in an unlocked drawer within a metal container.

RETRIEVABILITY:

Each case file is identified by the name of the person against whom the Government has initiated the litigation, or by the name of the person who initiated the litigation against the Government.

SAFEGUARDS:

The metal container described above is maintained within the area assigned to the Office of the Associate Chief Counsel. During non-working hours the room in which the metal container is located is locked, and access to the building is controlled at all times by uniformed guards.

RETENTION AND DISPOSAL:

These files are retained until there is no longer any space available for them within the metal container, at which time the oldest closed files are transferred to the Federal Records Center.

SYSTEM MANAGER(S) AND ADDRESS:

Associate Chief Counsel, One World Trade Center, Suite 741, P.O. Box 32709, Los Angeles, CA 90832; Assistant Chief Counsel, 555 Battery Street, San Francisco, CA 94111; Associate Chief Counsel, Mid-America Customs Management Center, 55 E. Monroe Street, Room 1417, Chicago, IL 60603; Office of the Assistant Chief Counsel, U.S. Customs Service, 1000 Second Avenue, Suite 2200, Seattle, Washington 98104.

NOTIFICATION PROCEDURE:

See Customs appendix A.

RECORD ACCESS PROCEDURES:

See Customs appendix A.

CONTESTING RECORD PROCEDURES:

See Access, Customs appendix A.

RECORD SOURCE CATEGORIES:

The information contained in these files originates with a request by the Port Director to the appropriate United States Attorney that he institutes suitable judicial action to enforce the forfeiture of merchandise and vehicles, or the value thereof, which had been imported or used in violation of the Customs laws, and upon which final administrative action has taken place. Information in this file also originates with the filing of a complaint by a private person against the Government, and by the filing of a complaint by the Government against private persons or former employees to enforce the collection of debts due the Government. Information in the files is also derived from reports of investigation regarding the enforcement of civil or criminal statutes and denial of tort claims.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

This system is exempt from 5 U.S.C. 552a (c)(3), (d)(1), (d)(2), (d)(3), (d)(4), (e)(1), (e)(4)(G), (H) and (I), and (f) of the Privacy Act pursuant to 5 U.S.C. 552a (k)(2).

TREASURY/CS .064

SYSTEM NAME:

Credit Card File—Treasury/Customs.

SYSTEM LOCATION:

National Logistics Center, U.S. Customs Service, Fleet and Property Management Section, 6026 Lakeside Blvd., Indianapolis, IN 46278.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Headquarters Customs Service employees to whom national gasoline credit cards have been issued.

CATEGORIES OF RECORDS IN THE SYSTEM:

Credit card numbers, names, and signatures of employees to whom credit cards have been issued, and the date of issuance.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

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 to: (1) Provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains; (2) provide information to unions recognized as exclusive bargaining representatives under the Civil Service Reform Act of 1978, 5 U.S.C. 7111 and 7114.

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

STORAGE:

Alphabetically by name or by credit card number.

RETRIEVABILITY:

A portion of the index cards are identified by the name of the person to whom the credit card was issued in the case of credit cards which have been

permanently assigned to higher level Customs Service officers and such index cards are filed alphabetically. The remainder of the index cards relate to credit cards which are issued to Customs Service officers or employees on a one-transaction basis, and these index cards are filed by the applicable credit card number.

SAFEGUARDS:

Index cards are maintained and stored in a secured room with limited accessibility. The building is guarded by uniformed security police, and only authorized persons are permitted in the building.

RETENTION AND DISPOSAL:

Index cards filed alphabetically by name are filed during the period that the officials named thereon are in possession of the credit cards, and then these index cards are retained (for audit purposes) when the officials are no longer in possession of the credit cards. Index cards are filed by office titles and contain receipt signatures.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Headquarters Services Division, Office of Logistics Management, U.S. Customs Service Headquarters, 1300 Pennsylvania Avenue, NW., Washington, DC 20229.

NOTIFICATION PROCEDURE:

See Customs appendix A.

RECORD ACCESS PROCEDURES:

See Customs appendix A.

CONTESTING RECORD PROCEDURES:

See Access, Customs appendix A.

RECORD SOURCE CATEGORIES:

The information in this system is obtained from Customs Service records and is also furnished by the officers or employees to whom the credit cards have been issued.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

TREASURY/CS .069

SYSTEM NAME:

Customs Brokers File— Treasury/Customs.

SYSTEM LOCATION:

Office of the Chief Counsel, Broker Compliance and Evaluation Branch, Office of Trade Operations; U.S. Customs Service Headquarters, 1300 Pennsylvania Avenue, NW., Washington, DC 20229, and Customs Management Centers and Service Ports.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Licensed customs brokers, employees of customs brokers, individuals or firms who have applied for a broker's license.

CATEGORIES OF RECORDS IN THE SYSTEM:

Internal Customs Service memoranda and related material regarding proposed administrative disciplinary action against customs brokers for violation of the regulations governing the conduct of their business; broker applications and related material; notification of change of business address, organization, name, or location of business records; status reports; requests for written approval to employ persons who have been convicted of a felony.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

19 U.S.C. 1641; 19 CFR part 111; 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

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 to: (1) Disclose pertinent information to appropriate Federal, State, local, or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation; (2) disclose information to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit; (3) disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings; (4) provide information to the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's functions relating to civil and criminal proceedings; (5) provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

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

STORAGE:

Each case file is inserted in an alphabetical file folder which is filed in drawers that are capable of being locked and are locked at the close of business. Some records are in a separate room which is locked at other than official hours. File cards covering individual customhouse brokers, corporations, partnerships and trade names are in files not capable of being locked, but the entire area is locked at night.

RETRIEVABILITY:

Each case file is identified in a manual alphabetical card file by the name and in the alphabetical file folder within the metal container by the name of the customs broker or employees of customs brokers.

SAFEGUARDS:

The files described above are maintained in Customs Service Buildings. During non-working hours the room in which the files are located is locked, and access to the building is controlled after business hours by electronic access and alarm systems and during business hours access is controlled at all times by a U.S. Customs Service employee.

RETENTION AND DISPOSAL:

Broker files and records of broker's employees are kept indefinitely. They are periodically updated and removed to an inactive file, as necessary.

SYSTEM MANAGER(S) AND ADDRESS:

Chief Counsel; Director, Field Operations Division, Office of Trade Operations, U.S. Customs Service Headquarters, 1300 Pennsylvania Avenue, NW., Washington, DC 20229, Directors, Customs Management Centers, and Port Directors.

NOTIFICATION PROCEDURE:

See Customs appendix A.

RECORD SOURCE CATEGORIES:

The information contained in these files originates from audits of or investigations into the conduct of customhouse brokers' businesses, applications for licenses, references as to character, court records, and local credit reporting services, as well as reports, notifications, and other applications filed by brokers pursuant to statutory and regulatory requirements.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

This system is exempt from 5 U.S.C. 552a (c)(3), (d)(1), (d)(2), (d)(3), (d)(4), (e)(1), (e)(4)(G), (H) and (I), and (f) of the

Privacy Act pursuant to 5 U.S.C. 552a (k)(2).

TREASURY/CS .077

SYSTEM NAME:

Disciplinary Action, Grievance and Appeal Case Files—Treasury/Customs.

SYSTEM LOCATION:

Located in the Office of Human Resources, Customs Headquarters, and in each Customs Management Centers, SAC, Port, and appropriate post of duty offices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Customs employees on whom disciplinary action is pending or has occurred, and employees who have filed grievances and appeals.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records on such action as leave restriction letters, reprimands, suspensions, adverse actions, etc., and grievance and appeals by employees. Copies of correspondence, management requests for assistance, evidentiary materials on which action is contemplated, proposed or taken, regulatory material, examiners' reports, etc.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

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 to: (1) Disclose pertinent information to appropriate Federal, State, local, or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation; (2) disclose information to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit; (3) disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings; (4) provide information to the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's functions relating to civil and criminal proceedings; (5) provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

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

STORAGE:

Records are stored in manila folders.

RETRIEVABILITY:

Records are indexed by name.

SAFEGUARDS:

Records are maintained in a locked file.

RETENTION AND DISPOSAL:

Grievance records are maintained for 3 years; discipline and adverse action records are maintained for four years; and appeals are maintained for 5 years.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Labor and Employee Relations Division, Office of Human Resources, Customs Headquarters, or Customs Management Centers Labor and Employee Relations Office, or appropriate managerial official in employee's port or post of duty.

NOTIFICATION PROCEDURE:

Write to system manager.

RECORD ACCESS PROCEDURE:

Request from system manager.

CONTESTING RECORD PROCEDURES:

Write to the system manager.

RECORD SOURCE CATEGORIES:

Supervisors and supervisory records and notes; evidentiary materials supporting planned, proposed, or accomplished actions; grievance letters submitted by employee, grievance examiner, etc.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

This system is exempt from 5 U.S.C. 552a (c)(3), (d)(1), (d)(2), (d)(3), (d)(4), (e)(1), (e)(4)(G), (H) and (I), and (f) of the Privacy Act pursuant to 5 U.S.C. 552a (k)(2).

TREASURY/CS .078

SYSTEM NAME:

Disclosure of Information File—Treasury/Customs.

SYSTEM LOCATION:

Assistant Chief Counsel, U.S. Customs Service, 10 Causeway Street, Suite 879, Boston, MA 02222–1056; Office of the Associate Chief Counsel, U.S. Customs Service, 610 South Canal Street, Chicago, IL 60607; and each port as appropriate.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons requesting access to information pursuant to the Freedom of Information Act or any other statute, regulation, directive or policy to disclose such information.

CATEGORIES OF RECORDS IN THE SYSTEM:

Requests, information, records, documents, internal Customs Service memoranda, or memoranda from other agencies and related materials regarding disclosure of the information.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 552, 31 CFR part 1, 19 CFR part 103, 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

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 to disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings.

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

STORAGE:

Each case file is inserted in a file folder which is filed in an unlocked drawer within a metal container.

RETRIEVABILITY:

Each case file is identified in the file folder within the metal container by the name of the person requesting disclosure, and by FOI number.

SAFEGUARDS:

The metal container described above is maintained within the area assigned to the Office of the Associate Chief Counsel within the Customs Management Center. During non-working hours the room in which the metal container is located is locked, and access to the building is controlled at all times by uniformed guards.

RETENTION AND DISPOSAL:

Customhouse broker files are retained until there is no longer any space

available for them within the metal container, at which time the oldest files are transferred to the Federal Records Center.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Chief Counsel, Room 125 U.S. Customshouse, 40 South Gay Street, Baltimore, MD 21202; Associate Chief Counsel, U.S. Customs Service, 610 South Canal Street, Chicago, IL 60607; and each port director as appropriate.

NOTIFICATION PROCEDURE:

See Customs appendix A.

RECORD ACCESS PROCEDURES:

See Customs appendix A.

CONTESTING RECORD PROCEDURES:

See Access, Customs appendix A.

RECORD SOURCE CATEGORIES:

The information contained in these files originates from the requests for information filed with the Customs Service which may pertain to any information contained in the files of the U.S. Customs Service.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

This system is exempt from 5 U.S.C. 552a (c)(3), (d)(1), (d)(2), (d)(3), (d)(4), (e)(1), (e)(4)(G), (H) and (I), and (f) of the Privacy Act pursuant to 5 U.S.C. 552a (k)(2).

TREASURY/CS .081

SYSTEM NAME:

Dock Passes—Treasury/Customs.

SYSTEM LOCATION:

Port Director, U.S. Customs Service, PO Box 1641, Honolulu, HI 96806.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Consulate staff members, brokers, private individuals, etc.

CATEGORIES OF RECORDS IN THE SYSTEM:

Form lists following information: pass number; port; date of issue; name of individual; organizational affiliation; expiration date of pass; and vessel name.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

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 to provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains.

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

STORAGE:

3 × 5 card box, loose leaf binder.

RETRIEVABILITY:

By name.

SAFEGUARDS:

Building locked during non-working hours.

RETENTION AND DISPOSAL:

Retained until expiration.

SYSTEM MANAGER(S) AND ADDRESS:

Port Director, U.S. Customs Service, 228 Federal Building, 335 Merchant Street, Honolulu, HI 96806.

NOTIFICATION PROCEDURE:

See Customs appendix A.

RECORD ACCESS PROCEDURES:

See Customs appendix A.

CONTESTING RECORD PROCEDURES:

See Access, Customs appendix A.

RECORD SOURCE CATEGORIES:

Individual applicants.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

TREASURY/CS .083

SYSTEM NAME:

Employee Relations Case Files—Treasury/Customs.

SYSTEM LOCATION:

Office of Human Resources, U.S. Customs Service, Washington, DC 20229, and in each Headquarters, Customs Management Centers, Port, SAC, and appropriate post of duty offices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Records maintained on the benefit aspects of employment such as, workers' and unemployment compensation, leave, health and life insurance, retirement, suggestions, awards, etc. and employees who have requested assistance with these programs.

CATEGORIES OF RECORDS IN THE SYSTEM:

Copies of initiating correspondence and Customs correspondence and any forms submitted by or completed on behalf of the employee.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

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 to: (1) Provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains; (2) provide information to unions recognized as exclusive bargaining representatives under the Civil Service Reform Act of 1978, 5 U.S.C. 7111 and 7114.

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

STORAGE:

Records are maintained in file folders.

RETRIEVABILITY:

Records are indexed by name.

SAFEGUARDS:

Records are maintained in a locked file.

RETENTION AND DISPOSAL:

Maintained for period of time employee remains with Customs. Records destroyed upon separation of employee.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Labor and Employee Relations Division, Office of Human Resources, U.S. Customs Service, Washington, DC 20229, Customs Management Center, Labor and Employee Relations Office, and in SAC, Port and appropriate post of duty offices.

NOTIFICATION PROCEDURE:

Write to systems manager—providing your name and social security account number.

RECORD ACCESS PROCEDURES:

Write to systems manager.

CONTESTING RECORD PROCEDURES:

Write to systems manager.

RECORD SOURCE CATEGORIES:

Individuals and offices depending on the problem.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

TREASURY/CS .096

SYSTEM NAME:

Fines, Penalties and Forfeiture Control and Information Retrieval System-Treasury/Customs.

SYSTEM LOCATION:

U.S. Customs Service, Office of Trade Operations, Fines, Penalties and

Forfeiture Branch, 1300 Pennsylvania Avenue, NW., Washington, DC 20229, and each Customs Service Port, Fines, Penalties and Forfeitures Office in the United States and Puerto Rico.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals and/or businesses who have been fined, penalized or have forfeited merchandise because of violations of Customs and/or related laws or breaches of bond conditions.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual and business names, address, personal identifying numbers, date and type of violation, parties entitled to legal notice or who are legally liable, case information, bond and petition information, and actions (administrative) taken by U.S. Customs. Also included are actions taken by violator prior to the disposition of the penalty or liquidated damage case.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

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 to: (1) Disclose pertinent information to appropriate Federal, State, local, or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation; (2) disclose information to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit; (3) disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings; (4) provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

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

STORAGE:

Hard copy Customs Form 5955a (Notice of Liquidated Damages Incurred and Demand for payment) and Customs Form 151 Search/Arrest/Seizure Report.

RETRIEVABILITY:

Case number.

SAFEGUARDS:

All inquiries are made by officers with a full field background investigation on a ''need-to-know'' basis only. Procedural and physical safeguards are utilized such as accountability and receipt records, guards patrolling the area, restricted access and alarm protection systems, special communications security, etc.

RETENTION AND DISPOSAL:

A maximum of 11 years. Erasure of disc/tapes and shredding and/or burning of hard copy Customs Form 5955a.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Trade Operations, U.S. Customs Service, 1300 Pennsylvania Avenue, NW., Washington, DC 20229 and the Area Port Directors of Customs for each Customs Port in the United States and Puerto Rico.

NOTIFICATION PROCEDURE:

See Customs appendix A.

RECORD ACCESS PROCEDURES:

See Customs appendix A.

CONTESTING RECORD PROCEDURES:

See access, Customs appendix A.

RECORD SOURCE CATEGORIES:

Customs Form 5955a (Notice of Penalty or Liquidated Damages Incurred and Demand for Payment) and CF 151 (Search/Arrest/Seizure Report) prepared by Customs employees at the time and place where the violation has occurred.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

TREASURY/CS .098

SYSTEM NAME:

Fines, Penalties and Forfeitures Records—Treasury/Customs.

SYSTEM LOCATION:

Customs Fines, Penalties and Forfeitures offices, Customs Ports. (See Customs appendix A.)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals and firms who have been administratively charged with violations of Customs laws and regulations and other laws and regulations enforced by the Customs Service.

CATEGORIES OF RECORDS IN THE SYSTEM:

Entry documentation, notices, investigative reports, memoranda, petitions, recommendations, referrals and dispositions of fines, penalties and forfeiture cases.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended. 19 U.S.C. 66, 1618, 1624; 19 CFR parts 171 and 172.

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 to: (1) Disclose pertinent information to appropriate Federal, State, local, or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation; (2) disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, or in response to a subpoena, in connection with criminal law proceedings; (3) provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

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

STORAGE:

The records are maintained in folders in locked file cabinets and safes and in the automated FP&F module in the Automated Commercial System (ACS).

RETRIEVABILITY:

The records are filed either by numerical sequence using year and port code, name of individual and/or company, with a cross reference available through ACS.

SAFEGUARDS:

During non-working hours, the records are maintained in locked file cabinets, locked buildings and buildings guarded by uniform guards or security detection devices.

RETENTION AND DISPOSAL:

The records are retained for one to three years after which they are either

destroyed or forwarded to the Federal Records Center. Automated records are periodically updated to reflect changes and maintained as long as needed.

SYSTEM MANAGER(S) AND ADDRESS:

Area Port Directors of Customs (See Customs appendix A.)

NOTIFICATION PROCEDURE:

See Customs appendix A.

RECORD ACCESS PROCEDURES:

See Customs appendix A.

CONTESTING RECORD PROCEDURES:

See Access, Customs appendix A.

RECORD SOURCE CATEGORIES:

Information and representations supplied by importers, brokers and other agents pursuant to the entry and processing of merchandise or in the clearing of individuals or baggage through Customs. Information also includes information gathered pursuant to Customs investigations of suspected or actual violations of Customs and related laws and regulations and recommendations and information supplied by other agencies.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

This system is exempt from 5 U.S.C. 552a (c)(3), (d)(1), (d)(2), (d)(3), (d)(4), (e)(1), (e)(4)(G), (H) and (I), and (f) of the Privacy Act pursuant to 5 U.S.C. 552a (k)(2).

TREASURY/CS .099

SYSTEM NAME:

Fines, Penalties, and Forfeiture Files (Supplemental Petitions)-Treasury/ Customs.

SYSTEM LOCATION:

Office of the Assistant Chief Counsel, 555 Battery Street, San Francisco, CA 94111; Office of Associate Chief Counsel, One World Trade Center, Suite 741, P.O. Box 32709, Long Beach, CA 90832–2709; Office of the Associate Chief Counsel, U.S. Customs Service, 55 E. Monroe Street, Room 1417, Chicago, IL 60603; Office of the Assistant Chief Counsel, 1000 Second Avenue, Suite 2200, Seattle, WA 98104–1049; Fines, Penalties and Forfeitures Office, Laredo, TX, and National Seizure and Penalties Office (NSPO), U.S. Customs, Hemisphere Center, Newark NJ.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have filed supplemental petitions for relief from fines, penalties and forfeitures assessed for violations of the laws and regulations administered by Customs.

CATEGORIES OF RECORDS IN THE SYSTEM:

Petitions and supplemental petitions and other documents filed by the individual; reports of investigation concerning the fine, penalty or forfeiture; and documents relating to the internal review and consideration of the request for relief and decision thereon.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 19 U.S.C. 1618; 19 CFR parts 171 and 172; Treasury Department Order No. 165, Revised, as amended; Reorganization Plan No.1 of 1965.

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 to: (1) Disclose to the Department of Justice or an individual United States Attorney to assist that Department or United States Attorney when suit is filed by the Government in civil prosecution of the fine, penalty or forfeiture; (2) disclose pertinent information to appropriate Federal, State, local, or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation; (3) disclose information to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit; (4) disclose information to a court, magistrate, or administrative tribunal in the course or presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings; (5) provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

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

STORAGE:

Each case file is inserted in a numerical file folder which is filed in an unlocked drawer within a metal file cabinet.

RETRIEVABILITY:

Each case file is identified in a manual alphabetical card file by the name of the petitioner and in the numerical file folder within the metal file cabinet by the name of the petitioner.

SAFEGUARDS:

The metal file cabinet described above is maintained within the area assigned to the Office of the Regional Counsel within the Federal Building. During non-working hours the room in which the metal file cabinet is located is locked, and access to the building is controlled at all times by uniformed guards.

RETENTION AND DISPOSAL:

Supplemental petition files are retained until there is no longer any space available for them within the metal file cabinet, at which time the oldest files may be transferred to the Federal Records Center.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Chief Counsel, 555 Battery Street, San Francisco, CA 94111; Associate Chief Counsel, One World Trade Center, Suite 741, P.O. Box 32709, Long Beach, CA 90832–2709; Associate Chief Counsel, Room 1417, U.S. Customs Service, 55 E. Monroe Street, Chicago, IL 60603; Assistant Chief Counsel, 1000 Second Avenue, Suite 2200, Seattle, WA 98104–1049; and NSPO, U.S. Customs, Hemisphere Center, Newark NJ.

NOTIFICATION PROCEDURE:

See Customs appendix A.

RECORD ACCESS PROCEDURES:

See Customs appendix A.

CONTESTING RECORD PROCEDURES:

See Access, Customs appendix A.

RECORD SOURCE CATEGORIES:

Information contained in these files is obtained from the individual petitioning for relief and from the Port Director of Customs within whose jurisdiction the fine, penalty or forfeiture action lies.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

This system is exempt from 5 U.S.C. 552a (c)(3), (d)(1), (d)(2), (d)(3), (d)(4), (e)(1), (e)(4)(G), (H) and (I), and (f) of the Privacy Act pursuant to 5 U.S.C. 552a (k)(2).

TREASURY/CS .100

SYSTEM NAME:

Fines, Penalties and Forfeiture Records (Headquarters)-Treasury/ Customs.

SYSTEM LOCATION:

Penalties Branch, International Trade Compliance Division, U.S. Customs Service Headquarters, 1300 Pennsylvania Avenue, NW., Washington, DC 20229 and Fines, Penalties, and Forfeiture Offices at each Customs Port in the United States and Puerto Rico.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Records are maintained on persons who have been administratively charged with violating Customs and related laws and regulations and on persons who have applied for awards of compensation under 19 U.S.C. 1619 based on their having provided original information on violations of Customs, navigation or other laws enforced by Customs.

CATEGORIES OF RECORDS IN THE SYSTEM:

Entry documentation, notices, investigative and other reports, memoranda of information received, petitions, recommendations, referrals and dispositions of fines, and penalties cases and applications for awards of compensation.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended; 19 U.S.C. 66, 1618, 1624; 19 CFR parts 171 and 172.

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 to: (1) Disclose pertinent information to appropriate Federal, State, local, or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation; (2) disclose information to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit; (3) disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings; (4) provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

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

STORAGE:

The records are kept in file cabinets in the office and central file room of the International Trade Compliance Division at U.S. Customs Service Headquarters and in the storage facilities for the Fines, Penalties and Forfeitures Office in each Customs Management Center.

RETRIEVABILITY:

The records are filed chronologically with a case number given to each file.

SAFEGUARDS:

The records are maintained in the U.S. Customs Service Headquarters building which is guarded by security police. During non-working hours, the central file room is locked and the building is guarded by security police. Records are maintained in each Customs Service District buildings.

RETENTION AND DISPOSAL:

The records are generally retained for five years after closing of the case. The records are then forwarded to the Federal Records Center.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Penalties Branch, International Trade Compliance Division, U.S. Customs Service Headquarters, 1300 Pennsylvania Avenue, NW., Washington, DC 20229, and each Fines, Penalties and Forfeitures Officer for the United States Customs Service Ports.

NOTIFICATION PROCEDURE:

See Customs appendix A.

RECORD ACCESS PROCEDURES:

See Customs appendix A.

CONTESTING RECORD PROCEDURES:

See Access, Customs appendix A.

RECORD SOURCE CATEGORIES:

Information and representations supplied by importers, brokers and other agents pursuant to the entry and processing of merchandise or in the clearing of individuals or baggage through Customs. Records also includes information gathered pursuant to Customs investigations of suspected or actual violations of Customs and related laws and regulations and recommendations and information supplied by other agencies.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

This system is exempt from 5 U.S.C. 552a (c)(3), (d)(1), (d)(2), (d)(3), (d)(4), (e)(1), (e)(4)(G), (H) and (I), and (f) of the Privacy Act pursuant to 5 U.S.C. 552a (k)(2).

TREASURY/CS .105

SYSTEM NAME:

Former Employees-Treasury/Customs.

SYSTEM LOCATION:

U. S. Customs Laboratory, Suite 1429, 630 Sansome Street, San Francisco, CA 94111.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All past employees of the Customs Laboratory.

CATEGORIES OF RECORDS IN THE SYSTEM:

Contains copies of personnel action notices.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; Treasury Department No. 165, Revised, as amended.

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 by used to: (1) Provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains; (2) provide information to unions recognized as exclusive bargaining representatives under the Civil Service Reform Act of 1978, 5 U.S.C. 7111 and 7114.

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

STORAGE:

Records are maintained in file folders and stored in a metal file cabinet.

RETRIEVABILITY:

The record is filed alphabetically by name.

SAFEGUARDS:

The file is stored in a metal file cabinet in a private inner office of a government building protected by 24–hour guard service with limited access. The file is only used on a ''need-to-know'' basis and only by the laboratory employees.

RETENTION AND DISPOSAL:

Retained in accordance with the Treasury Records Control Manual.

SYSTEM MANAGER(S) AND ADDRESS:

Laboratory Director, U. S. Customs Laboratory, Suite 1429, 630 Sansome Street, San Francisco, CA 94111.

NOTIFICATION PROCEDURE:

See Customs appendix A.

RECORD ACCESS PROCEDURES:

See Customs appendix A.

CONTESTING RECORD PROCEDURES:

See Access, Customs appendix A.

RECORD SOURCE CATEGORIES:

Information contained in personnel action files.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

TREASURY/CS .109

SYSTEM NAME:

Handicapped Employee File—Treasury/Customs.

SYSTEM LOCATION:

Human Resources Division, Mid-America Customs Management Center, 55 East Monroe Street, Suite 1501, Chicago, IL 60603.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All employees identified as handicapped.

CATEGORIES OF RECORDS IN THE SYSTEM:

Indicates employee's home and organizational location and various physical and mental handicaps, infirmities and conditions. Also shows veteran's preference.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

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 to: (1) Provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains; (2) provide information to unions recognized as exclusive bargaining representatives under the Civil Service Reform Act of 1978, 5 U.S.C. 7111 and 7114.

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

STORAGE:

List.

RETRIEVABILITY:

Lists employees alphabetically by district.

SAFEGUARDS:

None at present and none required.

RETENTION AND DISPOSAL:

Employee's name removed from list at time of termination.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Human Resources Division. (See Customs appendix A.)

NOTIFICATION PROCEDURE:

See Customs appendix A.

RECORD ACCESS PROCEDURES:

See Customs appendix A.

CONTESTING RECORD PROCEDURES:

See Access, Customs appendix A.

RECORD SOURCE CATEGORIES:

Data furnished by employee and employee's physician.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

TREASURY/CS .122

SYSTEM NAME:

Information Received File—Treasury/Customs.

SYSTEM LOCATION:

District Division, Room 200, United States Customhouse, La Marina, Old San Juan, PR 00901; Office of the Special Agent In Charge, 423 Canal St, New Orleans, LA 70130; Office of the Port Director, 880 Front Street, San Diego, CA 92318; Offices of the Port Directors, San Ysidro, CA., Tecate, CA., Calexico, CA., Andrade, CA; San Diego Barge Office, Offices of the Special Agent In Charge, San Diego, CA., San Ysidro, CA., Calexico, CA., Tecate, CA; Los Angeles Region. Office of the Port Director, 423 Canal St., New Orleans, LA 70130; Special Agent In Charge, Room 213, International Trade Center, 250 N. Water Street, Mobile, AL 36602; Intelligence Support Staff (Pacific Region), Room 7514, 300 N. Los Angeles Street, Los Angeles, CA 90053; Special Agent In Charge, 300 Ferry Street, Terminal Island, San Pedro, CA 90731; Resident Agent in Charge, Office of Investigations, P.O. Box 1385, Nogales, AZ 85621; Special Agent In Charge, Room 7N–FB–05, 301 W. Congress, Tucson, AZ 85701.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons in whom Customs and/or other government agencies are interested from a law-enforcement and/or security point of view.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, alias, date of birth or age, personal data, addresses, home and business telephone number, occupation, background information, associations, license number and registration number of vehicle, vessel and/or aircraft, etc.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

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 to: (1) Disclose pertinent information to appropriate Federal, State, local, or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation; (2) disclose information to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit; (3) disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings; (4) provide information to the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's functions relating to civil and criminal proceedings; (5) provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

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

STORAGE:

Files are kept in a locked metal cabinet.

RETRIEVABILITY:

Records are filed within a metal file.

SAFEGUARDS:

The files are located within an office that is locked during non-working hours. The building is guarded by a central alarm system which is monitored by local law enforcement agencies, and only authorized persons are permitted in the building.

RETENTION AND DISPOSAL:

Files are retained for a period of three (3) years after which they are destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Special Agent In Charge, United States Customs Service, Room 200, La Marina, Old San Juan, PR 00901; Special Agent In Charge, 423 Canal St., New Orleans, LA 70130; Chief, Air Branch, U.S. Customs Service, Bldg. 240, Homestead Air Force Base, Homestead, FL 33039; Regional Agent In Charge, 423 Canal St., New Orleans, LA 70130; Directors, Customs Management Centers, Port Directors, and Directors within the San Diego Customs District: Intelligence Support Staff (Pacific Region), Room 7514, 300 N. Los Angeles Street, Los Angeles, CA 90053; Special Agent In Charge, 300 Ferry Street, Terminal Island, San Pedro, CA 90731; Resident Agent in Charge of Enforcement, P.O. Box 1385, Nogales, AZ 85621; Special Agent in Charge, Room 7N–FB–05, 301 W. Congress, Tucson, AZ 85701 (see Customs appendix A).

NOTIFICATION PROCEDURE:

See Customs appendix A.

RECORD ACCESS PROCEDURES:

See Customs appendix A.

CONTESTING RECORD PROCEDURES:

See Access, Customs appendix A.

RECORD SOURCE CATEGORIES:

See ''Categories of individuals covered by the system'' above. The system contains material for which sources may not need to be reported.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

This system is exempt from 5 U.S.C. 552a (c)(3), (d)(1), (d)(2), (d)(3), (d)(4), (e)(1), (e)(4)(G), (H) and (I), and (f) of the Privacy Act pursuant to 5 U.S.C. 552a (k)(2).

TREASURY/CS .123

SYSTEM NAME:

Injury Notice—Treasury/Customs.

SYSTEM LOCATION:

Director, Gulf Customs Management Center, 423 Canal Street, New Orleans, LA 70130; Port Director, 423 Canal Street, New Orleans, LA 70130; Port Director, 150 N. Royal, Mobile, Alabama 36602; Special Agent-in-Charge, 108 Decatur St., New Orleans, LA 70150; Special Agent-in-Charge, 951 Government St., Mobile, AL 36604.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who sustain an injury in performance of duty as an employee of U.S. Customs.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, date of birth, home address, organization, place of injury, date and hour of injury, dependents, occupation, cause of injury, nature of injury, statement of witness, supervisor's report of injury.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Sections 19 and 24 of the Occupational Safety and Health Act of 1970; 84 Statute 1609, 1614, 29 U.S.C. 668, 673 and the provisions of Executive Order 11807.

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 to: (1) Disclose to the Department of Labor for that agency's official use; (2) provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains; (3) provide information to unions recognized as exclusive bargaining representatives under the Civil Service Reform Act of 1978, 5 U.S.C. 7111 and 7114.

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

STORAGE:

The information in this system is contained on CA forms. The CA forms are filed in folders, alphabetically, and placed in a metal file cabinet.

RETRIEVABILITY:

Each CA form is identified by the name of the injured employee and filed alphabetically in a folder.

SAFEGUARDS:

The binder is placed within a metal file container located within an office that is locked during non-working hours. The building is guarded by uniformed security personnel and only authorized persons are permitted in the building.

RETENTION AND DISPOSAL:

Notice of injury reports are maintained in the employee's OPF and disposed of in accordance with the Treasury Records Control Manual. Copies maintained by the systems manager are maintained at location for two years and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Regional Commissioner, 423 Canal Street, New Orleans, LA 70130; Port Director, 423 Canal St., New Orleans, LA 70130; Port Director, 150 N. Royal St., Mobile, Alabama 36602; Special Agent-in-Charge, 108 Decatur St., New Orleans, LA 70130; Special Agent-in-Charge, 951 Government St., Mobile, Alabama 36604.

NOTIFICATION PROCEDURE:

See Customs appendix A.

RECORD ACCESS PROCEDURES:

See Customs appendix A.

CONTESTING RECORD PROCEDURES:

See Access, Customs appendix A.

RECORD SOURCE CATEGORIES:

The information in this system originates with and consists solely of information supplied by the injured employee, his supervisor, appropriate witness and attending physician on CA forms.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

TREASURY/CS .125

SYSTEM NAME:

Intelligence Log—Treasury/Customs.

SYSTEM LOCATION:

U.S. Customs Air Branch, Bldg. 240 PM–TUM, Homestead Air Force Base, Homestead, FL 33030.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons who are believed to be involved in activities which constitute, or may develop into, possible violation of Customs and related laws.

CATEGORIES OF RECORDS IN THE SYSTEM:

Internal Customs Service memoranda and related materials regarding the activities of individuals, vessels, or aircraft believed to be involved in acts which are contrary to Customs and related laws.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

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 to: (1) Disclose pertinent information to appropriate Federal, State, local, or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation; (2) disclose information to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an

individual, or issuance of a security clearance, license, contract, grant, or other benefit; (3) disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings; (4) provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

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

STORAGE:

The intelligence log is maintained within a security area.

RETRIEVABILITY:

A manual, master card index, is maintained for the entire system. This index includes name and/or numerical identifier.

SAFEGUARDS:

The information files and master card index are located within an office which is locked during non-working hours. The building is guarded by U.S. Air Force Military Police and only authorized persons are permitted in the building.

RETENTION AND DISPOSAL:

These files are retained until such time that it has been determined that there is no longer a need for their existence, at which time the oldest files are destroyed under Customs supervision.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Air Branch, U.S. Customs, PM-TUM Bld 240, Homestead Air Force Base, Homestead, FL 33039.

NOTIFICATION PROCEDURE:

See Customs appendix A.

RECORD ACCESS PROCEDURES:

See Customs appendix A.

CONTESTING RECORD PROCEDURES:

See Access, Customs appendix A.

RECORD SOURCE CATEGORIES:

See ''Categories of individuals covered by the system'' above. The system contains material for which sources may not need to be reported.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

This system is exempt from 5 U.S.C. 552a (c)(3), (d)(1), (d)(2), (d)(3), (d)(4), (e)(1), (e)(4)(G), (H) and (I), and (f) of the Privacy Act pursuant to 5 U.S.C. 552a (k)(2).

TREASURY/CS .127

SYSTEM NAME:

Internal Affairs Records System—Treasury/Customs.

SYSTEM LOCATION:

Security Programs Division, Office of Internal Affairs, 1300 Pennsylvania Avenue, NW., Room 8.4.D, Washington, DC 20229.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Present and past employees; contractor applicants/employees; and applicants for positions that require an investigation; and others that are principals or non-principals in an investigation or integrity issue.

CATEGORIES OF RECORDS IN THE SYSTEM:

Background investigations, integrity investigations, and photographic images.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; Treasury Department Order Number 165, revised, as amended.

PURPOSE(S):

To maintain all records on applicants, employees, contractors, and contractor applicants relating to investigations conducted by Internal Affairs, and to support personnel and administrative programs of the Customs Service.

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 to: (1) Disclose pertinent information to appropriate Federal, State, local, or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation; (2) disclose information to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant or other benefit; (3) disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings; (4) provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains; (5) provide information to the news media in accordance with guidelines contained in 28 CFR 50.2, which relate to an agency's functions relating to civil and criminal proceedings; (6) provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

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

STORAGE:

Investigative records are maintained in computers, as well as in file folders, in metal security cabinets secured by government approved three-position combination locks, and in a mobile filing system within a secured area that is alarmed with motion detectors.

RETRIEVABILITY:

These records are indexed by name and/or numerical identifier in a manual filing system and/or computerized system.

SAFEGUARDS:

In addition to being stored in secured metal containers with government approved combination locks, mobile filing system, etc., the containers are located in a locked, alarmed room, the keys of which are controlled and issued to the custodians of the files. The security specialists and administrative personnel who maintain the files are selected for their experience and afforded access only after having been cleared by a full-field background investigation and granted appropriate security clearances for critical sensitive positions. Those departmental officials who may occasionally be granted access consistent with their positions to employ and concur in the granting of security clearances have also been investigated prior to filling critical-sensitive positions.

RETENTION AND DISPOSAL:

The file records are maintained as long as the subject of the investigation is employed by the U.S. Customs Service and then for 1 year after the subject terminates employment. The files are then transferred to the Federal Records Center for retention. After transfer, records are retained by the Federal Records Center for the following

period of time and then destroyed: Background Investigations—15 years; Conduct and Special Inquiry Investigations—25 years.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Security Programs Division, Office of Internal Affairs, 1300 Pennsylvania Avenue, NW., Room 8.4.D, Washington, DC 20229.

NOTIFICATION PROCEDURE:

See Customs appendix A (31 CFR part 1, subpart C).

RECORD ACCESS PROCEDURES:

See ''Notification procedure'' above.

CONTESTING RECORD PROCEDURES:

See ''Notification procedure'' above.

RECORD SOURCE CATEGORIES:

Sources of information are: Employers; educational institutions; police; government agencies; credit bureaus; references; neighborhood checks; confidential sources; medical sources; personal interviews; photographic images, military, financial, citizenship, birth and tax records; and the applicant's, employee's or contractor's personal history and application forms.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

This system is exempt from 5 U.S.C. 552a(c)(3), (c)(4), (d)(1), (d)(2), (d)(3), (d)(4), (e)(1), (e)(2), (e)(3), (e)(4), (G), (H) and (I), (5) and (8), (f) and (g) of the Privacy Act pursuant to 5 U.S.C. 552a(j)(2), (k)(2) and (k)(5).

TREASURY/CS .129

SYSTEM NAME:

Investigations Record System—Treasury/Customs.

SYSTEM LOCATION:

All Office of Investigations offices located in the United States and within each Office of Investigations office located in a foreign country. (See Customs appendix A.)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Records are maintained on individuals who may bear some necessary relevance to investigations conducted within the scope of authority of the Office of Investigations, United States Customs Service. The categories include but are not limited to: (1) Known violators of U.S. Customs laws; (2) Convicted violators of U.S. Customs and/or drug laws in the U.S. and foreign countries; (3) Fugitives with outstanding warrants, Federal or State; (4) Suspect violators of U.S. Customs or other related laws; (5) Victims of violations of the U.S. Customs or related laws.

CATEGORIES OF RECORDS IN THE SYSTEM:

The subject records may contain any identifying or other relevant information on subject individuals which might relate to the following categories of investigations: Smuggling, Diamonds & Jewelry; Smuggling, Liquor; Smuggling, Narcotics; Smuggling, All Other; Prohibited Importations; Navigation, Airplane and Vehicle Violations; Neutrality Violations; Illegal Exports. Baggage Declaration Violations; Customhouse Brokers and Customs Attorneys; Applications for Licenses; Theft, Loss, Damage and Shortage; Irregular Deliveries; All Other Criminal Cases; Currency Violations. Organized Crime; Personnel Derelictions; Other Departments, Bureaus and Agencies; Federal Tort Claims; Personnel Background Investigations. Undervaluation and False Invoicing; Petitions for Relief; Drawback; Marking of Merchandise; Customs Bonds; Customs Procedures; Collections of Duties and Penalties; Trademarks and Copyrights; Foreign Repairs to Vessels and Aircraft. Classification; Market Value; Dumping; Countervailing Duties.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended; 19 U.S.C. 2072; Title 19, United States Code; Title 18, United States Code.

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 to: (1) Disclose pertinent information to appropriate Federal, State, local, or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation; (2) disclose information to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit; (3) disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings; (4) provide information to the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's functions relating to civil and criminal proceedings; (5) provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

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

STORAGE:

Records are maintained in both hard copy files and on microfiche which are placed in locked metal containers.

RETRIEVABILITY:

The record system is indexed on 3 x 5 file cards by the individual's name and/or identification number and by the investigative case numbers to which the information relates. The hard copy and microfiche records are retrieved by means of the investigative case numbers.

SAFEGUARDS:

All records are held in steel cabinets and are maintained according to the requirements of the United States Customs Records Manual and the United States Customs Security Manual. Access is limited by visual controls and/or a lock system. During normal working hours, files are either attended by responsible Office of Investigations employees or the file area is restricted. The office in which the records are located is locked during non-working hours and the building is patrolled by uniformed security guards.

RETENTION AND DISPOSAL:

The index cards, the hard copies and microfiche records are retained in accordance with standard Customs Service record retention and disposal procedures.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Commissioner, Office of Investigations, U.S. Customs Service Headquarters, 1300 Pennsylvania Avenue, NW., Washington, DC 20229.

NOTIFICATION PROCEDURE:

This system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual. (See 5 U.S.C. 552a (e)(4)(G) and (f)(1).)

RECORD ACCESS PROCEDURES:

This system of records may not be accessed under the Privacy Act for the purpose of inspection.

CONTESTING RECORD PROCEDURES:

Since this system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual and those records, if any, cannot be inspected, the system may not be accessed under the Privacy Act for the purpose of contesting the content of the record.

RECORD SOURCE CATEGORIES:

This system contains investigatory material compiled for law enforcement purposes whose sources need not be reported.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

This system is exempt from 5 U.S.C. 552a (c)(3), (c)(4), (d)(1), (d)(2), (d)(3), (d)(4), (e)(1), (e)(2), (e)(3), (e)(4)(G), (H) and (I), (5) and (8), (f) and (g) of the Privacy Act pursuant to 5 U.S.C. 552a (j)(2) and (k)(2).

TREASURY/CS .133

SYSTEM NAME:

Justice Department Case File—Treasury/Customs.

SYSTEM LOCATION:

Office of the Chief Counsel, U.S. Customs Service Headquarters, 1300 Pennsylvania Ave., NW., Washington, DC, 20229. Office of the Assistant Chief Counsel, U.S. Customs Service, 10 Causeway Street, Boston, MA 02222.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons who are parties in litigation with the United States Government or subunits or employees or officers thereof, in matters which affect or involve the United States Customs Service.

CATEGORIES OF RECORDS IN THE SYSTEM:

Litigation report requests and responses thereto, reports of investigations, internal Customs Service memoranda summarizing or relating to the matter in controversy and other background information relating to the subject matter or origin of the litigation.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

28 U.S.C. 507; 19 U.S.C. 1603; 5 U.S.C. 301; E.O. 6166; Treasury Department Order No. 165, Revised, as amended.

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 to: (1) Disclose to the Department of Justice or directly to United States Attorneys upon request to assist in representing the interests of the Government, the agency or officer or employee involved in the litigation, or to other agencies involved in the same or similar litigation; (2) disclose pertinent information to appropriate Federal, State, local, or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation; (3) disclose information to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit; (4) disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings; (5) provide information to the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's functions relating to civil and criminal proceedings; (6) provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

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

STORAGE:

Each case file is inserted in file folder which is filed in an unlocked drawer within a metal container.

RETRIEVABILITY:

Each case file is identified in the file folder within the metal container.

SAFEGUARDS:

The metal container described above is maintained within the area assigned to the Office of the Counsel. During non-working hours the room in which the metal container is located is locked.

RETENTION AND DISPOSAL:

The files are retained until there is no longer any space available for them within the metal container, at which time the oldest files are transferred to the Federal Records Center.

SYSTEM MANAGER(S) AND ADDRESS:

Chief Counsel, U.S. Customs Service Headquarters, 1300 Pennsylvania Avenue, NW., Washington, DC, 20229; Assistant Chief Counsel, 10 Causeway Street, Boston, MA 02222.

NOTIFICATION PROCEDURE:

See Customs appendix A.

RECORD ACCESS PROCEDURES:

See Customs appendix A.

CONTESTING RECORD PROCEDURES:

See Access, Customs appendix A.

RECORD SOURCE CATEGORIES:

The information contained in these files originates with the request from an appropriate customs official, the Department of Justice or directly from a United States Attorney or other Government agency or officer which results in a communication regarding the particular case. Information in this file is also derived from reports of investigation regarding the enforcement of civil or criminal statutes or regulations, administrative proceedings or any matter affecting or involving the United States Customs Service or its officers or employees.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

This system is exempt from 5 U.S.C. 552a (c)(3), (d)(1), (d)(2), (d)(3), (d)(4), (e)(1), (e)(4)(G), (H) and (I), and (f) of the Privacy Act pursuant to 5 U.S.C. 552a (k)(2).

TREASURY/CS .136

SYSTEM NAME:

All Liquidated Damage, Penalty, and Seizure Cases; Prior Violators—Treasury/Customs.

SYSTEM LOCATION:

Office of the Director, Fines and Penalties Office, U.S. Customs Service, 10 Causeway Street, Boston, MA 02109; Office of the Director, Fines and Penalties Office, U.S. Customs Service, P.O. Box 1490, St. Albans, VT 05478; and Fines, Penalties and Forfeitures Office, Laredo, TX 78044.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Prior violators of Customs Laws: e.g. Customhouse brokers, individual TIB violators, liquidated damage cases, penalty cases, and seizure cases.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name and case number.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

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 to: (1) disclose pertinent information to appropriate Federal, State, local, or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation; (2) disclose information to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit; (3) disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings.

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

STORAGE:

Stored on 3 x 5 index cards and in file folders.

RETRIEVABILITY:

Alphabetically; by name.

SAFEGUARDS:

In file cabinet in locked room when not in use.

RETENTION AND DISPOSAL:

Boston District files are kept for two years and then destroyed on site. St. Albans District files are kept for five (5) years and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Fines and Penalties Officer, U.S. Customhouse, Boston, MA 02109. Fines and Penalties Officer, Post Office and Customhouse Building, St. Albans, VT 05478; and Fines and Penalties Officer, Laredo, TX 78044.

NOTIFICATION PROCEDURE:

See Customs appendix A.

RECORD ACCESS PROCEDURES:

See Customs appendix A.

CONTESTING RECORD PROCEDURES:

See Access, Customs appendix A.

RECORD SOURCE CATEGORIES:

Information is received from the individual at the time the violation occurs and from penalty notices which are issued in the Penalties section. Also, the Office of Investigations provides any information developed during its investigation.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

TREASURY/CS .137

SYSTEM NAME:

List of Vessel Agents Employees—Treasury/U.S. Customs.

SYSTEM LOCATION:

Office of Director, Mid-America Customs Management Center, Chicago, IL (see Customs appendix A).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons employed by Vessel agents.

CATEGORIES OF RECORDS IN THE SYSTEM:

Names, addresses, Social Security numbers, and dates and places of birth of persons employed.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

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 to: (1) Provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains.

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

STORAGE:

Open file.

RETRIEVABILITY:

Alphabetical listing of employees by vessel agent name.

SAFEGUARDS:

The file described is maintained in the Office of the Director, Mid-America Customs Management Center, Chicago, IL. During non-working hours the room/building in which the file is located is locked. Access limited to authorized Customs personnel.

RETENTION AND DISPOSAL:

Employee name retained for period of employment with vessel agent agency.

SYSTEM MANAGER(S) AND ADDRESS:

Director, as appropriate, Mid-America Customs Management Center, Chicago, IL (see Location above).

NOTIFICATION PROCEDURE:

See Customs appendix A.

RECORD ACCESS PROCEDURES:

See Customs appendix A.

CONTESTING RECORD PROCEDURES:

See Access, Customs appendix A.

RECORD SOURCE CATEGORIES:

Submission of data by importing carrier or his agent.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

TREASURY/CS .138

SYSTEM NAME:

Litigation Issue Files—Treasury/Customs.

SYSTEM LOCATION:

Office of Assistant Chief Counsel, Customs Court Litigation, Second Floor, 26 Federal Plaza, New York, NY 10007.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Parties in litigation before the United States Customs Court (or subunits or employees or officers thereof), and other individuals with knowledge of the issues in controversy, e.g., trade witnesses, foreign or domestic manufacturers, etc.

CATEGORIES OF RECORDS IN THE SYSTEM:

Litigation report requests and responses thereto, reports of investigations, internal Customs Service memoranda summarizing or relating to the matter in controversy and other background information relating to the subject matter or origin of the litigation.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

19 U.S.C. 1514–1516; 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

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 to: (1) Disclose to the Department of Justice upon request to assist that Department in representing the interests of the Government, or agency involved in the litigation; (2) disclose pertinent information to appropriate Federal, State, local, or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation; (3) disclose information to a

Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit; (4) disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings; (5) provide information to the news media in accordance with guidelines contained in 28 CFR 50.2 which relates to an agency's functions relating to civil and criminal proceedings; (6) provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

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

STORAGE:

Each issue file is inserted in a numerical file folder (according to issue) which is filed in an unlocked drawer within a metal container.

RETRIEVABILITY:

Each issue filed is cross-indexed in the following card files: (a) By name of party—plaintiff; (b) by issue; and, (c) by titles of decided cases.

SAFEGUARDS:

The metal container described above is maintained within the area assigned to the Office of the Assistant Chief Counsel within the Federal Building. At all times the room in which the metal container is located is locked, and access to the building is controlled at all times by uniformed guards.

RETENTION AND DISPOSAL:

These files are retained until there is no longer any space available for them within the metal container, at which time the oldest files are transferred to the Federal Records Center.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Chief Counsel, Customs Court Litigation, Second Floor, 26 Federal Plaza, New York, NY 10007.

NOTIFICATION PROCEDURE:

See Customs appendix A.

RECORD ACCESS PROCEDURES:

See Customs appendix A.

CONTESTING RECORD PROCEDURES:

See Access, Customs appendix A.

RECORD SOURCE CATEGORIES:

The information contained in these files originates with the receipt of protest reports (based on information supplied by the subject individuals or by their authorized agents or attorneys) from the various Ports of Entry and/or litigation report requests from the Department of Justice which results in a written report to that Department regarding the facts of the particular case.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

This system is exempt from 5 U.S.C. 552a(c)(3), (d)(1), (d)(2), (d)(3), (d)(4), (e)(1), (e)(4), (G), (H), and (I), and (f) of the Privacy Act pursuant to 5 U.S.C. 552a(k)(2).

TREASURY/CS .144

SYSTEM NAME:

Mail Protest File—Treasury/Customs.

SYSTEM LOCATION:

Foreign Mail Branch, 1751 NW., 79th Avenue, Miami, FL 33166; Port Director of Customs, P.O. Box 17423, Washington, DC 20041; 300 2nd Ave., South Great Falls, MT 59405; P.O. Box 1641, Honolulu, HI 96806; 1000 2nd Ave., suite 2100, Seattle, WA 98104–1049; U.S. Customs Mail Facility, Room 416, 1675—7th Street, Oakland, California 94615.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have filed formal protest of the amount of duty assessed against mail parcels.

CATEGORIES OF RECORDS IN THE SYSTEM:

Letters, invoices, and other pertinent documents pertaining to protests.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

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 to provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains.

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

STORAGE:

Records are kept in file folders within a metal file cabinet.

RETRIEVABILITY:

Records are retrievable by name or protest number.

SAFEGUARDS:

Access is limited to appropriate personnel and the office is locked during non-working hours.

RETENTION AND DISPOSAL:

Records are maintained and disposed of in accordance with the Treasury Records Control Manual.

SYSTEM MANAGER(S) AND ADDRESS:

Port Director of Customs, 1751 NW. 79th Avenue, Miami, FL 33166; P.O. Box 17423, Washington, DC 20041; 405 W. Fourth Ave., Anchorage, AK 99501; 300 2nd Ave., South, Great Falls, MT 59405; 335 Merchant, Honolulu, HI 96813; 511 NW. Broadway, Portland, OR 97209; 555 Battery Street, San Francisco, CA 94126; 1000 2nd Ave., Suite 2100, Seattle, WA 98104–1049.

NOTIFICATION PROCEDURE:

See Customs appendix A.

RECORD ACCESS PROCEDURES:

See Customs appendix A.

CONTESTING RECORD PROCEDURES:

See Access, Customs appendix A.

RECORD SOURCE CATEGORIES:

Source of information is from the sender, the addressee, the Customs value records, and the manufacturer of the item.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

TREASURY/CS .148.

SYSTEM NAME:

Military Personnel and Civilian Employees' Claims Act File-Treasury/Customs.

SYSTEM LOCATION:

Office of the Chief Counsel, U.S. Customs Service Headquarters, 1300 Pennsylvania Avenue, NW., Washington, DC 20229; Office of the Assistant Chief Counsel, Room 125, U.S. Customhouse, 40 S. Gay Street, Baltimore, MD 21202; Associate Chief Counsel, U.S. Customs Service, 6 World Trade Center, New York, NY 10048.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons filing claims under the Military Personnel and Civilian Employees' Claims Act of 1964.

CATEGORIES OF RECORDS IN THE SYSTEM:

Documents relating to the administrative handling of the claim

and documents submitted by the claimant in support of the claim.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

31 U.S.C. 240–243; 5 U.S.C. 301; 31 CFR part 4; Treasury Department Administrative Circular No. 131, August 19, 1965; Treasury Department Order No. 165, Revised, as amended.

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 to provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains.

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

STORAGE:

Each case file is inserted alphabetically in a file folder which is filed in an unlocked drawer within a metal container.

RETRIEVABILITY:

Each case file is identified in a manual alphabetical card file by the name of the person who filed the claim and alphabetically in the file folder within the metal container by the name of the person who filed the claim.

SAFEGUARDS:

The metal container described above is maintained within the Customs Service Building. During non-working hours the room in which the metal container is located is locked, and access to the building is controlled at all times by uniformed guards.

RETENTION AND DISPOSAL:

These files are retained until there is no longer any space available for them within the metal container, at which time the oldest files are transferred to the Federal Records Center.

SYSTEM MANAGER(S) AND ADDRESS:

Chief Counsel, U.S. Customs Service Headquarters, 1300 Pennsylvania Avenue, NW., Washington, DC 20229; Assistant Counsel, U.S. Customhouse, 40 S. Gay Street, Baltimore, MD 21202; Associate Counsel, U.S. Customs Service, 6 World Trade Center, New York, NY 10048.

NOTIFICATION PROCEDURE:

See Customs appendix A.

RECORD ACCESS PROCEDURES:

See Customs appendix A.

CONTESTING RECORD PROCEDURES:

See Access, Customs appendix A.

RECORD SOURCE CATEGORIES:

The information contained in these files originates with the Treasury Department Form No. 3079, Civilian Employee Claim For Loss or Damage to Personal Property, which is completed and filed with the Customs Service by the claimant. Additional information contained in these files may be separately provided by the claimant or by the claimant's supervisor.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

TREASURY/CS .151

SYSTEM NAME:

Motor Vehicle Accident Reports—Treasury/Customs.

SYSTEM LOCATION:

National Finance Center, U.S. Customs Service, 6026 Lakeside Blvd. Indianapolis, IN 46278.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

U.S. Customs employees involved in automobile accident while on official duty.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, social security number, home address, telephone number, age, title, date of accident, place of accident, make, year, license number of vehicles, description of accident, information on driver of other vehicle.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; Treasury Administrative Circular No. 131, dated August 19, 1965, as amended.

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 to: (1) Disclose pertinent information to appropriate Federal, State, local, or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation; (2) disclose information to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit; (3) disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations or in connection with criminal law proceedings; (4) provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains; (5) provide information to the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's functions relating to civil and criminal proceedings; (6) provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

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

STORAGE:

Each case file is inserted in an alphabetical file folder which is filed in an unlocked drawer in a metal file cabinet.

RETRIEVABILITY:

Each case file is in a file folder designated by the name of the Customs employee involved in the automobile accident.

SAFEGUARDS:

The metal file cabinet described above is maintained within the area assigned to the Regional Safety Coordinator within the office of the Customs Management Center. Access to the building during non-working hours is controlled.

RETENTION AND DISPOSAL:

Files are maintained at location for two years and then transferred to the Federal Records Center where they are retained for four years.

SYSTEM MANAGER(S) AND ADDRESS:

Director, National Finance Center, U.S. Customs Service, 6026 Lakeside Blvd., Indianapolis, IN 46278.

NOTIFICATION PROCEDURE:

See Customs appendix A.

RECORD ACCESS PROCEDURES:

See Customs appendix A.

CONTESTING RECORD PROCEDURES:

See Access, Customs appendix A.

RECORD SOURCE CATEGORIES:

The information in these files originates from the employee involved in the automobile accidents, police report and report of investigation conducted by the Office of Internal Affairs.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

TREASURY/CS .156

SYSTEM NAME:

Narcotic Violator File-Treasury/Customs.

SYSTEM LOCATION:

Fines, Penalties and Forfeitures Office, East Great Lakes Customs Management Center, 4455 Genessee St., Buffalo, NY 14225.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons who have been found in possession of any controlled substance within the Buffalo District.

CATEGORIES OF RECORDS IN THE SYSTEM:

Alphabetized cross reference of violators' names and the associated case numbers assigned to these individuals.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

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 to: (1) Disclose pertinent information to appropriate Federal, State, local, or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation; (2) disclose information to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit; (3) disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena or in connection with criminal law proceedings; (4) provide information to the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's functions relating to civil and criminal proceedings; (5) provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

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

STORAGE:

Open card file (3 x 5) is kept in metal flip file.

RETRIEVABILITY:

Narcotic violator files are cross-referenced by a 3 x 5 alphabetized card which contains both name and case number.

SAFEGUARDS:

Open card file kept in the Fines, Penalties and Forfeitures Office which is locked after working hours. During working hours, a staff person is always in the office. The building is under 24 hour guard.

RETENTION AND DISPOSAL:

File system has a purge date of two years after which cross reference cards are destroyed and case numbered file is no longer accessible by name of the individual.

SYSTEM MANAGER(S) AND ADDRESS:

Director, East Great Lakes Customs Management Center, 4455 Genessee St., Buffalo, NY 14225.

NOTIFICATION PROCEDURE:

See Customs appendix A.

RECORD ACCESS PROCEDURES:

See Customs appendix A.

CONTESTING RECORD PROCEDURES:

See Access, Customs appendix A.

RECORD SOURCE CATEGORIES:

The information in these files is obtained from Search/Arrest and Seizure Reports transmitted to the Fines, Penalties and Forfeitures Office by ports and stations within the area.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

TREASURY/CS .159

SYSTEM NAME:

Notification of Personnel Management Division when an employee is placed under investigation by the Office of Internal Affairs-Treasury/Customs.

SYSTEM LOCATION:

Human Resources Division, East Texas Customs Management Center, 2323 S. Shepard St., suite 1200, Houston, TX 77019.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Customs employees who are suspected of misconduct.

CATEGORIES OF RECORDS IN THE SYSTEM:

A written or telephonic notification made by the Office of Internal Affairs that an investigation has been opened on an individual employee.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

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 to: (1) Disclose pertinent information to appropriate Federal, State, local, or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation; (2) disclose information to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit; (3) disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena or in connection with criminal law proceedings; (4) provide information to the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's functions relating to civil and criminal proceedings; (5) provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

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

STORAGE:

Notifications provided by the Office of Internal Affairs are maintained in a file folder and stored in a metal security cabinet equipped with a lock.

RETRIEVABILITY:

The file contains the name of the employee; therefore, Retrievability is by the individual's name.

SAFEGUARDS:

A metal container, described above, is maintained within the area assigned to

Personnel Management. During non-working hours the room in which the metal container is kept is locked, and access to the building is controlled at all times by uniformed guards.

RETENTION AND DISPOSAL:

The name file is retained until notification has been received that the investigation has been canceled or on receipt of a report of investigation from the Office of Internal Affairs.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Human Resources Division, East Texas Customs Management Center, 2323 S. Shepard St., suite 1200, Houston, TX 77019.

NOTIFICATION PROCEDURE:

See Customs appendix A.

RECORD ACCESS PROCEDURES:

See Customs appendix A.

CONTESTING RECORD PROCEDURES:

See Access, Customs appendix A.

RECORD SOURCE CATEGORIES:

The only source of notification that an employee has been placed under investigation is the Regional Director, Internal Affairs.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

This system is exempt from 5 U.S.C. 552a(c)(3), (d)(1), (d)(2), (d)(3), (d)(4), (e)(1), (e)(4), (G), (H), and (I), and (f) of the Privacy Act pursuant to 5 U.S.C. 552a(k)(2).

TREASURY/CS .162

SYSTEM NAME:

Organization (Customs) and Automated Position Management System (COAPMS)-Treasury/Customs.

SYSTEM LOCATION:

Chief Financial Officer, U.S. Customs Service, Washington, DC 20229.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All Customs employees by organizational entity.

CATEGORIES OF RECORDS IN THE SYSTEM:

Position control number and other personnel data such as social security number, date of birth, name, etc.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

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 to: (1) Provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains; (2) provide information to unions recognized as exclusive bargaining representatives under the Civil Service Reform Act of 1978, 5 U.S.C. 7111 and 7114.

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

STORAGE:

Records are stored on magnetic tape.

RETRIEVABILITY:

Records are indexed by organizational segment, code, position control number, and name.

SAFEGUARDS:

Limited access.

RETENTION AND DISPOSAL:

Records are maintained on magnetic tape until employee separation.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Human Resources Division, U.S. Customs Service, Washington, DC 20229.

NOTIFICATION PROCEDURE:

See Customs appendix A.

RECORD ACCESS PROCEDURES:

See Customs appendix A.

CONTESTING RECORD PROCEDURES:

See Access, Customs appendix A.

RECORD SOURCE CATEGORIES:

COAPMS is composed of four basic inputs—CF–105—Position Change Form— presently prepared by the Headquarters Personnel Branch and operating offices: Post of Duty Codes-established by the Accounting Division; Ceilings-established by the Budget Division; and CF–112–a Request for PPBS Code and Standard Abbreviation of Position. In addition to these four sources, the IRS payroll tape has many inputs -1150, 1125, 50, 52, union dues, etc., and Accounting tape K from IRS.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

TREASURY/CS .163

SYSTEM NAME:

Outside Employment Requests—Treasury/Customs.

SYSTEM LOCATION:

Located in Headquarters and Customs Management Centers and/or appropriate Port or post of duty office of employee making request.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All employees engaged in outside employment.

CATEGORIES OF RECORDS IN THE SYSTEM:

Outside employment request.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

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 to: (1) Provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains; (2) provide information to unions recognized as exclusive bargaining representatives under the Civil Service Reform Act of 1978, 5 U.S.C. 7111 and 7114.

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

STORAGE:

CF–3031 kept in manila folder.

RETRIEVABILITY:

By employee name.

SAFEGUARDS:

Locked file cabinet or limited access offices.

RETENTION AND DISPOSAL:

Until disengagement from outside employment or employee separation.

SYSTEM MANAGER(S) AND ADDRESS:

Appropriate managerial official in each headquarters, Customs Management Centers, SAC, port of employee.

NOTIFICATION PROCEDURE:

Write to System Manager, provide your name and social security number.

RECORD ACCESS PROCEDURES:

Write to System Manager.

CONTESTING RECORD PROCEDURES:

Write to System Manager, specify changes you are requesting and provide your name and social security number.

RECORD SOURCE CATEGORIES:

Employee submission of Form CF–3031.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

TREASURY/CS .165

SYSTEM NAME:

Overtime Earnings—Treasury/Customs.

SYSTEM LOCATION:

Passenger Processing Port of San Francisco, San Francisco International Airport, P.O. Box 251867, San Francisco, CA 94125–1867; Los Angeles International Airport, 1099 S. LaCienega Blvd., Los Angeles, CA 90045; Port Director, 300 S. Ferry Street, Terminal Island, San Pedro, CA 90731; Port Director, 9 North Grande Ave., Nogales, AZ 85620; Customs Management Center Director, 4740 N. Oracle Rd., Suite 310, Tucson, AZ 85705; San Diego Barge Office; Offices of the Port Directors: San Ysidro, CA; Andrade, CA; Calexico, CA; Douglas, AZ; Las Vegas, NV; Lochiel, AZ; Lukeville, AZ; Naco, AZ; Oxnard, CA; Phoenix, AZ; San Luis Obispo, CA; San Luis, AZ; Sasabe, AZ; Tecate, CA; Tucson, AZ; Pembina, ND; Detroit, MI; Minneapolis, MN; Cleveland, OH; St. Louis, MO; Duluth, MN; Milwaukee, WI; Office of the Supervisory Warehouse Officer, U.S. Customhouse, Room 103, 2nd and Chestnut Streets, Philadelphia, PA 19106; Port Director, U.S. Customs Service, 40 S. Gay St., Baltimore, MD 21202–2004; Port Director, U.S. Customs Service, 111 West Huron Street, Buffalo, NY 14202; Port Director, U.S. Customs Service, 127 North Water Street, Ogdenburg, NY 13669; Port Director, U.S. Customs Service, 312 Fore Street, Box 4688, Portland, ME 04112; Port Director, U.S. Customs Service, 49 Pavilion Avenue, Providence, RI 02905; Port Director, U.S. Customs Service, PO Box 1490, St. Albans, VT 05478; Port Director, U.S. Customs Service, 10 Causeway Street, Boston, MA 02222; U.S. Customs Service, Honolulu International Airport, Honolulu, HI 96816, and maintained at each individual port within the south Texas Customs Management Center.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Inspection and Control employees participating in overtime assignments.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name and the total current monetary earnings computed to the nearest dollar.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; Treasury Department Order No. 165, revised as amended.

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

These records and information in these records may be used to: (1) Provide information to a Congressional office in response to an inquiry made at the request of the individual to whom the record pertains; (2) provide information to unions recognized as exclusive bargaining representatives under the Civil Service Reform Act of 1978, 5 U.S.C. 7111 and 7114.

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

STORAGE:

The information is stored on government internal control personal computer data disks and the information on earnings is updated on a daily basis.

RETRIEVABILITY:

The individual's name appears alphabetically.

SAFEGUARDS:

The room where the records are kept is locked at other than regular working hours. Passwords are required for access to records.

RETENTION AND DISPOSAL:

The information on each employee constantly changes and is maintained as long as the employee is working in the overtime system.

SYSTEM MANAGER(S) AND ADDRESSES:

Supervisory Customs Inspector, Station 1, U.S. Customs Service, 555 Battery Street, Room 111, San Francisco, CA 94125; Director, (Airport), Los Angeles International Airport, 1109 S. LaCienega Blvd., Los Angeles, CA 90045; Port Director, 300 S. Ferry Street, Terminal Island, San Pedro, CA 90731; Port Director, 9 North Grande Ave., Nogales, AZ 85620; Customs Management Center Director, 4740 N. Oracle Rd., Suite 310, Tucson, AZ 85705; San Diego Barge Office; Port Directors: San Ysidro, CA; Andrade, CA; Calexico, CA; Douglas, AZ; Las Vegas, NV; Lochiel, AZ; Lukeville, AZ; Naco, AZ; Oxnard, CA; Phoenix, AZ; San Luis Obispo, CA; San Luis, AZ; Sasabe, AZ; Tecate, CA; Tucson, AZ; Directors: Chicago, IL; Pembina, ND; Detroit, MI; Minneapolis, MN; Cleveland, OH; St. Louis, MO; Duluth, MN; Milwaukee, WI. Port Director of Customs, 77 SE 5th Street, Miami, FL 33131; Port Director of Customs, U.S. Customhouse, 2nd and Chestnut Streets, Philadelphia, PA 19106; Port Director of Customs, U.S. Customs Service, Honolulu, HI 96819.

NOTIFICATION PROCEDURE:

See Customs appendix A.

RECORDS ACCESS PROCEDURES:

See Customs appendix A.

CONTESTING RECORDS PROCEDURES:

See Access, Customs appendix A.

RECORD SOURCE CATEGORIES:

Information is obtained from actual overtime earnings made by each employee in the system.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

TREASURY/CS .170

SYSTEM NAME:

Overtime Reports—Treasury/Customs.

SYSTEM LOCATION:

U.S. Customs Service, Office of Investigations, South Central Region. RDI, 1440 Canal Street, New Orleans, LA 70112; SAC, 600 South Street, Room 444, New Orleans, LA 70130; SAC, P.O. Box 1704, Mobile, AL 36601; RA, 1719 West End Building, Room 303, Nashville, TN 37203, and each port within the South Texas Customs Management Centers.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All special agents in region certified to receive premium compensation.

CATEGORIES OF RECORDS IN THE SYSTEM:

Numbers of hours worked by special agents over and above the normal 40-hour week.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; Treasury Department Order No. 165, revised as amended.

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

These records and information in these records may be used to: (1) Provide information to a Congressional office in response to an inquiry made at the request of the individual to whom the record pertains; (2) provide information to unions recognized as exclusive bargaining representatives under the Civil Service Reform Act of 1978, 5 U.S.C. 7111 and 7114.

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

STORAGE:

These forms are maintained in file folders in a locked cabinet.

RETRIEVABILITY:

Files are kept in alphabetical order.

SAFEGUARDS:

During non-working hours the rooms in which the above described containers are located are locked.

RETENTION AND DISPOSAL:

These files are destroyed three years after special agent leaves agency or office.

SYSTEM MANAGER(S) AND ADDRESS:

Resident Agent, U.S. Customs Service, 6125 Interstate, Bay 11, Shreveport, LA 71109; Resident Agent in Charge, c/o Drug Enforcement Agency, Little Rock, AR 72211; Resident Agent, Hoover Building, Ste. 216B, 8312 Florida Boulevard, Baton Rouge, LA 70806; Resident Agent, 1 Government Plaza, Rm. 423, 2909 13th Street, Gulfport, MS 39501; Resident Agent in Charge, U.S. Customs Service, U.S. Federal Building, Ste. 230, Jackson, MS 39269; Resident Agent in Charge, Station 1, Box 10182, Houma, LA 70363–5990; Resident Agent in Charge, 101 E. Cypress Street, Ste. 106, Lafayette, LA 70502; Resident Agent, 811 Bayou Pines Blvd., Lake Charles, LA 70601; Resident Agent, 811 Bayou Pines Blvd., Lake Charles, LA 70601; New Orleans Aviation Branch, P.O. Box 980, Belle Chasse, LA 70037.

NOTIFICATION PROCEDURE:

See Customs appendix A.

RECORD ACCESS PROCEDURES:

Customs appendix A.

CONTESTING RECORD PROCEDURES:

See Access, Customs appendix A.

RECORD SOURCE CATEGORIES:

The information contained in these files originates with, and consists solely of information supplied by employees.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

TREASURY/CS .171

SYSTEM NAME:

Pacific Basin Reporting Network.

SYSTEM LOCATION:

Office of the Special Agent in Charge, U.S. Customs Service, 300 Ala Moana Boulevard, Room 6127, Honolulu, Hawaii 50104

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Records are maintained on masters, operators, pilots, crew members and passengers of vessels and aircraft traveling in or through the Pacific Basin. The Pacific Basin area includes the countries of northeast Asia, southeast Asia, the Pacific islands (both independent and non-independent), Australia, New Zealand, United States, Canada and Mexico.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system of records included information pertaining to individuals, aircraft and vessels reporting; vessel/aircraft name and registration numbers; description of vessels and aircraft; departure and arrival information; and destination locations. Information about individuals includes name, date of birth, place of birth, physical description, nationality, passport number, address and occupation.

AUTHORITY FOR MAINTENANCE OF THIS SYSTEM:

19 U.S.C. 1433, 1459, and 162; 49 U.S.C. App. 1590.

PURPOSE(S):

The purpose of the Pacific Basin Reporting Network is to implement a law enforcement data base containing records with identifying and other relevant information on vessels, aircraft and individuals traveling in or through the Pacific basin area, and where appropriate to disclose this information to other domestic and foreign agencies which have an interest in this information.

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

These records and information in the records may be used to: (1) Disclose pertinent information to appropriate Federal agencies and to state, local/territorial or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation or order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation; (2) disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, or in response to a subpoena, where relevant or potentially relevant to the proceedings, or in connections with criminal law proceedings; (3) provide information to the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's functions relating to civil and criminal proceedings; and (4) provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

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

STORAGE:

Records are maintained on tape, magnetic disc and hard copy.

RETRIEVABILITY:

By name (individual, master or pilot); unique identifiers (date of birth, passport number, aircraft/vessel registration number); date, place of destination; port of registry; or vessel description.

SAFEGUARDS:

All officials accessing to the system of records have had a full field background check as required and access data on a need-to-know basis only. Procedural and physical safeguards are utilized such as accountability, receipt records and specialized communications security. The data system has an internal mechanism designed to restrict access to authorized officials. Hard-copy records are held in steel cabinets and are maintained according to the requirements of the U.S. Customs Reports Manual and Customs Security Manual. Access is limited by visual controls and/or lock system. During normal working hours, files are attended by responsible officials; they are locked during non-working hours and the building is patrolled by uniformed security guards.

RETENTION AND DISPOSAL:

The records are periodically updated to reflect changes and maintained as long as needed, then shredded and destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Office of Special Agent in Charge, U.S. Customs Service, 300 Ala Moana Boulevard, Room 6127, Honolulu, Hawaii 50104.

NOTIFICATION PROCEDURE:

Pursuant to 5 U.S.C. 552a(j)(2), and (k)(2), this system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual.

RECORD ACCESS PROCEDURES:

See ''Notification procedure'' above.

CONTESTING RECORD PROCEDURES:

See ''Notification procedure'' above.

RECORDS SOURCE CATEGORIES:

See ''Categories of individuals covered by the system'' above. The system contains material for which sources need not be reported.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

This system is exempt from 5 U.S.C. 552a (c)(3), (c)(4), (d)(1), (d)(2), (d)(3), (d)(4), (e)(1), (e)(2), (e)(3), (e)(4)(G), (H) and (I), (e)(5) and (e)(8), (f) and (g) of the Privacy Act pursuant to 5 U.S.C. 552a (j)(2) and (k)(2).

TREASURY/CS .172

SYSTEM NAME:

Parking Permits File—Treasury/Customs.

SYSTEM LOCATION:

Chief Financial Officer, U.S. Customs Service Headquarters, 1300 Pennsylvania Ave., NW., Washington, DC 20229.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Organizational units and persons holding parking permits.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name of persons issued parking permits, and number of parking spaces assigned.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; Treasury Department Order No. 165, revised as amended.

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

These records and information in these records may be used to: (1) Provide information to a Congressional office in response to an inquiry made at the request of the individual to whom the record pertains; (2) provide information to unions recognized as exclusive bargaining representatives under the Civil Service Reform Act of 1978, 5 U.S.C. 7111 and 7114.

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

STORAGE:

Paper files.

RETRIEVABILITY:

By name.

SAFEGUARDS:

Office locked at night.

RETENTION AND DISPOSAL:

Retained until changed.

SYSTEM MANAGER(S) AND ADDRESS:

Chief Financial Officer, U.S. Customs Service Headquarters, 1300 Pennsylvania Avenue, NW., Washington, DC 20229.

NOTIFICATION PROCEDURE:

See Customs appendix A.

RECORD ACCESS PROCEDURES:

See Customs appendix A.

CONTESTING RECORD PROCEDURES:

See Access, Customs appendix A.

RECORD SOURCE CATEGORIES:

Information is compiled when parking permit is assigned.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

TREASURY/CS .186

SYSTEM NAME:

Personnel Search—Treasury/Customs.

SYSTEM LOCATION:

Office of Investigations, 423 Canal Street, New Orleans, LA 70130; Special Agent in Charge, 951 Government Street, Suite 700, Mobile, AL 36604. U.S. Customs Service, Honolulu International Airport, Honolulu, HI 96810; Ports of Entry, Nogales, AZ.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals indicating unlawful or suspicious activity that might result in a Customs violation.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, address, phone number, place of business, physical description, associates, vessel, automobile, or aircraft identified with make, year, license number and registration of vehicles, area of activity, method of operation and other relevant and necessary information on individuals suspected of activity contrary to law.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; Treasury Department Order No. 165, revised as amended.

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

These records and information in these records may be used to: (1) Disclose pertinent information to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation; (2) disclose information to a Federal, State or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit; (3) disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings; (4) provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

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

STORAGE:

Records maintained in standard Customs file folders in locked metal cabinets.

RETRIEVABILITY:

Records are indexed by identifying file number and manually retrieved.

SAFEGUARDS:

File maintained in locked metal file cabinet, the keys of which are controlled by the custodian of the files. Those departmental officials who may occasionally be granted access, consistent with their positions, have been cleared by a full background investigation and granted appropriate security clearance for critical sensitive positions. During non-working hours, the room housing the metal cabinets is locked.

RETENTION AND DISPOSAL:

Negative Search Reports are destroyed after a five year period. Method of disposal is shredding.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Investigations, U.S. Customs Service, 423 Canal Street, New Orleans, LA 70130; Port Directors, as applicable, in Mid-America Customs Management Center, Chicago, IL; Special Agent in Charge, 951 Government Street, Mobile, AL 36604; Port Director of Customs, U.S. Customs Service, Honolulu, HI 96819; Port Directors at the various ports of entry in the Nogales, AZ.

NOTIFICATION PROCEDURE:

See Customs appendix A.

RECORD ACCESS PROCEDURES:

See Customs appendix A.

CONTESTING RECORD PROCEDURES:

See Access, Customs appendix A.

RECORD SOURCE CATEGORIES:

The information in this system originates with, and consists solely of, information supplied by the individual being searched and the patrol officer doing the search.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

This system is exempt from 5 U.S.C. 552a (c)(3), (d)(1), (d)(2), (d)(3), (d)(4), (e)(1), (e)(4)(G), (H), and (I), and (f) of the Privacy Act pursuant to 5 U.S.C. 552a(k)(2).

TREASURY/CS .190

SYSTEM NAME:

Personnel Case File—Treasury/Customs.

SYSTEM LOCATION:

Office of the Chief Counsel, U.S. Customs Service Headquarters, 1300 Pennsylvania Avenue, NW., Washington, DC 20229; Office of the Associate Chief Counsel, U.S. Customs Service, Mid-America, 610 S. Canal St., Chicago, IL 60607; Associate Chief Counsel of Customs, 6 World Trade Center, New York, NY, 10048; Office of Assistant Chief Counsel, 555 Battery St., San Francisco, CA 94111; Associate Chief Counsel, 2323 S. Shepard St., Houston, TX 77019.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current or former Customs Service employees against whom disciplinary action has been proposed or taken, who have filed grievances, and who have filed complaints under the Equal Opportunity (EO) Program, in most cases where administrative proceedings have been instituted.

CATEGORIES OF RECORDS IN THE SYSTEM:

Reports of investigation into alleged employee misconduct, internal Customs Service memoranda recommending disciplinary action, documents relating to the institution or conduct of disciplinary proceedings, documents relating to the filing and administrative disposition of formal and informal grievances and documents relating to the filing and administrative disposition of EO complaints.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 5, United States Code; 5 U.S.C. 301; Title 5 Code of Federal Regulations; Treasury Departmental Order No. 165, revised, as amended.

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 to: (1) Disclose pertinent information to the Office of Personnel Management (OPM) in connection with administrative hearings and to the Department of Justice in connection with court proceedings resulting from appeals from decisions rendered at the administrative level; (2) disclose pertinent information to appropriate Federal, State, local, or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation; (3) disclose information to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit; (4) disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings; (5) provide information to the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's functions relating to civil and criminal proceedings; (6) provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

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

STORAGE:

Each case file is inserted alphabetically in an unlocked drawer within a metal container.

RETRIEVABILITY:

Each case file id identified in a manual alphabetical card file by name of the person, and each case file is similarly identified in alphabetical order within the metal container.

SAFEGUARDS:

The metal container described above is maintained within the Customs Service building. During non-working hours, the room in which the metal container is located is locked. Access to the building is controlled at all times by uniformed guards.

RETENTION AND DISPOSAL:

These files are retained until there is no longer any space available for them within the metal container, at which time the oldest files are transferred to the Federal Records Center.

SYSTEM MANAGER(S) AND ADDRESS:

Chief Counsel, U.S. Customs Service Headquarters, 1300 Pennsylvania Avenue, NW., Washington, DC 20229; Associate Chief Counsel of Customs, U.S. Customs Service, Mid-America, 610 S. Canal St., Chicago, IL 60607; Associate Chief Counsel of Customs, New York, NY, 10048; Assistant Chief Counsel, 555 Battery St., San Francisco, CA 94111.

NOTIFICATION PROCEDURE:

See Customs appendix A.

RECORD ACCESS PROCEDURES:

See Customs appendix A.

CONTESTING RECORD PROCEDURES:

See Access, Customs appendix A.

RECORDS SOURCE CATEGORIES:

The information contained in these files results from investigation into alleged misconduct on the part of Customs Service employees, recommendations from appropriate Customs Service field personnel that disciplinary proceedings be instituted against Customs Service employees, the filing of EO complaints by Customs Service employees, the statements of Customs Service employees including the employees who are directly affected by the administrative proceedings, and statements or other information provided by private non-governmental individuals.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

This system is exempt from 5 U.S.C. 552a (c)(3), (d)(1), (d)(2), (d)(3), (d)(4), (e)(1), (e)(4)(G), (H) and (I), and (f) of the Privacy Act pursuant to 5 U.S.C. 552a (k)(2).

TREASURY/CS .193

SYSTEM NAME:

Operating Personnel Folder Files—Treasury/Customs.

SYSTEM LOCATION:

Files are located in Headquarters, Customs Management Centers, SACs, Area Ports and other post of duty offices throughout the Customs Service depending upon post of duty of employee. (See Customs appendix A.)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Customs employees, present.

CATEGORIES OF RECORDS IN THE SYSTEM:

In addition to the appropriate Personnel offices, records are also maintained by district, port, or other post of duty management on personnel matters such as, but not limited to name, Social Security number, awards, letters of appreciation, promotions, step increases, memoranda, forms and materials related to hiring, address, pay, transfer and separation, service time, salary, phone, education, society memberships, publications, skills,

chronological work history, position descriptions, reports of discussions held with employee regarding performance, copies of letters written to employee concerning performance, overtime hours, seniority status, leave, overtime earnings, productivity, locator card information, and related employment records.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

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 disclose to the public for employment and salary verification upon request. (2) To disclose pertinent information to appropriate Federal, State, local, or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation. (3) To disclose information to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit. (4) To disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings. (5) To provide information to unions recognized as exclusive bargaining representatives under the Civil Service Reform Act of 1978, 5 U.S.C. 7111 and 7114. (6) To provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

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

STORAGE:

Records are maintained in file folders, and/or on index cards, ledgers, and computer disc.

RETRIEVABILITY:

Records are indexed by name, or Social Security number.

SAFEGUARDS:

Records are located in lockable metal file cabinets or in secured rooms with limited access.

RETENTION AND DISPOSAL:

When the employee leaves the Customs Service through transfer or other separation, the file will immediately be forwarded to the office maintaining the Official Personnel Folder. There it will be screened to insure that it contains no documents that should be permanently filed in the Official Personnel Folder other than exact duplicates of papers already so filed. The file and its contents will then be destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Program Management Officers at Headquarters, local Management Program Officers (MPOs) in Customs Management Centers and SAC offices, or managerial official in appropriate posts of duty of employee. (See Customs appendix A.)

NOTIFICATION PROCEDURE:

See Customs appendix A.

RECORD ACCESS PROCEDURES:

See Customs appendix A.

CONTESTING RECORD PROCEDURES:

See Access, Customs appendix A.

RECORD SOURCE CATEGORIES:

Information in this system of records comes from employee, from personnel actions as noted in official personnel folders, and from supervisor.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

TREASURY/CS .196

SYSTEM NAME:

Preclearance Costs—Treasury/Customs.

SYSTEM LOCATION:

Customs Management Center, 10 Causeway Street, Boston, MA 02222.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All Customs Inspectors and Foreign Service employees of North Central Region, who are stationed at Toronto and Montreal, Canada.

CATEGORIES OF RECORDS IN THE SYSTEM:

Salaries, living allowances and benefits paid to employees who are stationed at Toronto and Montreal, Canada.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

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 to: (1) Disclose pertinent information to appropriate Federal, State, local, or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation; (2) disclose information to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit; (3) disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings; (4) provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains; (5) provide information to unions recognized as exclusive bargaining representatives under the Civil Service Reform Act of 1978, 5 U.S.C. 7111 and 7114; (6) provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

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

STORAGE:

Data is stored in a file folder within two metal file cabinets in the work area of the Budget Section.

RETRIEVABILITY:

The file is identified as the ''Pre-clearance Record'' which contains the names of all employees listed in alphabetical order with corresponding costs associated with each employee.

SAFEGUARDS:

The file is located within an office that is locked during non-working hours. The building is guarded by

uniformed security police and only authorized persons are permitted entry to the building.

RETENTION AND DISPOSAL:

The files are kept for three years and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Customs Management Center, 10 Causeway Street, Boston, MA 02222.

NOTIFICATION PROCEDURE:

See Customs appendix A.

RECORD ACCESS PROCEDURES:

See Customs appendix A.

CONTESTING RECORD PROCEDURES:

See Access, Customs appendix A.

RECORD SOURCE CATEGORIES:

The information contained in the system is obtained from the Bi-weekly Comprehensive Payroll Listing, Treasury Form 2979, supplied by the Payroll Data Center.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

TREASURY/CS .197

SYSTEM NAME:

Private Aircraft/Vessel Inspection Reporting System—Treasury/Customs.

SYSTEM LOCATION:

Office of Field Operations, U.S. Customs Service, 1300 Pennsylvania Avenue, NW., Washington, DC 20229.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Names of pilots and vessel masters arriving in the United States.

CATEGORIES OF RECORDS IN THE SYSTEM:

Names and personal identifiers of pilots, vessel masters, and owners of vessels with appropriate registration and/or documentation numbers and characteristics, and arrival dates at port of entry.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

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 to: (1) Disclose pertinent information to appropriate Federal, State, local, or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation; (2) disclose information to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit; (3) disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings; (4) provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

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

STORAGE:

Magnetic disc and tape storage; microfiche.

RETRIEVABILITY:

By individual name, private aircraft/vessel registration number; vessel name.

SAFEGUARDS:

All inquiries are made by officers with full field background investigation on a ''need-to-know'' basis only. Procedural and physical safeguards are utilized such as accountability and receipt records, guards patrolling the area, restricted access and alarm protection systems, special communications security, etc.

RETENTION AND DISPOSAL:

Customs Form 178 (Private Aircraft Inspection Report) is destroyed after entry into data system.

SYSTEM MANAGER(S) AND ADDRESS:

Process Owner, Passenger Operations Division, U.S. Customs Service, 1300 Pennsylvania Avenue, NW., Washington, DC 20229.

NOTIFICATION PROCEDURE:

See Customs appendix A.

RECORD ACCESS PROCEDURES:

See Customs appendix A.

CONTESTING RECORD PROCEDURES:

See Access, Customs appendix A.

RECORD SOURCE CATEGORIES:

Proposed Customs Form 178 (Private Aircraft Inspection Report) which will be prepared by Customs officers, unnumbered forms prepared by vessel masters or owners who report their arrival to a United States port of entry, and other Federal agencies.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

This system is exempt from 5 U.S.C. 552a (c)(3), (d)(1), (d)(2), (d)(3), (d)(4), (e)(1), (e)(4)(G), (H) and (I), and (f) of the Privacy Act pursuant to 5 U.S.C. 552a (k)(2).

TREASURY/CS .201

SYSTEM NAME:

Property File-Non-Expendable—Treasury/Customs.

SYSTEM LOCATION:

Offices of each Port within the Mid-America Customs Management Center (see Customs appendix A.); Office of Logistics Management, U.S. Customs Headquarters, 1300 Pennsylvania Avenue, NW., Washington, DC 20229; Office of the Director, Customs Management Center, San Diego, CA; Offices of the Port Directors: San Ysidro, CA; Tecate, CA; Calexico, CA; Andrade, CA; San Diego Barge Office, and the Offices of the Customs Patrol Division, San Diego, CA; San Ysidro, CA; Calexico, CA; Tecate, CA; Port Directors Office, Entry Control Section (see Customs appendix A.); United States Customs Service, PO Box 1641, Honolulu, HI 96806; Federal Building, Room 198, 511 NW., Broadway, Portland, OR 97209; Management Program Specialist, U. S. Customs Service, 555 Battery Street, Room 329, San Francisco, CA 94126.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees issued non-expendable property.

CATEGORIES OF RECORDS IN THE SYSTEM:

Receipts for badges, cap insignias, bonded warehouse keys, identification cards, Government driver's licenses, firearms and other non-expendable property.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

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 to: (1) Provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains; (2) provide information to unions recognized as exclusive bargaining representatives under the

Civil Service Reform Act of 1978, 5 U.S.C. 7111 and 7114.

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

STORAGE:

Locked file cabinet.

RETRIEVABILITY:

Folders identified by individual's name.

SAFEGUARDS:

During non-working hours the room/building in which the file is located is locked. Access limited to authorized Customs personnel.

RETENTION AND DISPOSAL:

Until employee separates/transfers. Transfer to National Personnel Records Center (NPRC), (CPR), St. Louis, MO, thirty days after employee is separated.

SYSTEM MANAGER(S) AND ADDRESS:

Port Directors in Mid-America Region; Director, Office of Logistics Management, U.S. Customs Service, Headquarters, 1300 Pennsylvania Avenue, NW., Washington, DC, 20229; Customs Management Center Directors, Port Directors, and Division Directors within the San Diego Customs District (see Customs appendix A.); Chief, Headquarters Support Branch, Logistics Management Division, U.S. Customs Service Headquarters, 1300 Pennsylvania Avenue, NW., Washington, DC 20229; Local Property Officer, Room 228, Federal Building, Entry Control Section, 335 Merchant Street, Honolulu, HI 96813; Director, Federal Building, Room 198, 511 NW., Broadway, Portland, OR 97209; Administrative Officer, U.S. Customs Service, 555 Battery Street, Room 327, San Francisco, CA 94111.

NOTIFICATION PROCEDURE:

See Customs appendix A.

RECORD ACCESS PROCEDURES:

See Customs appendix A.

CONTESTING RECORD PROCEDURES:

See Access, Customs appendix A.

RECORD SOURCE CATEGORIES:

The information in this system consists of receipts of employees receiving non-expendable property.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

TREASURY/CS .206

SYSTEM NAME:

Regulatory Audits of Customhouse Brokers—Treasury/Customs.

SYSTEM LOCATION:

Office of Regulatory Audit, United States Customs Service Headquarters, 1300 Pennsylvania Avenue, NW., Washington, DC 20229, and at each of the field offices of Regulatory Audit (see Customs appendix A for addresses).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons licensed to do business pursuant to 19 U.S.C. 1641.

CATEGORIES OF RECORDS IN THE SYSTEM:

Audit reports of customs broker accounts and records; correspondence regarding such reports; Congressional inquiries concerning customs brokers and disposition made of such inquiries; names of officers of customs broker firms, license numbers and dates issued and district covered.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

19 U.S.C. 1641; 19 CFR part 111. 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

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 to: (1) Disclose pertinent information to appropriate Federal, State, local, or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order,or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation; (2) disclose information to a Federal, state, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit; (3) disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings; (4) provide information to the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's functions relating to civil and criminal proceedings; (5) provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

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

STORAGE:

Each custom broker permanent file is inserted in alphabetical order by name of the firm in an unlocked drawer within a metal file cabinet located in one or more regulatory audit offices. Each customs broker work paper file is similarly stored, but maintained in numerical order by audit report number.

RETRIEVABILITY:

Each broker permanent file is readily retrievable when the name is given, while the workpaper file is retrievable after obtaining the audit report file number from within the permanent file.

SAFEGUARDS:

The files described above are maintained within the respective regulatory audit offices. During non-working hours, the offices in which the files are located are locked.

RETENTION AND DISPOSAL:

Customhouse broker files are generally retained in each office at least three years, after which they are placed in General Service Administration long-term archival storage.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Regulatory Audit, United States Customs Service Headquarters, 1300 Pennsylvania Avenue, NW., Washington, DC 20229, and the Regional Directors, Regulatory Audit at each of the regional offices (see Customs appendix A for addresses).

NOTIFICATION PROCEDURE:

See Customs appendix A.

RECORD ACCESS PROCEDURES:

See Customs appendix A.

CONTESTING RECORD PROCEDURES:

See Access, Customs appendix A.

RECORD SOURCE CATEGORIES:

The information contained in these files originates in connection with customs broker audits conducted by the regional regulatory audit staffs. The audits may be supplemented with information furnished by the Office of the Regional Counsel, Office of Enforcement, and the Office of Regulations and Rulings. These audits include examinations of brokers business records, including data maintained in support of client customs business.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

This system is exempt from 5 U.S.C. 552a (c)(3), (d)(1), (d)(2), (d)(3), (d)(4),

(e)(1), (e)(4)(G), (H) and (I), and (f) of the Privacy Act pursuant to 5 U.S.C. 552a (k)(2).

TREASURY/CS .207

SYSTEM NAME:

Reimbursable Assignment/Workticket System—Treasury/Customs.

SYSTEM LOCATION:

U.S. Customs Service Headquarters, 1300 Pennsylvania Avenue, NW., Washington, DC 20229.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Customs Service employees who perform reimbursable services and parties in interest for whom reimbursable services are performed.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, address, Social Security number or importer of record number assigned by the Customs Service, listings of reimbursable overtime assignments of Customs employees, bills and refund checks issued to parties in interest, travel expenses incurred by Customs employees in connection with the reimbursable services.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

19 U.S.C. 261, 267, and 1451; 19 CFR 24.16 and 24.17; 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

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 to: (1) Provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains; (2) provide information to unions recognized as exclusive bargaining representatives under the Civil Service Reform Act of 1978, 5 U.S.C. 7111 and 7114.

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

STORAGE:

The information in this system is contained in a computerized system utilizing magnetic tape storage techniques.

RETRIEVABILITY:

The information in this system is retrieved by the individual's Social Security number or by the individual's importer of record number.

SAFEGUARDS:

Procedural and physical safeguards are utilized such as accountability and receipt access, guards patrolling the area, restricted access and alarm systems.

RETENTION AND DISPOSAL:

The records in this system are retained in accordance with the requirements of the Treasury Records Control Manual.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Commissioner, Office of Field Operations, U.S. Customs Service Headquarters, 1300 Pennsylvania Ave, NW., Washington, DC 20229.

NOTIFICATION PROCEDURE:

See Customs appendix A.

RECORD ACCESS PROCEDURES:

See Customs appendix A.

CONTESTING RECORD PROCEDURES:

See Access, Customs appendix A.

RECORD SOURCE CATEGORIES:

The information in this system originates with the receipt of a request for reimbursable services from the party in interest. In addition, information in this system is derived from Customs Form 5106 (Notification of Importer's Number/Application for Importer's Number) which is filed with the Customs Service by the importer, and from Customs Form 6082 (Work Ticket) which is filed by the Customs Inspector who performed the reimbursable services.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

TREASURY/CS .208

SYSTEM NAME:

Restoration of Forfeited Annual Leave Cases—Treasury/Customs.

SYSTEM LOCATION:

Located in U.S. Customs Service, National Finance Center, Indianapolis, Indiana, and Mission Support Office of each Customs Management Center. (See Customs appendix A for addresses).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees of the U.S. Customs Service who have applied for restoration of forfeited annual leave.

CATEGORIES OF RECORDS IN THE SYSTEM:

Employee applications for restoration of leave. Management decisions on employee applications for restoration of leave. Applicable regulations.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

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 to: (1) Disclose pertinent information to appropriate Federal, State, local, or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation; (2) disclose information to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit; (3) disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings; (4) provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

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

STORAGE:

Records are stored in manila folders.

RETRIEVABILITY:

Records are indexed by name.

SAFEGUARDS:

Records are maintained in locked files.

RETENTION AND DISPOSAL:

Records are retained in accordance with the requirements of the Treasury Records Control Manual.

SYSTEM MANAGER(S) AND ADDRESS:

Mission Support Officer in each Customs Management Center, and the Director, National Finance Center, Indianapolis, Indiana

NOTIFICATION PROCEDURE:

See Customs appendix A.

RECORD ACCESS PROCEDURES:

See Customs appendix A.

CONTESTING RECORD PROCEDURES:

See Access, Customs appendix A.

RECORD SOURCE CATEGORIES:

Evidential materials supporting employee applications for restoration of forfeited annual leave. Evidential materials supporting management decisions.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

TREASURY/CS .209

SYSTEM NAME:

Resumes of Professional Artists—Treasury/Customs.

SYSTEM LOCATION:

Area Director, New York Seaport Area, 6 World Trade Center, New York, NY 10048.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Professional Artists.

CATEGORIES OF RECORDS IN THE SYSTEM:

Artist's name and professional art background.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

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 to provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains.

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

STORAGE:

Paper.

RETRIEVABILITY:

Alphabetical listing.

SAFEGUARDS:

Filing cabinet, office locked at end of day.

RETENTION AND DISPOSAL:

Records are disposed of in accordance with the requirements of the Treasury Records Control Manual.

SYSTEM MANAGER(S) AND ADDRESS:

Area Director, New York Seaport Area, 6 World Trade Center, New York, NY 10048.

NOTIFICATION PROCEDURE:

See Customs appendix A.

RECORD ACCESS PROCEDURES:

See Customs appendix A.

CONTESTING RECORD PROCEDURES:

See Access, Customs appendix A.

RECORD SOURCE CATEGORIES:

Resume information provided by artist.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

TREASURY/CS .211

SYSTEM NAME:

Sanction List—Treasury/Customs.

SYSTEM LOCATION:

Director, U.S. Customs, National Finance Center, PO Box 68907, Indianapolis, Indiana 46228.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons who are indebted to the United States Government for bills that are unpaid and past due.

CATEGORIES OF RECORDS IN THE SYSTEM:

Listing is issued weekly showing individual's name and address plus number and amount of unpaid and past due bills.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

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 to provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains.

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

STORAGE:

Each sanction list is stored in a file drawer in an unlocked file cabinet.

RETRIEVABILITY:

Each sanction list is identified by month and year of issuance.

SAFEGUARDS:

The file cabinet described above is maintained within the area assigned in the Customs Office. During non-working hours the room and/or building in which the file cabinet is located is locked.

RETENTION AND DISPOSAL:

Retained in Customs Office for minimum of one year. Disposal in accordance with Records Control Manual.

SYSTEM MANAGER(S) AND ADDRESS:

Director, U.S. Customs, National Finance Center, PO Box 68907, Indianapolis, Indiana 46022.

NOTIFICATION PROCEDURE:

See Customs appendix A.

RECORD ACCESS PROCEDURES:

See Customs appendix A.

CONTESTING RECORD PROCEDURES:

See Access, Customs appendix A.

RECORD SOURCE CATEGORIES:

The information in this listing is secured from CF 6084 Bill Form issued to each individual and correspondence files maintained for individuals.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

TREASURY/CS .212

SYSTEM NAME:

Search/Arrest/Seizure Report—Treasury/Customs.

SYSTEM LOCATION:

Office of Investigations, Offices of the U.S. Customs Service. (See Customs appendix A.)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons who have or may have violated a law of the United States.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, alias, date of birth, age, personal data, addresses, home and business telephone numbers, occupation, background information, associations, license number and registration number of vehicle, vessel and/or aircraft, mode of entry of individual or contraband, fingerprints, pictures, declaration forms, cash receipts, receipt for seized goods, all other forms pertinent to the case, such as Notice to Master, etc.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

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 to: (1) Disclose pertinent information to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statue, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation; (2) disclose information to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has

requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit; (3) disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings; (4) provide information to the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's functions relating to civil and criminal proceedings; (5) provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

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

STORAGE:

Each case is placed in a folder which is filed in numerical order according to the assigned case file number. These files are kept in a locked metal cabinet.

RETRIEVABILITY:

The above-mentioned case file numbers are cross-indexed by name to such numbers, and cards are filed alphabetically within a metal file box.

SAFEGUARDS:

The metal file cabinet and the metal file box are located within an office that is locked during non-working hours.

RETENTION AND DISPOSAL:

These cases are retained for a period of three years after which they are destroyed together with related index cards.

SYSTEM MANAGER(S) AND ADDRESS:

Special Agent in Charge. (See Customs appendix A.)

NOTIFICATION PROCEDURE:

See Customs appendix A.

RECORD ACCESS PROCEDURES:

See Customs appendix A.

CONTESTING RECORD PROCEDURES:

See Access, Customs appendix A.

RECORD SOURCE CATEGORIES:

See ''Categories of individuals covered by the system'' above. The system contains material for which sources may not need to be reported.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

This system is exempt from 5 U.S.C. 552a (c)(3), (d)(1), (d)(2), (d)(3), (d)(4), (e)(1), (e)(4)(G), (H) and (I), and (f) of the Privacy Act pursuant to 5 U.S.C. 552a (k)(2).

TREASURY/CS .214

SYSTEM NAME:

Seizure File—Treasury/Customs.

SYSTEM LOCATION:

Special Agent in Charge, Room 508, U.S. Customs Service, 6 World Trade Center, New York, NY 10048.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Ship masters, ship crew members, longshoremen, vessels, private aircraft, private vessels, individuals from whom seizures have been made, or upon whom Memoranda of Information Received and Reports of Investigation have been written.

CATEGORIES OF RECORDS IN THE SYSTEM:

Memoranda of Information Received and reports of Investigation which are reports from law enforcement agencies of suspects or arrests. Reports of Seizures by Customs, other information indicating violators or suspected violators.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301.

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 to: (1) Disclose pertinent information to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation; (2) disclose information to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit; (3) disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings; (4) provide information to the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's functions relating to civil and criminal proceedings; (5) provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

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

STORAGE:

Manila files within metal file cabinets.

RETRIEVABILITY:

Alphabetical; for aircraft or car by number; by seizure number; by name of individual.

SAFEGUARDS:

Room has a 24-hour guard and is locked.

RETENTION AND DISPOSAL:

Seizure files are maintained for three years after final disposition. Memoranda of Information Received are maintained as long as needed.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Patrol Division, U.S. Customs Service, 6 World Trade Center, New York, NY 10048.

NOTIFICATION PROCEDURE:

See Customs appendix A.

RECORD ACCESS PROCEDURES:

See Customs appendix A.

CONTESTING RECORD PROCEDURES:

See Access, Customs appendix A.

RECORD SOURCE CATEGORIES:

See ''Categories of individuals covered by the system'' above. The system contains material for which sources may not need to be reported.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

This system is exempt from 5 U.S.C. 552a (c)(3), (d)(1), (d)(2), (d)(3), (d)(4), (e)(1), (e)(4)(G), (H) and (I), and (f) of the Privacy Act pursuant to 5 U.S.C. 552a (k)(2).

TREASURY/CS .215

SYSTEM NAME:

Seizure Report File—Treasury/Customs.

SYSTEM LOCATION:

U.S. Customs Mail Facility, Room 416, 1675–7th Street, Oakland, CA 94615.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals to whom prohibited merchandise is addressed.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, address, property description, estimated foreign value, duty, domestic value, circumstances of seizure, sender, section of law violated, delivery to San Francisco seizure clerk.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

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 to: (1) Disclose pertinent information to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statue, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation; (2) disclose information to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit; (3) disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings; (4) provide information to the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's functions relating to civil and criminal proceedings; (5) provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

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

STORAGE:

The information in this system is contained on Customs Form 6051 Custody Receipt for Retained or Seized Property and Customs Form 151–Search/Arrest/Seizure Report. These forms are placed within file folders which are located in a metal file cabinet.

RETRIEVABILITY:

Each Seizure Report and Custody Receipt (stapled together) are identified by the name of the person to which the seized items are addressed and the names are filed by seizure number by fiscal year.

SAFEGUARDS:

The file folders are placed within a metal cabinet which is located within an office that is locked during non-working hours. The building is guarded by uniformed security police and only authorized persons are permitted in the building.

RETENTION AND DISPOSAL:

Last three fiscal years records are kept in a file cabinet in the office.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Mail Branch. See location above.

NOTIFICATION PROCEDURE:

See Customs appendix A.

RECORD ACCESS PROCEDURES:

See Customs appendix A.

CONTESTING RECORD PROCEDURES:

See Access, Customs appendix A.

RECORD SOURCE CATEGORIES:

The information in this system originates with and consists of information obtained from mail shipments.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

TREASURY/CS .224

SYSTEM NAME:

Suspect Persons Index—Treasury/Customs.

SYSTEM LOCATION:

U.S. Customs Officers located at the following addresses: 300 2nd Avenue, So., Great Falls, MT 59405; 555 Battery Street, San Francisco, CA 94111; 1000 2nd Ave., Suite 2100, Seattle, WA 98104.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons suspected of violation of Customs Laws.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name and related file number.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

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 to: (1) Disclose pertinent information to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statue, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation; (2) disclose information to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit; (3) disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings; (4) provide information to the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's functions relating to civil and criminal proceedings; (5) provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

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

STORAGE:

Maintained in folders and stored in metal file cabinet.

RETRIEVABILITY:

The office and building are locked during non-working hours.

SAFEGUARDS:

Alphabetical by use of cross index.

RETENTION AND DISPOSAL:

Records are maintained and disposed of in accordance with Records Disposal Manual.

SYSTEM MANAGER(S) AND ADDRESS:

Port Directors of Customs. See location above.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

This system is exempt from 5 U.S.C. 552a (c)(3), (d)(1), (d)(2), (d)(3), (d)(4), (e)(1), (e)(4)(G), (H) and (I), and (f) of the Privacy Act pursuant to 5 U.S.C. 552a (k)(2).

TREASURY/CS .226

SYSTEM NAME:

Television System—Treasury/Customs.

SYSTEM LOCATION:

Office of Port Directors at ports of entry.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons involved in incidents related to a secondary search and subsequent disturbance while entering the United States from Mexico.

CATEGORIES OF RECORDS IN THE SYSTEM:

An audio-video cassette recording of persons being escorted into, as well as inside, the secondary offices of the Customs area of the Port of Entry.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; Treasury Department Order No. 165, revised, as amended, and the Customs Regulations.

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 to: (1) Disclose pertinent information to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation; (2) disclose information to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit; (3) disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings; (4) provide information to the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's functions relating to civil and criminal proceedings; (5) provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

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

STORAGE:

Audio-video cassette.

RETRIEVABILITY:

By subject's name, date, and time.

SAFEGUARDS:

Cassettes are under control of Port Director and released only to the courts when subpoenaed or when requested to be reviewed by subject and his attorney.

RETENTION AND DISPOSAL:

All cassettes with incidents are retained for six months. Those on which some action may be taken are retained for one year or close of the case. Cassettes are reusable. Therefore, erasure occurs when new recording takes place.

SYSTEM MANAGER(S) AND ADDRESS:

Port Directors offices.

NOTIFICATION PROCEDURE:

See Customs appendix A.

RECORD ACCESS PROCEDURES:

See Customs appendix A.

CONTESTING RECORD PROCEDURES:

See Access, above.

RECORD SOURCE CATEGORIES:

Audio-video recording of persons being escorted into the Customs area.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

TREASURY/CS .227

SYSTEM NAME:

Temporary Importation Under Bond (TIB) Defaulter Control System—Treasury/Customs.

SYSTEM LOCATION:

U.S. Customs Service, Office of Investigations, 1300 Pennsylvania Avenue, NW, Washington, DC 20229.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have been denied T.I.B. privileges because of failure to pay outstanding liquidated damages.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual's name, personal identifying numbers and characteristics, address, company and case description, etc.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; Treasury Department Order No. 165, revised, as amended.

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 to: (1) Disclose pertinent information to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation; (2) disclose information to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit; (3) disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings; (4) provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

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

STORAGE:

(1) Magnetic disc and tape storage; (2) Hard Copy; (3) Microfiche files.

RETRIEVABILITY:

Indexing is by violator name.

SAFEGUARDS:

All inquiries are made by officers with full field background investigations on a ''need to know'' basis only. Procedural and physical safeguards are utilized such as accountability and receipt records, guards patrolling the area, restricted access and alarm protection systems, special communications security, etc.

RETENTION AND DISPOSAL:

Records are disposed of in accordance with the requirements of the Treasury Records Control Manual.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Commissioner, Office of Investigations, U.S. Customs Service, 1300 Pennsylvania Avenue, NW, Washington, DC 20229.

NOTIFICATION PROCEDURE:

See Customs appendix A.

RECORD ACCESS PROCEDURES:

See Customs appendix A.

CONTESTING RECORD PROCEDURES:

See Access, above.

RECORD SOURCE CATEGORIES:

Customs officers completing Customs Form 164 (TECS–TIB Defaulter Control).

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

TREASURY/CS .232

SYSTEM NAME:

Tort Claims Act File—Treasury/ Customs.

SYSTEM LOCATION:

Office of the Associate Chief Counsel, U.S. Customs Service, One World Trade Center, Suite 741, Long Beach, CA 90832; Associate Chief Counsel of Customs, 6 World Trade Center, New York, NY 10048; Office of the Associate Chief Counsel, U.S. Customs Service (Chicago), 610 South Canal St., Chicago, IL 60607; Office of Associate Chief Counsel (Houston), 2323 South Shepard St., Houston, TX 77019; Office of the Chief Counsel, U.S. Customs Service Headquarters, 1300 Pennsylvania Avenue, NW, Washington, DC 20229; Office of Assistant Chief Counsel, 555 Battery Street, San Francisco, CA 94126; and Office of Assistant Chief Counsel, 1000 Second Avenue, Suite 2200, Seattle, WA 98104.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Private persons who have filed or may file claims under the Federal Tort Claims Act for property damage or personal injury allegedly caused by a wrongful or negligent act or omission on the part of a Customs Service employee while acting within the scope of his employment.

CATEGORIES OF RECORDS IN THE SYSTEM:

Reports of Investigation regarding accidents involving Customs employees, documents relating to the administrative handling of the claims filed thereon, and documents submitted by the claimant in support of the claim.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

28 U.S.C. 2672, *et seq*; 28 CFR 14.1, *et seq*; 31 CFR 3.1, et seq; Treasury Department Administrative Circular No. 131, dated August 19, 1965.

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 to: (1) Disclose pertinent information to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation; (2) disclose information to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit; (3) disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings; (4) provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

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

STORAGE:

Each case file is inserted in a numerical file folder which is filed in an unlocked drawer within a metal container.

RETRIEVABILITY:

Each case file is identified in the numerical file folder within the metal container by the name of the person who has filed or may file a claim.

SAFEGUARDS:

During non-working hours the room in which the metal container is located is locked, and access to the building is controlled at all times by uniformed guards.

RETENTION AND DISPOSAL:

Tort claim files are retained until there is no longer any space available for them within the metal container, at which time the oldest closed files are transferred to the Federal Records Centers.

SYSTEM MANAGER(S) AND ADDRESS:

Associate Chief Counsel, U. S. Customs Service, One World Trade Center, Suite 741, Long Beach, CA 90832; Associate Chief Counsel, U.S. Customs Service, 6 World Trade Center, New York, NY 10048; Associate Chief Counsel of Customs, 610 south Canal St., Chicago, IL 60607; Associate Chief Counsel, 2323 South Shepard St., Suite 1246, Houston, TX 77019; Chief Counsel, U.S. Customs Service Headquarters, 1300 Pennsylvania Avenue, NW, Washington, DC 20229; Office of Assistant Chief Counsel, 555 Battery Street, San Francisco, CA 94126; and Office of Assistant Chief Counsel, 1000 Second Ave., Suite 2200, Seattle, WA 98104–1049.

NOTIFICATION PROCEDURE:

See Customs appendix A.

RECORD ACCESS PROCEDURES:

See Customs appendix A.

CONTESTING RECORD PROCEDURES:

See Access, Customs appendix A.

RECORD SOURCE CATEGORIES:

The information contained in these files originates with a Standard Form 95 (Claim for Damage or Injury) which is completed and filed with the Customs Service by the claimant. Using these forms as a basis, investigations are conducted by authorized Customs Service investigative personnel in order to determine the facts surrounding the claims. During these investigations information may be elicited from Customs Service employees, private persons, or any other parties who may have information regarding the facts surrounding the claims. When a claim is not filed, the information is limited to the investigative reports of the property damage or personal injury.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

This system is exempt from 5 U.S.C. 552a (c)(3), (d)(1), (d)(2), (d)(3), (d)(4), (e)(1), (e)(4)(G), (H) and (I), and (f) of the Privacy Act pursuant to 5 U.S.C. 552a (k)(2).

TREASURY/CS .234

SYSTEM NAME:

Tort Claims Act File—Treasury/ Customs.

SYSTEM LOCATION:

Offices of the Director, Customs Management Center, Mid-America, Chicago, IL, Ports, and South Texas Customs Management Center. (See Customs appendix A.)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All individuals presenting claims of damage to personal property resulting from Customs activities.

CATEGORIES OF RECORDS IN THE SYSTEM:

Written damage claims supported by estimates, bills, claim forms and internal Customs Service memoranda.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

31 CFR part 3; 5 U.S.C. 301; Treasury Department Order No. 165, revised, as amended.

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: To provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains.

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

STORAGE:

Filed in cabinets in the Port Directors offices.

RETRIEVABILITY:

Folders filed in alphabetical sequence.

SAFEGUARDS:

File cabinets are located within the area assigned in the Customs office. During non-working hours the room in which the cabinets are located is locked.

RETENTION AND DISPOSAL:

Retained in Port Directors offices for three years then transferred to the Federal Records Centers for seven years and three months prior to destruction.

SYSTEM MANAGER(S) AND ADDRESS:

Port Director as appropriate in the Mid-America Customs Management Center, Chicago, IL. (See Customs appendix A.)

NOTIFICATION PROCEDURE:

See Customs appendix A.

RECORD ACCESS PROCEDURES:

See Customs appendix A.

CONTESTING RECORD PROCEDURES:

See Access, above.

RECORD SOURCE CATEGORIES:

The information in this system originates with a written claim submitted by the claimant, as well as information supplied on Standard Form 95 and internal Customs memoranda.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

TREASURY/CS .238

SYSTEM NAME:

Training and Career Individual Development Plans—Treasury/Customs.

SYSTEM LOCATION:

Located at the Mission Support Office at each Customs Management Center.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All U.S. Customs employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records are maintained on training or other development activities completed and/or planned for individual employees, whether for programs such as Executive Development or Upward Mobility, or other special emphasis development programs. Records also include such things as, but not limited to skills, abilities, education, experience, career plans and goals, and other related information.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; Treasury Department Order No. 165, revised, as amended.

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 to: (1) Provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains; (2) provide information to unions recognized as exclusive bargaining representatives under the Civil Service Reform Act of 1978, 5 U.S.C. 7111 and 7114.

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

STORAGE:

Records are located in file folders, and/or official personnel folder, and in electronic media.

RETRIEVABILITY:

Records are indexed by name.

SAFEGUARDS:

Records are maintained in locked file or office.

RETENTION AND DISPOSAL:

Records are retained until separation or until employee is no longer part of a special emphasis program.

SYSTEM MANAGER(S) AND ADDRESS:

Mission Support Officer at each Customs Management Center.

NOTIFICATION PROCEDURE:

See Customs appendix A.

RECORD ACCESS PROCEDURES:

See Customs appendix A.

CONTESTING RECORD PROCEDURES:

See Access, above.

RECORD SOURCE CATEGORIES:

Information is obtained from the employee and supervisors.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

TREASURY/CS .239

SYSTEM NAME:

Training Records—Treasury/Customs.

SYSTEM LOCATION:

Scheduling Office, U.S. Customs Service Academy, FLETC.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Customs employees who have completed training.

CATEGORIES OF RECORDS IN THE SYSTEM:

Standard Form 182, Request, Authorization, Agreement and Certification of training. Selected information also recorded in individuals permit record, and a copy of the form is filed in the individual's official personnel folder.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; Treasury Department Order No. 165, revised, as amended.

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 to: (1) Provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains; (2) provide information to unions recognized as exclusive bargaining representatives under the Civil Service Reform Act of 1978, 5 U.S.C. 7111 and 7114.

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

STORAGE:

Records are maintained in file folders, on file cards, on training forms, or on discs.

RETRIEVABILITY:

Records are indexed by name.

SAFEGUARDS:

Records are maintained in a locked file or room, or with limited access.

RETENTION AND DISPOSAL:

Records are maintained for up to three years after employee separates from the Service.

SYSTEM MANAGER(S) AND ADDRESS:

National Director of Training, U. S. Customs SVC Academy, FLETC

NOTIFICATION PROCEDURE:

U. S. Customs Service Academy, Building 70—FLETC, Glynco, GA 31524

RECORD ACCESS PROCEDURES:

U. S. Customs Service Academy, Building 70—FLETC, Glynco, GA 31524

CONTESTING RECORD PROCEDURES:

U. S. Customs Service, Director, Office of Human Resources, 1300 Pennsylvania Avenue, NW, Washington, DC 20229

RECORD SOURCE CATEGORIES:

Information for this file is obtained from supervisors, managers, instructors, educational institutions, and/or training facilities such as the Office of Personnel Management, Department of the Treasury, etc.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

TREASURY/CS .244

SYSTEM NAME:

Treasury Enforcement Communications System (TECS)—Treasury/Customs.

SYSTEM LOCATION:

Office of Investigations, U.S. Customs Service, 1300 Pennsylvania Avenue, NW, Washington, DC 20229.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

(1) Violators or suspected violators of U.S. Customs or related laws (some of whom have been apprehended by Customs officers); (2) Individuals who are suspected of, or who have been arrested for, thefts from international commerce; (3) Convicted violators of U.S. Customs and/or drug laws in the United States and foreign countries; (4) Fugitives with outstanding warrants—Federal or state; (5) Victims of U.S. Customs law violations; (6) Owners, operators and/or passengers of vehicles, vessels or aircraft traveling across U.S. borders; (7) Individuals participating in financial transactions reported under the Bank Secrecy Act.

CATEGORIES OF RECORDS IN THE SYSTEM:

Every possible type of information from a variety of Federal, state and local sources, which contributes to effective law enforcement may be maintained in this system of records. Records include but are not limited to records pertaining to known violators, wanted persons, lookouts (temporary and permanent), reference information, regulatory and compliance data. Information about individuals includes but is not limited to name, alias, date of birth, address, physical description, various identification numbers (i.e., seizure number), details and circumstances of a search, arrest, or seizure, case information such as merchandise and values, methods of theft, etc.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; Treasury Department Order No. 165, revised, as amended.

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 to: (1) Disclose pertinent information to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation; (2) disclose information to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit; (3) disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings; (4) provide information to the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's functions relating to civil and criminal proceedings; (5) provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

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

STORAGE:

Magnetic disc and tape, laser optical disks, microfiche, and hard copy.

RETRIEVABILITY:

By name; unique identifiers, address, or in association with an enforcement report or other system document.

SAFEGUARDS:

(1) All officers making inquiries have had a full field background investigation and are given information on a ''need-to-know'' basis only. (2) Procedural and physical safeguards are utilized such as accountability and receipt records, guards patrolling the area, restricted access and alarm protection systems, special communications security, etc.

RETENTION AND DISPOSAL:

Review is accomplished by Customs officers each time a record is retrieved and on periodic basis to see if it should be retained or modified. Since both temporary and permanent records are maintained, period of retention will vary with type of record entered. The records are disposed of by erasure of magnetic tape or disc, and by shredding and/or burning of hard copy documents.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Commissioner, Office of Investigations, U.S. Customs Service, 1300 Pennsylvania Avenue, NW, Washington, DC 20229.

NOTIFICATION PROCEDURE:

This system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual. (See 5 U.S.C. 552a (e)(4)(G) and (f)(1).)

RECORD ACCESS PROCEDURES:

This system of records may not be accessed under the Privacy Act for the purpose of inspection.

CONTESTING RECORD PROCEDURES:

Since this system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual and those records, if any, cannot be inspected, the system may not be accessed under the Privacy Act for the purpose of contesting the content of the record.

RECORD SOURCE CATEGORIES:

This system contains investigatory material compiled for law enforcement purposes whose sources need not be reported.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

This system is exempt from 5 U.S.C. 552a (c)(3), (c)(4), (d)(1), (d)(2), (d)(3), (d)(4), (e)(1), (e)(2), (e)(3), (e)(4)(G), (H) and (I), (5) and (8), (f) and (g) of the Privacy Act pursuant to 5 U.S.C. 552a (j)(2) and (k)(2).

TREASURY/CS .249

SYSTEM NAME:

Uniform Allowances-Unit Record—Treasury/Customs.

SYSTEM LOCATION:

Financial Management Office, 99 SE First Street, Miami, FL 33131; Management Services Branch, Administration Division, Port Director, San Juan, PR 00903; Financial Management Division, U.S. Customs Service, 10 Causeway St., Room 801, Boston, MA 02222.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

U.S. Customs Employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name-Record of Uniform Allowance Payments.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; Treasury Department Order No. 165, revised, as amended.

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 to: (1) Provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains; (2) provide information to unions recognized as exclusive bargaining representatives under the Civil Service Reform Act of 1978, 5 U.S.C. 7111 and 7114.

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

STORAGE:

Files are maintained in an unlocked drawer within a metal file cabinet.

RETRIEVABILITY:

Alphabet by name. Appropriation Accounting Document Number.

SAFEGUARDS:

The metal container described above is maintained within the area assigned to the Financial Management Division within the Customs Service Building. During non-working hours the room in which the metal container is located is locked and access to the building is controlled by uniformed guards.

RETENTION AND DISPOSAL:

These files are retained as prescribed by GAO Regulations or until there is no longer any space available for them within the metal container, at which time the oldest files are transferred to the Federal Records Centers.

SYSTEM MANAGER(S) AND ADDRESS:

Director of Financial Management, 99 SE First Street, Miami, FL 33131; Port Director, U.S. Customs Service, PO Box 2112, Old San Juan, PR 00903; Director, Financial Management Division, U.S. Customs Service, 10 Causeway St., Room 801, Boston, MA 02222.

NOTIFICATION PROCEDURE:

See Customs appendix A.

RECORD ACCESS PROCEDURES:

See Customs appendix A.

CONTESTING RECORD PROCEDURES:

See Access, above.

RECORD SOURCE CATEGORIES:

From memoranda received from Ports. Data transcribed from Payment Vouchers.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

TREASURY/CS .251

SYSTEM NAME:

Unscheduled Overtime Report (Customs Form 31)—Treasury/Customs.

SYSTEM LOCATION:

Director, Office of Operations, 6 World Trade Center, Room 508, New York, NY 10048.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Special Agents assigned to the office of Regional Director of Investigations authorized to receive unscheduled overtime remuneration.

CATEGORIES OF RECORDS IN THE SYSTEM:

Customs Form 31 enumerates the nature of overtime performed, the number of hours and the date on which the overtime was performed and the case number of investigation.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

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 to: (1) Provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains; (2) provide information to unions recognized as exclusive bargaining representatives under the Civil Service Reform Act of 1978, 5 U.S.C. 7111 and 7114.

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

STORAGE:

The information in this system is contained on CF 31, the forms are contained within a file folder and are placed in a metal file cabinet.

RETRIEVABILITY:

By name.

SAFEGUARDS:

The file cabinet is maintained within the area assigned to the Director of Investigations, New York, within the Customhouse. During non-working hours the complex in which the file is located is locked and access to the building is controlled at all times by uniform guards.

RETENTION AND DISPOSAL:

The forms are destroyed after three (3) years.

SYSTEM MANAGER(S) AND ADDRESS:

Regional Director of Investigations. (See Customs appendix A.)

NOTIFICATION PROCEDURE:

See Customs appendix A.

RECORD ACCESS PROCEDURES:

See Customs appendix A.

CONTESTING RECORD PROCEDURES:

See Access, Customs appendix A.

RECORD SOURCE CATEGORIES:

The information in this system originates from the Special Agent who performs the unscheduled overtime.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

TREASURY/CS .252

SYSTEM NAME:

Valuables Shipped Under the Government Losses in Shipment Act—Treasury/Customs.

SYSTEM LOCATION:

Director, Customs Management Center, 610 S. Canal Street, Chicago, IL 60607.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Customs employees collecting and transmitting funds to cashier for deposit.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name of employee, collection document serial numbers, amount of collection.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 300.30, Customs Accounting Manual; 5 U.S.C. 134f; 5 U.S.C. 301.

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 to: (1) Disclose to those officers and employees of the Customs Service and the Department of

the Treasury who have a need for the records in the performance of their duties; (2) disclose records as required in administration of the Freedom of Information Act (5 U.S.C. 552).

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

STORAGE:

Filed in folders with the individual's name appearing at the top thereof in a file cabinet.

RETRIEVABILITY:

Each record folder is filed by name of individual.

SAFEGUARDS:

The cabinet described above is maintained within the area assigned in the Customs office. During non-working hours the area in which the cabinet is located is secured.

RETENTION AND DISPOSAL:

Retained for three years and then forwarded to FRC for seven years retention.

SYSTEM MANAGER(S) AND ADDRESS:

Port Director, as appropriate, in the Mid-America Customs Management Center, Chicago, IL 60607.

NOTIFICATION PROCEDURE:

See Customs appendix A.

RECORD ACCESS PROCEDURES:

See Customs appendix A.

CONTESTING RECORD PROCEDURES:

See Access, Customs appendix A.

RECORD SOURCE CATEGORIES:

Data submitted by individual Customs employee involved.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

TREASURY/CS .258

SYSTEM NAME:

Violator's Case Files—Treasury/ Customs.

SYSTEM LOCATION:

Port Director of Customs, U.S. Customs Service, Main and Stebbins Streets, St. Albans, VT 05478.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals involved in smuggling, filing false invoices, documents or statements, violators of Customs bonds, or any violation of Customs laws.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual's name and address, Social Security number and physical description; alias, occupation, type of violation, previous record, driver's license, passport number, notes from inspectors involved, and any other supporting documents.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

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 to: (1) Disclose pertinent information to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation; (2) disclose information to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit; (3) disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings; (4) provide information to the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's functions relating to civil and criminal proceedings; (5) provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

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

STORAGE:

File folders and 3 x 5 index cards.

RETRIEVABILITY:

Filed by case number.

SAFEGUARDS:

Files are under the supervision of Fines, Penalties and Forfeitures Officer from 8 a.m. to 5 p.m., Monday through Friday. All other hours, office remains locked.

RETENTION AND DISPOSAL:

Files are maintained in the office of the Fines, Penalties, and Forfeitures Officer for a period of five years or six years. At the conclusion of this period, they are destroyed by shredding.

SYSTEM MANAGER(S) AND ADDRESS:

Port Director, U.S. Customs Service, St. Albans, VT 05478.

NOTIFICATION PROCEDURE:

See Customs appendix A.

RECORD ACCESS PROCEDURES:

See Customs appendix A.

CONTESTING RECORD PROCEDURES:

See Access, Customs appendix A.

RECORD SOURCE CATEGORIES:

See ''Categories of individuals covered by the system'' above. The system contains material for which sources may not need to be reported.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

This system is exempt from 5 U.S.C. 552a (c)(3), (d)(1), (d)(2), (d)(3), (d)(4), (e)(1), (e)(4)(G), (H) and (I), and (f) of the Privacy Act pursuant to 5 U.S.C. 552a (k)(2).

TREASURY/CS .260

SYSTEM NAME:

Warehouse Proprietor Files—Treasury/Customs.

SYSTEM LOCATION:

Mid-America Customs Management Center, 610 S. Canal St., Suite 900, Chicago, IL 60607. (See Customs appendix A.)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Present and past warehouse proprietors and employees that require an investigation and related information.

CATEGORIES OF RECORDS IN THE SYSTEM:

Report of investigations, application and approval or denial of bond to act as warehouse proprietor and other Customs Service Memoranda. Names, addresses, Social Security numbers, and dates and places of birth of persons employed.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Customs Regulations, part 19, 5 U.S.C. 301.

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 to: (1) Disclose pertinent information to appropriate Federal, State, local or foreign agencies

responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation; (2) disclose information to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit; (3) disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings; (4) provide information to the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's functions relating to civil and criminal proceedings; (5) provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

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

STORAGE:

Records are maintained in file folders and stored in file cabinets in each Port Director's office within the Mid-America Customs Management Center, Chicago, IL 60607.

RETRIEVABILITY:

Each file is identified by the name of the warehouse proprietor.

SAFEGUARDS:

The file cabinets are maintained within the area assigned to the District Director. During non-working hours the room and/or building in which the file cabinet is located is locked.

RETENTION AND DISPOSAL:

Employee name data retained for period of employment with warehouse proprietor.

SYSTEM MANAGER(S) AND ADDRESS:

Port Director, as appropriate, in the Mid-America Customs Management Center, Chicago, IL 60607. (See Customs appendix A.)

NOTIFICATION PROCEDURE:

See Customs appendix A.

RECORD ACCESS PROCEDURES:

See Customs appendix A.

CONTESTING RECORD PROCEDURES:

See Access, Customs appendix A.

RECORD SOURCE CATEGORIES:

The information in this file originates from the individual applicant for warehouse proprietor's bond, from reports of investigation, and other Customs Memoranda.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

This system is exempt from 5 U.S.C. 552a (c)(3), (d)(1), (d)(2), (d)(3), (d)(4), (e)(1), (e)(4)(G), (H) and (I), and (f) of the Privacy Act pursuant to 5 U.S.C. 552a (k)(2).

TREASURY/CS .262

SYSTEM NAME:

Warnings to Importers in lieu of Penalty—Treasury/Customs.

SYSTEM LOCATION:

Located in the Office of the Director, Customs Management Center, 610 S. Canal St., Suite 900, San Diego, CA 92101; Offices of the Port Directors, U.S. Border Station, San Ysidro, CA 92073; P.O. Box 189, Tecate, CA 92080; P.O. Box 632, Calexico, CA 92231; 235 Andrade Road, Winterhaven, CA 92283; Andrade, CA; San Diego Barge Office.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals and firms in violation of Customs's laws.

CATEGORIES OF RECORDS IN THE SYSTEM:

Brief record of violation and warning.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

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 to: (1) Disclose pertinent information to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation; (2) disclose information to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit; (3) disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings; (4) provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

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

STORAGE:

Maintained on 5 x 7 cards.

RETRIEVABILITY:

Alphabetically indexed.

SAFEGUARDS:

Not accessible to other than Customs officers.

RETENTION AND DISPOSAL:

The records are disposed of in accordance with the Treasury Records Control Manual.

SYSTEM MANAGER(S) AND ADDRESS:

Port Directors, and Directors within the Customs Management Center/ Southern California Customs District. (See Customs appendix A.)

NOTIFICATION PROCEDURE:

See Customs appendix A.

RECORD ACCESS PROCEDURES:

See Customs appendix A.

CONTESTING RECORD PROCEDURES:

See Access, Customs appendix A.

RECORD SOURCE CATEGORIES:

Customs Officials.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

TREASURY/CS .268

SYSTEM NAME:

Military Personnel and Civilian Employees' Claims Act File—Treasury/ Customs.

SYSTEM LOCATION:

Office of the Associate Chief Counsel, U. S. Customs Service, 2323 South Shepard St., Houston, TX 77019.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current or former Customs employees filing claims under the Military Personnel and Civilian Employees' Claims Act of 1964.

CATEGORIES OF RECORDS IN THE SYSTEM:

Documents relating to the administrative handling of the claim and documents submitted by the claimant in support of the claim.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

31 U.S.C. 240–243; 31 CFR part 4; Treasury Department Administrative Circular No. 131, August 19, 1965; 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

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 to provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains.

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

STORAGE:

Each case file is inserted alphabetically in a file folder which is filed in an unlocked drawer within a metal container.

RETRIEVABILITY:

Each case file is identified alphabetically in the file folder within the metal container by the name of the person who filed the claim.

SAFEGUARDS:

The metal container described above is maintained within the area assigned to the Office of the Regional Counsel (12th floor), 500 Dallas Street, Houston, TX 77002. During non-working hours the room in which the metal container is located is locked, and access to the building is controlled at all times by uniformed security guards provided by the lessor.

RETENTION AND DISPOSAL:

These files are retained until closed at which time the closed files are transferred to the Director, Logistics Management Division, Office of the Director, East Texas Customs Management Center, Houston, TX, for ultimate transportation to the Federal Record Center.

SYSTEM MANAGER(S) AND ADDRESS:

Associate Chief Counsel, U. S. Customs Service, 2323 South Shepard St., Houston, TX 77019.

NOTIFICATION PROCEDURE:

See Customs appendix A.

RECORD ACCESS PROCEDURES:

See Customs appendix A.

CONTESTING RECORD PROCEDURES:

See Access, Customs appendix A.

RECORD SOURCE CATEGORIES:

The information contained in these files originates with the Treasury Department Form No. 3079, Civilian Employee Claim For Loss or Damage to Personal Property, which is completed and filed with the Customs Service by the claimant. Additional information contained in these files may be separately provided by the claimant or by the claimant's supervisor.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

TREASURY/CS .269

SYSTEM NAME:

Accounts Payable Voucher File—Treasury/Customs.

SYSTEM LOCATION:

Financial Management Division, U.S. Customs Service, Gulf Customs Management Center, 423 Canal Street, New Orleans, LA 70130.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All South Central Region personnel to whom travel and other disbursements are made. All individuals who provide goods and services to the South Central Region.

CATEGORIES OF RECORDS IN THE SYSTEM:

Invoices and travel/other vouchers and supporting disbursements schedules.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

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 to: (1) Provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains; (2) provide information to unions recognized as exclusive bargaining representatives under the Civil Service Reform Act of 1978, 5 U.S.C. 7111 and 7114.

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

STORAGE:

File folders in unlocked file cabinets.

RETRIEVABILITY:

By name.

SAFEGUARDS:

Usage limited to Regional personnel; cabinets are located in rooms which are locked during non-working hours.

RETENTION AND DISPOSAL:

In accordance with Records Control Manual; records are disposed of when no longer needed.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Financial Management Division, U.S. Customs Service, Gulf Customs Management Center, 423 Canal Street, New Orleans, LA 70130.

NOTIFICATION PROCEDURE:

See Customs appendix A.

RECORD ACCESS PROCEDURES:

See Customs appendix A.

CONTESTING RECORD PROCEDURES:

See Access, Customs appendix A.

RECORD SOURCE CATEGORIES:

Invoices and travel/other vouchers submitted by the individual.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

TREASURY/CS .270

SYSTEM NAME:

Background-Record File of Non-Customs Employees-Treasury/Customs.

SYSTEM LOCATION:

Office of Internal Affairs, U.S. Customs Service, 1300 Pennsylvania Ave. NW, Washington, DC.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Present and past non-Customs personnel requiring a background investigation to be granted a permit to conduct Customs business.

CATEGORIES OF RECORDS IN THE SYSTEM:

Report of background investigations, names, addresses, Social Security numbers and date and place of birth, etc. of non-Customs employees.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

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 to: (1) Disclose pertinent information to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of

an indication of a violation or potential violation of civil or criminal law or regulation; (2) disclose information to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit; (3) disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings; (4) provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

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

STORAGE:

Records are maintained in file folders and stored in file cabinets in the Director's office. Records are also maintained in computer format in ports providing internal aircraft arrival/departure services.

RETRIEVABILITY:

Each file is identified by the name of the non-Customs employee.

SAFEGUARDS:

The file cabinets are maintained within the area assigned to the Director. During non-working hours the room and/or building in which the file cabinet is located is locked. Computer format are maintained in locked access areas within each respective district and/or port office.

RETENTION AND DISPOSAL:

Employee name data is retained during the period the non-Customs employee requires admittance to restricted areas.

SYSTEM MANAGER(S) AND ADDRESS:

Personnel Security Division, Office of Internal Affairs, Customs Headquarters. (For addresses see Customs Service appendix A).

NOTIFICATION PROCEDURE:

See Customs appendix A.

RECORD ACCESS PROCEDURES:

See Customs appendix A.

CONTESTING RECORD PROCEDURES:

See Access, Customs appendix A.

RECORD SOURCE CATEGORIES:

The information in this file originates from the individual non-Customs employee granted a permit to conduct Custom's business and from reports of background investigation which include interviews of Customs personnel and private parties and from other Customs internal documents.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

This system is exempt from 5 U.S.C. 552a (c)(3), (c)(4), (d)(1), (d)(2), (d)(3), (d)(4), (e)(1), (e)(2), (e)(3), (e)(4)(G), (H) and (I), (5) and (8), (f) and (g) of the Privacy Act pursuant to 5 U.S.C. 552a (j)(2) and (k)(2).

TREASURY/CS .271

SYSTEM NAME:

Cargo Security Record System—Treasury/Customs.

SYSTEM LOCATION:

Director, Customs Management Center, 423 Canal Street, New Orleans, LA 70130; Port Director, PO Box 2748, Mobile, AL 36601.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Drivers of motor vehicles or licensed cartmen and lightermen; properties and operators of each class of Customs bonded warehouse and their employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records on drivers of motor vehicles contain information relating to personal statistical data, physical characteristics, history of past employment, previous five years residences, alias (if any), citizenship, military records, criminal record other than traffic violations, use of narcotic drugs, and photograph. Name of operator of bonded warehouse and employees.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

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 to: (1) Disclose pertinent information to appropriate Federal, State, local, or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation; (2) disclose information to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit; (3) disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings; (4) provide information to the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's functions relating to civil and criminal proceedings; (5) provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

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

STORAGE:

File folder with Customs Form 3078, Customs Form 73, Photographs, and correspondence; For bonded warehouses, file folder contains Customs Form 3581 and names, addresses, and Social Security number of all employees; all stored in metal file cabinet. Alphabetical list of current I.D. cards issued on drivers retained in file folder and stored in desk drawer.

RETRIEVABILITY:

By individual name or corporate name.

SAFEGUARDS:

Locked metal file cabinet and desk drawer of customs employee; building secured after hours.

RETENTION AND DISPOSAL:

Information on drivers is retained in an active file until revoked or canceled. After revocation or cancellation, the information folder is placed in an inactive file for a period of five years, after which time the records are disposed of in accordance with the General Services Administration Records Disposal Manual. Information on proprietor bonded warehouse operators and employees is retained on file until Customs bonded operations cease and are discontinued, then are maintained in an inactive file for a period of three years. Final disposition is in accordance with the GSA Records Disposal Manual.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Customs Management Center, 423 Canal Street, New Orleans, LA 70130; Port Director, PO Box 2748, Mobile, AL 36601.

NOTIFICATION PROCEDURE:

See Customs appendix A.

RECORD ACCESS PROCEDURES:

See Customs appendix A.

CONTESTING RECORD PROCEDURES:

See Access, Customs appendix A.

RECORD SOURCE CATEGORIES:

Information is obtained from applicant (individual or corporation) and from reports of investigation on drivers obtained from Regional Director, Investigations, U.S. Customs Service.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

This system is exempt from 5 U.S.C. 552a (c)(3), (d)(1), (d)(2), (d)(3), (d)(4), (e)(1), (e)(4)(G), (H) and (I), and (f) of the Privacy Act pursuant to 5 U.S.C. 552a (k)(2).

TREASURY/CS .272

SYSTEM NAME:

Currency Declaration File (Customs Form 4790)—Treasury/Customs.

SYSTEM LOCATION:

Law Enforcement Systems Division, U.S. Customs Service, PO Box 85145, San Diego, CA 92138 (for addresses of Port Directors, see Customs appendix A).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals departing from or entering the country who filed IRS Form 4790.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, identifying number, birth date, address, citizenship, visa date and place, immigration alien number, kinds and amounts of monetary instruments, address in the United States or abroad, passport number and country, and arrival or departure information.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

31 U.S.C. 1101; 5 U.S.C. 301; Treasury Department Order No. 165, revised, as amended.

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

Disclosures are not made outside the Department.

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

STORAGE:

The Form 4790 is maintained in a file folder or binder in an initial file cabinet. Information is stored chronologically in TECS II.

RETRIEVABILITY:

They are indexed and filed by name and date in the folder or binder. They can be retrieved by computer and printed.

SAFEGUARDS:

The office and building are locked during non-working hours. Electronic data is limited to persons cleared for access to the data.

RETENTION AND DISPOSAL:

The records are retained from one to five years and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Port Directors of Customs.

NOTIFICATION PROCEDURE:

See Customs appendix A.

RECORD ACCESS PROCEDURES:

See Customs appendix A.

CONTESTING RECORD PROCEDURES:

See Access, Customs appendix A.

RECORD SOURCE CATEGORIES:

The information on the Customs Form 4790 originates from the individual or Customs agent reporting the bringing in or taking out of currency or monetary instruments exceeding 10,000 dollars.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

TREASURY/CS .274

SYSTEM NAME:

Importers, Brokers, Carriers, Individuals and Sureties Master Files-Treasury/Customs.

SYSTEM LOCATION:

Office of Financial Management, 909 S.E. First Avenue, Miami, FL 33131.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Brokers, Importers, Individuals, Carriers, and Sureties.

CATEGORIES OF RECORDS IN THE SYSTEM:

Copies of correspondence incoming and outgoing, copies of bonds, entries, bills, data center listings.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

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

These records and information in these records may be used to provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains.

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

STORAGE:

Files are maintained in an unlocked drawer within a metal file cabinet.

RETRIEVABILITY:

Alphabetical by name appearing on correspondence.

SAFEGUARDS:

The metal container described above is maintained within the area assigned to the Financial Management Division within the Customs Service Building. During non-working hours the room in which the metal container is located is locked.

RETENTION AND DISPOSAL:

These files are retained until there is no longer any space available for them within the metal container, at which time the oldest files are transferred to the Federal Records Center.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Financial Management, 909 SE First Avenue, Miami, FL 33131.

NOTIFICATION PROCEDURE:

See Customs appendix A.

RECORD ACCESS PROCEDURES:

See Customs appendix A.

CONTESTING RECORD PROCEDURES:

See Access, Customs appendix A.

RECORD SOURCE CATEGORIES:

Correspondence, Customs Service Data Center and Ports.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

TREASURY/CS .278

SYSTEM NAME:

Automated Commercial System (ACS)—Treasury/Customs.

SYSTEM LOCATION:

The Computer is located in Newington, Virginia. Computer terminals are located at Customhouses and ports throughout the United States and at U.S. Customs Headquarters, Washington DC (For addresses of Customhouses, see Customs appendix A.)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

U.S. Customs Service employees and individuals involved in the import trade.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system data base is comprised of commodity and merchandise processing information relating to Customs administration of trade laws. The following system files may contain information about U.S. Customs Services employees and/or individuals/companies involved in the import trade. (1) ACS Security Files: Contains randomly established five-digit identification codes assigned to Customs Service employees authorized to use the system. The file consists of the names and social security number of all Customs Service employees using the remote terminals to input information into the system. (2) Importer/Broker/Consignee Bond Files and FP and F Violator-Protest files: Records consist of importer of record number, importer name and address, type of importation bond, expiration date, surety code, violation statistics and protest information. The importer of record number is used as the method of accessing the files. The number is assigned by any one of three code formats according to availability and the following hierarchy. The first choice is the IRS Employer Identification Number (EIN). The vast majority of importers have the EIN because of the business necessity of it. The second alternative is the Social Security number (SSN). The third alternative is a Customs-assigned number. This file is referenced during entry processing to verify that the individual or company making entry is authorized to import and is properly bonded. (3) Entry Files: A record consists of a three-digit Customs—assigned Customhouse broker or importer number (non-SSN) and the name and address. The file is referenced during entry processing to validate the entry file code and is used to direct system output to the broker or importer. (4) Corporate Surety Power of Attorney and Bond Files: The data consists of names of agents who are authorized to write a Customs bond and their SSN, a three-digit surety code (non-SSN) assigned by the Customs Accounting Division, the surety name and Customs bond information. (5) Liquidator File: A record consists of a Customs-assigned three-digit liquidator identification (non-SSN) and a Customs employee's name. The employee's liquidator code is input into the system as a means of maintaining quality control and an audit trail on entries liquidated. (6) Foreign Manufacturer/Shipper File: The file contains an identification code constructed using a formula based on name and address, manufacturer name and address reported by importers and brokers on Customs entry forms or electronic formats. Carrier Files: This file consists of carrier names and codes (non SSN) which are 4 characters—Standard Carrier Agent Code (SCA) for vessel carriers and 2 or 3 character—International Air Transport Association (IATA) for air carriers. This code is used to validate data input to the manifest and entry processing systems and to direct system output to the carrier.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

19 U.S.C. 66, 1448, 1481, 1483, 1484, 1505, and 1624.

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 to: (1) Disclose to the Bureau of the Census by providing magnetic tapes containing foreign trade data; (2) disclose pertinent information to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation; (3) disclose information to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit; (4) disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings; (5) provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

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

STORAGE:

Magnetic media.

RETRIEVABILITY:

By identification codes and/or name.

SAFEGUARDS:

Access to computer area is controlled by a security pass arrangement and personnel not connected with the operation of the computer are prohibited from entering. The building security is protected by a uniformed guard. At the ports of processing, terminal rooms are under close supervision during working hours and locked after close of business. The system security officer issues a unique private five digit identification code to each authorized user. Access to the Customs computer from other than system terminals is controlled through a security software package. Users must input a unique identification code and password during the terminal log-in procedure to gain access to the system. The password is not printed or displayed at the port of processing. The system validates the user ID by transaction type, thereby limiting a system user's access to information on a ''need-to-know'' basis. A listing of identification codes of authorized users can be printed only by request of the security officer. The passwords are changed periodically to enhance security.

RETENTION AND DISPOSAL:

Files are periodically updated to reflect changes, etc., and are disposed of in accordance with the requirements of the Treasury Records Control Manual.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Automated Systems, Customs Service Headquarters, 1300 Pennsylvania Avenue, NW, Washington, DC 20229, is responsible for all data maintained in the files.

NOTIFICATION PROCEDURE:

See Customs appendix A.

RECORD ACCESS PROCEDURES:

See Customs appendix A.

CONTESTING RECORD PROCEDURES:

See Access, Customs appendix A.

RECORD SOURCE CATEGORIES:

The system data base contains data received on authorized Customs forms or electronic formats from individuals and/or companies incidental to the conduct of foreign trade and required by the Customs Service in administering the tariff laws and regulations of the United States.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

TREASURY/CS .284

SYSTEM NAME:

Personnel Verification System (PVS)—Treasury/Customs.

SYSTEM LOCATION:

Office of Information and Technical Services, U.S. Customs Service, 1300

Pennsylvania Avenue, NW., Washington, DC 20229, and Regional Offices of the U.S. Customs Service. (See Customs appendix A.)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Authorized Customs personnel and non-Customs personnel who have received authorization to use the Regional Communications Centers.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual identifiers including but not limited to name, office address, home address, office telephone number, home telephone number, badge number, Social Security number, radio call sign, page number, organization, and unit.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

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 to: (1) Disclose pertinent information to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation; (2) disclose information to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit; (3) disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings; (4) provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

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

STORAGE:

(1) Alphabetic or numerical listings or card files; (2) microfiche; (3) magnetic disc and tapes; (4) other electronic storage media.

RETRIEVABILITY:

By name, call sign, paging number, Social Security number, badge number, organizational code.

SAFEGUARDS:

Records are located in controlled access areas with alarm protection systems. Offices are staffed twenty-four hours a day, seven days a week.

RETENTION AND DISPOSAL:

Records are maintained in the system until such time as the individual is no longer authorized usage of the Regional Communications Center. Disposal is by erasure of disc/tapes, shredding and/or burning of listings or card files, and burning of microfiche.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Commissioner, Office of Information and Technical Services, U.S. Customs Service, 1300 Pennsylvania Avenue, NW., Washington, DC 20229.

NOTIFICATION PROCEDURE:

See Customs appendix A.

RECORD ACCESS PROCEDURES:

See Customs appendix A.

CONTESTING RECORD PROCEDURES:

See Access, Customs appendix A.

RECORD SOURCE CATEGORIES:

The sources include but are not limited to (1) the individual to whom the record relates; (2) internal Customs Service records; (3) Personnel Verification Sheet.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

TREASURY/CS .285

SYSTEM NAME:

Automated Index to Central Investigative Files—Treasury/Customs.

SYSTEM LOCATION:

Office of Investigations, U.S. Customs Service, 1300 Pennsylvania Avenue NW., Washington, DC 20229.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

(1) Known violators of U.S. Customs laws. (2) Convicted violators of U.S. Customs and/or drug laws in the United States and foreign countries. (3) Suspected violators of U.S. Customs or other related laws. (4) Private yacht masters and pilots arriving in the United States.

CATEGORIES OF RECORDS IN THE SYSTEM:

A listing of Memoranda of Information Received, Reports of Investigations; Search/Arrest/Seizure Reports, Penalties, and Forfeitures, reports required by Private Aircraft Reporting System, reports required by the Private Yacht Reporting System, reports on vessel violations. Reports relating to an individual, various other correspondence (letter, memoranda, etc.), which related to an individual in the Treasury Enforcement Communications System.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301 and Treasury Department Order No. 165, Revised, as amended. Authority for the collection and maintenance of the report included in the system is: 19 U.S.C. 1603; 19 U.S.C. 1431; 19 U.S.C. 66; 31 CFR part 103.

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 to: (1) Disclose pertinent information to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation; (2) disclose information to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit; (3) disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings; (4) provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

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

STORAGE:

Magnetic disc and tape, microfiche.

RETRIEVABILITY:

Name, personal identification numbers, Customs case number, document's central file number.

SAFEGUARDS:

(1) All Central Files users must have a full field background investigation. (2) The ''need to know'' principle applies. (3) Procedural and physical safeguards are utilized such as accountability and receipt records, guard patrolling restricted areas, alarm protection systems, special communication security. (4) Access is limited to all Office of Investigations terminals and all Law Enforcement Systems Division Headquarters and Newington, VA terminals.

RETENTION AND DISPOSAL:

Records will be maintained in the Automated Index to Central Enforcement files for as long as the associated document or microfiche is retained. Records will be destroyed by erasure of the magnetic disc and by burning the microfiche.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Commissioner, Office of Investigations, U.S. Customs Service, 1300 Pennsylvania Avenue, NW., Washington, DC 20229.

NOTIFICATION PROCEDURE:

This system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual. (See 5 U.S.C. 552a (e)(4)(G) and (f)(1).)

RECORD ACCESS PROCEDURES:

This system of records may not be accessed under the Privacy Act for the purpose of inspection.

CONTESTING RECORD PROCEDURES:

Since this system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual and those records, if any, cannot be inspected, the system may not be accessed under the Privacy Act for the purpose of contesting the content of the record.

RECORD SOURCE CATEGORIES:

This system contains investigatory material compiled for law enforcement purposes whose sources need not be reported.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

This system is exempt from 5 U.S.C. 552a (c)(3), (c)(4), (d)(1), (d)(2), (d)(3), (d)(4), (e)(1), (e)(2), (e)(3), (e)(4)(G), (H) and (I), (5) and (8), (f) and (g) of the Privacy Act pursuant to 5 U.S.C. 552a (j)(2) and (k)(2).

Appendix A—U.S. Customs Service

I. Notification, Record Access and Amendment Procedures

Notification and Record Access Procedures: Requests by an individual to be notified if the system of records contains records pertaining to him and requesting access to the records shall be in writing with envelope and letter clearly marked ''Privacy Act Request'' and directed to the Assistant Commissioner, Office of Regulations and Rulings, U.S. Customs Service, Rm. 3.4A, Ronald Reagan Bldg., 1300 Pennsylvania Avenue, NW, Washington, DC 20229, or to the Customs Management Center Director of the region in which the records are located (see addresses below).

The request may be presented in person between the hours of 9 a.m. and 4:30 p.m. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the signature of the person to whom the records pertain. If an individual is unable to provide the requisite documents for identification purposes, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine of not more than $5,000.

Where the request is made in writing, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine of not more than $5,000. A comparison of his signature and those in the records may be made where the records contain the signature of the person to whom the records pertain.

Amendment Procedures: Requests by an individual contesting the context of a record within a system of records shall be in writing with the envelope and letter clearly marked ''Privacy Act Amendment'' and directed to the Assistant Commissioner, Office of Regulations and Rulings, U.S. Customs Service, 1300 Pennsylvania Avenue, NW, Washington, DC 20229, or to the Director of the Customs Management Center of the region in which the records are located. (See addresses below.)

II. Location

Addresses of Headquarters, U.S. Customs Service, Customs Management Centers, Regional Directors (Internal Affairs), Port Directors of Customs, and Customs Office of Enforcement field offices:

Headquarters U.S. Customs Service: 1300 Pennsylvania Avenue, NW, Washington, DC 20229.

Customs Management Centers

Arizona—4740 North Oracle Road, Suite 310, Tucson, AZ 85705, (520) 670–5900.

Caribbean Area—#1 La Puntilla St., Room 203, San Juan PR 00901, (787) 729–6950.

East Great Lakes—4455 Genesee St., Buffalo, NY 14225, (716) 626–0400.

East Texas—2323 S. Shepard St., Suite 1200, Houston, TX 77019, (713) 313–2843.

Gulf—423 Canal St., Room 337, New Orleans, LA 70130, (504) 670–2404.

Mid-America—610 S. Canal St. Suite 900, Chicago, IL 60607, (312) 353–4733.

Mid Atlantic—103 S. Gay St., Suite 208, Baltimore, MD 21202, (410) 962–6200.

Mid Pacific—33 New Montgomery St., Suite 1601, San Francisco, CA 94105, (415) 744–1530.

New York—6 World Trade Center, Room 716, New York, NY 10048, (212) 466–4444.

North Atlantic—10 Causeway St., Room 801, Boston, MA 02222, (617) 565–6210.

North Florida—1624 E. Seventh Ave., Suite 301, Tampa, FL 33605, (813) 228–2381.

North Pacific—511 N. W. Broadway, Rm. 592, Portland, OR 97209, (503) 326–7625.

Northwest Great Plains—1000 Second Ave., Suite 2000, Seattle, WA 98104, (206) 553–6944.

South Atlantic—1691 Phoenix Blvd., Suite 270, College Park, GA 30349, (770) 994–2306.

South Florida—909 SE First Ave. Suite 980, Miami, FL 33131, (305) 536–6600.

South Pacific—One World Trade Center, PO Box 32639, Long Beach, CA 90815 (562) 980–3100.

South Texas—PO Box 3130, Bldg #2, Lincoln-Juarez Bridge, Laredo, TX 78044, (956) 718–4161.

Southern California—610 W. Ash St., Suite 1200, San Diego, CA 92101, (619) 557–5455.

West Great Lakes—613 Abbott St., 3rd Floor, Detroit, MI 48226, (313) 226–2955.

West Texas/New Mexico—9400 Viscount Blvd., Suite 104, El Paso, TX 79925, (915) 540–5800.

Office of Internal Affairs Field Offices

Regional Director (Internal Affairs), 10 Causeway Street, Boston, MA 02110.

Resident Agent in Charge (Internal Affairs), 6 World Trade Center, New York, N.Y. 10048.

Resident Agent in Charge (Internal Affairs),1000 Bricknell Avenue, Miami, FL 33101.

Resident Agent in Charge (Internal Affairs), 423 Canal Street, New Orleans, LA 70112.

Special Agent in Charge (Internal Affairs), 2323 S. Shepherd Street, Houston, TX 77002.

Resident Agent in Charge (Internal Affairs), 610 S. Canal Street, Chicago, IL. 60603.

Special Agent in Charge (Internal Affairs), One World Trade Center, Long Beach, CA 90815.

Customs Service/Area Ports Offices

Anchorage: 605 West Fourth Avenue, Anchorage, AK 99501 (907) 271–2675.

Atlanta: 700 Doug Davis Drive, Atlanta, GA 30354 (404) 763–7020.

Baltimore: 40 S. Gay St, Baltimore, MD 21202 (410) 962–2666.

Baton Rouge: 5353 Essen Lane, Baton Rouge, LA 70809 (504) 389–0261.

Blaine: 9901 Pacific Highway, Blaine, WA 98230 (360) 332–5771.

Boston: 10 Causeway Street, Boston, MA 02222–1059 (617) 565–6147.

Buffalo: 111 West Huron Street, Buffalo, NY 14202–2378 (716) 551–4373.

Calais: 1 Main Street, Calais, ME 04619 (207) 454–3621.
Calexico: P.O. Box 632, Calexico, CA 92231 (619) 357–7310.
Champlain: 35 West Service Road, Champlain, NY 12919–8314 (518) 298–8347.
Charleston: 200 East Bay Street, Charleston, SC 29401 (803) 727–4296.
Charlotte: 1801–K Cross Beam Drive, Charlotte, NC 28217 (704) 329–6101.
Charlotte/Amalie: Main Post Ofc-Sugar Estate, St. Thomas, VI 00801 (809) 774–2911.
Chicago: 610 South Canal Street, Chicago, IL 60607 (312) 353–6100.
Christiansted: Church Street P.O. Box 249, Christianstedt/ St.Croix, VI 00820 (809) 773–1490.
Cleveland: 55 Erieview Plaza, 6th Floor, Cleveland, OH 44114. (216) 891–3804
Dallas/Ft. Worth: P.O. Box 619050, DFW Airport, TX 75261–4818 (972) 574–2170.
Denver: 4735 Oakland Street, Denver, CO 80239 (303) 361–0715.
Derby Line: Interstate 91, Derby Line, VT 05830 (802) 873–3489.
Detroit: 477 Michigan Avenue, Detroit, MI 48226 (313) 226–3178.
Douglas: 1st Street & Pan American Avenue, Douglas, AZ 85607 (602) 364–8486.
Duluth: 515 West 1 St Street, Duluth, MN 55802–1390 (218) 720–5201.
El Paso: 9400 Viscount Boulevard, El Paso, TX 79925 (915) 540–5800.
Grand Rapids: Kent County Airport, Grand Rapids, MI 49508 (616) 456–2515.
Great Falls: 300 2nd Avenue South, Great Falls, MT 59403 (406) 453–7631.
Greenville/Spartanburg: 150–A West Phillips Road, Greer, SC 29650 (864) 877–8006.
Harrisburg: Harrisburg International Airport, Bldg 135, Middletown, PA 17057–5035 (717) 782–4510.
Hartford: 135 High Street, Hartford, CT 06103 (203) 240–4306.
Highgate Springs: RR2, Box 170, Swanton, VT 05488 (802) 868–2778.
Honolulu: 355 Merchant St., Honolulu, HI 968813 (808) 522–8060.
Houlton: RR 3, Box 5300, Houlton, ME 04730 (207) 532–2131.
Houston/Galveston: 1717 East Loop, Houston, TX 77029 (713) 985–6712.
Jacksonville: 2831 Talleyrand Avenue, Jacksonville, FL 32206 (904) 232–3476.
Kansas City: 2701 Rockcreek Parkway, N. Kansas City, MO 64116 (816) 374–6424.
Laredo/Columbia: PO Box 3130, Laredo, TX 78044 (210) 726–2267.
Los Angeles: 300 South Ferry Street, Terminal Island, CA 90731 (310) 514–6001.
Los Angeles Airport Area: 300 South Ferry Street, Terminal Island, CA 90731 (310) 514–6029.
Los Angeles/Long Beach Seaport Area: 300 South Ferry Street, Terminal Island, CA 90731 (310) 514–6002.
Louisville: 601 West Broadway, Louisville, KY 40202 (502) 582–5186.
Miami Airport: 6601 West 25th Street, Miami, FL 33102–5280 (305) 869–2800.
Miami Seaport: 1500 Port Blvd, Miami, FL 33132 (305) 536–5261.
Milwaukee: P.O. Box 37260, Milwaukee, WI 53237–0260 (414) 571–2860.
Minneapolis: 110 South 4th Street, Minneapolis, MN 55401 (612) 348–1690.
Mobile: 150 North Royal Street, Mobile, AL 36602 (205) 441–51106.
Nashville: 939 Airport Service Road, PO Box 270008, Nashville, TN 31277–0008 (615) 736–5861.
New Orleans: 423 Canal Street, New Orleans, LA 70130 (504) 589–6353.
New York: 6 World Trade Center, New York, NY 10048 (212) 466–4444.
New York—JFK Area: Bldg #77, Jamaica, NY 11430 (718) 553–1542.
New York—NY/Newark Area: Hemisphere Center, Rm 200, Rts. 1 & 9 South, Newark, NJ 07114 (201) 645–3760.
Nogales: 9 North Grand Avenue, Nogales, AZ 85621 (520) 287–1410.
Norfolk: 200 Granby Street, Norfolk, VA 23510 (804) 441–3400.
Ogdensburg: 127 N. Water Street, Ogdensburg, NY 13669 (315) 393–0660.
Orlando: 5390 Bear Road, Orlando, FL 32827 (407) 825–4301.
Oroville: Rt 1, Box 130, Oroville, WA 98844 (509) 476–2955.
Pembina: PO Box 610, Pembina, ND 58271 (701) 825–6201.
Philadelphia: 2nd & Chestnut Streets, Philadelphia, PA 19106 (215) 597–4605.
Phoenix: 1315 S. 27th Street, Phoenix , AZ 85034 (602) 379–3516.
Otay Mesa: 9777 via De La Amistad, San Diego, CA 92173 (619) 661–3305.
Port Huron: 526 Water Street, Port Huron, MI 48060 (810) 985–7125.
Portland, ME: 312 Fore Street, Portland, ME 04112 (207)780–3326.
Portland, OR: 511 NW Broadway, Portland, OR 97209 (503) 326–2865.
Providence: 49 Pavilion Avenue, Providence, RI 02905 (401) 941–6326.
Raleigh/Durham: 120 Southcenter Court, Morrisville, NC 27560 (919) 467–3552.
Richmond: 400 North Eighth Street, Richmond, VA 23240 (804) 226–9675.
San Antonio: 9800 Airport Boulevard, San Antonio, TX 78216 (210) 821–6965.
San Diego: 610 West Ash Street, San Diego, CA 92188 (619) 557–6758.
San Francisco: 555 Battery Street, San Francisco, CA 94111 (415) 744–7700.
San Juan: #1 La Puntilla, San Juan, PR 00901 (809) 729–6965.
San Luis: PO Box H, San Luis, AZ 85349 (602) 627–8854.
Sault Ste. Marie: International Bridge Plaza, Sault Ste Marie, MI 49783 (906) 632–7221.
Savannah: 1 East Bay Street, Savannah, GA 31401 (912) 652–4256.
Seattle: 1000 2nd Avenue, Seattle, WA 98104–1049 (206) 553–0770.
Seattle Airport: SEA—TAC International Airport, Seattle, WA 98158 (206) 553–7960.
Seattle Waterfront: 3236 16th Street, SW, Seattle, WA 98134 (206) 553–1581.
San Ysidro: 720 E. San Ysidro Blvd., San Ysidro, CA 92073 (619) 662–7201.
St. Albans: PO Box 1490, St. Albans, VT 05478 (802) 524–7352.
St. Louis: 4477 Woodson Road, St. Louis, MO 63134–3716 (314) 428–2662.
Syracuse: 4034 S. Service Road, Hancock International Airport Syracuse, NY 13212 (315) 455–8446.
Tacoma: 2202 Tacoma Road, Tacoma, WA 98421 (206) 593–6336.
Tampa: 2203 N. Louis Avenue, Tampa, FL 33607 (813) 228–2381.
Tucson: 7150 South Tucson Boulevard, Tucson, AZ 85706 (520) 670–6461.
Washington, DC: PO Box 17423, Washington, DC 20041 (703) 318–5900.
Wilmington: 1 Virginia Avenue, Wilmington, NC 28401 (919) 815–4601.

Customs Investigations Field Offices

Special Agent in Charge, Room 801, 10 Causeway Street, Boston, MA 02222.
Resident Agent in Charge, PO Box 368, Derby Line, Vermont, 05830.
Resident Agent in Charge, PO Box 400, Houlton, Maine 04730.
Resident Agent in Charge, PO Box 4688 (DTS), Portland, Maine 04112.
Resident Agent in Charge, Federal Building, Suite 318, 150 Court Street, New Haven, CT 06510.
Resident Agent in Charge, PO Box 68, Rouses Point, New York 12979.
Special Agent in Charge, 40 South Gay Street, Room 424, Baltimore, Maryland 21202.
Resident Agent in Charge, Second and Chestnut Street, Room 200, Philadelphia, PA 19106.
Resident Agent in Charge, Room 826, Federal Building 1000 Liberty Avenue, Pittsburgh, PA 15222.
Special Agent in Charge, 6 World Trade Center, Room 716, New York, N.Y. 10048 Deputy Special Agent in Charge, JFK International Airport, Building 75, 2nd Floor, Jamaica, N.Y. 11430.
Resident Agent in Charge, Airport International Plaza, Suite 400, Routes 1 and 9 South, Newark, N.J. 07114.
Resident Agent in Charge, Leo O'Brien Federal Building, North Pearl Street, Room 746, Albany, N.Y. 12207.
Resident Agent in Charge, 575 Johnson Avenue, 2nd floor, Bohemia, New York 11716.
Special Agent in charge, 423 Canal Street, Room 337, New Orleans, LA 70130 .
Resident Agent in Charge 8312 Florida Boulevard, Suite 216B, Baton Route, LA 70806.
Resident Agent in Charge, Air Investigations, PO Box 980, Belle Chase, LA 70037.
Resident Agent in Charge, 600 Beacon Parkway West, Suite 725, Birmingham, AL 35209.
Resident Agent in Charge, PO Box 700, Dauphin Island, AL 36528.
Resident Agent in Charge, Security Building, Room 600, 2301 14th Street, Gulfport, MS 39501.
Resident Agent in Charge, Station 1, PO Box 10182, Houma, LA 70363.
Resident Agent in Charge, 100 West Capitol Street, Suite 1418, Jackson, MS 39269.
Resident Agent in Charge, 825 Kaliste Saloom, Brandywine, II, Suite 200, Lafayette, LA 70508.
Resident Agent in Charge, 811 Bayou Pines Drive, Lake Charles, LA 70601.
Resident Agent in Charge, 10825 Financial Parkway, Suite 321, Little Rock, AR 72211.
Resident Agent in Charge, 951 Government Street, Suite 700, Mobile, AL 36604.
Resident Agent in Charge, 4721 Trousdale Drive, Suite 216, Nashville, TN 37220.

Resident Agent in Charge, 610 Texas Street, Suite 610, Shreveport, LA 71101.
Special Agent in Charge, 4141 N. Saur, Houston Parkway, East, Houston, TX 77032.
Resident Agent in Charge, 421 Cold Avenue, SW, Albuquerque, NM 87103.
Resident Agent in Charge, PO Box 9640, Alpine, TX 79830.
Resident Agent in Charge, PO Box 99, Austin, TX 78767.
Resident Agent in Charge, PO Box 4500, Brownsville, TX 78521.
Resident Agent in Charge, PO Box 2159, Corpus Christi, TX 78403.
Resident Agent in Charge, 400 South Record Street, Suite 800, Dallas TX 75242.
Resident Agent in Charge, PO Box 1169, Del Rio, TX 78841.
Resident Agent in Charge, PO Box 1818, Deming NM 88030.
Resident Agent in Charge, PO Box 1076, Douglas, AZ 86508.
Resident Agent in Charge, 160 Garrison Street, Eagle Pass, TX 78852.
Special Agent in Charge, 6501 Boeing Drive, Building G, El Paso, TX 79925.
Resident Agent in Charge, PO Box 12, Falcon Heights, TX 78545.
Resident Agent in Charge, PO Box HH, Flagstaff, AZ 86001.
Resident Agent in Charge, PO Box 570, Galveston, TX 77553.
Resident Agent in Charge, PO Box 2128, Laredo, TX 78044.
Resident Agent in Charge, PO Box 7150, Las Cruces, NM 88006.
Resident Agent in Charge, PO Drawer 189, Lukeville, AZ 85341.
Resident Agent in Charge, 1701 West Business 83, Suite 508, McAllen, TX 78501.
Resident Agent in Charge, 3500 NW 56th Street, Suite 200, Oklahoma City, OK 73112.
Resident Agent in Charge, 3010 North 2nd Street, Suite 201, Phoenix, AZ 85012.
Resident Agent in Charge, 4550 75th Street, Port Arthur, TX 77642.
Resident Agent in Charge, PO Drawer H, Presidio, TX 79845.
Resident Agent in Charge, 1802 NE Loop 410, Suite 302, San Antonio, TX 78217.
Resident Agent in Charge, PO Box 458, Sells, AZ 85634.
Special Agent in Charge, 555 East River Road, Tucson, AZ 85704.
Resident Agent in Charge, PO Box 5757, Yuma, AZ 85364.
Special Agent in Charge, PO Box 1309 MPO, Los Angeles, CA 90053.
Resident Agent in Charge, PO Box 100199, Anchorage, AK 99501.
Resident Agent in Charge, PO Box 535, Astoria, OR 97103.
Resident Agent in Charge, PO Box 1360, Blaine, WA 98230.
Resident Agent in Charge (Calexico) 1681 West Main Street, Suite 306, El Centro, CA 92243.
Resident Agent in Charge, PO Box 209, Coos Bay, OR 97420.
Resident Agent in Charge, PO Box 465, Eureka, CA 95502.
Resident Agent in Charge, PO Box 12465, Fresno, CA 93778.
Resident Agent in Charge (Guam), PO Box 2508, Agana, Guam 96910.
Resident Agent in Charge, (LAX), 222 North Sepulveda Boulevard, Suite 200, El Secundo, CA 90245.
Resident Agent in Charge, PO Box 329, Oceanside, CA 92054.
Resident Agent in Charge (Orange County), 15941 Red Hill Avenue, Suite 200, Tustin, CA 92680.
Resident Agent in Charge, PO Box 6155, Oxnard, CA 93031.
Resident Agent in Charge, Federal Office Building, 138 West First Street, Room 216, Port Angeles, WA 98352.
Resident Agent in Charge, PO Box 2841, Portland, OR 97208
Resident Agent in Charge, 1755 E. Plumb Lane, Airport Plaza, Suite 229, Reno, NV 89502.
Resident Agent in Charge, PO Box 214666, Sacramento, CA 95821.
Special Agent in Charge, 401 West A Street, Suite 305, San Diego, CA 90101.
Special Agent in Charge, 1700 Montgomery Street, Suite 445, San Francisco, CA 94111.
Resident Agent in Charge (SFO), San Francisco International Airport, PO Box 251747, San Francisco, CA 94128.
Resident Agent in Charge, Courthouse and Federal Building, 280 South First Street, Suite 190, San Jose, CA 95113.
Resident Agent in Charge, 406 Virginia Avenue, San Ysidro, CA 92073.
Special Agent in Charge, Federal Office Building, 909 First Avenue, Room 4100, Seattle, WA 98174.
Resident Agent in Charge, West 904 Riverside, Room 332, Spokane, WA 92210.
Special Agent in Charge, 610 South Canal Street, Room 851, Chicago, IL 60607.
Resident Agent in Charge (Cincinnati) Suite 200, 207 Grandview Drive, Fort Mitchell, KY 41017.
Resident Agent in Charge (Cleveland) Commerce Place, 7123 Pearl Road, Room 305, Middleburg Heights, OH 44130.
Resident Agent in Charge, 78 E. Chestnut Street, Room 411, Columbus, OH 42315.
Special Agent in Charge, PO Drawer 3609, Denver, CO 80294.
Special Agent in Charge, McNamara Federal Building, 477 Michigan Avenue, Room 350, Detroit, MI 48226.
Resident Agent in Charge, PO Box 791, Great Falls, MT 59403
Resident Agent in Charge, PO Box 51366, Indianapolis, IN 46251.
Resident Agent in Charge, 2701 Rockcreek Parkway, Suite 206, North Kansas City, MO 64117.
Resident Agent in Charge, PO Box 92847, Milwaukee, WI 53202.
Resident Agent in Charge, Federal Office Building, 212 Third Avenue South, Room 154, Minneapolis, MN 55401.
Resident Agent in Charge, PO Box 192, Pembina, ND 58271.
Resident Agent in Charge, 114 Market Street, Room 942, St. Louis, MO 63101.
Resident Agent in Charge, 1745 W. 1700 S, Room 1124, Salt Lake City, UT 84104.

BILLING CODE: 4840–01–P

Bureau of Engraving and Printing:

TREASURY/BEP .002

SYSTEM NAME:

Personal Property Claim File—Treasury/BEP.

SYSTEM LOCATION:

Bureau of Engraving and Printing, 14th and C Streets, SW, Washington, DC 20228.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Civilian officers and employees of the Bureau of Engraving and Printing, former employees and their survivors having claim for damage to or loss of personal property incident to their service.

CATEGORIES OF RECORDS IN THE SYSTEM:

Contains investigative and adjudication documents relative to personal property damage claim.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Military Personnel and Civilian Employees' Claims Act of 1964, as amended, Pub. L. 88–558.

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 to: (1) Disclose pertinent information to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation; (2) disclose information to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit; (3) disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings; (4) provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains; (5) provide information to the news media in accordance with guidelines contained in 28 CFR 50.2

which relate to an agency's functions relating to civil and criminal proceedings; (6) provide information to unions recognized as exclusive bargaining representatives under the Civil Service Reform Act of 1978, 5 U.S.C. 7111 and 7114; (7) provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

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

STORAGE:

File folder.

RETRIEVABILITY:

By name.

SAFEGUARDS:

Access is limited to Office of Chief Counsel staff.

RETENTION AND DISPOSAL:

Retained three years after case is closed, then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Office of Chief Counsel, Bureau of Engraving and Printing; 14th and C Streets, SW, Washington, DC 20228.

NOTIFICATION PROCEDURE:

Disclosure Officer, Bureau of Engraving and Printing; 14th and C Streets, SW, Washington, DC 20228.

RECORD ACCESS PROCEDURE:

See ''Notification procedure'' above.

CONTESTING RECORD PROCEDURES:

See ''Notification procedure'' above.

RECORD SOURCE CATEGORIES:

Individuals having claim for damage to or loss of personal property.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

TREASURY/BEP .004

SYSTEM NAME:

Counseling Records—Treasury/BEP.

SYSTEM LOCATION:

Bureau of Engraving and Printing, 14th and C Streets, SW, Washington, DC 20228, and Bureau of Engraving and Printing, Western Currency Facility, 9000 Blue Mound Road, Ft. Worth, Texas 76131.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees whose actions or conduct warrants counseling.

CATEGORIES OF RECORDS IN THE SYSTEM:

Contains correspondence relative to counseling information and follow-up reports.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301.

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 to: (1) Disclose pertinent information to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation; (2) disclose information to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit; (3) disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings; (4) provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains, contingent upon that individual signing a release of information form; (5) provide information to the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's functions relating to civil and criminal proceedings; (6) provide general educational information to unions recognized as exclusive bargaining representatives under the Civil Service Reform Act of 1978, 5 U.S.C. 7111 and 7114; (7) provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

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

STORAGE:

Maintained in file folders.

RETRIEVABILITY:

By name.

SAFEGUARDS:

Locked in file cabinets; access is limited to EEO and Employee Counseling Services staff.

RETENTION AND DISPOSAL:

Retained for one year after close of file, then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

EEO and Employee Counseling Services Staff Manager, Bureau of Engraving and Printing; 14th and C Streets, SW, Washington, DC 20228.

NOTIFICATION PROCEDURE:

Disclosure Officer, Bureau of Engraving and Printing; 14th and C Streets, SW, Washington, DC 20228.

RECORD ACCESS PROCEDURE:

See ''Notification procedure'' above.

CONTESTING RECORD PROCEDURES:

See ''Notification procedure'' above.

RECORD SOURCE CATEGORIES:

Individual employee.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

TREASURY/BEP .005

SYSTEM NAME:

Compensation Claims—Treasury/BEP.

SYSTEM LOCATION:

Compensation Staff, Personnel Services Division, Office of Human Resources, Bureau of Engraving and Printing, 14th and C Streets, SW, Washington, DC 20228. Human Resources Division, Bureau of Engraving and Printing, Western Currency Facility, 9000 Blue Mound Road, Fort Worth, Texas 76131.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Bureau of Engraving and Printing employees incurring work-connected injuries or illnesses, who make claims under Federal Employee Compensation Act for medical expenses, continuation of pay or disability.

CATEGORIES OF RECORDS IN THE SYSTEM:

All pertinent documentation, including investigative reports, medical reports, forms, letters to BEP Office of Financial Management authorizing continuation of pay, Labor Department reports, etc. relative to work-connected injuries or illnesses of employees.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Federal Employees Compensation Act, as amended, Pub. L. 93–416.

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 to: (1) Disclose pertinent information to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation; (2) disclose information to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit; (3) disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings; (4) disclose information to foreign governments in accordance with formal or informal international agreements; (5) provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains; (6) provide information to the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's functions relating to civil and criminal proceedings; (7) provide information to unions recognized as exclusive bargaining representatives under the Civil Service Reform Act of 1978, 5 U.S.C. 7111 and 7114; (8) provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

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

STORAGE:

File folder, magnetic media and computer disks.

RETRIEVABILITY:

Name and date of injury.

SAFEGUARDS:

Locked file cabinets, locked computers, passwords. Back-up discs locked in file cabinets. Access is limited to Compensation Claims staff and Safety managers.

RETENTION AND DISPOSAL:

Records are retained for three years after last entry, then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

(1) Manager, Personnel Services Division, Office of Human Resources, Bureau of Engraving and Printing, 14th and C Street SW., Washington, DC 20228. (2) Manager, Human Resources Division, Bureau of Engraving and Printing, Western Currency Facility, 9000 Blue Mound Road, Fort Worth, Texas 76131.

NOTIFICATION PROCEDURE:

Disclosure Officer, Bureau of Engraving and Printing; 14th and C Streets, SW, Washington, DC 20228.

RECORD ACCESS PROCEDURE:

See ''Notification procedure'' above.

CONTESTING RECORD PROCEDURES:

See ''Notification procedure'' above.

RECORD SOURCE CATEGORIES:

Occupational Health Unit Daily Report, medical providers, employee's supervisor's report, and information provided by the employee.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

TREASURY/BEP .006

SYSTEM NAME:

Debt Files (Employees)—Treasury/BEP.

SYSTEM LOCATION:

Bureau of Engraving and Printing, 14th and C Streets, SW, Washington, DC 20228.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All Bureau of Engraving and Printing employees on whom debt complaints are received.

CATEGORIES OF RECORDS IN THE SYSTEM:

Contains employee's name, complaint information, court judgements, counseling efforts, receipts, and final disposition of complaint.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Federal Personnel Manual.

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 to: (1) Disclose pertinent information to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation; (2) disclose information to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit; (3) disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings; (4) disclose information to foreign governments in accordance with formal or informal international agreements; (5) provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains; (6) provide information to the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's functions relating to civil and criminal proceedings; (7) provide information to unions recognized as exclusive bargaining representatives under the Civil Service Reform Act of 1978, 5 U.S.C. 7111 and 7114; (8) provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

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

STORAGE:

Maintained in file folders.

RETRIEVABILITY:

By name.

SAFEGUARDS:

Maintained in locked cabinets; access is limited to Employee and Labor Relations Division, Human Resources Division and the Office of the Chief Counsel.

RETENTION AND DISPOSAL:

Retained for two years, then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

(1) Chief, Office of Human Resources and the Office of the Chief Counsel,

Bureau of Engraving and Printing; 14th and C Streets, SW, Washington, DC 20228. (2) Manager, Human Resources Division, Bureau of Engraving and Printing, Western Currency Facility, 9000 Blue Mound Road, Fort Worth, TX 76131.

NOTIFICATION PROCEDURE:

Disclosure Officer, Bureau of Engraving and Printing; 14th and C Streets; SW, Washington, DC 20228.

RECORD ACCESS PROCEDURE:

See ''Notification procedure'' above.

CONTESTING RECORD PROCEDURES:

See ''Notification procedure'' above.

RECORD SOURCE CATEGORIES:

Employees, Complainants, and Court Judgements.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

TREASURY/BEP .014

SYSTEM NAME:

Employee's Production Record—Treasury/BEP.

SYSTEM LOCATION:

Bureau of Engraving and Printing, 14th and C Streets, SW, Washington, DC 20228, and Bureau of Engraving and Printing, Western Currency Facility, 9000 Blue Mound Road, Fort Worth, TX 76131.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All current Washington, DC and Fort Worth, TX Bureau of Engraving and Printing employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Contains employee's name, dates, work hours, record of production, history of work assignments, training, work performance, and progress reports.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, 4103 and 4302.

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 to: (1) Disclose pertinent information to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation; (2) disclose information to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit; (3) disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings; (4) provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains; (5) provide information to the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's functions relating to civil and criminal proceedings; (6) provide information to unions recognized as exclusive bargaining representatives under the Civil Service Reform Act of 1978, 5 U.S.C. 7111 and 7114; (7) provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

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

STORAGE:

Maintained in data entry diskettes, file folders and production books.

RETRIEVABILITY:

Indexed by name, work code number and cross-referenced by project number.

SAFEGUARDS:

Maintained in locked cabinets or desks; access is limited to personnel having a ''need-to-know.''

RETENTION AND DISPOSAL:

Retained three years, then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Office of Chief Counsel; Chief, Office of Equal Employment Opportunity and Employee Counseling Services; Chief, Office of Human Resources; Chief, Office of Currency Production; Plant Manager (Stamps and Special Products); Chief, Office of Engraving; Chief, Office of Production Support; Chief, Office of Procurement; Chief, Office of Production and Inventory Management; Chief, Office of External Relations; Chief, Office of Currency Standards; Chief, Office of Engineering; Chief, Office of Advanced Counterfeit Deterrence; Address: Bureau of Engraving and Printing; 14th and C Streets, SW, Washington, DC 20228. Plant Manager, Bureau of Engraving and Printing, Western Currency Facility, 9000 Blue Mound Road, Fort Worth, TX 76131.

NOTIFICATION PROCEDURE:

Disclosure Officer, Bureau of Engraving and Printing; 14th and C Streets, SW, Washington, DC 20228.

RECORD ACCESS PROCEDURE:

See ''Notification procedure'' above.

CONTESTING RECORD PROCEDURES:

See ''Notification procedure'' above.

RECORD SOURCE CATEGORIES:

Information furnished by employee, developed by supervisor or by referral document.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

TREASURY/BEP .016

SYSTEM NAME:

Employee Suggestions—Treasury/BEP.

SYSTEM LOCATION:

Bureau of Engraving and Printing, 14th and C Streets, SW, Washington, DC 20228, and Bureau of Engraving and Printing, Western Currency Facility, 9000 Blue Mound Road, Ft. Worth, Texas 76131.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All Bureau of Engraving and Printing employees submitting suggestions under the incentive award program.

CATEGORIES OF RECORDS IN THE SYSTEM:

Contains employee's suggestion, reviewer evaluation and final disposition information.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 5, U.S.C., 4502 (c).

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 to: (1) Disclose pertinent information to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation; (2) disclose information to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement information or

other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit; (3) disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings; (4) provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains; (5) provide information to the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's functions relating to civil and criminal proceedings; (6) provide information to unions recognized as exclusive bargaining representatives under the Civil Service Reform Act of 1978, 5 U.S.C. 7111 and 7114; (7) provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

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

STORAGE:

Maintained in file folders, as well as on computer disks.

RETRIEVABILITY:

Indexed by name.

SAFEGUARDS:

Maintained in locked file cabinets; access is limited to Compensation Division Personnel, the Chief, Office of Currency Manufacturing, and the employee's supervisor.

RETENTION AND DISPOSAL:

Retained for three years following date of submission, then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Office of Personnel, Bureau of Engraving and Printing; 14th and C Streets, SW, Washington, DC 20228, and the Chief, Office of Currency Manufacturing, Bureau of Engraving and Printing, Western Currency Facility, 9000 Blue Mound Road, Ft. Worth, Texas 76131.

NOTIFICATION PROCEDURE:

Individuals wishing to be notified if they are identified in this system or gain access to records maintained in the system must submit a request containing the following elements: (1) Identification of the record system; (2) identification of the category and types of records sought; (3) at least two items of identification (e.g., name and date of birth, employee identification number, date of employment or similar information). Address inquiries to Disclosure Officer, Bureau of Engraving and Printing; 14th and C Streets, SW, Washington, DC 20228.

RECORD ACCESS PROCEDURE:

See ''Notification procedure'' above.

CONTESTING RECORD PROCEDURES:

See ''Notification procedure'' above.

RECORD SOURCE CATEGORIES:

Individual employee, employee's supervisor and review committee.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

TREASURY/BEP .020

SYSTEM NAME:

Industrial Truck Licensing Records—Treasury/BEP.

SYSTEM LOCATION:

Bureau of Engraving and Printing, 14th and C Streets, SW, Washington, DC 20228, and Bureau of Engraving and Printing, Western Currency Facility, 9000 Blue Mound Road, Ft. Worth, Texas 76131.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Bureau of Engraving and Printing employees designated to operate self-propelled material and/or machinery handling equipment.

CATEGORIES OF RECORDS IN THE SYSTEM:

Record of employee physical examination, testing, license number and issue date for purpose of operating one or more types of material handling equipment used within the Bureau of Engraving and Printing, and employees who drive official bureau motor vehicles.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301.

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

Disclosures are not made outside the Department.

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

STORAGE:

File folder and Card file.

RETRIEVABILITY:

By Name.

SAFEGUARDS:

Locked file cabinet, access is limited to Office of Production and Inventory Management and the Warehouse and Supply Section personnel.

RETENTION AND DISPOSAL:

Destroyed three years after license revocation.

SYSTEM MANAGER(S) AND ADDRESS:

Head, Office of Production and Inventory Management, Bureau of Engraving and Printing; 14th and C Streets, SW, Washington, DC 20228, and the Manager, Warehouse and Supply Section, Bureau of Engraving and Printing, Western Currency Facility, 9000 Blue Mound Road, Ft. Worth, Texas 76131.

NOTIFICATION PROCEDURE:

Disclosure Officer, Bureau of Engraving and Printing; 14th and C Streets, SW, Washington, DC 20228.

RECORD ACCESS PROCEDURE:

See ''Notification procedure'' above.

CONTESTING RECORD PROCEDURES:

See ''Notification procedure'' above.

RECORD SOURCE CATEGORIES:

Supervisor's request, results of physical examination, and data obtained during training or practical tests.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

TREASURY/BEP .021

SYSTEM NAME:

Investigative Files—Treasury/BEP.

SYSTEM LOCATION:

Bureau of Engraving and Printing, 14th and C Streets, SW., Washington, DC 20228, and Bureau of Engraving and Printing, Western Currency Facility, 9000 Blue Mound Road, Fort Worth, Texas 76131.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees, Separated Bureau Employees, Employee Applicants, Visitors to the Bureau, News-Media Correspondents, Contractor and Service Company Employees (Current and Separated).

CATEGORIES OF RECORDS IN THE SYSTEM:

Category: Security Files, Personnel Clearance Requests, Case Files, Bank Shortage Letters, Contractor Files, Currency Discrepancy Reports, Intelligence Files, Stamp Discrepancy Reports, Case Records, Correspondence from the Public concerning Security Matters, Security Files Reference

Record, Employee Indebtedness Record, Type of Information: Character references, Police force reports, Previous employment verifications, Newspaper articles, Social Security numbers, Laboratory reports to include handwriting results and latent fingerprint examinations, Law enforcement criminal and subversive record checks, Court records, Security registers, Residency information, Reports of shortages or thefts of Bureau products including subsequent investigations, Personnel records of various types, Fingerprint card, Photograph, Names of individuals including those at contractor plants who worked on a shortage involving Bureau products, Credit checks, Background investigation reports conducted by Office of Personnel Management, Bureau of Engraving and Printing, the Internal Revenue Service and other Federal Investigative Agencies, Disciplinary action recommended and/or received, Military record forms and extracted information, List of Bureau employees granted security clearances, Processes served, i.e. summons, subpoenas, warrants, etc., Personnel security case numbers, dates—case opened and closed, and recommendations, Certificate of Security Clearance, Reports of violations of Bureau regulations and procedures, Bureau visitor control documents, Correspondence relating to individuals, Claims of indebtedness from firms and collection agencies and other sources, and assorted documents, Tape-recorded testimony, Type of Information: Bureau investigation reports, Information supplied by Law Enforcement agencies, Applicant interview record, Anonymous tips concerning Bureau employees, Official investigative statements, Names of those requesting security assistance and report of the assistance rendered, other pertinent Governmental records, education records and information, Date of Birth and physical description of individual in the files.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Executive Order 10450 and implementing Treasury and Bureau Regulations and 31 U.S.C. 427.

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 to: (1) Disclose pertinent information to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation; (2) disclose information to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit; (3) disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings; (4) disclose information to foreign governments in accordance with formal or informal international agreements; (5) provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains; (6) provide information to the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's functions relating to civil and criminal proceedings; (7) provide information to unions recognized as exclusive bargaining representatives under the Civil Service Reform Act of 1978, 5 U.S.C. 7111 and 7114; (8) provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

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

STORAGE:

File Folders, 3 x 5 Index Cards, 5 x 8 Index Cards, Loose-leaf Binders, Ledgers, Recording Tape, Computer Database Programs, and Microfiche.

RETRIEVABILITY:

Numerically by case number and year, alphabetically by name and Social Security number, and alphabetically by Company name.

SAFEGUARDS:

Access is limited to Office of Security and Western Currency Facility staff. Records are maintained in locked file cabinets and secured computers.

RETENTION AND DISPOSAL:

Destroyed within 90 days following notification of an employee's death, or, within five years after separation or transfer of incumbent employee; or, five years after expiration of contractual relationship. Product Discrepancy Investigative Reports and Bank Letter Investigative Reports are retained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Office of Security, Bureau of Engraving and Printing, 14th and C Streets, SW, Washington, DC 20228; Security and Police Division personnel, Bureau of Engraving and Printing, Western Currency Facility, 9000 Blue Mound Road, Fort Worth, Texas 76131.

NOTIFICATION PROCEDURE:

Individuals wishing to be notified if they are identified in this system or gain access to records maintained in the system must submit a request containing the following elements: (1) Identification of the record system; (2) identification of the category and types of records sought; (3) at least two items of identification (e.g., name and date of birth, employee identification number, date of employment or similar information). Address inquiries to Disclosure Officer, Bureau of Engraving and Printing, 14th and C Streets, SW, Washington, DC 20228

RECORD ACCESS PROCEDURE:

See ''Notification procedure'' above.

CONTESTING RECORD PROCEDURES:

See ''Notification procedure'' above.

RECORD SOURCE CATEGORIES:

The sources of the information are the individual concerned and information supplied by Federal, State and local investigative agencies, credit bureaus, financial institutions, court records, educational institutions, and individuals contacted concerning the person being investigated.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

This system is exempt from 5 U.S.C. 552a (c)(3), (d), (e)(1), (e)(4)(G), (e)(4)(H), (e)(4)(I) and (f) of the Privacy Act pursuant to 5 U.S.C. 552a(k)(2).

TREASURY/BEP .027

SYSTEM NAME:

Programmable Access Security System (PASS)—Treasury/BEP.

SYSTEM LOCATION:

Bureau of Engraving and Printing, 14th and C Streets, SW, Washington, DC 20228 and Bureau of Engraving and Printing, Western Currency Facility, 9000 Blue Mound Road, Fort Worth, Texas 76131.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Bureau of Engraving and Printing Employees (Washington, DC and Fort

Worth, Texas); employees of the Bureau of the Public Debt (BPD) who are assigned to work at the 12th and C streets SW., Washington, DC. facility; employees of other U.S. Government agencies who have been cleared for access to the Bureau of Engraving and Printing and issued BEP Access Badges, and contractor and service company employees of the Bureau of Engraving and Printing and the Bureau of Public Debt who have been cleared for access to either bureau.

CATEGORIES OF RECORDS IN THE SYSTEM:

(A) The following information is maintained concerning all individuals who are issued BEP and BPD access badges with photographs: Photograph; Full name; Social Security number; date of birth; badge number; supervisory status, work telephone; work area number; BEP access clearance level; date BEP access level granted; date last security background investigation was completed; BEP access level; BEP access time zone; date access badge issued; date access badge voided; time, date and location of each passage through a security control point. (B) In the case of BEP and BPD employees and contractors issued Temporary Access'' badges and contractors and other issued ''No Escort'' badges, in lieu of his/her BEP access badge with photograph, the same information as in paragraph A (above) is kept. (C) Official visitors, contractors, and others issued ''Escort Visitor'' badges: No information is maintained in the BEP PASS.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

31 U.S.C. 321, 5 U.S.C. 301.

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 to: (1) Disclose pertinent information to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation; (2) disclose information to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit; (3) disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings; (4) disclose information to foreign governments in accordance with formal or informal international agreements; (5) provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains; (6) provide information to the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's functions relating to civil and criminal proceedings; (7) provide information to unions recognized as exclusive bargaining representatives under the Civil Service Reform Act of 1978, 5 U.S.C. 7111 and 7114; (8) provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

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

STORAGE:

Magnetic media and computer printouts.

RETRIEVABILITY:

Numerical by PASS/badge number, alphabetically by last name, and appropriate index by subject.

SAFEGUARDS:

Records are maintained in locked cabinets in a locked room; access is limited to Physical Security Branch staff, Office of Security, Senior management of the Office of Security, the staff of Internal Review Division, Office of Management Control, and at the Fort Worth, Texas, facility. On-line CRT terminals are installed in a locked computer room in two (2) 24-hour manned police offices and selected Office of Security staff offices which are locked. These latter terminals are on lines that are manually activated and deactivated in the PASS computer facility. Access to these terminals is limited to Office of Security staff and contractors. Passwords further limit the extent of access to computer stored information. BEP, BPD and other U.S. Government agency managers and supervisors have access to information pertaining to their subordinates for official purposes as specified in the Record Source Categories.

RETENTION AND DISPOSAL:

Retention period is for two (2) years.

SYSTEM MANAGER(S) AND ADDRESS:

Head, Physical Security Branch, Office of Security, Bureau of Engraving and Printing, 14th and C Streets, SW, Washington, DC 20228 and Security and Police Division personnel, Bureau of Engraving and Printing, Western Currency Facility, 9000 Blue Mound Road, Fort Worth, Texas 76131.

NOTIFICATION PROCEDURE:

Individuals wishing to be notified if they are identified in this system or gain access to records maintained in the system must submit a request containing the following elements: (1) Identification of the record system; (2) identification of the category and types of records sought; (3) at least two items of identification (e.g., name and date of birth, employee identification number, date of employment or similar information). Address inquiries to Disclosure Officer, Bureau of Engraving and Printing; 14th and C Streets, SW, Washington, DC 20228.

RECORD ACCESS PROCEDURE:

See ''Notification procedure'' above.

CONTESTING RECORD PROCEDURES:

See ''Notification procedure'' above.

RECORD SOURCE CATEGORIES:

The individual concerned, his/her supervisor, or an official of the individual's firm or agency.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

TREASURY/BEP .035

SYSTEM NAME:

Tort Claims (Against the United States)—Treasury/BEP.

SYSTEM LOCATION:

Bureau of Engraving and Printing, 14th and C Streets, SW, Washington, DC 20228.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals and/or organizations making claim for money damage against the United States for injury to or loss of property or personal injury or death caused by neglect, wrongful act, or omission of a Bureau of Engraving and Printing employee while acting within the scope of his office or employment.

CATEGORIES OF RECORDS IN THE SYSTEM:

Contains investigative and adjudication documents relative to personal injury and/or property damage claims.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Federal Tort Claims Act, Title 28 U.S.C. 2672, Pub. L. 89–506.

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 to: (1) Disclose pertinent information to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation; (2) disclose information to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit; (3) disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings; (4) provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains; (5) provide information to unions recognized as exclusive bargaining representatives under the Civil Service Reform Act of 1978, 5 U.S.C. 7111 and 7114; (6) provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

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

STORAGE:

File folder.

RETRIEVABILITY:

By name.

SAFEGUARDS:

Access is limited to Office of Chief Counsel staff.

RETENTION AND DISPOSAL:

Retained three years, then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Office of Chief Counsel, Bureau of Engraving and Printing; 14th and C Streets, SW, Washington, DC 20228.

NOTIFICATION PROCEDURE:

Disclosure Officer, Bureau of Engraving and Printing; 14th and C Streets, SW, Washington, DC 20228.

RECORD ACCESS PROCEDURE:

See ''Notification procedure'' above.

CONTESTING RECORD PROCEDURES:

See ''Notification procedure'' above.

RECORD SOURCE CATEGORIES:

Individual or organization's claim and/or investigative reports.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

TREASURY/BEP .038

SYSTEM NAME:

Unscheduled Absence Record—Treasury/BEP.

SYSTEM LOCATION:

Bureau of Engraving and Printing, 14th and C Streets, SW, Washington, DC 20228, and Bureau of Engraving and Printing, Western Currency Facility, 9000 Blue Mound Road, Ft. Worth, Texas 76131.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All Bureau of Engraving and Printing employees who have had unscheduled absences.

CATEGORIES OF RECORDS IN THE SYSTEM:

Record contains chronological documentation of unscheduled absences.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301.

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 to: (1) Disclose pertinent information to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation; (2) disclose information to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit; (3) disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings; (4) provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains; (5) provide information to unions recognized as exclusive bargaining representatives under the Civil Service Reform Act of 1978, 5 U.S.C. 7111 and 7114; (6) provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

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

STORAGE:

Maintained in file folders.

RETRIEVABILITY:

By name.

SAFEGUARDS:

Kept in locked file cabinets; access to these records is restricted to Supervisor and authorized timekeeping personnel.

RETENTION AND DISPOSAL:

Retained for one year following separation or transfer, then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Office of Human Resources, Bureau of Engraving and Printing, 14th and C Streets, SW, Washington, DC 20228, and Human Resources Division, Bureau of Engraving and Printing, Western Currency Facility, 9000 Blue Mound Road, Ft. Worth, Texas 76131.

NOTIFICATION PROCEDURE:

Disclosure Officer, Bureau of Engraving and Printing, 14th and C Streets, SW, Washington, DC 20228.

RECORD ACCESS PROCEDURE:

See ''Notification procedure'' above.

CONTESTING RECORD PROCEDURES:

See ''Notification procedure'' above.

RECORD SOURCE CATEGORIES:

Individual employee's time and attendance records, and his/her supervisor.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

TREASURY/BEP .040

SYSTEM NAME:

Freedom of Information and Privacy Acts Requests—Treasury/BEP.

SYSTEM LOCATION:

Bureau of Engraving and Printing, 14th and C Streets, SW, Washington, DC 20228.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who are requesting information.

CATEGORIES OF RECORDS IN THE SYSTEM:

Correspondence pursuant to the Freedom of Information and Privacy Acts; internal processing documents and memoranda, referrals and copies of requested records.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Freedom of Information Act, 5 U.S.C. 552, 31 CFR part 1, and Privacy Act of 1974, 5 U.S.C. 552a.

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 to: (1) Disclose pertinent information to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation; (2) disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings; (3) provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains; (4) provide information to unions recognized as exclusive bargaining representatives under the Civil Service Reform Act of 1978, 5 U.S.C. 7111 and 7114.

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

STORAGE:

File folders locked in filing cabinet.

RETRIEVABILITY:

By name of requester(s) and date of request.

SAFEGUARDS:

Filed in locked filing cabinet and released only to those parties authorized pursuant to the Freedom of Information Act or the Privacy Act.

RETENTION AND DISPOSAL:

Disposition as prescribed by General Records Schedule 14 issued by the National Archives and Records Administration.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant to the Director's Staff, Bureau of Engraving and Printing, 14th and C Streets, SW, Washington, DC 20228.

NOTIFICATION PROCEDURE:

Disclosure Officer, Bureau of Engraving and Printing, 14th and C Streets, SW, Washington, DC 20228.

RECORD ACCESS PROCEDURE:

See ''Notification procedure'' above.

CONTESTING RECORD PROCEDURES:

See ''Notification procedure'' above.

RECORD SOURCE CATEGORIES:

Individuals who make Freedom of Information and/or Privacy Act requests. Federal officials responding to Freedom of Information and/or Privacy Act requests and documents from official records.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

TREASURY/BEP .041

SYSTEM NAME:

Record of Discrimination Complaints—Treasury/BEP.

SYSTEM LOCATION:

Bureau of Engraving and Printing, 14th and C Streets, SW, Washington, DC 20228, and Bureau of Engraving and Printing, Western Currency Facility, 9000 Blue Mound Road, Ft. Worth, Texas 76131.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees who have initiated discrimination complaints.

CATEGORIES OF RECORDS IN THE SYSTEM:

Data developed as a result of inquiry by the person making the allegation of discrimination.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Executive Order 11478.

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

These records and information contained in the records may be used to: (1) Disclose to EEOC to adjudicate discrimination complaints; (2) disclose pertinent information to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation; (3) disclose information to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit; (4) disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings; (5) provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains; (6) provide information to unions recognized as exclusive bargaining representatives under the Civil Service Reform Act of 1978, 5 U.S.C. 7111 and 7114; (7) provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

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

STORAGE:

Maintained in file folders. Locked in combination safe.

RETRIEVABILITY:

By name and case number.

SAFEGUARDS:

Access is limited to Complainants and Equal Employment Opportunity Staff; maintained in locked combination safe.

RETENTION AND DISPOSAL:

Retained four years after resolution, then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Office of EEO and Employee Counseling Services, Bureau of Engraving and Printing, 14th and C Streets, SW, Washington, DC 20228.

NOTIFICATION PROCEDURE:

Disclosure Officer, Bureau of Engraving and Printing, 14th and C Streets, SW, Washington, DC 20228.

RECORD ACCESS PROCEDURE:

See ''Notification procedure'' above.

CONTESTING RECORD PROCEDURES:

See ''Notification procedure'' above.

RECORD SOURCE CATEGORIES:

Individual employees who have discrimination complaints.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

TREASURY/BEP .043

SYSTEM NAME:

Parking Program Records—Treasury/BEP.

SYSTEM LOCATION:

Bureau of Engraving and Printing, 14th and C Streets, SW, Washington, DC 20228.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Bureau and Non-bureau personnel who have applied for carpool parking privileges.

CATEGORIES OF RECORDS IN THE SYSTEM:

Parking space applicant information—shows applicant's name and address, vehicle make, model and year, vehicle license number, state registration, work hours, work component, home/work phone numbers.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301.

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

Disclosures are not made outside the Department.

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

STORAGE:

Letter-size file folders, and in electronic media.

RETRIEVABILITY:

Alphabetically by applicant, or parking space number.

SAFEGUARDS:

Access is limited to Office of Security staff and maintained in a locked office.

RETENTION AND DISPOSAL:

Destroyed upon change in, or revocation of, parking assignment.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Office of Security, Bureau of Engraving and Printing, 14th and C Streets, SW, Washington, DC 20228.

NOTIFICATION PROCEDURE:

Disclosure Officer, Bureau of Engraving and Printing, 14th and C Streets, SW, Washington, DC 20228.

RECORD ACCESS PROCEDURE:

See ''Notification procedure'' above.

CONTESTING RECORD PROCEDURES:

See ''Notification procedure'' above.

RECORD SOURCE CATEGORIES:

Parking permit applicants.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

TREASURY/BEP .044

SYSTEM NAME:

Personnel Security Files and Indices—Treasury/BEP.

SYSTEM LOCATION:

Employment Suitability Division, Office of Security, Bureau of Engraving and Printing, 14th and C Streets, SW, Washington, DC 20228, and Personnel Security Branch, Security and Police Division, Bureau of Engraving and Printing, Western Currency Facility, 9000 Blue Mound Road, Fort Worth, Texas 76131.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employee applicants, current and former Bureau employees, contractor and service company employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Investigative information related to personnel investigations conducted by the Bureau of Engraving and Printing Security office and other Federal, State, and local Agencies.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Executive Order 10450.

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 to: (1) Disclose pertinent information to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation; (2) disclose information to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit; (3) disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings; (4) disclose information to foreign governments in accordance with formal or informal international agreements; (5) provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains; (6) provide information to the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's functions relating to civil and criminal proceedings; (7) provide information to unions recognized as exclusive bargaining representatives under the Civil Service Reform Act of 1978, 5 U.S.C. 7111 and 7114; (8) provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

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

STORAGE:

File Folders; 3″ x 5″ Index cards, Microfiche and computer records maintained in an automated database.

RETRIEVABILITY:

Alphabetically by name and social security number.

SAFEGUARDS:

Access is limited to Office of Security and Security and Police Division staffs and records are maintained in locked file cabinets and secured databases.

RETENTION AND DISPOSAL:

Destroyed within 90 days following notification that an applicant for employment was not hired; or upon notification of employee death; or within five years after separation or transfer of incumbent employee; or five years after expiration of contractual relationship.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Office of Security, Bureau of Engraving and Printing, 14th and C Streets, SW, Washington, DC 20228. Manager, Security and Police Division, Bureau of Engraving and Printing, Western Currency Facility, 9000 Blue Mound Road, Fort Worth, Texas 76131.

NOTIFICATION PROCEDURE:

Disclosure Officer, Bureau of Engraving and Printing; 14th and C Streets, SW, Washington, DC 20228.

RECORD ACCESS PROCEDURE:

Same as above.

CONTESTING RECORD PROCEDURES:

Same as above.

RECORD SOURCE CATEGORIES:

Individual employee and information supplied by other Federal Investigative Agencies.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

This system is exempt from 5 U.S.C. 552a (c)(3), (d), (e)(1), (e)(4)(G), (e)(4)(H), (e)(4)(I), and (f) of the Privacy Act pursuant to 5 U.S.C. 552a (k)(5).

TREASURY/BEP .045

SYSTEM NAME:

Mail Order Sales Customer File—Treasury/BEP.

SYSTEM LOCATION:

Bureau of Engraving and Printing, 14th and C Streets, SW., Washington, DC 20228.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Customers ordering engraved prints and numismatic products from the Bureau of Engraving and Printing through the mail, and those individuals who have requested that their names be placed on the BEP mailing list.

CATEGORIES OF RECORDS IN THE SYSTEM:

Mail order customer's names, addresses, company names, credit card numbers and expiration dates; history of customer sales; and inventory data.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301.

PURPOSE(S):

The purposes of the Mail Order Sales Customer Files are to: (1) Maintain information regarding customers to inform them of BEP products; (2) provide the capability to research in response to customer inquiries; and (3) transmit credit card information to financial institutions for approval or disapproval.

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 to electronically transmit credit card information to obtain approval or disapproval from the issuing financial institution. Categories of users include personnel involved in credit card approval.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Debt information concerning a Government claim against an individual is also furnished, in accordance with 5 U.S.C. 552a(b)(12) and Section 3 of the Debt Collection Act of 1982 (Pub. L. 97–365), to consumer reporting agencies to encourage repayment of an overdue debt.

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

STORAGE:

Records consist of paper records maintained in file folders and in electronic media.

RETRIEVABILITY:

By customer name, order number or customer number.

SAFEGUARDS:

Access is limited to those authorized individuals who process orders, research customer orders or maintain the computer system. In addition, files and computer data are maintained in a secured area. Access to electronic records is by password.

RETENTION AND DISPOSAL:

Files on customers who have not purchased any products are kept for two years, after which they are taken out of the active system and placed in a separate storage file. This file generates two additional annual mailings after which time they are purged from the system. (Should a customer reorder after being placed on this file, they will be assigned a new customer number and placed back in the main system).

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Office of External Relations, Bureau of Engraving and Printing, 14th and C Streets, SW., Room 515M, Washington, DC 20228.

NOTIFICATION PROCEDURE:

Individuals wishing to be notified if they are named in this system of records, gain access to the records, or contest the contents of any records maintained in this system may inquire in accordance with instructions appearing in 31 CFR part 1, subpart C, appendix F. Address inquiries to Disclosure Officer, Bureau of Engraving and Printing, 14th and C Streets, SW., Washington, DC 20228.

RECORDS ACCESS PROCEDURES:

See ''Notification procedure'' above.

CONTESTING RECORDS PROCEDURES:

See ''Notification procedure'' above.

RECORD SOURCE CATEGORIES:

Customers, BEP employees, financial institutions.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

TREASURY/BEP .046

SYSTEM NAME:

Automated Mutilated Currency Tracking System—Treasury/BEP.

SYSTEM LOCATION:

Bureau of Engraving and Printing, 14th and C Streets, SE, Washington, DC 20228.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals and financial institutions sending in mutilated paper currency claims.

CATEGORIES OF RECORDS IN THE SYSTEM:

Mutilated currency claimants' names, addresses, company names, amount of claims, amount paid, types of currency and condition of currency.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301.

PURPOSE(S):

The purpose of the Automated Mutilated Currency Tracking System is to maintain historical information and to respond to claimants' inquiries, e.g., non-receipt of reimbursement, status of case, etc.

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 to: (1) Disclose pertinent information to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation; (2) disclose information to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit; (3) disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings; (4) provide information to a congressional office in response to an inquiry made at the request of the individual to whom the

record pertains; (5) provide information to the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's functions relating to civil and criminal proceedings; (6) provide information to unions recognized as exclusive bargaining representatives under the Civil Service Reform Act of 1978, 5 U.S.C. 7111 and 7114; (7) provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

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

STORAGE:

Records consist of paper records maintained in file folders and records in electronic media.

RETRIEVABILITY:

By claimant name, case number, address or registered mail number.

SAFEGUARDS:

Access is limited to those specific employees who process the mutilated currency cases, prepare payment, research inquiries or maintain the computer system. In addition, files and computer data are maintained in a secured area. Access to electronic records is by password.

RETENTION AND DISPOSAL:

Active claimant files are maintained for two years. Inactive files are maintained for seven years. After seven years, the files are purged from the system and then destroyed. (Inactive files are those for which final payments have been made.)

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Office of Currency Standards, Bureau of Engraving and Printing, 14th and C Streets, SW, Room 344A, Washington, DC 20228.

NOTIFICATION PROCEDURE:

Individuals wishing to be notified if they are named in this system of records, gain access to the records, or contest the contents of any records maintained in this system may inquire in accordance with instructions appearing in 31 CFR part 1, subpart C, appendix F. Address inquiries to Disclosure Officer, Bureau of Engraving and Printing, 14th and C Streets, SW, Washington, DC 20228.

RECORD ACCESS PROCEDURE:

See ''Notification procedure'' above.

CONTESTING RECORD PROCEDURES:

See ''Notification procedure'' above.

RECORD SOURCE CATEGORIES:

Individuals, banking institutions and BEP employees.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

BILLING CODE: 4810–32–P

Federal Law Enforcement Training Center

TREASURY/FLETC .001

SYSTEM NAME:

FLETC Payroll/Personnel Records System-Treasury/FLETC.

SYSTEM LOCATION:

FLETC, Office of Planning and Resources, Building 94, Glynco, GA 31524. Systems are also located at other FLETC facilities. (See FLETC appendix A for addresses.)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Present and former employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

All payroll records including Standard Forms 50 and 52, time and attendance reports, leave status, health and life insurance requests, payroll deduction requests, employee training, performance evaluations, retirement records, medical/treatment/ injury records, and Equal Employment Opportunity and personnel records consisting of records other than those described and reported by the Office of Personnel Management on behalf of all agencies.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, 5 U.S.C. 4101 et seq; Executive Order No. 11348, dated April 20, 1967, and Treasury Order 140–01, dated September 20, 1994.

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

Disclosure to the individual's parent agency and Federal regulatory agencies on a ''need to know'' basis which include the Department of Labor, Department of Health and Human Services, Merit Systems Protection Board, Federal and Labor Relations Authority, Equal Employment Opportunity Commission and the Office of Personnel Management concerning pay, leave, benefits, retirement deductions, and other information necessary for OPM to carry out its government-wide personnel management functions. These records and information in the records may be used to: (1) Disclose pertinent information to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or indication of a violation or potential violation of civil or criminal law or regulation; (2) disclose information to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual or issuance of a security clearance, license, contract, grant, or other benefit; (3) disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceeding; (4) disclose information to foreign governments in accordance with formal or informal international agreements; (5) provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains; (6) provide information to the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's functions relating to civil and criminal proceedings; (7) provide information to unions recognized as exclusive bargaining representatives under the Civil Service Reform Act of 1978, 5 U.S.C. 7111 and 7114; (8) provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

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

STORAGE:

Paper files, microfiche and various electronic mediums. FLETC computers access the TIMIS payroll and personnel system.

RETRIEVABILITY:

Social Security Number, name, position, and/or organizational element.

SAFEGUARDS:

Physical security, personal access codes, and identification confirmations are all used to prevent unauthorized disclosure of records.

RETENTION AND DISPOSAL:

Disposition as prescribed by General Records Schedules 1 and 2 issued by the National archives and Records

Administration. For more information contact: Records Management Officer, FLETC, Building 94, Glynco, GA 31524.

SYSTEM MANAGER(S) AND ADDRESS:

Associate Director for Planning and Resources, Building 94, FLETC, Glynco, GA 31524.

NOTIFICATION PROCEDURE:

The individual must provide full name, Social Security Number, and date of employment at the FLETC to the System Manager.

RECORD ACCESS PROCEDURES:

By written request to the System Manager.

CONTESTING RECORD PROCEDURES:

See ''Record access'' above.

RECORD SOURCE CATEGORIES:

The employee on whom the record is maintained, prior employers, client agencies and the FLETC.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

TREASURY/FLETC .002

SYSTEM NAME:

FLETC Trainee Records-Treasury/FLETC.

SYSTEM LOCATION:

FLETC, Office of Planning and Resources, Building 94, Glynco, GA 31524, and at the FLETC facility located in Artesia, NM. (See FLETC appendix A for addresses.)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any person who officially attends a FLETC-sponsored Training Program, Symposium, or similar event.

CATEGORIES OF RECORDS IN THE SYSTEM:

Personal background information supplied by the trainee; grades and performance or conduct evaluations, advisory letters to parent agencies, class rosters/photographs and relevant health/physical conditioning.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Treasury Order 140–01, dated September 20, 1993, and Memorandum of Understanding for the Sponsorship and Operation of the Consolidated Federal Law Enforcement Training Center, dated September 30, 1970.

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

Disclosure upon request to the individual's parent agency, to a prospective Federal employer, and to other government officials involved in training or research. These records and information in the records may be used to: (1) Disclose to the Office of Personnel Management concerning pay, leave, benefits, retirement deductions, and other information necessary for OPM to carry out its government-wide personnel management functions; (2) disclose pertinent information to appropriate Federal, state, local or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation; (3) disclose information to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit; (4) disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings; (5) disclose information to foreign governments in accordance with formal or informal international agreements; (6) provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains; (7) provide information to the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's functions relating to civil and criminal proceedings; (8) provide information to unions recognized as exclusive bargaining representatives under the Civil Service Reform Act of 1978, 5 U.S.C. 7111 and 7114; (9) provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

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

STORAGE:

Magnetic media, and paper files.

RETRIEVABILITY:

Name, class number, and Social Security Number.

SAFEGUARDS:

Access to these systems of records will be controlled by software, hardware, and other physical security procedures. Software will be used to ensure, in all technically feasible ways, that data cannot be made available to unauthorized persons. User-identifiers and passwords will be used where feasible to protect the data. Physical security will protect all terminals, disks and tapes, and paper archives from access by unauthorized persons. Offices will be locked except when authorized persons are present. Warehoused paper records are secured, the building alarmed, and access controlled by the Records Management Officer.

RETENTION AND DISPOSAL:

All records are retained and disposed of in accordance with the General Records Schedule issued by the National Archives and Records Administration. For more information contact: Records Management Officer, FLETC, Building 94, Glynco, GA 31524.

SYSTEM MANAGER(S) AND ADDRESS:

Associate Director for Planning and Resources, Building 94, FLETC, Glynco, GA 31524.

NOTIFICATION PROCEDURE:

The individual must provide full name, proof of identity, Social Security Number, date of birth, parent agency, type of course and approximate dates of attendance to the System Manager.

RECORD ACCESS PROCEDURES:

By formal letter to the System Manager.

CONTESTING RECORDS PROCEDURES:

See ''Record access procedures'' above.

RECORD SOURCE CATEGORIES:

The trainee himself and members of the staff responsible for the administrative processing and training of that individual.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

TREASURY/FLETC .004

SYSTEM NAME:

FLETC Administrative Records—Treasury/FLETC.

SYSTEM LOCATION:

FLETC, Office of Planning and Resources, Building 94, Glynco, GA 31524, and at the FLETC facilities located in Artesia, NM. (See FLETC appendix A for addresses.)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Students, current employees, past employees, employees of client agencies, contractor employees, guests, and visiting personnel.

CATEGORIES OF RECORDS IN THE SYSTEM:

Access Control/Identification, Vehicle Registration and Driver Violation, Equipment Control, Property Pass/ Accountability, Lost and Found, Key Assignment, Safety and Occupational Health Program, Security Incident, Emergency Services, Administrative Inquiry, Instructor Management records and Resource and Marketing Mailing Lists.

AUTHORITY FOR THE MAINTENANCE OF THE SYSTEM:

Treasury Order 140–01, dated September 20, 1994.

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

Disclosure to the contract employer, the individual's parent agency, and Federal regulatory agencies on a ''need to know'' basis. These records and information in the records may be used to: (1) Disclose pertinent information to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation; (2) disclose information to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit; (3) disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings; (4) disclose information to foreign governments in accordance with formal or informal international agreements; (5) provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains; (6) provide information to the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's functions relating to civil and criminal proceedings; (7) provide information to unions recognized as exclusive bargaining representatives under the Civil Service Reform Act of 1978, 5 U.S.C. 7111 and 7114; (8) provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

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

STORAGE:

Various electronic Mediums and paper files.

RETRIEVABILITY:

Name, Social Security Number, Employer, and/or Organizational Element.

SAFEGUARDS:

Physical security, personnel screening and computer passwords are all used to prevent unauthorized disclosure of records.

RETENTION AND DISPOSAL:

Retained at the FLETC, destroyed after 40 years.

SYSTEM MANAGER(S) AND ADDRESS:

Associate Director for Planning and Resources, Building 94, FLETC, Glynco, GA 31524.

NOTIFICATION PROCEDURE:

The individual must provide full name, proof of identity, social security number, and dates of duty at the Center to the System Manager.

RECORD ACCESS PROCEDURES:

By written request to the System Manager.

CONTESTING RECORD PROCEDURES:

See ''Record access procedures'' above.

RECORD SOURCE CATEGORIES:

The individual on whom the record is maintained, client agencies, employers, and the FLETC.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

FLETC Appendix A

Federal Law Enforcement Training Center, Glynco, GA 31524

Federal Law Enforcement Training Center, Washington Office, 650 Massachusetts Avenue, NW, Washington, DC 20226

Federal Law Enforcement Training Center, Artesia Facility, 1300 W. Richey Avenue, Artesia, NM 88210.

BILLING CODE: 4810–35–P

Financial Management Service

TREASURY/FMS .001

SYSTEM NAME:

Administrative Records—Treasury/ Financial Management Service.

SYSTEM LOCATION:

Financial Management Service, U.S. Department of the Treasury, Prince George Metro Center II, 3700 East-West Highway, Room 144, Hyattsville, MD 20782. Also, please see Appendix I.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Financial Management Service personnel.

CATEGORIES OF RECORDS IN THE SYSTEM:

(1) Motor Vehicle Accident Reports. (2) Parking Permits. (3) Distribution List of individuals requesting various Treasury publications. (4) Treasury Credentials.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301.

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 to: (1) Disclose to GSA for drivers permits, parking permits, accident reports, and credentials; (2) disclose to GPO for servicing public on Treasury publications.

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

STORAGE:

Hard copy and microcomputer.

RETRIEVABILITY:

By name and by Treasury publication.

SAFEGUARDS:

Locked containers. Administrative Procedure—names are not given to anyone except those who control the listing.

RETENTION AND DISPOSAL:

(1) Distribution List—destroy one year after declared obsolete. (2) Motor Vehicle Accident Reports—six years after closure of the case. (3) Parking permits and Treasury Credentials—destroy 3 months after return to issuing officer.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Facilities Management Division, Financial Management Service, U.S. Department of the Treasury, Prince George Metro Center II, 3700 East-West Highway, Room 144, Hyattsville, MD 20782.

NOTIFICATION PROCEDURE:

Inquiries under the Privacy Act of 1974 shall be sent to the Disclosure Officer, Financial Management Service, U.S. Department of the Treasury, Liberty Center Building, 401 14th St., SW, Washington, DC 20227. All individuals making inquiries should provide with their request as much descriptive matter as is possible to identify the particular record desired. The Systems Manager will advise as to whether the Service maintains the record requested by the individual.

RECORD ACCESS PROCEDURES:

Individuals requesting information under the Privacy Act of 1974 concerning procedures for gaining access or contesting records should write to the Disclosure Officer at the address shown above. All individuals are urged to examine the rules of the U.S. Department of the Treasury published in 31 CFR part 1, subpart C concerning requirements of this Department with respect to the Privacy Act of 1974.

CONTESTING RECORD PROCEDURES:

See ''Record access procedures'' above.

RECORD SOURCE CATEGORIES:

Financial Management Service personnel.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

Appendix I to FMS .001

Motor Vehicle Accident Reports

Prince George Metro Center II, 3700 East-West Highway, Room 127, Hyattsville, MD 20782.

Parking Permits

1. Prince George Metro Center II, 3700 East-West Highway, Room 127, Hyattsville, MD 20782
2. Liberty Center Building, 401 14th Street, SW, Room 118, Washington, DC 20227.

Distribution List

Prince George Metro Center II, 3700 East-West Highway, Hyattsville, MD 20782.

Treasury Credentials

Prince George Metro Center II, 3700 East-West Highway, Room 158–B, Hyattsville, MD 20782.

TREASURY/FMS .002

SYSTEM NAME:

Payment issue records for regular recurring benefit payments—Treasury/Financial Management Service.

SYSTEM LOCATION:

The Financial Management Service, U.S. Department of the Treasury, Washington, DC 20227. Records maintained at Financial Centers in six regions Austin, TX; Birmingham, AL; Chicago, IL; Kansas City, MO; Philadelphia, PA; and San Francisco, CA.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

(1) Beneficiaries of Title II of the Social Security Act.

(2) Beneficiaries of Title XVI of the Social Security Act.

(3) Beneficiaries of the Civil Service Retirement System.

(4) Beneficiaries of the Railroad Retirement System.

(5) Beneficiaries of the Department of Veterans Affairs.

(6) Holders of Series H and HH Bonds (interest payment).

CATEGORIES OF RECORDS IN THE SYSTEM:

Payment issue records for regular recurring benefit payments showing name, check number and symbol, or other identification, address, account number, payment amount, and date of issuance for each of the categories of individuals listed above.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; Executive Order 6166, dated June 10, 1933.

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 to: (1) Disclose to banking industry for payment verification; (2) disclose to Federal investigative agencies, Departments and agencies for whom payments are made, and payees; (3) disclose pertinent information to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation; (4) disclose information to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit; (5) disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings; (6) disclose information to foreign governments in accordance with formal or informal international agreements; (7) provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains; (8) provide information to the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's functions relating to civil and criminal proceedings; (9) provide information to unions recognized as exclusive bargaining representatives under the Civil Service Reform Act of 1978, 5 U.S.C. 7111 and 7114; (10) provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation; (11) disclose information concerning delinquent debtors to Federal creditor agencies, their employees, or their agents for the purpose of facilitating or conducting Federal administrative offset, Federal tax refund offset, Federal salary offset, or for any other authorized debt collection purpose; (12) disclose information to any State, Territory or Commonwealth of the United States, or the District of Columbia to assist in the collection of State, Commonwealth, Territory or District of Columbia claims pursuant to a reciprocal agreement between FMS and the State, Commonwealth, Territory or the District of Columbia; and (13) disclose to the Defense Manpower Data Center and the United States Postal Service and other Federal agencies through authorized computer matching programs for the purpose of identifying and locating individuals who are delinquent in their repayment of debts owed to the Department or other Federal agencies in order to collect those debts through salary offset and administrative offset, or by the use of other debt collection tools.

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

STORAGE:

Microfilm-magnetic tape for categories of individuals 1 through 6.

RETRIEVABILITY:

By account number.

SAFEGUARDS:

Computer password system, card-key entry system, limited to authorized personnel.

RETENTION AND DISPOSAL:

Indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Disbursing Officer, Financial Management Service, 401 14th Street, SW, Washington, DC 20227.

NOTIFICATION PROCEDURE:

Inquiries under the Privacy Act of 1974 shall be addressed to the Disclosure Officer, Financial Management Service, 401 14th Street, SW, Washington, DC 20227. All individuals making inquiries should provide with their request as much descriptive matter as is possible to identify the particular record desired. The Systems Manager will advise as to whether the Service maintains the record requested by the individual.

RECORD ACCESS PROCEDURES:

Individuals requesting information under the Privacy Act of 1974 concerning procedures for gaining access or contesting records should write to the Disclosure Officer at the address shown above. All individuals are urged to examine the rules of the U.S. Department of the Treasury published in 31 CFR, part 1, subpart C concerning requirements of this Department with respect to the Privacy Act of 1974.

CONTESTING RECORD PROCEDURES:

See ''Record access procedures'' above.

RECORD SOURCE CATEGORIES:

Voucher certifications by Departments and agencies for whom payments are made.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

TREASURY/FMS .003

SYSTEM NAME:

Claims and Inquiry Records on Treasury Checks, and International Claimants—Treasury/Financial Management Service.

SYSTEM LOCATION:

Financial Management Service, U.S. Department of the Treasury, Prince George Metro Center II, 3700 East-West Highway, Room 727D, Hyattsville, MD 20782.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

(1) Payees and holders of Treasury checks, (2) Claimants awarded benefits under the War Claims Act and the International Claims Settlement Act of 1949.

CATEGORIES OF RECORDS IN THE SYSTEM:

(1) Treasury check claim file: Treasury check, claim of payee with name and address, settlement action taken. (2) Awards for claims for losses sustained by individuals.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; (1) For Treasury check claims—31 U.S.C. 71 with delegation of authority from Comptroller General of the United States; (2) International claims—50 U.S.C. 2012; 22 U.S.C. 1627, 1641, 1642.

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

(1) Information is routinely disclosed to endorsers concerning checks for which there is liability, Federal agencies, State and local law enforcement agencies, General Accounting Office, Congressional offices and media assistance offices on behalf of payee claimants. (2) International Claims—Information in files is used by claimants (awardees) and their representatives, Foreign Claims Settlement Commission, and Congressmen. These records and information in the records may be used to: (1) Disclose pertinent information to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation; (2) disclose information to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit; (3) disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings; (4) disclose information to foreign governments in accordance with formal or informal international agreements; (5) provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains; (6) provide information to the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's functions relating to civil and criminal proceedings; (7) to provide information to unions recognized as exclusive bargaining representatives under the Civil Service Reform Act of 1978, 5 U.S.C. 7111 and 7114, and (8) provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

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

STORAGE:

(1) Claim file folders, card/paper checks, microfilm, and magnetic media. (2) Correspondence files. (3) Claim file folders.

RETRIEVABILITY:

(1) Name of payee and check number and symbol. (2) Alpha cross-reference to case number. (3) Name of claimant or alpha reference to claim number.

SAFEGUARDS:

(1) Secured building. (2) Secured files in secured building.

RETENTION AND DISPOSAL:

(1) Claim files and checks, six years seven months; Microfilm, indefinitely. (2) Correspondence files—seven years. (3) Claim file folders—indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Category 1: Director, Financial Processing Division, Prince George Metro Center II, 3700 East-West Highway, Room 727D, Hyattsville, MD 20782. Category 2: Director, Funds Management Division, Prince George Metro Center II, 3700 East-West Highway, Room 620D, Hyattsville, MD 20782.

NOTIFICATION PROCEDURE:

Inquiries under the Privacy Act of 1974 shall be addressed to the Disclosure Officer, Financial Management Service, 401 14th St., SW, Washington, DC 20227. All individuals making inquiries should provide with their request as much descriptive matter as is possible to identify the particular record desired. The Systems Manager will advise as to whether the Service maintains the record requested by the individual.

RECORD ACCESS PROCEDURES:

Individuals requesting information under the Privacy Act of 1974 concerning procedures for gaining access or contesting records should write to: Disclosure Officer, Financial Management Service, U.S. Department of the Treasury, 401 14th Street, SW., Washington, DC 20227. All individuals are urged to examine the rules of the

U.S. Department of the Treasury published in 31 CFR part 1, subpart C concerning requirements of this Department with respect to the Privacy Act of 1974.

CONTESTING RECORD PROCEDURES:

See ''Record access procedures'' above.

RECORD SOURCE CATEGORIES:

(1) Individual payees of Treasury checks, endorsers of Treasury checks, investigative agencies, contesting claimants. (2) Awards certified to Treasury for payment by Foreign Claims Settlement Commission.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

TREASURY/FMS .005

SYSTEM NAME:

FMS Personnel Records—Treasury/Financial Management Service.

SYSTEM LOCATION:

Financial Management Service, U.S. Department of the Treasury, 401 14th St., SW, Washington, DC 20227; Financial Management Service, U.S. Department of the Treasury, Prince George Metro Center II, 3700 East-West Highway, Hyattsville, MD 20782.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All Employees of Service (Separated employees—in certain cases) and applicants.

CATEGORIES OF RECORDS IN THE SYSTEM:

(1) Locator Cards. (2) Incentive Awards Record. (3) Official Personnel Folder. (4) Personnel Roster. (5) Logs of SF–52's, (6) Correspondence File. (7) Position Listings. (8) Position Descriptions with Evaluation Statements. (9) Personnel Management Evaluation Survey Reports. (10) Request for Certification File. (11) Merit Promotion File. (12) Exit Interview File. (13) Performance File. (14) Statistical Reports—retrievable by names: (a) Personnel Status Report, (b) Ad Hoc Retiree Report, (c) Monthly EEO report, (d) Direct Hire Authority Report, (e) Registers Worked File, (f) Statements of Employment and Financial Interest, and (g) Other similar files or registers. (15) Training Course Nominations. (16) Evaluation of Training Program. (17) Tuition Assistance Files. (18) Senior Executive Service Development File. (19) Management Development File.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Executive Order 10561, dated September 13, 1954, Federal Personnel Manual, and Title 5 of U.S.C. Code.

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 to: (1) Disclose pertinent information to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation; (2) disclose information to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit; (3) disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings; (4) disclose information to foreign governments in accordance with formal or informal international agreements; (5) provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains; (6) provide information to the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's functions relating to civil and criminal proceedings; (7) To provide information to unions recognized as exclusive bargaining representatives under the Civil Service Reform Act of 1978, 5 U.S.C. 7111 and 7114, and (8) provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

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

STORAGE:

Hard copy and magnetic storage.

RETRIEVABILITY:

Alphabetically by name; also in some instances by organization, then Social Security number.

SAFEGUARDS:

Secured building, secured room, and locked cabinets. Non-FMS access is limited to investigators from OPM, etc., members of Fair Employment staff and Union officials.

RETENTION AND DISPOSAL:

Records are maintained and disposed of in accordance with General Records Schedules issued by the National Archives and Records Administration.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Personnel Management Division, Financial Management Service, U.S. Department of the Treasury, Prince George Metro Center II, 3700 East-West Highway, Room 115–F, Hyattsville, MD 20782.

NOTIFICATION PROCEDURE:

Inquiries under the Privacy Act of 1974 shall be addressed to the Disclosure Officer, Financial Management Service, 401 14th St., SW, Washington, DC 20227. All individuals making inquiries should provide with their request as much descriptive matter as is possible to identify the particular record desired. The Systems Manager will advise as to whether the Service maintains the record requested by the individual.

RECORD ACCESS PROCEDURES:

Individuals requesting information under the Privacy Act of 1974 concerning procedures for gaining access or contesting records should write to the Disclosure Officer at the address shown above. All individuals are urged to examine the rules of the U.S. Department of the Treasury published in 31 CFR part 1, subpart C concerning requirements of this Department with respect to the Privacy Act of 1974.

CONTESTING RECORD PROCEDURES:

See ''Record access procedures'' above.

RECORD SOURCE CATEGORIES:

Applicant Personnel Action Forms (SF–50), SF–171 (Completed by applicant), Payroll Actions References, Educational Institutions, etc.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

TREASURY/FMS .007

SYSTEM NAME:

Payroll and Pay Administration—Treasury/Financial Management Service.

SYSTEM LOCATION:

Financial Management Service, U.S. Department of the Treasury, Prince George Metro Center II, 3700 East-West Highway, Room 133 and 101A, Hyattsville, MD 20782; and Room 120,

Liberty Center Building, Washington, DC 20227.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All Employees of the Service and Separated Employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

(1) Official Payroll Folder (a) Levy and Garnishment Records. (b) SF–1192—Savings Bond Authorization. (c) SF–1199A—Allotment of Pay to Saving Account. (d) Copies of SF–50—Notification of Personnel Action. (e) Withholding Tax Exemptions. (f) Copy of Health Benefit Designation. (g) Copy of Life Insurance Forms. (h) Payroll Change Slips. (I) Combined Federal Campaign Designations. (j) Copy of SF–1150. (2) Time and Attendance Reports (a) SF–71 Request for Leave. (b) Court Leave Documents. (c) Request for Advancement of Leave. (3) Payroll Comprehensive Listing (a) Current Payment Information. (b) Record of Leave Earned and Used. (c) All Deductions from Pay. (d) Personnel Information such as Grade, Step, Salary, Title, Date of Birth, Social Security Number, Veterans Preference, Tenure, etc. (4) Payroll Control Registers.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 5—Pay, Leave and Allowances.

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

Disclosure permitted to Federal Agencies and to State and Local Agencies for tax purposes.

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

STORAGE:

Hard copy, microfiche, and magnetic media.

RETRIEVABILITY:

By Social Security number.

SAFEGUARDS:

Secured building, secured room and locked cabinets.

RETENTION AND DISPOSAL:

Records are stored, maintained and disposed of in accordance with General Records Schedules issued by the National Archives and Records Administration.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Personnel Management Division, Financial Management Service, Prince George Metro Center II, 3700 East-West Highway, Room 115–F, Hyattsville, MD 20782.

NOTIFICATION PROCEDURE:

Inquiries under the Privacy Act of 1974 shall be addressed to the Disclosure Officer, 401 14th St., SW, Washington, DC 20227. All individuals making inquiries should provide with their request as much descriptive matter as is possible to identify the particular record desired. The Systems Manager will advise as to whether the Service maintains the record requested by the individual.

RECORD ACCESS PROCEDURES:

Individuals requesting information under the Privacy Act of 1974 concerning procedures for gaining access or contesting records should write to the Disclosure Officer at the address shown above. All individuals are urged to examine the rules of the U.S. Department of the Treasury published in 31 CFR part 1, subpart C concerning requirements of this Department with respect to the Privacy Act of 1974.

CONTESTING RECORD PROCEDURES:

See ''Record access procedures'' above.

RECORD SOURCE CATEGORIES:

From individual Service employees.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

TREASURY/FMS .008

SYSTEM NAME:

Personnel Security Records—Treasury/Financial Management Service.

SYSTEM LOCATION:

Financial Management Service, U.S. Department of the Treasury, Prince George Metro Center II, 3700 East-West Highway, Room 158–B, Hyattsville, MD 20782.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Financial Management Service Employees, contractor employees, and applicants for position in the Service.

CATEGORIES OF RECORDS IN THE SYSTEM:

Results of investigations, national agency checks and written inquiries, and other limited investigations.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 5, U.S.C., Chapter 73, Executive Order 10450, as amended, and Treasury Order 102–3.

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

The records are reviewed for the purpose of determining the suitability of Service employees, contractor employees, and applicants and granting security clearances for employees in sensitive positions. Users: Federal Agencies, Federal, State and Local Law Enforcement Agencies; and credit bureaus. These records and information in the records may be used to: (1) Disclose pertinent information to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation; (2) disclose information to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit; (3) disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings; (4) disclose information to foreign governments in accordance with formal or informal international agreements; (5) provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains; (6) provide information to the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's functions relating to civil and criminal proceedings; (7) provide information to unions recognized as exclusive bargaining representatives under the Civil Service Reform Act of 1978, 5 U.S.C. 7111 and 7114, and (8) provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

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

STORAGE:

File folders and computers.

RETRIEVABILITY:

Filed alphabetically by name and Social Security Number.

SAFEGUARDS:

Stored in a safe cabinet secured with a combination lock and/or magnetic media. Access to the records is restricted to key personnel who have been granted clearances to occupy critical-sensitive positions.

RETENTION AND DISPOSAL:

The records on employees are retained by the Service during their employment. The records on applicants not selected and separated employees are destroyed, sent to the Federal Records Center, or returned to the investigating agency.

SYSTEM MANAGER(S) AND ADDRESS:

Security Officer, Financial Management Service, Prince George Metro Center II, 3700 East-West Highway, Room 158–B, Hyattsville, MD 20782.

NOTIFICATION PROCEDURE:

Inquiries under the Privacy Act of 1974 shall be addressed to the Disclosure Officer, 401 14th Street, SW, Washington, DC 20227. All individuals making inquiries should provide with their request as much descriptive matter as is possible to identify the particular record desired. The Systems Manager will advise as to whether the Service maintains the record.

RECORD ACCESS PROCEDURES:

Individuals requesting information under the Privacy Act of 1974 concerning procedures for gaining access or contesting records should write to the Disclosure Officer. All individuals are urged to examine the rules of the U.S. Department of the Treasury published in 31 CFR Part 1, subpart C concerning requirements of this Department with respect to the Privacy Act of 1974.

CONTESTING RECORD PROCEDURES:

See ''Records access procedures'' above.

RECORD SOURCE CATEGORIES:

Sources are applicants, employers, former employers, contractor employers, references, fellow workers, neighbors, educational authorities, military records, police and criminal records, credit records and others as required.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

TREASURY/FMS .010

SYSTEM NAME:

Records of Accountable Officers' authority with Treasury—Treasury/Financial Management Service.

SYSTEM LOCATION:

Financial Management Service, U.S. Department of the Treasury, Liberty Center Building, 401 14th Street, SW, Washington, DC 20227.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

(1) Regional Directors. (2) Certifying Officers. (3) Designated Agents.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records are maintained on the above listed accountable officers showing the designation or removal of the officer to act in the specified capacity pursuant to a proper authorization.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; Executive Order 6166, dated June 10, 1933.

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 to: (1) Disclose to Banking institutions, Federal Reserve Banks, and Government agencies for verification of information on authority of accountable officers to determine propriety of actions taken by such individuals; (2) disclose pertinent information to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation; (3) disclose information to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit; (4) disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings; (5) disclose information to foreign governments in accordance with formal or informal international agreements; (6) provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains; (7) provide information to the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's functions relating to civil and criminal proceedings; (8) provide information to unions recognized as exclusive bargaining representatives under the Civil Service Reform Act of 1978, 5 U.S.C. 7111 and 7114; and (9) provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

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

STORAGE:

Card files; paper files.

RETRIEVABILITY:

By name.

SAFEGUARDS:

Regional Directors' files are locked.

RETENTION AND DISPOSAL:

Hard-copy records are maintained and disposed of in accordance with General Records Schedules issued by the National Archives and Records Administration.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Disbursing Officer, Financial Management Service, U.S. Department of the Treasury, 401 14th Street, SW, Room 343, Washington, DC 20227.

Director, Austin Regional Financial Center, Financial Management Service, Department of the Treasury, 1619 E. Woodward Street, Austin, TX 78741

Director, Birmingham Regional Financial Center, Financial Management Service, Department of the Treasury, 190 Vulcan Road, Birmingham, AL 35109

Director, Chicago Regional Financial Center, Financial Management Service, Federal Office Building, 536 S. Clark Street, Chicago, IL 60605

Director, Kansas City Regional Financial Center, Financial Management Service, Department of the Treasury, 2100 W. 36th Avenue, Kansas City, KS 66103

Director, Philadelphia Regional Financial Center, Financial Management Service, 1300 Townsend Road, Philadelphia, PA 19154

Director, San Francisco Regional Financial Center, 390 Main Street, San Francisco, CA 94104.

NOTIFICATION PROCEDURE:

Inquiries under the Privacy Act of 1974 shall be addressed to the Disclosure Officer, Financial Management Service, 401 14th St., SW, Washington, DC 20227. All individuals

making inquiries should provide with their request as much descriptive matter as is possible to identify the particular record desired. The Systems Manager will advise as to whether the Service maintains the record requested by the individual.

RECORD ACCESS PROCEDURES:

Individuals requesting information under the Privacy Act of 1974 concerning procedures for gaining access or contesting records should write to the Disclosure Officer. All individuals are urged to examine the rules of the U.S. Department of the Treasury published in 31 CFR part 1, subpart C concerning requirements of this Department with respect to the Privacy Act of 1974.

CONTESTING RECORD PROCEDURES:

See ''Record access procedures'' above.

RECORD SOURCE CATEGORIES:

Government Departments and Agencies requiring services of Treasury Department for issuance and payment of Treasury checks.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

TREASURY/FMS .012

SYSTEM NAME:

Pre-complaint Counseling and Complaint Activities—Treasury/ Financial Management Service.

SYSTEM LOCATION:

Financial Management Service, U.S. Treasury Department, Prince George Metro Center II, 3700 East-West Highway, Room 132, Hyattsville, MD 20782.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees seeking services of EEO Counselors.

CATEGORIES OF RECORDS IN THE SYSTEM:

Monthly pre-complaint activity reports from seven Financial Centers and Headquarters.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 7154; 42 U.S.C. 200e–16; Executive Order 11478; and 5 CFR part 713.

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

Used to keep records on EEO Counseling activities for annual submission to Treasury.

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

STORAGE:

File cabinet.

RETRIEVABILITY:

Filed by station and date of receipt.

SAFEGUARDS:

Staff supervision is maintained during the day. Records are kept locked in the files.

RETENTION AND DISPOSAL:

Reports destroyed at the end of four years.

SYSTEM MANAGER(S) AND ADDRESS:

EEO Officer, Financial Management Service, Prince George Metro Center II, 3700 East-West Highway, Room 132, Hyattsville, MD 20782.

NOTIFICATION PROCEDURE:

Inquiries under the Privacy Act of 1974 shall be addressed to the Disclosure Officer, 401 14th Street, SW., Washington, DC 20227. All individuals making inquiries should provide with their request as much descriptive matter as is possible to identify the particular record desired. The Systems Manager will advise as to whether the Service maintains the record requested by the individual.

RECORD ACCESS PROCEDURES:

Individuals requesting information under the Privacy Act of 1974 concerning procedures for gaining access or contesting records should write to the Disclosure Officer. All individuals are urged to examine the rules of the U.S. Department of the Treasury published in 31 CFR part 1, subpart C concerning requirements of this Department with respect to the Privacy Act of 1974.

CONTESTING RECORD PROCEDURES:

See ''Record access procedures'' above.

RECORD SOURCE CATEGORIES:

Monthly submissions by Financial Centers and Headquarters.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

TREASURY/FMS .013

SYSTEM NAME:

Gifts to the United States—Treasury/ Financial Management Service.

SYSTEM LOCATION:

Financial Management Service, U.S. Department of the Treasury, Prince George Metro Center II, 3700 East-West Highway, Hyattsville, MD 20782.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Donors of intervivos and testamentary gifts to the United States.

CATEGORIES OF RECORDS IN THE SYSTEM:

Correspondence, copies of wills and court proceedings, and other material related to gifts to the United States.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

31 U.S.C. 3113.

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

Disclosures are not made outside of the Department.

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

STORAGE:

Filing cabinets.

RETRIEVABILITY:

Name of donor.

SAFEGUARDS:

Access is limited to persons on official business.

RETENTION AND DISPOSAL:

Records are maintained for 10 years.

SYSTEM MANAGER(S) AND ADDRESS:

Financial Information Management, Directorate, Financial Management Service, Prince George Metro Center II, 3700 East-West Highway, Hyattsville, MD 20782.

NOTIFICATION PROCEDURE:

Individuals wishing to be notified if they are named in this system of records, or gain access to records maintained in this system must submit a written request containing the following elements: (1) Identify the record system; (2) identify the category and type of records sought; and (3) provide at least two items of secondary identification (date of birth, employee identification number, dates of employment or similar information). Address inquiries to Disclosure Officer (See ''Record access procedures'' below).

RECORD ACCESS PROCEDURES:

Disclosure Officer, Financial Management Service, U.S. Department of the Treasury, Liberty Center Building, 401 14th Street, SW., Washington, DC 20227.

CONTESTING RECORD PROCEDURES:

See ''Record access procedures'' above.

RECORD SOURCE CATEGORIES:

Individuals, executors, administrators and other involved persons.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

TREASURY/FMS .014

SYSTEM NAME:

Debt Collection Operations System—Treasury/Financial Management Service.

SYSTEM LOCATION:

The Debt Management Services Staff, Financial Management Service, U.S. Department of the Treasury, 401 14th Street, SW., Washington, DC 20227.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Records are maintained on individuals and entities that are financially indebted to the U.S. Government through one or more of its departments and agencies and are the result of participation in a Federal direct or guaranteed loan program, the assessment of a fine, fee, or penalty, an overpayment or advance, or other extensions of credit such as would result from sales of goods or services. Records are also maintained on individuals who are indebted to States, Territories and Commonwealths of the United States, and the District of Columbia, including records on individuals who owe past due support which is being enforced by a State, Territory, Commonwealth or the District of Columbia.

CATEGORIES OF RECORDS IN THE SYSTEM:

Information varies, depending on the individual debtor, the type of indebtedness and the governmental entity to which monies are owed. The system of records contains information pertaining to: (1) Individuals and commercial organizations, such as name, Taxpayer Identification Number (i.e., social security number, or employer identification number), work and home address, and work and home phone numbers; (2) the indebtedness, such as the original amount of the debt, the date the debt originated, the amount of the delinquency/default, the date of delinquency/default, basis of the debt, amounts accrued for interest, penalties, and administrative costs, and payments on the account; (3) actions taken to enforce recovery of the debt, such as copies of demand letters/invoices, and documents required for the referral of accounts to collection agencies, or for litigation; and (4) referring or governmental entity, such as name, phone number, and address of the agency contact.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Federal Claims Collection Act of 1966 (Pub. L. 89–508), as amended by the Debt Collection Act of 1982 (Pub. L. 97–365. as amended), and the Deficit Reduction Act of 1984 (Pub. L. 98–369, as amended); the Debt Collection Improvement Act of 1996 (Pub. L. 104–134, Section 31001); 31 U.S.C. 37, Subchapter I (General) and Subchapter II (Claims of the U.S. Government).

PURPOSE(S):

The purpose of this system is to maintain records of individuals and entities that are: (1) Indebted to the Financial Management Service (FMS); (2) indebted to the various Federal Government departments and agencies and whose accounts are being serviced or collected by FMS; and (3) indebted to States, Territories and Commonwealths of the United States, and the District of Columbia (including past due child support debts being enforced by the States, Territories, Commonwealths or the District of Columbia). The records ensure that: Appropriate collection action on debtors' accounts is taken and properly tracked, monies collected and credited, and accounts are returned to the appropriate client at the time the account is collected or closed.

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

These records and information in these records may be used to disclose information to: (1) Appropriate Federal, state, local or foreign agencies responsible for investigating or implementing, a statute, rule, regulation, order, or license; (2) a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings; (3) a congressional office in response to an inquiry made at the request of the individual or entity to whom the record pertains; (4) the Internal Revenue Service for the purpose of: Effecting and administrative offset against the debtor's tax refund to recover a delinquent debt owed to the U.S. Government by the debtor; or, obtaining the mailing address of a taxpayer/debtor in order to locate the taxpayer/debtor in accordance with 31 U.S.C. 3711, 3717, and 3718 and 26 U.S.C. 6103(m)(2); (5) the Department of Justice for the purpose of litigation to enforce collection of a delinquent debt or to obtain the Department of Justice's concurrence in a decision to compromise, suspend, or terminate collection action on a debt with a principle amount in excess of $100,000 or such higher amount as the Attorney General may, from time to time, prescribe in accordance with 31 U.S.C. 3711(a); (6) the Department of Defense or the U.S. Postal Service or other Federal agency for the purpose of conducting an authorized computer matching program in compliance with the Privacy Act of 1974, as amended, so as to identify and locate individuals receiving Federal payments (including, but not limited to, salaries, wages, and benefits) for the purpose of requesting voluntary repayment or implementing Federal employee salary offset or administrative offset procedures; (7) the Department of Defense or U.S. Postal Service or other Federal agency for the purpose of effecting an administrative offset against Federal payments certified to be paid to the debtor to recover a delinquent debt owed by the debtor; (8) any creditor Federal agency seeking assistance for the purpose of seeking voluntary repayment of a debt or implementing Federal employee salary offset or administrative offset in the collection of unpaid financial obligations; (9) Any Federal, State, or local agency, or to the public for the purpose of collecting on a delinquent debt through the use of debt collection tools authorized under the Debt Collection Improvement Act of 1996 such as referring the debt to debt collection centers, administrative wage garnishment, public dissemination of debtor information, or selling the debt; or any other legitimate debt collection purpose; (10) Any Federal, State or local agency for the purpose of accounting on or reporting the status of debts for which the Federal, State or local agency has a financial or other legitimate need for the information in the performance of official duties; (11) Any Federal agency or its agents for the purpose of denying Federal financial assistance in the form of a loan or loan guaranty to an individual delinquent on a Federal claim, or delinquent on a child support claim referred to FMS for administrative offset; and (12) Any State, Territory or Commonwealth of the United States, or the District of Columbia to collect a claim owed to the Federal Government or to assist in the collection of a State, Commonwealth, Territory or District of Columbia claim pursuant to a reciprocal agreement between FMS and the State, Territory, Commonwealth or the District of Columbia.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Debt information concerning a government claim against a debtor is also furnished in accordance with 5 U.S.C. 552a(b)(12) and section 3 of the

Debt Collection Act of 1982, as amended (Pub. L. 97–365), to consumer reporting agencies, as defined by the Fair Credit Reporting Act, 5 U.S.C. 1681(f), to encourage repayment of an overdue debt.

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

STORAGE:

Records are maintained on magnetic disc, tape, and hard copy.

RETRIEVABILITY:

Records are retrieved by name or taxpayer identification number (i.e., social security number or employer identification number).

SAFEGUARDS:

All officials access the system of records will do so on a need-to-know basis only, as authorized by the system manager. Procedural and physical safeguards are utilized, such as accountability, receipt records, and specialized communications security. This data system has an internal mechanism to restrict access to authorized officials. Hard-copy records are held in steel cabinets, with access limited by visual controls and/or lock system. During normal working hours, files are attended by responsible officials; files are locked up during non-working hours. The building is patrolled by uniformed security guards.

RETENTION AND DISPOSAL:

Hard-copy records are returned to the agency which had contracted for service or collection with FMS at the time an individual account is resolved through collection, compromise, or write-off/close out or at the agency's request. Summary information, such as results of collection action undertaken, for the purpose of producing management reports is retained for a period of five (5) years.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager, Debt Collection Operations Staff, Financial Management Service, 401 14th Street, SW, Washington, DC 20227.

NOTIFICATION PROCEDURE:

Inquiries under the Privacy Act of 1974 shall be addressed to the Disclosure Officer, Financial Management Service, 401 14th Street, SW, Washington, DC 20227. All individuals making inquiries should provide with their request as much descriptive matter as is possible to identify the particular record desired. The system manager will advise as to whether FMS maintains the records requested by the individual.

RECORD ACCESS PROCEDURES:

Individuals requesting information under the Privacy Act of 1974 concerning procedures for gaining access or contesting records should write to the Disclosure Officer. All individuals are urged to examine the rules of the U.S. Department of the Treasury published in 31 CFR part, subpart C, appendix G, concerning requirements of this Department with respect to the Privacy Act of 1974.

CONTESTING RECORD PROCEDURES:

See ''Record access procedures'' above.

RECORD SOURCE CATEGORIES:

Information from this system is obtained from the individual or entity, creditor agencies, Federal employing agency, collection agencies, credit bureaus, and Federal, state or local agencies furnishing identifying information and/or address of debtor information.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

TREASURY/FMS .016

SYSTEM NAME:

Payment Records for Other Than Regular Recurring Benefit Payments—Treasury/Financial Management Service.

SYSTEM LOCATION:

The Financial Management Service, U.S. Department of the Treasury, Washington, DC 20227. Records maintained at Financial Centers in six regions: Austin, TX; Birmingham, AL; Chicago, IL; Kansas City, Mo; Philadelphia, PA; and San Francisco, CA.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons who are the intended recipients or recipients of payments from the United States Government, and for whom vouchers have been certified for payment by departments or agencies and sent to FMS for disbursement.

CATEGORIES OF RECORDS IN THE SYSTEM:

Payment records showing name, social security or employer identification number or other agency identification number, address, payment amount, date of issuance, check number and symbol or other payment identification number, routing number of the payee's financial institution and the payee's account number at the financial institution, vendor contract and/or purchase order, and the name and location number of the certifying department or agency.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; Executive Order 6166, dated June 10, 1933.

PURPOSE(S):

To facilitate disbursement of Federal monies to individuals by check or electronically, authorized under various programs of the Federal Government.

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

These records and information in these records may be used to: (1) Disclose to the banking industry for payment verification; (2) disclose to Federal agencies, departments and agencies for whom payments are made, and payees; (3) disclose pertinent information to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation; (4) disclose information to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit; (5) disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings; (6) disclose information to foreign governments in accordance with formal or informal international agreements; (7) provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains; (8) provide information to the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's functions relating to civil and criminal proceedings; (9) provide information to unions recognized as exclusive bargaining representatives under the Civil Service Reform Act of 1978, 5 U.S.C. 7111 and 7114; (10) provide information to third parties during the

course of an investigation to the extent necessary to obtain information pertinent to the investigation; (11) disclose information concerning delinquent debtors to Federal creditor agencies, their employees, or their agents for the purpose of facilitating or conducting Federal administrative offset, Federal tax refund offset, Federal salary offset, or for any other authorized debt collection purpose; (12) Disclose information to any State, Territory or Commonwealth of the United States, or the District of Columbia to assist in the collection of State, Commonwealth, Territory or District of Columbia claims pursuant to a reciprocal agreement between FMS and the State, Territory, Commonwealth or the District of Columbia; and (13) disclose to the Defense Manpower Data Center and the United States Postal Service and other Federal agencies through authorized computer matching programs for the purpose of identifying and locating individuals who are delinquent in their repayment of debts owed to the Department or other Federal agencies in order to collect those debts through salary offset and administrative offset, or by the use of other debt collection tools.

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

STORAGE:

Storage is on magnetic media and hard copy.

RETRIEVABILITY:

Records are retrieved by name, employer identification number (EIN) and social security number.

SAFEGUARDS:

These records are available only to those persons whose official duties require such access. Records are kept in limited access areas during duty hours and in locked cabinets at all other times. Records are password protected and are maintained in a building subject to 24–hour security.

RETENTION AND DISPOSAL:

Records are retained for three years. Records are disposed of in accordance with Treasury Directive 25–02, Records Disposition Management Program.

SYSTEM MANAGER(S) AND ADDRESS:

Chief Disbursing Officer, Financial Management Service, 401 14th Street, SW, Washington, DC 20227.

NOTIFICATION PROCEDURE:

Inquiries under the Privacy Act of 1974 shall be sent to the Disclosure Officer at 401 14th Street, SW, Washington, DC 20227. All individuals making inquiries should provide with their request as much descriptive matter as is possible to identify the particular record desired. The System Manager will advise as to whether the Service maintains the record requested by the individual.

RECORD ACCESS PROCEDURES:

Individuals requesting information under the Privacy Act of 1974 concerning procedures for gaining access or contesting records should write to the Disclosure Officer at the address shown above. All individuals are urged to examine the rules of the U.S. Department of the Treasury published in 31 CFR part 1, subpart C concerning requirements of this department with respect to the Privacy Act of 1974.

CONTESTING RECORD PROCEDURES:

See Record Access Procedures above.

RECORD SOURCE CATEGORIES:

Information is obtained from vouchers, payment tapes and electronic data transmissions via the Electronic Certification System by departments and agencies for whom payments are made.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

BILLING CODE: 4830–01–P

Internal Revenue Service

TREASURY/IRS 00.001

SYSTEM NAME:

Correspondence Files and Correspondence Control Files—Treasury/IRS.

SYSTEM LOCATION:

Various offices of the Internal Revenue Service maintain files of correspondence received, including the Eastern Distribution Center, 4300 Carolina Avenue, Richmond, VA 23222; the Central Area Distribution Center, 2402 East Empire, Bloomington, IL 61799; the Western Area Distribution Center, 3041 Sunrise Boulevard, Rancho Cordova, CA 95742; and the Tennessee Computing Center, PO Box 30309, Airport Mail Facility, Stop 76, Memphis, TN 38130. (See IRS appendix A for addresses of other offices).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

(1) Initiators of the correspondence. (2) Persons upon whose behalf the correspondence was initiated. (3) Subjects of the correspondence.

CATEGORIES OF RECORDS IN THE SYSTEM:

(1) Correspondence received. (2) Responses to correspondence. (3) Associated records. Special Categories of correspondence may be included in other systems of records described by specific notices. Files are maintained in connection with a variety of correspondence received and the uses vary widely in accordance with the content of the correspondence. Correspondence may include letters, telegrams, memoranda of telephone calls, and other forms of communication.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 26 U.S.C. 7801 and 7802.

PURPOSE(S):

Often taxpayers choose to communicate with the IRS through correspondence. The ability to access the information when the need arises is paramount to our success as an agency. This system will allow the IRS to quickly access correspondence received from the taxpayers and their representatives and provide a chronological record of what has transpired concerning tax matters.

ROUTINE USES OF RECORDS MAINTAINED BY THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

Disclosures of returns and return information may be made only as provided by 26 U.S.C. 6103. Records other than returns and return information may be used to: (1) Disclose information to the Department of Justice for the purpose of litigating an action or seeking legal advice. Disclosure may be made during judicial processes; (2) Appropriate Federal, State, local, or foreign agencies responsible for enforcing or implementing a statute, rule, regulation, order or license; (3) disclose information to a Federal, State, or local agency, or other public authority maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's bureau's or authority's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant or other benefit; (4) disclose relevant, non-privileged information to a court, magistrate, or administrative tribunal, including the presentation of evidence, disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings; (5) provide information to

foreign governments in accordance with formal or informal international agreements; (6) provide information to a Congressional office in response to an inquiry made at the request of the individual to whom the record pertains; (7) provide information to the news media, in accordance with guidelines contained in 28 CFR 50.2, concerning this agency's functions relating to civil and criminal proceedings; (8) provide information to officials of labor organizations recognized under 5 U.S.C. Chapter 71 when relevant and necessary to their duties of exclusive representation; (9) provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

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

STORAGE:

Paper records, microfiche, and magnetic media.

RETRIEVABILITY:

Controlled items are generally retrievable by name, but it depends upon the controls established locally.

SAFEGUARDS:

Access controls will not be less than those provided for by the Automated Information System Security Handbook, IRM 2(10)00, and the Manager's Security Handbook, IRM 1 (16)12.

RETENTION AND DISPOSAL:

Records are maintained in accordance with the Records Disposition Handbooks, IRM 1(15)59.12 through IRM 1(15)59.32. Generally, disposition varies in accordance with the nature of the correspondence file.

SYSTEM MANAGER(S) AND ADDRESS:

Head of the Office maintaining the file. (See IRS appendix A for addresses.)

NOTIFICATION PROCEDURE:

Individuals seeking to determine if this system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR part 1, subpart C, appendix B. Inquiries should be addressed as in ''Record access procedures'' below.

RECORD ACCESS PROCEDURES:

Individuals seeking access to any record contained in this system of records, or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR part 1, subpart C, appendix B. Inquiries should be addressed to the office believed to have received the correspondence. (See IRS appendix A for addresses.)

CONTESTING RECORD PROCEDURES:

See ''Record access procedures'' above.

RECORD SOURCE CATEGORIES:

Information supplied by the initiators of the correspondence and information secured internally from other systems of records.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

TREASURY/IRS 00.002

SYSTEM NAME:

Correspondence Files/Inquiries About Enforcement Activities—Treasury/IRS.

SYSTEM LOCATION:

National Office, Regional Offices, District Offices, Internal Revenue Service Centers, Detroit Computing Center, Martinsburg Computing Center. (See IRS appendix A for addresses.) Other offices of the Internal Revenue Service maintain files of correspondence received, including the Eastern Distribution Center, 4300 Carolina Avenue, Richmond, VA 23222; the Central Area Distribution Center, 2402 East Empire, Bloomington, IL 61799; the Western Area Distribution Center, 3041 Sunrise Boulevard, Rancho Cordova, CA 95742; and the Tennessee Computing Center, PO Box 30309, Airport Mail Facility, Stop 76, Memphis, TN 38130.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

(1) Initiators of correspondence. (2) Persons upon whose behalf the correspondence was initiated. (3) Persons who are subjects of the correspondence. Includes individuals for whom tax liabilities exist, individuals who have made a complaint or inquiry relative to an Internal Revenue tax matter, or individuals for whom a third party is interceding relative to an Internal Revenue tax matter.

CATEGORIES OF RECORDS IN THE SYSTEM:

Taxpayer name, address, taxpayer identification number (if applicable), information about tax matters (if applicable), chronological investigative history. Other information relative to the conduct of the case and/or the taxpayer's compliance history (if applicable). Correspondence may include letters, telegrams, memoranda of telephone calls, and other forms of communication.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 26 U.S.C. 7602, 7801 and 7802.

PURPOSE(S):

Often taxpayers choose to communicate with the IRS through correspondence. The ability to access the information when the need arises is paramount to our success as an agency. This system will allow the IRS to quickly access correspondence received from the taxpayers and their representatives and provide a chronological record of what has transpired concerning tax matters.

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

Disclosure of returns and return information may be made only as provided by 26 U.S.C. 6103. Records other than returns and return information may be used to: (1) Disclose information to the Department of Justice for the purpose of litigating an action or seeking legal advice; (2) disclose information to appropriate Federal, state, local, or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license; (3) disclose information to a Federal, state, or local agency, or other public authority, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's bureau's or authority's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit; (4) disclose relevant, non-privileged information to a court, magistrate, or administrative tribunal, including the presentation of evidence, disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings; (5) provide information to a Congressional office in response to an inquiry made at the request of the individual to whom the record pertains; (6) provide information to the news media, in accordance with guidelines contained in 28 CFR 50.2 concerning this agency's functions relating to civil and criminal proceedings; (7) provide information to officials of labor organizations recognized under 5 U.S.C. Chapter 71 when relevant and necessary to their duties of exclusive representation; (8) provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation; (9) provide information to other agencies to the extent provided by law or regulation and as necessary to

report apparent violation of law to appropriate law enforcement agencies; (10) provide information to states, the District of Columbia, the Commonwealth of Puerto Rico, or possessions of the United States, to assist in the administration of tax laws.

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

STORAGE:

Paper records and magnetic media.

RETRIEVABILITY:

Controlled items are generally retrievable by name, but it depends upon the controls established locally.

SAFEGUARDS:

Access controls will not be less than those provided by the Automated Information System Security Handbook, IRM 2(10)00, and the Manager's Security Handbook, IRM 1 (16)12.

RETENTION AND DISPOSAL:

Records are maintained in accordance with the Records Disposition Handbooks, IRM 1(15)59.12 through IRM 1(15)59.32. Generally, disposition varies in accordance with the nature of the correspondence file.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Commissioners, Regional Commissioners, District Directors, Internal Revenue Service Center Directors. (See IRS appendix A for addresses.)

NOTIFICATION PROCEDURE:

This system is exempt from the notification provisions of the Privacy Act.

RECORD ACCESS PROCEDURES:

This system is exempt from the Access and Contest provisions of the Privacy Act.

CONTESTING RECORD PROCEDURES:

26 U.S.C. 7852(e) prohibits Privacy Act amendment of tax records.

RECORD SOURCE CATEGORIES:

This system of records contains investigatory material compiled for law enforcement purposes whose sources need not be reported.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

This system has been designated as exempt from certain provisions of the Privacy Act.

TREASURY/IRS 00.003

SYSTEM NAME:

Customer Feedback System—Treasury/IRS 00.003.

SYSTEM LOCATION:

Internal Revenue Service Centers, National Office, Regional and District Offices, including National Office Chief Counsel Offices, Regional Counsel Offices, and District Counsel Offices, the Martinsburg Computing Center, the Detroit Computing Center, and the Tennessee Computing Center, and Area Distribution Centers. Area Distribution Center addresses are as follows: The Eastern Distribution Center, 4300 Carolina Avenue, Richmond, VA 23222, the Central Area Distribution Center, 2402 East Empire, Bloomington, IL 61799, and the Western Area Distribution Center, 3041 Sunrise Boulevard, Rancho Cordova, CA 95742. (See IRS appendix A for other addresses.)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

This system consists of records relating to (1) individuals (customers) who make complaints and compliments about Internal Revenue Service employees; and, (2) Internal Revenue Service employees who have had complaints and compliments made about them.

CATEGORIES OF RECORDS IN THE SYSTEM:

A variety of documents and/or reports reflecting customer feedback on current and former IRS employees and the resolution of that feedback.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Sec. 1211 of Pub. L. 104–168, TBOR 2, Reports on Misconduct of IRS Employees.

PURPOSE(S):

This system will capture customer feedback, including complaints and compliments. The capture of this data will provide a means to analyze trends to identify and take corrective action on systemic problems. The data will not be used to affect any rights or benefits of individuals in the records system.

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 disclosed to the tax writing Congressional committees. The purpose is to fulfill the requirements of the Taxpayer Bill of Rights 2 (TBOR 2).

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

STORAGE:

Paper files and magnetic media.

RETRIEVABILITY:

Documents are stored and retrieved by control numbers and by taxpayer name, taxpayer identification number or person to contact. The control number can be determined by reference to the entries for the individual to whom they relate.

SAFEGUARDS:

Access is limited to authorized personnel who have a direct need to know. Access controls will not be less than those provided for by the Manager's Security Handbook, IRM 1(16)12 and the Automated Information System Security Handbook, IRM (2)(10)00. This includes the use of passwords and access codes.

RETENTION AND DISPOSAL:

Records are maintained in accordance with Records Control Schedule 206 for Service Centers, IRM 1(15)59.26 and Records Control Schedule 301—General Records Schedules, IRM 1(15)59.31.

SYSTEM MANAGER(S) AND ADDRESS:

Official prescribing policies and practices—Deputy Commissioner. Officials maintaining the system—Directors of Internal Revenue Service Centers; National, Regional, District Office, Regional Counsels, District Counsels, Associate Chief Counsels, and Area Distribution Center Directors. (See **SYSTEM LOCATION** above for addresses.)

NOTIFICATION PROCEDURE:

This system of records may not be accessed for the purpose of determining if the system contains a record pertaining to a particular individual.

RECORD ACCESS PROCEDURES:

This system of records may not be accessed for purposes of inspection or for contest of content of records.

CONTESTING RECORD PROCEDURES:

See **RECORDS ACCESS PROCEDURES** above.

RECORD SOURCE CATEGORIES:

Information originates from IRS employees and customer feedback.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

This system has been designated as exempt from 5 U.S.C. 552a(c)(3); (d) (1), (2), (3) and (4), (e)(1); (e)(4)(G), (H), and (I); and (f) of the Privacy Act pursuant to 5 U.S.C. 552a(k)(4).

TREASURY/IRS 10.001

SYSTEM NAME:

Biographical Files, Public Affairs—Treasury/IRS.

SYSTEM LOCATION:

National Office, Regional Offices, District Offices, Internal Revenue Service Centers. (See IRS appendix A for addresses.)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

IRS employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records are biographical data and photographs of key IRS employees.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301.

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

These records and information in these records may be used to provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains. Information contained in this system may be included in news releases issued to the media and the public.

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

STORAGE:

Paper files or magnetic media.

RETRIEVABILITY:

By name.

SAFEGUARDS:

Office doors locked at night. Access controls will not be less than those provided for by the Manager's Security Handbook IRM 1(16)12.

RETENTION AND DISPOSAL:

Records are maintained in accordance with Records Disposition Handbooks, IRM 1(15)59.1 through IRM 1(15)59.32.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant to the Commissioner (Public Affairs), National Office; Regional, District, Internal Revenue Service Centers Public Affairs Officers. (see IRS appendix A for addresses).

NOTIFICATION PROCEDURE:

Individuals seeking to determine if this system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR part 1, subpart C, appendix B. Inquiries should be addressed as in **RECORD ACCESS PROCEDURES** below.

RECORD ACCESS PROCEDURES:

Individuals seeking access to any record contained in this system of records, or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR part 1, subpart C, appendix B. Inquiries should be addressed to the Assistant to the Commissioner (Public Affairs), IRS, Washington, DC 20224, for National Office file. See appendix A for appropriate addresses for regional and district office or service center files.

CONTESTING RECORD PROCEDURES:

See **RECORD ACCESS PROCEDURES** above.

RECORD SOURCE CATEGORIES:

Information is supplied by the IRS official on an IRS biographical data form.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

TREASURY/IRS 10.004

SYSTEM NAME:

Subject Files, Public Affairs—Treasury/IRS.

SYSTEM LOCATION:

National Office, Regional Offices, District Offices, Internal Revenue Service Centers. (see IRS appendix A for addresses).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

In general, records are maintained on individuals whose names have been mentioned in the press in connection with their relationship with IRS.

CATEGORIES OF RECORDS IN THE SYSTEM:

The records include correspondence, newspaper clippings, inter-office memoranda and similar documents.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301.

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

Disclosure of returns and return information may be made only as provided by 26 U.S.C. 6103. Records other than returns and return information may be provided in response to inquiries from the media and the public.

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

STORAGE:

Paper files or magnetic media.

RETRIEVABILITY:

Alphabetically by subject.

SAFEGUARDS:

Office doors locked at night. Access controls will not be less than those provided for by the Automated Information System Security Handbook, IRM 2(10)00, and the Manager's Security Handbook, IRM 1(16)12.

RETENTION AND DISPOSAL:

Records are maintained in accordance with Records Disposition Handbooks, IRM 1(15)59.1 through IRM 1(15)59.32.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant to the Commissioner (Public Affairs), National Office; Regional, District, Internal Revenue Service Center, Public Affairs Officers (see IRS appendix A for addresses).

NOTIFICATION PROCEDURE:

Individuals seeking to determine if this system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR part 1, subpart C, appendix B. Inquiries should be addressed as in ''Record access procedures'' below.

RECORD ACCESS PROCEDURES:

Individuals seeking access to any record contained in this system of records, or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR part 1, subpart C, appendix B. Inquiries should be addressed to the system manager in the office where the records are located.

CONTESTING RECORD PROCEDURES:

See ''Record access procedures'' above.

RECORD SOURCE CATEGORIES:

Records generally are clippings from newspapers, magazines, and similar sources, internal documents and memoranda.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

TREASURY/IRS 21.001

SYSTEM NAME:

Tax Administration Resources File, Office of Tax Administration Advisory Services—Treasury/IRS.

SYSTEM LOCATION:

Office of the Assistant Commissioner (International), 950 L'Enfant Plaza, SW, Fourth Floor, Washington, DC 20024.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Past and potential tax administration advisors who have served or indicated an interest in serving on advisory assignments, and selected officials engaged in tax administration and related fields.

CATEGORIES OF RECORDS IN THE SYSTEM:

Applicant roster database, locator cards and lists with names, addresses, telephone numbers, and organizational affiliations of officials engaged in tax administration; work assignment or

application folders of past and potential tax administration advisors, which contain employment history, information, medical abstracts, security clearances, and passport information; bio-data sketches on IRS employees and others engaged in tax administration and related fields.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 26 U.S.C. 7801 and 7802.

PURPOSE(S):

The purpose is to identify IRS employees who have expressed an interest in overseas assignments, and to further identify historical and current activities in given countries.

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

Maintained for use by Office management officials as a reference in obtaining and presenting information related to tax administration, and for administrative selection and processing of overseas and domestic assignments. The records and information in these records may be used to: (1) Provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains; (2) disclose information to the Department of Justice for the purpose of litigating an action or seeking legal advice. Disclosure may be made during judicial processes.

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

STORAGE:

Paper records and magnetic media.

RETRIEVABILITY:

By individual name.

SAFEGUARDS:

Access limited to authorized office personnel. File folders kept in locked file or locked room. Access controls will not be less than those provided for by the the Manager's Security Handbook, IRM 1(16)12.

RETENTION AND DISPOSAL:

Records are maintained in accordance with Records Disposition Handbooks, IRM 1(15)59.1 through IRM 1(15)59.32. Generally, records are disposed of when they are no longer needed for official use.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Commissioner (International), Internal Revenue Service, 950 L'Enfant Plaza, SW, Fourth Floor, Washington, DC 20024.

NOTIFICATION PROCEDURE:

Individuals seeking to determine if this system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR part 1, subpart C, appendix B. Inquiries should be addressed to the Office of the Assistant Commissioner (International), Internal Revenue Service, 950 L'Enfant Plaza, SW., Fourth Floor, Washington, DC 20224.

CONTESTING RECORD PROCEDURES:

See ''Record access procedures'' above.

RECORD SOURCE CATEGORIES:

From the individual, from the organization with which he or she is associated, or from other knowledgeable experts in the field of Tax Administration.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

TREASURY/IRS 22.003

SYSTEM NAME:

Annual Listing of Undelivered Refund Checks—Treasury/IRS.

SYSTEM LOCATION:

District Offices and Internal Revenue Service Centers. (see IRS appendix A for addresses).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Taxpayers whose refund checks have been returned as undeliverable since the last Annual Listing of Undelivered Refund Checks was produced.

CATEGORIES OF RECORDS IN THE SYSTEM:

Taxpayer entity information (Name, Street Address, City, State, Zip Code and social security number) and records containing tax module information (Tax Period, Amount of Credit Balance and Control Document Locator Number).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 26 U.S.C. 7602, 7801 and 7802.

PURPOSE(S):

The purpose of this system is to keep a record of refund checks that have been returned undeliverable.

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

Disclosure of returns and return information may be made only as provided by 26 U.S.C. 6103. Individuals entitled to undeliverable refund checks will be notified of such checks by publication of their names in the news media.

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

STORAGE:

Paper documents stored in files or on magnetic media.

RETRIEVABILITY:

By taxpayer name or taxpayer social security number (SSN).

SAFEGUARDS:

Access controls will not be less than those provide for by the Automated Information System Security Handbook, IRM 2(10)00, and the Manager's Security Handbook, IRM 1(16)12.

RETENTION AND DISPOSAL:

Records are maintained in accordance with Records Disposition Handbooks IRM 1(15)59.1 through IRM 1(15)59.32.

SYSTEM MANAGER(S) AND ADDRESS:

Official prescribing policies and practices—Assistant Commissioner (Taxpayer Services), Officials maintaining the system—District Directors, Internal Revenue Service Centers Directors. (See IRS appendix A for addresses.)

NOTIFICATION PROCEDURE:

Individuals seeking to determine if this system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR part 1, subpart C, appendix B. Inquiries should be addressed as in ''Record access procedures'' below.

RECORD ACCESS PROCEDURES:

Individuals seeking access to any record contained in this system of records may inquire in accordance with instructions appearing at 31 CFR part 1, subpart C, appendix B. Inquiries should be addressed to the Director of the district office servicing the areas in which the individual resided at the time he or she filed the return which created the undeliverable refund. (see IRS appendix A for addresses.)

CONTESTING RECORD PROCEDURES:

26 U.S.C. 7852(e) prohibits Privacy Act amendment of tax records.

RECORD SOURCE CATEGORIES:

Tax returns and other filings made by the individual and agency entries made in the administration of the individual's tax account.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

TREASURY/IRS 22.011

SYSTEM NAME:

File of Erroneous Refunds—Treasury/IRS.

SYSTEM LOCATION:

Internal Revenue Service Centers. (See IRS appendix A for addresses.)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Taxpayers issued erroneous refunds.

CATEGORIES OF RECORDS IN THE SYSTEM:

Case reference name, number, control number, date of erroneous refunds, statute expiration date, status of case, location, correspondence and research material.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 26 U.S.C. 7602, 7801 and 7802.

PURPOSE(S):

This system maintains records necessary to resolve erroneous refund issues.

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

Disclosure of returns and return information may be made only as provided by 26 U.S.C. 6103.

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

STORAGE:

Paper document files.

RETRIEVABILITY:

By Social Security Number (SSN) or Employer Identification Number (EIN).

SAFEGUARDS:

Access controls will not be less than those provided for by the Automated Information System Security Handbook, IRM 2(10)00, and the Manager's Security Handbook, IRM 1(16)12.

RETENTION AND DISPOSAL:

Records are maintained in accordance with Records Disposition Handbooks IRM 1(15)59.1 through IRM 1(15) 59.32. Generally, records are retained for four years and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Official prescribing policies and practices—Assistant Commissioner (Taxpayer Services) Officials maintaining the system—Internal Revenue Service Center Directors. (See IRS appendix A for addresses.)

NOTIFICATION PROCEDURE:

Individuals seeking to determine if this system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR part 1, subpart C, appendix B. Inquiries should be addressed as in ''Record access procedures'' below.

RECORD ACCESS PROCEDURES:

Individuals seeking access to any record contained in this system of records may inquire in accordance with instructions appearing at 31 CFR part 1, subpart C, appendix B. Inquiries should be addressed to the Director of the Internal Revenue Service Center servicing the areas in which the individual resides. (See IRS appendix A for addresses.)

CONTESTING RECORD PROCEDURES: 26 U.S.C. 7852(E) PROHIBITS PRIVACY ACT AMENDMENT OF TAX RECORDS.

RECORD SOURCE CATEGORIES:

Tax returns and other filings made by the individual and agency entries made in the administration of the individual's tax account.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

TREASURY/IRS 22.026

SYSTEM NAME:

Form 1042S Index by Name of Recipient—Treasury/IRS.

SYSTEM LOCATION:

Philadelphia Internal Revenue Service Center, Mid-Atlantic Region, 11601 Roosevelt Boulevard, Philadelphia, PA 19154.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Non-resident aliens and U.S. citizens living abroad whose taxes are covered by IR Chapter 3 Withholding.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records include taxpayer's name, address, tax data, country of residence and employer identification number and name of withholding agent.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 26 U.S.C. 7602, 7801 and 7802.

PURPOSE(S):

This system maintains records necessary to effectively administer the back-up withholding laws and regulations.

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

Disclosure of returns and return information may be made only as provided by 26 U.S.C. 6103.

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

STORAGE:

Microfilm.

RETRIEVABILITY:

By taxpayer name.

SAFEGUARDS:

Access controls will not be less than those provided by the Automated Information System Security Handbook, IRM 2(10)00, and by the Manager's Security Handbook, IRM 1(16)12.

RETENTION AND DISPOSAL:

Records are maintained in accordance with Records Disposition Handbooks, IRM 1(15)59.1 through IRM 1(15) 59.32. Generally, records are retained at the Service Center for 5 years and then at a Federal Records Center for 25 years.

SYSTEM MANAGER(S) AND ADDRESS:

Official prescribing policies and practices—Assistant Commissioner (Taxpayer Services). Official maintaining the system—Philadelphia Internal Revenue Service Center Director. (See IRS appendix A for addresses.)

NOTIFICATION PROCEDURE:

Individuals seeking to determine if this system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR part 1, subpart C, appendix B. Inquiries should be addressed as in ''Record access procedures'' below.

RECORD ACCESS PROCEDURES:

Individuals seeking access to any record contained in this system of records may inquire in accordance with instructions appearing at 31 CFR part 1, subpart C, appendix B. Inquiries should be addressed to: Director, Philadelphia Internal Revenue Service Center, Mid-Atlantic Region, 11601 Roosevelt Boulevard, Philadelphia, PA 19154.

CONTESTING RECORD PROCEDURES:

26 U.S.C. 7852(e) prohibits Privacy Act amendment of tax records.

RECORD SOURCE CATEGORIES:

Tax returns and other filings made by the individual and agency entries made in the administration of the individual's tax account.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

TREASURY/IRS 22.027

SYSTEM NAME:

Foreign Information System (FIS)—Treasury/IRS.

SYSTEM LOCATION:

National Office, Regional Offices, District Offices, Philadelphia Internal Revenue Service Center, and its servicing Federal Records Centers, and the Detroit Computing Center. (See IRS appendix A for addresses.)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Taxpayers who file Form 5471, Information Return with Respect to a Foreign Corporation and Form 5472, Information Return of a Foreign Owned Corporation.

CATEGORIES OF RECORDS IN THE SYSTEM:

Taxpayer entity records (name, address, identification number), foreign corporation identification, information relating to stock, U.S. shareholders, Earnings and Profits, Balance Sheet, and other available accounting information relating to a specific taxable period.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 26 U.S.C. 7602, 7801 and 7802.

PURPOSE(S):

This system maintains records necessary to effectively administer laws and regulations relative to foreign owned corporations.

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

Disclosure of returns and return information may be made only as provided by 26 U.S.C. 6103.

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

STORAGE:

Magnetic media. (Various tables are published from this media.)

RETRIEVABILITY:

Documents are stored and retrieved by document locator numbers.

SAFEGUARDS:

Access controls will not be less than those provided by the Automated Information System Security Handbook, IRM 2(10)00, and the Manager's Security Handbook, IRM 1(16)12.

RETENTION AND DISPOSAL:

Records are maintained in accordance with Records Control Schedule 206 for Service Centers, IRM 1(15)59.26.

SYSTEM MANAGER(S) AND ADDRESS:

Official prescribing policies and practices—Assistant Commissioner (Taxpayer Services). Officials maintaining the system—Directors, Internal Revenue Service Centers. (See IRS appendix A for addresses.)

NOTIFICATION PROCEDURE:

Individuals seeking to determine if this system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR part 1, subpart C, appendix B. Inquiries should be addressed as in ''Record access procedures'' below.

RECORD ACCESS PROCEDURES:

Individuals seeking access to any record contained in this system of records may inquire in accordance with instructions appearing at 31 CFR part 1, subpart C, appendix B. Inquiries should be addressed to the Director of the Internal Revenue Service Center servicing the areas in which the individual resides. (See IRS appendix A for addresses.)

CONTESTING RECORD PROCEDURES:

26 U.S.C. 7852(e) prohibits Privacy Act amendment of tax records.

RECORD SOURCE CATEGORIES:

Tax returns and other filings made by the individual and agency entries made in the administration of the individual's tax account.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

TREASURY/IRS 22.032

SYSTEM NAME:

Individual Microfilm Retention Register—Treasury/IRS.

SYSTEM LOCATION:

Internal Revenue Service Centers and the Martinsburg Computing Center. (See IRS appendix A for addresses.)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of individuals on whom records are maintained are: For Individual Master File (IMF) registers—Individuals who file, or may be required to file, individual tax returns such as Form 1040, 1040A, or 1040EZ.

CATEGORIES OF RECORDS IN THE SYSTEM:

Abstracts of tax and/or entity modules that have been removed from the IMF. These abstract records indicate the taxpayer name, identification number, specific tax returns filed, document locator number, tax years, debit and credit amounts, balances, and other transactions which have been recorded relative to the module(s).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 26 U.S.C. 7602, 7801 and 7802.

PURPOSE(S):

This system maintains individual tax account information which is retained in microfilm after a certain period of inactivity on the master file in order not to overburden the computer system required for active accounts.

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

Disclosure of returns and return information may be made only as provided by 26 U.S.C. 6103.

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

STORAGE:

Microfilm tape.

RETRIEVABILITY:

IMF Reference Register (for IMF Register only), taxpayer identification number, tax Period, name, and type of tax. Methods of retrievability are explained in the Research Operations Handbook, IRM 36(66)0.

SAFEGUARDS:

Access controls will not be less than those provided by the Automated Information System Security Handbook, IRM 2(10)00, and the Manager's Security Handbook, IRM 1(16)12.

RETENTION AND DISPOSAL:

Records are maintained in accordance with Records Disposition Handbooks, IRM 1(15)59.1 through IRM 1(15)59.32.

SYSTEM MANAGER(S) AND ADDRESS:

Official prescribing policies and practices—Assistant Commissioner (Taxpayer Services). Officials maintaining the system-Internal Revenue Service Center Directors, and the Martinsburg Computing Center Director. (See IRS appendix A for addresses.)

NOTIFICATION PROCEDURE:

Individuals seeking to determine if this system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR part 1, subpart C, appendix B. Inquiries should be addressed as in ''Record access procedures'' below.

RECORD ACCESS PROCEDURES:

Individuals seeking access to any record contained in this system of records may inquire in accordance with instructions appearing at 31 CFR part 1, subpart C, appendix B. Inquiries should be addressed to the Director of the Internal Revenue Service Center servicing the areas in which the individual resides. (See IRS appendix A for addresses.)

CONTESTING RECORD PROCEDURES:

26 U.S.C. 7852(e) prohibits Privacy Act amendment of tax records.

RECORD SOURCE CATEGORIES:

Tax returns and other filings made by the individual and agency entries made

in the administration of the individual's tax account.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

TREASURY/IRS 22.034

SYSTEM NAME:

Individual Returns Files, Adjustments and Miscellaneous Documents Files—Treasury/IRS.

SYSTEM LOCATION:

Internal Revenue Service Centers, District Offices and Federal Record Centers.(See IRS appendix A for addresses.)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Taxpayers or return preparers who have had changes made to their accounts, or have had information posted to the Individual Master File or other tax accounting files as a result of filing returns, applications, or other documents, or as a result of actions initiated by the Service. A record will be maintained for those taxpayers whose individual income tax overpayments have been retained or transferred from the IMF to apply against past due child and/or spousal support payments as reported to IRS by the states under Pub. L. 97–35.

CATEGORIES OF RECORDS IN THE SYSTEM:

A variety of records reflecting tax matters which have served as input documents or supporting documentation for entries on the Individual Master File, or other tax accounting files, including tax return forms, declarations, applications, case records, processing documents, vouchers, computer notices, posting and correction forms, Interest Equalization Tax Forms, withholding allowance certificates, and similar records. Information will be maintained as to the name, SSN, address of individuals owing past due child and/or spousal support payments submitted by states under Pub. L. 97–35. Also maintained will be the name of the submission state, the amount owed, and the amount of any individual income tax overpayment retained and transferred to the state to apply against the amount owed. IRS administrative files (i.e., examination, collection, underreporter, criminal investigation, etc.) are not included in this system of records.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 26 U.S.C. 7602, 7801 and 7802.

PURPOSE(S):

The purpose of this system is to provide background and supporting documentation for inputs affecting taxpayer account information. Additionally, overpayments retained and transferred against outstanding liabilities from the state in which it occurred will be recorded. This will aid taxpayers in reconciling their account balances with state agencies.

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

Disclosure of returns and return information may be made only as provided by 26 U.S.C. 6103.

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

STORAGE:

Paper document files or magnetic media.

RETRIEVABILITY:

Documents are stored and retrieved by document locator numbers and by taxpayer name. The document locator numbers can be determined by reference to the Individual Master File entries for the individual to whom they relate.

SAFEGUARDS:

Access controls will not be less than those provided by the Automated Information System Security Handbook, IRM 2(10)00, and the Manager's Security Handbook, IRM 1(16)12.

RETENTION AND DISPOSAL:

Records are maintained in accordance with Records Control Schedule 206 for Service Centers, IRM 1(15)59.26.

SYSTEM MANAGER(S) AND ADDRESS:

Official prescribing policies and practices—Assistant Commissioner (Taxpayer Services). Officials maintaining the system-Internal Revenue Service Center Directors. (See IRS appendix A for addresses.)

NOTIFICATION PROCEDURE:

Individuals seeking to determine if this system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR part 1, subpart C, appendix B. Inquiries should be addressed as in ''Record access procedures'' below.

RECORD ACCESS PROCEDURES:

Individuals seeking access to any record contained in this system of records may inquire in accordance with instructions appearing at 31 CFR part 1, subpart C, appendix B. Inquiries should be addressed to the Director of the Internal Revenue Service Center servicing the area in which the individual resides. (See IRS appendix A for addresses.)

CONTESTING RECORD PROCEDURES:

26 U.S.C. 7852(e) prohibits Privacy Act amendment of tax records.

RECORD SOURCE CATEGORIES:

Tax returns and other filings made by the individual and agency entries made in the administration of the individual's tax account.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

TREASURY/IRS 22.043

SYSTEM NAME:

Potential Refund Litigation Case Files—Treasury/IRS.

SYSTEM LOCATION:

Internal Revenue Service Centers, the Austin Compliance Center and Federal Records Centers. (See IRS appendix A for addresses.)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Taxpayers who have indicated to the Service that they may file suit against the Service for a refund.

CATEGORIES OF RECORDS IN THE SYSTEM:

Forms filed by the taxpayer and case documents determined by the Service to be related.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 26 U.S.C. 7602, 7801 and 7802.

PURPOSE(S):

This system maintains records necessary to effectively administer potential refund litigations.

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

Disclosure of returns and return information may be made only as provided by 26 U.S.C. 6103.

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

STORAGE:

Paper document files.

RETRIEVABILITY:

By taxpayer name.

SAFEGUARDS:

Access controls will not be less than those provided by the Automated Information System Security Handbook, IRM 2(10)00, and the Manager's Security Handbook, IRM 1(16)12.

RETENTION AND DISPOSAL:

Records are maintained in accordance with Records Control Schedule 206 for Service Centers, IRM 1(15)59.26.

SYSTEM MANAGER(S) AND ADDRESS:

Official prescribing policies and practices—Assistant Commissioner (Taxpayer Services). Officials maintaining the system—Internal Revenue Service Center Directors. (See IRS appendix A for addresses.)

NOTIFICATION PROCEDURE:

Individuals seeking to determine if this system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR part 1, subpart C, appendix B. Inquiries should be addressed as in ''Record access procedures'' below.

RECORD ACCESS PROCEDURES:

Individuals seeking access to any record contained in this system of records may inquire in accordance with instructions appearing at 31 CFR part 1, subpart C, appendix B. Inquiries should be addressed to the Director of the Internal Revenue Service Center servicing the area in which the individual resides. (See IRS appendix A for addresses.)

CONTESTING RECORD PROCEDURES:

26 U.S.C. 7852(e) prohibits Privacy Act amendment of tax records.

RECORD SOURCE CATEGORIES:

Tax returns and other filings made by the individual and agency entries made in the administration of the individual's tax account.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

TREASURY/IRS 22.044

SYSTEM NAME:

P.O.W.-M.I.A. Reference File—Treasury/IRS.

SYSTEM LOCATION:

District Offices and the Austin Internal Revenue Service Center. (See IRS appendix A for addresses.)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

P.O.W./M.I.A.—originated from Department of Defense lists.

CATEGORIES OF RECORDS IN THE SYSTEM:

Lists of P.O.W./M.I.A., Regulations, Rulings, and Instructions as to how to handle specific tax questions relating to their special tax status, copies of individual tax returns, claims, and other documents germane to specific cases.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 26 U.S.C. 7602, 7801 and 7802.

PURPOSE(S):

This system maintains records necessary to effectively administer the tax accounts with POW/MIA issues.

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

Disclosure of returns and return information may be made only as provided by 26 U.S.C. 6103.

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

STORAGE:

Paper documents in file folders.

RETRIEVABILITY:

Cases filed alphabetically by last name.

SAFEGUARDS:

Access controls will not be less than those provided by the Automated Information System Security Handbook, IRM 2(10)00, and the Manager's Security Handbook, IRM 1(16)12.

RETENTION AND DISPOSAL:

Records are periodically updated to reflect changes and maintained as long as needed.

SYSTEM MANAGER(S) AND ADDRESS:

Official prescribing policies and practices—Assistant Commissioner (Taxpayer Services). Officials maintaining the system—Austin Internal Revenue Service Center Director and District Directors. (See IRS appendix A for addresses.)

NOTIFICATION PROCEDURE:

Individuals seeking to determine if this system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR part 1, subpart C, appendix B. Inquiries should be addressed as in ''Record access procedures'' below.

RECORD ACCESS PROCEDURES:

Individuals seeking access to any record contained in this system of records may inquire in accordance with instructions appearing at 31 CFR part 1, subpart C, appendix B. Inquiries should be addressed to the Director of the Austin Internal Revenue Service Center or the Director of the District Office servicing the area in which the individual resides. (See IRS appendix A for addresses.)

CONTESTING RECORD PROCEDURES:

26 U.S.C. 7852(e) prohibits Privacy Act amendment of tax records.

RECORD SOURCE CATEGORIES:

Tax returns and other filings made by the individual and agency entries made in the administration of the individual's tax account.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

TREASURY/IRS 22.054

SYSTEM NAME:

Subsidiary Accounting Files—Treasury/IRS.

SYSTEM LOCATION:

District Offices and Internal Revenue Service Centers. (See IRS appendix A for addresses.)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

The categories of individuals on whom records are maintained are taxpayers affected by one or more of the transactions reflected in the categories of records listed below.

CATEGORIES OF RECORDS IN THE SYSTEM:

The types of records maintained in the system are documents containing entity information (name, address, social security number or employer identification number and other information necessary to identify the taxpayer) and accounting information relevant to one of the following categories: funds held pending, disposition and not applied to the taxpayer's liability at present, properties, tangible or intangible, now in the custody of the Internal Revenue Service, counterfeit money, misappropriation or robbery of Internal Revenue Service funds, credits which cannot be applied to a specific taxpayer account at this time, accounts transferred to other Service Centers or agencies, substantiation for the receipt of funds collected by the Service for other agencies, abatements or assessments of tax on individuals, deposits received from taxpayers, refunds to taxpayers, taxpayer accounts written off by the Service as uncollectible, credits allowed taxpayers requiring special consideration due to processing constraints, litigation, seized and acquired property and Offers-in-Compromise.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 26 U.S.C. 7602, 7801, and 7802.

PURPOSE(S):

This system maintains records necessary to effectively administer the accounting files relevant to the unusual circumstances described in ''categories of records in the system,'' above.

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

Disclosure of returns and return information may be made only as provided by 26 U.S.C. 6103.

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

STORAGE:

Accounting Files consist of paper documents, computer printouts, magnetic media and disk storage.

RETRIEVABILITY:

By social security number, name, or document locator number.

SAFEGUARDS:

Access controls will not be less than those provided by the Automated Information System Security Handbook, IRM 2(10)00, and the Manager's Security Handbook, IRM 1(16)12.

RETENTION AND DISPOSAL:

Records are maintained in accordance with Records Disposition Handbooks IRM 1(15)59.1 through IRM 1(15)59.32. Generally, records are retired to Federal Records Centers and retrieved by request from authorized individuals when account substantiation is necessary.

SYSTEM MANAGER(S) AND ADDRESS:

Official prescribing policies and practices—Assistant Commissioner (Taxpayer Services). Officials maintaining the system—District Directors, Internal Revenue Service Center Directors. (See IRS appendix A for addresses.)

NOTIFICATION PROCEDURE:

Individuals seeking to determine if this system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR part 1, subpart C, appendix B. Inquiries should be addressed as in ''Record access procedures'' below.

RECORD ACCESS PROCEDURES:

Individuals seeking access to any record contained in this system of records may inquire in accordance with instructions appearing at 31 CFR part 1, subpart C, appendix B. Inquiries should be addressed to the Director of the Internal Revenue Service Center servicing the area in which the individual resides. (See IRS appendix A for addresses.)

CONTESTING RECORD PROCEDURES:

26 U.S.C. 7852(e) prohibits Privacy Act amendment of tax records.

RECORD SOURCE CATEGORIES:

Tax returns and other filings made by the individual and agency entries made in the administration of the individual's tax account. Some Justice Department investigations are an additional source for the information contained in litigation case files.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

TREASURY/IRS 22.059

SYSTEM NAME:

Unidentified Remittance File—Treasury/IRS.

SYSTEM LOCATION:

Internal Revenue Service Centers. (See IRS appendix A for addresses.)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Remittances which have been received but cannot be positively identified, either as to taxpayer who sent it or the tax period to which it is to be applied.

CATEGORIES OF RECORDS IN THE SYSTEM:

Each record contains a fourteen digit unidentified remittance (UR) control number, the amount, received date, and all known identifying data. In addition, the URF contains a record of all doubtfully applied Estimated Tax (ET) credits. The ES record contains the taxpayers' name, address, type of payment, taxpayer identification number, tax period, received date, money amount, and the transaction document locator number (DLN).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 26 U.S.C. 7602, 7801 and 7802.

PURPOSE(S):

This system maintains the records controlling remittances where accounting is delayed for lack of the data required to properly post a credit.

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

Disclosure of returns and return information may be made only as provided by 26 U.S.C. 6103.

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

STORAGE:

Disk storage.

RETRIEVABILITY:

By remittance amount, unidentified remittance control number, taxpayer name.

SAFEGUARDS:

Access controls will not be less than those provided by the Automated Information System Security Handbook, IRM 2(10)00, and the Manager's Security Handbook, IRM 1(16)12.

RETENTION AND DISPOSAL:

Records are maintained in accordance with Records Disposition Handbooks, IRM 1(15)59.1 through IRM 1(15)59.32. Generally, records are kept 180 days after the amount is reduced to zero balance.

SYSTEM MANAGER(S) AND ADDRESS:

Official prescribing policies and practices—Assistant Commissioner (Taxpayer Services). Officials maintaining the system—Internal Revenue Service Center Directors. (See IRS appendix A for addresses.)

NOTIFICATION PROCEDURE:

Individuals seeking to determine if this system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR part 1, subpart C, appendix B. Inquiries should be addressed as in ''Record access procedures'' below.

RECORD ACCESS PROCEDURES:

Individuals seeking access to any record contained in this system of records may inquire in accordance with instructions appearing at 31 CFR part 1, subpart C, appendix B. Inquiries should be addressed to the Director of the Internal Revenue Service Center servicing the area in which the individual resides. (See IRS appendix A for addresses.)

CONTESTING RECORD PROCEDURES:

26 U.S.C. 7852(e) prohibits Privacy Act amendment of tax records.

RECORD SOURCE CATEGORIES:

Remittances received from taxpayers that cannot be positively identified either as to the taxpayer who sent it or the type of tax to which it is to be applied.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

TREASURY/IRS 22.060

SYSTEM NAME:

Automated Non-Master File (ANMF)—Treasury/IRS.

SYSTEM LOCATION:

Internal Revenue Service Centers, and Federal Records Centers. (See IRS appendix A for addresses.)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Records are maintained on taxpayers having accounts with the Internal Revenue Service which are not compatible with the normal master file processes; e.g., penalties, transferee assessments, termination assessments, excise protest accounts, Master File overflow accounts, culpable and non-petitioning spouses, Forms 1042, 1040–NR, 926, 5330, 4720, 990–AR (Penalty) and any pre-ADP returns. Also, a record will be maintained for those taxpayers whose individual income tax overpayment has been retained and transferred from the IMF to apply against past due child and/or spousal support payments as reported to IRS by the States under Pub. L. 97–35.

CATEGORIES OF RECORDS IN THE SYSTEM:

The categories of records maintained are taxpayer entity records (name, address, taxpayer identification number or employer identification number and other indicators relevant to entity maintenance) and records containing tax module information (the tax return, the tax period, the balance due or credit balance, and transactions which have been recorded relative to the module). Information will be maintained as to the name, SSN, address of individuals owing past due child and/or spousal support payments submitted by the States under Pub. L. 97–35. Also maintained will be names of the submission state, the amount owed, and the amount on any individual income tax overpayment retained and transferred to the state to apply against the amount owed.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 26 U.S.C. 7602, 7801 and 7802.

PURPOSE(S):

This system maintains records necessary for efficient accounting on files which are not compatible with the master file system.

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

Disclosure of returns and return information may be made only as provided by 26 U.S.C. 6103.

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

STORAGE:

Card file or magnetic media.

RETRIEVABILITY:

By taxpayer name, taxpayer identification number (social security number or employer identification number), or document locator card.

SAFEGUARDS:

Access controls will not be less than those provided by the Automated Information System Security Handbook, IRM 2(10)00.

RETENTION AND DISPOSAL:

Records maintained in accordance with Records Disposition Handbooks, IRM 1(15)59.1 through IRM 1(15)59.32.

SYSTEM MANAGER(S) AND ADDRESS:

Official prescribing policies and practices—Assistant Commissioner (Taxpayer Services). Officials maintaining the system-Internal Revenue Service Center Directors. (See IRS appendix A for addresses.)

NOTIFICATION PROCEDURE:

Individuals seeking to determine if this system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR part 1, subpart C, appendix B. Inquiries should be addressed as in ''Record access procedures'' below.

RECORD ACCESS PROCEDURES:

Individuals seeking access to any record contained in this system of records may inquire in accordance with instructions appearing at 31 CFR part 1, subpart C, appendix B. Inquiries should be addressed to the Director of the Internal Revenue Service Center servicing the area in which the individual resides. (See IRS appendix A for addresses.)

CONTESTING RECORD PROCEDURES:

26 U.S.C. 7852(e) prohibits Privacy Act amendment of tax records.

RECORD SOURCE CATEGORIES:

Tax returns and other filings made by the individual and agency entries made in the administration of the individual's account.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

TREASURY/IRS 22.061

SYSTEM NAME:

Wage and Information Returns Processing (IRP) File—Treasury/IRS.

SYSTEM LOCATION:

Martinsburg Computing Center, Martinsburg, West Virginia 25401, and Detroit Computing Center, 985 Michigan Ave., Detroit, MI 48226.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Recipients of various types of income; wages; dividends; interest; rents and royalties; medical payments; capital gains distributions; non-taxable distributions; pensions, annuities, retired pay or IRA payments; patronage dividends, distributions, and allocations; fishing crew payments; sales or redemption of securities, future transactions, commodities, bartering exchange transactions; original issue discount; distributions and prizes; currency transactions; state tax refunds; unemployment compensation, agricultural payments, taxable grants, indebtedness forgiveness; non-employees compensation; gambling winnings; and miscellaneous income.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records maintained are records representing certain wage and information returns: Forms W–2, W–2P, the 1087 and 1099 series; currency transaction reports; state tax refunds; statements of sales of equity obligations; and records of agricultural subsidy payments. Information included on each record identifies the recipient of the income (name, address, taxpayer identifying number, and other indicators relating to payee identification), identifies the income payer (very similar information), and identifies the type(s) and amount(s) of income.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 26 U.S.C. 7602, 7801 and 7802.

PURPOSE(S):

This system maintains records necessary for the efficient administration of tax accounts related to Wage and Information Returns.

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

Disclosure of returns and return information may be made only as provided by 26 U.S.C. 6103.

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

STORAGE:

Magnetic media.

RETRIEVABILITY:

By taxpayer social security number and name control.

SAFEGUARDS:

Access controls will not be less than those provided by the Automated Information System Security Handbook, IRM 2(10)00, and the Manager's Security Handbook, IRM 1(16)12.

RETENTION AND DISPOSAL:

Records are maintained in accordance with Records Disposition Handbooks, IRM 1(15)59.1 through IRM 1(15)59.32. Generally, until tax year 1974, records were maintained until processed. After tax year 1974, records are maintained for four years and then magnetically erased.

SYSTEM MANAGER(S) AND ADDRESS:

Official prescribing policies and practices—Assistant Commissioner (Taxpayer Services). Officials maintaining the system—Internal Revenue Service Center Directors. (See IRS appendix A for addresses.)

NOTIFICATION PROCEDURE:

This system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual.

RECORD ACCESS PROCEDURES:

This system of records may not be accessed for purposes of inspection or for contest of content of records.

CONTESTING RECORD PROCEDURES:

26 U.S.C. 7852(e) prohibits Privacy Act amendment of tax records.

RECORD SOURCE CATEGORIES:

This system of records contains investigatory material compiled for law enforcement purposes whose sources need not be reported.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

This system has been designated as exempt from certain provisions of the Privacy Act.

TREASURY/IRS 24.013

SYSTEM NAME:

Combined Account Number File, Taxpayer Services—Treasury/IRS.

SYSTEM LOCATION:

Internal Revenue Service Centers. (See IRS appendix A for addresses.)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals and businesses having specific, current business with IRS.

CATEGORIES OF RECORDS IN THE SYSTEM:

Taxpayer entity records (name, address, taxpayer identification number, and filing requirements related to entity liability); and tax modules (specific tax returns, tax years, and transactions which have been recorded relative to the module) when specifically requested by a service center, or if a notice for balance of tax due has been issued; a specific tax period is in taxpayer delinquent account status (TDA); a specific tax period is either credit or debit balance; no return has been posted and the return due date (RDD) has passed; or when a specific tax period is in taxpayer delinquent return (TDI) status.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 26 U.S.C. 7602, 7801 and 7802.

PURPOSE(S):

This system maintains tax account information necessary for the efficient resolution of accounting issues.

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

Disclosure of returns and return information may be made only as provided by 26 U.S.C. 6103.

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

STORAGE:

Disk storage.

RETRIEVABILITY:

By social security number or employer identification number.

SAFEGUARDS:

Access controls will not be less than those provided by the Automated Information System Security Handbook, IRM 2(10)00, and the Manager's Security Handbook, IRM 1(16)12.

RETENTION AND DISPOSAL:

Records are maintained in accordance with Records Disposition Handbooks, IRM 1(15)59.1 through IRM 1(15)59.32.

SYSTEM MANAGER(S) AND ADDRESS:

Official prescribing policies and practices—Assistant Commissioner (Taxpayer Services). Officials maintaining the system-Internal Revenue Service Center Directors. (See IRS appendix A for addresses.)

NOTIFICATION PROCEDURE:

Individuals seeking to determine if this system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR part 1, subpart C, appendix B. Inquiries should be addressed as in ''Record access procedures'' above.

RECORD ACCESS PROCEDURES:

Individuals seeking access to any record contained in this system of records may inquire in accordance with instructions appearing at 31 CFR part 1, subpart C, appendix B. Inquiries should be addressed to the Director of the Internal Revenue Service Center servicing the area in which the individual resides. (See IRS appendix A for addresses.)

CONTESTING RECORD PROCEDURES:

26 U.S.C. 7852(e) prohibits Privacy Act amendment of tax records.

RECORD SOURCE CATEGORIES:

Tax returns and other filings made by the individual and agency entries made in the administration of the individual's tax account.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

TREASURY/IRS 24.029

SYSTEM NAME:

Individual Account Number File (IANF), Taxpayer Services—Treasury/IRS.

SYSTEM LOCATION:

Internal Revenue Service Centers. (See IRS appendix A for addresses.)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals having specific, current business with IRS.

CATEGORIES OF RECORDS IN THE SYSTEM:

Taxpayer entity records (name, address, taxpayer identification number, and filing requirements related to entity liability); and tax modules (specific tax returns, tax years, and transactions which have been recorded relative to the module) when specifically requested by a service center, or if a notice for balance of tax due has been issued; a specific tax period is in taxpayer delinquent account status (TDA); a specific tax period is either credit or debit balance; no return has been posted and the return due date (RDD) has passed; or when a specific tax period is in taxpayer delinquent return (TDI) status.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 26 U.S.C. 7602, 7801 and 7802.

PURPOSE(S):

This system maintains records necessary to efficiently identify individuals having specific current business with the IRS.

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

Disclosure of returns and return information may be made only as provided by 26 U.S.C. 6103.

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

STORAGE:

Disk storage.

RETRIEVABILITY:

By social security number.

SAFEGUARDS:

Access controls will not be less than those provided by the Automated Information System Security Handbook, IRM 2(10)00, and the Manager's Security Handbook, IRM 1(16)12.

RETENTION AND DISPOSAL:

Records are maintained in accordance with Records Disposition Handbooks, IRM 1(15)59.1 through IRM 1(15)59.32.

SYSTEM MANAGER(S) AND ADDRESS:

Official prescribing policies and practices—Assistant Commissioner (Taxpayer Services). Officials maintaining the system—Internal Revenue Service Center Directors. (See IRS appendix A for addresses.)

NOTIFICATION PROCEDURE:

Individuals seeking to determine if this system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR part I, subpart C, appendix B. Inquiries should be addressed as in ''Record access procedures'' below.

RECORD ACCESS PROCEDURES:

Individuals seeking access to any record contained in this system of records may inquire in accordance with instructions appearing at 31 CFR part 1, subpart C, appendix B. Inquiries should be addressed to the Director of the Internal Revenue Service Center servicing the area in which the individual resides. (See IRS appendix A for addresses.)

CONTESTING RECORD PROCEDURES:

26 U.S.C. 7852(e) prohibits Privacy Act amendment of tax records.

RECORD SOURCE CATEGORIES:

Tax returns and other filings made by the individual and agency entries made in the administration of the individual's tax account.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

TREASURY/IRS 24.030

SYSTEM NAME:

Individual Master File (IMF), Taxpayer Services—Treasury/IRS.

SYSTEM LOCATION:

Martinsburg Computing Center, Martinsburg, West Virginia 25401, and IRS Service Centers.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who file and/or are included on Federal Individual Income Tax Returns (i.e., Forms 1040, 1040A, and 1040EZ); individuals who file other information filings; and power of attorney notifications for individuals.

CATEGORIES OF RECORDS IN THE SYSTEM:

Taxpayer entity records (name, address, identification number (SSN), and other indicators pertaining to entity maintenance, including zip code), and tax modular records which contain all records relative to specific tax returns for each applicable tax period or year. Modular records for authorization information (name, address, identification number and type of authority granted, and the name of the representative(s) for the taxpayer. Modular records for the representative (name, address and unique identification number). Recorded here are tax transactions such as tax amount, additions, abatements of tax payments, interest and like type transactions recorded relative to each tax module, power or attorney authorization transactions, and a code identifying taxpayers who threatened or assaulted IRS employees. An indicator will be added to any taxpayer's account who owes past due child and/or spousal support payments and whose name has been submitted to IRS by a state under provisions of Pub L. 97–35.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 26 U.S.C. 7602, 7801 and 7802.

PURPOSE(S):

To increase the efficiency of tax administration, the IRS maintains records of tax returns, payments, and assessments including Telefile records.

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

Disclosure of returns and return information may be made only as provided by (1) 26 U.S.C. 3406, and (2) 26 U.S.C. 6103.

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

STORAGE:

Magnetic media.

RETRIEVABILITY:

By taxpayer identification number (social security number or employer identification number), document locator numbers and alphabetically by name.

SAFEGUARDS:

Access controls will not be less than those provided by the Automated Information System Security Handbook, IRM 2(10)00, and the Manager's Security Handbook, IRM 1(16)12.

RETENTION AND DISPOSAL:

Records are maintained in accordance with Records Disposition Handbooks, IRM 1(15)59.1 through IRM 1(15)59.32. Generally, the code identifying taxpayers who threatened or assaulted IRS employees may be removed five years after initial input.

SYSTEM MANAGER(S) AND ADDRESS:

Official prescribing policies and practices—Assistant Commissioner (Taxpayer Services). Officials maintaining the system-Internal Revenue Service Center Directors and the Director, Martinsburg Computing Center. (See IRS appendix A for addresses.)

NOTIFICATION PROCEDURE:

Individuals seeking to determine if this system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR part 1, subpart C, appendix B. Inquiries should be addressed as in ''Record access procedures'' below.

RECORD ACCESS PROCEDURES:

Individuals seeking access to any record contained in this system of records may inquire in accordance with instructions appearing at 31 CFR part 1, subpart C, appendix B. Inquiries should be addressed to the District Director or the Internal Revenue Service Center Director servicing the area in which the individual resides. (See IRS appendix A for addresses.)

CONTESTING RECORD PROCEDURES:

26 U.S.C. 7852(e) prohibits Privacy Act amendment of tax records.

RECORD SOURCE CATEGORIES:

Tax returns and other filings made by the individual and agency entries made in the administration of the individual's tax account.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

TREASURY/IRS 24.046

SYSTEM NAME:

Business Master File (BMF), Taxpayer Services—Treasury/IRS.

SYSTEM LOCATION:

Martinsburg Computing Center, Martinsburg, West Virginia 25401, Cincinnati Service Center, 201 West River Center Blvd., Covington, KY 41019; Memphis Service Center, 3131 Democrat Road, Memphis, TN 38118; and Ogden Service Center, 1160 West 1200 South Street, Ogden, UT 84201,

and other IRS Service Centers. (See IRS appendix A for addresses.)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons in a sole proprietary role who file business tax returns, including Employer's Quarterly Federal Tax Returns (Form 941), Excise Tax Returns (Form 720), Wagering Returns (Forms 11C and 730), Highway Use Returns (Form 2290), and Form 1065 (U.S. Partnership Returns of Income), and U.S. Fiduciary Returns (Form 1041) and Estate and Gift Taxes (Forms 706, 706NA, and 709). The latter can be individuals not in a sole proprietorship role.

CATEGORIES OF RECORDS IN THE SYSTEM:

Taxpayer entity records (name, address, taxpayer identification number (TIN) which may be either EIN or SSN, and other indicators pertaining to entity maintenance, including zip code), and tax modules which are all the records relative to specific tax returns for each applicable tax period. Recorded are tax transactions such as tax amount, statements/additions to tax, payments, interest and like type transactions relative to each tax module. The Employer Identification Number (EIN)/ Name Control file which contains EINs and the associated IRS name controls.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 26 U.S.C. 7602, 7801 and 7802.

PURPOSE(S):

To increase the efficiency of tax administration, the Service maintains magnetic media records of tax returns filed by business taxpayers, and payments and assessments made to the accounts.

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

Disclosure of returns and return information may be made as provided by 26 U.S.C. 6103, and for meeting the requirements of 26 U.S.C. 3406. 26 U.S.C. 3406 provides, in part, that the Secretary of the Treasury notify a payor that the TIN (Taxpayer Identification Number) furnished by the payee is incorrect.

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

STORAGE:

Magnetic media.

RETRIEVABILITY:

By name, type of tax, and identifying number (including document locator number).

SAFEGUARDS:

Access Controls will not be less than those provided by the Automated Information System Security Handbook, IRM 2(10)00, and the Manager's Security Handbook, IRM 1(16)12.

RETENTION AND DISPOSAL:

Records are maintained in accordance with Records Disposition Handbooks, IRM 1(15)59.1 through IRM 1(15)59.32.

SYSTEM MANAGER(S) AND ADDRESS:

Official prescribing policies and practices—Chief Taxpayer Service. Officials maintaining the system—Internal Revenue Service Center Directors, and the Director, Martinsburg Computing Center. (See IRS appendix A for addresses.)

NOTIFICATION PROCEDURE:

Individuals seeking to determine if this system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR part 1, subpart C, appendix B. Inquiries should be addressed as in ''Record access procedures'' below.

RECORD ACCESS PROCEDURES:

Individuals seeking access to any record contained in this system of records may inquire in accordance with instructions appearing at 31 CFR part 1, subpart C, appendix B. Inquiries should be addressed to the Director of the Internal Revenue Service Center servicing the area in which the individual resides. (See IRS appendix A for addresses.)

CONTESTING RECORD PROCEDURES:

26 U.S.C. 7852(e) prohibits Privacy Act amendment of tax records.

RECORD SOURCE CATEGORIES:

Tax returns and other filings made by the individual and agency entries made in the administration of the individual's tax account.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

TREASURY/IRS 24.047

SYSTEM NAME:

Audit Underreporter Case File—Treasury/IRS.

SYSTEM LOCATION:

Internal Revenue Service Centers and Martinsburg Computing Center. (See IRS appendix A for addresses.)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Recipients of income who appear not to have declared on their income tax returns (Forms 1040, 1040A, and 1040EZ) all income paid to them in the tax year under study.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records maintained are taxpayer (i.e., payee) entity records containing payee name, address, taxpayer identification number, and other indicators relating to entity maintenance; and income records containing the types and amounts of income received/reported, and information identifying the income payer.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 26 U.S.C. 7602, 7801 and 7802.

PURPOSE(S):

These records provide a way to identify recipients of income who appear not to have declared all taxable income paid to them in the tax year under study.

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

Disclosure of returns and return information may be made only as provided by 26 U.S.C. 6103.

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

STORAGE:

Magnetic media.

RETRIEVABILITY:

By matching social security number and name control.

SAFEGUARDS:

Access controls will not be less than those provided by the Automated Information System Security Handbook, IRM 2(10)00.

RETENTION AND DISPOSAL:

Records are maintained in accordance with Records Disposition Handbooks, IRM 1(15)59.1 through IRM 1(15)59.32. Generally, records are retained for one year and then magnetically erased.

SYSTEM MANAGER(S) AND ADDRESS:

Official prescribing policies and practices—Executive Officer for Customer Service, National Office. Officials maintaining the system—Internal Revenue Service Centers Directors. (See IRS appendix A for addresses.)

NOTIFICATION PROCEDURE:

This system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual.

RECORD ACCESS PROCEDURES:

This system of records may not be accessed for purpose of inspection or for contest of content of records.

CONTESTING RECORD PROCEDURES:

26 U.S.C. 7852(e) prohibits Privacy Act amendment of tax records.

RECORD SOURCE CATEGORIES:

Information returns filed by payers and Forms 1040, 1040A, and 1040EZ.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

This system has been designated as exempt from certain provisions of the Privacy Act.

TREASURY/IRS 24.070

SYSTEM NAME:

Debtor Master File (DMF)—Treasury/IRS.

SYSTEM LOCATION:

Martinsburg Computing Center, Martinsburg, West Virginia 25401.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have delinquent obligations to a Federal or State agency.

CATEGORIES OF RECORDS IN THE SYSTEM:

Entity records (names and social security numbers), the amount owed by the individual, the name of the Federal or State agency to whom the debt is owed and a cross-reference number (SSN) of the spouse in the case of a jointly filed return.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 26 U.S.C. 6305, 6402(c) and 6402(d); 31 U.S.C. 3720A.

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

Disclosure of returns and return information may be made only as provided by 26 U.S.C. 6103.

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

STORAGE:

Magnetic tape and disk file.

RETRIEVABILITY:

By name, address, and social security number.

SAFEGUARDS:

Access controls will not be less than those provided by the Automated Information System Security Handbook, IRM 2(10)00.

RETENTION AND DISPOSAL:

The information is kept for one year and then destroyed. A new Debtor Master File is established each year.

SYSTEM MANAGER(S) AND ADDRESS:

Officials prescribing policies and practices—Assistant Commissioner (Taxpayer Services) and Assistant Commissioner (Information Systems Management). Officials maintaining the system—Director, Returns Processing and Accounting Division. (See IRS appendix A for addresses.)

NOTIFICATION PROCEDURE:

Individuals seeking to determine if this system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR part 1, subpart C, appendix B. Inquiries should be addressed as in ''Record access procedures'' below.

RECORD ACCESS PROCEDURES:

Individuals seeking access to any record contained in this system of records may inquire in accordance with instructions appearing at 31 CFR part 1, subpart C, appendix B. Inquiries should be addressed to the District Director or the Internal Revenue Service Center Director servicing the area in which the individual resides. (See IRS appendix A for addresses.)

CONTESTING RECORD PROCEDURES:

Individuals seeking to contest any record contained in this system of records must contact the agency to whom the debt is owed.

RECORD SOURCE CATEGORIES:

Names, SSNs, and obligation amounts are supplied by the Federal or state agency to whom the delinquent obligation is owed.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

TREASURY/IRS 26.001

SYSTEM NAME:

Acquired Property Records—Treasury/IRS.

SYSTEM LOCATION:

District Offices. (See IRS appendix A for addresses.)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Delinquent taxpayers whose property has been acquired by purchase by government or right of redemption.

CATEGORIES OF RECORDS IN THE SYSTEM:

Taxpayer name, address, taxpayer identification number, revenue officer reports.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 26 U.S.C. 7801 and 7802.

PURPOSE(S):

The system tracks property acquired under Internal Revenue Code section 6334 to provide fiscal accountability.

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

Disclosure of returns and return information may be made only as provided by 26 U.S.C. 6103.

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

STORAGE:

Paper records and magnetic media.

RETRIEVABILITY:

By taxpayer name, taxpayer identification number (social security number or employer identification number), seizure number.

SAFEGUARDS:

Access controls will not be less than those provided by the Automated Information System Security Handbook, IRM 2(10)00, and the Manager's Security Handbook, IRM 1(16)12.

RETENTION AND DISPOSAL:

Records are maintained in accordance with Records Disposition Handbooks, IRM 1(15)59.1 through IRM 1(15)59.32.

SYSTEM MANAGER(S) AND ADDRESS:

Official prescribing policies and practices—Assistant Commissioner (Collection). Officials maintaining the system—District Directors. (See IRS appendix A for addresses.)

NOTIFICATION PROCEDURE:

This system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual.

RECORD ACCESS PROCEDURES:

This system of records may not be accessed for purposes of inspection or for contest of content of records.

CONTESTING RECORD PROCEDURES:

26 U.S.C. 7852(e) prohibits Privacy Act amendment of tax records.

RECORD SOURCE CATEGORIES:

This system of records contains investigatory material compiled for law enforcement purposes whose sources need not be reported.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

This system has been designated as exempt from certain provisions of the Privacy Act.

TREASURY/IRS 26.006

SYSTEM NAME:

Form 2209, Courtesy Investigations—Treasury/IRS.

SYSTEM LOCATION:

District Offices, Internal Revenue Service Centers. (See IRS appendix A for addresses.)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Taxpayers on whom a delinquent account or delinquency or other investigation is or was located in one IRS district offices, but the individual is now living or has assets located in the jurisdiction of another IRS District office. Taxpayers on whom an investigation has been initiated for purposes of securing information necessary for federal tax administration purposes.

CATEGORIES OF RECORDS IN THE SYSTEM:

Contains taxpayer name, current and former addresses, taxpayer identifying number, if known. Contains the information, including class of tax, if applicable, or information concerning the action desired to be taken. The name and address of party that was contacted, chronological investigative history and/or information secured. The following types of investigations are included in this system: Form SSA–1273 cases—Notice of determination of FICA wages—issued when SSA obtains evidence that wages paid to claimant have not been recorded on his earnings record; requests for data needed in proof of claim cases; applications for discharge of property from tax lien; service of tax court subpoenas; complaints of employers failing to provide withholding statements; recovery of unassessable erroneous refunds; Form SSA–7010 cases—Request for preferential investigation. This is a request for preferential treatment (over other SSA cases) on an earning discrepancy case. Secure application for exemption from self-employment tax. Offers in compromise and related activities; i.e., follow-up on defaulted installments, secure payments on collateral agreements, etc. Maximize compliance with withholding requirements on alien's earnings; other miscellaneous uses.

AUTHORITY FOR MAINTANANCE OF THE SYSTEM:

5 U.S.C. 301; 26 U.S.C. 7801 and 7802.

PURPOSE(S):

The Form 2209 system provides a record of the nature of the investigation and to whom the investigation is assigned. It also provides a method of follow-up to ensure investigations are accomplished in a timely manner.

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

Disclosure of returns and return information may be made only as provided by 26 U.S.C. 6103.

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

STORAGE:

Paper records and magnetic media.

RETRIEVABILITY:

Retrievable by taxpayer name and taxpayer identification number (social security number or employer identification number).

SAFEGUARDS:

Access controls will not be less than those provided by the Automated Information System Security Handbook, IRM 2(10)00, and the Manager's Security Handbook, IRM 1(16)12.

RETENTION AND DISPOSAL:

Records are maintained in accordance with Records Disposition Handbooks, IRM 1(15)59.1 through IRM 1(15)59.32.

SYSTEM MANAGER(S) AND ADDRESS:

Official prescribing policies and practices—Assistant Commissioner (Collection). Officials maintaining the system—District Directors, and Internal Revenue Service Center Directors. (See IRS appendix A for addresses.)

NOTIFICATION PROCEDURE:

This system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual.

RECORD ACCESS PROCEDURES:

This system of records may not be accessed for purposes of inspection or for contest of content of records.

CONTESTING RECORD PROCEDURES:

26 U.S.C. 7852(e) prohibits Privacy Act amendment of tax records.

RECORD SOURCE CATEGORIES:

This system of records contains investigatory material compiled for law enforcement purposes whose sources need not be reported.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

This system has been designated as exempt from certain provisions of the Privacy Act.

TREASURY/IRS 26.008

SYSTEM NAME:

IRS and Treasury Employee Delinquency—Treasury/IRS.

SYSTEM LOCATION:

National Office, Regional Offices, District Offices and Internal Revenue Service Centers. (See IRS appendix A for addresses.)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

IRS and Treasury employees who are shown on the Master File as delinquent in meeting Federal tax requirements.

CATEGORIES OF RECORDS IN THE SYSTEM:

Taxpayer name, social security number, address, fact of IRS or Treasury employment code, District location code.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 26 U.S.C. 7801 and 7802.

PURPOSE(S):

This system enables the IRS to secure documentation concerning the resolution of balance due and return delinquency cases concerning IRS employees. This documentation may be used to support conduct investigations.

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

Disclosure of returns and return information may be made only as provided by 26 U.S.C. 6103.

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

STORAGE:

Paper records and magnetic media.

RETRIEVABILITY:

By taxpayer name and taxpayer identification number (social security number or employer identification number).

SAFEGUARDS:

Access controls will not be less than those provided by the Automated Information System Security Handbook, IRM 2(10)00, and the Manager's Security Handbook, IRM 1(16)12.

RETENTION AND DISPOSAL:

Records are maintained in accordance with Records Disposition Handbooks, IRM 1(15)59.1 through IRM 1(15)59.32.

SYSTEM MANAGER(S) AND ADDRESS:

Official prescribing policies and practices—Assistant Commissioner (Collection). Officials maintaining the

system—Assistant Commissioner (Collection), Regional Commissioners, District Directors, Internal Revenue Service Center Directors. (See IRS appendix A for addresses.)

NOTIFICATION PROCEDURE:

This system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual.

RECORD ACCESS PROCEDURES:

This system of records may not be accessed for purposes of inspection or for contest of content of records.

CONTESTING RECORD PROCEDURES:

26 U.S.C. 7852(e) prohibits Privacy Act amendment of tax records.

RECORD SOURCE CATEGORIES:

This system of records contains investigatory material compiled for law enforcement purposes whose sources need not be reported.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

This system has been designated as exempt from certain provisions of the Privacy Act.

TREASURY/IRS 26.009

SYSTEM NAME:

Lien Files (Open and Closed)—Treasury/IRS.

SYSTEM LOCATION:

District Offices and the Internal Revenue Service Centers. (See IRS appendix A for addresses.)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Taxpayers on whom Federal tax liens have been filed.

CATEGORIES OF RECORDS IN THE SYSTEM:

Taxpayer name, address, taxpayer identification number, information about basis of assessment including class of tax, period, dollar amount. Open and closed Federal tax liens including: Certificates of Discharge of Property from Federal Tax Lien; Certificates of Subordination; Certificates of Non-Attachment; Exercise of Government's Right of Redemption of Seized Property; Releases of Government's Right of Redemption. Federal tax lien information entered in Treasury Enforcement Communications System.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 26 U.S.C. 6323, 7801 and 7802.

PURPOSE(S):

To identify those taxpayers on whom a Federal tax lien, discharge, or subordination on lien attachment has been filed. The file also provides notice to the public that the Federal Government has an interest in property or rights to the property of the identified taxpayer. Further, the file also provides evidence that the lien has been released, a specific piece of property has been discharged and the government has obtained its interest in the property, or a subordination has been granted and the government has taken a junior lien position, or a certification of nonattachment has been issued.

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

Disclosure of returns and return information may be made only as provided by 26 U.S.C. 6103. Notices of lien and the index thereto are available to the public.

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

STORAGE:

Paper records and magnetic media.

RETRIEVABILITY:

By taxpayer name and taxpayer identification number (social security number or employer identification number).

SAFEGUARDS:

Access controls will not be less than those provided by the Automated Information System Security Handbook, IRM 2(10)00, and the Manager's Security Handbook, IRM 1(16)12.

RETENTION AND DISPOSAL:

Records are maintained in accordance with Records Disposition Handbooks, IRM 1(15)59.1 through IRM 1(15)59.32.

SYSTEM MANAGER(S) AND ADDRESS:

Official prescribing policies and practices—Assistant Commissioner (Collection). Officials maintaining the system—Assistant Commissioner (Collection), Regional Commissioners, District Directors and Internal Revenue Service Center Directors. (See IRS appendix A for addresses.)

NOTIFICATION PROCEDURE:

Individuals seeking to determine if this system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR part 2, subpart C, appendix B. Inquires should be addressed as in ''Record access procedures'' below.

RECORD ACCESS PROCEDURES:

Individuals seeking access to any record contained in this system of records may inquire in accordance with instructions appearing at 31 CFR part 1, subpart C, appendix B. Inquiries should be addressed to the District Director of each District where records are to be searched. (See IRS appendix A for addresses.) This system contains copies of public records, the originals of which are filed in accordance with the laws of each state, the District of Columbia, the Commonwealth of Puerto Rico, or possessions of the United States.

CONTESTING RECORD PROCEDURES:

26 U.S.C. 7852(e) prohibits Privacy Act amendment of tax records.

RECORD SOURCE CATEGORIES:

Tax returns and other filings made by the individual and agency entries made in the administration of the individual's tax account.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

TREASURY/IRS 26.010

SYSTEM NAME:

Lists of Prospective Bidders at Internal Revenue Sales of Seized Property—Treasury/IRS.

SYSTEM LOCATION:

District Offices. (See IRS appendix A for addresses.)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have requested that they be notified of Internal Revenue sales of seized property.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name and address and phone number (if provided).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 26 U.S.C. 7801 and 7802.

PURPOSE(S):

This system provides an up-to-date list of prospective bidders that may be notified when the IRS has seized property that is going to sale. Notification of prospective bidders is done to enhance the possibility of obtaining a higher price for the property.

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

Disclosure of returns and return information may be made only as provided by 26 U.S.C. 6103. Records other than returns and return information may be used to: (1) Disclose pertinent information to appropriate Federal, State, local, or foreign agencies

responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation; (2) disclose relevant, non-privileged information to a court, magistrate, or administrative tribunal including the presentation of evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings.

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

STORAGE:

Paper records and magnetic media.

RETRIEVABILITY:

By name of prospective bidder.

SAFEGUARDS:

Access controls will not be less than those provided by the Automated Information System Security Handbook, IRM 2(10)00, and the Manager's Security Handbook, IRM 1(16)12.

RETENTION AND DISPOSAL:

Records are maintained in accordance with Records Disposition Handbooks, IRM 1(15)59.1 through IRM 1(15)59.32.

SYSTEM MANAGER(S) AND ADDRESS:

Official prescribing policies and practices-Assistant Commissioner (Collection). Officials maintaining the system-District Directors. (See IRS appendix A for addresses.)

NOTIFICATION PROCEDURE:

Individuals seeking to determine if this system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR part 1, subpart C, appendix B. Inquiries should be addressed as in ''Record access procedures'' below.

RECORD ACCESS PROCEDURES:

Individuals seeking access to any record contained in this system of records, or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR part 1, subpart C, appendix B. Inquiries should be addressed to the Director of the District Office servicing the area in which the individual resides. (See IRS Appendix A for addresses.)

CONTESTING RECORD PROCEDURES:

See ''Record access procedures'' above.

RECORD SOURCE CATEGORIES:

Supplied voluntarily by the subject prospective bidder.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

TREASURY/IRS 26.011

SYSTEM NAME:

Litigation Case Files—Treasury/IRS.

SYSTEM LOCATION:

District Offices and Internal Revenue Service Centers. (See IRS appendix A for addresses.)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Taxpayers on whom Federal tax assessments have been made but against whom litigation has been initiated or is being considered by the government or who have instituted suits against the government.

CATEGORIES OF RECORDS IN THE SYSTEM:

Taxpayer name, address, taxpayer identification number, information about basis of assessment, including class of tax, period, and dollar amount. This file includes: Suit to Reduce Tax Claim to Judgement; Suit for Failure to Honor a Levy; Suit to Enforce Federal Tax Lien; Suit Against Transferee; Suit to Set Aside Fraudulent Transfer; Suit to Recover Erroneous Refund; other suits include those which the United States may intervene to assert a Federal tax lien; a proceeding to require opening of a safe deposit box, etc. The following suits against the United States are also included in this file: Quiet Title Suit; Foreclosure of Mortgage or other Lien; Partition; Condemnation; Interpleader; Refund Suits Involving Trust Fund Recovery Penalty Assessments; Injunction Suits under Freedom of Information Act. Also included in Litigation Files are: Individuals against whom bankruptcy proceedings are pending; decedent estates in probate with outstanding Federal tax liabilities; individuals executing Assignments for the Benefit of Creditors; individuals in Receivership Proceedings; individuals conducting a bulk sale; summons referrals; subpoena files; advisory opinions; collateral security agreements; revenue officer reports; and various other legal instruments and correspondence.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 26 U.S.C. 7801 and 7802.

PURPOSE(S):

The purpose of the system is to maintain a record of all categories of suits filed either by the taxpayer against the government or the government against the taxpayer.

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

Disclosure of returns and return information may be made only as provided by 26 U.S.C. 6103.

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

STORAGE:

Paper records and magnetic media.

RETRIEVABILITY:

By taxpayer name, taxpayer identification number (social security number or employer identification number).

SAFEGUARDS:

Access controls will not be less than those provided by the Automated Information System Security Handbook, IRM 2(10)00, and the Manager's Security Handbook, IRM 1(16)12.

RETENTION AND DISPOSAL:

Records are maintained in accordance with Records Disposition Handbooks, IRM 1(15)59.1 through IRM 1(15)59.32.

SYSTEM MANAGER(S) AND ADDRESS:

Official prescribing policies and practices—Assistant Commissioner (Collection), Officials maintaining the system—District Directors. (See IRS Appendix A for addresses.)

NOTIFICATION PROCEDURE:

This system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual.

RECORD ACCESS PROCEDURES:

This system of records may not be accessed for purposes of inspection or for contest of content of records.

CONTESTING RECORD PROCEDURES:

26 U.S.C. 7852(e) prohibits Privacy Act amendment of tax records.

RECORD SOURCE CATEGORIES:

This system of records contains investigatory material compiled for law enforcement purposes whose sources need not be reported.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

This system has been designated as exempt from certain provisions of the Privacy Act.

TREASURY/IRS 26.012

SYSTEM NAME:

Offer in Compromise (OIC) File—Treasury/IRS.

SYSTEM LOCATION:

Regional Offices, District Offices, Internal Revenue Service and computing Centers. (See IRS appendix A for addresses.)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Taxpayers who have submitted an offer to compromise a liability imposed by the Internal Revenue Code.

CATEGORIES OF RECORDS IN THE SYSTEM:

Form 2515, used to control offer cases, contains space for entering taxpayer name, address, taxpayer identification number, and all other pertinent information for identifying and assigning the OIC investigation. The file contains all records, documents, reports and work papers relating to the assignment, investigation, review and adjudication of the offer. This includes such items as the original offer, results of property records checks, interviews with third parties and the taxpayer, collateral income agreements, financial statements, tax return copies, and other information submitted by the taxpayer.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 26 U.S.C. 7801 and 7802.

PURPOSE(S):

These records are used to control offer in compromise cases.

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

Disclosure of returns and return information may be made only as provided by 26 U.S.C. 6103. This includes disclosure to the extent necessary to permit public inspection of any accepted offer-in-compromise as required by 26 U.S.C. 6103(k)(1).

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

STORAGE:

Paper records and magnetic media.

RETRIEVABILITY:

By taxpayer name and identification number.

SAFEGUARDS:

Access controls will not be less than those provided by the Automated Information System Security Handbook, IRM 2(10)00, and the Manager's Security Handbook, IRM 1(16)12.

RETENTION AND DISPOSAL:

Records are maintained in accordance with Records Disposition Handbooks, IRM 1(15)59.1 through IRM 1(15)59.32.

SYSTEM MANAGER(S) AND ADDRESS:

Official prescribing policies and practices—Assistant Commissioner (Collection). Officials maintaining the system—District Directors and Internal Revenue Service Center Directors. (See IRS appendix A for addresses.)

NOTIFICATION PROCEDURE:

This system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual.

RECORD ACCESS PROCEDURES:

This system of records may not be accessed for purposes of inspection or for contest of content of records.

CONTESTING RECORD PROCEDURES:

26 U.S.C. 7852(e) prohibits Privacy Act amendment of tax records.

RECORD SOURCE CATEGORIES:

This system of records contains investigatory material compiled for law enforcement purposes whose sources need not be reported. If an offer is accepted, an Abstract and Statement which identifies the taxpayer, the liability, the amount compromised and the basic circumstances of the case is made available for public inspection in accordance with Executive Order 10386 and Executive Order 10906.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

This system has been designated as exempt from certain provisions of the Privacy Act.

TREASURY/IRS 26.013

SYSTEM NAME:

Trust Fund Recovery Cases/One Hundred Percent Penalty Cases—Treasury/IRS.

SYSTEM LOCATION:

District Offices, Internal Revenue Service Centers. (See IRS appendix A for addresses.)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals against whom Federal tax assessments have been made or are being considered as a result of their being deemed responsible for payment of unpaid corporation withholding taxes and social security contributions.

CATEGORIES OF RECORDS IN THE SYSTEM:

Taxpayer name, address, taxpayer identification number, information about basis of assessment, including class of tax, period, dollar figures, waiver extending the period for asserting the 100-percent penalty/Trust Fund Recovery penalty (if any) and correspondence.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 26 U.S.C. 7801 and 7802.

PURPOSE(S):

This system provides a record of all Trust Fund Recovery Penalty cases made under 26 U.S.C. 6672.

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

Disclosure of returns and return information may be made only as provided by 26 U.S.C. 6103.

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

STORAGE:

Paper records and magnetic media.

RETRIEVABILITY:

By individual, or corporation name, taxpayer identification number (social security number or employer identification number).

SAFEGUARDS:

Access controls will not be less than those provided by the Automated Information System Security Handbook, IRM 2(10)00, and the Manager's Security Handbook, IRM 1(16)12.

RETENTION AND DISPOSAL:

Records are maintained in accordance with Records Disposition Handbooks, IRM 1(15)59.1 through IRM 1(15)59.32.

SYSTEM MANAGER(S) AND ADDRESS:

Official prescribing policies and practices: Assistant Commissioner (Collection). Officials maintaining the system: District Directors, Internal Revenue Service Center Directors. (See IRS appendix A for addresses.)

NOTIFICATION PROCEDURE:

This system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual.

RECORD ACCESS PROCEDURES:

This system of records may not be accessed for purposes of inspection or for contest of content of records.

CONTESTING RECORD PROCEDURES:

26 U.S.C. 7852(e) prohibits Privacy Act amendment of tax records.

RECORD SOURCE CATEGORIES:

This system of records contains investigatory material compiled for law enforcement purposes whose sources need not be reported.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

This system has been designated as exempt from certain provisions of the Privacy Act.

TREASURY/IRS 26.014

SYSTEM NAME:

Record 21, Record of Seizure and Sale of Real Property,—Treasury/IRS.

SYSTEM LOCATION:

District Offices (See IRS appendix A for addresses.)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals against whom tax assessments have been made and whose real property was seized and sold to satisfy their tax liability. Also name and address of purchaser.

CATEGORIES OF RECORDS IN THE SYSTEM:

Taxpayer name, address, taxpayer identification number, information about basis of assessment, including class of tax, period, dollar amounts, property description.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 26 U.S.C. 7801 and 7802.

PURPOSE(S):

This system provides a record of all sales under 26 U.S.C.6335 of real property as required by 26 U.S.C. 6390. The contents of this system of records evidences chain of title to real property and is a matter of public record.

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

Disclosure of returns and return information may be made only as provided by 26 U.S.C. 6103.

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

STORAGE:

Paper records and magnetic media.

RETRIEVABILITY:

By taxpayer name, taxpayer identification number (social security number or employer identification number) and seizure number.

SAFEGUARDS:

Access controls will not be less than those provided by the Automated Information System Security Handbook, IRM 2(10)00, and the Manager's Security Handbook, IRM 1(16)12.

RETENTION AND DISPOSAL:

Records are maintained in accordance with Records Disposition Handbooks, IRM 1(15)59.1 through IRM 1(15)59.32.

SYSTEM MANAGER(S) AND ADDRESS:

Official prescribing policies and practices—Assistant Commissioner (Collection); Officials maintaining the system—District Directors. (See IRS appendix A for addresses.)

NOTIFICATION PROCEDURE:

Individuals seeking to determine if this system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR part 1, subpart C, appendix B. Inquiries should be addressed as in ''Record access procedures'' below.

RECORD ACCESS PROCEDURES:

Individuals seeking access to any record contained in this system of records may inquire in accordance with instructions appearing at 31 CFR part 1, subpart C, appendix B. Inquiries should be addressed to or individuals may appear in person at the Office of the District Director for each District whose records are to be searched. (See IRS appendix A for addresses.)

CONTESTING RECORD PROCEDURES:

26 U.S.C. 7852(e) prohibits Privacy Act amendment of tax records.

RECORD SOURCE CATEGORIES:

This system of records evidences chain of title to real property and is a matter of public record. (See ''Categories of records in the system'' above).

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

TREASURY/IRS 26.016

SYSTEM NAME:

Returns Compliance Programs—Treasury/IRS.

SYSTEM LOCATION:

District Offices and Internal Revenue Service Centers. (See IRS appendix A for addresses.)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Taxpayers who may be delinquent in filing or paying Federal taxes.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records consist of name, address, taxpayer identification number (if known) and information concerning the potential tax liability. Returns Compliance Programs involve any type of Federal tax administered by the Collection Division and are conducted in accordance with Section 7601 of the Internal Revenue Code. RCP programs can be initiated by the National Office, Regional Offices, or by individual districts.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 26 U.S.C. 7801 and 7802.

PURPOSE(S):

This program identifies individuals who may be delinquent in filing or paying Federal tax.

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

Disclosure of returns and return information may be made only as provided by 26 U.S.C. 6103.

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

STORAGE:

Paper records and magnetic media.

RETRIEVABILITY:

By taxpayer name, taxpayer identification number (social security number or employer identification number).

SAFEGUARDS:

Access controls will not be less than those provided by the Automated Information System Security Handbook, IRM 2(10)00, and the Manager's Security Handbook, IRM 1(16)12.

RETENTION AND DISPOSAL:

Records are maintained in accordance with Records Disposition Handbooks, IRM 1(15)59.1 through IRM 1(15)59.32.

SYSTEM MANAGER(S) AND ADDRESS:

Official prescribing policies and practices-Assistant Commissioner (Collection), Officials maintaining the system-District Directors and Internal Revenue Service Center Directors. (See IRS appendix A for addresses.)

NOTIFICATION PROCEDURE:

This system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual.

RECORD ACCESS PROCEDURES:

This system of records may not be accessed for purposes of inspection or for contest of content of records.

CONTESTING RECORD PROCEDURES:

26 U.S.C. 7852(e) prohibits Privacy Act amendment of tax records.

RECORD SOURCE CATEGORIES:

This system of records contains investigatory material compiled for law enforcement purposes whose sources need not be reported.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

This system has been designated as exempt from certain provisions of the Privacy Act.

TREASURY/IRS 26.019

SYSTEM NAME:

Taxpayer Delinquent Account (TDA) Files, including subsystems: (a) Adjustments and Payment Tracers Files, (b) Collateral Files, (c) Seized Property Records, (d) Tax Collection Waiver, Forms 900, Files, and (e) Accounts on Child Support Obligations, (f) Dyed Diesel fuel Program records, and (g) Integrated Collection System (ICS) records—Treasury/IRS.

SYSTEM LOCATION:

District Offices and Internal Revenue Service Centers. (See IRS appendix A for addresses.)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Taxpayers on whom Federal tax assessments have been made, and persons who owe child support obligations.

CATEGORIES OF RECORDS IN THE SYSTEM:

Taxpayer name, address, taxpayer identification number, information about basis of assessment, including class of tax, period, dollar amounts, chronological investigative history, canceled checks, amended returns, claims, collateral submitted to stay collection, copies of notices of Federal tax liens, revenue officer reports, waivers to extend statutory period for collection, etc., and similar information about persons who owe child support obligations. This system includes Installment Agreement Files; Delinquent Account Inventory Profile (DAIP); Currently Not Collectible Register; Currently Not Collectible Register (over $25,000); Advance Dated Remittance Check Files; Currently Not Collectible Accounts Files; File of taxpayer names entered in the Treasury Enforcement Communications System and a code identifying taxpayers that threatened or assaulted IRS employees.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 26 U.S.C. 7801 and 7802.

PURPOSE(S):

The Taxpayer Delinquent Account (TDA) records provide a comprehensive inventory control of delinquent accounts. This system includes records for Adjustments and Payment Tracers files, collateral files, seized property records, Tax Collection Waiver Form 900 files, Accounts on Child Support Obligations, Dyed Diesel Fuel Program, and Integrated Collection System (ICS).

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

Disclosure of returns and return information may be made only as provided by 26 U.S.C. 6103.

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

STORAGE:

Paper records and magnetic media.

RETRIEVABILITY:

By taxpayer name, or name of person who owes child support obligations, and taxpayer identification number (social security number or employer identification number).

SAFEGUARDS:

Access controls will not be less than those provided by the Automated Information System Security Handbook, IRM 2(10)00, and the Manager's Security Handbook, IRM 1(16)12.

RETENTION AND DISPOSAL:

Records are maintained in accordance with Records Disposition Handbooks, IRM 1(15)59.1 through IRM 1(15)59.32.

SYSTEM MANAGER(S) AND ADDRESS:

Official prescribing policies and practices—Assistant Commissioner (Collection). Officials maintaining the system—Assistant Regional Commissioners (Collection), District Directors, Internal Revenue Service Center Directors. (See IRS appendix A for addresses.)

NOTIFICATION PROCEDURE:

This system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual.

RECORD ACCESS PROCEDURES:

This system of records may not be accessed for purposes of inspection or for contest of content of records.

CONTESTING RECORD PROCEDURES:

26 U.S.C. 7852(e) prohibits Privacy Act amendment of tax records.

RECORD SOURCE CATEGORIES:

This system of records contains investigatory material compiled for law enforcement purposes whose sources need not be reported.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

This system has been designated as exempt from certain provisions of the Privacy Act.

TREASURY/IRS 26.020

SYSTEM NAME:

Taxpayer Delinquency Investigation (TDI) Files—Treasury/IRS.

SYSTEM LOCATION:

District Offices and Internal Revenue Service Centers. (See IRS appendix A for addresses.)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Taxpayers believed to be delinquent in filing Federal tax returns.

CATEGORIES OF RECORDS IN THE SYSTEM:

Taxpayer name, address, taxpayer identification number, information from previously filed returns, information about the potential delinquent return(s), including class of tax, chronological investigative history; Delinquency Investigation Inventory Profile (DIIP) and a code identifying taxpayers that threatened or assaulted IRS employees.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 26 U.S.C. 7801 and 7802.

PURPOSE(S):

The purpose of this system is to establish a control on taxpayers on whom tax assessments have been made.

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

Disclosure of returns and return information may be made only as provided by 26 U.S.C. 6103.

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

STORAGE:

Paper records and magnetic media.

RETRIEVABILITY:

By taxpayer name, taxpayer identification number (social security number or employer identification number).

SAFEGUARDS:

Access controls will not be less than those provided by the Automated Information System Security Handbook, IRM 2(10)00, and the Manager's Security Handbook, IRM 1(16)12.

RETENTION AND DISPOSAL:

Records are maintained in accordance with Records Disposition Handbooks, IRM 1(15)59.1 through IRM 1(15)59.32.

SYSTEM MANAGER(S) AND ADDRESS:

Official prescribing policies and practices—Assistant Commissioner (Collection). Officials maintaining the

system—District Directors and Service Center Directors. (See IRS Appendix A for addresses.)

NOTIFICATION PROCEDURE:

This system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual.

RECORD ACCESS PROCEDURES:

This system of records may not be accessed for purposes of inspection or for contest of content of records.

CONTESTING RECORD PROCEDURES:

26 U.S.C. 7852(e) prohibits Privacy Act amendment of tax records.

RECORD SOURCE CATEGORIES:

This system of records contains investigatory material compiled for law enforcement purposes whose sources need not be reported.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

This system has been designated as exempt from certain provisions of the Privacy Act.

TREASURY/IRS 26.021

SYSTEM NAME:

Transferee Files—Treasury/IRS.

SYSTEM LOCATION:

District Offices and Internal Revenue Service Centers. (See IRS Appendix A for addresses.)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Includes taxpayers on whom tax assessments have been made but who have allegedly transferred their assets in order to place them beyond the reach of the government.

CATEGORIES OF RECORDS IN THE SYSTEM:

Taxpayer name, address, taxpayer identification number, information about basis of assessment, including class of tax, period, dollar amounts. Also, the name, address, taxpayer identification number and related information about transferee.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 26 U.S.C. 7801 and 7802.

PURPOSE(S):

To establish controls on records relating to taxpayers believed to be delinquent in filing Federal Tax returns.

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

Disclosure of returns and return information may be made only as provided by 26 U.S.C. 6103.

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

STORAGE:

Paper records and magnetic media.

RETRIEVABILITY:

By taxpayer name, taxpayer identification number (social security number or employer identification number).

SAFEGUARDS:

Access controls will not be less than those provided by the Automated Information System Security Handbook, IRM 2(10)00, and the Manager's Security Handbook, IRM 1(16)12.

RETENTION AND DISPOSAL:

Records are maintained in accordance with Records Disposition Handbooks, IRM 1(15)59.1 through IRM 1(15)59.32.

SYSTEM MANAGER(S) AND ADDRESS:

Official prescribing policies and practices—Assistant Commissioner (Collection). Officials maintaining the system—District Directors, Internal Revenue Service Center Directors, the Director of the Detroit Computing Center. (See IRS appendix A for addresses.)

NOTIFICATION PROCEDURE:

This system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual.

RECORD ACCESS PROCEDURES:

This system of records may not be accessed for purposes of inspection or for contest of content of records.

CONTESTING RECORD PROCEDURES:

26 U.S.C. 7852(e) prohibits Privacy Act amendment of tax records.

RECORD SOURCE CATEGORIES:

This system of records contains investigatory material compiled for law enforcement purposes whose sources need not be reported.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

This system has been designated as exempt from certain provisions of the Privacy Act.

TREASURY/IRS 26.022

SYSTEM NAME:

Delinquency Prevention Programs—Treasury/IRS.

SYSTEM LOCATION:

District Offices, Internal Revenue Service Centers. (See IRS appendix A for addresses.)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Taxpayers having a history of Federal tax delinquency.

CATEGORIES OF RECORDS IN THE SYSTEM:

Taxpayer name, taxpayer identification number, address, filing requirements, chronological investigative history.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 26 U.S.C. 7801 and 7802.

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

Disclosure of returns and return information may be made only as provided by 26 U.S.C. 6103.

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

STORAGE:

Paper records and magnetic media.

RETRIEVABILITY:

By taxpayer name.

SAFEGUARDS:

Access controls will not be less than those provided by the Automated Information System Security Handbook, IRM 2(10)00, and the Manager's Security Handbook, IRM 1(16)12.

RETENTION AND DISPOSAL:

Records are maintained in accordance with Records Disposition Handbooks, IRM 1(15)59.1 through IRM 1(15)59.32.

SYSTEM MANAGER(S) AND ADDRESS:

Official prescribing policies and practices-Assistant Commissioner (Collection). Officials maintaining the system-District Directors, Internal Revenue Service Center Directors, the Detroit Computing Center Director. (See IRS Appendix A for addresses.)

NOTIFICATION PROCEDURE:

This system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual.

RECORD ACCESS PROCEDURES:

This system of records may not be accessed for purposes of inspection or for contest of content of records.

CONTESTING RECORD PROCEDURES:

26 U.S.C. 7852(e) prohibits Privacy Act amendment of tax records.

RECORD SOURCE CATEGORIES:

This system of records contains investigatory material compiled for law enforcement purposes whose sources need not be reported.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

This system has been designated as exempt from certain provisions of the Privacy Act.

TREASURY/IRS 30.003

SYSTEM NAME:

Requests for Printed Tax Materials Including Lists—Treasury/IRS.

SYSTEM LOCATION:

National Office, 1111 Constitution Avenue, NW, Washington, DC 20224.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Files include those individuals that request various IRS printed materials such as publication 1045, reproduction proofs, etc.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name and address of individual or company wanting to receive District Director's newsletters, and/or ordering tax forms materials on certain distribution programs, (i.e. tax Practitioner Program; Bank, Post Office and Library Program; Reproducible Forms Program, etc.). A cross reference index may be developed to identify and control requests.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301.

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

Records may be used to: (1) Disclose information to mailing or distribution services contractors for the purpose of executing mailouts, order fulfillment, or subscription fulfillment; (2) disclose information to mailing or distribution services contractors for the purpose of maintaining mailing lists.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosures pursuant to 5 U.S.C. 552a(b)(12). Disclosure of debt information concerning a claim against an individual may be made from this system to consumer reporting agencies as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(e)).

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

STORAGE:

Magnetic media, paper records or mailing plates.

RETRIEVABILITY:

Alphabetically or numerically, by zip code.

SAFEGUARDS:

Access controls will not be less than those provided for by the Automated Information System Security Handbook, IRM 2(10)00, and the Manager's Security Handbook, IRM 1(16)12.

RETENTION AND DISPOSAL:

Records are maintained in accordance with Records Control Schedule 301—General Record Schedule 13, Printing, Binding, Duplication, and Distribution Records, IRM 1(15)59.31.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Publishing Services Branch, Internal Revenue Service, 1111 Constitution Avenue, NW, Washington, DC 20224.

NOTIFICATION PROCEDURE:

Individuals seeking to determine if this system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR part 1, subpart C, appendix B. Inquiries should be addressed as in ''Record access procedures'' Below.

RECORD ACCESS PROCEDURES:

Individuals seeking access to any record contained in this system of records, or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR part 1, subpart C, appendix B. Inquiries should be addressed to the Chief, Publishing Services Branch, Internal Revenue Service, 1111 Constitution Avenue, NW, Washington, DC 20224.

CONTESTING RECORD PROCEDURES:

See ''Record access procedures'' above.

RECORD SOURCE CATEGORIES:

The information is supplied by the individual and/or company making the request. The Service adds data pertaining to the fulfillment of the request.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None

TREASURY/IRS 30.004

SYSTEM NAME:

Security Violations-Treasury/IRS.

SYSTEM LOCATION:

National Office, Regional Offices, District Offices and Internal Revenue Service Centers. (See IRS appendix A for addresses.)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Violators of IRS Security Regulations.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name of violator, circumstances of violation (date, time, actions of violator, etc), supervisory action taken.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301.

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

Records may be used to: (1) The Department of Justice for the purpose of litigating an action or seeking legal advice. Disclosure may be made during judicial processes. (2) Provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains.

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

STORAGE:

File folder (notices of violation), 3 x 5 inch card file, and electronic storage.

RETRIEVABILITY:

3 × 5 inch card file—by name.

SAFEGUARDS:

Access controls will not be less than those provided by the Automated Information System Security Handbook, IRM 2(10)00, and the Manager's Security Handbook, IRM 1(16)12. Access to lateral file cabinets by security officer and staff only.

RETENTION AND DISPOSAL:

Records are maintained in accordance with Records Disposition Handbooks, IRM 1(15)59.1 through IRM 1(15)59.32.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Property, Security, and Records Unit, National Office, Regional Office, District Offices, Internal Revenue Service Center. (See IRS appendix A for addresses.)

NOTIFICATION PROCEDURE:

Individuals seeking to determine if this system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR part 1, subpart C, appendix B. Inquiries should be addressed as in ''Record access procedure'' below.

RECORD ACCESS PROCEDURES:

Individuals seeking access to any record contained in this system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR part 1, subpart C, appendix B. Inquiries should be addressed to the system manager in the office where the records are located.

CONTESTING RECORD PROCEDURES:

See ''Record access procedures'' above.

RECORD SOURCE CATEGORIES:

Contract Guard Force and Security Inspections.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

TREASURY/IRS 34.003

SYSTEM NAME:

Assignment and Accountability of Personal Property Files—Treasury/IRS.

SYSTEM LOCATION:

National Office, Regional Offices, District Offices, Internal Revenue Service Centers, Detroit Computing Center, and the Martinsburg Computing Center. (See IRS appendix A for addresses.)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All individuals receiving Government property for temporary use and repair.

CATEGORIES OF RECORDS IN THE SYSTEM:

Descriptions of property, receipts, reasons for removal, and property passes.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301.

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

Records and information contained in these records may be used to: (1) Disclose information to the Department of Justice for the purpose of litigating an action or seeking legal advice. Disclosure may be made during judicial processes; (2) disclose pertinent information to appropriate Federal, state, local, or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation; (3) disclose relevant, non-privileged information to a court, magistrate, or administrative tribunal including the presentation of evidence, disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings; (4) provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains; (5) provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

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

STORAGE:

Information is stored on various forms and ledgers maintained in locked filing cabinets.

RETRIEVABILITY:

Indexed alphabetically by name.

SAFEGUARDS:

Access controls will not be less than those provided for by the Automated Information System Security Handbook, IRM 2(10)00, and the Manager's Security Handbook, IRM 1(16)12.

RETENTION AND DISPOSAL:

Records are maintained in accordance with Records Control Schedule 301—General Records Schedule 18, Security and Protective Services Records, IRM 1(15)59.31.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Space and Property Branch and Chief, National Office Facilities Management Branch, National Office; Regional Commissioners, District Directors, Internal Revenue Service Center Directors, and Computing Center Directors. (See IRS Appendix A for addresses.)

NOTIFICATION PROCEDURE:

Individuals seeking to determine if this system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR part 1, subpart C, appendix B. Inquiries should be addressed as in ''Record access procedures'' below.

RECORD ACCESS PROCEDURES:

Individuals seeking access to any record contained in this system of records, or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR part 1, subpart C, appendix B. Inquiries should be addressed to the system manager in the office where the records are located.

CONTESTING RECORD PROCEDURES:

See ''Record access procedures'' above.

RECORD SOURCE CATEGORIES:

Individuals who receive property or request property passes.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

TREASURY/IRS 34.005

SYSTEM NAME:

Parking Space Application and Assignment—Treasury/IRS.

SYSTEM LOCATION:

National Office, Regional Offices, District Offices, Internal Revenue Service Centers, Detroit Computing Center, and Martinsburg Computing Center. (See IRS appendix A for addresses.)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Internal Revenue Service employees who apply for assignment of carpool or reserved parking spaces.

CATEGORIES OF RECORDS IN THE SYSTEM:

Contains the name, position title, organization, vehicle identification, arrival and departure time, and service computation date of individual or principal carpool applicant. Contains name, place of employment, duty telephone, vehicle license number and service computation date of applicants, individuals or carpool members, for parking spaces.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301.

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

Records may be used to:

(1) Disclose information to the Department of Justice for the purpose of litigating an action or seeking legal advice. Disclosure may be made during judicial processes; (2) provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains.

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

STORAGE:

Maintained on an 8½ × 10 inch or other local form.

RETRIEVABILITY:

Indexed by name of individual or principal carpool applicant.

SAFEGUARDS:

Access controls will not be less than those provided by the Automated Information System Security Handbook, IRM 2(10)00, and the Manager's Security Handbook, IRM 1(16)12.

RETENTION AND DISPOSAL:

Records are maintained in accordance with Records Control Schedule 301—General Records Schedule 11, Space

and Maintenance Records, IRM 1(15)59.31.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, National Office Protective Programs Staff, National Office; Regional Commissioners, District Directors, Internal Revenue Service Center Directors, and Computing Center Directors. (See IRS appendix A for addresses.)

NOTIFICATION PROCEDURE:

Individuals seeking to determine if this system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR part 1, subpart C, appendix B. Inquiries should be addressed as in ''Record access procedures'' below.

RECORD ACCESS PROCEDURES:

Individuals seeking access to any record contained in this system of records, or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR part 1, subpart C, appendix B. Inquiries should be addressed to the system manager in the office where the records are located.

CONTESTING RECORD PROCEDURES:

See ''Record access procedures'' above.

RECORD SOURCE CATEGORIES:

Individuals applying for parking spaces.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

TREASURY/IRS 34.007

SYSTEM NAME:

Record of Government Books of Transportation Requests—Treasury/IRS.

SYSTEM LOCATION:

National Office, Regional Offices, District Offices, Internal Revenue Service Centers, Detroit Computing Center, and Martinsburg Computing Center. (See IRS appendix A for addresses.)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

IRS employees issued Transportation Requests.

CATEGORIES OF RECORDS IN THE SYSTEM:

Form 496, alphabetical card record by name or the serial numbers of Transportation Requests issued to the employee; and Form 4678, numerical list by serial number listing the name of the employee to whom issued.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301.

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

Records and information from these records may be used to: (1) Disclose information to the Department of Justice for the purpose of litigating an action or seeking legal advice. Disclosure may be made during judicial processes; (2) disclose information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains; (3) disclose information to another Federal agency to effect inter-agency salary offset; to furnish a consumer reporting agency information to obtain commercial credit reports; to furnish a debt collection agency information for debt collection services; to furnish a consumer reporting agency with delinquency and default data available to private sector credit grantors.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosures pursuant to 5 U.S.C. 552a(b)(12). Disclosures of debt information concerning a claim against an individual may be made from this system to consumer reporting agencies as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f)) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)).

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

STORAGE:

Paper documents.

RETRIEVABILITY:

By name or serial number.

SAFEGUARDS:

Access controls will not be less than those provided for by the Automated Information System Security Handbook, IRM 2(10)00.

RETENTION AND DISPOSAL:

Records are maintained in accordance with Records Control Schedule 301—General Records Schedule 9, Travel and Transportation Records, IRM 1(15)59.31.

SYSTEM MANAGER(S) AND ADDRESS:

Administrative Officers, National Office; Regional Commissioners, District Directors, Internal Revenue Service Center Directors, and Computing Center Directors. (See IRS appendix A for addresses.)

NOTIFICATION PROCEDURE:

Individuals seeking to determine if this system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR part 1, subpart C, appendix B. Inquiries should be addressed as in ''Record access procedures'' below.

RECORD ACCESS PROCEDURES:

Individuals seeking access to any record contained in this system of records, or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR part 1, subpart C, appendix B. Inquiries should be addressed to the system manager in the office where the records are located.

CONTESTING RECORD PROCEDURES:

See ''Record access procedures'' above.

RECORD SOURCE CATEGORIES:

Government Books of Transportation Requests and employees to whom books were issued.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

TREASURY/IRS 34.009

SYSTEM NAME:

Safety Program Files—Treasury/IRS.

SYSTEM LOCATION:

National Office, Regional Offices, District Offices, Internal Revenue Service Centers, Detroit Computing Center, and the Martinsburg Computing Center. (See IRS appendix A for addresses.)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

IRS employees and others involved in an IRS motor vehicle accident, an accident or injury on IRS property, or a tort or personal property claim against the Service. All individuals issued an IRS driver's license are covered by this system.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual driving records and liceNse applications, motor vehicle accident reports, lost time and no-lost time personal injury reports, tort and personal property claims case files, informal and formal investigative report files.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; Executive Order 12196.

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

Disclosure of returns and return information may be made only as provided by 26 U.S.C. 6103. Records other than returns and return information may be used to: (1) Disclose information to the Department of Justice for the purpose of litigating an action or

seeking legal advice. Disclosure may be made during judicial processes; (2) provide information to the Department of Labor in connection with investigations of accidents occurring in the work place; (3) provide information to other federal agencies for the purpose of effecting interagency salary offset or interagency administrative offset; (4) provide information to consumer reporting agencies in accordance with 31 U.S.C. 3711(f); (5) provide information to a debt collection agency for debt collection services; (6) disclose pertinent information to appropriate Federal, state, local, or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, when the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation; (7) provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains; (8) provide information to Officials of labor organizations recognized under 5 U.S.C. Chapter 71 when relevant and necessary to their duties of exclusive representation; (9) provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosures pursuant to 5 U.S.C. 552a(b)(12). Disclosures of debt information concerning a claim against an individual may be made from this system to consumer reporting agencies as defined in the Fair Credit Reporting Act (15 U.S.C. 1681(f)) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)).

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

STORAGE:

Paper documents.

RETRIEVABILITY:

Indexed alphabetically by name.

SAFEGUARDS:

Access controls will not be less than those required by the Automated Information System Security Handbook, IRM 2(10)00, and the Manager's Security Handbook, IRM 1(16)12. Generally, access is restricted to official use by IRS employees.

RETENTION AND DISPOSAL:

Records are maintained in accordance with Records Control Schedule 301—General Records Schedule 1, 10, and 18; Records Control Schedule 114 for Facilities Management Division—National Office, IRM 1(15)59.1(14); and Records Control Schedule 212 for Regional Commissioner, Assistant Regional Commissioner (Resource Management) and District Director, IRM 1(15)59.2(12).

SYSTEM MANAGER(S) AND ADDRESS:

Safety Management Officer, Office of Research, Planning and Development, Director, Facilities and Information Management Systems, National Office; Director, Human Resources, Headquarters, appropriate Regional or District Office; Computing Center Directors; and the Austin Service Center Director. (See IRS appendix A for addresses.)

NOTIFICATION PROCEDURE:

Individuals seeking to determine if this system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR part 1, subpart C, appendix B. Inquiries should be addressed as in ''Record access procedures'' below.

RECORD ACCESS PROCEDURES:

Individuals seeking access to any record contained in this system of records or seeking to contest its content, may inquire in accordance with instructions appearing in 31 CFR part 1, subpart C, appendix B. Inquiries should be addressed to the system manager in the office where the records are located.

CONTESTING RECORD PROCEDURES:

See ''Record access procedures'' above.

RECORD SOURCE CATEGORIES:

Information originates from IRS employees, private individuals and private parties.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

TREASURY/IRS 34.012

SYSTEM NAME:

Emergency Preparedness Cadre Assignments and Alerting Rosters Files—Treasury/IRS.

SYSTEM LOCATION:

National Office, Regional Offices, District Offices, and Internal Revenue Service Centers. (See IRS appendix A for addresses.)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Key IRS and Treasury personnel.

CATEGORIES OF RECORDS IN THE SYSTEM:

Cadre assignments—personal information on employees; i.e., name, address, phone number, family data, security clearance, relocation assignment, etc. Alerting rosters—current listing of individuals by name and title stating their work and home address and phone numbers.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301.

PURPOSE(S):

The records are collected and maintained to identify emergency preparedness team members and their responsibilities; and to provide a means of contacting cadre members in the event of a national emergency.

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

Records and information from these records may be used to: (1) Disclose information to the Department of Justice for the purpose of litigating an action or seeking legal advice. Disclosure may be made during judicial processes; (2) provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains.

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

STORAGE:

Individual forms, correspondence kept in file folders, and electronic storage.

RETRIEVABILITY:

Cadre assignments are filed by relocation site and alerting rosters by title of list.

SAFEGUARDS:

Access controls will not be less than those provided by the Automated Information System Security Handbook, IRM 2(10)00, and the Manager's Security Handbook, IRM 1(16)12.

RETENTION AND DISPOSAL:

Records are maintained in accordance with Records Control Schedule 301—General Records Schedule 18, Security and Protective Services Records, IRM 1(15)59.31.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Physical Security Section, Facilities Standards Branch, Facilities and Information Management Support Division, National Office. Regional Office, District Office, Internal Revenue Service Center Security Officers. (See IRS appendix A for addresses.)

NOTIFICATION PROCEDURE:

Individuals seeking to determine if this system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR part 1, subpart C, appendix B. Inquiries should be addressed as in ''Record access procedures'' below.

RECORD ACCESS PROCEDURES:

Individuals seeking access to any record contained in this system of records, or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR part 1, subpart C, appendix B. Inquiries should be addressed to the system manager in the office where the records are located.

CONTESTING RECORD PROCEDURES:

See ''Record access procedures'' above.

RECORD SOURCE CATEGORIES:

Provided by individuals themselves.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

TREASURY/IRS 34.013

SYSTEM NAME:

Identification Media Files System for Employees and Others Issued IRS ID—Treasury/IRS.

SYSTEM LOCATION:

National Office, Regional Offices, District Offices, Internal Revenue Service Centers, Detroit Computing Center, and Martinsburg Computing Center. (See IRS appendix A for addresses.)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

IRS employees having one or more items of identification and federal and non-federal personnel working in or visiting IRS facilities.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records contain individual's name, home address, and other personal information and reports on loss, theft, or destruction of pocket commissions, enforcement badges and other forms of identification.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301.

PURPOSE(S):

The records are collected and maintained to provide required information on the issuance of identification media by the IRS.

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

Records and information from these records may be used to: (1) Disclose information to the Department of Justice for the purpose of litigating an action or seeking legal advice. Disclosure may be made during judicial processes; (2) provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains.

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

STORAGE:

Correspondence file folders, 3 x 7 inch card files, and magnetic media.

RETRIEVABILITY:

Indexed separately by name and Identification Media serial number.

SAFEGUARDS:

Access controls will not be less than those provided by the Automated Information System Security Handbook, IRM 2(10)00, and the Manager's Security Handbook, IRM 1(16)12. Access to the records is restricted to official use of Internal Revenue.

RETENTION AND DISPOSAL:

Records are maintained in accordance with Records Control Schedule 301—General Records Schedule 11, Space and Maintenance Records, IRM 1(15)59.31.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Physical Security Section, Facilities Standards Branch, Facilities and Information Management Support Division, and Chief, Property, Security and Records unit, National Office; Regional Offices, District Offices, Internal Revenue Service Center Security Officers.

NOTIFICATION PROCEDURE:

Individuals seeking to determine if this system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR part 1, subpart C, appendix B. Inquiries should be addressed as in ''Record access procedures'' below. Individual's name, SSN, address and type of ID media, plus the approximate date that he/she was issued and/or returned the particular item of identification, would have to be furnished to the Service office that issued the item for the Service to be able to ascertain whether or not the system contains a record about the individual.

RECORD ACCESS PROCEDURES:

Individuals seeking access to any record contained in this system of records, or seeking to contest its content, may inquire in accordance with instructions appearing at CFR part 1, subpart C, appendix B. Inquiries should be addressed to the system manager in the offices where the record is located.

CONTESTING RECORD PROCEDURES:

See ''Record access procedures'' above.

RECORD SOURCE CATEGORIES:

Information is generated by specific personnel action and is initially gathered on an application for employment. The information is confirmed by the newly hired employee.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

TREASURY/IRS 34.014

SYSTEM NAME:

Motor Vehicle Registration and Entry Pass Files—Treasury/IRS.

SYSTEM LOCATION:

Internal Revenue Service Centers. (See IRS appendix A for addresses.)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals requiring continued access to the facility and parking area violators.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name of employee, registered owner of vehicle, branch, telephone number, description of car, license number, employee's signature, name and expiration date of insurance, parking violations, decal number.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301.

PURPOSE(S):

The records are collected and maintained to provide information on the issuance of parking permits.

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

Records and information from these records may be used to: (1) Disclose information to the Department of Justice for the purpose of litigating an action or seeking legal advice. Disclosure may be made during judicial processes; (2) provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains.

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

STORAGE:

File folders, card files.

RETRIEVABILITY:

Indexed by name.

SAFEGUARDS:

Access controls will not be less than those provided by the Automated Information System Security Handbook, IRM 2(10)00, and the Manager's Security Handbook, IRM 1(16)12.

RETENTION AND DISPOSAL:

Records are maintained in accordance with Records Disposition Handbooks, IRM 1(15)59.1 through IRM 1(15)59.32. Generally, records are periodically updated to reflect changes and maintained as long as needed.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Security Function at Internal Revenue Service Centers. (See IRS appendix A for addresses.)

NOTIFICATION PROCEDURES:

Individuals seeking to determine if this system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR part 1, subpart C, appendix B. Inquiries should be addressed as in ''Record access procedures'' below.

RECORD ACCESS PROCEDURES:

Individuals seeking access to any record contained in this system of records, or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR part 1, subpart C, appendix B. Inquiries should be addressed to the system manager in the office where the record is located.

CONTESTING RECORD PROCEDURES:

See ''Record access procedures'' above.

RECORD SOURCE CATEGORIES:

Information is supplied by individual, except for parking violations information which is supplied by Security guard personnel.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

TREASURY/IRS 34.016

SYSTEM NAME:

Security Clearance Files—Treasury/IRS.

SYSTEM LOCATION:

National Office, Regional Offices, District Offices, Internal Revenue Service Centers. (See IRS appendix A for addresses.)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees of the Internal Revenue Service requiring a security clearance, having their security clearance canceled or transferred and individuals who have violated IRS security regulations regarding classified national security information.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records contain individual's name, employing office, date of security clearance, level of clearance, reason for the need for the national security clearance, and any changes in such clearance. Security violations records contain name of violator, circumstance of violation and supervisory action taken.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301.

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

Records and information from these records may be used to: (1) Disclose information to the Department of Justice for the purpose of litigating an action or seeking legal advice. Disclosure may be made during judicial processes; (2) provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains; (3) provide information to agencies and on a need-to-know basis to determine the current status of an individual's security clearance.

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

STORAGE:

Correspondence file folders.

RETRIEVABILITY:

Indexed by name and cross filed by functional area.

SAFEGUARDS:

Access controls will not be less than those provided by the Automated Information System Security Handbook, IRM 2(10)00, and the Manager's Security Handbook, IRM 1(16)12. Stored in locked security container in offices which are locked or guarded during non-work hours.

RETENTION AND DISPOSAL:

Records are maintained in accordance with Records Disposition Handbooks, IRM 1(15)59.1 through IRM 1(15)59.32.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Physical Security Section, Facilities Standards Branch, Facilities and Information Management Support Division, National Office, for security violations; and Chief, Employment Branch, Personnel Division, National Office for security clearances.

NOTIFICATION PROCEDURE:

Individuals seeking to determine if this system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR part 1, subpart C, appendix B. Inquiries should be addressed as in ''Record access procedures'' below.

RECORD ACCESS PROCEDURES:

Individuals seeking access to any record contained in this system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR part 1, subpart C, appendix B. Inquiries should be addressed to the appropriate system manager.

CONTESTING RECORD PROCEDURES:

See ''Record access procedures'' above.

RECORD SOURCE CATEGORIES:

Information is provided by the employee, his/her supervisor or employee's personnel record. Security violation information is obtained from a variety of sources, such as guard reports, security inspections, supervisor's reports, Internal Audit Reports, etc.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

TREASURY/IRS 34.018

SYSTEM NAME:

Integrated Data Retrieval System (IDRS) Security Files—Treasury/IRS.

SYSTEM LOCATION:

National Office, District Offices, Internal Revenue Service Centers, Regional Offices, Customer Service Sites, Submission Processing Centers, Development Centers, Computing Centers, and Field Information Systems Offices (FISO). (See IRS appendix A for addresses.)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

(1) Employees who input or who are authorized to input IDRS transactions and (2) taxpayers whose accounts are accessed.

CATEGORIES OF RECORDS IN THE SYSTEM:

Record logs of the employees who are authorized access to IDRS and of employee inputs and inquiries processed through IDRS terminals, including record logs of employees who have accessed IDRS in a manner that appears to be inconsistent with standard IRS practice(s).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 26 U.S.C. 6103, 7602, 7801 and 7802.

PURPOSE(S):

To aid the ongoing efforts of the IRS to enhance the protection of confidential tax returns and return information from unauthorized access, by assuring the public that their tax information is being protected in an ethical and legal manner, thereby promoting voluntary taxpayer compliance.

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

Disclosure of returns and return information may be made only as provided by 26 U.S.C. 6103.

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

STORAGE:

Magnetic media, hard copy, and optical storage media.

RETRIEVABILITY:

Indexed by employee's Social Security Number and employee identification number. Also may be retrieved by the Taxpayer Identification Number (TIN) of the taxpayer whose account is being accessed, date and time, command code, and terminal identification.

SAFEGUARDS:

Access controls will not be less than those provided by the Automated Information Systems Security Handbook, IRM 2(10)00, and the Manager's Security Handbook, IRM 1(16)12.

RETENTION AND DISPOSAL:

Records are maintained in accordance with Records Disposition Handbook, IRM 1(15)59.1 through 1(15)59.32.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Program Management and Evaluation Section, Information Systems Security Program Branch, Operations Management Division, Network and Systems Management, Information Systems, National Office.

NOTIFICATION PROCEDURE:

This system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual.

RECORD ACCESS PROCEDURES:

This system is exempt and may not be accessed for purposes of inspection or for contest of content of records.

CONTESTING RECORD PROCEDURES:

26 U.S.C. 7852(e) prohibits Privacy Act amendment of tax records.

RECORD SOURCE CATEGORIES:

This system of records contains (1) tax returns and return information, (2) account transactions and inputs to tax accounts, (3) employee user identification and profile information, (4) access record logs to accounts, and (5) data may also be retrieved from other IRS published systems of records used in the operation of this system.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

This system is exempt from 5 U.S.C. 552a(c)(3), (d)(1), (d)(2), (d)(3), (d)(4), (e)(1), (e)(4)(G), (H) and (I), and (f) of the Privacy Act pursuant to 5 U.S.C. 552a(k)(2). See 31 CFR 1.36.

TREASURY/IRS 34.018

SYSTEM NAME:

Integrated Data Retrieval System (IDRS) Security Files—Treasury/IRS.

SYSTEM LOCATION:

National Office, District Offices, Internal Revenue Service Centers, Regional Offices, Customer Service Sites, Submission Processing Centers, Development Centers, Computing Centers, and Field Information Systems Offices (FISO). (See IRS appendix A for addresses.)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

(1) Employees who input or who are authorized to input IDRS transactions and (2) taxpayers whose accounts are accessed.

CATEGORIES OF RECORDS IN THE SYSTEM:

Record logs of the employees who are authorized access to IDRS and of employee inputs and inquiries processed through IDRS terminals, including record logs of employees who have accessed IDRS in a manner that appears to be inconsistent with standard IRS practice(s).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 26 U.S.C. 7602, 7801 and 7802.

PURPOSE(S):

To aid the ongoing efforts of the IRS to enhance the protection of confidential tax returns and return information from unauthorized access, by assuring the public that their tax information is being protected in an ethical and legal manner, thereby promoting voluntary taxpayer compliance.

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

Disclosure of returns and return information may be made only as provided by 26 U.S.C. 6103.

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

STORAGE:

Magnetic media, hard copy, and optical storage media.

RETRIEVABILITY:

Indexed by employee's Social Security Number and employee identification number. Also may be retrieved by the Taxpayer Identification Number (TIN) of the taxpayer whose account is being accessed, date and time, command code, and terminal identification.

SAFEGUARDS:

Access controls will not be less than those provided by the Automated Information Systems Security Handbook, IRM 2(10)00, and the Manager's Security Handbook, IRM 1(16)12.

RETENTION AND DISPOSAL:

Records are maintained in accordance with Records Disposition Handbook, IRM 1(15)59.1 through 1(15)59.32.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Program Management and Evaluation Section, Information Systems Security Program Branch, Operations Management Division, Network and Systems Management, Information Systems, National Office.

NOTIFICATION PROCEDURE:

This system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual.

RECORD ACCESS PROCEDURES:

This system is exempt and may not be accessed for purposes of inspection or for contest of content of records.

CONTESTING RECORD PROCEDURES:

26 U.S.C. 7852(e) prohibits Privacy Act amendment of tax records.

RECORD SOURCE CATEGORIES:

This system of records contains (1) tax returns and return information, (2) account transactions and inputs to tax accounts, (3) employee user identification and profile information, (4) access record logs to accounts, and (5) data may also be retrieved from other IRS published systems of records used in the operation of this system.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

This system is exempt from 5 U.S.C. 552a(c)(3),(d)(1), (d)(2), (d)(3), (d)(4), (e)(1), (e)(4)(G), (H) and (I), and (f) of the Privacy Act pursuant to 5 U.S.C. 552a(k)(2).

TREASURY/IRS 36.001

SYSTEM NAME:

Appeals, Grievances and Complaints Records—Treasury/IRS.

SYSTEM LOCATION:

National Office, Regional Offices, District Offices, PODs, Internal Revenue Service Centers, Detroit Computing Center, and the Martinsburg Computing Center. (see IRS appendix A for addresses).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Applicants for Federal employment, current and former Federal employees (including annuitants) who submit appeals, grievances, or complaints for resolution.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system of records contains information or documents relating to a decision or determination made by an agency or other appropriate action organization (e.g., Office of Personnel Management, Equal Employment Opportunity Commission, Merit Systems Protection Board) affecting an individual. The records consist of the initial appeal or complaint, letters or notices to the individual, record of hearings when conducted, materials placed into the record to support the decision or determination, affidavits or statements, testimonies of witnesses, investigative reports, instructions to an agency about action to be taken to comply with decisions, and related correspondence, opinions and recommendations.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 1302, 3301, 3302, 4308, 5115, 5338, 5351, 5388, 7105, 7151, 7154, 7301, 7512, 7701 and 8347, Executive Order 9830, 10577, 10987, 11222, 11478 and 11491; and Pub. L. 92–261 (EEO Act of 1972), and Pub. L. 93–259.

PURPOSE(S):

This system consists of records compiled for administrative purposes, for appeals, grievances and complaints. Automated Labor and Employee Relations Tracking System (ALERTS) records are included to provide administrative tracking for personnel administration.

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

Disclosure of returns and return information may be only made as provided by 26 U.S.C. 6103. Records other than returns and return information may be used to: (1) Provide information to a Member of Congress regarding the status of an appeal, complaint or grievance; (2) disclose pertinent information to appropriate Federal, State, local, or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulations; (3) disclose information to a Federal, state, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit; (4) provide information to the Department of Justice for the purpose of litigating an action or seeking legal advice. Disclosure may be made during judicial processes; (5) provide information to other agencies to the extent provided by law or regulation and as necessary to report apparent violations of law to appropriate law enforcement agencies; (6) provide records and information to the Office of Personnel Management, Merit Systems Protection Board or Equal Employment Opportunity Commission for the purpose of properly administering Federal Personnel Systems in accordance with applicable laws, Executive Orders and regulations; (7) disclose relevant, non-privileged information to a court, magistrate, or administrative tribunal, including the presentation of evidence, disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings; (8) provide information to officials of labor organizations recognized under 5 U.S.C. Chapter 71 when relevant and necessary to their duties of exclusive representation; (9) provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation; (10) provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains.

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

STORAGE:

Card files, flat paper, lists, forms, folders, binder, microfilm and microfiche, punch card, and magnetic media.

RETRIEVABILITY:

Indexed by the names and case number of the individuals on whom they are maintained.

SAFEGUARDS:

Access controls will not be less than those provided for by the Automated Information System Security Handbook, IRM 2(10)00, and the Manager's Security Handbook, IRM 1(16)12. This is also in conformance with existing EEOC regulations.

RETENTION AND DISPOSAL:

Records are maintained in accordance with Records Control Schedule 301—General Records Schedules, IRM 1(15)59.31.

SYSTEM MANAGER(S) AND ADDRESS:

(a) EEO Discrimination Complaint Records—Regional Complaints Center Directors; (b) all other records—Director, Human Resources Division, or Chief, Personnel Branch, appropriate office. (See IRS appendix A for addresses.)

NOTIFICATION PROCEDURE:

Individuals seeking to determine if this system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR part 1, subpart C, appendix B. Inquiries should be addressed to: District Director for each District whose records are to be searched; Service Center Director for each Service Center whose records are to be searched; Director, Martinsburg Computing Center (for computing center employees only); Director, Detroit Computing Center (for computing center employees only); Regional Commissioner for each Regional Office whose records are to be searched; Director, Personnel Division, National Office; Assistant Commissioner Human Resources, National Office; Regional Counsel for each region whose records are to be searched; Assistant Chief Counsel (Disclosure Litigation) for records in the National Office of Chief Counsel. (See IRS appendix A for addresses.) Individuals should provide their name, date of birth, agency in which employed, and the approximate date, and the kind of action taken by the agency when making inquiries about records.

RECORD ACCESS PROCEDURES:

Individuals seeking access to any record contained in this system of records, or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR part 1,

subpart C, appendix B. Inquiries should be addressed to the appropriate official listed above. Individuals should provide their name, date of birth, POD, approximate date, and the kind of action taken by the agency when requesting access to, or contest of, records.

CONTESTING RECORD PROCEDURES:

See ''Record access procedures'' above.

RECORD SOURCE CATEGORIES:

(1) Individual to whom the record pertains; (2) Agency and/or other authorized Federal officials; (3) Affidavits or statements from employee; (4) Testimony of witnesses; (5) Official documents relating to the appeal, grievance, or complaints; (6) Correspondence from specific organization or persons.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

TREASURY/IRS 36.002

SYSTEM NAME:

Employee Activity Records—Treasury/IRS.

SYSTEM LOCATION:

National Office, Regional Offices, District Offices, PODs, Internal Revenue Service Centers, Detroit Computing Center, and Martinsburg Computing Center. (See IRS appendix A for addresses.)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and former employees of the Internal Revenue Service.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system contains records and information relating to voluntary employee activities and functions which are not directly related to the mission of the IRS or any of its functional components. These records will contain the names of participants and such other information only to the extent that it is necessary for the operation of the activity.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301.

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

These records and information in these records may be used to: (1) Disclose information to the Department of Justice for the purpose of litigation an action or seeking legal advice. Disclosure may be made during judicial processes; (2) disclose relevant, non-privileged information to a court, magistrate, or administrative tribunal, including the presentation of evidence, disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings; (3) provide information to officials of labor organization recognized under 5 U.S.C. Chapter 71 when relevant and necessary to their duties of exclusive representation; (4) provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation; (5) provide information to a Congressional office in response to an inquiry made at the request of the individual to whom the record pertains.

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

STORAGE:

Paper records and magnetic media.

RETRIEVABILITY:

Indexed by the name of the individuals on whom they are maintained.

SAFEGUARDS:

Access controls will not be less than those provided by the Automated Information System Security Handbook, IRM 2(10)00, and the Manager's Security Handbook, IRM 1(16)12. This is in conformance with existing OPM regulations.

RETENTION AND DISPOSAL:

Records are maintained in accordance with Records Disposition Handbooks, IRM 1(15)59.1 through IRM 1(15)59.32.

SYSTEM MANAGER(S) AND ADDRESS:

Supervisor of the organizational segment participating in the activity. (See IRS appendix A for addresses.)

NOTIFICATION PROCEDURE:

Individuals seeking to determine if this system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR part 1, subpart C, appendix B. Inquiries should be addressed as in ''Record access procedures'' below. Inquiring individuals need only provide their name.

RECORD ACCESS PROCEDURES:

Individuals seeking access to any record contained in this system of records, or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR part 1, subpart C, appendix B. Inquiries should be addressed to the system manager or the individual designated to maintain the record. Inquiring individuals need only provide their name.

CONTESTING RECORD PROCEDURES:

See ''Record access procedures'' above.

RECORD SOURCE CATEGORIES:

Information is derived only from the individual to whom the record pertains.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

TREASURY/IRS 36.003

SYSTEM NAME:

General Personnel and Payroll Records—Treasury/IRS.

SYSTEM LOCATION:

National Office, Regional Offices, District Offices, PODs, Internal Revenue Service Centers, Detroit Computing Center, Martinsburg Computing Center, and the Tennessee Computing Center. Payroll records are maintained at the Detroit Computing Center. (See IRS appendix A for addresses.) Transaction Processing Center, U.S. Department of Agriculture, National Finance Center.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Prospective, current and former employees of the IRS.

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 in the Federal service. These records contain data on individuals required by the Office of Personnel Management (OPM) and maintained in the Official Personnel Folder (OPF). The OPF may also contain letters of commendation; awards from non-Federal organizations; recommendations for Federal awards; awards; reprimands; adverse or disciplinary charges; records relating to life insurance, health insurance, designation of beneficiary; training; and other records which OPM and IRS require or permit to be maintained in the OPF. This system also includes records which are maintained in support of a personnel action such as a position management or position classification action, a reduction-in-force action (including such documents as retention registers and notices), and priority placement actions. Other records maintained about an individual in this system are evaluation records, including appraisal, expectation and payout records; employee performance file (EPF) records (includes performance ratings); suggestion files; award files;

financial and tax matters; back pay files; jury duty records; special emphasis programs records, such as Upward Mobility and Handicapped; outside employment statements; clearance upon separation; Unemployment Compensation Records; adverse and disciplinary action files; supervisory drop files; records relating to personnel actions correcting a pay problem; employment of relatives; furlough/recall records; work measurement records; emergency notification, employee locator and current address records; other records relating to the status of an individual; Executive Resources records and Senior Executive Service records; Management Careers Program records; and correspondence files pertaining to any personnel information contained in this notice. Payroll records included in this system are data storage and file records system for processing payroll and personnel actions, consisting of records of time and attendance, leave, tax withholding, bond purchases and issuances, emergency salaries, overtime and holiday pay, optional payroll deductions, and minority group designator codes.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, 1302, 2951, 4118, 4308 and 4506; and Executive Order 10561.

PURPOSE(S):

This system consists of records compiled for personnel administrative purposes. Automated Labor and Employee Relations tracking system (ALERTS) records are collected and maintained in the system to provide a management information database. This system also includes automated records such as the Totally Automated Personnel System (TAPS). Information that supports evaluations of IRS personnel may also be in this system. Listing of employee pseudonyms may be included in this system of records.

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

These records and information in these records may be used to: (1) Provide information to a prospective employer of an IRS employee or former IRS employee; (2) provide data to update Federal Automated Career Systems (FACS), Executive Inventory File, and security investigations index on new hires, adverse actions, and terminations; (3) provide information to a Federal, state, or local agency, other organizations or individuals in order to obtain relevant and pertinent information about an individual which is necessary for the hiring or retention of an individual; letting of a contract; or the issuance of a license, grant or other benefit; (4) request information from a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement or other pertinent agencies; (5) provide information to the Department of Justice for the purpose of litigating an action or seeking legal advice. Disclosure may be made during judicial process; (6) provide information to other agencies to the extent provided by law or regulation and as necessary to report apparent violation of law to appropriate law enforcement agencies; (7) provide information or records, where there is an indication of a violation or potential violation of law, whether civil, criminal, or regulatory in nature, to any other appropriate agency, whether Federal, State, or local, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, or order issued pursuant thereto or upon request of such agency when the agency is investigating the possible violation of their rules or regulations; (8) provide records to the Office of Personnel Management, Merit Systems Protection Board, Equal Employment Opportunity Commission, and General Accounting Office for the purpose of properly administering Federal Personnel systems or other agencies' systems in accordance with applicable laws, Executive Orders, and applicable regulations; (9) provide information to hospitals and similar institutions or organizations involved in voluntary blood donation activities; (10) provide information to educational institutions for recruitment and cooperative education purposes; (11) provide information to a Federal, state, or local agency so that the agency may adjudicate an individual's eligibility for a benefit, such as a state unemployment compensation board, housing administration agency and Social Security Administration; (12) provide information to financial institutions for payroll purposes; (13) provide information to another agency such as the Department of Labor or Social Security Administration and state and local taxing authorities as required by law for payroll purposes; (14) provide information to Federal agencies to effect inter-agency salary offset; to effect inter-agency administrative offset to the consumer reporting agency for obtaining commercial credit reports; and to a debt collection agency for debt collection services; (15) provide information to officials of labor organizations recognized under 5 U.S.C. Chapter 71 when relevant and necessary to their duties of exclusive representation; (16) provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation; (17) provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains; (18) disclose relevant, non-privileged information to a court, magistrate, or administrative tribunal, including the presentation of evidence, disclosure to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings; (19) provide information to the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's functions relating to civil and criminal proceedings; (20) disclosure of information about particular Treasury employees may be made to requesting Federal agencies or non-Federal entities under approved computer matching efforts, limited to only those data elements considered relevant to making a determination of eligibility under particular benefit programs administered by those agencies or entities or by the Department of the Treasury or any constituent unit of the Department, to improve program integrity, and to collect debts and other monies owed under those programs; (21) respond to state and local authorities for support garnishment interrogatories; and (22) provide information to private creditors for the purpose of garnishment of wages of an employee if a debt has been reduced to a judgement.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosures pursuant to 5 U.S.C. 552a(b)(12). Disclosures of debt information concerning a claim against an individual may be made from this system to consumer reporting agencies as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f)) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)).

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

STORAGE:

Magnetic media, discs, forms, punched cards, flat paper, lists, card files, forms, folders, binders, microfilm and microfiche.

RETRIEVABILITY:

Records are indexed by any combination of name, birth date, social security number, or employee identification number.

SAFEGUARDS:

Access controls will be not less than those provided by the Automated Information System Security Handbook, IRM 2(10)00, and the Manager's Security Handbook, IRM 1(16)12. This is also in conformance with existing OPM and GAO regulations.

RETENTION AND DISPOSAL:

Records are maintained in accordance with Records Control Schedule 301—General Records Schedules, IRM 1(15)59.31.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Human Resources Branch, and Chief, Personnel Branch, appropriate office; Executive Secretary, Executive Resources Board (for executive resource records); Director of Labor Relations; Chiefs, Transactional Processing Centers; Director, Tennessee Computing Center; Director of Support Services, Midstates Region, 4050 alpha Road, 12th Floor, Mail code 1100 MSRO, Dallas, TX 75244–4203; Director of Support Services, Northeast Region, PO Box 2815, Church Street Station New York, NY 10008; Director of Support Services, Southeast Region, PO Box 926, Stop 160–R, Atlanta, GA 30370; Director of Support Services, Western Region, 1650 Mission Street, Room 511 San Francisco, CA 94103.

NOTIFICATION PROCEDURE:

Individuals seeking to determine if this system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR part 1, subpart C, appendix B. Inquiries should be addressed to: District Director for each District whose records are to be searched; Service Center Director for each Service Center whose records are to be searched; Director, Martinsburg Computing Center (for computing center employees only); Director, Detroit Computing Center (for computing center employees only); Regional Commissioner for each Regional Office whose records are to be searched; Director, Human Resources Division, National Office; for each appropriate Division in the National Office; Regional Counsel for each region whose records are to be searched; Assistant Chief Counsel (Disclosure Litigation) for records in the National Office of Chief Counsel; (See IRS appendix A for addresses.) Inquiries should include name, date of birth, social security number and post-of-duty.

RECORD ACCESS PROCEDURES:

Individuals seeking access to any record contained in this system of records, or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR part 1, subpart C, appendix B. Inquiries should be addressed to the appropriate official listed above. Former IRS employees who wish to gain access to their records should direct such a request in writing, including their name, date of birth, and social security number, to: National Personnel Records Center, National Archives and Records Administration, 9700 Page Boulevard, St. Louis, Missouri 63132.

CONTESTING RECORD PROCEDURES:

See ''Record access procedures'' above.

RECORD SOURCE CATEGORIES:

Information in this system of records either comes from the individual to whom it applies or is derived from information supplied by that individual, except information provided by agency officials. Payroll information is compiled from existing master records, i.e., employees' official personnel folders, or the employee. Information is also obtained directly from an employee, payroll coordinator, or administrative officer.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

TREASURY/IRS 36.005

SYSTEM NAME:

Medical Records—Treasury/IRS.

SYSTEM LOCATION:

(1) Applicants and current IRS employees: National Office, Regional Offices, District Offices, PODs, Internal Revenue Service Centers, Detroit Computing Center, and the Martinsburg Computing Center (see IRS appendix A for addresses); (2) Former IRS employees: National Personnel Records Center, 9700 Page Blvd., St. Louis, Missouri 63132. Records may also be maintained in the offices listed under (1) above.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

(1) Applicants for IRS employment; (2) Applicants rejected on medical grounds; (3) Applicants for disability retirement under the Civil Service Retirement Law; (4) IRS employees; (5) Former IRS employees; (6) Visitors of IRS offices who require medical attention while on the premises.

CATEGORIES OF RECORDS IN THE SYSTEM:

(1) Applications for IRS employment containing information relating to an individual's medical qualifications to hold a position in the IRS; (2) Applications rejected on medical grounds. Information relating to an applicant's rejection for a position because of medical reasons; (3) Disability retirement records. Information relating to an individual's capability (physical or mental) to satisfactorily perform the duties of the position he or she holds or held; (4) Health unit medical records (Federal civilian employees); (5) Information relating to an employee's participation in an occupational health services program; (6) Qualification examinations (Federal employees). Information relates to pre-employment, or periodic re-qualification medical examinations to assure that the incumbents are qualified (physically and mentally) to satisfactorily perform the duties of the position; (7) Fitness-for-duty examinations. Information relating to a medical examination to determine an individual's physical or mental condition with respect to ability to satisfactorily perform the duties of the position held; (8) Alcohol/drug employee assistance records. Information relating to employee participation in the Federal Civilian Alcoholism and Drug Abuse Program; (9) Injury Compensation Records. Information relating to on-the-job injuries of employees and former employees; (10) Records relating to the Blood Donor Program; (11) Records relating to drug testing program.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Medical Information relating to the Retirement, Life Insurance and Health Benefits Programs—5 U.S.C. Chapters 81, 87, and 89. Information for Federal employment—5 U.S.C. 3301. Information relating to the Alcoholism, Drug Abuse and Employee Assistance Programs—Pub. L. 91–616 and 92–255 as amended by Pub. L. 93–282 in regard to confidentiality of patient records. Information relating to the Occupational Health Program—5 U.S.C. 7901. Information relating to workman's compensation—5 U.S.C. 8101. Information relating to drug testing—5 U.S.C. 7301.

PURPOSE(S):

Injury compensation records and records relating to drug testing are collected and maintained to effectively administer the Worker's Compensation Program and the Drug-Free Workplace Program.

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

Records and information contained in these records may be used to: (1) Provide information to other Federal agencies responsible for other Federal benefits programs administered by the Office of Workers' Compensation Programs; Retired Military Pay Centers; Veterans Administration; Social Security Administration; Office of Personnel Management; Private contractors engaged in providing benefits under Federal contracts; (2) disclose information to the Department of Justice for the purpose of litigating an action or seeking advice. Disclosure may be made during judicial processes; (3) provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains. (4) disclose information to other agencies to the extent provided by law or regulation; (5) disclosure may be made to the appropriate Federal, state or local agency where there is an indication of a violation or potential violation of law, whether civil, criminal, or regulatory in nature; (6) Federal, state, or local agencies in order to obtain or release relevant and pertinent information to an agency decision concerning the hiring or retention of an individual, the issuance of a security clearance, the letting of a contract or the issuance of a license, grant or other benefit; (7) disclose information to the Public Health Service; (8) disclose information to an individual's private physician where medical considerations or the content of medical records indicate that such release is appropriate; (9) disclose information to an agency designated employee representative where such representative is required by the Office of Personnel Management; (10) disclose information to hospitals and similar institutions or organizations participating in blood donor activities; (11) disclosure of Alcoholism, Drug Abuse, and Employee Assistance records are limited under Pub. L. 91–616, 92–255, and 93–282; (12) disclose information to the Equal Employment Opportunity Commission when needed to resolve a complaint; (13) disclose relevant, non-privileged information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings; (14) provide information to officials of labor organizations recognized under 5 U.S.C. Chapter 71 when relevant and necessary to their duties of exclusive representation; (15) provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

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

STORAGE:

Magnetic media, discs, flat paper, lists, forms, folders, card files, microfilm and microfiche.

RETRIEVABILITY:

Records are indexed by name, social security number, date of birth and/or claim number.

SAFEGUARDS:

Access controls will not be less than those provided by the Automated Information System Security Handbook, IRM 2(10)00, and the Manager's Security Handbook, IRM 1(16)12.

RETENTION AND DISPOSAL:

Records are maintained in accordance with Records Control Schedule 301—General Records Schedules, IRM 1(15)59.31.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Human Resources Branch, or Chief, Personnel Branch, appropriate office; Associate Chief Counsel (Finance and Management), Regional and District Counsels. (See IRS appendix A for addresses.)

NOTIFICATION PROCEDURE:

Individuals seeking to determine if this system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR part 1, subpart C, appendix B. Inquiries should be addressed to: District Director for each District whose records are to be searched; Service Center Director for each Service Center whose records are to be searched; Director, Martinsburg Computing Center (for Computing Center employees only); Director, Detroit Computing Center (for Computing Center employees only); Regional Commissioner for each Regional Office whose records are to be searched; Director, Human Resources Branch, National Office; Chief, Management and Administration, National Office; Regional Counsel for each region whose records are to be searched; Assistant Chief Counsel (Enforcement Litigation-Disclosure Litigation) for records in the National Office of Chief Counsel. (See IRS appendix A for addresses.) Former employees should direct inquiries to: The National Personnel Records Center, 9700 Page Blvd., St. Louis, Missouri 63132. Individuals requesting information about this system of records should provide their full name, date of birth, social security number, name and address of office in which currently or formerly employed in the Federal service, and annuity account number, if any has been assigned.

RECORD ACCESS PROCEDURES:

Individuals seeking access to any record contained in this system of records, or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR part 1, subpart C, appendix B. Inquiries should be addressed to the appropriate official listed above.

CONTESTING RECORD PROCEDURES:

See ''Record access procedures'' above.

RECORD SOURCE CATEGORIES:

(1) The individual to whom the record pertains; (2) private physicians; (3) Medical institutions; (4) Office of Workers' Compensation Programs; (5) Military Retired Pay Systems Records; (6) Federal civilian retirement systems other than Civil Service Retirement System; (7) General Accounting office pay, leave allowance cards; (8) OPM Retirement, Life Insurance and Health Benefits Records System; (9) OPM Personnel Management Records System.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

TREASURY/IRS 36.008

SYSTEM NAME:

Recruiting, Examining and Placement Records—Treasury/IRS.

SYSTEM LOCATION:

National Office, Regional Offices, District Offices, PODs, Internal Revenue Service Centers, Detroit Computing Center, and Martinsburg Computing Center, (see IRS appendix A for addresses.)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Applicants for IRS employment, current and former employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

These records contain information relating to education, training, employment history and earnings, tests, results of written tests, test scores, qualification determinations, evaluations, appraisals of potential, interview records, responses to test items and questionnaires, honors, and awards or fellowships. Other

information maintained in the records includes military service, date of birth, birthplace, SSN, home address. Records may also be maintained on suitability determinations, employee participation in special emphasis, placement and recruiting programs, and employee turnover records. This system also includes correspondence files relating to the above mentioned records. Personnel research and test validation records are included in this system.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 1302, 3109, 3301, 3302, 3304, 3306, 3307, 3309, 3313, 3317, 3318, 3319, 3326, 3349, 4103, 5532, 5533 and 5723; Executive Order 10577 and 11103.

PURPOSE(S):

This system is to determine eligibility for employment.

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

These records and information in these records may be used to: (1) Disclose information to the Department of Justice for the purpose of litigating an action or seeking legal advice. Disclosure may be made during judicial processes; (2) disclose information to other agencies to the extent provided by law or regulation and as necessary to report apparent violations of law to appropriate law enforcement agencies; (3) disclose information and records to the Office of Personnel Management, Merit Systems Protection Board, or the Equal Employment Opportunity Commission, for the purpose of properly administering Federal Personnel Systems in accordance with applicable laws, Executive Orders and regulations; (4) refer applicants to officials of Federal government agencies for purposes of consideration for placement in positions for which an applicant has applied and is qualified; to state and local governments with permission of an applicant for the purpose of employment consideration; and to refer current IRS employees to Federal agencies for consideration for transfer, reassignment, and promotion; (5) disclose information to educational institutions in connection with recruiting efforts; (6) disclose information or records where there is an indication of a violation or potential violation of law, whether civil, criminal or regulatory in nature, to any other appropriate agency, whether Federal, state or local charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule; (7) request information from a Federal, state or local agency maintaining civil, criminal, or other relevant enforcement or other pertinent information, such as licenses, if necessary to obtain relevant information 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; (8) provide information to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the letting of a contract, or 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 that matter; (9) disclose relevant, non-privileged information to a court, magistrate, or administrative tribunal, including the presentation of evidence, disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings; (10) provide information to officials of labor organizations recognized under 5 U.S.C. chapter 71 when relevant and necessary to their duties of exclusive representation; (11) provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation; (12) provide information to a Congressional office in response to an inquiry made at the request of the individual to whom the record pertains.

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

STORAGE:

Magnetic tapes, punched cards, discs, card files, lists, flat paper, microfilm, microfiche, forms and folders.

RETRIEVABILITY:

Records are indexed by name, combination of birth date, social security account number, and an identification number that is applicable.

SAFEGUARDS:

Access Controls will not be less than those provided for by the Automated Information System Security Handbook, IRM 2(10)00, and the Manager's Security Handbook, IRM 1(16)12. This is in conformance with existing OPM regulations.

RETENTION AND DISPOSAL:

Records are maintained in accordance with Records Control Schedule 301—General Records Schedules, IRM 1(15)59.31.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Human Resources Branch (or equivalent), or Chief, Personnel Branch (or equivalent), appropriate office. (See IRS appendix A for addresses.)

NOTIFICATION PROCEDURE:

Individuals seeking to determine if this system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR part 1, subpart C, appendix B. Inquiries should be addressed to: District Director for each District whose records are to be searched; Service Center Director for each Service Center whose records are to be searched; Director, Martinsburg Computing Center (for Computing Center employees only); Director, Detroit Computing Center (for Computing Center employees only); Regional Commissioner for each Regional Office whose records are to be searched; Director, Personnel Branch, National Office; Chief, Management and Administration, National Office; or other appropriate official. (See appendix A.) Individuals should provide name, date of birth, social security number, identification number (if known), approximate date of record, and title of examination or announcement with which concerned.

RECORD ACCESS PROCEDURES:

Individuals seeking access to any record contained in this system of records, or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR part 1, subpart C, appendix B. Inquiries should be addressed to the appropriate official as listed above. This system of records may not be accessed for purposes of inspection or for contest of content of Treasury Forms 4825 (Evaluation of Candidates for Initial Executive Placement) and Treasury Form 4245 (Report of Managerial Potential) prepared prior to September 27, 1975.

CONTESTING RECORD PROCEDURES:

See ''Record access procedures'' above.

RECORD SOURCE CATEGORIES:

Information in this system of records either comes from the individual to whom it applies or is derived from information he or she supplied, except reports from medical personnel on physical qualification; results of examination which are made known to applicants and vouchers supplied by references the applicant lists.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

This system has been designated as exempt from certain provisions of the Privacy Act.

TREASURY/IRS 36.009

SYSTEM NAME:

Retirement, Life Insurance and Health Benefits Records System—Treasury/IRS.

SYSTEM LOCATION:

National Office, Regional Offices, District Offices, Pods, Internal Revenue Service Centers, the Detroit Computing Center, and the Martinsburg Computing Center, (see IRS appendix A for addresses.) for former employees: Records Division, Bureau of Retirement, Insurance and Occupational Health, Office of Personnel Management, Boyers, Pennsylvania.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

(1) IRS employees who are covered by the Civil Service Retirement System (CSRS) or the Federal Employees Retirement System (FERS); (2) IRS employees who have either declined or are covered by the Federal Employees' Group Life Insurance Program or the Federal Employees' Health Benefits Program.

CATEGORIES OF RECORDS IN THE SYSTEM:

(1) Documentation of Federal service creditable under CSRS/FERS; (2) Documentation of coverage or declination of coverage under the Federal Employees' Group Life Insurance Program, and the Federal Employees' Health Benefits Program; (3) Documentation of claim for refund or for annuity benefits under CSRS/FERS; (4) Documentation of claim for survivor annuity or death benefits under CSRS/FERS; (5) Medical records supporting claims for disability retirement under CSRS/FERS; (6) Designations of beneficiary for benefits payable under CSRS/FERS or the Federal Employees' Group Life Insurance Program; (7) All other information necessary to enable offices to recruit annuitants for short term assignments and to send them requested publications.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. Chapters 83, 87, and 89.

PURPOSE(S):

Retirement, life insurance, and health insurance benefit records are collected and maintained to effectively administer the Federal Employee's Retirement System (FERS); Civil Service Retirement System (CSRS); Federal Employee's Group Life Insurance Plan, and the Federal Employees' Health Benefit Program.

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

These records and information in these records may be used to: (1) Provide information to the Office of Workers' Compensation Programs, Veterans Administration Pension Benefits Program, Social Security Old Age, Survivor and Disability Insurance and Medicare Programs, and Federal civilian employee retirement systems other than the Civil Service Retirement System, when requested by that program or system or by the individual covered by this system of records, for use in determining an individual's claim for benefits under such system; (2) provide information necessary to support a claim for life insurance benefits under the Federal Employees' Group Life Insurance Program to the Office of Federal Employees' Group Life Insurance, 4 East 24th Street, New York, N.Y. 10010; (3) provide information necessary to support a claim for health insurance benefits under the Federal Employees' Health Benefits Program to a health insurance carrier or plan participating in the program; (4) disclose information to the Department of Justice for the purpose of litigating an action or seeking legal advice. Disclosure may be made during judicial processes; (5) provide information to other agencies to the extent provided by law or regulation and as necessary to report apparent violations of law to appropriate law enforcement agencies; (6) disclose information to a Federal, state, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit; (7) provide information and records to the Office of Personnel Management for the purpose of properly administering Federal Personnel Systems in accordance with applicable laws, Executive Orders and regulations; (8) provide information to an agency designated employee representative when such representative is required under Office of Personnel Management regulations; (9) provide information to hospitals and similar institutions to verify an employee's coverage in the Federal Employees' Health Benefits Program; (10) provide information to the Equal Employment Opportunity Commission when needed to resolve a complaint; (11) disclose relevant, non-privileged information to a court, magistrate, or administrative tribunal including the presentation of evidence, disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings; (12) provide information to officials of labor organizations recognized under 5 U.S.C. Chapter 71 when relevant and necessary to their duties of exclusive representation; (13) provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation; (14) provide information to a Congressional office in response to an inquiry made at the request of the individual to whom the record pertains.

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

STORAGE:

Magnetic media, punched cards, discs, forms, flat paper, card files, lists, folders, microfilm and microfiche.

RETRIEVABILITY:

Records are indexed by name, social security number, birth date, and by annuity or death claim number.

SAFEGUARDS:

Access Controls will not be less than those provided by the Automated Information System Security Handbook, IRM 2(10)00, and the Manager's Security Handbook, IRM 1(16)12. This is also in conformance with existing OPM regulations.

RETENTION AND DISPOSAL:

Records are maintained in accordance with Records Control Schedule 301—General Records Schedules, IRM 1(15)59.31.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Human Resources Branch, and Chief, Personnel Branch, appropriate office. Associate Chief Counsel (Finance and Management), Regional and District Counsels. (See IRS Appendix A for addresses.)

NOTIFICATION PROCEDURE:

(1) Individuals seeking to determine if this system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR, part 1, subpart C, appendix B. Inquiries should be addressed to: District Director for each District whose records are to be searched; Service Center Director for each Service Center whose records are to be searched; Director, Martinsburg Computing Center (for Computing Center employees only); Director, Detroit Computing Center (for

Computing Center employees only); Regional Commissioner for each Regional Office whose records are to be searched; Director, Human Resources Branch, National Office; Chief, Management and Administration, National Office; Regional Counsel for each region whose records are to be searched; Assistant Chief Counsel (Enforcement Litigation-Disclosure Litigation) for records in the National Office of the Chief Counsel. (See IRS appendix A for addresses); (2) If the individual is retired from Federal service he should direct inquiries to: Associate Director for Compensation, Office of Personnel Management, 1900 E Street, NW, Washington, DC 20415; (3) if the individual is not retired, but has been separated from Federal service, he should direct inquiries to: National Personnel Records Center, 9700 Page Blvd., St. Louis, Missouri 63132.

RECORD ACCESS PROCEDURES:

Individuals seeking access to any record contained in this system of records, or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR part 1, subpart C, appendix B. Inquiries should be addressed to the appropriate official listed above. Individuals requesting information in this system of records should provide their full name, date of birth, social security number, claim number, if assigned, and the POD in which currently or formerly employed.

CONTESTING RECORDS PROCEDURES:

See ''Record access procedures'' above.

RECORD SOURCE CATEGORIES:

The information in this system is obtained from the following sources: (1) The individual whom the information is about; (2) GAO Pay, Leave and Allowance Records System; (3) OPM Personnel Management Records System; (4) NARA National Personnel Records Center; (5) OPM Medical Records System; (6) Federal civilian retirement systems other than Civil Service Retirement System and Federal Employees' Retirement System; (7) Military retired pay system records; (8) Office of Workers' Compensation Programs; (9) Veterans Administration Pension Benefits Programs; (10) Social Security, Old Age, Survivor and Disability Insurance and Medicare Programs.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

TREASURY/IRS 37.001

SYSTEM NAME:

Abandoned Enrollment Applications—Treasury/IRS.

SYSTEM LOCATION:

Internal Revenue Service, Office of Director of Practice, C:AP:P, 901 D Street, SW, Washington, DC, and the Detroit Computing Center, 985 Michigan Ave., Detroit, MI 48226.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who applied for enrollment to practice before the Internal Revenue Service but subsequently abandoned their applications.

CATEGORIES OF RECORDS IN THE SYSTEM:

Applications for enrollment to practice before the Internal Revenue Service and, in some cases, information regarding individuals' fitness for enrollment.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

31 U.S.C. 330.

PURPOSE(S):

The purpose of this system is to retain enrollment applications, for the benefit of applicants, until the time limits for pursuing such applications have expired.

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

Disclosure of returns and return information may be made only as provided by 26 U.S.C. 6103. Records other than returns and return information may be used to: (1) Disclose pertinent information to appropriate Federal, State, or foreign agencies responsible for investigating or prosecuting the violations of, or for implementing, a statute, rule, regulation, order or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation; (2) disclose information to a Federal, State or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit; (3) disclose relevant, non-privileged information to a court, magistrate, or administrative tribunal including the presentation of evidence, disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings; (4) provide information to a Congressional office in response to an inquiry made at the request of the individual to whom the record pertains; (5) provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation; (6) provide information to the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's functions relating to civil and criminal proceedings.

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

STORAGE:

File folders.

RETRIEVABILITY:

Indexed by name of applicant.

SAFEGUARDS:

Those safeguards in effect at Federal Records Center.

RETENTION AND DISPOSAL:

Records are periodically updated to reflect changes and maintained as long as needed.

SYSTEM MANAGER(S) AND ADDRESS:

Internal Revenue Service, Office of Director of Practice, 1111 Constitution Ave., NW, Washington, DC 20224.

NOTIFICATION PROCEDURE:

Individuals wishing to be notified if they are named in this system of records, or gain access to records maintained in this system must submit a written request containing the following elements: (1) Identify the record system; (2) Identify the category and type of records sought; (3) Provide at least two items of secondary identification (date of birth, employee identification number, dates of employment or similar information). Inquiries should be addressed as in ''Record access procedures'' below.

RECORD ACCESS PROCEDURES:

Individuals seeking access to any record contained in this system of records, or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR part 1, subpart C, appendix B. Inquiries should be addressed to: Internal Revenue Service Office of the Director of Practice, C:AP:P, 1111 Constitution Ave, NW, Washington, DC 20224.

CONTESTING RECORD PROCEDURES:

See ''Record access procedures'' above.

RECORD SOURCE CATEGORIES:

Information contained in this system may have been provided by (1) the applicant; (2) individuals; (3) the Internal Revenue Service; (4) other government agencies, and (5) professional organizations.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

TREASURY/IRS 37.002

SYSTEM NAME:

Files Containing Derogatory Information about Individuals Whose Applications for Enrollment to Practice Before the IRS Have Been Denied and Applicant Appeal Files—Treasury/IRS.

SYSTEM LOCATION:

(1) Internal Revenue Service, Office of Director of Practice, 901 D Street, SW, Washington, DC; and (2) Detroit Computing Center, 985 Michigan Avenue, Detroit, MI 48226.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals whose applications for enrollment to practice before the Internal Revenue Service have been denied, including those who have appealed such denial.

CATEGORIES OF RECORDS IN THE SYSTEM:

Information relating to individuals' applications and eligibility for enrollment to practice before the Internal Revenue Service.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

31 U.S.C. 330.

PURPOSE(S):

The purposes of this system of records are to inform the Director of Practice personnel that certain individuals have been denied enrollment based on derogatory information and that certain individuals have appealed denial of enrollment.

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

Disclosure of returns and return information may be made only as provided by 26 U.S.C. 6103. Records other than returns and return information may be used to: (1) Disclose pertinent information to appropriate Federal, state, or foreign agencies responsible for investigating or prosecuting the violations of, or for implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation; (2) disclose information to a Federal, State or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant or other benefit; (3) disclose relevant, non-privileged information to a court, magistrate, or administrative tribunal, including the presentation of evidence, disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings; (4) provide information to a Congressional office in response to an inquiry made at the request of the individual to whom the record pertains; (5) provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation; (6) provide information to the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's functions relating to civil and criminal proceedings.

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

STORAGE:

File folders.

RETRIEVABILITY:

Indexed by name of individual.

SAFEGUARDS:

Locked doors. Access is limited to authorized personnel.

RETENTION AND DISPOSAL:

Dispose 25 years after case closed; transfer to Federal Records Center 5 years after case closed except for a random selection of a small number of disciplinary cases to be made at 5 year intervals for retention.

SYSTEM MANAGER(S) AND ADDRESS:

Internal Revenue Service, Office of Director of Practice, C:AP:P, 1111 Constitution Avenue, NW, Washington, DC 20224.

NOTIFICATION PROCEDURE:

Individuals wishing to be notified if they are named in this system of records, or gain access to records maintained in this system must submit a written request containing the following elements: (1) Identify the record system; (2) Identify the category and type of records sought; (3) Provide at least two items of secondary identification (date of birth, employee identification number, dates of employment or similar information). Inquiries should be addressed as in ''Record access procedures'' below.

RECORD ACCESS PROCEDURES:

Individuals seeking access to any record contained in this system of records or seeking to contest its contents, may inquire in accordance with instructions appearing at 31 CFR part 1, subpart C, appendix B. Inquiries should be addressed to the Internal Revenue Service, Office of Director of Practice, C:AP:P, 1111 Constitution Avenue, NW, Washington, DC 20224.

CONTESTING RECORD PROCEDURES:

See ''Record access procedures'' above.

RECORD SOURCE CATEGORIES:

Information contained in this system may have been provided by: (1) Individuals; (2) the Internal Revenue Service; (3) other Government agencies, and (4) professional organizations.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

This system is exempt from 5 U.S.C. 552a (c)(3), (d), (e)(1), (e)(4)(G), (e)(4)(H), (e)(4)(I) and (f) of the Privacy Act pursuant to 5 U.S.C. 552a(k)(2).

TREASURY/IRS 37.003

SYSTEM NAME:

Closed Files Containing Derogatory Information About Individuals' Practice Before the Internal Revenue Service and Files of Attorneys and Certified Public Accountants Formerly Enrolled to Practice—Treasury/IRS.

SYSTEM LOCATION:

(1) Internal Revenue Service, Office of Director of Practice, 901 D Street SW, Washington, DC; and (2) Detroit Computing Center, 985 Michigan Avenue, Detroit, MI 48226.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals eligible to practice before the Internal Revenue Service (attorneys, certified public accountants and enrolled agents).

CATEGORIES OF RECORDS IN THE SYSTEM:

Information relating to individuals' enrollments to practice before the Internal Revenue Service and derogatory and other information regarding such practice.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

31 U.S.C. 330.

PURPOSE(S):

The purposes of this system of records are to permit Director of Practice personnel to evaluate new derogatory information about an individual's practice before the Internal Revenue Service in light of past evidence of misconduct, and to retain information on formerly enrolled attorneys and certified public accountants whom the Director of Practice might need to contact with regard to their eligibility to practice before the Internal Revenue Service.

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

Disclosure of returns and return information may be made only as provided by 26 U.S.C. 6103. Records other than returns and return information may be used to: (1) Disclose pertinent information to appropriate Federal, state, or foreign agencies responsible for investigating or prosecuting the violations of, or for implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation; (2) disclose information to a Federal, state, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit; (3) disclose relevant, non-privileged information to a court, magistrate, or administrative tribunal, including the presentation of evidence, disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings; (4) provide information to a Congressional office in response to an inquiry made at the request of the individual to whom the record pertains; (5) provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation; (6) provide information to the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's functions relating to civil and criminal proceedings.

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

STORAGE:

File folders; electronic media.

RETRIEVABILITY:

Indexed by name of individual.

SAFEGUARDS:

Locked doors. Access is limited to authorized personnel.

RETENTION AND DISPOSAL:

Dispose 25 years after case closed; transfer to Federal Records Center 5 years after case closed except for a random selection of a small number of disciplinary cases to be made at 5-year intervals for retention.

SYSTEM MANAGER(S) AND ADDRESS:

Internal Revenue Service, Office of Director of Practice, C:AP:P, 1111 Constitution Avenue NW, Washington, DC 20224.

NOTIFICATION PROCEDURE:

Individuals wishing to be notified if they are named in this system of records, or gain access to records maintained in this system must submit a written request containing the following elements: (1) Identify the record system; (2) Identify the category and type of records sought; (3) Provide at least two items of secondary identification (date of birth, employee identification number, dates of employment or similar information). Inquiries should be addressed as in ''Record access procedures'' below.

RECORD ACCESS PROCEDURES:

Individuals seeking access to any record contained in this system of records or seeking to contest its contents, may inquire in accordance with instructions appearing at 31 CFR part 1, subpart C, appendix B. Inquiries should be addressed to the Internal Revenue Service, Office of Director of Practice, C:AP:P, 1111 Constitution Avenue NW, Washington, DC 20224.

CONTESTING RECORD PROCEDURES:

See ''Record access procedures'' above.

RECORD SOURCE CATEGORIES:

Information contained in this system may have been provided by: (1) Individuals, (2) Internal Revenue Service, (3) other government agencies, and (4) professional organizations.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

This system is exempt from 5 U.S.C. 552a (c)(3), (d), (e)(1), (e)(4)(G), (e)(4)(H), (e)(4)(I) and (f) of the Privacy Act pursuant to 5 U.S.C. 552a(k)(2).

TREASURY/IRS 37.004

SYSTEM NAME:

Derogatory Information (No Action)—Treasury/IRS.

SYSTEM LOCATION:

Internal Revenue Service, Office of Director of Practice, C:AP:P, 901 D Street SW, Washington, DC.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Attorneys, certified public accountants, enrolled agents and others.

CATEGORIES OF RECORDS IN THE SYSTEM:

Such files contain derogatory information concerning attorneys, certified public accountants, and enrolled agents and others over whom there is no current jurisdiction, where such information is subject to future development, or where such information is not sufficiently serious to be currently considered a case file.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

31 U.S.C. 330.

PURPOSE(S):

The purpose of this system of records is to permit Director of Practice personnel to evaluate new derogatory information about an individual's practice before the Internal Revenue Service in light of past evidence of misconduct.

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

Disclosure of returns and return information may be made only as provided by 26 U.S.C. 6103. Records other than returns and return information may be used to: (1) Disclose pertinent information to appropriate Federal, state, or foreign agencies responsible for investigating or prosecuting the violations of, or for implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation; (2) disclose information to a Federal, state, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit; (3) disclose relevant, non-privileged information to a court, magistrate, or administrative tribunal, including the presentation of evidence,

disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings; (4) provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains; (5) provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation; (6) provide information to the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's functions relating to civil and criminal proceedings.

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

STORAGE:

File folders; electronic media.

RETRIEVABILITY:

Indexed by name of individual.

SAFEGUARDS:

Locked doors. Access is limited to authorized personnel.

RETENTION AND DISPOSAL:

Dispose after 5 years by burning.

SYSTEM MANAGER(S) AND ADDRESS:

Internal Revenue Service, Office of Director of Practice, C:AP:P, 1111 Constitution Avenue NW, Washington, DC 20224.

NOTIFICATION PROCEDURE:

Individuals wishing to be notified if they are named in this system of records, or gain access to records maintained in this system must submit a written request containing the following elements: (1) Identify the record system; (2) Identify the category and type of records sought; (3) Provide at least two items of secondary identification (date of birth, employee identification number, dates of employment or similar information). Inquiries should be addressed as in ''Record access procedures'' below.

RECORD ACCESS PROCEDURES:

Individuals seeking access to any record contained in this system of records, or seeking to contest its contents, may inquire in accordance with instructions appearing at 31 CFR part 1, subpart C, appendix B. Inquiries should be addressed to the Internal Revenue Service, Office of Director of Practice, C:AP:P, 1111 Constitution Avenue NW, Washington, DC 20224.

CONTESTING RECORD PROCEDURES:

See ''Record access procedures'' above.

RECORD SOURCE CATEGORIES:

Information contained in this system may have been provided by (1) individuals, (2) the Internal Revenue Service, (3) other government agencies, and (4) professional organizations.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

This system is exempt from 5 U.S.C. 552a (c)(3), (d), (e)(1), (e)(4)(G), (e)(4)(H), (e)(4)(I) and (f) of the Privacy Act pursuant to 5 U.S.C. 552a(k)(2).

TREASURY/IRS 37.005

SYSTEM NAME:

Present Suspensions and Disbarments Resulting from Administrative Proceeding—Treasury/IRS.

SYSTEM LOCATION:

Internal Revenue Service, Office of Director of Practice, C:AP:P, 901 D Street, SW, Washington, DC.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals formerly eligible to practice before the Internal Revenue Service but now either suspended or disbarred from such practice after being accorded due notice and opportunity for hearing.

CATEGORIES OF RECORDS IN THE SYSTEM:

Information relating to individuals' enrollment to practice before the Internal Revenue Service, derogatory and other information regarding such practice, and record of proceedings.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

31 U.S.C. 330.

PURPOSE(S):

The purposes of this system of records are to retain derogatory information about an individual's practice before the Internal Revenue Service, to retain a record of how such information was evaluated by Director of Practice personnel, to retain a record of how an individual responded to allegations of misconduct, to retain a record of proceeding before an administrative law judge, to inform Director of Practice personnel that certain individuals have been suspended or disbarred, and to permit Director of Practice personnel to assemble and consider new information bearing on an individual's eligibility for reinstatement to practice.

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

Disclosure of returns and return information may be made only as provided by 26 U.S.C. 6103. Records other than returns and return information may be used to: (1) Transfer information regarding suspension or disbarment of attorneys, certified public accountants and enrolled agents to professional organizations; (2) disclose pertinent information to appropriate Federal, State, or foreign agencies responsible for investigating or prosecuting the violations of, or for implementing, a state, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation; (3) disclose information to a Federal, state, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit; (4) disclose relevant, non-privileged information to a court, magistrate, or administrative tribunal, including the presentation of evidence, disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings; (5) provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains; (6) provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation; (7) provide information to the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's functions relating to civil and criminal proceedings.

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

STORAGE:

File folders; electronic media.

RETRIEVABILITY:

Indexed by name of individual.

SAFEGUARDS:

Locked doors. Access is limited to authorized personnel.

RETENTION AND DISPOSAL:

Dispose 25 years after case closed; transfer to Federal Records Center 5 years after case closed except for a random selection of a small number of disciplinary cases to be made at 5-year intervals for retention.

SYSTEM MANAGER(S) AND ADDRESS:

Internal Revenue Service, Office of Director of Practice, C:AP:P, 1111 Constitution Avenue NW, Washington, DC 20224.

NOTIFICATION PROCEDURE:

Individuals wishing to be notified if they are named in this system of records, or gain access to records maintained in this system must submit a written request containing the following elements: (1) Identify the record system; (2) Identify the category and type of records sought; (3) Provide at least two items of secondary identification (date of birth, employee identification number, dates of employment or similar information). Inquiries should be addressed as in ''Record access procedures'' below.

RECORD ACCESS PROCEDURES:

Individuals seeking access to any record contained in this system of records, or seeking to contest its contents, may inquire in accordance with instructions appearing at 31 CFR part 1, subpart C, appendix B. Inquiries should be addressed to the Internal Revenue Service, Office of Director of Practice, C:AP:P, 1111 Constitution Avenue NW, Washington, DC 20224.

CONTESTING RECORD PROCEDURES:

See ''Record access procedures'' above.

RECORD SOURCE CATEGORIES:

Information contained in this system may have been provided by: (1) Individuals, (2) Internal Revenue Service, (3) other government agencies, and (4) professional organizations.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

This system is exempt from 5 U.S.C. 552a (c)(3), (d), (e)(1), (e)(4)(G), (e)(4)(H), (e)(4)(I) and (f) of the Privacy Act pursuant to 5 U.S.C. 552a(k)(2).

TREASURY/IRS 37.006

SYSTEM NAME:

General Correspondence File—Treasury/IRS.

SYSTEM LOCATION:

Internal Revenue Service, Office of Director of Practice, 901 D Street SW, Washington, DC.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

General public.

CATEGORIES OF RECORDS IN THE SYSTEM:

General inquiries and comments from the general public.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

31 U.S.C. 330.

PURPOSE(S):

The purpose of this system is to permit Director of Practice personnel to retrieve selected correspondence from the general public by the correspondent's last name.

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

Disclosure of returns and return information may be made only as provided by 26 U.S.C. 6103. Records other than returns and return information may be used to: (1) Disclose pertinent information to appropriate Federal, state, or foreign agencies responsible for investigating or prosecuting the violations of, or for implementing, a state, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation; (2) disclose information to a Federal, state, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit; (3) disclose relevant, non-privileged information to a court, magistrate, or administrative tribunal, including the presentation of evidence, disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings; (4) provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains; (5) provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation; (6) provide information to the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to any agency's functions relating to civil and criminal proceedings.

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

STORAGE:

File folders.

RETRIEVABILITY:

Correspondence is indexed alphabetically by writer.

SAFEGUARDS:

Locked doors. Access is limited to authorized personnel.

RETENTION AND DISPOSAL:

Destroyed after 3 years.

SYSTEM MANAGER(S) AND ADDRESS:

Internal Revenue Service, Office of Director of Practice, C:AP:P, 1111 Constitution Avenue NW, Washington, DC 20224.

NOTIFICATION PROCEDURE:

Individuals wishing to be notified if they are named in this system of records, or gain access to records maintained in this system must submit a written request containing the following elements: (1) Identify the record system; (2) Identify the category and type of records sought; (3) Provide at least two items of secondary identification (date of birth, employee identification number, dates of employment or similar information). Inquiries should be addressed as in ''Record access procedures'' below.

RECORD ACCESS PROCEDURES:

Individuals seeking access to any record contained in this system of records, or seeking to contest its contents, may inquire in accordance with instructions appearing at 31 CFR part 1, subpart C, appendix B. Inquiries should be addressed to the Internal Revenue Service, Office of Director of Practice, C:AP:P, 1111 Constitution Avenue NW, Washington, DC 20224.

CONTESTING RECORD PROCEDURES:

See ''Record access procedures'' above.

RECORD SOURCE CATEGORIES:

Information contained in this system has been provided by the general public.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

TREASURY/IRS 37.007

SYSTEM NAME:

Inventory—Treasury/IRS.

SYSTEM LOCATION:

Internal Revenue Service, Office of Director of Practice, C:AP:P, 901 D Street, SW, Washington, DC; Internal Revenue Service, Long Island Appeals, 50 Clinton Street, Hempstead, NY 11550; and Internal Revenue Service, Appeals Office, 701 Market Street, Suite 2200, Philadelphia, PA 19106.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

(1) Attorneys, certified public accountants and enrolled agents about which alleged misconduct in their practice before the Internal Revenue Service is being reviewed and evaluated; (2) Appraisers who have been

referred to the Director of Practice for review and evaluation of conduct which resulted in assessment of a penalty under 26 U.S.C. 6701(s); and (3) Applicants for enrollment to practice before the Internal Revenue Service whose applications are being reviewed and evaluated.

CATEGORIES OF RECORDS IN THE SYSTEM:

Information relating to individuals' enrollment or eligibility to practice before the Internal Revenue Service, and information relating to their conduct in such practice; and information relating to appraisers and applicants for enrollment.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

31 U.S.C. 330.

PURPOSE(S):

The purposes of this system of records are to inform Director of Practice personnel of current derogatory information about an individual's practice before the Internal Revenue Service, to permit Director of Practice personnel to evaluate such information and an individual's response to allegations of misconduct, and to permit Director of Practice personnel to make recommendations as to the disposition of cases.

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

Disclosure of returns and return information may be made only as provided by 26 U.S.C. 6103. Records other than returns and return information may be used to: (1) Disclose pertinent information to appropriate Federal, state, or foreign agencies responsible for investigating or prosecuting the violations of, or for implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation; (2) disclose information to a Federal, state, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit; (3) disclose relevant, non-privileged information to a court, magistrate, or administrative tribunal, including the presentation of evidence, disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings; (4) provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains; (5) provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation; (6) provide information to the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's functions relating to civil and criminal proceedings.

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

STORAGE:

File folders; electronic media.

RETRIEVABILITY:

Indexed by name of individual.

SAFEGUARDS:

Locked doors. Access is limited to authorized personnel.

RETENTION AND DISPOSAL:

Dispose 25 years after case closed; transfer to Federal Records Center 5 years after case is closed except for a random selection of a small number of disciplinary cases to be made at 5-year intervals for retention.

SYSTEM MANAGER(S) AND ADDRESS:

Internal Revenue Service, Office of Director of Practice, C:AP:P, 1111 Constitution Avenue NW, Washington, DC 20224.

NOTIFICATION PROCEDURE:

Individuals wishing to be notified if they are named in this system of records, or gain access to records maintained in this system must submit a written request containing the following elements: (1) Identify the record system; (2) Identify the category and type of records sought; (3) Provide at least two items of secondary identification (date of birth, employee identification number, dates of employment or similar information). Inquiries should be addressed as in ''Record access procedures'' below.

RECORD ACCESS PROCEDURES:

Individuals seeking access to any record contained in this system of records, or seeking to contest its contents, may inquire in accordance with instructions appearing at 31 CFR part 1, subpart C, appendix B. Inquiries should be addressed to the Internal Revenue Service, Office of Director of Practice, C:AP:P, 1111 Constitution Avenue NW, Washington, DC 20224.

CONTESTING RECORD PROCEDURES:

See ''Record access procedures'' above.

RECORD SOURCE CATEGORIES:

Information contained in this system may have been provided by: (1) Individuals, (2) Internal Revenue Service, (3) other government agencies, and (4) professional organizations.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

This system is exempt from 5 U.S.C. 552a (c)(3), (d), (e)(1), (e)(4)(G), (e)(4)(H), (e)(4)(I) and (f) of the Privacy Act pursuant to 5 U.S.C. 552a(k)(2).

TREASURY/IRS 37.008

SYSTEM NAME:

Register of Docketed Cases and Applicant Appeals—Treasury/IRS.

SYSTEM LOCATION:

Internal Revenue Service, Office of Director of Practice, C:AP:P, 901 D Street SW, Washington, DC.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals against whom complaints have been filed with the Office of Director of Practice pursuant to Title 31, CFR, subpart C, § 10.54, for alleged violation of the regulations governing practice before the Internal Revenue Service and individuals who have appealed to the Secretary of the Treasury, the denials of their application for enrollment to practice before the Internal Revenue Service.

CATEGORIES OF RECORDS IN THE SYSTEM:

Record of actions taken in cases docketed for hearings and record of actions taken on appeals from denials of applications for enrollment.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

31 U.S.C. 330.

PURPOSE(S):

The purposes of this system of records are to permit Director of Practice personnel to assign sequential numbers to cases in which complaints will be issued and to inform Director of Practice personnel of which cases are on appeal with the Secretary of the Treasury.

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

Disclosure of returns and return information may be made only as provided by 26 U.S.C. 6103. Records other than returns and return information may be used to: (1) Disclose pertinent information to appropriate Federal, state, or foreign agencies responsible for investigating or

prosecuting the violations of, or for implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation; (2) disclose information to a Federal, state, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit; (3) disclose relevant, non-privileged information to a court, magistrate, or administrative tribunal, including the presentation of evidence, disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings; (4) provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains; (5) provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation; (6) provide information to the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's functions relating to civil and criminal proceedings.

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

STORAGE:

File folders; electronic media.

RETRIEVABILITY:

Indexed by complaint number and by name of the individual.

SAFEGUARDS:

Locked doors. Access is limited to authorized personnel.

RETENTION AND DISPOSAL:

Records are periodically updated to reflect changes and maintained as long as needed.

SYSTEM MANAGER(S) AND ADDRESS:

Internal Revenue Service, Office of Director of Practice, C:AP:P, 1111 Constitution Avenue NW, Washington, DC 20224.

NOTIFICATION PROCEDURE:

Individuals wishing to be notified if they are named in this system of records, or gain access to records maintained in this system must submit a written request containing the following elements: (1) Identify the record system; (2) Identify the category and type of records sought; (3) Provide at least two items of secondary identification (date of birth, employee identification number, dates of employment or similar information). Inquiries should be addressed as in ''Record access procedures'' below.

RECORD ACCESS PROCEDURES:

Individuals seeking access to any record contained in this system of records, or seeking to contest its contents, may inquire in accordance with instructions appearing at 31 CFR part 1, subpart C, appendix B. Inquiries should be addressed to the Internal Revenue Service, Office of Director of Practice, C:AP:P, 1111 Constitution Avenue NW, Washington, DC 20224.

CONTESTING RECORD PROCEDURES:

See ''Record access procedures'' above.

RECORD SOURCE CATEGORIES:

Information contained in this system may have been provided by: (1) This office, (2) administrative law judges and (3) the Internal Revenue Service.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

TREASURY/IRS 37.009

SYSTEM NAME:

Enrolled Agents and Resigned Enrolled Agents (Action pursuant to 31 CFR, § 10.55(b))—Treasury/IRS.

SYSTEM LOCATION:

Detroit Computing Center, 985 Michigan Avenue, Detroit, MI 48226.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Those individuals who are currently enrolled to practice before the Internal Revenue Service and those who were formerly enrolled to practice before the Internal Revenue Service and who resigned from such enrollment.

CATEGORIES OF RECORDS IN THE SYSTEM:

Information relating to individuals' applications for enrollment to practice before the Internal Revenue Service and derogatory and other information regarding such practice.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

31 U.S.C. 330.

PURPOSE(S):

The purposes of this system of records are to retain derogatory information about an individual's practice before the Internal Revenue Service, to retain a record of how such information was evaluated, to retain a record of how an individual responded to allegations of misconduct, to inform Director of Practice personnel that certain individuals, pursuant to 31 CFR, § 10.55(b), have offered their consent to suspension or offered to resign as enrolled agents and that such offers have been accepted by the Director of Practice, and to permit Director of Practice personnel to assemble and consider new information bearing on an individual's eligibility for reinstatement to practice.

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

Disclosure of returns and return information may be made only as provided by 26 U.S.C. 6103. Records other than returns and return information may be used to: (1) Disclose pertinent information to appropriate Federal, state, or foreign agencies responsible for investigating or prosecuting the violations of, or for implementing, a statute, rule, regulation, order or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation; (2) disclose information to a Federal, state, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit; (3) disclose relevant, non-privileged information to a court, magistrate, or administrative tribunal, including the presentation of evidence, disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings; (4) provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains; (5) provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation; (6) provide information to the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's functions relating to civil and criminal proceedings.

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

STORAGE:

File folders; electronic media.

RETRIEVABILITY:

Indexed by name of individual.

SAFEGUARDS:

Locked doors. Access is limited to authorized personnel.

RETENTION AND DISPOSAL:

Destroyed 60 years after enrollment.

SYSTEM MANAGER(S) AND ADDRESS:

Internal Revenue Service, Office of Director of Practice, C:AP:P, 1111 Constitution Avenue NW, Washington, DC 20224.

NOTIFICATION PROCEDURE:

Individuals wishing to be notified if they are named in this system of records, or gain access to records maintained in this system must submit a written request containing the following elements: (1) Identify the record system; (2) Identify the category and type of records sought; (3) Provide at least two items of secondary identification (date of birth, employee identification number, dates of employment or similar information). Inquiries should be addressed as in ''Record access procedures'' below.

RECORD ACCESS PROCEDURES:

Individuals seeking access to any record contained in this system of records, or seeking to contest its contents, may inquire in accordance with instructions appearing at 31 CFR part 1, subpart C, appendix B. Inquiries should be addressed to the Internal Revenue Service, Office of Director of Practice, C:AP:P, 1111 Constitution Avenue NW, Washington, DC 20224.

CONTESTING RECORD PROCEDURES:

See ''Record access procedures'' above.

RECORD SOURCE CATEGORIES:

Information contained in this system may have been provided by (1) Individuals, (2) Internal Revenue Service; (3) other government agencies, and (4) professional organizations.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

This system is exempt from 5 U.S.C. 552a (c)(3), (d), (e)(1), (e)(4)(G), (e)(4)(H), (e)(4)(I) and (f) of the Privacy Act pursuant to 5 U.S.C. 552a(k)(2).

TREASURY/IRS 37.010

SYSTEM NAME:

Roster of Former Enrollees—Treasury/IRS.

SYSTEM LOCATION:

Internal Revenue Service, Office of Director of Practice, C:AP:P, 901 D Street SW, Washington, DC; and Detroit Computing Center, 985 Michigan Avenue, Detroit, MI 48226.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Attorneys and certified public accountants who were enrolled to practice before the Internal Revenue Service prior to enactment of the Agency Practice Act, Title 5 U.S. Code, Section 500 and former enrolled agents who do not renew their enrollment.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system contains individuals' names, addresses, professions, the dates of their enrollments and the expiration dates of such enrollments.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

31 U.S.C. 330.

PURPOSE(S):

The purposes of this system of records are to inform Director of Practice personnel that certain individuals were enrolled to practice before the Internal Revenue Service prior to enactment of the Agency Practice Act, 5 U.S.C., section 500, and to inform Director of Practice personnel that certain individuals have not renewed their enrollment.

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

Disclosure of returns and return information may be made only as provided by 26 U.S.C. 6103. Records other than returns and return information may be used to: (1) Disclose pertinent information to appropriate Federal, state, or foreign agencies responsible for investigating or prosecuting the violations of, or for implementing, a statute, rule, regulation, order or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation; (2) disclose information to a Federal, state, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit; (3) disclose relevant, non-privileged information to a court, magistrate, or administrative tribunal, including the presentation of evidence, disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings; (4) provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains; (5) provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation; (6) provide information to the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's functions relating to civil and criminal proceedings.

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

STORAGE:

File folders; electronic media.

RETRIEVABILITY:

Indexed by profession (i.e., attorney or certified public accountant) and by the individual's name.

SAFEGUARDS:

Locked doors. Access is limited to authorized personnel.

RETENTION AND DISPOSAL:

Records are periodically updated to reflect changes and maintained as long as needed.

SYSTEM MANAGER(S) AND ADDRESS:

Internal Revenue Service, Office of Director of Practice, C:AP:P, 1111 Constitution Avenue NW, Washington, DC 20224.

NOTIFICATION PROCEDURE:

Individuals wishing to be notified if they are named in this system of records, or gain access to records maintained in this system must submit a written request containing the following elements: (1) Identify the record system; (2) Identify the category and type of records sought; (3) Provide at least two items of secondary identification (date of birth, employee identification number, dates of employment or similar information). Inquiries should be addressed as in ''Record access procedures'' below.

RECORD ACCESS PROCEDURES:

Individuals seeking access to any record contained in this system of records, or seeking to contest its contents, may inquire in accordance with instructions appearing at 31 CFR part 1, subpart C, appendix B. Inquiries should be addressed to the Internal Revenue Service, Office of Director of

Practice, C:AP:P, 1111 Constitution Avenue NW, Washington, DC 20224.

CONTESTING RECORD PROCEDURES:

See ''Record access procedures'' above.

RECORD SOURCE CATEGORIES:

Information contained in records in this system has been provided by: (1) Individuals and (2) the Internal Revenue Service.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

TREASURY/IRS 37.011

SYSTEM NAME:

Present Suspensions from Practice before the Internal Revenue Service—Treasury/IRS.

SYSTEM LOCATION:

Internal Revenue Service, Office of Director of Practice, C:AP:P, 901 D Street, SW, Washington, DC.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Attorneys, certified public accountants and enrolled agents who have offered their consent to voluntary suspension from practice before the Internal Revenue Service.

CATEGORIES OF RECORDS IN THE SYSTEM:

Information relating to individuals' enrollment or eligibility to practice before the Internal Revenue Service, derogatory and other information relating to their conduct in such practice.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

31 U.S.C. 330.

PURPOSE(S):

The purposes of this system of records are to retain derogatory information about an individual's practice before the Internal Revenue Service, to retain a record of how such information was evaluated by Director of Practice personnel, to retain a record of how an individual responded to allegations of misconduct, to inform Director of Practice personnel that certain individuals, pursuant to 31 CFR 10.55(b), have offered their consent to suspension and that such offers have been accepted by the Director of Practice, and to permit Director of Practice personnel to assemble and consider new information bearing on an individual's eligibility for reinstatement to practice.

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

These records and information in these records may be used: Disclosure of returns and return information may be made only as provided by 26 U.S.C. 6103. Records other than returns and return information may be used to: (1) Disclose pertinent information to appropriate Federal, state, or foreign agencies responsible for investigating or prosecuting the violations of, or for implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation; (2) disclose information to a Federal, state, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit; (3) disclose relevant, non-privileged information to a court, magistrate, or administrative tribunal, including the presentation of evidence, disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings; (4) provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains; (5) provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation; (6) provide information to the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's functions relating to civil and criminal proceedings.

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

STORAGE:

File folders; electronic media.

RETRIEVABILITY:

Indexed by name of individual.

SAFEGUARDS:

Locked doors. Access is limited to authorized personnel.

RETENTION AND DISPOSAL:

Dispose 25 years after case closed; transfer to Federal Records Center 5 years after case closed except for a random selection of a small number of disciplinary cases to be made at 5-year intervals for retention.

SYSTEM MANAGER(S) AND ADDRESS:

Internal Revenue Service, Office of Director of Practice, C:AP:P, 1111 Constitution Avenue NW, Washington, DC 20224.

NOTIFICATION PROCEDURE:

Individuals wishing to be notified if they are named in this system of records, or gain access to records maintained in this system must submit a written request containing the following elements: (1) Identify the record system; (2) Identify the category and type of records sought; (3) Provide at least two items of secondary identification (date of birth, employee identification number, dates of employment or similar information). Inquiries should be addressed as in ''Record access procedures'' below.

RECORD ACCESS PROCEDURES:

Individuals seeking access to any record contained in this system of records, or seeking to contest its contents, may inquire in accordance with instructions appearing at 31 CFR part 1, subpart C, appendix B. Inquiries should be addressed to the Internal Revenue Service, Office of Director of Practice, C:AP:P, 1111 Constitution Avenue NW, Washington, DC 20224.

CONTESTING RECORD PROCEDURES:

See ''Record access procedures'' above.

RECORD SOURCE CATEGORIES:

Information contained in this system may have been provided by: (1) Individuals, (2) the Internal Revenue Service, (3) other government agencies, and (4) professional organizations.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

This system is exempt from 5 U.S.C. 552a (c)(3), (d), (e)(1), (e)(4)(G), (e)(4)(H), (e)(4)(I) and (f) of the Privacy Act pursuant to 5 U.S.C. 552a(k)(2).

TREASURY/IRS 38.001

SYSTEM NAME:

General Training Records—Treasury/IRS.

SYSTEM LOCATION:

National Office, Regional Offices, District Offices, Internal Revenue Service Centers, Detroit Computing Center and the Martinsburg Computing Center. (See IRS appendix A for addresses.)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

IRS employees who have participated in or who may be scheduled for training activities (students, instructors, program managers, etc.). Other Federal or non-Government individuals who have participated in or assisted with training programs (students, instructors, course developers, interpreters, etc.).

CATEGORIES OF RECORDS IN THE SYSTEM:

Variety of records containing information about an individual related to training, such as: course rosters, student registrations, nomination forms, course evaluations, instructor lists, individual development plans, counseling records, examination materials, payment records, and other recordations of training necessary for reporting and evaluative purposes. Some records within this system may also be contained in TR/IRS 36.003, General Personnel Records.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. Chapter 41; Executive Order 11348.

PURPOSE(S):

These records are collected and maintained to provide documentation of individual training development plans, training requirements, nominations, student training registration, instructor lists, course rosters, course evaluations, counseling records, examination materials, and accounting and financial information, with regard to training reporting and evaluation purposes.

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

Records and information from these records may be used to: (1) Disclosure of information to the Department of Justice for the purpose of litigating an action or seeking legal advice. Disclosure may be made during judicial processes; (2) provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains; (3) provide input data for the automated Training CPDF at the Office of Personnel Management.

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

STORAGE:

Magnetic media, index cards, forms, or flat paper.

RETRIEVABILITY:

Computer records are indexed by social security account numbers, course titles, dates of training, location of training and by specific employee information (i.e., name, title, grade, etc.); other records are indexed by name and course title.

SAFEGUARDS:

Access Controls will not be less than those provided by the Automated Information System Security Handbook, IRM 2(10)00. Individual computer records are available to those persons at OPM, Treasury or IRS who are directly involved with the training function.

RETENTION AND DISPOSAL:

Records are maintained in accordance with Records Control Schedule 301—General Records Schedules, IRM 1(15)59.31.

SYSTEM MANAGER(S) AND ADDRESS:

All Education Branch Chiefs, Support Services Division, at the National Office; Office of the Assistant Commissioner (International); National Director of Education; Managers in Corporate Education; Chief, Headquarters Operations and Training; Managers at the Detroit and Martinsburg Computing Centers; Regional Directors, and Host Site Support Chiefs. (see appendix A for addresses.)

NOTIFICATION PROCEDURE:

Individuals seeking to determine if this system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR, part 1, subpart C, appendix B. Inquiries should be addressed as in ''Record access procedures'' below.

RECORD ACCESS PROCEDURES:

Individuals seeking access to any record contained in this system of records, or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR part 1, subpart C, appendix B. Inquiries should be addressed to the system manager(s) in the office(s) where records to be searched are located. (See appendix A for addresses.)

CONTESTING RECORD PROCEDURES:

See ''Record access procedures'' above.

RECORD SOURCE CATEGORIES:

Information is extracted from participant registration forms, individual development plans, skill surveys, personnel records, and other forms as may be developed and prescribed by OPM, Treasury, and IRS Training Personnel.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

TREASURY/IRS 42.001

SYSTEM NAME:

Examination Administrative File—Treasury/IRS.

SYSTEM LOCATION:

Office of the Assistant Commissioner (Examination) and Office of the Assistant Commissioner (International), National Office; Regional Offices, District Offices, and Internal Revenue Service Centers. (See IRS appendix A for addresses.)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any taxpayer who is being considered for examination or is being or has been examined for tax determination purposes, i.e., income, estate and gift, excise, or employment tax liability.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records containing investigatory materials required in making a tax determination or other verification in the administration of tax laws and all other related sub-files directly related to the processing of the tax case. This system also includes other management material related to a case and used for tax administrative purposes, including the appeals process and systems formerly published as 42.018, 42.023, and 42.025.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 26 U.S.C. 7602, 7801, and 7802.

PURPOSE(S):

Numerous tax returns are examined each year. The system provides a complete record of the examinations of tax returns. It also allows IRS access to investigatory materials and management materials relating to examinations for purposes of tax adminstration and analysis of taxpayer compliance.

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

Disclosure of returns and return information may be made only as provided by 26 U.S.C. 6103.

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

STORAGE:

Paper documents, machine-sensible data media, microfilm.

RETRIEVABILITY:

By taxpayer's name, taxpayer identification number (social security number or employer identification number) and document locator number.

SAFEGUARDS:

Access controls will not be less than those provided for by Managers Security Handbook, IRM 1(16)12 and the Automated Information System Security Handbook, IRM 2(10)00.

RETENTION AND DISPOSAL:

Records are maintained in accordance with Records Control Schedule 202 for Examination—Regional and District Offices, IRM 1(15)59.22.

SYSTEM MANAGER(S) AND ADDRESS:

Official prescribing policies and practices—Assistant Commissioner (Examination) and Assistant Commissioner (International); Officials maintaining the system—Assistant Commissioner (Examination), Assistant Commissioner (International) District Directors, and Internal Revenue Service Center Directors. (See IRS appendix A for addresses.)

NOTIFICATION PROCEDURE:

This system is exempt from the notification provisions of the Privacy Act.

RECORD ACCESS PROCEDURES:

This system is exempt from the access and contest provisions of the Privacy Act.

CONTESTING RECORD PROCEDURES:

26 U.S.C. 7852(e) prohibits Privacy Act amendment of tax records.

RECORD SOURCE CATEGORIES:

(1) Taxpayers' returns; (2) taxpayer's books and records; (3) informants and third party information; (4) city and state governments; (5) other Federal agencies; (6) examinations of related taxpayers; (7) examinations of other taxpayers, and (8) taxpayer's representative.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

This system has been designated as exempt from certain provisions of the Privacy Act.

TREASURY/IRS 42.008

SYSTEM NAME:

Audit Information Management System (AIMS)—Treasury/IRS.

SYSTEM LOCATION:

This system is composed of (1) computer files located at each jurisdictional IRS Service Center (where tax return is under examination control); (2) video terminals located at each jurisdictional district (served by an IRS Service Center), National Office; and (3) group control card forms 5345 and 5354 (including temporary and interim processing files for management and control purposes), located at each jurisdictional district office. Items described under (3) above are subfiles of the AIMS System. (See IRS appendix A for addresses.)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Taxpayers whose tax returns are under the jurisdiction of the Examination Division. Examiners assigned to taxpayer cases.

CATEGORIES OF RECORDS IN THE SYSTEM:

Tax return information from the Master File, Tax return status and location changes, Examination Closing information on examined and non-examined tax returns, examiner's name, including related internal management information and a code identifying taxpayers that threatened or assaulted IRS employees.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 26 U.S.C. 7602, 7801 and 7802.

PURPOSE(S):

AIMS is a computer system designed to give Examination Division information about returns in inventory and closed returns. This allows IRS to identify the status and location of tax returns in Examination and prepare analyses of the examination process. It includes Exam Returns Control System (ERCS) records.

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

Disclosure of returns and return information may be made only as provided by 26 U.S.C. 6103.

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

STORAGE:

Computer, microfiche, paper.

RETRIEVABILITY:

By taxpayer identification number (social security number or employer identification number).

SAFEGUARDS:

Access controls will not be less than those provided for by Managers Security Handbook, IRM 1(16)12 and the Automated Information System Security Handbook, IRM 2(10)00.

RETENTION AND DISPOSAL:

Computer Record: Examined closings, surveyed claims and some types of non-examined closings are dropped from the data base 60 days after closing or when assessment verification is completed, whichever is later. The balance of non-examined closings are dropped at the end of the month following the month of closing. Paper Records: Generally, AIMS forms are destroyed within 90 days of the closing. Exceptions include: (1) The charge-out which becomes part of the case file and is sent to the Federal Records Center with the case; (2) Examination request forms which become the Examination group's control card; and (3) The Examination group's control card which is retained in a closed file for 3 years (in the case of field examinations) and 90 days (in the case of office examinations). Authority: Records Disposition Handbooks, IRM 1(15)59.1 through IRM 1(15)59.32.

SYSTEM MANAGER(S) AND ADDRESS:

Official prescribing policies and practices—Assistant Commissioner (Examination). Officials maintaining the system—Assistant Regional Commissioners (Examination), District Directors, and Internal Revenue Service Center Directors. (See IRS appendix A for addresses.)

NOTIFICATION PROCEDURE:

This system is exempt from the notification provisions of the Privacy Act.

RECORD ACCESS PROCEDURES:

This system is exempt from the access and contest provisions of the Privacy Act.

CONTESTING RECORD PROCEDURES:

26 U.S.C. 7852(e) prohibits Privacy Act amendment of tax records.

RECORD SOURCE CATEGORIES:

Tax Returns and Examination files.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

This system has been designated as exempt from certain provisions of the Privacy Act.

TREASURY/IRS 42.013

SYSTEM NAME:

Project Files for the Uniform Application of Laws as a Result of Technical Determinations and Court Decisions—Treasury/IRS.

SYSTEM LOCATION:

District offices. (See IRS appendix A for addresses.)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals grouped as to project, i.e., individual shareholders of a corporation where a determination having a tax effect has been made.

CATEGORIES OF RECORDS IN THE SYSTEM:

Listing of individuals and their income tax information.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 26 U.S.C. 7602, 7801 and 7802.

PURPOSE(S):

In some instances, a technical determination either from an examination or from a Chief Counsel ruling or court decision will result in tax effect to shareholders of a corporation. This system allows the IRS to monitor and control the shareholder returns that are included in the project.

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

Disclosure of returns and return information may be made only as provided by 26 U.S.C. 6103.

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

STORAGE:

Paper documents and magnetic media.

RETRIEVABILITY:

By taxpayer's name and social security number.

SAFEGUARDS:

Access controls will not be less than those provided for by Managers Security Handbook, IRM 1(16)12 and the Automated Information System Security Handbook, IRM 2(10)00.

RETENTION AND DISPOSAL:

Records are maintained in accordance with Records Control Schedule 102 for Examination Division—National Office, IRM 1(15)59.12.

SYSTEM MANAGER(S) AND ADDRESS:

Officials prescribing policies and practices—Assistant Commissioner (Examination) and Assistant Commissioner (International). Officials maintaining the system—Director of District where the taxpayer resides. (See IRS appendix A for addresses.)

NOTIFICATION PROCEDURE:

Individuals seeking to determine if this system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR part 1, subpart C, appendix B. Inquiries should be addressed as in ''Record access procedures'' below.

RECORD ACCESS PROCEDURES:

Individuals seeking access to any record contained in this system of records, or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR part 1, subpart C, appendix B. Inquiries should be addressed to the District Director in the District where the records are located. (See IRS appendix A for addresses.)

CONTESTING RECORD PROCEDURES:

26 U.S.C. 7852(e) prohibits Privacy Act amendment of tax records.

RECORD SOURCE CATEGORIES:

(1) Shareholder records, (2) individual's tax return, and (3) examination of related taxpayer.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

TREASURY/IRS 42.014

SYSTEM NAME:

Internal Revenue Service Employees' Returns Control Files—Treasury/IRS.

SYSTEM LOCATION:

District Offices (See IRS appendix A for addresses.)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any individual who is employed by the Internal Revenue Service.

CATEGORIES OF RECORDS IN THE SYSTEM:

Alphabetical listing of employee, income tax return information including prior examination results and other tax related information.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 26 U.S.C. 7602, 7801 and 7802.

PURPOSE(S):

This system provides administrative controls for tax returns of Internal Revenue Service employees considered for examination, being examined, or previously examined.

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

Disclosure of returns and return information may be made only as provided by 26 U.S.C. 6103.

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

STORAGE:

Paper documents, machine-sensible data media, microfilm.

RETRIEVABILITY:

By employee's name and social security number.

SAFEGUARDS:

Access controls will not be less than those provided for by Managers Security Handbook, IRM 1(16)12 and the Automated Information System Security Handbook, IRM 2(10)00.

RETENTION AND DISPOSAL:

Records are maintained in accordance with Records Disposition Handbooks, IRM 1(15)59.1 through IRM 1(15)59.32. Generally, records are periodically updated to reflect changes and retained as long as the individual is employed.

SYSTEM MANAGER(S) AND ADDRESS:

Official prescribing policies and practices—Assistant Commissioner (Examination). Officials maintaining the system—Director of District where individual resides. (See IRS appendix A for addresses.)

NOTIFICATION PROCEDURE:

Individuals seeking to determine if this system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR part 1, subpart C, appendix B. Inquiries should be addressed as in ''Record access procedures'' below.

RECORD ACCESS PROCEDURES:

Individuals seeking access to any record contained in this system of records, or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR part 1, subpart C, appendix B. Inquiries should be addressed to the District Director in the District where the records are located. (See IRS Appendix A for addresses.)

CONTESTING RECORD PROCEDURES:

26 U.S.C. 7852(e) prohibits Privacy Act amendment of tax records.

RECORD SOURCE CATEGORIES:

Employee's tax return.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

TREASURY/IRS 42.016

SYSTEM NAME:

Classification/Centralized Files and Scheduling Files—Treasury/IRS.

SYSTEM LOCATION:

District Offices, Internal Revenue Service Centers. (See IRS appendix A for addresses.)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals whose returns or claims are classified for examination.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individuals' tax returns/claims and other information, including information reports considered in screening/classifying of an individual's return or claim for refund.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 26 U.S.C. 7602, 7801 and 7802.

PURPOSE(S):

This is a system for storage and control of returns identified for potential examination. It provides for the centralized storage of returns prior to scheduling for examination and a means to control and access these returns as needed.

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

Disclosure of returns and return information may be made only as provided by 26 U.S.C. 6103.

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

STORAGE:

Paper documents, computer printouts, magnetic media.

RETRIEVABILITY:

By taxpayer's name and social security number.

SAFEGUARDS:

Access controls will not be less than those provided for by Managers Security Handbook, IRM 1(16)12 and the Automated Information System Security Handbook, IRM 2(10)00.

RETENTION AND DISPOSAL:

Returns/claims accepted as filed are returned to System of Records 22.034. Returns/claims selected for examination become part of System of Records 42.001. Other information is retained until associated with returns/claims or two years, whichever occurs first. Authority: Records Disposition Handbook IRM 1(15)59.1 through IRM 1(15)59.32.

SYSTEM MANAGER(S) AND ADDRESS:

Official prescribing policies and practices—Assistant Commissioner (Examination). Officials maintaining the system—District Directors, Internal Revenue Service Center Directors. (See IRS appendix A for addresses.)

NOTIFICATION PROCEDURE:

This system is exempt from the notification provisions of the Privacy Act.

RECORD ACCESS PROCEDURES:

This system is exempt from the access and contest provisions of the Privacy Act.

CONTESTING RECORD PROCEDURES:

26 U.S.C. 7852(e) prohibits Privacy Act amendment of tax records.

RECORD SOURCE CATEGORIES:

(1) Tax returns, (2) requests from taxpayer, and (3) requests from Collection Division for prompt examination.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

This system has been designated as exempt from certain provisions of the Privacy Act.

TREASURY/IRS 42.017

SYSTEM NAME:

International Enforcement Program Files—Treasury/IRS.

SYSTEM LOCATION:

Office of the Assistant Commissioner (International), National Office; District Offices, and Internal Revenue Service Centers. (See IRS appendix A for addresses.)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any individual having foreign business/financial activities.

CATEGORIES OF RECORDS IN THE SYSTEM:

Listing of individuals, identification numbers (if known), summary of income expenses, financial information as to foreign operations or financial transactions, acquisition of foreign stock, controlling interest of a foreign corporation, organization or reorganization of foreign corporation examination results, information concerning potential tax liability, etc.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 26 U.S.C. 7602, 7801 and 7802.

PURPOSE(S):

The purpose is to monitor the International Enforcement Program. It provides data for the preparation of periodic reports, the analysis of which is the basis to determine the effectiveness of the program.

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

Disclosure of returns and return information may be made only as provided by 26 U.S.C. 6103.

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

STORAGE:

Paper documents, microfilm, machine sensible magnetic media.

RETRIEVABILITY:

By individual's name and social security number.

SAFEGUARDS:

Access controls will not be less than those provided for by Managers Security Handbook, IRM 1(16)12 and the Automated Information System Security Handbook, IRM 2(10)00.

RETENTION AND DISPOSAL:

Records are maintained in accordance with Records Disposition Handbooks, IRM 1(15)59.1 through IRM 1(15)59.32. Generally, records are periodically updated to reflect changes and retained as long as the individual has substantial foreign business/financial activities.

SYSTEM MANAGER(S) AND ADDRESS:

Officials prescribing policies and practices—Assistant Commissioner (Examination) and Assistant Commissioner (International). Officials maintaining the system—Assistant Commissioner (International), District Directors, Internal Revenue Service Center Directors. (See IRS appendix A for addresses.)

NOTIFICATION PROCEDURE:

This system is exempt from the notification provisions of the Privacy Act.

RECORD ACCESS PROCEDURES:

This system is exempt from the access and contest provisions of the Privacy Act.

CONTESTING RECORD PROCEDURES:

26 U.S.C. 7852(e) prohibits Privacy Act amendment of tax records.

RECORD SOURCE CATEGORIES:

(1) European treaty countries, (2) individual's tax returns, (3) examination of related taxpayers, and (4) public sources of information.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

This system has been designated as exempt from certain provisions of the Privacy Act.

TREASURY/IRS 42.021

SYSTEM NAME:

Compliance Programs and Projects Files—Treasury/IRS.

SYSTEM LOCATION:

National Office, Regional Offices, District Offices, and Internal Revenue Service Centers. (See IRS appendix A for addresses.)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Taxpayers who may be involved in tax evasion schemes, including withholding noncompliance or other areas of noncompliance grouped by industry, occupation, or financial transactions, and other; e.g., return preparers, political contributions, corporate kickbacks, questionable Forms W–4.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records pertaining to individuals in projects and programs, and records used to consider individuals for selection in projects and programs.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 26 U.S.C. 7602, 7801 and 7802.

PURPOSE(S):

This system provides a means to monitor and control information related to special programs and projects to identify areas of non-compliance. Using this information, available efforts can be focused on the more significant non-compliance issues. This system includes Midwest Automated Compliance System (MACS) records and records concerning tax preparers. Certain records in this system (for example, MACS) may be used to select individuals for compliance actions.

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

Disclosure of returns and return information may be made only as provided by 26 U.S.C. 6103.

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

STORAGE:

Paper records, machine-sensible data media, microfilm, and magnetic media.

RETRIEVABILITY:

By taxpayer's name and social security number, document locator number or other unique identifier.

SAFEGUARDS:

Access controls will not be less than those provided for by Managers Security Handbook, IRM 1(16)12 and the Automated Information System Security Handbook, IRM 2(10)00.

RETENTION AND DISPOSAL:

W–4 paper case files and National Computer Center (NCC) magnetic tape records are destroyed two years after the cases have been inactive. Records associated with the examination of returns are disposed of in accordance with the established Retention Schedule 1(15)59.22, Records Control Schedule. Records not associated with the examination of returns will be destroyed at the completion of the program or project, or in accordance with Records Disposition Handbooks, IRM 1(15)59.1 through IRM 1(15)59.32.

SYSTEM MANAGER(S) AND ADDRESS:

Official prescribing policies and practices—Assistant Commissioner (Examination). Officials maintaining the system—District Directors, and Internal Revenue Service Center Directors. (See IRS appendix A for addresses.)

NOTIFICATION PROCEDURE:

This system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual.

RECORD ACCESS PROCEDURES:

This system of records may not be accessed for purposes of inspection or for contest of content of records.

CONTESTING RECORD PROCEDURES:

26 U.S.C. 7852(e) prohibits Privacy Act amendment of tax records.

RECORD SOURCE CATEGORIES:

(1) Taxpayer's return, (2) taxpayer's books and records, (3) informants and third party information, (4) city, state government, (5) other Federal agencies, (6) examinations of related taxpayers, and (7) taxpayer's employer.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

This system has been designated as exempt from certain provisions of the Privacy Act.

TREASURY/IRS 42.027

SYSTEM NAME:

Data on Taxpayers Filing on Foreign Holdings—Treasury/IRS.

SYSTEM LOCATION:

Office of the Assistant Commissioner (International), National Office, Regional Offices, District Offices, Philadelphia Internal Revenue Service Center, and the Detroit Computing Center. (see IRS appendix A for addresses.)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals required to file Form 5471, Information Return with respect to a Foreign Corporation.

CATEGORIES OF RECORDS IN THE SYSTEM:

Names of individuals filing on foreign holdings.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 26 U.S.C. 7602, 7801 and 7802.

PURPOSE(S):

The purpose is to monitor the International Enforcement Program. It provides data for the preparation of periodic reports, the analysis of which is the basis to determine the effectiveness of the program.

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

Disclosure of returns and return information may be made only as provided by 26 U.S.C. 6103.

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

STORAGE:

Magnetic tape in Detroit Computing Center and Philadelphia Service Center; Paper at other listed locations, machine-sensible data media and microfilm.

RETRIEVABILITY:

By taxpayer's name.

SAFEGUARDS:

Access controls will not be less than those provided for by Managers Security Handbook, IRM 1(16)12 and the Automated Information System Security Handbook, IRM 2(10)00.

RETENTION AND DISPOSAL:

Records are maintained in accordance with Records Disposition Handbooks, IRM 1(15)59.1 through IRM 1(15)59.32. Generally, records are disposed of within three years.

SYSTEM MANAGER(S) AND ADDRESS:

Official prescribing policies and practices—Assistant Commissioner (International), National Office. Officials maintaining the system—District Directors; Regional Commissioners; Assistant Commissioner (Examination) and Assistant Commissioner (International), National Office; Director, Detroit Computing Center; Assistant Commissioner (Taxpayer Services), National Office. (See IRS appendix A for addresses.)

NOTIFICATION PROCEDURE:

Individuals seeking to determine if this system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR part 1, subpart C, appendix B. Inquiries should be addressed as in ''Record access procedures'' below.

RECORD ACCESS PROCEDURES:

Individuals seeking access to any record contained in this system of records may inquire in accordance with instructions appearing at 31 CFR part 1, subpart C, appendix B. Inquiries should be addressed to the District Director for each district whose records are to be accessed or contested, or to the directors, or Assistant Commissioner (International) in the case of records in the National Office. (See IRS appendix A for addresses.)

CONTESTING RECORD PROCEDURES:

26 U.S.C. 7852(e) prohibits Privacy Act amendment of tax records.

RECORD SOURCE CATEGORIES:

Form 5471 only.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

TREASURY/IRS 42.030

SYSTEM NAME:

Discriminant Function File (DIF)—Treasury/IRS.

SYSTEM LOCATION:

Internal Revenue Service Centers. (See IRS appendix A for addresses.)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals whose income tax returns have a DIF Score higher than a cutoff score determined by Examination and International, indicating high audit potential, based on formulae prescribed by Examination.

CATEGORIES OF RECORDS IN THE SYSTEM:

Document Locator Number of the return, the Regional and District Offices of the taxpayer, the taxpayer's DIF Score and data from the individual's Income Tax Return needed to conduct an audit of his/her return.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 26 U.S.C. 7602, 7801 and 7802.

PURPOSE(S):

These records provide the means to identify returns with the highest potential for examination.

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

Disclosure of returns and return information may be made only as provided by 26 U.S.C. 6103.

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

STORAGE:

Magnetic tape and computer printout.

RETRIEVABILITY:

By individual's social security number.

SAFEGUARDS:

Access controls will not be less than those provided for by Managers Security Handbook, IRM 1(16)12 and the Automated Information System Security Handbook, IRM 2(10)00.

RETENTION AND DISPOSAL:

Records are maintained in accordance with Record Disposition Handbooks, IRM 1(15)59.1 through IRM 1(15)59.32. Generally, records are disposed of after three years.

SYSTEM MANAGER(S) AND ADDRESS:

Official prescribing policies and practices—Assistant Commissioner (Examination) and Assistant Commissioner (International). Officials maintaining the system—Internal Revenue Service Center Directors. (See IRS appendix A for addresses.)

NOTIFICATION PROCEDURE:

This system of records may not be accessed for purpose of determining if the system contains a record pertaining to a particular individual.

RECORD ACCESS PROCEDURES:

This system of records may not be accessed for the purpose of inspection or for contest of content of records.

CONTESTING RECORD PROCEDURES:

26 U.S.C. 7852(e) prohibits Privacy Act amendment of tax records.

RECORD SOURCE CATEGORIES:

Individual's tax return information.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

This system has been designated as exempt from certain provisions of the Privacy Act.

TREASURY/IRS 44.001

SYSTEM NAME:

Appeals Case Files—Treasury/IRS.

SYSTEM LOCATION:

Office of the National Director of Appeals, National Office; Regional Directors of Appeals (See IRS appendix A for addresses.)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Taxpayers who disagree with examiner's findings and proposed adjustments and seek administrative review.

CATEGORIES OF RECORDS IN THE SYSTEM:

Tax returns, Revenue Agents' Reports, Appeals Supporting Statements, case correspondence, legal opinions, work papers, and Appeals closing actions.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

26 U.S.C. 7801 and 7802.

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

Disclosure of returns and return information may be made only as provided by 26 U.S.C. 6103.

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

STORAGE:

Paper records and magnetic media.

RETRIEVABILITY:

By name of taxpayer.

SAFEGUARDS:

Locked file cabinets, locked doors, IRS employees access data only on a need to know basis.

RETENTION AND DISPOSAL:

Records are maintained in accordance with Record Disposition Handbooks, IRM 1(15)59.1 through IRM 1(15)59.32. Records are disposed of by shredding.

SYSTEM MANAGER(S) AND ADDRESS:

National Director of Appeals, Internal Revenue Service, 901 D Street, SW., Box 68, Washington, DC 20024; Regional Directors of Appeals (see IRS appendix A for addresses.)

NOTIFICATION PROCEDURE:

This system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual.

RECORD ACCESS PROCEDURES:

This system of records may not be accessed for purposes of inspection or for contest of content of records.

CONTESTING RECORD PROCEDURES:

26 U.S.C. 7852(e) prohibits Privacy Act amendment of tax records.

RECORD SOURCE CATEGORIES:

This system of records contains investigatory material compiled for law enforcement purposes whose sources need not be reported.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

This system has been designated as exempt from certain provisions of the Privacy Act.

TREASURY/IRS 44.003

SYSTEM NAME:

Unified System for Time and Appeals Records (Unistar)—Treasury/IRS.

SYSTEM LOCATION:

Office of the National Director of Appeals, National Office; Regional Directors of Appeals (See IRS appendix A for addresses.)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Taxpayers who disagree with examiner's findings and proposed adjustments and seek administrative review.

CATEGORIES OF RECORDS IN THE SYSTEM:

Databases which produce management information on case inventory by taxpayer name, tax year, amount of tax in dispute, settlement amount, and professional time required to arrive at settlement.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

26 U.S.C. 7801 and 7802.

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

Disclosure of returns and return information may be made only as provided by 26 U.S.C. 6103.

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

STORAGE:

Magnetic media, diskette, hard disk.

RETRIEVABILITY:

By taxpayer's name and/or taxpayer identification number (social security number or employer identification number) and by work unit number.

SAFEGUARDS:

IRS personnel access data only on a need-to-know basis and use passwords to access system information.

RETENTION AND DISPOSAL:

Records are maintained in accordance with Record Disposition Handbooks, IRM 1(15)59.1 through IRM 1(15)59.32.

SYSTEM MANAGER(S) AND ADDRESS:

National Director of Appeals, Internal Revenue Service, 901 D Street, SW., Box 68, Washington, DC 20024; Regional Directors of Appeals (See IRS appendix A for addresses.)

NOTIFICATION PROCEDURE:

Individuals seeking to determine if this system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR part 1, subpart C, appendix B. Inquiries should be addressed as in ''Record access procedures'' below.

RECORD ACCESS PROCEDURES:

Individuals seeking access to any record contained in this system of records, or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR part 1, subpart C, appendix B. Inquiries should be addressed to the system manager(s) in the office where records to be searched are located.

CONTESTING RECORD PROCEDURES:

26 U.S.C. 7852(e) prohibits Privacy Act amendment of tax records.

RECORD SOURCE CATEGORIES:

Tax returns and other filings made by the individual and agency entries made in the administration of the individual's tax account. Also, time reports prepared by Appeals Officers.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

TREASURY/IRS 44.004

SYSTEM NAME:

Art Case File—Treasury/IRS.

SYSTEM LOCATION:

Office of the National Director of Appeals, National Office; Regional Directors of Appeal (see IRS appendix A for addresses.)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Famous or noted artists whose works have been evaluated by the Art Panel or its staff for use in a taxpayer case.

CATEGORIES OF RECORDS IN THE SYSTEM:

Commissioner's Art Panel or its staff decisions on values of works of art by named artists and appraisal documentation.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 26 U.S.C. 7602, 7801, 7802, and 7805(a).

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

Disclosure of returns and return information may be made only as provided by 26 U.S.C. 6103. Records other than returns and return information may be used to: (1) Disclose information to the Department of Justice for the purpose of litigation an action or seeking legal advice; (2) disclose pertinent information to appropriate Federal, state, local, or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation; (3) disclose information to a Federal, state, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit; (4) disclose relevant, non-privileged information to a court, magistrate, or administrative tribunal, including the presentation of evidence, disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings; (5) disclose information to foreign governments in accordance with formal or informal international agreements; (6) provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains; (7) provide information to the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's functions relating to civil and criminal proceedings; (8) provide information to officials of labor organizations recognized under 5 U.S.C. Chapter 71 when relevant and necessary to their duties of exclusive representation; (9) provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

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

STORAGE:

Paper records and magnetic media.

RETRIEVABILITY:

Indexed by taxpayer, artist, and appraiser name.

SAFEGUARDS:

Access controls will not be less than those provided by the Automated Information System Security Handbook, IRM 2(10)00.

RETENTION AND DISPOSAL:

Records are maintained in accordance with Records Disposition Handbooks, IRM 1(15)59.1 though IRM 1(15)59.32. The system has been retained since 1968.

SYSTEM MANAGER(S) AND ADDRESS:

National Director of Appeals, Internal Revenue Service, 901 D Street, SW., Box 68, Washington, DC 20024; Regional Directors of Appeals (See IRS appendix A for addresses.)

NOTIFICATION PROCEDURE:

Individuals seeking to determine if this system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR part 1, subpart C, appendix B. Inquiries should be addressed as in ''Record access procedures'' below.

RECORD ACCESS PROCEDURES:

Individuals seeking access to any record contained in this system of records, or seeking to contest its

content, may inquire in accordance with instructions appearing at 31 CFR part 1, subpart C, appendix B. Inquiries should be addressed to the National Director of Appeals, Internal Revenue Service, 901 D Street, SW., Box 68, Washington, DC 20024

CONTESTING RECORD PROCEDURES:

26 U.S.C. 7852(e) prohibits Privacy Act amendment of tax records.

RECORD SOURCE CATEGORIES:

Art panel and staff decisions and appraisal documentation.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

TREASURY/IRS 44.005

SYSTEM NAME:

Expert Witness and Fee Appraiser Files—Treasury/IRS.

SYSTEM LOCATION:

Office of the National Director of Appeals, National Office; Regional Directors of Appeals (See IRS appendix A for addresses.)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Actual and potential expert witnesses for litigation and fee appraisers.

CATEGORIES OF RECORDS IN THE SYSTEM:

Biographical sketches, application letters, or list of expert/appraiser names by specialty.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 26 U.S.C. 7602, 7801, 7802, and 7805(a).

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

Disclosure of returns and return information may be made only as provided by 26 U.S.C. 6103. Records other than returns and return information may be used to: (1) Disclose information to the Department of Justice for the purpose of litigating and action and seeking legal advice; (2) disclose pertinent information to appropriate Federal, state, local, or foreign agencies responsible for investigating or prosecuting the violations of or for enforcing or implementing a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation; (3) disclose information to a Federal, state, or local agency, maintaining civil, criminal, or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual or issuance of a security clearance, license, contract, grant, or other benefit; (4) disclose relevant, non-privileged information to a court, magistrate, or administrative tribunal, including the presentation of evidence, disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings; (5) disclose information to foreign governments in accordance with formal or informal international agreements; (6) provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains; (7) provide information to the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's functions relating to civil and criminal proceedings; (8) provide information to officials of labor organizations recognized under 5 U.S.C. Chapter 71 when relevant and necessary to their duties of exclusive representation; (9) provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

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

STORAGE:

Paper records.

RETRIEVABILITY:

Indexed by taxpayer and expert witness/appraiser name.

SAFEGUARDS:

Access Controls will not be less than those provided by the Automated Information System Security Handbook, IRM 2(10)00.

RETENTION AND DISPOSAL:

Records are maintained in accordance with Records Disposition Handbooks, IRM 1(15)59.1 through IRM 1(15)59.32. Records are periodically updated to reflect changes and maintained as needed.

SYSTEM MANAGER(S) AND ADDRESS:

National Director of Appeals, Internal Revenue Service, 901 D Street, SW., Box 68, Washington, DC 20024; Regional Directors of Appeals. (See IRS appendix A for addresses.)

NOTIFICATION PROCEDURE:

Individuals seeking to determine if this system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR, part 1, subpart C, appendix B. Inquiries should be addressed as in ''Record access procedures'' below.

RECORD ACCESS PROCEDURES:

Individuals seeking access to any record contained in this system of records, or seeking to contest its content may inquire in accordance with instructions appearing at 31 CFR part 1, subpart C, appendix B. Inquiries should be addressed to the National Director of Appeals, Internal Revenue Service, 901 D Street, SW., Box 68, Washington, DC 20024.

CONTESTING RECORD PROCEDURES:

26 U.S.C. 7852(e) prohibits Privacy Act amendment of tax records.

RECORD SOURCE CATEGORIES:

Varied, generally from the named individual, often unsolicited.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

TREASURY/IRS 46.002

SYSTEM NAME:

Criminal Investigation Management Information System—Treasury/IRS.

SYSTEM LOCATION:

National Office, Regional Offices, District Offices, Internal Revenue Service Centers, and Detroit Computing Center. (See IRS appendix A for addresses.)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Subjects and potential subjects of Criminal Investigation Division investigations, Special Agents, U.S. District Court Judges and U.S. Attorneys.

CATEGORIES OF RECORDS IN THE SYSTEM:

Personal and financial information developed in criminal tax investigations, potential tax investigations and in projects including information from other Federal, state and local agencies.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 26 U.S.C. 7602, 7801 and 7802.

PURPOSE(S):

To maintain and process sensitive investigative data that identifies patterns of criminal and/or civil noncompliance with federal income tax laws and to maintain and process sensitive information on agent personnel.

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

Disclosure of returns and return information may be made only as provided in 26 U.S.C. 6103.

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

STORAGE:

Paper records in binders, magnetic media, computer discs, computer printouts.

RETRIEVABILITY:

By taxpayer's name, case number and social security number, or other unique identifier.

SAFEGUARDS:

Access controls will not be less than those provided for by Managers Security Handbook, IRM 1(16)12 and the Automated Information System Security Handbook, IRM 2(10)00.

RETENTION AND DISPOSAL:

Records are maintained in accordance with Records Disposition Handbooks, IRM 1(15)59.1 through IRM 1(15)59.32.

SYSTEM MANAGER(S) AND ADDRESS:

Official prescribing policies and practices—Assistant Commissioner (Criminal Investigation), National Office. Officials maintaining the system—Assistant Commissioner (Criminal Investigation); Regional Commissioners, District Directors, Internal Revenue Service Center Directors, and the Detroit Computing Center Director. (See IRS appendix A for addresses).

NOTIFICATION PROCEDURE:

This system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual.

RECORD ACCESS PROCEDURES:

This system of records may not be accessed for purposes of inspection or for contest of content of records.

CONTESTING RECORD PROCEDURES:

26 U.S.C. 7852(e) prohibits Privacy Act amendment of tax records.

RECORD SOURCE CATEGORIES:

This system of records contains investigatory material compiled for law enforcement purposes whose sources need not be reported.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

This system has been designated as exempt from certain provisions of the Privacy Act.

TREASURY/IRS 46.003

SYSTEM NAME:

Confidential Informants, Criminal Investigation Division—Treasury/IRS.

SYSTEM LOCATION:

District Offices. (See IRS appendix A for addresses.)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Confidential Informants; Subjects of Confidential Informant's Reports.

CATEGORIES OF RECORDS IN THE SYSTEM:

Memorandums, Index Cards, Related Data.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 26 U.S.C. 7602, 7801 and 7802.

PURPOSE(S):

To maintain a file of the true identities of confidential informants.

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

Disclosure of returns and return information may be made only as provided by 26 U.S.C. 6103.

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

STORAGE:

Paper records and magnetic media.

RETRIEVABILITY:

By confidential informant's name and number or name in informant's report.

SAFEGUARDS:

Access controls will not be less than those provided for by Managers Security Handbook, IRM 1(16)12 and the Automated Information System Security Handbook, IRM 2(10)00.

RETENTION AND DISPOSAL:

Records are maintained in accordance with Records Disposition Handbooks, IRM 1(15)59.1 through IRM 1(15)59.32.

SYSTEM MANAGER(S) AND ADDRESS:

Official prescribing policies and practices—Assistant Commissioner (Criminal Investigation), National Office. Officials maintaining the system—District Directors. (See IRS appendix A for addresses.)

NOTIFICATION PROCEDURE:

This system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual.

RECORD ACCESS PROCEDURES:

This system of records may not be accessed for purposes of inspection or for contest of content of records.

CONTESTING RECORD PROCEDURES:

26 U.S.C. 7852(e) prohibits Privacy Act amendment of tax records.

RECORD SOURCE CATEGORIES:

This system of records contains investigatory material compiled for law enforcement purposes whose sources need not be reported.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

This system has been designated as exempt from certain provisions of the Privacy Act.

TREASURY/IRS 46.004

SYSTEM NAME:

Controlled Accounts (Open and Closed)—Treasury/IRS.

SYSTEM LOCATION:

District Offices, Internal Revenue Service Centers, and the Martinsburg Computing Center. (See IRS appendix A for addresses.)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Subjects and potential subjects of criminal tax investigation.

CATEGORIES OF RECORDS IN THE SYSTEM:

Criminal Investigation Information and Control Notices; Lists of names and related data; Lists of action taken: Transcripts of account.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 26 U.S.C. 7602, 7801 and 7802.

PURPOSE(S):

To maintain and process any activity pertaining to the taxpayer account that identifies patterns of criminal and/or civil noncompliance with federal tax and moneylaundering laws.

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

Disclosure of returns and return information may be made only as provided by 26 U.S.C. 6103.

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

STORAGE:

Paper records and magnetic media.

RETRIEVABILITY:

By name or social security number.

SAFEGUARDS:

Access controls will not be less than those provided for by Managers Security

Handbook, IRM 1(16)12 and the Automated Information System Security Handbook, IRM 2(10)00.

RETENTION AND DISPOSAL:

Records are maintained in accordance with Records Disposition Handbooks, IRM 1(15)59.1 through IRM 1(15)59.32. Paper records are destroyed one year after the close of the investigation. Magnetic tape is erased three months after the close of the investigation.

SYSTEM MANAGER(S) AND ADDRESS:

Official prescribing policies and practices—Assistant Commissioner (Criminal Investigation), National Office. Officials maintaining the system—District Directors, Internal Revenue Service Center Directors, and the Martinsburg Computing Center Director. (See IRS appendix A for addresses.)

NOTIFICATION PROCEDURE:

Individuals seeking to determine if this system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR part 1, subpart C, appendix B. Inquiries should be addressed as in ''Record access procedures'' below.

RECORD ACCESS PROCEDURES:

Individuals seeking to access to any record contained in this system of records, or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR part 1, subpart C, appendix B. Inquiries should be addressed to the District Director for each District where records are to be searched (See IRS appendix A for addresses).

CONTESTING RECORD PROCEDURES:

26 U.S.C. 7852(e) prohibits Privacy Act amendment of tax records.

RECORD SOURCE CATEGORIES:

District Office Personnel; Service Center Personnel, Form 4135, Criminal Investigation Control Notice.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

TREASURY/IRS 46.005

SYSTEM NAME:

Electronic Surveillance File, Criminal Investigation Division—Treasury/IRS.

SYSTEM LOCATION:

National Office, 1111 Constitution Avenue, NW., Washington, DC 20224

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Subjects of electronic surveillance. Individuals who have been subjects of queries by other agencies.

CATEGORIES OF RECORDS IN THE SYSTEM:

Information relating to conduct of electronic surveillance.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 26 U.S.C. 7602, 7801 and 7802.

PURPOSE(S):

To monitor and track all electronic surveillances that are conducted by district field offices.

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

Disclosure of returns and return information may be made only as provided by 26 U.S.C. 6103.

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

STORAGE:

Paper records and magnetic media.

RETRIEVABILITY:

By names, addresses, and telephone numbers.

SAFEGUARDS:

Access controls will not be less than those provided for by Managers Security Handbook, IRM 1(16)12 and the Automated Information System Security Handbook, IRM 2(10)00.

RETENTION AND DISPOSAL:

Records are maintained in accordance with Records Disposition Handbooks, IRM 1(15)59.1 through IRM 1(15)59.32. Generally, records are periodically updated to reflect changes and maintained as long as needed.

SYSTEM MANAGER(S) AND ADDRESS:

Official prescribing policies and practices—Assistant Commissioner (Criminal Investigation) National Office. Officials maintaining the system—Director, Office of Investigations (See IRS appendix A for addresses.)

NOTIFICATION PROCEDURE:

This system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual.

RECORD ACCESS PROCEDURES:

This system of records may not be accessed for purposes of inspection or for contest of content of records.

CONTESTING RECORD PROCEDURES:

26 U.S.C. 7852(e) prohibits Privacy Act amendment of tax records.

RECORD SOURCE CATEGORIES:

This system of records contains investigatory material compiled for law enforcement purposes whose sources need not be reported.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

This system has been designated as exempt from certain provisions of the Privacy Act.

TREASURY/IRS 46.009

SYSTEM NAME:

Centralized Evaluation and Processing of Information Items (CEPIIs), Evaluation and Processing of Information (EOI), Criminal Investigation Division—Treasury/IRS.

SYSTEM LOCATION:

District Offices, Internal Revenue Service Centers. (See IRS appendix A for addresses.)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Taxpayers about whom the Internal Revenue Service has received information alleging a violation of laws within IRS jurisdiction, potential subjects of investigation.

CATEGORIES OF RECORDS IN THE SYSTEM:

Copies of income tax returns, special agent's reports, revenue agent's reports, reports from police and other investigative agencies, memoranda of interview, question-and-answer statements, affidavits, collateral requests and replies, information items, newspaper and magazine articles and other published data, financial information from public records, court records, confidential reports, case initiating documents and other similar and related documents.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 26 U.S.C. 7602, 7801 and 7802.

PURPOSE(S):

To maintain and process sensitive investigative data that possibly identifies potential criminal and/or civil noncompliance with federal law and money laundering laws.

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

Disclosure of returns and return information may be made only as provided by 26 U.S.C. 6103.

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

STORAGE:

Paper and magnetic media.

RETRIEVABILITY:

By name.

SAFEGUARDS:

Access controls will not be less than those provided for by Managers Security Handbook, IRM 1(16)12 and the Automated Information System Security Handbook, IRM 2(10)00.

RETENTION AND DISPOSAL:

Records are maintained in accordance with Records Disposition Handbooks, IRM 1(15)59.1 through IRM 1(15)59.32. Paper records are disposed of after use.

SYSTEM MANAGER(S) AND ADDRESS:

Official prescribing policies and practices—Assistant Commissioner (Criminal Investigation) National Office. Officials maintaining the system—District Directors, Internal Revenue Service Center Directors. (See IRS appendix A for addresses.)

NOTIFICATION PROCEDURE:

This system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual.

RECORD ACCESS PROCEDURES:

This system of records may not be accessed for purposes of inspection or for contest of content of records.

CONTESTING RECORD PROCEDURES:

26 U.S.C. 7852(e) prohibits Privacy Act amendment of tax records.

RECORD SOURCE CATEGORIES:

This system of records contains investigatory material compiled for law enforcement purposes whose sources need not be reported.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

This system has been designated as exempt from certain provisions of the Privacy Act.

TREASURY/IRS 46.011

SYSTEM NAME:

Illinois Land Trust Files, Criminal Investigation Division—Treasury/IRS.

SYSTEM LOCATION:

Chicago District Office, Springfield District Office, and the Kansas City Internal Revenue Service Center. (See IRS appendix A for addresses.)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Beneficiaries of Land Trusts, Related individuals.

CATEGORIES OF RECORDS IN THE SYSTEM:

Notices of Fiduciary Relationships. Related correspondence.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 26 U.S.C. 7602, 7801 and 7802.

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

Disclosure of returns and return information may be made only as provided by 26 U.S.C. 6103.

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

STORAGE:

Paper and magnetic tape.

RETRIEVABILITY:

By taxpayer and beneficiary name; trust and social security number.

SAFEGUARDS:

Access controls will not be less than those provided for by Managers Security Handbook, IRM 1(16)12 and the Automated Information System Security Handbook, IRM 2(10)00.

RETENTION AND DISPOSAL:

Records are maintained in accordance with Records Disposition Handbooks, IRM 1(15)59.1 through IRM 1(15)59.32.

SYSTEM MANAGER(S) AND ADDRESS:

Chicago District Director, Springfield District Director, and the Kansas City Internal Revenue Service Center Director. (See IRS appendix A for addresses.)

NOTIFICATION PROCEDURE:

Individuals seeking to determine if this system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR part 1, subpart C, appendix B. Inquiries should be addressed as in ''Record access procedures'' below.

RECORD ACCESS PROCEDURES:

Individuals seeking access to any record contained in this system of records, or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR part 1, subpart C, appendix B. Inquiries should be addressed to: District Director, Chicago District, Internal Revenue Service, 230 South Dearborn Street, Room 2890, Chicago, Illinois 60604.

CONTESTING RECORD PROCEDURES:

26 U.S.C. 7852(e) prohibits Privacy Act amendment of tax records.

RECORD SOURCE CATEGORIES:

Financial institutions, Fiduciary reports and Notices of Fiduciary Relationships.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

TREASURY/IRS 46.015

SYSTEM NAME:

Relocated Witnesses, Criminal Investigation Division—Treasury/IRS.

SYSTEM LOCATION:

Office of the Assistant Commissioner (Criminal Investigation), National Office, 1111 Constitution Avenue, NW., Washington, DC. 20224.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Relocated Witnesses.

CATEGORIES OF RECORDS IN THE SYSTEM:

Documentation and Relocation Information.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 26 U.S.C. 7602, 7801 and 7802.

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

Disclosure of returns and return information may be made only as provided by 26 U.S.C. 6103.

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

STORAGE:

Paper.

RETRIEVABILITY:

By name.

SAFEGUARDS:

Access controls will not be less than those provided for by Managers Security Handbook, IRM 1(16)12 and the Automated Information System Security Handbook, IRM 2(10)00.

RETENTION AND DISPOSAL:

Records are maintained in accordance with Records Disposition Handbooks, IRM 1(15)59.1 through IRM 1(15)59.32. Generally, records are periodically updated to reflect changes and maintained as long as needed.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Commissioner (Criminal Investigation), Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224.

NOTIFICATION PROCEDURE:

This system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual.

RECORD ACCESS PROCEDURES:

This system of records may not be accessed for purposes of inspection or for contest of content of records.

CONTESTING RECORD PROCEDURES:

26 U.S.C. 7852(e) prohibits Privacy Act amendment of tax records.

RECORD SOURCE CATEGORIES:

This system of records contains investigatory material compiled for law enforcement purposes whose sources need not be reported.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

This system has been designated as exempt from certain provisions of the Privacy Act.

TREASURY/IRS 46.016

SYSTEM NAME:

Secret Service Details, Criminal Investigation Division—Treasury/IRS.

SYSTEM LOCATION:

National Office, Regional Offices and District Offices. (See IRS appendix A for addresses.)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Special Agents.

CATEGORIES OF RECORDS IN THE SYSTEM:

List of Criminal Investigation participants and correspondence between Criminal Investigation and Secret Service.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 26 U.S.C. 7602, 7801 and 7802.

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

Records and information contained in these records may be disclosed to the Department of Justice for the purpose of litigating an action or seeking legal advice. Disclosure may be made during judicial processes.

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

STORAGE:

Paper.

RETRIEVABILITY:

By name.

SAFEGUARDS:

Access controls will not be less than those provided for by Managers Security Handbook, IRM 1(16)12 and the Automated Information System Security Handbook, IRM 2(10)00.

RETENTION AND DISPOSAL:

Records are maintained in accordance with Records Disposition Handbooks, IRM 1(15)59.1 through IRM 1(15)59.32.

SYSTEM MANAGER(S) AND ADDRESS:

Official prescribing policies and practices—Assistant Commissioner (Criminal Investigation), National Office. Officials maintaining the system—Assistant Commissioner (Criminal Investigation), Regional Commissioners, District Directors. (See IRS appendix A for addresses.)

NOTIFICATION PROCEDURE:

This system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual.

RECORD ACCESS PROCEDURES:

This system of records may not be accessed for purposes of inspection or for contest of content of records.

CONTESTING RECORD PROCEDURES:

26 U.S.C. 7852(e) prohibits Privacy Act Amendment of tax records.

RECORD SOURCE CATEGORIES:

This system of records contains investigatory material compiled for law enforcement purposes whose sources need not be reported.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

This system has been designated as exempt from certain provisions of the Privacy Act.

TREASURY/IRS 46.022

SYSTEM NAME:

Treasury Enforcement Communications System (TECS), Criminal Investigation Division—Treasury/IRS.

SYSTEM LOCATION:

National Office, Regional Offices, District Offices, and Internal Revenue Service Centers. (See IRS appendix A for addresses.)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Fugitives, subjects of open and closed criminal investigations, subjects of potential criminal investigations, subjects with Taxpayer Delinquent Accounts against whom Federal Tax Liens have been filed and other subjects of potential interest to criminal investigation such as witnesses and associates of subjects of criminal investigations or related to a matter under Criminal Investigation jurisdiction.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, date of birth, social security number, address, identifying details, aliases, associates, physical descriptions, various identification numbers, details and circumstances surrounding the actual or suspected violator.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 26 U.S.C. 7602, 7801 and 7802.

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

Disclosure of returns and return information may be made only as provided by 26 U.S.C. 6103.

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

STORAGE:

Disc.

RETRIEVABILITY:

By name, social security number or other unique identifier.

SAFEGUARDS:

Access controls will not be less than those provided for by Managers Security Handbook, IRM 1(16)12 and the Automated Information System Security Handbook, IRM 2(10)00.

RETENTION AND DISPOSAL:

Records are maintained in accordance with Records Disposition Handbooks, IRM 1(15)59.1 through IRM 1(15)59.32. Fugitives until apprehended. Other records are deleted when no longer of potential use for criminal investigation case or informational purposes. Cancellation after 10 years.

SYSTEM MANAGER(S) AND ADDRESS:

Official prescribing policies and practices—Assistant Commissioner (Criminal Investigation), National Office. Officials maintaining the system—Assistant Commissioner (Criminal Investigation), Regional Commissioners, District Directors, and Internal Revenue Service Center Directors. (See IRS appendix A for addresses.)

NOTIFICATION PROCEDURE:

This system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual.

RECORD ACCESS PROCEDURES:

This system of records may not be accessed for purposes of inspection or for contest of content of records.

CONTESTING RECORD PROCEDURES:

26 U.S.C. 7852(e) prohibits Privacy Act amendment of tax records.

RECORD SOURCE CATEGORIES:

This system of records contains investigatory material compiled for law

enforcement purposes whose sources need not be reported.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

This system has been designated as exempt from certain provisions of the Privacy Act.

TREASURY/IRS 46.050

SYSTEM NAME:

Automated Information Analysis System—Treasury/IRS.

SYSTEM LOCATION:

Detroit Computing Center, 1300 John C. Lodge Drive, Detroit, Michigan 48226, and Automated Criminal Investigation Office, 7940 Kentucky Drive, Boone County, Kentucky 41042.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Taxpayers and other individuals involved in financial transactions which require the filing of information reflected in the Categories of Records below.

CATEGORIES OF RECORDS IN THE SYSTEM:

The information included in the Automated Information Analysis System is from reported income and tax information on the Individual Master File (IMF)—Treasury/IRS 24.030; Individual Returns Files, Adjustments and Miscellaneous Documents File—Treasury/IRS 22.034. The Automated Information Analysis System also includes information from such sources as: Currency Transaction Reports (CTRs), Currency and Monetary Instrument Reports (CMIR's), Bank Secrecy Reports File, Foreign Bank Account Reports (FBARs), Forms 8300 (Currency Received in Trade or Business),—Treasury/CS .067; the Taxpayer Delinquent Account Files (TDA)—Treasury/IRS 26.019, which includes adjustments and payment tracer files and collateral files; Taxpayer Delinquency Investigation Files (TDI)—Treasury/IRS 26.020, which includes taxpayer information on delinquent returns; the Examination Administrative File—Treasury/IRS 42.001, and Casino Transaction Reports from the Detroit Computing Center.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 26 U.S.C. 7602, 7801, and 7802.

PURPOSE(S):

The purpose is to maintain records which identify transaction patterns that are indicative of criminal and/or civil noncompliance with Federal income tax and money laundering laws and to simultaneously evaluate diverse data sources.

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

Disclosure of returns and return information may be made only as provided by 26 U.S.C. 6103.

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

STORAGE:

Electronic and Magnetic Media.

RETRIEVABILITY:

Records are retrievable by name, address, and social security number.

SAFEGUARDS:

All Criminal Investigation personnel accessing the system will have successfully passed a background investigation. Criminal Investigation will furnish information from the system of records to approved personnel only on a ''need to know'' basis using passwords and access controls. Access controls will not be less than those provided for by Managers Security Handbook, IRM 1(16)12 and the Automated Information System Security Handbook, IRM 2(10)00. Procedural and physical safeguards to be utilized include the logging of all queries and periodic review of the query logs; compartmentalization of information to restrict access to authorized personnel; encryption of electronic communications; intruder alarms; and 24-hour building guards.

RETENTION AND DISPOSAL:

All records are disposed of after 4 years. Records will be disposed of by erasure of magnetic media.

SYSTEM MANAGER(S) AND ADDRESSES:

Official prescribing policies and practices—Assistant Commissioner (Criminal Investigation), National Office. Officials maintaining the system—Detroit Computing Center, CI Representative, and the Automated Criminal Investigation Office Manager, 7940 Kentucky Drive, Boone County, Kentucky 41042.

NOTIFICATION PROCEDURE:

This system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual.

RECORD ACCESS PROCEDURES:

This system of records may not be accessed for purposes of inspection or for contest of content of records.

CONTESTING RECORDS PROCEDURES:

26 U.S.C. 7852(e) prohibits Privacy Act amendment of tax records.

RECORD SOURCE CATEGORIES:

This system of records may not be accessed for purposes of determining the source of the records. Records to be included all come from existing Treasury and Internal Revenue Service databases. The databases are comprised of records submitted by taxpayers, financial institutions, casinos and businesses pursuant to federal law.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

This system is exempt from 5 U.S.C. 552a(c)(3), (c)(4), (d)(1), (d)(2), (d)(3), (d)(4),(e)(1), (e)(2), (e)(3), (e)(4)(G), (H), and (I), (e)(5), (e)(8), (f), and (g) of the Privacy Act pursuant to 5 U.S.C. 552a(j)(2), and (k)(2).

TREASURY/IRS 48.001

SYSTEM NAME:

Disclosure Records—Treasury/IRS.

SYSTEM LOCATION:

National Office, Regional Offices, District Offices, Internal Revenue Service Centers, Detroit Computing Center, and the Martinsburg Computing Center. (See IRS appendix A for addresses.)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

(1) Subjects of requests for disclosure initiated by the Department of Justice, including suspects or persons related to the violation of Federal laws; persons who have initiated legal actions against the Federal Government, persons identified as strike force targets or related to organized crime activities, persons under investigation for national security reasons, persons believed by the Internal Revenue Service to be related to violations of Federal laws other than the Internal Revenue Code. (2) Persons under investigation by other executive departments or congressional committees for whom tax information has been requested pursuant to 26 U.S.C. 6103. (3) Persons who are parties to criminal or civil non-tax litigation in which the testimony of IRS employees has been requested. (4) Persons who have applied for Federal employment or presidential appointments for which preemployment tax checks have been requested and applicants for Department of Commerce ''E'' Awards. (5) Requesters for access to records pursuant to 26 U.S.C. 6103, the Freedom of Information Act, 5 U.S.C. 552, and initiators of requests for access, amendment or other action pursuant to the Privacy Act of 1974, 5 U.S.C. 552a. (6) Individuals identified by or initiating correspondence or inquiries processed or controlled by the Disclosure function or relating to the foregoing subjects.

CATEGORIES OF RECORDS IN THE SYSTEM:

Requests for records, information or testimony, responses to such requests, supporting documentation, processing records, copies of items provided or withheld, control records and related files. Department of Justice, and IRS replies to such requests. (1) Copies of related authorizations to IRS officials permitting such disclosures and, in some instances, their responses. (2) Copies of individuals' tax information, memoranda for file, notations of telephone calls, file search requests, etc.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, 552 and 552a; 26 U.S.C. 6103, 7801 and 7802.

PURPOSE(S):

This is a system for maintaining records to administer applicable laws and regulations concerning disclosure. It includes Disclosure Information Management System (DIMS) records.

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

Disclosure of returns and return information may be made only as provided by 26 U.S.C. 6103. Records other than returns and return information may be used to: (1) Disclose information to the Department of Justice for the purpose of litigating an action or seeking legal advice; (2) report apparent violations of law to appropriate law enforcement agencies; (3) disclose debtor information to a Federal payor agency for purposes of salary and administrative offsets, to a consumer reporting agency to obtain commercial credit reports, and to a debt collection agency for debt collection services; (4) provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains; (5) provide information to the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's functions relating to civil and criminal proceedings.

DISCLOSURES TO CONSUMER REPORTING AGENCIES:

Disclosures pursuant to 5 U.S.C. 552a(b)(12):

Disclosures may be made from this system to consumer reporting agencies as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f)) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)).

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

STORAGE:

Paper and electronic records in alphabetical or chronological order within subject categories and/or such automated or electronic record-keeping equipment as may be locally available. No centralized index exists. Accountings of disclosure of tax related records pursuant to 5 U.S.C. 552a(c) or 26 U.S.C. 6103(p)(3) are posted to the Individual Master File and retrievable by Social Security Number, or to the Business Master File and retrievable by Employer Identification Number.

RETRIEVABILITY:

Records are generally retrievable by name of individual, although category of record and chronological period may be necessary to retrieve some records. The social security number is necessary to access accountings of disclosure posted to the Individual Master File. The employer identification number is necessary for access to the Business Master File.

SAFEGUARDS:

Access controls will not be less than those provided for by Managers Security Handbook, IRM 1(16)12 and the Automated Information System Security Handbook, IRM 2(10)00.

RETENTION AND DISPOSAL:

Records are maintained in accordance with Records Disposition Handbooks, IRM 1(15)59.1 through IRM 1(15)59.32.

SYSTEM MANAGER(S) AND ADDRESS:

Official prescribing policies and practices—Director, Office of Disclosure, National Office. Officials maintaining the system—Director, Office of Disclosure, National Office; Regional Commissioners, District Directors, and Internal Revenue Service Center Directors, or other official receiving or servicing requests for records. (See IRS appendix A for addresses.)

NOTIFICATION PROCEDURE:

Requesters seeking to determine if accountable disclosures about them have been made should request an accounting of disclosure pursuant to 5 U.S.C. 552a(c) and 26 U.S.C. 6103(p)(3) of the District Director for the area in which they reside. Individuals seeking to determine if this system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR part 1, subpart C, appendix B. Inquiries should be addressed to the District Director for the area of residence or to the official believed to be maintaining the record of interest (See IRS appendix A for addresses.) This system contains some records of law enforcement activities which may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual.

RECORD ACCESS PROCEDURES:

This system of records may not be accessed for purposes of inspection or for contest of content of records.

CONTESTING RECORD PROCEDURES:

26 U.S.C. 7852(e) prohibits Privacy Act amendment of tax records.

RECORD SOURCE CATEGORIES:

Requests for disclosure, records being evaluated and processed for disclosure and related information from other systems of records. This system may contain investigatory material compiled for law enforcement purposes whose sources need not be reported.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

This system has been designated as exempt from certain provisions of the Privacy Act.

Treasury/IRS 48.008

SYSTEM NAME:

Defunct Special Service Staff File Being Retained Because of Congressional Directive—Treasury/IRS.

SYSTEM LOCATION:

National Office, 1111 Constitution Avenue, NW., Washington, DC 20224.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals suspected of violating the Internal Revenue laws by the Special Service Staff before its discontinuation on August 23, 1973.

CATEGORIES OF RECORDS IN THE SYSTEM:

Internal Revenue Service Master File printouts; returns and field reports; information from other law enforcement government investigative agencies; Congressional Reports, and news media articles.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 26 U.S.C. 7801 and 7802.

PURPOSE(S):

This system of records was gathered and maintained by Congressional Directive to document violations of the Internal Revenue Laws by the Special Services Staff before its discontinuation.

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

Disclosure of returns and return information may be made only as provided by 26 U.S.C. 6103. This file is no longer being used by the Internal Revenue Service. The Special Service Staff was abolished August 13, 1973. Records may be used to: (1) Disclose information to the Department of Justice for the purpose of litigating an action or seeking legal advice; (2) disclose information to Congressional Committees and individuals making Freedom of Information requests pertaining to themselves.

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

STORAGE:

Paper records maintained alphabetically by individual and organization contained in vault at IRS National Office.

RETRIEVABILITY:

Alphabetically by name.

SAFEGUARDS:

Access controls will not be less than those provided for by Managers Security Handbook, IRM 1(16)12 and the Automated Information System Security Handbook, IRM 2(10)00. No IRS official has access to these records except for retrieval purposes in connection with Congressional or Freedom of Information inquiries and litigation cases.

RETENTION AND DISPOSAL:

Records are maintained in accordance with Records Disposition Handbook, IRM 1(15)59.1 through IRM 1(15)59.32. Initially retained solely for congressional committees' inquiries, these records are currently being retained because of their possible historical significance under Archival statutes. Consideration of their historical significance is in abeyance pending resolution of the Archivist right to access tax information under the Internal Revenue Code.

SYSTEM MANAGER(S) AND ADDRESS:

National Director, Office of Governmental Liaison and Disclosure, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224.

NOTIFICATION PROCEDURE:

Individuals seeking to determine if this system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR part 1, subpart C, appendix B. Inquiries should be addressed as in ''Record access procedures'' below.

RECORD ACCESS PROCEDURES:

Individuals seeking access to any record contained in this system of records, or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR part 1, subpart C, appendix B. Inquiries should be addressed to the National Director, Office of Governmental Liaison and Disclosure, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224. In addition, this System may contain some records provided by other agencies which are exempt from the access and contest provisions of the Privacy Act as published in the Notices of the Systems of Records for those agencies.

CONTESTING RECORD PROCEDURES:

26 U.S.C. 7852(e) prohibits Privacy Act amendment of tax records.

RECORD SOURCE CATEGORIES:

News media articles, taxpayers' returns and records, informant and third party information, other Federal agencies and examinations of related or other taxpayers.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

Information from another agency's exempt system of records duplicated in this system of records retains the exempt status.

TREASURY/IRS 49.001

SYSTEM NAME:

Collateral and Information Requests System—Treasury/IRS.

SYSTEM LOCATION:

The central files for this system are maintained at the Office of the Assistant Commissioner (International), 950 L'Enfant Plaza, SW., Fourth Floor, Washington, DC 20024. A corresponding system of records is separately maintained by the foreign posts located in: (1) Bonn, Germany; (2) Sydney, Australia; (3) London, England; (4) Mexico City, Mexico; (5) Ottawa, Canada; (6) Paris, France; (7) Rome, Italy; (8) Singapore and (9) Tokyo, Japan. Inquiries concerning this system of records maintained by the foreign posts should be addressed to the Assistant Commissioner (International).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

United States Citizens, Resident Aliens, Nonresident Aliens.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records of interviewing witnesses regarding financial transactions of taxpayers; employment data; bank and brokerage house records; probate records; property valuations; public documents; payments of foreign taxes; inventories of assets; business books and records. These records relate to tax investigations conducted by the Internal Revenue Service where some aspects on an investigation must be pursued in foreign countries pursuant to the various tax treaties between the United States and foreign governments. The records also include individual case files of taxpayers on whom information (as is pertinent to carrying out the provisions of the convention or preventing fraud or fiscal evasion in relation to the taxes which are the subject of this convention) is exchanged with foreign tax officials of treaty countries.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 26 U.S.C. 7602, 7801, and 7802.

PURPOSE(S):

The purpose is to maintain a historical record of correspondence and background work regarding the subjects for future references within the stated retention time frames.

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

Disclosure of returns and return information may be made only as provided by 26 U.S.C. 6103.

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

STORAGE:

Paper records.

RETRIEVABILITY:

By taxpayer name.

SAFEGUARDS:

Access controls will not be less than those provided by the Automated Information System Security Handbook, IRM 2(10)00.

RETENTION AND DISPOSAL:

Records are maintained in accordance with Records Disposition Handbooks, IRM 1(15)59.1 through IRM 1(15)59.32. Generally, records are disposed of after three years.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Commissioner (International), 950 L'Enfant Plaza, SW., Fourth Floor, Washington, DC 20024.

NOTIFICATION PROCEDURE:

This system of records may not be accessed for purposes of determining if

the system contains a record pertaining to a particular individual.

RECORD ACCESS PROCEDURES:

This system of records may not be accessed for purposes of inspection or for contest of content of records.

CONTESTING RECORD PROCEDURES:

26 U.S.C. 7852(e) prohibits Privacy Act amendment of tax records.

RECORD SOURCE CATEGORIES:

Records of examinations of taxpayers, interviews of witnesses, etc. where some aspects of an investigation must be pursued in foreign countries pursuant to various tax treaties between the United States and foreign governments.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

This system has been designated as exempt from certain provisions of the Privacy Act.

TREASURY/IRS 49.002

SYSTEM NAME:

Tax Treaty Information Management System—Competent Authority and Index Card—Microfilm Retrieval System—Treasury/IRS.

SYSTEM LOCATION:

Office of the Assistant Commissioner (International), 950 L'Enfant Plaza, SW., Fourth Floor, Washington, DC 20024.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

U.S. citizens, resident aliens, nonresident aliens whose tax matters come under the jurisdiction of the U.S. competent authority in accordance with pertinent provisions of tax treaties with foreign countries.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual case files of taxpayers who request relief from double taxation or any other assistance that is pertinent to carrying out the provisions of income tax treaties.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, 26 U.S.C. 7602, 7801, and 7802; applicable treaties.

PURPOSE(S):

To maintain records to monitor an inventory of individual case files of taxpayers who request competent authority assistance pursuant to the provisions of income tax treaties.

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

Disclosure of returns and return information may be made only as provided by 26 U.S.C. 6103.

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

STORAGE:

Paper, microfilm and electronic records.

RETRIEVABILITY:

By taxpayer name.

SAFEGUARDS:

Access controls will not be less than those provided by the Automated Information System Security Handbook, IRM 2(10)00.

RETENTION AND DISPOSAL:

Records are maintained in accordance with Records Disposition Handbooks, IRM 1(15)59.1 through IRM 1(15)59.32. Generally, records may be disposed of after six years.

SYSTEM MANAGER(S) AND ADDRESS:

Office of the Assistant Commissioner (International), 950 L'Enfant Plaza, SW., Fourth Floor, Washington, DC 20024.

NOTIFICATION PROCEDURE:

This system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual.

RECORD ACCESS PROCEDURES:

This system of records may not be accessed for purposes of inspection or for contest of content of the records.

CONTESTING RECORD PROCEDURES:

26 U.S.C. 7852(e) prohibits Privacy Act amendment of tax records.

RECORD SOURCE CATEGORIES:

Requests for relief from double taxation.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

This system has been designated as exempt from certain provisions of the Privacy Act.

Treasury/IRS 49.003

SYSTEM NAME:

Financial Statements File—Treasury/IRS.

SYSTEM LOCATION:

Office of the Assistant Commissioner (International), 950 L'Enfant Plaza, SW., Fourth Floor, Washington, DC 20024.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Taxpayers who submitted financial statements when interviewed overseas by Examination Branch employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Financial Statements.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 26 U.S.C. 7602, 7801, and 7802.

PURPOSE(S):

To verify income reported on individual tax returns during the course of an examination of that return.

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

Disclosure of returns and return information may be made only as provided by 26 U.S.C. 6103.

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

STORAGE:

Paper records.

RETRIEVABILITY:

By taxpayer's name.

SAFEGUARDS:

Access controls will not be less than those provided for by Managers Security Handbook, IRM 1(16)12 and the Automated Information System Security Handbook, IRM 2(10)00.

RETENTION AND DISPOSAL:

Records are maintained in accordance with Records Disposition Handbooks, IRM 1(15)59.1 through IRM 1(15)59.32. Generally, records are disposed of after two years.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Commissioner (International), 950 L'Enfant Plaza, SW., Fourth Floor, Washington, DC 20024.

NOTIFICATION PROCEDURE:

Individuals seeking to determine if this system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR part 1, subpart C, appendix B. Inquiries should be addressed as in ''Record access procedures'' below.

RECORD ACCESS PROCEDURES:

Individuals seeking access to any record contained in this system of records may inquire in accordance with instructions appearing at 31 CFR part 1, subpart C, appendix B. Inquiries should be addressed to the Assistant Commissioner (International), 950 L'Enfant Plaza, SW., Fourth Floor, Washington, DC 20024.

CONTESTING RECORD PROCEDURES:

26 U.S.C. 7852(e) prohibits Privacy Act amendment of tax records.

RECORD SOURCE CATEGORIES:

Overseas Examination branch employees.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

TREASURY/IRS 49.007

SYSTEM NAME:

Overseas Compliance Projects System—Treasury/IRS.

SYSTEM LOCATION:

The central files for this system are maintained at the Office of the Assistant Commissioner (International), 950 L'Enfant Plaza, SW., Fourth Floor, Washington, DC 20024. A corresponding system of records is separately maintained by the foreign posts located in: (1) Bonn, Germany; (2) Sydney, Australia; (3) London, England; (4) Mexico City, Mexico; (5) Santiago, Chile; (6) Paris, France; (7) Rome, Italy; (8) Singapore and (9) Tokyo, Japan. Inquiries concerning this system of records maintained by the foreign posts should be addressed to the Assistant Commissioner (International).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

United States Citizens, Resident Aliens, Nonresident Aliens.

CATEGORIES OF RECORDS IN THE SYSTEM:

Documents and factual data relating to: (1) Personal expenditures or investments not commensurate with known income and assets; (2) receipt of significant unreported income; (3) improper deduction of significant capital or personal living expenses; (4) failure to file required returns or pay tax due; (5) omission of assets or improper deduction or exclusion of items from state and gift tax returns.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 26 U.S.C. 7602, 7801, and 7802.

PURPOSE(S):

The purpose is to maintain documents and records of individuals residing abroad that contain information pertaining to the individual to determine proper tax liability.

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

Disclosure of returns and return information may be made only as provided by 26 U.S.C. 6103.

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

STORAGE:

Paper records.

RETRIEVABILITY:

By taxpayer name, social security number, or other identification number.

SAFEGUARDS:

Access controls will not be less than those provided for by Managers Security Handbook, IRM 1(16)12 and the Automated Information System Security Handbook, IRM 2(10)00.

RETENTION AND DISPOSAL:

Records are maintained in accordance with Records Disposition Handbooks, IRM 1(15)59.1 through IRM 1(15)59.32. Generally, records are disposed of after 3 years.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Commissioner (International), 950 L'Enfant Plaza, SW., Fourth Floor, Washington, DC 20024.

NOTIFICATION PROCEDURE:

This system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual.

RECORD ACCESS PROCEDURES:

This system of records may not be accessed for purposes of inspection or for contest of content of records.

CONTESTING RECORD PROCEDURES:

26 U.S.C. 7852(e) prohibits Privacy Act amendment of tax records.

RECORD SOURCE CATEGORIES:

Documents and data relating to income and expense items concerning income, Estate and Gift tax returns.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

This system has been designated as exempt from certain provisions of the Privacy Act.

TREASURY/IRS 49.008

SYSTEM NAME:

Taxpayer Service Correspondence System—Treasury/IRS.

SYSTEM LOCATION:

This system is separately maintained by each one of the 13 overseas posts of the Office of the Assistant Commissioner (International) located in: (1) Bonn, Germany; (2) Sydney, Australia; (3) London, England; (4) Mexico City, Mexico;(5) Santiago, Chile; (6) Paris, France; (7) Rome, Italy;(8) Singapore and (9) Tokyo, Japan. Inquiries concerning this system of records maintained by the foreign posts should be addressed to the Office of the Assistant Commissioner (International), 950 L'Enfant Plaza, SW., Fourth Floor, Washington, DC 20024.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

United States Citizens, Resident Aliens, Nonresident Aliens.

CATEGORIES OF RECORDS IN THE SYSTEM:

Correspondence from taxpayers, foreign post personnel and the Office of the Assistant Commissioner (International) headquarters offices in Washington, DC.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 26 U.S.C. 7602, 7801, and 7802.

PURPOSE(S):

The purpose of this of records is to control correspondence received from taxpayers concerning tax law and account related inquiries.

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

Disclosure of returns and return information may be made only as provided by 26 U.S.C. 6103.

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

STORAGE:

Paper records.

RETRIEVABILITY:

By taxpayer name.

SAFEGUARDS:

Access controls will not be less than those provided for by Managers Security Handbook, IRM 1(16)12 and the Automated Information System Security Handbook, IRM 2(10)00.

RETENTION AND DISPOSAL:

Records are maintained in accordance with Records Disposition Handbooks, IRM 1(15)59.1 through IRM 1(15)59.32. Generally, records are disposed of after three years.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Commissioner (International), 950 L'Enfant Plaza, SW., Fourth Floor, Washington, DC 20024.

NOTIFICATION PROCEDURE:

Individuals seeking to determine if this system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR part 1, subpart C, appendix B. Inquiries should be addressed as in ''Record access procedures'' below.

RECORD ACCESS PROCEDURES:

Individuals seeking access to any record contained in this system of records may inquire in accordance with instructions appearing at 31 CFR part 1, subpart C, appendix B. Inquiries should be addressed to the Assistant Commissioner (International), 950 L'Enfant Plaza, SW., Fourth Floor, Washington, DC 20024.

CONTESTING RECORD PROCEDURES:

26 U.S.C. 7852(e) prohibits Privacy Act amendment of tax records.

RECORD SOURCE CATEGORIES:

Taxpayers and the Office of the Assistant Commissioner (International) foreign posts and headquarter's offices.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

TREASURY/IRS 50.001

SYSTEM NAME:

Employee Plans/Exempt Organizations Correspondence Control Record (Form 5961)—Treasury/IRS.

SYSTEM LOCATION:

National Office, 1111 Constitution Avenue, NW., Washington, DC 20224.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Requesters of letter rulings, and subjects of field office requests for technical advice and assistance and other correspondence.

CATEGORIES OF RECORDS IN THE SYSTEM:

Contains the name, date, nature and subject of an assignment, and work history. Sub-systems include case files that contain the correspondence, internal memoranda, and related material. They also include digests of issues involved in proposed revenue rulings.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

26 U.S.C. 7801, 7802, and 7805.

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

Disclosure of returns and return information may be made only as provided by 26 U.S.C. 6103 and 26 U.S.C. 6104 where applicable.

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

STORAGE:

Paper records, microfiche and magnetic media.

RETRIEVABILITY:

Indexed by name.

SAFEGUARDS:

Access controls will not be less than those provided for by Managers Security Handbook, IRM 1(16)12 and the Automated Information System Security Handbook, IRM 2(10)00.

RETENTION AND DISPOSAL:

Records are maintained in accordance with Records Control Schedule 104 for Employee Plans/Exempt Organizations—National Office, IRM 1(15)59.14.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Commissioner (Employee Plans/Exempt Organizations), 1111 Constitution Avenue, NW., Washington, DC 20224.

NOTIFICATION PROCEDURE:

Individuals seeking to determine if this system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR part 1, subpart C, appendix B. Inquiries should be addressed as in ''Record access procedures'' below.

RECORD ACCESS PROCEDURES:

Individuals seeking access to any record contained in this system of records may inquire in accordance with instructions appearing at 31 CFR part 1, subpart C, appendix B. Inquiries should be addressed to the Assistant Commissioner (Employee Plans/Exempt Organizations), 1111 Constitution Avenue, NW., Washington, DC 20224.

CONTESTING RECORD PROCEDURES:

26 U.S.C. 7852(e) prohibits Privacy Act amendment of tax records.

RECORD SOURCE CATEGORIES:

Individuals requesting rulings or information and field offices requesting technical advice or assistance.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

TREASURY/IRS 50.003

SYSTEM NAME:

Employee Plans/Exempt Organizations, Report of Significant Matters in Technical (M–5945)—Treasury/IRS.

SYSTEM LOCATION:

National Office, 1111 Constitution Avenue, NW., Washington, DC 20224.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individual subjects of letter ruling requests, technical advice requests etc., where a ''Report of Significant Matter in Technical,'' has been prepared because of the presence of a matter significant to tax administration.

CATEGORIES OF RECORDS IN THE SYSTEM:

Copies of ''Reports of Significant Matter in Technical.''

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

26 U.S.C. 7801, 7802, and 7805.

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

Disclosure of returns and return information may be made only as provided by 26 U.S.C. 6103 and 26 U.S.C. 6104 where applicable.

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

STORAGE:

Paper records.

RETRIEVABILITY:

Indexed by name.

SAFEGUARDS:

Access controls will not be less than those provided for by Managers Security Handbook, IRM 1(16)12 and the Automated Information System Security Handbook, IRM 2(10)00.

RETENTION AND DISPOSAL:

Records are maintained in accordance with Records Control Schedule 104 for Employee Plans/Exempt Organizations—National Office, IRM 1(15)59.14.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Commissioner, (Employee Plans/Exempt Organizations), 1111 Constitution Avenue, NW., Washington, DC 20224.

NOTIFICATION PROCEDURE:

Individuals seeking to determine if this system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR part 1, subpart C, appendix B. Inquiries should be addressed as in ''Record access procedures'' below.

RECORD ACCESS PROCEDURES:

Individuals seeking access to any record contained in this system of records may inquire in accordance with instructions appearing at 31 CFR part 1, subpart C, appendix B. Inquiries should be addressed to the Assistant Commissioner, (Employee Plans/ Exempt Organizations), Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224.

CONTESTING RECORD PROCEDURES:

26 U.S.C. 7852(e) prohibits Privacy Act amendment of tax records.

RECORD SOURCE CATEGORIES:

Individual subjects of letter ruling requests, technical advice requests, etc., where a ''Report of Significant Matter in EP/EO'' has been prepared.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

TREASURY/IRS 60.001

SYSTEM NAME:

Assault and Threat Investigation Files, Inspection—Treasury/IRS.

SYSTEM LOCATION:

Office of the Chief Inspector, National Office; Regional Inspectors' Offices; as well as offices of the District Directors. (See IRS appendix A for addresses.)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals attempting to interfere with the administration of internal revenue laws through assaults, threats, or forcible interference of any officer or employee while discharging the official duties of his/her position, including individuals designated as potentially dangerous taxpayers (PDTs), based on verifiable evidence or information that fit any of the following five criteria: (1) Individuals who assault employees or members of their immediate families; (2) Individuals who attempt to intimidate or threaten employees or members of their immediate families through specific threats of bodily harm, a show of weapons, the use of animals, or through other specific threatening or intimidating behavior; (3) Individuals who are active members of groups that advocate violence against Internal Revenue Service employees specifically, or against Federal employees generally where advocating such violence could reasonably be understood to threaten the safety of Service employees and impede the performance of their official duties; (4) Individuals who have committed the acts set forth in any of the above criteria, but whose acts have been directed against employees of other governmental agencies at Federal, State, county, or local levels; and (5) Individuals who are not designated as potentially dangerous taxpayers through application of the above criteria, but who have demonstrated a clear propensity toward violence through act(s) of violent behavior within the five-year period immediately preceding the time of designation as potentially dangerous.

CATEGORIES OF RECORDS IN THE SYSTEM:

(1) Document citing the complaint; (2) Documentary evidence (i.e., threatening letter); (3) Report of investigation, with possible statements, or affidavits as exhibits, and related tax information; (4) Report of legal action, if case is prosecuted; (5) Local police record of individual named in case; (6) FBI record of individual named in the case.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 26 U.S.C. 7608, 7801, and 7802.

PURPOSE(S):

This system of records documents the investigation into any attempt to obstruct or impede (or endeavor to obstruct or impede) Internal Revenue Service employees in the performance of their official duties. It includes records relevant to the use of force or threats of force against IRS employees or their immediate family (including any threatening letter or communication).

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

Disclosure of returns and return information may be made only as provided by 26 U.S.C. 6103. Records other than returns and return information may be used to: (1) Disclose pertinent information to appropriate Federal, State, local, or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation; (2) disclose information to a Federal, State, or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit; (3) disclose relevant, non-privileged information to a court, magistrate, or administrative tribunal including the presentation of evidence, disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings; (4) provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains; (5) provide information to the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's functions relating to civil and criminal proceedings; (6) provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

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

STORAGE:

Paper records, in folders, maintained in file cabinets, or on magnetic media.

RETRIEVABILITY:

By name of individual to whom it applies, cross-referenced third parties and/or by case number.

SAFEGUARDS:

Access controls will not be less than those provided by the Manager's Security Handbook, IRM 1(16)12. The records are accessible to Inspection personnel on a need-to-know basis, all of whom have been the subject of a background investigation. Disclosure of information through remote terminals is restricted through the use of passwords and sign-on protocols which are periodically changed; these terminals are accessible only to authorized persons.

RETENTION AND DISPOSAL:

Records are maintained in accordance with IRM Part X, Inspection, Exhibit (10)100–2.

SYSTEM MANAGER(S) AND ADDRESS:

Chief Inspector, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224.

NOTIFICATION PROCEDURE:

This system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual.

RECORD ACCESS PROCEDURES:

This system is exempt and may not be accessed for purposes of inspection or for contest of content of records.

CONTESTING RECORD PROCEDURES:

26 U.S.C. 7852(e) prohibits Privacy Act amendment of tax records.

RECORD SOURCE CATEGORIES:

This system of records contains investigatory material compiled for criminal law enforcement purposes whose sources need not be reported.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

This system has been designated as exempt from certain provisions of the Privacy Act.

TREASURY/IRS 60.002

SYSTEM NAME:

Bribery Investigation Files, Inspection—Treasury/IRS.

SYSTEM LOCATION:

Office of the Chief Inspector, National Office and Regional Inspectors' Offices. (See IRS Appendix A for addresses.)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees and/or former employees of the Treasury Department; taxpayers and non-IRS persons whose alleged criminal actions may affect the integrity of the Internal Revenue Service.

CATEGORIES OF RECORDS IN THE SYSTEM:

(1) Report of investigation including exhibits, affidavits, transcripts, and documentation concerning requests and approval for consensual telephone and consensual non-telephone monitoring; (2) Report of legal action concerning the results of prosecution; (3) Prior criminal record of subject.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 26 U.S.C. 7602, 7608, 7801, and 7802; Executive Order 11222.

PURPOSE(S):

This system of records contains information relevant to Internal Security's specific and exclusive jurisdiction within the Service to investigate violation of 18 U.S.C. 201, Bribery. This is described as an offer to give something of value with the intent that the recipients will do something improper or will fail to do something they should do within the authority of their position.

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

Disclosure of returns and return information may be made only as provided by 26 U.S.C. 6103. Records other than returns and return information may be used to: (1) Disclose pertinent information to appropriate Federal, State, local, or foreign agencies responsible for enforcing or investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulations; (2) disclose information to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit; (3) disclose relevant, non-privileged information to a court, magistrate, or administrative tribunal, including the presentation of evidence, disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings; (4) provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains; (5) provide information to the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's functions relating to civil and criminal proceedings; (6) provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

STORAGE:

Paper records, in folders, maintained in file cabinets, or on magnetic media.

RETRIEVABILITY:

By name of individual to whom it applies, cross-referenced third parties, and/or by case number.

SAFEGUARDS:

Access controls will not be less than those provided for by Managers Security Handbook, IRM 1(16)12 and the Automated Information System Security Handbook, IRM 2(10)00. Accessible to Inspection personnel on a need-to-know basis, all of whom have been the subject of background investigations.

RETENTION AND DISPOSAL:

Records are maintained in accordance with IRM Part X, Inspection, Exhibit (10)100–2.

SYSTEM MANAGER(S) AND ADDRESS:

Chief Inspector, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224.

NOTIFICATION PROCEDURE:

This system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual.

RECORD ACCESS PROCEDURES:

This system is exempt and may not be accessed for purposes of inspection or for contest of content of records.

CONTESTING RECORD PROCEDURES:

26 U.S.C. 7852(e) prohibits Privacy Act amendment of tax records.

RECORD SOURCE CATEGORIES:

This system of records contains investigatory material compiled for criminal law enforcement purposes whose sources need not be reported.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

This system has been designated as exempt from certain provisions of the Privacy Act.

TREASURY/IRS 60.003

SYSTEM NAME:

Conduct Investigation Files, Inspection—Treasury/IRS.

SYSTEM LOCATION:

Office of the Chief Inspector, National Office and Regional Inspectors' Offices. (See IRS appendix A for addresses.)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees and former employees of Internal Revenue Service, and other Bureaus and Services within the Department of the Treasury.

CATEGORIES OF RECORDS IN THE SYSTEM:

(1) Document citing complaint of alleged misconduct or violation of statute; (2) Report of investigation to resolve allegation of misconduct or violation of statute, with related exhibits of statements, affidavits or records obtained during investigation; (3) Report of action taken by management personnel adjudicating any misconduct substantiated by the investigation; (4) Report of legal action resulting from violations of statutes referred for prosecution.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 26 U.S.C. 7602, 7608, 7801, and 7802; Executive Order 11222.

PURPOSE(S):

Records in this system include information gathered by Inspection in order to identify and report all pertinent facts to management relative to the investigation of complaints and allegations against employees of the Internal Revenue Service

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

Disclosure of returns and return information may be made only as provided by 26 U.S.C. 6103. Records other than returns and return information may be used to: (1) Disclose pertinent information to appropriate Federal, State, local, or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or

regulations; (2) disclose information to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit; (3) disclose relevant, non-privileged information to a court, magistrate, or administrative tribunal, including the presentation of evidence, disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings; (4) provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains; (5) provide information to the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's functions relating to civil and criminal proceedings; (6) provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation; (7) disclose information to the Department of Justice for the purpose of litigating an action or seeking legal advice. Disclosure may be made during judicial processes.

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

STORAGE:

Paper records, in folders, maintained in file cabinets, and on magnetic media.

RETRIEVABILITY:

By name of individual to whom it applies, cross-referenced third parties, and/or by case number.

SAFEGUARDS:

Access controls will not be less than those provided for by Managers Security Handbook, IRM 1(16)12 and the Automated Information System Security Handbook, IRM 2(10)00. Accessible to Inspection personnel on a need-to-know basis, all of whom have been the subject of background investigations.

RETENTION AND DISPOSAL:

Records are maintained in accordance with IRM Part X, Inspection, Exhibit (10)100–2.

SYSTEM MANAGER(S) AND ADDRESS:

Chief Inspector, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224.

NOTIFICATION PROCEDURE:

This system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual.

RECORD ACCESS PROCEDURES:

This system is exempt and may not be accessed for purposes of inspection or for contest of content of records.

CONTESTING RECORD PROCEDURES:

26 U.S.C. 7852(e) prohibits Privacy Act amendment of tax records.

RECORD SOURCE CATEGORIES:

Department of Treasury personnel and records, taxpayers (complainants, witnesses, confidential informants), other Federal agencies, State and local agencies, tax returns and related documents, personal observations of the investigator and subjects of the investigation.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

This system has been designated as exempt from certain provisions of the Privacy Act.

TREASURY/IRS 60.004

SYSTEM NAME:

Disclosure Investigation Files, Inspection—Treasury/IRS.

SYSTEM LOCATION:

Office of the Chief Inspector, National Office and Regional Inspectors' Offices. (See IRS Appendix A for addresses.)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

(1) Internal Revenue Service employees and/or Government contract employees at IRS Facilities, who have allegedly disclosed confidential tax information; (2) Federal, state and local Government employees who have allegedly disclosed confidential Federal tax information. (3) Tax return preparers who have allegedly disclosed confidential Federal tax information.

CATEGORIES OF RECORDS IN THE SYSTEM:

(1) Document citing the complaint of the alleged criminal or administrative violation; (2) Investigative report, including statements, affidavits and any other pertinent documents supporting the investigative report, which will be attached as an exhibit; (3) Report of legal action if case is accepted by U.S. Attorney for prosecution; (4) Report of action by management personnel if case is referred for administrative adjudication.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 26 U.S.C. 7602, 7608, 7801, and 7802; Executive Order 11222.

PURPOSE(S):

This system of records documents investigations into allegations of unauthorized disclosures of Internal Revenue Service Records.

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

Disclosure of returns and return information may be made only as provided by 26 U.S.C. 6103. Records other than returns and return information may be used to: (1) Disclose pertinent information to appropriate Federal, State, local, or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulations; (2) disclose information to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit; (3) disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings; (4) provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains; (5) provide information to the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's functions relating to civil and criminal proceedings; (6) provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

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

STORAGE:

Paper records, in folders, maintained in file cabinets, or on magnetic media.

RETRIEVABILITY:

By name of individual to whom it applies, cross-referenced third parties, and/or by case number.

SAFEGUARDS:

Access controls will not be less than those provided for by Managers Security Handbook, IRM 1(16)12 and the Automated Information System Security Handbook, IRM 2(10)00. Accessible to Inspection personnel on a need-to-know basis, all of whom have been the subject of background investigations.

RETENTION AND DISPOSAL:

Records are maintained in accordance with IRM Part X, Inspection, Exhibit (10)100–2.

SYSTEM MANAGER(S) AND ADDRESS:

Chief Inspector, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224.

NOTIFICATION PROCEDURE:

This system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual.

RECORD ACCESS PROCEDURES:

This system of records is exempt and may not be accessed for purposes of inspection or for contest of content of records.

CONTESTING RECORD PROCEDURES:

26 U.S.C. 7852(e) prohibits Privacy Act amendment of tax records.

RECORD SOURCE CATEGORIES:

This system of records contains investigatory material compiled for criminal law enforcement purposes whose sources need not be reported.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

This system has been designated as exempt from certain provisions of the Privacy Act.

TREASURY/IRS 60.005

SYSTEM NAME:

Enrollee Applicant Investigation Files, Inspection—Treasury/IRS.

SYSTEM LOCATION:

Office of the Chief Inspector, National Office and Regional Inspectors' Offices. (See IRS Appendix A for addresses.)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Former employees and non-IRS persons who apply for enrollment to practice before IRS under the provisions of Circular 230.

CATEGORIES OF RECORDS IN THE SYSTEM:

Investigative reports on non-IRS employees covering derogatory results of checks of: FBI files; Inspection files; local police; Examination, Criminal Investigation and Collection Division files; and verification of Federal tax filing status. Also, appropriate documents attached as exhibits showing results of above file checks.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

26 U.S.C. 7801 and 7802.

PURPOSE(S):

This system of records documents investigations of enrollee applicants conducted at the request of the Director of Practice, to determine their eligibility to practice before the Service.

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

Disclosure of returns and return information may be made only as provided by 26 U.S.C. 6103. Records other than returns and return information may be used to: (1) Disclose pertinent information to appropriate Federal, State, local, or foreign agencies responsible for or investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulations; (2) disclose information to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit; (3) disclose relevant, non-privileged information to a court, magistrate, or administrative tribunal, including the presentation of evidence, disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings; (4) provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains; (5) provide information to the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's functions relating to civil and criminal proceedings; (6) provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

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

STORAGE:

Paper records, in folders, maintained in file cabinets and on magnetic media.

RETRIEVABILITY:

By name of individual to whom it applies, cross-referenced third parties, and/or by case number.

SAFEGUARDS:

Access controls will not be less than those provided for by Managers Security Handbook, IRM 1(16)12 and the Automated Information System Security Handbook, IRM 2(10)00. Accessible to Inspection personnel on a need-to-know basis, all of whom have been the subject of background investigations.

RETENTION AND DISPOSAL:

Records are maintained in accordance with IRM Part X, Inspection, Exhibit (10)100–2.

SYSTEM MANAGER(S) AND ADDRESS:

Chief Inspector, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224.

NOTIFICATION PROCEDURE:

Individuals seeking to determine if this system contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR part 1, subpart C, appendix B. Inquiries should be addressed as in ''Record access procedures'' below.

RECORD ACCESS PROCEDURES:

Individuals seeking access to any record contained in this system of records, or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR part 1, subpart C, appendix B. Inquiries should be addressed to the Chief Inspector, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224.

CONTESTING RECORD PROCEDURES:

26 U.S.C. 7852(e) prohibits Privacy Act amendment of tax records.

RECORD SOURCE CATEGORIES:

The Internal Revenue Service, the Federal Bureau of Investigation, and local police departments.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

TREASURY/IRS 60.006

SYSTEM NAME:

Enrollee Charge Investigation Files, Inspection—Treasury/IRS.

SYSTEM LOCATION:

Office of the Chief Inspector, National Office and Regional Inspectors' Offices. (See IRS Appendix A for addresses.)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

IRS employees or former employees, tax practitioners, attorneys, certified public accountants or enrolled persons.

CATEGORIES OF RECORDS IN THE SYSTEM:

A documented complaint or request for investigation alleging criminal or administrative misconduct affecting IRS integrity. A report of investigation, including exhibits such as affidavits, statements or documents which have been reviewed. A report of legal action resulting from violations of statutes referred for prosecution.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

26 U.S.C. 7608, 7801, and 7802.

PURPOSE(S):

This system documents investigations of complaints of unethical practices by unenrolled tax practitioners and persons enrolled to practice before the Internal Revenue Service.

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

Disclosure of returns and return information may be made only as provided by 26 U.S.C. 6103. Records other than returns and return information may be used to: (1) Disclose pertinent information to appropriate Federal, State, local, or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation; (2) disclose information to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit; (3) disclose relevant, non-privileged information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings; (4) provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains; (5) provide information to the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's functions relating to civil and criminal proceedings; (6) provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

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

STORAGE:

Paper records, in folders, maintained in file cabinets or on magnetic media.

RETRIEVABILITY:

By name of individual to whom it applies, cross-referenced third parties, and/or by case number.

SAFEGUARDS:

Access controls will not be less than those provided for by Managers Security Handbook, IRM 1(16)12 and the Automated Information System Security Handbook, IRM 2(10)00.

Accessible to Inspection personnel on a need-to-know basis, all of whom have been the subject of background investigations.

RETENTION AND DISPOSAL:

Records are maintained in accordance with IRM Part X, Inspection, Exhibit (10)100–2.

SYSTEM MANAGER(S) AND ADDRESS:

Chief Inspector, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20024.

NOTIFICATION PROCEDURE:

This system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual.

RECORD ACCESS PROCEDURES:

This system is exempt and may not be accessed for purposes of inspection or for contest of content of records.

CONTESTING RECORD PROCEDURES:

26 U.S.C. 7852(e) prohibits Privacy Act amendment of tax records.

RECORD SOURCE CATEGORIES:

Department of Treasury, personnel and records, other Federal agencies, taxpayers/complainants, state and local agencies, tax returns, newspapers, person acquainted with the individual under investigation, subjects of the investigation, and personal observations of the investigator.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

This system has been designated as exempt from certain provisions of the Privacy Act.

TREASURY/IRS 60.007

SYSTEM NAME:

Miscellaneous Information File, Inspection—Treasury/IRS.

SYSTEM LOCATION:

Office of the Chief Inspector, National Office and Regional Inspectors' Offices. (See IRS appendix A for addresses.)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees and former employees of the Internal Revenue Service; Tax Practitioners (Attorneys, Certified Public Accountants, Enrolled Persons, Return Preparers); alleged tax violators; persons whose actions or alleged actions indicated a threat to IRS employees, facilities, or the integrity of the tax system; confidential informants; and reputed members of the organized criminal element.

CATEGORIES OF RECORDS IN THE SYSTEM:

(1) Complaint type information regarding IRS employees which is not, in itself, specific or significant enough to initiate an investigation when received. (2) Allegations of bribery and gratuities by taxpayers and/or their representatives which are not by themselves specific or significant enough to initiate an investigation when received. (3) Allegations of misconduct by tax practitioners, enrolled persons, or tax preparers which are not by themselves specific or significant enough to initiate an investigation when received. (4) Any information received or developed by Inspection that has a bearing on IRS, but is not of itself specific or significant enough to initiate an investigation when received. (5) Information received by Inspection pertaining to alleged violations enforced by other agencies or divisions of IRS, copies of which are referred to those respective agencies or divisions. (6) Photographs and descriptive data of some IRS employees and of persons arrested by Inspection. (7) Information concerning lost or stolen Government documents, property, credentials, or IRS employee personal property lost or stolen on Government premises. (8) List of persons in state or local government agencies working under state agreements and having access to federal tax information. (9) Newspaper or periodical items about IRS. (10) Newspaper items regarding attorneys, CPA's, Tax Practitioners, or Return Preparers arrested, indicted, convicted

or under investigation by other agencies. (11) Allegations of threats, assaults, forcible interference, or other violence type activity aimed at employees or facilities of IRS which are not by themselves specific or significant enough to initiate an investigation when received. Information regarding Inspection's mission which does not fall into any of the above categories.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 26 U.S.C. 7602, 7608, 7801 and 7802; Executive Order 11222.

PURPOSE(S):

The purpose of this system of records is to document information related to Inspection's mission and/or allegations which are not specific or significant enough to warrant initiation of an investigation.

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

Disclosure of returns and return information may be made only as provided by 26 U.S.C. 6103. Records and other than returns and return information may be used to: (1) Disclose pertinent information to appropriate Federal, State, local, or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation; (2) disclose information to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit; (3) disclose information to a court, magistrate, or administrative tribunal, including the presentation of evidence, disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings; (4) provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains; (5) provide information to the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's functions relating to civil and criminal proceedings; (6) provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

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

STORAGE:

Paper records, in folders, maintained in file cabinets, or on magnetic media.

RETRIEVABILITY:

By name of individual, subject, or incident involved, by name of cross-referenced third parties, and/or information item number.

SAFEGUARDS:

Access controls will not be less than those provided for by Managers Security Handbook, IRM 1(16)12 and the Automated Information System Security Handbook, IRM 2(10)00. Accessible to Inspection personnel on a need-to-know basis, all of whom have been the subject of background investigations.

RETENTION AND DISPOSAL:

Records are maintained in accordance with IRM Part X, Inspection, Exhibit (10)100–2.

SYSTEM MANAGER(S) AND ADDRESS:

Chief Inspector, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224.

NOTIFICATION PROCEDURE:

This system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual.

RECORD ACCESS PROCEDURES:

This system is exempt and may not be accessed for purposes of inspection or for contest of content of records.

CONTESTING RECORD PROCEDURES:

26 U.S.C. 7852(e) prohibits Privacy Act amendment of tax records.

RECORD SOURCE CATEGORIES:

Department of Treasury personnel and records, newspapers and periodicals, taxpayers (complainants, witnesses, and informants), state and local government agency personnel and records, and anonymous complainants.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

This system has been designated as exempt from certain provisions of the Privacy Act.

TREASURY/IRS 60.008

SYSTEM NAME:

Security, Background and Character Investigations Files, Inspection—Treasury/IRS.

SYSTEM LOCATION:

Office of the Chief Inspector, National Office and Regional Inspectors' Offices. (See IRS appendix A for addresses.)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current, former and prospective employees of: Internal Revenue Service, Office of the Secretary of the Treasury, Office of the General Counsel, Office of the Treasurer of the United States, Office of the Comptroller of the Currency, Office of International Finance, Financial Management Service, Bureau of Engraving and Printing, Bureau of the Mint, Bureau of the Public Debt, Federal Law Enforcement Training Center, and Private Contractors at IRS Facilities.

CATEGORIES OF RECORDS IN THE SYSTEM:

(1) Federal Employment Application Forms; (2) Results of National Agency Checks (prior reports and records from FBI Investigative Files, Fingerprint Files, Office of Personnel Management, Defense Central Index of Investigations, House Committee on Internal Security, and Coast Guard Intelligence); (3) Employees' Tax Account Histories; (4) Results of Employees' Tax Examinations; (5) Employees' Financial Statements; (6) A summary report, a narrative report, notes and/or written replies resulting from the investigator's inquiries into the subject's scholastic record, prior employment, military service, references, neighbors, acquaintances or other knowledgeable sources, police records and past credit record; (7) Report of action taken by management personnel adjudicating any derogatory information developed by the investigation; (8) Report of legal action resulting from violations of statutes referred for prosecution.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 26 U.S.C. 7602, 7608, 7801 and 7802; Executive Order 10450; Executive Order 11222.

PURPOSE(S):

This system documents personnel security investigations conducted for the purpose of furnishing to proper authorities sufficient information concerning a person's character, reputation and loyalty to the United States. They also serve as a basis for determining a person's suitability for employment or retention in employment and the issuance of security clearances.

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

Disclosure of returns and return information may be made only as provided by 26 U.S.C. 6103. Records other than returns and return information may be used to: (1) Disclose pertinent information to appropriate Federal, State, local, or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation; (2) disclose information to a Federal, state, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit; (3) disclose relevant, non-privileged information to a court, magistrate, or administrative tribunal, including the presentation of evidence, disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings; (4) provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains; (5) provide information to the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's functions relating to civil and criminal proceedings; (6) provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

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

STORAGE:

Paper records, in folders, maintained in file cabinets, or on magnetic media.

RETRIEVABILITY:

By name of individual to whom it applies, cross-referenced third parties, and/or by case number.

SAFEGUARDS:

Access controls will not be less than those provided for by Managers Security Handbook, IRM 1(16)12 and the Automated Information System Security Handbook, IRM 2(10)00. Accessible to Inspection Personnel on a need-to-know basis, all of whom have been the subject of background investigations.

RETENTION AND DISPOSAL:

Records are maintained in accordance with IRM part X, Inspection, Exhibit (10)100–2.

SYSTEM MANAGER(S) AND ADDRESS:

Chief Inspector, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224.

NOTIFICATION PROCEDURE:

Individuals seeking to determine if this system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR part 1, subpart C, appendix B. Inquiries should be addressed as in ''Record access procedures'' below.

RECORD ACCESS PROCEDURES:

Individuals seeking access to this system of records, or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR part 1, subpart C, appendix B. Inquiries should be addressed to the Chief Inspector, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224.

CONTESTING RECORD PROCEDURES:

26 U.S.C. 7852(e) prohibits Privacy Act amendment of tax records.

RECORD SOURCE CATEGORIES:

Employment Application Forms submitted by subjects of investigation. Financial information from subjects. Federal, State and Local Government Agencies (Police, Court and Vital Statistics records). Credit Reporting Agencies. Neighbors (former and present). References. Former and present employers and co-workers. Other third party sources. Schools. Tax Returns and Examination Results. Information provided by the individual under investigation.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

This system has been designated as exempt from certain provisions of the Privacy Act.

TREASURY/IRS 60.009

SYSTEM NAME:

Special Inquiry Investigation Files, Inspection—Treasury/IRS.

SYSTEM LOCATION:

Office of the Chief Inspector, National Office and Regional Inspectors' Offices. (See IRS appendix A for addresses.)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees or former employees of the Treasury Department and the Internal Revenue Service. Non-employees whose alleged criminal actions may affect the integrity of the Internal Revenue Service.

CATEGORIES OF RECORDS IN THE SYSTEM:

A documented complaint from some source alleging criminal or administrative misconduct affecting Internal Revenue Service integrity. Reports of integrity reviews and tests for deterrence and detection of fraud or corrupt practices and serious control weaknesses. A report of investigation to resolve the complaint, or the suspected problem detected by integrity reviews and tests including exhibits of IRS or public documents reviewed during the investigation.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 26 U.S.C. 7602, 7608, 7801 and 7802; Executive Order 11222.

PURPOSE(S):

This system documents the preliminary investigations of complaints conducted by Inspection involving allegations against Internal Revenue Service employees, and in certain instances, non-Service employees when their actions may affect the integrity of the Service. Primarily, this type of investigation is conducted to ascertain whether a Conduct case is warranted or when a more specific case category is not applicable.

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

Disclosure of returns and return information may be made only as provided by 26 U.S.C. 6103. Records other than returns and return information may be used to: (1) Disclose pertinent information to appropriate Federal, State, local, or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulations; (2) disclose information to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit; (3) disclose relevant, non-privileged information to a court, magistrate, or administrative tribunal, including the presentation of evidence, disclosures to opposing counsel or

witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings; (4) provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains; (5) provide information to the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's functions relating to civil and criminal proceedings; (6) provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

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

STORAGE:

Paper records, in folders, maintained in file cabinets, and on magnetic media.

RETRIEVABILITY:

By name of individual to whom it applies, cross-referenced third parties, subject, or other identifier and/or by case number.

SAFEGUARDS:

Access controls will not be less than those provided for by Managers Security Handbook, IRM 1(16)12 and the Automated Information System Security Handbook, IRM 2(10)00. Accessible to Inspection personnel on a need-to-know basis, all of whom have been the subject of background investigations.

RETENTION AND DISPOSAL:

Records are maintained in accordance with IRM Part X, Inspection, Exhibit (10)100–2.

SYSTEM MANAGER(S) AND ADDRESS:

Chief Inspector, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224.

NOTIFICATION PROCEDURE:

This system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual.

RECORD ACCESS PROCEDURES:

This system is exempt and may not be accessed for purposes of inspection or for contest of content of records.

CONTESTING RECORD PROCEDURES:

26 U.S.C. 7852(e) prohibits Privacy Act amendment of tax records.

RECORD SOURCE CATEGORIES:

Taxpayers (complainants, witnesses, confidential informants), Federal, State and local government agencies' personnel and records (police, court, property, etc.), newspapers or periodicals, Department of the Treasury personnel and records, financial institutions and other private business records.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

This system has been designated as exempt from certain provisions of the Privacy Act.

TREASURY/IRS 60.010

SYSTEM NAME:

Tort Investigation Files, Inspection—Treasury/IRS.

SYSTEM LOCATION:

Office of the Chief Inspector, National Office and Regional Inspectors' Offices. (See IRS appendix A for addresses.)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees of the Department of the Treasury and non-Federal persons involved in accidents on property under Department of the Treasury jurisdiction or with Department of the Treasury employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Report of investigation including exhibits such as SF–91, Operator's Report of Motor Vehicle Accident; SF–91A, Investigation Report of Motor Vehicle Accident; SF–92A, Report of Accident Other Than Motor Vehicle; SF–94, Statement of Witness; Optional Form 26, Data Bearing Upon Scope of Employment of Motor Vehicle Operator. In addition, attached as exhibits might be a Police Report of the accident; copies of insurance policies of the involved drivers; photographs of the scene or vehicles after the accident; Treasury Department vehicle maintenance record, medical records.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 26 U.S.C. 7602, 7608, 7801 and 7802; Executive Order 11222.

PURPOSE(S):

This system of records documents formal Federal Tort Claims investigations conducted to obtain factual data required to defend the Government against claims for property loss or damages, personal injury or death caused by the negligence of wrongful act or omission of a government employee acting within the scope of his/her employment, or aid in the prosecution of Government claims arising from accidents involving Service employees or activities.

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

Disclosure of returns and return information may be made only as provided by 26 U.S.C. 6103. Records other than returns and return information may be used: (1) Disclose pertinent information to appropriate Federal, State, or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation; (2) disclose information to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit; (3) disclose relevant, non-privileged information to a court, magistrate, or administrative tribunal, including the presentation of evidence, disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings; (4) provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains; (5) provide information to the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's functions relating to civil and criminal proceedings; (6) provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

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

STORAGE:

Paper records, in folders, maintained in file cabinets, or on magnetic media.

RETRIEVABILITY:

By name of individual to whom it applies, cross-referenced third parties, and/or by case number.

SAFEGUARDS:

Access controls will not be less than those provided for by Managers Security Handbook, IRM 1(16)12 and the Automated Information System Security Handbook, IRM 2(10)00. Accessible to Inspection personnel on a need-to-know

basis, all of whom have been the subject of background investigations.

RETENTION AND DISPOSAL:

Records are maintained in accordance with IRM Part X, Inspection, Exhibit (10)100–2.

SYSTEM MANAGER(S) AND ADDRESS:

Chief Inspector, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224.

NOTIFICATION PROCEDURE:

Individuals seeking to determine if this system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR part 1, subpart C, appendix B. Inquiries should be addressed as in ''Record access procedures'' below.

RECORD ACCESS PROCEDURES:

Individuals seeking access to any record contained in this system of records, or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR part 1, subpart C, appendix B. Inquiries should be addressed to the Chief Inspector, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224.

CONTESTING RECORD PROCEDURES:

26 U.S.C. 7852(e) prohibits Privacy Act amendment of tax records.

RECORD SOURCE CATEGORIES:

Department of Treasury personnel and records, Federal, State and local police agencies, witnesses, subjects involved in the investigation, hospitals (medical records), doctors (medical records and personal observations), personal observations of the investigator, automobile repair facilities, insurance companies, attorneys, Federal, State and local driver license records, and Federal and State vehicle registration records.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

TREASURY/IRS 60.011

SYSTEM NAME:

Internal Security Management Information System (ISMIS)—Treasury/IRS.

SYSTEM LOCATION:

Office of the Chief Inspector, National Office, and Regional Inspection Offices. (See IRS appendix A for addresses.)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

(1) Current and former employees of the Internal Revenue Service, other Bureaus and Services within the Department of the Treasury, and private contractors at IRS Facilities; (2) taxpayers and non-IRS persons whose alleged criminal actions may affect the integrity of the Internal Revenue Service; (3) former employees and non-IRS persons who apply for enrollment to practice before the IRS under the provisions of Circular 230; (4) tax practitioners, attorneys, certified public accountants or enrolled persons.

CATEGORIES OF RECORDS IN THE SYSTEM:

(1) ISMIS personnel system records contain Internal Security employee name, office, start of employment, series/grade, title, separation date; (2) ISMIS tracking records contain status information on investigations from point of initiation through conclusion; (3) ISMIS timekeeping records contain assigned cases and distribution of time; (4) ISMIS case tracking records contain background investigations and criminal/administrative cases.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 26 U.S.C. 7602, 7608, 7801 and 7802; Executive Order 11222.

PURPOSE(S):

This system includes records necessary to: (1) Effectively manage Internal Security resources and assess the effectiveness of current Internal Security programs and to assist in determining budget and staff requirements; (2) Provide the technical ability for other components of the Service to analyze trends in integrity matters on an organizational, geographic and violation basis.

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

Disclosure of returns and return information may be made only as provided by 26 U.S.C. 6103. Records other than returns and return information may be used to: (1) Disclose pertinent information to appropriate Federal, State, local, or foreign agencies, or other public authority, responsible for investigating or prosecuting the violations of, or for enforcing or implementing a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation; (2) Disclose information to the Department of Justice for the purpose of litigating an action or seeking legal advice. Disclosure may be made during judicial processes; (3) Disclose information to a Federal, State, or local, or other public authority, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's, bureau's, or authority's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit; (4) Disclose information in a proceeding before a court, adjudicative body, or other administrative body before which the agency is authorized to appear when: (a) The Agency, or (b) any employee of the agency in his or her official capacity, or (c) any employee of the agency in his or her individual capacity where the Department of Justice or the agency has agreed to represent the employee; or (d) the United States, when the agency determines that litigation is likely to affect the agency, is a party to litigation or has an interest in such litigation, and the use of such records by the agency is deemed to be relevant and necessary to the litigation or administrative proceeding and not otherwise privileged; (5) Provide information to a Congressional office in response to an inquiry made at the request of the individual to whom the record pertains; (6) Provide information to the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's functions relating to civil and criminal proceedings; (7) Provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation; (8) Disclose information to a public or professional licensing organization when such information indicates, either by itself or in combination with other information, a violation or potential violation of professional standards, or reflects on the moral, educational, or professional qualifications of an individual who is licensed or who is seeking to become licensed.

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

STORAGE:

Paper records and magnetic media.

RETRIEVABILITY:

By name of individual to whom it applies, cross-referenced third parties, social security numbers, or case number or employee pseudonym.

SAFEGUARDS:

Access is limited to authorized Inspection personnel who have a direct need to know. Hard copy of data is stored in rooms of limited accessibility except to employees. These rooms are locked after business hours. Access to magnetic media is controlled by

computer passwords. Access to specific ISMIS records is further limited by computer security programs limiting access to select personnel.

RETENTION AND DISPOSAL:

Records are periodically updated to reflect changes and are retained and archived as long as deemed necessary.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Chief Inspector (Internal Security), Internal Revenue Service, 1111 Constitution Avenue, NW, Washington, DC 20224.

NOTIFICATION PROCEDURE:

Individuals seeking to determine if this system of records contains a record pertaining to them may inquire in accordance with instructions appearing at 31 CFR part 1, subpart C, appendix B. Inquiries should be addressed as in ''Record access procedures'' below.

RECORD ACCESS PROCEDURES:

Individuals seeking access to any record contained in this system of records, or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR part 1, subpart C, appendix B. Inquiries should be addressed to the Disclosure Officer, Officer of the Chief Inspector, Internal Revenue Service, Room 6116, I:IS:I, 1111 Constitution Avenue, NW, Washington, DC 20224.

CONTESTING RECORD PROCEDURES:

26 U.S.C. 7852(e) prohibits Privacy Act amendment of tax records.

RECORD SOURCE CATEGORIES:

Department of the Treasury personnel and records, other Federal agencies, current and former employees of the Internal Revenue Service, taxpayers and non-IRS persons who alleged criminal actions may effect the integrity of the Internal Revenue Service.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

This system is exempt from 5 U.S.C. 552a(c)(3), (c)(4), (d)(1), (d)(2), (d)(3), (d)(4), (e)(1), (e)(2), (e)(3), (e)(4)(G), (H) and (I), (e)(5), (e)(8), (f) and (g) of the Privacy Act pursuant to 5 U.S.C. 552a(j)(2).

TREASURY/IRS 70.001

SYSTEM NAME:

Individual Income Tax Returns, Statistics of Income—Treasury/IRS.

SYSTEM LOCATION:

Primary—Detroit Computing Center; Secondary—(a) Internal Revenue Service, Statistics of Income Branch, National Office; (b) Treasury Department, Office of Tax Analysis; (c) Treasury Department, Office of Economic Modeling and Computer Applications; (d) Federal Records Centers; (e) Congress of the United States, Joint Committee on Taxation. (See IRS appendix A for addresses.)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Taxpayers selected for an annual statistical sample.

CATEGORIES OF RECORDS IN THE SYSTEM:

Sources of income, exemptions, deductions, income tax, and tax credits, as reported on Forms 1040, 1040A and 1040EZ U.S. Individual income tax return. The records are used to prepare and publish annual statistics, with respect to the operations of the tax laws and for special statistical studies and compilations. The statistics, studies, and compilations are designed so as to prevent disclosure of any particular taxpayer's identity.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

26 U.S.C. 6108.

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

Disclosure of returns and return information may be made only as provided by 26 U.S.C. 6103.

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

STORAGE:

Paper records and magnetic media.

RETRIEVABILITY:

Each magnetic tape record is identified by social security number and a unique document locator number assigned by the Internal Revenue Service. Those with sole proprietorship income, in addition, contain employer identification number, if reported by the taxpayer.

SAFEGUARDS:

Access controls will not be less than those provided by the Automated Information System Security Handbook, IRM 2(10)00.

RETENTION AND DISPOSAL:

Records are maintained in accordance with Records Disposition Handbook, IRM 1(15)59.1 through IRM 1(15)59.32. Input records are disposed of after publication of the statistics, except for input records for high income taxpayers for tax years prior to 1967 which are disposed of after 40 years. Output records are retained as long as they are needed.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Statistics of Income, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224.

NOTIFICATION PROCEDURE:

This system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual.

RECORD ACCESS PROCEDURES:

This system of records may not be accessed for purposes of inspection or for contest of content of records.

CONTESTING RECORD PROCEDURES:

26 U.S.C. 7852(e) prohibits Privacy Act amendment of tax records.

RECORD SOURCE CATEGORIES:

Primary: Forms 1040, 1040A, and 1040EZ, U.S. Individual Income Tax Returns. Secondary: Form SS–5, Application for a social security number.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

This system has been designated as exempt from certain provisions of the Privacy Act.

TREASURY/IRS 90.001

SYSTEM NAME:

Chief Counsel Criminal Tax Case Files. Each Regional Counsel Office and District Counsel Office maintains one of these systems. The Office of the Assistant Chief Counsel (Criminal Tax) maintains one of these systems. The information in this notice applies to all 62 offices—Treasury/IRS.

SYSTEM LOCATION:

The addresses of the National Office, each Regional Counsel Office and each District Counsel Office are listed in the appendix. (See IRS appendix A.)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

(1) Taxpayers and related parties against whom tax-related criminal recommendations have been made. (2) Taxpayers and related parties on whom advice has been requested concerning investigation for tax-related offenses. (3) Persons who have filed petitions for the remission or mitigation of forfeitures or who are otherwise directly involved as parties in forfeiture matters, judicial or administrative.

CATEGORIES OF RECORDS IN THE SYSTEM:

(1) Internal Control Records. (2) Legal and administrative files including investigative reports.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 26 U.S.C. 7801.

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

Disclosure of returns and return information may be made only as provided by 26 U.S.C. 6103. Records other than return and return information may be used to: (1) Disclose information to the Department of Justice for the purpose of litigating an action or seeking legal advice; (2) disclose pertinent information to appropriate Federal, State, local, or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation; (3) disclose information to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit; (4) disclose relevant, non-privileged information to a court, magistrate, or administrative tribunal, including the presentation of evidence, disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings; (5) disclose information to foreign governments in accordance with formal or informal international agreements; (6) provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains; (7) provide information to the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's functions relating to civil and criminal proceedings; (8) provide information to officials of labor organizations recognized under 5 U.S.C. Chapter 71 when relevant and necessary to their duties of exclusive representation; (9) provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

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

STORAGE:

Paper records and magnetic media.

RETRIEVABILITY:

Records are retrievable by the name of the person to whom they apply.

SAFEGUARDS:

Records are locked up during nonworking hours and during periods when the work area is vacant. Access is strictly controlled and limited to employees who have a need for such records in the course of their work. Background checks are made on employees. All facilities where records are stored have access limited to authorized personnel or individuals in the company of authorized personnel. Access controls will not be less than those provided by the Automated Information System Security Handbook, IRM 2(10)00.

RETENTION AND DISPOSAL:

Legal files are generally retired to the Federal Records Center (FRC) one year after they are closed. The FRC will retain ''significant case'' files an additional 19 years and dispose of them 20 years after they are closed. Other legal files are retained in the FRC 4 years after they are transferred to the FRC and disposed of 5 years after they are closed. Duplicate National Office monitoring files are destroyed immediately upon notification that the field has closed its file. National Office unjacketed case files (e.g., appeals for which no monitoring files exist: FOIA requests, search warrants, formal technical advice and miscellaneous legal opinions) are retained for ten years after closing. National Office original centralized grand jury files and administrative case files are maintained indefinitely. Files transferred from other functions are returned to the source when no longer needed.

SYSTEM MANAGER(S) AND ADDRESS:

Each Regional Counsel is the system manager of the systems in his or her Region. The Assistant Chief Counsel (Criminal Tax) is the system manager of the National Office system. The addresses are in the appendix. (See IRS appendix A.)

NOTIFICATION PROCEDURE:

This system of records may not be accessed for purposes of determining if the records pertain to a particular individual as the records are exempt under 5 U.S.C. 552a(d)(5) and/or 552a(j)(2).

RECORD ACCESS PROCEDURES:

This system of records may not be accessed for the purposes of inspection or for contest of content of records as the records are exempt under 5 U.S.C. 552a(d)(5) and/or 552a(j)(2).

CONTESTING RECORD PROCEDURES:

26 U.S.C. 7852(e) prohibits Privacy Act amendment of tax records.

RECORD SOURCE CATEGORIES:

Taxpayers and their representatives; Department of Treasury personnel; other Federal agencies; State, local, and foreign governments; witnesses; informants; parties to disputed matters of fact or law; other persons who communicate with the Internal Revenue Service.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

This system has been designated as exempt from certain provisions of the Privacy Act.

TREASURY/IRS 90.002

SYSTEM NAME:

Chief Counsel Disclosure Litigation Case Files—Treasury/IRS.

SYSTEM LOCATION:

Office of the Assistant Chief Counsel (Disclosure Litigation), Internal Revenue Service, Office of Chief Counsel, 1111 Constitution Avenue, NW., Washington, DC 20224.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons who communicate with the Service regarding disclosure matters or who are involved with a disclosure issue involving the Service, or who are the subjects of investigations made by the Internal Security Division if their cases are referred to Disclosure Litigation for criminal violations of disclosure laws.

CATEGORIES OF RECORDS IN THE SYSTEM:

(1) Legal Case and Administrative Case Files; (2) Internal Control Records.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 26 U.S.C. 7801.

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

Disclosure of returns and return information may be made only as provided by 26 U.S.C. 6103. Records other than returns and return information may be used to: (1) Disclose information to the Department of Justice for the purpose of litigating an action or seeking legal advice; (2) disclose pertinent information to appropriate Federal, State, local, or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or

regulation; (3) disclose information to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit; (4) disclose relevant, non-privileged information to a court, magistrate, or administrative tribunal, including the presentation of evidence, disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings; (5) disclose information to foreign governments in accordance with formal or informal international agreements; (6) provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains; (7) provide information to the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's functions relating to civil and criminal proceedings; (8) provide information to officials of labor organizations recognized under 5 U.S.C. Chapter 71 when relevant and necessary to their duties of exclusive representation; (9) provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

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

STORAGE:

Legal case and administrative case files: Paper records. Internal control records: Paper records and magnetic media.

RETRIEVABILITY:

Records are retrievable by the name of the person to whom they apply, cross-referenced third parties, issues, attorneys assigned, and by case number.

SAFEGUARDS:

A background investigation is made on personnel. Offices are located in a security area. Access to keys to these offices is restricted. All facilities where records are stored have access limited to authorized personnel or individuals in the company of authorized personnel. Access controls will not be less than those provided by the Automated Information System Security Handbook, IRM 2(10)00.

RETENTION AND DISPOSAL:

Legal files are generally retired to the Federal Records Center (FRC) 1 year after they are closed. ''Significant case'' files are retained an additional 29 years and disposed of 30 years after they are closed. Other legal files are retained in the FRC 5 years after they are transferred to the FRC and disposed of 6 years after they are closed. Other records are retained in the Division for the same time periods as described above.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Chief Counsel (Disclosure Litigation), Internal Revenue Service, Office of Chief Counsel, 1111 Constitution Avenue, NW., Washington, DC 20224.

NOTIFICATION PROCEDURE:

This system may not be accessed for purposes of determining if the records pertain to a particular individual as the records are exempt under 5 U.S.C. 552a (d)(5) and/or (k)(2).

RECORD ACCESS PROCEDURES:

This system may not be accessed for purpose of inspection or for contest of content of records as the records are exempt under 5 U.S.C. 552a (d)(5) and/or (k)(2).

CONTESTING RECORD PROCEDURES:

26 U.S.C. 7852(e) prohibits Privacy Act amendment of tax records.

RECORD SOURCE CATEGORIES:

Persons who communicate with the agency regarding disclosure matters; Department of Treasury employees; State, local, and foreign governments; other Federal agencies; witnesses; informants; parties to disputed matters of fact or law.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

This system has been designated as exempt from certain provisions of the Privacy Act.

TREASURY/IRS 90.003

SYSTEM NAME:

Chief Counsel General Administrative Systems. Each of the 7 Regional Counsel Offices and 54 District Counsel Offices, each of the 10 functions in the National Office, the Office of the Chief Counsel, and the Office of the Deputy Chief Counsel, the Offices of the Associate Chief Counsels (Enforcement Litigation), (International), (Domestic), (Finance and Management), and (Employee Benefits and Exempt Organizations) maintain a General Administrative System. This notice applies to all 78 of these offices.—Treasury/IRS.

SYSTEM LOCATION:

The location of these systems are listed in the appendix. (See IRS appendix A.)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

(1) Past, present and prospective employees of the Office of Chief Counsel. (2) Tax Court Witnesses.

CATEGORIES OF RECORDS IN THE SYSTEM:

(1) Employee Performance Folders and employee records other than Official Personnel Files of the Office of Personnel Management and the Merit Systems Protection Board. (2) Time cards and attendance rosters. (3) Financial records such as travel expenses, Notary Public expenses, moving expenses, expenses of Tax Court witnesses and miscellaneous expenses. (4) Employee recruiting records.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 26 U.S.C. 7801.

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

Disclosure of returns and return information may be made only as provided by 26 U.S.C. 6103. Records other than returns and return information may be used to: (1) Disclose information to the Department of Justice for the purpose of litigating an action or seeking legal advice; (2) disclose information to the Office of Personnel Management and the Merit Systems Protection Board for appropriate Personnel actions; (3) disclose pertinent information to appropriate Federal, State, local, or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulations; (4) disclose information to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit; (5) disclose relevant, non-privileged information to a court, magistrate, or administrative tribunal, including the presentation of evidence, disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law

proceedings; (6) disclose information to foreign governments in accordance with formal or informal international agreements; (7) provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains; (8) provide information to the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's functions relating to civil and criminal proceedings; (9) provide information to officials of labor organizations recognized under 5 U.S.C. Chapter 71 when relevant and necessary to their duties of exclusive representation; (10) provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

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

STORAGE:

Paper records and magnetic media.

RETRIEVABILITY:

Records are generally retrievable by the name of the person to whom they apply.

SAFEGUARDS:

Access is limited to employees who have a need for such records in the course of their work. Background checks are made on employees. All facilities where records are stored have access limited to authorized personnel or individuals in the company of authorized personnel. Access controls will not be less than those provided by the Automated Information System Security Handbook, IRM 2(10)00.

RETENTION AND DISPOSAL:

Records are maintained in accordance with Records Disposition Handbooks, IRM 1(15)59.1 through IRM 1(15)59.32. Records are updated periodically to reflect changes and maintained as long as needed.

SYSTEM MANAGER(S) AND ADDRESS:

Each Regional Counsel is the system manager of the systems in his or her Region. Each Assistant Chief Counsel is the system manager of the system in his or her function. The Chief Counsel, the Deputy Chief Counsel and the Associate Chief Counsels (Enforcement Litigation), (Domestic), (International), (Finance and Management), and (Employee Benefits and Exempt Organizations) are the system managers of the system in each of their Offices. (See IRS appendix A for addresses.)

NOTIFICATION PROCEDURE:

Individuals seeking to determine if this system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR part 1, subpart C, appendix B. Inquiries should be addressed as in ''Record access procedures'' below.

RECORD ACCESS PROCEDURES:

Individuals seeking access to any record contained in this system of records, or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR part 1, subpart C, appendix B. Inquiries should be addressed to the Regional Counsel of the Region in which the records are located or the Assistant Chief Counsel (Disclosure Litigation) in the case of records in the National Office. The addresses are listed in the appendix. Information leading to the identity of a confidential source is exempt pursuant to 5 U.S.C. 552a(k)(5).

CONTESTING RECORD PROCEDURES:

See ''RECORD ACCESS PROCEDURES'' above.

RECORD SOURCE CATEGORIES:

Employees, Department of Treasury personnel; Tax Court witnesses; Office of Personnel Management and Merit Systems Protection Board; other Federal agencies; State, local, and foreign governments; references; former employers.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

This system has been designated as exempt from certain provisions of the Privacy Act.

TREASURY/IRS 90.004

SYSTEM NAME:

Chief Counsel General Legal Services Case Files. Each of the seven Regional Counsel Offices and the National Office maintain a General Legal Services Case File System. The information in this notice applies to all eight of the offices—Treasury/IRS.

SYSTEM LOCATION:

The addresses of the National Office and each Regional Counsel Office are listed in the appendix. (See IRS appendix A.)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons involved in litigation, actions, investigations or cases falling within the jurisdiction of the General Legal Services function including persons (1) who are parties in personnel matters, as well as discrimination and labor management relations matters, of the Internal Revenue Service, Chief Counsel's Office or, in some instances, other agencies in the Treasury Department; (2) who are parties in practitioner actions under the jurisdiction of the Director of Practice or the Joint Board of Actuaries; (3) who are parties in procurement matters and under the Federal Claims Collection Act (as amended by the Debt Collection Act); (4) who are parties in litigation or administrative claims involving alleged violations of the United States Constitution, the Federal Tort Claims Act, the Military Personnel and Civilian Employee Compensation Act, relief of accountable officers for loss of Government funds, claims or suits for rewards, acts of officers or employees acting within the scope of their employment, or official acts of officers or employees not directly relating to Federal tax issues but relating to the Internal Revenue Service; (5) who are parties in miscellaneous matters referred to the General Legal Service; (6) who are the subjects of investigations made by the Internal Security Division if the case is referred to General Legal Services (7) who are officials of the Internal Revenue Service and Chief Counsel's Office required to file a Financial Disclosure Statement under the Ethics in Government Act of 1978; (8) who have corresponded regarding a matter under consideration within General Legal Services.

CATEGORIES OF RECORDS IN THE SYSTEM:

(1) Legal case and administrative case files. (2) Internal control cards. (3) Correspondence files.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 26 U.S.C. 7801.

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

Disclosure of returns and return information may be made only as provided by 26 U.S.C. 6103. Records other than returns and return information may be used to: (1) Disclose information to the Department of Justice for the purposes of litigating an action or seeking legal advice; (2) disclose pertinent information to appropriate Federal, State, local, or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing, or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulations; (3) disclose information to a Federal, State, or local agency, maintaining civil, criminal or other

relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit; (4) disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings; (5) disclose information to foreign governments in accordance with formal or informal international agreements; (6) provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains; (7) provide information to the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's functions relating to civil and criminal proceedings; (8) provide information to officials of labor organizations recognized under 5 U.S.C. Chapter 71 when relevant and necessary to their duties of exclusive representation; (9) provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation; (10) provide information to the Director of Practice and Joint Board of Actuaries in practitioner disciplinary matters; (11) provide information to the Office of Personnel Management in personnel, discrimination and labor management matters; (12) provide information to arbitrators, the Federal Labor Relations Authority, including the Office of the General Counsel of that authority, the Federal Service Impasses Board and the Federal Mediation and Conciliation Service in labor management matters; (13) provide information to the Merit Systems Protection Board, including its Special Counsel, in Personnel, Discrimination, and Labor Management matters; (14) provide information to the Equal Employment Opportunity Commission in Personnel, Discrimination, and Labor Management matters; (15) provide information to the General Services Administration in property management matters; (16) provide information to the Administrative Assistant of the Executive Resources Board as to Financial Disclosure Statements, who makes the statements available to the public as required by law; (17) provide information to other federal agencies for the purpose of effectuating inter-agency salary offset or inter-agency administrative offset; (18) provide information to the Office of Government Ethics in conflict of interest, conduct, financial statement reporting, and other ethical matters.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosures pursuant to 5 U.S.C. 552a(b)(12). Disclosures of debt information concerning a claim against an individual may be made from this system to consumer reporting agencies as defined in the Fair Credit Reporting Act, 15 U.S.C. 1681a(f) or the Federal Claims Collection Act of 1966, 31 U.S.C. 3701(a)(3).

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

STORAGE:

Paper records and magnetic media.

RETRIEVABILITY:

Records are retrievable by the name of the person to whom they apply. If more than one person is involved in a given case then it is generally retrievable only by the first named person.

SAFEGUARDS:

Access is limited to employees who have a need for such records in the course of their work. Background checks are made on employees. All facilities where records are stored have access limited to authorized personnel or individuals in the company of authorized personnel. Access controls will not be less than those provided by the Automated Information System Security Handbook, IRM 2(10)00.

RETENTION AND DISPOSAL:

Legal files are generally retired to the Federal Records Center (FRC) 1 year after the cases are closed. The FRC will retain ''significant case'' files an additional 19 years and dispose of them 20 years after they are closed. Other legal files are retained in the FRC 4 years after they are transferred to the center and disposed of 5 years after they are closed. Other records are retained for the same time periods described above.

SYSTEM MANAGER(S) AND ADDRESS:

Each Regional Counsel is the system manager of the system in his or her Region. The Assistant Chief Counsel (General Legal Services) is the system manager of the National Office system. The addresses are in the appendix. (See IRS appendix A.)

NOTIFICATION PROCEDURE:

This system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual as the records are exempt under 5 U.S.C. 552a(d)(5) and/or (k)(2).

RECORD ACCESS PROCEDURES:

This system of records may not be accessed for purposes of inspection or for contest of content of records as the records are exempt under 5 U.S.C. 552a(d)(5) and/or (k)(2).

CONTESTING RECORD PROCEDURES:

26 U.S.C. 7852(e) prohibits Privacy Act amendment of tax records.

RECORD SOURCE CATEGORIES:

Taxpayers and their representatives; Department of Treasury personnel; other Federal agencies; State, local, and foreign governments; witnesses; informants; parties to disputed matters of fact or law; other persons who communicate with the Internal Revenue Service.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

This system has been designated as exempt from certain provisions of the Privacy Act.

TREASURY/IRS 90.005

SYSTEM NAME:

Chief Counsel General Litigation Case Files. Each Regional Counsel Office and each District Counsel Office maintains one of these systems. The National Office maintains one of these systems. The information in this notice applies to all 62 offices—Treasury/IRS.

SYSTEM LOCATION:

The addresses of the National Office, each Regional Counsel Office and each District Counsel Office are listed in the appendix. (See IRS appendix A.)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

(1) Taxpayers or other individuals involved in matters referred to the General Litigation function including: (a) Taxpayers with outstanding tax liabilities or with potential outstanding tax liabilities; (b) persons from whom information is being sought (summons); (c) persons requesting information (disclosure); (d) present or former Internal Revenue Service employees who are being or may be sued in connection with their duties or who have been called upon to testify in private litigation; (e) persons who are or may be liable to the United States on non-tax claims; (f) persons who have submitted offers in compromise of

federal taxes. (2) Persons who have corresponded regarding a matter under consideration within the General Litigation function.

CATEGORIES OF RECORDS IN THE SYSTEM:

(1) Legal and Administrative Files. (2) Internal Control Records. (3) Offer in Compromise Files. (4) Correspondence Files.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 26 U.S.C. 7801.

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

Disclosure of returns and return information may be made only as provided by 26 U.S.C. 6103. Records other than returns and return information may be used to: (1) Provide information to other Federal agencies holding funds of taxpayer for the purpose of collecting a liability owed by the taxpayer; (2) disclose information to the Department of Justice for the purpose of litigating an action or seeking legal advice; (3) provide information to State and local taxing authorities for the purpose of enforcing Federal tax laws; (4) provide information to Federal, state and local regulatory authorities for purposes of collection of Federal taxes; (5) disclose pertinent information to appropriate Federal, State, local, or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing, or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation; (6) disclose information to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit; (7) disclose relevant, non-privileged information to a court, magistrate, or administrative tribunal including the presentation of evidence, disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings; (8) disclose information to foreign governments in accordance with formal or informal international agreements; (9) provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains; (10) provide information to the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's functions relating to civil and criminal proceedings; (11) provide information to officials of labor organizations recognized under 5 U.S.C. Chapter 71 when relevant and necessary to their duties of exclusive representation; (12) provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

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

STORAGE:

Paper records and magnetic media.

RETRIEVABILITY:

All records are retrievable by the name of the persons to whom they apply. Some internal control records are retrievable by names of taxpayers and related taxpayers, attorneys assigned, subject matter, and certain key administrative dates.

SAFEGUARDS:

Access is limited to employees who have a need for such records in the course of their work. Background checks are made on employees. All facilities where records are stored have access limited to authorized personnel or individuals in the company of authorized personnel. Access controls will not be less than those provided by the Automated Information System Security Handbook, IRM 2(10)00.

RETENTION AND DISPOSAL:

National Office, Regional, and District counsel legal files are generally retired to the Federal Records Center (FRC) one year after they are closed. The FRC will retain ''significant case'' files an additional 24 years and dispose of them 25 years after the cases are closed. Other legal files are retained in the FRC 9 years after they are transferred to the Center and disposed of 10 years after they are closed. Other records are retained in the Division for the same time periods described above. Files transferred from other functions are returned to the source when no longer needed.

SYSTEM MANAGER(S) AND ADDRESS:

Each Regional Counsel is the system manager of the systems in his or her Region. The Assistant Chief Counsel (General Litigation) is the system manager of the National Office system. The addresses are in the appendix. (See IRS appendix A.)

NOTIFICATION PROCEDURE:

Most of the records in this system may not be accessed for purposes of determining if the records pertain to a particular individual as the records are exempt under 5 U.S.C. 552a(d)(5) and/or (k)(2).

RECORD ACCESS PROCEDURES:

This system may not be accessed for purposes of inspection or for contest of content of records as the records are exempt under 5 U.S.C. 552a (d)(5) and/or (k)(2).

CONTESTING RECORD PROCEDURES:

26 U.S.C. 7852(e) prohibits Privacy Act amendment of tax records.

RECORD SOURCE CATEGORIES:

Taxpayers and their representatives; Department of Treasury personnel; other Federal agencies; State, local, and foreign governments; witnesses; informants; parties to disputed matters of fact or law; other persons who communicate with the Internal Revenue Service.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

This system has been designated as exempt from certain provisions of the Privacy Act.

TREASURY/IRS 90.007

SYSTEM NAME:

Chief Counsel Legislation and Regulations Division, Employee Plans and Exempt Organizations Division, and Associate Chief Counsel (Technical and International) Correspondence and Private Bill Files—Treasury/IRS.

SYSTEM LOCATION:

Legislation and Regulations Division, Internal Revenue Service, Office of Chief Counsel, 1111 Constitution Avenue, Washington, DC 20224; Employee Plans and Exempt Organizations Division and Associate Chief Counsel (Technical and International), same address.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

(1) Persons who have corresponded to the Service, the Department of the Treasury, the White House or Members of Congress regarding a matter in which the Legislation and Regulations Division or the Employee Plans and Exempt Organizations Division was asked to draft a reply; (2) Persons on whose behalf private relief bills were introduced in Congress involving tax related matters.

CATEGORIES OF RECORDS IN THE SYSTEM:

(1) Correspondence Files; (2) Private Relief Bill Legal Files; (3) Internal Control Records.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301 and 26 U.S.C. 7801.

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

Disclosure of returns and return information may be made only as provided by 26 U.S.C. 6103. These records and information in these records may be used to: (1) Disclose information to the Department of Justice for the purpose of litigating an action or seeking legal advice; (2) disclose pertinent information to appropriate Federal, State, local, or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing, or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation; (3) disclose information to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit; (4) disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings; (5) disclose information to foreign governments in accordance with formal or informal international agreements; (6) provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains; (7) provide information to the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's functions relating to civil and criminal proceedings; (8) provide information to unions recognized as exclusive bargaining representatives under the Civil Service Reform Act of 1978, 5 U.S.C. 7111 and 7114; (9) provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation; (10) provide information to the agency or individual who directed correspondence to the Legislation and Regulations Division for the Division to draft a response.

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

STORAGE:

Paper records and magnetic media.

RETRIEVABILITY:

Correspondence files are retrievable by the name of the individual who initiated the correspondence. Private Relief Bill files are retrievable by the H.R. or S. number for each Congress.

SAFEGUARDS:

Access is limited to employees who have a need for such records in the course of their work. Background checks are made on employees. All facilities where records are stored have access limited to authorized personnel or individuals in the company of authorized personnel. Access controls will not be less than those provided by the Automated Information System Security Handbook, IRM 2(10)00.

RETENTION AND DISPOSAL:

Correspondence files are generally disposed of after 3 years. Private Relief Bill files are periodically updated to reflect changes and are maintained as long as needed. Internal control records are generally disposed of after 2 years or when no longer useful. Auth: IRM 1(15)59.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Legislation and Regulations Division, Internal Revenue Service, Office of Chief Counsel, 1111 Constitution Avenue, Washington, DC 20224; Director, Employee Plans and Exempt Organization Division, same address. With respect to international issues, the Associate Chief Counsel (Technical and International) is the system manager.

NOTIFICATION PROCEDURE:

Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR part 1, subpart C, appendix B. Inquiries should be addressed to the Director of the Disclosure Litigation Division. The address is listed in the appendix. (See IRS appendix A.)

RECORD ACCESS PROCEDURES:

Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR part 1, subpart C, appendix B. Inquiries should be addressed to the Director of the Disclosure Litigation Division. The address is listed in the appendix. (See IRS appendix A.)

CONTESTING RECORD PROCEDURES:

See Access above.

RECORD SOURCE CATEGORIES:

Persons who initiate correspondence referred to the Legislation and Regulations Division; Congressional documents; taxpayers and their representatives; Department of Treasury personnel; other Federal agencies; state, local, and foreign governments; witnesses; informants.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

TREASURY IRS 90.009

SYSTEM NAME:

Chief Counsel Field Services Case Files. Each Regional Counsel Office and each District Counsel Office maintains one of these systems. The National Office maintains one of these systems. The information in this notice applies to all 62 offices—Treasury/IRS.

SYSTEM LOCATION:

The addresses of the National Office, each Regional Counsel Office, and each District Counsel Office is listed in the appendix. (See IRS appendix A.)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

(1) Taxpayers who have filed petitions with the Tax Court or suits for refunds of Federal taxes. (2) Taxpayers upon whom the issuance of a statutory notice is or was contemplated whose case has been referred to the Tax Litigation function. (3) Taxpayers who are the subject of formal or informal advisory opinions during the investigative stage of the case or while under administrative processing. (4) Persons who have corresponded regarding a matter under consideration within the Tax Litigation function.

CATEGORIES OF RECORDS IN THE SYSTEM:

(1) Legal Case and Administrative Case Files. (2) Internal Control Records. (3) Correspondence Files.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 26 U.S.C. 7801.

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

Disclosure of returns and return information may be made only as provided by 26 U.S.C. 6103. Records other than returns and return information may be used to: (1) Disclose information to the Department of Justice for the purpose of litigating an action or seeking legal advice; (2) disclose pertinent information to appropriate Federal, State, local, or foreign agencies

responsible for investigating or prosecuting the violations of, or for enforcing, or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulations; (3) disclose information to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit; (4) disclose relevant, non-privileged information to a court, magistrate, or administrative tribunal including the presentation of evidence, disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings; (5) disclose information to foreign governments in accordance with formal or informal international agreements; (6) provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains; (7) provide information to the news media in accordance with guidelines contained in 28 CFR 50.2, which relate to an agency's functions relating to civil and criminal proceedings; (8) provide information to officials of labor organizations recognized under 5 U.S.C. Chapter 71 when relevant and necessary to their duties of exclusive representation; (9) provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

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

STORAGE:

Paper records and magnetic media.

RETRIEVABILITY:

Records are retrievable by the name of the person to whom they apply.

SAFEGUARDS:

Access is limited to employees who have a need for such records in the course of their work. Background checks are made on employees. All facilities where records are stored have access limited to authorized personnel or individuals in the company of authorized personnel. Access controls will not be less than those provided by the Automated Information System Security Handbook, IRM 2(10)00.

RETENTION AND DISPOSAL:

Legal files are generally retired to the Federal Records Center (FRC) one year after they are closed. The FRC will retain ''significant case'' files an additional 29 years and dispose of them 30 years after they are closed. Other legal files are retained in the FRC 9 years after they are transferred to the Center and disposed of 10 years after they are closed. Other records are periodically updated to reflect changes and maintained as long as needed. Files transferred from other functions are returned to the source when no longer needed.

SYSTEM MANAGER(S) AND ADDRESS:

Each Regional Counsel is the system manager of the systems in his or her Region. The Assistant Chief Counsel (Field Services) is the system manager of the National Office system. The addresses are in the appendix. (See IRS appendix A.)

NOTIFICATION PROCEDURE:

This system may not be accessed for purposes of determining if the records pertain to a particular individual as the records are exempt under 5 U.S.C. 552a(d)(5) and/or (k)(2).

RECORD ACCESS PROCEDURES:

This system may not be accessed for purposes of inspection or for contest of content of records as the records are exempt under 5 U.S.C. 552a(d)(5) and/or (k)(2).

CONTESTING RECORD PROCEDURES:

26 U.S.C. 7852(e) prohibits Privacy Act amendment of tax records.

RECORD SOURCE CATEGORIES:

Taxpayers and their representatives; Department of Treasury personnel; other Federal agencies; State, local, and foreign governments; witnesses; informants; parties to disputed matters of fact or law; other persons who communicate with the Internal Revenue Service.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

This system has been designated as exempt from certain provisions of the Privacy Act.

TREASURY/IRS 90.010

SYSTEM NAME:

Digest Room Files Containing Briefs, Legal Opinions, and Digests of Documents Generated Internally or by the Department of Justice Relating to the Administration of the Revenue Laws—Treasury/IRS.

SYSTEM LOCATION:

Office of the Associate Chief Counsel (Finance and Management), Internal Revenue Service, Office of Chief Counsel, 1111 Constitution Avenue, NW., Washington, DC 20224.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Taxpayers who have sought Internal Revenue Service rulings and/or legal opinions on tax problems and those whose cases are being or have been adjudicated.

CATEGORIES OF RECORDS IN THE SYSTEM:

(1) Internal Control Records; (2) Briefs; (3) Legal Opinions.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 26 U.S.C. 7801.

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

Disclosure of returns and return information may be made only as provided by 26 U.S.C. 6103. Records other than returns and return information may be used to: (1) Disclose information to Justice Department personnel for research purposes; (2) disclose pertinent information to appropriate Federal, State, local, or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing, or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulations; (3) disclose information to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit; (4) disclose relevant, non-privileged information to a court, magistrate, or administrative tribunal including the presentation of evidence, disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings; (5) disclose information to foreign governments in accordance with formal or informal international agreements; (6) provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains; (7) provide information to the news media in accordance with guidelines

contained in 28 CFR 50.2 which relate to an agency's functions relating to civil and criminal proceedings; (8) provide information to officials of labor organizations recognized under 5 U.S.C. Chapter 71 when relevant and necessary to their duties of exclusive representation; (9) provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

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

STORAGE:

Paper records and magnetic media.

RETRIEVABILITY:

Records are retrievable by the name of the person to whom they apply.

SAFEGUARDS:

Records are kept in a secured area. Access is limited to authorized personnel. Users of the system must show IRS identification and sign a register each time the room is used. Background checks are made on employees. Access controls will not be less than those provided by the Automated Information System Security Handbook, IRM 2(10)00.

RETENTION AND DISPOSAL:

Briefs, legal opinions, and digests are retained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Associate Chief Counsel, (Finance and Management), Internal Revenue Service, Office of Chief Counsel, 1111 Constitution Avenue, NW., Washington, DC 20224.

NOTIFICATION PROCEDURE:

This system may not be accessed for purposes of determining if the records pertain to a particular individual as the records are exempt under 5 U.S.C. 552a(d)(5) and/or (k)(2).

RECORD ACCESS PROCEDURES:

This system may not be accessed for purposes of inspection or for contest of content of records as the records are exempt under 5 U.S.C. 552a(d)(5) and/or (k)(2).

CONTESTING RECORD PROCEDURES:

26 U.S.C. 7852(e) prohibits Privacy Act amendment of tax records.

RECORD SOURCE CATEGORIES:

Department of Treasury personnel; Department of Justice personnel; taxpayers and their representatives; other Federal agencies; witnesses; informants; State, local, and foreign governments; parties to disputed matters of fact and law; other persons who communicate with the Internal Revenue Service.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

This system has been designated as exempt from certain provisions of the Privacy Act.

TREASURY/IRS 90.011

SYSTEM NAME:

Attorney Recruiting Files—Treasury/IRS.

SYSTEM LOCATION:

Office of the Associate Chief Counsel (Finance and Management), Internal Revenue Service, Office of Chief Counsel, 1111 Constitution Avenue, NW., Washington, DC 20224.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons who have applied for attorney positions with the Office of Chief Counsel, both National Office and field.

CATEGORIES OF RECORDS IN THE SYSTEM:

Attorney Files and lists of eligible applicants; Internal Control Records.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 26 U.S.C. 7801.

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

Disclosure of returns and return information may be made only as provided by 26 U.S.C. 6103. Records other than returns and return information may be used to: (1) Disclose information to the Department of Justice for the purpose of litigating an action or seeking legal advice; (2) disclose pertinent information to appropriate Federal, State, local, or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulations; (3) disclose information to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit; (4) disclose relevant, non-privileged information to a court, magistrate, or administrative tribunal, including the presentation of evidence, disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings; (5) disclose information to foreign governments in accordance with formal or informal international agreements; (6) provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains; (7) provide information to the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's functions relating to civil and criminal proceedings; (8) provide information to officials of labor organizations recognized under 5 U.S.C. Chapter 71 when relevant and necessary to their duties of exclusive representation; (9) provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation; (10) provide information to the Office of Personnel Management and Merit System Protection Board for appropriate personnel actions.

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

STORAGE:

Applicant files and internal control records: paper records and magnetic media.

RETRIEVABILITY:

Records are retrievable by the name of the person to whom they apply.

SAFEGUARDS:

Access is limited to employees who have a need for such records in the course of their work. Background checks are made on employees. All facilities where records are stored have access limited to authorized personnel or individuals in the company of authorized personnel. Access controls will not be less than those provided by the Automated Information System Security Handbook, IRM 2(10)00.

RETENTION AND DISPOSAL:

The attorney applicant files and other records are periodically updated to reflect changes and maintained as long as needed.

SYSTEM MANAGER(S) AND ADDRESS:

Associate Chief Counsel (Finance and Management), Internal Revenue Service, Office of Chief Counsel, 1111 Constitution Avenue, NW., Washington, DC 20224.

NOTIFICATION PROCEDURE:

Individuals seeking to determine if this system of records contains a record

pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR part 1, subpart C, appendix B. Inquiries should be addressed as in ''Record access procedures'' below.

RECORD ACCESS PROCEDURES:

Individuals seeking access to any record contained in this system of records, or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR part 1, subpart C, appendix B. Inquiries should be addressed to the Assistant Chief Counsel (Disclosure Litigation), Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224. Information leading to the identity of a confidential source is exempt pursuant to 5 U.S.C. 552a(k)(5).

CONTESTING RECORD PROCEDURES:

See ''Record access procedures'' above.

RECORD SOURCE CATEGORIES:

Applicants, Department of Treasury Personnel; Office of Personnel Management; other Federal agencies; State, local, and foreign governments; references, former employers.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

This system has been designated as exempt from certain provisions of the Privacy Act.

TREASURY/IRS 90.013

SYSTEM NAME:

Legal Case Files of the Chief Counsel, Deputy Chief Counsel and Associate Chief Counsels (Litigation), (Domestic), (International), and (Employee Benefits and Exempt Organizations)—Treasury/IRS.

SYSTEM LOCATION:

Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons whose cases at one time involved important issues or unusual circumstances which were brought to the attention of the above persons (or their predecessors).

CATEGORIES OF RECORDS IN THE SYSTEM:

Legal case files which include internal control records of such case files of both the persons currently holding the above positions and those who previously held such positions.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 26 U.S.C. 7801.

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

Disclosure of returns and return information may be made only as provided by 26 U.S.C. 6103. Records other than returns and return information may be used to: (1) Disclose information to the Department of Justice for the purpose of litigating an action or seeking legal advice; (2) disclose pertinent information to appropriate Federal, State, local, or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing, or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulations; (3) disclose information to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit; (4) disclose relevant, non-privileged information to a court, magistrate, or administrative tribunal, including the presentation of evidence, disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings; (5) disclose information to foreign governments in accordance with formal or informal international agreements; (6) provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains; (7) provide information to the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's functions relating to civil and criminal proceedings; (8) provide information to officials of labor organizations recognized under 5 U.S.C. Chapter 71 when relevant and necessary to their duties of exclusive representation; (9) provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

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

STORAGE:

Paper records and magnetic media.

RETRIEVABILITY:

Records pertaining to individuals are retrievable by the name of the person to whom they apply.

SAFEGUARDS:

Access is limited to employees who have a need for such records in the course of their work. Background checks are made on employees. All facilities where records are stored have access limited to authorized personnel or individuals in the company of authorized personnel. Access controls will not be less than those provided by the Automated Information System Security Handbook, IRM 2(10)00.

RETENTION AND DISPOSAL:

Records are periodically updated to reflect changes and maintained as long as needed.

SYSTEM MANAGER(S) AND ADDRESS:

Chief Counsel, Deputy Chief Counsel, or the Associate Chief Counsels, respectively, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224.

NOTIFICATION PROCEDURE:

This system may not be accessed for purposes of determining if the records pertain to a particular individual as the records are exempt under 5 U.S.C. 552a(d)(5) and/or (k)(2).

RECORD ACCESS PROCEDURES:

This system may not be accessed for purposes of inspection or for contest of content of records as the records are exempt under 5 U.S.C. 552a(d)(5) and/or (k)(2).

CONTESTING RECORD PROCEDURES:

26 U.S.C. 7852(e) prohibits Privacy Act amendment of tax records.

RECORD SOURCE CATEGORIES:

Taxpayers and their representatives; Department of Treasury personnel; other Federal agencies; State, local, and foreign governments; other persons who communicate with the Internal Revenue Service.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

This system has been designated as exempt from certain provisions of the Privacy Act.

TREASURY/IRS 90.015

SYSTEM NAME:

Reference Records of the Library in the Office of Chief Counsel—Treasury/IRS.

SYSTEM LOCATION:

Office of the Associate Chief Counsel (Finance and Management), Internal

Revenue Service, Office of Chief Counsel, 1111 Constitution Avenue, NW., Washington, DC 20224.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

(1) Taxpayers who have sought Congressional tax relief by means of a Private Bill. (2) IRS employees who charge out books.

CATEGORIES OF RECORDS IN THE SYSTEM:

(1) Numerical and alphabetical listing of Private Relief Bill and files related to the Bill. (2) Charge cards and inter-library loan forms.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 26 U.S.C. 7801.

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

Records may be used to: (1) Disclose pertinent information to appropriate Federal, State, local, or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing, or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation; (2) disclose relevant, non-privileged information to a court, magistrate, or administrative tribunal, including the presentation of evidence, disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings; (3) provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains; (4) provide information to the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's functions relating to civil and criminal proceedings; (5) provide information to officials of labor organizations recognized under 5 U.S.C. Chapter 71 when relevant and necessary to their duties of exclusive representation; (6) provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

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

STORAGE:

Paper records and magnetic media.

RETRIEVABILITY:

Records are retrievable by the name of the individual to whom they pertain and Private Bill material can also be retrieved by H.R. or S. number.

SAFEGUARDS:

Although access is limited to authorized individuals, this material would be available to any person through a Freedom of Information Act request. Access controls will not be less than those provided by the Automated Information System Security Handbook, IRM 2(10)00.

RETENTION AND DISPOSAL:

Records are maintained in accordance with Records Disposition Handbooks, IRM 1(15)59.1 through IRM 1(15)59.32. Records are regularly updated. If the library materials to which the references pertain are no longer in the library collection, the reference cards are destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Associate Chief Counsel (Finance and Management), Internal Revenue Service, Office of Chief Counsel, 1111 Constitution Avenue, NW., Washington, DC 20224.

NOTIFICATION PROCEDURE:

Individuals seeking to determine if this system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR part 1, subpart C, appendix B. Inquiries should be addressed as in ''Record access procedures'' below.

RECORD ACCESS PROCEDURES:

Individuals seeking access to any record contained in this system of records, or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part 1, subpart C. appendix B. Inquiries should be addressed to Assistant Chief Counsel (Disclosure Litigation), Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224.

CONTESTING RECORD PROCEDURES:

See ''Record access procedures'' above.

RECORD SOURCE CATEGORIES:

Material to which reference information pertains.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

TREASURY/IRS 90.016

SYSTEM NAME:

Counsel Automated Tracking System (CATS) Records—Treasury/IRS.

SYSTEM LOCATION:

Computer Records: Detroit Computing Center, 1300 John C. Lodge Drive, Detroit, Michigan 48226.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

(1) Taxpayers who initiated suits for refund in district courts or the Claims Court. (2) Taxpayers who have filed petitions with the United States Tax Court. (3) Taxpayers who have requested rulings from the Service in those cases in which the request has been referred to the Office of Chief Counsel for a legal opinion. (4) Taxpayers who have been involved in litigation concerning the collection of taxes. (5) Taxpayers whose cases were the subject of technical advice.

CATEGORIES OF RECORDS IN THE SYSTEM:

Skeletal legal files and Indexes (including taxpayer name; uniform issue list number; key dates; subject matter; name of attorney and office handling the case; and miscellaneous remarks.)

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 26 U.S.C. 7801.

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

Disclosure of returns and return information may be made only as provided by 26 U.S.C. 6103. Records other than returns and return information may be used to: (1) Ddisclose information to the Department of Justice for the purpose of litigating an action, seeking legal advice, or for research purposes; (2) disclose pertinent information to appropriate Federal, State, local, or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing, or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation; (3) disclose information to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit; (4) disclose relevant, non-privileged information to a court, magistrate, or administrative tribunal including the presentation of evidence, disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings; (5) disclose information to foreign governments in accordance with formal or informal international

agreements; (6) provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains; (7) provide information to the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's functions relating to civil and criminal proceedings; (8) provide information to officials of labor organizations recognized under 5 U.S.C. Chapter 71 when relevant and necessary to their duties of exclusive representation; (9) provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

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

STORAGE:

Skeletal legal files and indexes are stored on magnetic media. Input documents are on paper. The CATS system also allows access by interactive terminal.

RETRIEVABILITY:

Records are retrievable by legal jacket number, the name of the person to whom they apply, and by name of the attorney to whom the cases are assigned.

SAFEGUARDS:

Access is limited to employees who have a need for such records in the course of their work. Background checks are made on employees. All facilities where records are stored have access limited to authorized personnel or individuals in the company of authorized personnel. Passwords are required in the Counsel Automated Tracking System to access system information. Access controls will not be less than those provided by the Automated Information System Security Handbook, IRM 2(10)00.

RETENTION AND DISPOSAL:

Records are maintained in accordance with Records Disposition Handbooks, IRM 1(15)59.1 through IRM 1(15)59.32. Magnetic media will be periodically updated to reflect changes and maintained as long as needed.

SYSTEM MANAGER(S) AND ADDRESS:

Associate Chief Counsel (Finance and Management), Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224.

NOTIFICATION PROCEDURE:

Most of the records in this system may not be accessed for purposes of determining if the records pertain to a particular individual as the records are exempt under 5 U.S.C. 552a(d)(5) and/or (k)(2). An individual who wishes to determine whether the system contains any records pertaining to himself which are not exempt may address inquiries to the Assistant Chief Counsel (Disclosure Litigation), 1111 Constitution Avenue, NW., Washington, DC 20224.

RECORD ACCESS PROCEDURES:

Most of the records in this system may not be accessed for purposes of inspection or for contest of content of records as the records are exempt under 5 U.S.C. 552a(d)(5) and/or (k)(2). Individuals seeking access to any record which is not exempt, or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR part 1, subpart C, appendix B. Inquiries should be addressed to the Assistant Chief Counsel (Disclosure Litigation) whose address is listed above. Taxpayers seeking to adjust records which affect the determination of a tax assessment or the balance due, should utilize existing procedures for doing so, as substantive tax matters are not subject to the amendment provisions of the Privacy Act.

CONTESTING RECORD PROCEDURES:

See ''Record access procedures'' above.

RECORD SOURCE CATEGORIES:

Taxpayers and their representatives; Department of Treasury personnel; other Federal agencies, State, local, and foreign governments; witnesses; informants; parties to disputed matters of fact or law; other persons who communicate with the Internal Revenue Service.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

This system has been designated as exempt from certain provisions of the Privacy Act.

TREASURY/IRS 90.017

SYSTEM NAME:

Correspondence Control and Records, Associate Chief Counsel (Technical and International)—Treasury/IRS.

SYSTEM LOCATION:

National Office (See IRS appendix A.)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individual subjects of letter rulings, technical advice, memorandum and other correspondence from the Office of the Associate Chief Counsel (Technical and International).

CATEGORIES OF RECORDS IN THE SYSTEM:

Cards, disks and tapes containing taxpayer names, date of correspondence, issue, and related information, including in some cases the conclusions reached, and related letter ruling, technical advice, memorandum and other correspondence files.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, 26 U.S.C. 7801, 7802, 7602, 7805(a).

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

Disclosure of returns and return information may be made only as provided by 26 U.S.C. 6103. These records and information in these records may be used to: (1) Disclose information to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice; (2) disclose pertinent information to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation; (3) disclose information to a Federal, State, or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit; (4) disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosure to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings; (5) disclose information to foreign governments in accordance with formal or informal international agreements; (6) provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains; (7) provide information to the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's functions relating to civil and criminal proceedings; (8) provide information to unions recognized as exclusive bargaining representatives under the Civil Service Reform Act of 1978, 5 U.S.C. 7111 and 7114; (9) provide information to third parties during the course of an investigation to the extent

necessary to obtain information pertinent to the investigation.

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

STORAGE:

Paper records, magnetic media, and tapes.

RETRIEVABILITY:

Indexed by name and control number.

SAFEGUARDS:

Safeguards will not be less than those provided by the Physical and Document Security Handbook, IRM 1(16)41, and the Automated Information System Security Handbook, IRM 2(10)00.

RETENTION AND DISPOSAL:

Cards, disks and tapes are periodically updated and maintained as long as needed. Related files are destroyed or retired over varying numbers of years as specified in the Records Control Schedule, IRM 1(15)59.1(10).

SYSTEM MANAGER(S) AND ADDRESS:

Associate Chief Counsel (Technical and International), National Office. (See IRS appendix A.)

NOTIFICATION PROCEDURE:

Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR part 1, subpart C, appendix B. Inquiries should be addressed to the Associate Chief Counsel (Technical and International), National Office. (See IRS appendix A.)

RECORD ACCESS PROCEDURES:

Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR part 1, subpart C, appendix B. Inquiries should be addressed to the Associate Chief Counsel (Technical and International), National Office. (See IRS appendix A.)

CONTESTING RECORD PROCEDURES:

26 U.S.C. 7852(e) prohibits Privacy Act amendment of tax records.

RECORD SOURCE CATEGORIES:

Individual subjects of letter rulings, technical advice memorandums, and other correspondence, field office personnel.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

TREASURY/IRS 90.018

SYSTEM NAME:

Expert Witness Library—Treasury/IRS.

SYSTEM LOCATION:

Office of the Assistant Chief Counsel (Field Services), Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Potential expert witnesses for tax litigation in a variety of areas of expertise.

CATEGORIES OF RECORDS IN THE SYSTEM:

Names, addresses, and phone numbers of expert witnesses who have been used either by IRS or taxpayers in litigation. The library also contains evaluations of the performance of each expert, copies of transcripts where experts have testified and copies of the experts' reports.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 26 U.S.C. 7602, 7801, 7802, and 7805(a).

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

Disclosure of returns and return information may be made only as provided by 26 U.S.C. 6103. Records other than returns and return information may be used to: (1) Disclose information to the Department of Justice in connection with requests for legal advice; (2) disclose information to a Federal, state, or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of or retention of a security clearance, license, contract, grant, or other benefit; (3) disclose relevant, non-privileged information to a court, magistrate, or administrative tribunal, including the presentation of evidence, disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena where relevant or potentially relevant to the proceeding; (4) provide information to a Congressional office in response to an inquiry made at the request of the individual to whom the record pertains; (5) provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

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

STORAGE:

Paper records and magnetic media.

RETRIEVABILITY:

Indexed by name and subject matter expertise.

SAFEGUARDS:

Access is limited to employees who have a need for such records in the course of their work. Furthermore, access to the paper files is controlled by a designated attorney in the Tax Shelter Branch. Access to the expert witness library indices on magnetic media are controlled by the Tax Shelter Branch. The Tax Shelter Branch is locked during nonworking hours. All facilities where records are stored have access limited to authorized personnel or individuals in the company of authorized personnel. Background checks are made on employees. Access controls will not be less than those provided by the Automated Information System Security Handbook, IRM 2(10)00.

RETENTION AND DISPOSAL:

The records will be periodically updated to reflect changes and maintained as long as needed.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Chief Counsel (Field Services), Internal Revenue Service, Office of Chief Counsel, 1111 Constitution Avenue, NW, Washington, DC 20224.

NOTIFICATION PROCEDURE:

Individuals seeking to determine if this system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR part 1, subpart C, appendix B. Inquiries should be addressed as in ''Record access procedures'' below.

RECORD ACCESS PROCEDURES:

Individuals seeking access to any record contained in this system of records, or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR part 1, subpart C, appendix B. Inquiries should be addressed to the Assistant Chief Counsel (Disclosure Litigation), Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224.

CONTESTING RECORD PROCEDURES:

26 U.S.C. 7852(e) prohibits Privacy Act amendment of tax records.

RECORD SOURCE CATEGORIES:

Attorneys working for the IRS and expert witnesses themselves.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

IRS APPENDIX A

This appendix contains the addresses of Treasury/IRS system locations along with the title of the principal system manager(s) at each location. Other system managers at these locations are individually noted in the text of the system notices. Generally, inquiries under Treasury/IRS systems should be addressed to the office where the records in question are located. For Regional and District Office records, this would be the office with jurisdiction over the area where the individual resides. For Internal Revenue Service Center records, this would be the service center where the individual files Federal income tax returns.

NATIONAL OFFICE INTERNAL REVENUE SERVICE

National Director, Equal Employment Opportunity and Diversity
National Director, Communications
Assistant Commissioner (Collection)
Chief Information Officer
Assistant Commissioner (Employee Plans and Exempt Organizations)
National Director, Strategic Planning and Research
National Director, Compliance and Research
Chief Financial Officer
Chief, National Management and Administration
Chief Taxpayer Service
Assistant Commissioner (Criminal Investigation)
Assistant Commissioner (Examination)
Assistant Commissioner (International)
Assistant Commissioner (Procurement)
Chief Inspector
Director, Office of Disclosure

The address for all of the above systems managers with the exception of the Assistant Commissioner (International), noted below, is as follows:

1111 Constitution Avenue, NW., Washington, DC 20224
Assistant Commissioner (International), 950 L'Enfant Plaza, SW., Fourth Floor, Washington, DC 20024

ADDRESSES OF THE DETROIT COMPUTING CENTER, MARTINSBURG COMPUTING CENTER, AND THE AUSTIN SERVICE CENTER

Director, Detroit Computing Center, 1300 John C. Lodge Drive, Detroit, Michigan 48226.
Director, Martinsburg Computing Center, P.O. Box 1208, Martinsburg, West Virginia 25401.
Director, Austin Service Center, Stop 7000 AUSC, 3651 Interregional Hwy 35, Austin, Texas 78741.

ADDRESSES OF REGIONAL OFFICES, DISTRICT OFFICES, AND INTERNAL REVENUE SERVICE CENTERS

Regional Offices

Midstates Region (Dallas): Regional Commissioner, Internal Revenue Service 4050 Alpha Road, Dallas, Texas 75244–4203
Northeast Region (Manhattan): Regional Commissioner, Internal Revenue Service, 90 Church, Street, New York, New York, 10007
Southeast Region (Atlanta): Regional Commissioner, Internal Revenue Service, P.O. Box 926, Stop 100–R, Atlanta, Georgia 30370
Western Region (San Francisco); Regional Commissioner, Internal Revenue Service, Room 511, 1650 Mission Street, San Francisco, California 95113
District Director, Internal Revenue Service, P.O. Box 1818, Cincinnati, Ohio 45201
District Director, Internal Revenue Service, P.O. Box 99181, Cleveland, Ohio 44199
District Director, Internal Revenue Service, P.O. Box 330500, Stop #1, Detroit, Michigan 48232–6500
District Director, Internal Revenue Service, P.O. Box 44687, Stop 10, Indianapolis, Indiana 46244
District Director, Internal Revenue Service, P.O. Box 1735, Stop 100, Louisville, Kentucky 40201
District Director, Internal Revenue Service, 425 Juliana Street, Parkersburg, West Virginia 26101
Director, Internal Revenue Service Center, 201 W. Second Street., Covington, Kentucky 41019
District Director, Internal Revenue Service, George Fallon Building, 31 Hopkins Plaza, Baltimore, Maryland 21201
District Director, Internal Revenue Service, P.O. Box 939, Newark, New Jersey 07101
District Director, Internal Revenue Service, W.J. Green Federal Building, 600 Arch Street, Philadelphia, Pennsylvania 19106
District Director, Internal Revenue Service, 1000 Liberty Avenue, Room 1139, Pittsburgh, Pennsylvania 15222
District Director, Internal Revenue Service, 400 North Eighth Street, Richmond, Virginia 23240
District Director, Internal Revenue Service, 409 Silverside Road, Wilmington, Delaware 19809
Director, Internal Revenue Service Center, 11601 Roosevelt Boulevard, Philadelphia, Pennsylvania 19154
District Director, Internal Revenue Service, Federal Building, 115 Fourth Avenue, SE., Aberdeen, South Dakota 57401
District Director, Internal Revenue Service, 230 South Dearborn Street, Room 2890, Chicago, Illinois 60604
District Director, Internal Revenue Service, Federal Building, 210 Walnut Street, Des Moines, Iowa 50309
District Director, Internal Revenue Service, Federal Building and Post Office, 657 Second Avenue, North Fargo, North Dakota 58102
District Director, Internal Revenue Service, Federal Building, Second Floor, 301 South Park Avenue, Helena, Montana 59626–0016
District Director, Internal Revenue Service, Federal Building and Court House, 310 West Wisconsin Avenue, Milwaukee, Wisconsin 53203
District Director, Internal Revenue Service, Federal Office Building, 106 South Fifteenth Street, Omaha, Nebraska 68102
District Director, Internal Revenue Service, 1222 Spruce Street, St. Louis, Missouri 63101
District Director, Internal Revenue Service, Federal Building and Court House, 316 North Robert Street, St. Paul, Minnesota 55101
District Director, Internal Revenue Service, 320 West Washington Street, Springfield, Illinois 62701
Director, Internal Revenue Service Center, P.O. Box 24551, Kansas City, Missouri 64131
District Director, Internal Revenue Service, John F. Kennedy Federal Building, Government Center, Boston, Massachusetts 02203
District Director, Internal Revenue Service, 68 Sewall Street, Augusta, Maine 04330
District Director, Internal Revenue Service, Leo W. O'Brien Federal Building, Clinton Avenue and North Pearl Street, Albany, New York 12207
District Director, Internal Revenue Service, 120 Church Street, New York, New York 10007
District Director, Internal Revenue Service, 35 Tillary Street, Brooklyn, New York 11201
District Director, Internal Revenue Service, 111 West Huron Street, Buffalo, New York 14202
District Director, Internal Revenue Service, Courthouse Plaza, 119 Main Street, Burlington, Vermont 05401
District Director, Internal Revenue Service, William R. Cotter Federal Building, Stop 204, 135 High Street, Hartford, Connecticut 06103
District Director, Internal Revenue Service, Federal Building, 80 Daniel Street, Portsmouth, New Hampshire 03801
District Director, Internal Revenue Service, 380 Westminster Mall, Providence, Rhode Island 02903
Director, Internal Revenue Service, Stop 100, 310 Lowell Street, Andover, Massachusetts 05501
Director, Internal Revenue Service Center, Stop 100, 1040 Waverly Avenue, Holtsville, New York 11799
District Director, Internal Revenue Service, 401 West Peachtree Street, NW. Atlanta, Georgia 30365
District Director, Internal Revenue Service, 500 Twenty-second Street South, Birmingham, Alabama, 35233
District Director, Internal Revenue Service, 1835 Assembly Street, Columbia, South Carolina 29201
District Director, Internal Revenue Service, 320 Federal Place, Greensboro, North Carolina 27401
District Director, Internal Revenue Service, Suite 504, 100 W. Capitol Street, Suite 504, Jackson, Mississippi 39269
District Director, Internal Revenue Service, Federal Office Building, 400 West Bay Street, Jacksonville, Florida 32202
District Director, Internal Revenue Service, 801 Broadway, Nashville, Tennessee 37203
District Director, Internal Revenue Service, (Stop 6) 700 West Capitol, Little Rock, Arkansas 72201
District Director, Internal Revenue Service, (Stop 6) 501 Magazine Street, New Orleans, Louisiana 70130

District Director, Internal Revenue Service, One University Drive, Building B, Ft. Lauderdale, Florida 33324
Director, Internal Revenue Service Center, 4800 Buford Highway, Chamblee, Georgia 30341
Director, Internal Revenue Service Center, P.O. Box 30309, Airport Mail Facility, Memphis, Tennessee 38130
District Director, Internal Revenue Service, 5338 Montgomery NE, 3rd Floor, Albuquerque, New Mexico 87109
District Director, Internal Revenue Service, Stop 100D AUS, 300 East Eighth Street, Austin, Texas 78701
District Director, Internal Revenue Service, 1919 Smith Street, Houston, Texas 77002
District Director, Internal Revenue Service, 308 West Twenty-first Street, Cheyenne, Wyoming 82001
District Director, Internal Revenue Service, Stop 1000 DAL, 1100 Commerce Street, Dallas, Texas 75242
District Director, Internal Revenue Service, 600 Seventeenth Street, Stop 1000 DEN, Denver, Colorado 80202–2490
District Director, Internal Revenue Service, 210 East Earll Drive, Sixth Floor, Room 600 Phoenix, Arizona 85012
District Director, Internal Revenue Service, 465 South 400 East, Salt Lake City, Utah 84111
District Director, Internal Revenue Service, 200 NW. Fourth Street, Oklahoma City, Oklahoma 73102
District Director, Internal Revenue Service, 412 South Main Street, Wichita, Kansas 76202
Director, Internal Revenue Service Center, 3651 South Interregional Highway, Austin, Texas 73301
Director, Internal Revenue Service Center, 1160 West 1200 South Street, Ogden, Utah 84201
District Director, Internal Revenue Service, 949 East Thirty-sixth Avenue, Anchorage, Alaska 99508
District Director, Internal Revenue Service, Box 041, 550 West Fort Street, Boise, Idaho 83724
District Director, Internal Revenue Service, PJKK Federal Building, 300 Ala Moana, Honolulu, Hawaii 96850
District Director, Internal Revenue Service, 24000 Avila Road, Laguna Niguel, California 92677
District Director, Internal Revenue Service, 300 North Los Angeles Street, Los Angeles, California 90012
District Director, Internal Revenue Service, 1220 SW. Third Avenue, Portland, Oregon 97204
District Director, Internal Revenue Service, 4750 West Oakey Boulevard, Las Vegas, Nevada 89102
District Director, Internal Revenue Service, 4330 Watt Avenue, North Highland, California 95660
District Director, Internal Revenue Service, 1301 Clay Street, South Tower, San Francisco, California 94612
District Director, Internal Revenue Service, 55 South Market Street, San Jose, California 95113
District Director, Internal Revenue Service, 915 Second Avenue, Seattle, Washington, 98174
Director, Internal Revenue Service Center, 5045 East Butler Avenue, Fresno, California 93888

ADDRESSES OF CHIEF COUNSEL, REGIONAL COUNSEL, DISTRICT COUNSEL, AND REGIONAL DIRECTOR OF APPEALS OFFICES

National Office

Office of the National Director of Appeals, Internal Revenue Service, 901 D Street, SW., Box 68, Washington, DC 20024
Office of the Assistant Chief Counsel (Criminal Tax), Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224
Office of the Assistant Chief Counsel (Disclosure Litigation), Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224
Office of the Assistant Chief Counsel (General Legal Services), Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224
Office of the Assistant Chief Counsel (General Litigation), Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224
Office of the Assistant Chief Counsel (Corporate), Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224
Office of the Assistant Chief Counsel (Income Tax and Accounting), Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224
Office of the Assistant Chief Counsel (Employee Benefits and Exempt Organizations), Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224
Office of the Assistant Counsel (Field Services), Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224
Office of the Assistant Chief Counsel (Financial Institutions and Products), Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224
Office of the Assistant Chief Counsel (Passthroughs and Special Industries), Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224
Chief Counsel, Deputy Chief Counsel, Associate Chief Counsels (Litigation), (Domestic), (International), Finance and Management) and (Employee Benefits and Exempt Organizations), Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224

Regional Counsel Offices

Northeast Region: Regional Counsel's Office, IRS, North-Atlantic Region, 7 World Trade Center, Twenty-fifth floor, New York, New York 10048
Southeast Region: Regional Counsel's Office, IRS, 401 West Peachtree Street, Suite 2110–Stop 180–R, Atlanta, Georgia 30365
Midstates Region: Regional Counsel's Office, IRS, 4050 Alpha Road, 14th Floor, Dallas, Texas 75244–4203
Western Region: Regional Counsel's Office, IRS, Room 514, 1650 Mission Street, San Francisco, California 94103

Regional Director of Appeals

Northeast Region: Regional Director of Appeals, IRS, 90 Church Street, Room 1003 New York NY 10007
Southeast Region: Regional Director of Appeals, IRS, 625 Federal Office Building, Suite 2118, 401 West Peachtree Street, NW., Atlanta, Georgia 30365
Midstates Region: Regional Director of Appeals, IRS, 4050 Alpha Road, Fourteenth Floor, Dallas, Texas 75244–4203
Western Region: Regional Director of Appeals, IRS, Room 515, 1650 Mission Street, San Francisco, California 94103

District Counsel Offices

District Counsel's Office, IRS, 7 World Trade Center, Twenty-fourth Floor, New York, New York 10048
District Counsel's Office, IRS, Leo W. O'Brien Federal Building, Clinton Avenue and N. Pearl Street, Albany, New York 12207
District Counsel's Office, IRS, 10 Causeway Street, Room 401, Boston, Massachusetts 02222–1061
District Counsel's Office, IRS Brooklyn Office, 1600 Stewart Avenue, Suite 601, Uniondale, New York 11590
District Counsel's Office, IRS, 28 Church Street, Guaranty Building, Suite 500, Buffalo, New York 14202
District Counsel's Office, IRS, 333 East River Drive, Suite 200, Commerce Center One, Hartford, Connecticut 06108
District Counsel's Office, IRS, Room 10424, 600 Arch Street, Philadelphia, Pennsylvania 19106
District Counsel's Office, IRS, Room 4100, 101 West Lombard Street, Baltimore, Maryland 21201
District Counsel's Office, IRS, Room 904, 970 Broad Street, Newark, New Jersey 07102
District Counsel's Office, IRS, 1001 Liberty Center, Room 601 C, Pittsburgh, Pennsylvania 15222
District Counsel's Office, IRS, 2727 Enterprise Parkway, First Floor, Richmond, Virginia 23240
District Counsel's Office, IRS, 4620 Wisconsin Avenue, NW., Fourth Floor, Washington, DC 20016
District Counsel's Office, IRS, Suite 1400, 401 West Peachtree Street, NW., Atlanta, Georgia 30365
District Counsel's Office, IRS, Room 340, 500 Twenty-second Street, South, Birmingham, Alabama 35233
District Counsel's Office, IRS, Room 509, 320 Federal Place, Greensboro, North Carolina 27401
District Counsel's Office, IRS, Box 35027, Federal Office Building, 400 West Bay Street, Room 564, Jacksonville, Florida 32202
District Counsel's Office, IRS, Room 1114, Federal Office Building, 51 SW First Avenue, Miami, Florida 33130

District Counsel's Office, IRS, Room 703, U.S. Courthouse, 801 Broadway, Nashville, Tennessee 37203–3814
District Counsel's Office, IRS, 917 Hale Boggs Building, 501 Magazine Street, New Orleans, Louisiana 70130
District Counsel's Office, IRS, Room 7525, John Weld Peck Federal Building 550 Main Street, Cincinnati, Ohio 45202
District Counsel's Office, IRS, Suite 810, One Cleveland Center, 1375 East, Ninth Street, Cleveland, Ohio 44114
District Counsel's Office, IRS, 1870 McNamara Building, 477 Michigan Avenue, Detroit, Michigan 48226
District Counsel's Office, IRS, 513 Minton-Capehart Federal Building, 575 N. Pennsylvania Street, Indianapolis, Indiana 46204
District Counsel's Office, IRS, Suite 1100 Heyburn Building, 332 West Broadway, Louisville, Kentucky 40202
District Counsel's Office, IRS, 219 South Dearborn Street, Room 1342, Chicago, Illinois 60604
District Counsel's Office, IRS, 439 Federal Building, 210 Walnut Street, Des Moines, Iowa 50309
District Counsel's Office, IRS, Room 242, Federal Building, 301 South Park Avenue, Helena, Montana 59626
District Counsel's Office, IRS, 2700 Federal Office Building, 911 Walnut Street, Kansas City, Missouri 64106
District Counsel's Office, IRS, 760 Henry Reuss Federal Plaza, Suite 760, 310 West Wisconsin Avenue, Milwaukee, Wisconsin 53203
District Counsel's Office, IRS, 3101 Federal Building, 215 North Seventeenth Street, Omaha, Nebraska 68101
District Counsel's Office, IRS, Room 720, 320 West Washington Street, Springfield, Illinois 62701
District Counsel's Office, IRS, Third Floor, Chouteau Center, 133 S. Eleventh Street, St. Louis, Missouri 63102
District Counsel's Office, IRS, Galtier Plaza, Suite 650, 175 East Fifth Street, St. Paul, Minnesota 55101
District Counsel's Office, IRS, 5338 Montgomery NE Suite 400, Albuquerque, New Mexico 87109
District Counsel's Office, IRS, Room 601, 300 East Eighth Street, Austin, Texas 78701
District Counsel's Office, IRS, Room 12A24, Stop 2000 DAL, 1100 Commerce Street, Dallas, Texas 75242
District Counsel's Office, IRS, Suite 500, 1244 Speer Boulevard, Denver, Colorado 80204
District Counsel's Office, IRS, Suite 350, 10850 Richmond Avenue, Houston, Texas 77042–4775
District Counsel's Office, IRS, Suite 320, 500 West Main, Oklahoma City, Oklahoma 73102
District Counsel's Office, IRS, Suite 1500, 3225 N. Central Avenue, Phoenix, Arizona 85012
District Counsel, IRS, Room 131, Wallace F. Bennett Federal Building, 125 South State Street, Salt Lake City, Utah 84138
District Counsel's Office, IRS, Room 607, 949 East Thirty-sixth Avenue, Anchorage, Alaska 99508
District Counsel's Office, IRS, Box 024, 550 West Fort Street, Boise, Idaho 83724
District Counsel's Office, IRS, 7119 PJKK Federal Building, 300 Ala Moana Boulevard, Honolulu, Hawaii 96850
District Counsel's Office, IRS, Fourth Floor, Chet Holifield Building, 24000 Avila Road, Laguna Niguel, California 92656
District Counsel's Office, IRS, 4750 Oakey, Suite 403, Las Vegas, Nevada 89102
District Counsel's Office, IRS, 3018 Federal Building, 300 N. Los Angeles Street, Los Angeles, California 90012
District Counsel's Office, IRS, 222 SW. Columbia, Suite 450, Portland, Oregon 97201
District Counsel's Office, IRS, 4330 Watt Avenue, Suite 470, North Highlands, California 95660
District Counsel's Office, IRS, Suite 901, 701 B Street, San Diego, California 92101
District Counsel's Office, IRS, Room 504, 160 Spear Street, San Francisco, California 94105
District Counsel's Office, IRS, Suite 505, 55 South Market Street, San Jose, California 95113
District Counsel's Office, IRS, 2710 Federal Building, 915 Second Avenue, Seattle, Washington 98174
District Counsel's Office, IRS, 950 Hampshire Road, East Pavilion, Thousand Oaks, California 91361

BILLING CODE: 4810–37–P

United States Mint

TREASURY/U.S. MINT .001

SYSTEM NAME:

Cash Receivable Accounting Information System—Treasury/United States Mint.

SYSTEM LOCATION:

United States Mint, Judiciary Square Building, 633 3rd Street, NW, Washington, DC 20220; United States Mint, 151 North Independence Mall East, Philadelphia, PA 19106; United States Mint, 320 West Colfax Avenue, Denver, CO 80204; United States Mint, 155 Hermann Street, San Francisco, CA 94102; United States Mint, West Point, NY 10996; United States Bullion Depository, Fort Knox, KY 40121.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees and former employees of the United States Mint and the general public who have: (a) Served on jury duty when employed by the United States Mint; (b) Paid for lost Government property belonging to the Mint; (c) Purchased numismatic items from Mint sales outlets; and (d) Have obtained travel advances.

CATEGORIES OF RECORDS IN THE SYSTEM:

(1) Receivables due from Mint employees, former employees and general public for lost Government property, salary overpayments, and cash sales of over-the-counter numismatic items; and (2) Receivables due from Mint employees and former employees who have outstanding travel advances.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 5537 and 31 U.S.C. 5111 (a)(3).

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 to disclose information to: (1) Accounting offices, managers, supervisors and government officials pertaining to cash receivables and debts owed the Government; (2) appropriate Federal, state, local, or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license; (3) a Federal, state, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an employee, or issuance of a security clearance, license, contract, grant, or other benefit; (4) a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a court-ordered subpoena, or in connection with criminal law proceedings; (5) foreign governments in accordance with formal or informal international agreements; (6) a congressional office in response to an inquiry made at the request of the individual to whom the record pertains; (7) the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's functions relating to civil and criminal proceedings; (8) unions recognized as exclusive bargaining representatives under the Civil Service Reform Act of 1978, 5 U.S.C. 7111 and 7114; (9) third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

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

STORAGE:

Paper documents.

RETRIEVABILITY:

Name or number substitute.

SAFEGUARDS:

Storage in filing cabinets with access by authorized accounting personnel.

RETENTION AND DISPOSAL:

General records control schedule, GAO rules and regulations, United States Mint Records Control Schedule. Records are destroyed in accordance with National Archives and Records Administration regulations.

SYSTEM MANAGER(S) AND ADDRESS:

Chief Financial Officer, United States Mint, Judiciary Square Building, 633 3rd Street, NW, Washington, DC 20220; Financial Manager, United States Mint, 151 North Independence Mall East, Philadelphia, PA 19106; Financial Manager, United States Mint, 320 West Colfax Avenue, Denver, CO 80204; Financial Manager, United States Mint, 155 Hermann Street, San Francisco, CA 94102; Chief, Accounting Division, United States Mint, West Point, NY 10996; Administrative Officer, United States Bullion Depository, Fort Knox, KY 40121.

NOTIFICATION PROCEDURE:

Refer to System manager(s) and address. An employee or former employee is required to show an identification such as:

(a) Employee identification; (b) Driver's license; (c) Other means of identification, including social security number and date of birth.

RECORD ACCESS PROCEDURE:

For information on procedures for gaining access to and contesting records, individuals may contact the following official: Chief, Executive Secretariat, United States Mint, Judiciary Square Building, Room 715, 633 3rd Street, NW, Washington, DC 20220.

CONTESTING RECORD PROCEDURES:

Refer to ''Record access procedures.''

RECORD SOURCE CATEGORIES:

U.S. Mint employees and appropriate agency officials.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

TREASURY/U.S. MINT .002

SYSTEM NAME:

Current Employee Security Identification Record—Treasury/United States Mint.

SYSTEM LOCATION:

United States Mint, Judiciary Square Building, 633 3rd Street, NW, Washington, DC 20220; United States Mint, 151 North Independence Mall East, Philadelphia, PA 19106; United States Mint, 320 West Colfax Avenue, Denver, CO 80204; United States Mint, 155 Hermann Street, San Francisco, CA 94102; United States Mint, West Point, NY 10996; United States Bullion Depository, Fort Knox, KY 40121.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current United States Mint employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Security information system is used to verify proper admittance to restricted areas within the Mint facilities. The card record (Mint Form 8925) provides the name of the employee, date and place of birth, descriptive data on height, weight, hair and eyes; office and division in which employed; along with photograph and signature of the employee. The record also indicates approval by facility management for the issuance of personal identification to the employee, which is subsequently carried by the employee.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

40 U.S.C. 318–318c.

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 to disclose information to: (1) Appropriate Federal, state, local, or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license; (2) a Federal, state, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an employee, or issuance of a security clearance, license, contract, grant, or other benefit; (3) a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a court-ordered subpoena, or in connection with criminal law proceedings; (4) foreign governments in accordance with formal or informal international agreements; (5) a congressional office in response to an inquiry made at the request of the individual to whom the record pertains; (6) the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's functions relating to civil and criminal proceedings; (7) third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

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

STORAGE:

Records are 5″ × 8″ cards filed in Kardex Binder or circular-type index system; or computerized database management system.

RETRIEVABILITY:

Alphabetical by name.

SAFEGUARDS:

Maintained in secure area by security officers.

RETENTION AND DISPOSAL:

Records are retained until separation of the employee and are destroyed upon termination in accordance with National Archives and Records Administration rules and regulations.

SYSTEM MANAGER(S) AND ADDRESS:

Security Officer (Coordinator), Treasury Department, United States Mint, Judiciary Square Building, 633 3rd Street, NW, Washington, DC 20220; Security Officer (Facility Manager), United States Mint, 151 North Independence Mall East, Philadelphia, PA 19106; Security Officer (Facility Manager), United States Mint, 320 West Colfax Avenue, Denver, CO 80204; Security Officer (Facility Manager), United States Mint, 155 Hermann Street, San Francisco, CA 94102; Security Officer (Facility Manager), United States Mint, West Point, NY 10996; Security Officer (Facility Manager), United States Bullion Depository, Fort Knox, KY 40121.

NOTIFICATION PROCEDURE:

Refer to System manager(s) and address. An employee is free to examine his card record upon request, after properly identifying himself as the subject of record. The following are used as proof of identity: (a) Employee identification; (b) Driver's license; and (c) Other acceptable identifying documents.

RECORD ACCESS PROCEDURES:

For information on procedures for gaining access to and contesting records, individuals may contact the following official: Chief, Executive Secretariat, United States Mint, Judiciary Square Building, Room 715, 633 3rd Street, NW, Washington, DC 20220.

CONTESTING RECORD PROCEDURES:

Refer to ''Record access procedures.''

RECORD SOURCE CATEGORIES:

Personal information provided by the employee and identification approval by management staff.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

TREASURY/U.S. MINT .003

SYSTEM NAME:

Employee and Former Employee Travel and Training Accounting Information System—Treasury/United States Mint.

SYSTEM LOCATION:

United States Mint, Judiciary Square Building, 633 3rd Street, NW, Washington, DC 20220; United States Mint, 151 North Independence Mall East, Philadelphia, PA 19106; United States Mint, 320 West Colfax Avenue, Denver, CO 80204; United States Mint, 155 Hermann Street, San Francisco, CA 94102; United States Mint, West Point, NY 10996; United States Bullion Depository, Fort Knox, KY 40121.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees and former employees of the United States Mint who have engaged in travel and training.

CATEGORIES OF RECORDS IN THE SYSTEM:

(1) SF 1166 Voucher and Schedule of Payments with supporting documents such as: (a) SF 1012 Travel Voucher; (b) SF 1028 Application and Account for Advance of Funds; (2) Travel Authorities; (3) Government Travel Request SF 1169; (4) SF–182, Request, Authorization, Agreement and Certification of Training.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. Chapters 41 and 57.

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 to disclose information to: (1) Accounting offices, managers, supervisors and government officials pertaining to cash receivables and debts owed the Government; (2) appropriate Federal, state, local, or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license; (3) a Federal, state, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an employee, or issuance of a security clearance, license, contract, grant, or other benefit; (4) a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a court-ordered subpoena, or in connection with criminal law proceedings; (5) foreign governments in accordance with formal or informal international agreements; (6) a congressional office in response to an inquiry made at the request of the individual to whom the record pertains; (7) the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's functions relating to civil and criminal proceedings; (8) unions recognized as exclusive bargaining representatives under the Civil Service Reform Act of 1978, 5 U.S.C. 7111 and 7114; (9) third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

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

STORAGE:

Paper documents.

RETRIEVABILITY:

Name or number substitute (social security number, authority number).

SAFEGUARDS:

Stored in filing cabinets with access by authorized accounting personnel.

RETENTION AND DISPOSAL:

General Records Control Schedule, GAO rules and regulations, United States Mint Records Control Schedule are destroyed in accordance with National Archives and Records Administration regulations.

SYSTEM MANAGER(S) AND ADDRESS:

Chief Financial Officer, United States Mint, Judiciary Square Building, 633 3rd Street, NW, Washington, DC 20220; Financial Manager, United States Mint, 151 North Independence Mall East, Philadelphia, PA 19106; Financial Manager, United States Mint, 320 West Colfax Avenue, Denver, CO 80204; Financial Manager, United States Mint, 155 Hermann Street, San Francisco, CA 94102; Chief, Accounting Division, United States Mint, West Point, NY 10996; Administrative Officer, United States Bullion Depository, Fort Knox, KY 40121.

NOTIFICATION PROCEDURE:

Refer to System manager(s) and address. An employee or former employee is required to show an identification such as: (a) Employee identification; (b) Driver's license; and (c) Other means of identification including social security number and date of birth.

RECORD ACCESS PROCEDURES:

For information on procedures for gaining access to and contesting records, individuals may contact the following official: Chief, Executive Secretariat, United States Mint, Judiciary Square Building, Room 715, 633 3rd Street, NW, Washington, DC 20220.

CONTESTING RECORD PROCEDURES:

Refer to ''Record access procedures.''

RECORD SOURCE CATEGORIES:

United States Mint employees and appropriate agency officials.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

TREASURY/U.S. MINT .004

SYSTEM NAME:

Occupational Safety and Health, Accident and Injury Records, and Claims for Injuries or Damage Compensation Records—Treasury/United States Mint.

SYSTEM LOCATION:

Location and Category of Records Maintained: United States Mint, Judiciary Square Building, 633 3rd Street, NW, Washington, DC 20220—Accident/Injury/Illness Records, Vehicle Accident, and Claims against the Government; United States Mint, 151 North Independence Mall East, Philadelphia, PA 19106—Accident/Injury/Illness Records, Motor Vehicle Accident Data, Claims against the Government, Safety Equipment Logs, and Operators Training/Licensing; United States Mint, 320 West Colfax Avenue, Denver, CO 80204; Accident/Injury/Illness Records, Motor Vehicle Accident Data, Claims against the Government, Safety Equipment Logs, and Operators Licensing; United States Mint, 155 Hermann Street, San Francisco, CA 94102; Accident/Injury/Illness Records, Motor Vehicle Accident Data, Claims against the Government, Safety Equipment Logs, and Operators Training/Licensing; United States Mint, West Point, NY 10996; Accident/Injury/Illness Records, Motor Vehicle Accident Data, Claims against the Government, and Safety Equipment Logs; United States Bullion Depository, Fort Knox, KY 40121; Accident/Injury/Illness

Records, Motor Vehicle Accident Data, and Claims against the Government.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

United States Mint employees, former employees and members of the public.

CATEGORIES OF RECORDS IN THE SYSTEM:

Refer to System location.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. Ch. 81; 29 U.S.C. 668; 29 CFR 1910; E.O. 12196, 28 U.S.C. 2680 *et seq.;* 31 U.S.C. 3701 and 3721; and 31 CFR parts 3 and 4.

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 to disclose information to: (1) Appropriate Federal, state, local, or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license; (2) a Federal, state, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an employee, or issuance of a security clearance, license, contract, grant, or other benefit; (3) a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a court-ordered subpoena, or in connection with criminal law proceedings; (4) foreign governments in accordance with formal or informal international agreements; (5) a congressional office in response to an inquiry made at the request of the individual to whom the record pertains; (6) the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's functions relating to civil and criminal proceedings; (7) third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation; (8) physicians providing medical services or advice to Mint management and/or employees, or to private physicians of Mint employees, for the purpose of assisting in making medical diagnoses or treatment.

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

STORAGE:

Paper documents.

RETRIEVABILITY:

By name.

SAFEGUARDS:

Locked file cabinets available to authorized personnel only.

RETENTION AND DISPOSAL:

Records are retained in accordance with General Records Control Schedules; DOL, OSHA; EPA; and United States Mint Records Control Schedules; are destroyed in accordance with National Archives and Records Administration rules and regulations.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Director for Human Resources, Treasury Department, United States Mint, Judiciary Square Building, 633 3rd Street, NW, Washington, DC 20220; Personnel Officer and Safety Officer, United States Mint, 151 North Independence Mall East, Philadelphia, PA 19106; Personnel Officer, United States Mint, 320 West Colfax Avenue, Denver, CO 80204; Personnel Officer, United States Mint, 155 Hermann Street, San Francisco, CA 94102; Administrative Officer, United States Mint, West Point, NY 10996; Administrative Officer, United States Bullion Depository, Fort Knox, KY 40121.

NOTIFICATION PROCEDURE:

Refer to System manager(s) and address. An employee or former employee is required to show an identification such as: (a) Employee identification; (b) Driver's license; and (c) Other means of identification, including social security number and date of birth.

RECORD ACCESS PROCEDURES:

For information on procedures for gaining access to and contesting records, individuals may contact the following official: Chief, Executive Secretariat, United States Mint, Judiciary Square Building, Room 715, 633 3rd Street, NW, Washington, DC 20220.

CONTESTING RECORD PROCEDURES:

Refer to ''Record access procedures.''

RECORD SOURCE CATEGORIES:

Employees, supervisors, medical staff, general public, and visitors to the facilities of the United States Mint.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

TREASURY/U.S. MINT .005

SYSTEM NAME:

Employee—Supervisor Performance Evaluation, Counseling and Time and Attendance Records—Treasury/United States Mint.

SYSTEM LOCATION:

United States Mint, 155 Hermann Street, San Francisco, CA 94102; United States Mint, 320 West Colfax Avenue, Denver, CO 80204; United States Mint, Judiciary Square Building, 633 3rd Street, NW, Washington, DC 20220; United States Mint, 151 North Independence Mall East, Philadelphia, PA 19106; United States Mint, West Point, NY; United States Bullion Depository, Fort Knox, KY 40121; and United States Mint, Customer Service Center, 10003 Derekwood Lane, Lanham, MD 20706.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

United States Mint employees and former employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Information necessary for managers and supervisors to effectively carry out supervisory responsibilities. Included are such records as: Copies of personnel actions, performance appraisal including production and control, disciplinary actions, overtime reports, tardiness reports, work assignments, training reports, applications for employment, home addresses, leave reports, employee awards. (Supervisors maintain varying combinations of the above records. Some supervisors may maintain all or none of the above records depending upon the nature and size of the operation or organization and the number of individuals supervised.)

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301 and FPM Supplement 990–1, Section 3.

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 to disclose information to: (1) Appropriate Federal, state, local, or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license; (2) a Federal, state, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an

employee, or issuance of a security clearance, license, contract, grant, or other benefit; (3) a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a court-ordered subpoena, or in connection with criminal law proceedings; (4) foreign governments in accordance with formal or informal international agreements; (5) a congressional office in response to an inquiry made at the request of the individual to whom the record pertains; (6) the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's functions relating to civil and criminal proceedings; (7) third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

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

STORAGE:

Paper documents maintained in folders.

RETRIEVABILITY:

By name.

SAFEGUARDS:

Stored in file cabinets and desks of supervisors.

RETENTION AND DISPOSAL:

Retained as long as employee is under their supervision.

SYSTEM MANAGER(S) AND ADDRESS:

Associate and Assistant Directors and Director's Staff, United States Mint, Judiciary Square Building, 633 3rd Street, NW, Washington, DC 20220, and Customer Service Center, 10003 Derekwood Lane, Lanham, MD 20706; Superintendent, United States Mint, 151 North Independence Mall East, Philadelphia, PA 19106; Superintendent, United States Mint, 320 West Colfax Avenue, Denver, CO 80204; Superintendent, United States Mint, 155 Hermann Street, San Francisco, CA 94102; Superintendent, United States Mint, West Point, NY 10996; Officer-in-Charge, United States Bullion Depository, Fort Knox, KY 40121.

NOTIFICATION PROCEDURE:

Refer to System manager(s) and address. Employee or former employee is required to show identification such as: identification card, driver's license.

RECORD ACCESS PROCEDURES:

For information on procedures for gaining access to and contesting records, individuals may contact the following official: Chief, Executive Secretariat, United States Mint, Judiciary Square Building, Room 715, 633 3rd Street, NW, Washington, DC 20220.

CONTESTING RECORD PROCEDURES:

Refer to ''Record access procedures.''

RECORD SOURCE CATEGORIES:

Employees, previous employers, and appropriate agency officials.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

TREASURY/U.S. MINT .007

SYSTEM NAME:

General Correspondence—Treasury/United States Mint.

SYSTEM LOCATION:

United States Mint, Judiciary Square, 633 3rd Street, NW, Washington, DC 20220.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Members of the public, Members of Congress, Mint officials and officials from other Federal agencies.

CATEGORIES OF RECORDS IN THE SYSTEM:

Incoming correspondence and replies pertaining to the mission, function and operation of the United States Mint.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

31 U.S.C. 5131 and 5132.

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 to disclose information to:

(1) appropriate Federal, state, local, or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license; (2) a Federal, state, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an employee, or issuance of a security clearance, license, contract, grant, or other benefit; (3) a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a court-ordered subpoena, or in connection with criminal law proceedings; (4) foreign governments in accordance with formal or informal international agreements; (5) a congressional office in response to an inquiry made at the request of the individual to whom the record pertains; (6) the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's functions relating to civil and criminal proceedings; (7) third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

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

STORAGE:

Paper documents.

RETRIEVABILITY:

By name (limited retrievability by subject and/or control number)

SAFEGUARDS:

Maintained in limited access area available only to appropriate agency officials.

RETENTION AND DISPOSAL:

In accordance with the National Archives and Records Administration's General Records Control Schedule and the United States Mint Records Control Schedule. Destroyed in accordance with National Archives and Records Administration regulation.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Executive Secretariat, United States Mint, Judiciary Square Building, 633 3rd Street, NW, Washington, DC 20220.

NOTIFICATION PROCEDURE:

Refer to System Manager for addresses to which inquiries may be addressed and addresses at which the individual may present a request as to whether a system contains records pertaining to himself/herself. The individual must supply his/her name.

RECORD ACCESS PROCEDURES:

For information on procedures for gaining access to and contesting records, individuals may contact the following official: Chief, Executive Secretariat, United States Mint, Judiciary Square Building, 633 3rd Street, NW, Washington, DC 20220.

CONTESTING RECORD PROCEDURES:

Refer to ''Record access procedures.''

RECORD SOURCE CATEGORIES:

The general public, Members of Congress and Federal officials.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

TREASURY/U.S. MINT .008

SYSTEM NAME:

Criminal Investigations Files—Treasury/United States Mint.

SYSTEM LOCATION:

United States Mint, Judiciary Square Building, 633 3rd Street, NW, Washington, DC 20220.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Mint employees and members of the public suspected of criminal misconduct against the United States Mint.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name of individual, location of Mint facility, and reports by security personnel of the U.S. Mint.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 18 U.S.C.

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 to disclose information to: (1) Appropriate Federal, state, local, or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license; (2) a Federal, state, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an employee, or issuance of a security clearance, license, contract, grant, or other benefit; (3) a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a court-ordered subpoena, or in connection with criminal law proceedings; (4) foreign governments in accordance with formal or informal international agreements; (5) a congressional office in response to an inquiry made at the request of the individual to whom the record pertains; (6) the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's functions relating to civil and criminal proceedings; (7) third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

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

STORAGE:

Paper documents.

RETRIEVABILITY:

By name.

SAFEGUARDS:

Files are kept in a locked metal file cabinet in an area accessible to authorized agency officials.

RETENTION AND DISPOSAL:

Retained in accordance with United States Mint Records Control Schedule; are destroyed in accordance with National Archives and Records Administration rules and regulations.

SYSTEM MANAGER(S) AND ADDRESS:

Mint Security Office, United States Mint, Judiciary Square Building, 633 3rd Street, NW, Washington, DC 20220.

NOTIFICATION PROCEDURES:

Refer to System manager(s) and address.

RECORD ACCESS PROCEDURES:

For information on procedures for gaining access to and contesting records, individuals may contact the following official: Chief, Executive Secretariat, United States Mint, Judiciary Square Building, Room 715, 633 3rd Street, NW, Washington, DC 20220.

CONTESTING RECORD PROCEDURES:

Refer to ''Record access procedures.''

RECORD SOURCE CATEGORIES:

United States Mint and other law enforcement officials.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

As authorized by 5 U.S.C. 552a (j) and (k); this system is exempt from the following provisions, subsections (c)(3), (d), (e)(1); (e)(4) (G), (H), and (I) and (f) of 5 U.S.C. 552a.

TREASURY/U.S. MINT .009

SYSTEM NAME:

Mail-Order and Catalogue Sales System (MACS), Customer Mailing List, Order Processing Record for Coin Sets, Medals and Numismatic Items, and Records of Undelivered Orders, Product Descriptions, Availability and Inventory—Treasury/United States Mint.

SYSTEM LOCATION:

United States Mint, Judiciary Square Building, 633 3rd Street, NW, Washington, DC 20220 and Customer Service Center, 10003 Derekwood Lane, Lanham, MD 20706.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Members of the public.

CATEGORIES OF RECORDS IN THE SYSTEM:

Names, addresses, order history of customers purchasing numismatic items and of individuals who wish to receive notification of numismatic offerings by the Mint.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

31 U.S.C. 5111, 5112, 5132 and 31 CFR part 92.

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 to disclose information to: (1) Accounting offices, managers, supervisors and government officials pertaining to cash receivables and debts owed the Government; (2) appropriate Federal, state, local, or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license; (3) a Federal, state, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an employee, or issuance of a security clearance, license, contract, grant, or other benefit; (4) a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a court-ordered subpoena, or in connection with criminal law proceedings; (5) foreign governments in accordance with formal or informal international agreements; (6) a congressional office in response to an inquiry made at the request of the individual to whom the record pertains; (7) the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's functions relating to civil and criminal proceedings; (8) third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

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

STORAGE:

Magnetic tape, discs, paper and cards.

RETRIEVABILITY:

Name, customer number or order number.

SAFEGUARDS:

CRT, password protection; only designated persons may request computer generated reports. Access to any information pertaining to any individual is limited to only those individuals requiring the information to accommodate handling of transactions with the customers. Separation of functions; source documents maintained in one division and programming systems in another.

RETENTION AND DISPOSAL:

In accordance with the National Archives and Records Administration General Records Control Schedule and the United States Mint Records Control Schedule; are destroyed in accordance with National Archives and Records Administration regulations. Customer names and addresses are maintained as long as they are active.

SYSTEM MANAGER(S) AND ADDRESS:

Associate Director for Numismatics, Judiciary Square Building, 633 3rd Street, NW., Washington, DC 20220.

NOTIFICATION PROCEDURE:

Refer to System manager(s) and address. Individuals should supply order number as provided on order card or copy of both sides of canceled check; customer number which appears on pre-printed order cards or on face of check.

RECORD ACCESS PROCEDURES:

For information on procedures for gaining access to and contesting records, individuals may contact the following official: Chief, Executive Secretariat, United States Mint, Judiciary Square Building, Room 715, 633 3rd Street, NW, Washington, DC 20220.

CONTESTING RECORD PROCEDURES:

Refer to ''Record access procedures.''

RECORD SOURCE CATEGORIES:

Members of the public and appropriate government officials.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

TREASURY/U.S. MINT .012

SYSTEM NAME:

Grievances. Union/Agency Negotiated Grievances; Adverse Performance Based Personnel Actions; Discrimination Complaints; Third Party Actions—Treasury/United States Mint.

SYSTEM LOCATION:

United States Mint, Judiciary Square Building, 633 3rd Street, NW, Washington, DC 20220; United States Mint, 151 North Independence Mall East, Philadelphia, PA 19106; United States Mint, 320 West Colfax Avenue, Denver, CO 80204; United States Mint, 155 Hermann Street, San Francisco, CA 94102; United States Mint, West Point, NY 10996; United States Bullion Depository, Fort Knox, KY 40121.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees and former employees of the United States Mint.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system of records contains information or documents relating to employee grievances filed under provisions of negotiated grievance procedures, administrative grievance procedures, adverse action procedures, performance based action procedures, and discrimination complaint procedures, including decision of appropriate third parties where applicable.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 7701 and 7702; 5 U.S.C. Ch. 75; and 5 U.S.C. Ch. 71. Executive Orders 11491, 11616, 11636, 11838, 11901, 12027, 12107; 29 CFR 1613; negotiated agreements between the United States Mint and exclusively recognized labor unions.

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 to disclose information to: (1) Appropriate Federal, state, local, or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license; (2) a Federal, state, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an employee, or issuance of a security clearance, license, contract, grant, or other benefit; (3) a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a court-ordered subpoena, or in connection with criminal law proceedings; (4) a congressional office in response to an inquiry made at the request of the individual to whom the record pertains; (5) the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's functions relating to civil and criminal proceedings; (6) unions recognized as exclusive bargaining representatives under the Civil Service Reform Act of 1978, 5 U.S.C. 7111 and 7114; (7) third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

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

STORAGE:

These records are maintained in file folders or binders.

RETRIEVABILITY:

These records are filed by the names of the individuals on whom they are maintained or by the subject of the action.

SAFEGUARDS:

Access to and use of these records are limited to those agency officials whose official duties require such access.

RETENTION AND DISPOSAL:

Retained in accordance with the United States Mint Records Control Schedules; are destroyed in accordance with National Archives and Records Administration rules and regulations.

SYSTEM MANAGER(S) AND ADDRESS:

For current and former employees: Assistant Director for Human Resources, United States Mint, Department of the Treasury, Judiciary Square Building, 633 3rd Street, NW, Washington, DC 20220. Personnel Officer, United States

Mint, 151 North Independence Mall East, Philadelphia, PA 19106. Personnel Officer, United States Mint, 320 West Colfax Avenue, Denver, CO 80204. Personnel Officer, United States Mint, 155 Hermann Street, San Francisco, CA 94102. Administrative Officer, United States Mint, West Point, NY 10996. Administrative Officer, United States Bullion Depository, Fort Knox, KY 40121.

NOTIFICATION PROCEDURE:

Individuals who have filed an action are provided a copy of the record. They may, however, contact the System Manager indicated above regarding the existence of such records pertaining to them. It is necessary to furnish information sufficient to verify the identity of the requester such as full name, date of birth, a brief description of the grievance and the approximate date of submission.

RECORD ACCESS PROCEDURES:

Individuals who have filed a grievance, appeal, or complaint about a decision or determination made by an agency or about conditions existing in an agency already have been provided a copy of the record. The contest, amendment, or correction of a record is permitted during the prosecution of the action to whom the record pertains. However, after a case has been closed, an individual may gain access to, or contest the official copy of the grievance record by writing the appropriate System Manager indicated above. Individuals should provide name, date of birth, a brief description of the action and the approximate date of submission.

CONTESTING RECORD PROCEDURES:

Refer to ''Record access procedures.''

RECORD SOURCE CATEGORIES:

The sources of these records are as follows: (a) Individual to whom the record pertains; (b) Agency officials; (c) Affidavits or statements from employee(s); (d) Testimonies of witnesses; (e) Official documents and correspondence relating to the grievance.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

BILLING CODE: 4810–40–P

Bureau of the Public Debt

TREASURY/BPD .001

SYSTEM NAME:

Human Resources and Administrative Records—Treasury/BPD.

SYSTEM LOCATION:

Records are maintained at the following Bureau of the Public Debt locations: 200 Third Street, Parkersburg, WV 26106; Park Center, 90 Park Center, Parkersburg, WV 26101; H. J. Hintgen Building, 2nd and Avery Streets, Parkersburg, WV 26102; 999 E Street, NW, Washington, DC 20239, and 300–13th Street, SW, Washington, DC 20239. Copies of some documents have been duplicated for maintenance by supervisors for employees or programs under their supervision. These duplicates are also covered by this system of records.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Records cover present and former employees, applicants for employment, contractors, vendors, and visitors.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system contains the following categories of records. This system of records is limited to those records Public Debt needs to function in an efficient manner and does not cover those records reported under another system of records notice.

(A) *Human Resources Records:* These records relate to categories such as disciplinary and adverse actions; leave and hours of duty; alternate work schedules, standards of conduct and ethics programs; indebtedness; employee suitability and security determinations; grievances; performance problems; bargaining unit matters; Federal labor relations issues; relocation notices; outside employment; recruitment; placement; merit promotion; special hiring programs, including Summer Employment, Veterans Readjustment, Career Development for Lower Level Employees (CADE), Student Employment Programs; position classification and management; special areas of pay administration, including grade and pay retention, premium pay, scheduling of work, performance management and recognition; training and employee development programs; incentive awards; benefits and retirement programs; personnel and payroll actions; insurance; worker's and unemployment compensation; employee orientation; retirement; accident reports, and consolidation of personnel/program efforts among offices.

(B) *Equal Employment Opportunity Records.* These are records of informal EEO complaints and discussions which have not reached the level of formal complaints. After 30 days these records are destroyed or incorporated in a formal complaint file. Formal complaints are handled by the Treasury Department's Regional Complaints Center. Copies of formal complaint documents are sometimes maintained by Public Debt's EEO Office.

(C) *Administrative Records:* (1) *Administrative Services Records.* These records relate to administrative support functions including motor vehicle operation, safety, access to exterior and interior areas, contract guard records, offense/incident reports, accident reports, and security determinations.

(2) *Procurement Records.* These records relate to contractors/vendors if they are individuals; purchase card holders, including the name, social security number and credit card number for employees who hold Government-use cards; procurement integrity certificates, containing certifications by procurement officials that they are familiar with the Federal Procurement Policy Act.

(3) *Financial Management Records.* These records relate to travel by employees and account information for vendors and contractors who are individuals.

(4) *Retiree Mailing Records.* These records contain the name and address furnished by Public Debt retirees requesting mailings of newsletters and other special mailings.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 31 U.S.C. 321.

PURPOSE(S):

These records are collected and maintained to document various aspects of a person's employment with the Bureau of the Public Debt and to assure the orderly processing of administrative actions within the Bureau.

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

These records and information in these records may be disclosed as a routine use to:

(1) The Office of Personnel Management, the Merit Systems Protection Board, the Equal Employment Opportunity Commission, and the Federal Labor Relations Authority upon authorized request; (2) other Federal, State, or local agencies, such as a State employment compensation board or housing administration agency, so that the agency may adjudicate an individual's eligibility for a benefit, or liability in such matters as child support; (3) creditors, potential creditors, landlords, and potential landlords when they request employment data or salary

information for purposes of processing the employee's loan, mortgage, or apartment rental application (when information is requested by telephone, only verification of information supplied by the caller will be provided); (4) next-of-kin, voluntary guardians, and other representative or successor in interest of a deceased or incapacitated employee or former employee; (5) unions recognized as exclusive bargaining representatives under 5 U.S.C. chapter 71, arbitrators, and other parties responsible for the administration of the Federal labor-management program if needed in the performance of their authorized duties; (6) private creditors for the purpose of garnishing wages of an employee if a debt has been reduced to a judgment; (7) authorized Federal and non-Federal entities for use in approved computer matching efforts, limited to those data elements considered necessary in making a determination of eligibility under particular benefit programs administered by those agencies or entities, to improve program integrity, and to collect debts and other monies owed to those agencies or entities or to the Bureau of the Public Debt; (8) contractors of the Bureau for the purpose of processing personnel and administrative records; (9) other Federal, State, or local agencies in connection with the hiring or retention of an individual, the issuance of a security clearance, the conducting of a security or suitability investigation of an individual, the issuance of a license, contract, grant, or other benefit; (10) Congressional offices in response to an inquiry made at the request of the individual to whom the record pertains; (11) other Federal agencies to effect salary or administrative offset for the purpose of collecting a debt, except that addresses obtained from the Internal Revenue Service shall not be disclosed to other agencies; (12) consumer reporting agencies, including mailing addresses obtained from the Internal Revenue Service to obtain credit reports; (13) debt collection agencies, including mailing addresses obtained from the Internal Revenue Service, for debt collection services; (14) appropriate Federal, State, local, or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation; (15) a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations or in connection with criminal law proceedings or in response to a subpoena; (16) third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Debtor information is also furnished, in accordance with 5 U.S.C. 552a(b)(12) and section 3 of the Debt Collection Act of 1982, to consumer reporting agencies to encourage repayment of an overdue debt.

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

STORAGE:

These records are maintained in file folders, on lists and forms, microform, and electronic media.

RETRIEVABILITY:

By name or social security number.

SAFEGUARDS:

These records are maintained in controlled access areas. Identification cards are verified to ensure that only authorized personnel are present. Electronic records are protected by restricted access procedures, including the use of passwords and sign-on protocols which are periodically changed. Only employees whose official duties require access are allowed to view, administer, and control these records. Copies of records maintained on computer have the same limited access as paper records.

RETENTION AND DISPOSAL:

Records are maintained in accordance with National Archives and Records Administration retention schedules. Paper and microform records ready for disposal are destroyed by shredding or burning. Records in electronic media are electronically erased using accepted techniques.

SYSTEM MANAGER(S) AND ADDRESS:

HUMAN RESOURCES RECORDS:

Director, Human Resources Division, 200 Third Street, Parkersburg, WV 26106–1328.

EQUAL EMPLOYMENT OPPORTUNITY RECORDS:

Equal Employment Opportunity Manager, 200 Third Street, Parkersburg, WV 26106–1328.

ADMINISTRATIVE SERVICES RECORDS:

Director, Administrative Services Division, 200 Third Street, Parkersburg, WV 26106–1328.

PROCUREMENT RECORDS:

Director, Division of Procurement, 200 Third Street, Parkersburg, WV 26106–1328.

FINANCIAL MANAGEMENT RECORDS:

Director, Division of Financial Management, 200 Third Street, Parkersburg, WV 26106–1328.

RETIREE MAILING RECORDS:

Director, Division of Data Services, 200 Third Street, Parkersburg, WV 26106–1328.

NOTIFICATION PROCEDURE:

Individuals may submit their requests for determination of whether the system contains records about them or for access to records as provided under ''Records Access Procedures.'' Requests must be made in compliance with the applicable regulations (31 CFR part 1, subpart C). Requests which do not comply fully with these procedures may result in noncompliance with the request, but will be answered to the extent possible.

RECORD ACCESS PROCEDURES:

(1) A request for access to records must be in writing, signed by the individual concerned, identify the system of records, and clearly indicate that the request is made pursuant to the Privacy Act of 1974. If the individual is seeking access in person, identity may be established by the presentation of a single official document bearing the individual's photograph or by the presentation of two items of identification without the photograph but showing a name and signature. If the individual is seeking access by mail, identity may be established by presenting a signature, address, and one other identifier such as a photocopy of an official document bearing the individual's signature. The Bureau of the Public Debt reserves the right to require additional verification of an individual's identity.

(2) The request should be submitted to the appropriate office as shown under ''System Managers and Addresses'' above. The request must state whether the requester wishes to be notified that the record exists or desires to inspect or obtain a copy of the record. If a copy of the record is desired, the requester must agree to pay the fees for copying the documents in accordance with 31 CFR 1.26(d)(2)(ii).

CONTESTING RECORD PROCEDURES:

(1) A request by an individual contesting the content of records or for correction of records must be in writing, signed by the individual involved, identify the system of records, and

clearly state that the request is made pursuant to the Privacy Act of 1974. If the request is made in person, identity may be established by the presentation of a single official document bearing the individual's photograph or by the presentation of two items of identification without the photograph but instead showing a name and signature. If the request is made by mail, identity may be established by the presentation of a signature, address, and one other identifier such as a photocopy of an official document bearing the individual's signature. The Bureau of the Public Debt reserves the right to require additional verification of an individual's identity.

(2) The initial request should be submitted to the appropriate office as shown under ''System Managers and Addresses'' above.

(3) The request should specify: (a) The dates of records in question, (b) the specific records alleged to be incorrect, (c) the correction requested, and (d) the reasons.

(4) The request must include available evidence in support of the request.

APPEALS FROM AN INITIAL DENIAL OF A REQUEST FOR CORRECTION OF RECORDS:

(1) An appeal from an initial denial of a request for correction of records must be in writing, signed by the individual involved, identify the system of records, and clearly state that it is made pursuant to the Privacy Act of 1974. If the individual is making an appeal in person, identity may be established by the presentation of a single official document bearing the individual's photograph or by the presentation of two items of identification without the photograph but showing a name and signature. If the individual is making an appeal by mail, identity may be established by the presentation of a signature, address, and one other identifier such as a photocopy of an official document bearing the individual's signature. The Bureau of the Public Debt reserves the right to require additional verification of an individual's identity.

(2) Appellate determinations will be made by the Commissioner of the Public Debt or the delegate of such officer. Appeals should be addressed to, or delivered personally to: Chief Counsel, Bureau of the Public Debt, 999 E Street, NW, Room 503, Washington, DC 20239–0001 (or as otherwise provided for in the applicable appendix to 31 CFR part 1, subpart C), within 35 days of the individual's receipt of the initial denial of the requested correction.

(3) An appeal must be marked ''Privacy Act Amendment Appeal'' and specify: (a) The records to which the appeal relates, (b) the date of the initial request made for correction of the records, and (c) the date the initial denial of the request for correction was received.

(4) An appeal must also specify the reasons for the requester's disagreement with the initial denial of correction and must include any applicable supporting evidence.

RECORD SOURCE CATEGORIES:

Information in this system of records is provided by the subject of the record, authorized representatives, supervisors, employers, medical personnel, other employees, other Federal, State, or local agencies, and commercial entities.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

TREASURY/BPD .002

SYSTEM NAME:

United States Savings Type Securities.

SYSTEM LOCATION:

Bureau of the Public Debt: Washington, DC; Parkersburg, WV. Federal Reserve Banks and Branches located at: Buffalo, NY; Kansas City, MO; Minneapolis, MN; Pittsburgh, PA, and Richmond, VA.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Present and former owners of, claimants to, persons entitled to, and inquirers concerning United States savings-type securities and interest thereon-including, but not limited to, United States Savings Bonds, Savings Notes, Retirement Plan Bonds, and Individual Retirement Bonds.

CATEGORIES OF RECORDS IN THE SYSTEM:

(1) Issuance: Records relating to registration, issuance, and correspondence in connection with issuance of savings-type securities. This category includes records of current income savings bonds processed under an automated system which will permit access by selected Federal Reserve Banks and Branches. (2) Holdings: Records documenting ownership, status, payments by date and account numbers, and inscription information; interest activity; correspondence in connection with notice of change of name and address; non-receipt or over or underpayments of interest and principal; and numerical registers of ownership. Such records include information relating to savings-type securities held in safekeeping in conjunction with the Department's program to deliver such securities to the owners or persons entitled. This category includes records of current income savings bonds processed under an automated system which will permit access by selected Federal Reserve Banks and Branches. (3) Transactions (redemptions, payments, and reissues): Records, which include securities transaction requests; interest activity; legal papers supporting transactions; applications for disposition or payment of securities and/or interest thereon of deceased or incapacitated owners; records of retired securities; and payment records. This category includes records of current income savings bonds processed under an automated system which will permit access by selected Federal Reserve Banks and Branches. (4) Claims: Records including correspondence concerning lost, stolen, destroyed or mutilated savings-type securities; bonds of indemnity; legal documents supporting claims for relief; and records of caveats entered. (5) Inquiries: Records of correspondence with individuals who have requested information concerning savings-type securities and/or interest thereon.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

31 U.S.C. 3101, et seq. and 5 U.S.C. 301.

PURPOSE(S):

Information in this system of records is collected and maintained to enable Public Debt and its agents to issue savings bonds, to process transactions, to make payments, and to identify owners and their accounts.

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

A record or information from a record maintained in this system of records may be disclosed as a routine use to: (1) Agents or contractors of the Department for the purpose of administering the public debt of the United States; (2) next-of-kin, voluntary guardian, legal representative or successor in interest of a deceased or incapacitated owner of securities and others entitled to the reissue, distribution, or payment for the purpose of assuring equitable and lawful disposition of securities and interest; (3) either co-owner for bonds registered in that form or to the beneficiary for bonds registered in that form, provided that acceptable proof of death of the owner is submitted; (4) the Internal Revenue Service for the purpose of facilitating collection of the tax revenues of the United States; (5) the Department of Justice in connection with lawsuits to which the Department

of the Treasury is a party or to trustees in bankruptcy for the purpose of carrying out their duties; (6) the Veterans Administration and selected veterans publications for the purpose of locating owners or other persons entitled to undeliverable bonds held in safekeeping by the Department; (7) other federal agencies to effect salary or administrative offset for the purpose of collecting debts; (8) a consumer reporting agency, including mailing addresses obtained from the Internal Revenue Service, to obtain credit reports; (9) a debt collection agency, including mailing addresses obtained from the Internal Revenue Service, for debt collection services; (10) contractors conducting Treasury-sponsored surveys, polls, or statistical analyses relating to the marketing or administration of the public debt of the United States; (11) appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license; (12) a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations or in connection with criminal law proceedings or in response to a subpoena; (13) a congressional office in response to an inquiry made at the request of the individual to whom the record pertains; (14) disclose through computer matching information on individuals owing debts to the Bureau of the Public Debt to other Federal agencies for the purpose of determining whether the debtor is a Federal employee or retiree receiving payments which may be used to collect the debt through administrative or salary offset; (15) disclose through computer matching information on holdings of savings-type securities to requesting Federal agencies under approved agreements limiting the information to that which is relevant in making a determination of eligibility for Federal benefits administered by those agencies; and (16) disclose through computer matching, information on individuals with whom the Bureau of the Public Debt has lost contact, to other Federal agencies for the purpose of utilizing letter forwarding services to advise these individuals that they should contact the Bureau about returned payments and/or matured unredeemed securities.

DISCLOSURES TO CONSUMER REPORTING AGENCIES:

Debtor information is also furnished, in accordance with 5 U.S.C. 552a (b)(12) and section 3 of the Debt Collection Act of 1982, to consumer reporting agencies to encourage repayment of an overdue debt.

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

STORAGE:

Records in this system are stored in their original form in file cabinets, or as information in electronic media, or on microform.

RETRIEVABILITY:

Information can be retrieved alphabetically by name, address, and period of time security was issued, by bond serial numbers, or, in some cases, numerically by social security number. In the case of securities, except Series G savings bonds, registered in more than one name, information relating thereto can be retrieved only by the names, or, in some cases, the social security number of the registrants, primarily the registered owners or first-named co-owners. In the case of gift bonds inscribed with the social security number of the purchaser, bonds are retrieved under that number, or by bond serial number.

SAFEGUARDS:

Information is contained in secure buildings or in areas which are occupied either by officers and responsible employees of Public Debt who are subject to personnel screening procedures and to the Treasury Department Code of Conduct or by agents of Public Debt who are required to maintain proper control over records while in their custody. Additionally, since in most cases, numerous steps are involved in the retrieval process, unauthorized persons would be unable to retrieve information in meaningful form. Information stored in electronic media is safeguarded by automatic data processing security procedures in addition to physical security measures. Additionally, for those categories of records stored in computers with on-line terminal access, the information cannot be accessed without proper passwords and preauthorized functional capability.

RETENTION AND DISPOSAL:

Records of holdings, forms, documents, and other legal papers which constitute the basis for transactions subsequent to original issue are maintained for such time as is necessary to protect the legal rights and interests of the United States Government and the persons affected, or otherwise until they are no longer historically significant. Other records are disposed of at varying intervals in accordance with records retention schedules reviewed and approved by the National Archives and Records Administration (NARA). All records are destroyed by shredding, incineration, or maceration. Records in electronic media are electronically erased using accepted techniques.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Commissioner, Savings Bond Operations Office, Parkersburg, WV 26106–1328.

NOTIFICATION PROCEDURE:

Individuals may submit their requests for determination if the system contains records pertaining to them or for access to records as provided under ''Record Access Procedures.'' Contesting records procedures or requests for correction of records and appeals from an initial denial of a request for correction of records may be submitted as provided under the applicable heading below.

RECORD ACCESS PROCEDURES:

Individuals who wish to request access to records relating to them or who wish to request correction of records they believe to be in error should submit such requests pursuant to the procedures set out below in compliance with the applicable regulations (31 CFR part 1, subpart C). Requests which do not comply fully with these procedures may result in noncompliance with the request, but will be answered to the extent possible.

(1) Requests by individuals about securities they own: (a) For current income savings bonds: Individuals may make inquiries at a Federal Reserve Bank or Branch or directly to the Bureau of the Public Debt, Savings Bond Operations Office, Division of Transactions and Rulings, Parkersburg, WV 26106–1328, (304) 480–6112. If the particular Federal Reserve Bank or Branch cannot access the particular record, the individual will be advised to contact the Savings Bond Operations Office. Individuals should provide sufficient information, including their address and social security number, to identify themselves as owner or co-owner of the securities. They should provide the complete bond serial numbers, including alphabetic prefixes and suffixes, if known. Otherwise, the series, approximate date of issue, form of registration, and except for Series G Savings bonds registered in co-

ownership form, the names and social security numbers of all persons named in the registration should be provided. If a Case Identification Number is known, that should be provided. (b) For all other types of securities covered by this system of records: Individuals should contact the following: Bureau of the Public Debt, Savings Bond Operations Office, Division of Transactions and Rulings, Parkersburg, WV 26106–1328, (304) 480–6112. Individuals should provide sufficient information, including their address and social security number, to identify themselves as owner or co-owner of the securities. Individuals should provide sufficient information to identify the securities, such as type or series of security, approximate date of issue, serial number, form of registration, and the name and social security number of the first-named co-owner, or in the case of gift bonds the social security number of the purchaser if that number was used.

(2) Requests by anyone other than individuals about securities they own must contain sufficient information to identify the securities; this would include type or series of securities, approximate date of issue, serial number, and form of registration. These requests will be honored only if the identity and right of the requester to the information have been established. Requests should be sent to the following: Bureau of the Public Debt, Savings Bond Operations Office, Division of Transactions and Rulings, Parkersburg, WV 26106–1328, (304) 480–6112. (a) Requests by a beneficiary for information concerning securities registered in beneficiary form must be accompanied by the name and social security number of the owner and by proof of death of the registered owner. (b) Requests for records of holdings or other information concerning a deceased or incapacitated individual should be accompanied either by evidence of the requester's appointment as legal representative of the estate of the individual or by a statement attesting that no such representative has been appointed and giving the nature of the relationship between the requester and the individual.

CONTESTING RECORD PROCEDURES:

(1) A request by an individual contesting the content of records or for correction of records should be in writing, be signed, and clearly state that the request is made pursuant to the Privacy Act of 1974. (2) The request for correction should specify: (a) The dates of the prior correspondence concerning the records in question; (b) the specific records alleged to be incorrect; (c) the correction requested; and (d) the reasons therefor. (3) The request must include any available evidence in support of the request. (4) The request for correction should be sent to: Director, Division of Transactions and Rulings, Savings Bond Operations Office, Bureau of the Public Debt, Parkersburg, WV 26106–1328, (304) 480–6112.

APPEALS FROM AN INITIAL DENIAL OF A REQUEST FOR CORRECTION OF RECORDS:

(1) An appeal from an initial denial of a request for correction of records must be in writing, be signed by the individual involved and clearly state that it is made pursuant to the Privacy Act of 1974. (2) All appeals must, to be processed under the Privacy Act procedures, be delivered to the address set forth for submission of appeals within 35 days of the individual's receipt of the initial denial of the requested correction. (3) All appeals must specify: (a) The records to which the appeal relates, (b) the date of the initial request made for correction of the records, and (c) the date that initial denial of the request for correction was received. (4) All appeals must also specify the reasons for the requester's disagreement with the initial denial of correction and must include any applicable supporting evidence. (5) Appellate determinations will be made by the Commissioner of the Public Debt or the delegate of such officer. Appeals should be addressed to, or delivered personally to the following: Privacy Act Amendment Appeal, Chief Counsel, Bureau of the Public Debt, Department of the Treasury, 999 E Street, Room 503, Washington, DC 20239–0001, or as otherwise provided in the applicable appendix to 31 CFR part 1, subpart C.

RECORD SOURCE CATEGORIES:

Information on records in this system is furnished by the individuals or their authorized representatives as listed in ''Categories of Individuals'' and issuing agents for securities or is generated within the system itself.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

TREASURY/BPD .003

SYSTEM NAME:

United States Securities (Other than Savings Type Securities)—Treasury/BPD.

SYSTEM LOCATION:

Bureau of the Public Debt: Washington, DC; Parkersburg, WV; Federal Reserve Banks and Branches located at: Atlanta, GA; Baltimore, MD; Birmingham, AL; Boston, MA; Buffalo, NY; Charlotte, NC; Chicago, IL; Cincinnati, OH; Cleveland, OH; Dallas, TX; Denver, CO; Detroit, MI; El Paso, TX; Houston, TX; Jacksonville, FL; Kansas City, MO; Little Rock, AR; Los Angeles, CA; Louisville, KY; Memphis, TN; Miami, FL; Minneapolis, MN; Nashville, TN; New Orleans, LA; New York, NY; Oklahoma City, OK; Omaha, NE; Philadelphia, PA; Pittsburgh, PA; Portland, OR; Richmond, VA; Salt Lake City, UT; San Antonio, TX; San Francisco, CA; Seattle, WA; and St. Louis, MO.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Present and former owners of, subscribers to, claimants to, persons entitled to, and inquirers concerning United States Treasury securities (except savings-type securities) and interest thereon and such securities for which the Treasury acts as agent including, but not limited to, Treasury Bonds, Notes, and Bills; Adjusted Service Bonds; Armed Forces Leave Bonds; and Federal Housing Administration Debentures.

CATEGORIES OF RECORDS IN THE SYSTEM:

(1) Issuance: Records relating to tenders, bids, subscriptions, advices of shipment, requests (applications) for original issue, and correspondence concerning erroneous issue and nonreceipt of securities. (2) Holdings: Records of ownership and interest activity on registered or recorded United States securities (other than savings-type securities); records about fees for TREASURY DIRECT accounts exceeding a stipulated amount; change of name and address notices; correspondence concerning errors in registration or recordation; nonreceipt or over- and underpayments of interest and principal; records of interest activity; records of unclaimed accounts; and letters concerning the New York State tax exemption for veterans of World War I. (3) Transactions (redemptions, payments, reissues, transfers, and exchanges): Records which include securities transaction requests; records about fees for definitive securities issued; legal papers supporting transactions; applications for transfer, disposition, or payment of securities of deceased or incompetent owners; records of Federal estate tax transactions; certificates of ownership covering paid overdue bearer securities; records of erroneous redemption transactions; records of retired securities; and payment records. (4) Claims: Records including correspondence concerning lost, stolen,

destroyed, or mutilated United States securities (other than savings-type securities) or securities for which the Treasury acts as agent and interest coupons thereon; bonds of indemnity; legal documents supporting claims for relief; and records of caveats entered. (5) Inquiries: Records of correspondence with individuals who have requested information concerning United States Treasury securities (other than savings-type securities) or securities for which the Treasury acts as agent. (6) All of the above categories of records except ''(4) Claims'' include records of Treasury bills, notes, and bonds in the TREASURY DIRECT Book-entry Securities System. (7) Records in connection with the commercial book-entry system relate to information on tenders and in accounts maintained in the system.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

31 U.S.C. 3101 *et seq.* and 5 U.S.C. 301. Routine uses of records maintained in the system, including categories of users and the purpose of such uses: A record or information from a record maintained in this system of records may be disclosed as a routine use to: (1) Agents or contractors of the Department for the purpose of administering the public debt of the United States; (2) next-of-kin, voluntary guardian, legal representative or successor in interest of a deceased or incapacitated owner of securities and others entitled upon transfer, exchange, distribution, or payment for the purpose of assuring equitable and lawful disposition of securities and interest; (3) any of the owners if the related securities are registered or recorded in the names of two or more owners; (4) the Internal Revenue Service for the purpose of facilitating the collection of the tax revenues of the United States; (5) the Department of Justice in connection with lawsuits to which the Department of the Treasury is a party or to trustees in bankruptcy for the purpose of carrying out their duties; (6) the Veterans Administration when it relates to the holdings of Armed Forces Leave Bonds to facilitate the redemption or disposition of these securities; (7) other federal agencies to effect salary or administrative offset for the purpose of collecting debts; (8) a consumer reporting agency, including mailing addresses obtained from the Internal Revenue Service, to obtain credit reports; (9) a debt collection agency, including mailing addresses obtained from the Internal Revenue Service, for debt collection services; (10) contractors conducting Treasury-sponsored surveys, polls, or statistical analyses relating to marketing or administration of the public debt of the United States; (11) appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license; (12) a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations or in connection with criminal law proceedings or in response to a subpoena; (13) a congressional office in response to an inquiry made at the request of the individual to whom the record pertains; (14) disclose through computer matching information on individuals owing debts to the Bureau of the Public Debt to other Federal agencies for the purpose of determining whether the debtor is a Federal employee or retiree receiving payments which may be used to collect the debt through administrative or salary offset; (15) disclose through computer matching information on holdings of Treasury securities to requesting Federal agencies under approved agreements limiting the information to that which is relevant in making a determination of eligibility for Federal benefits administered by those agencies; and (16) disclose through computer matching, information on individuals with whom the Bureau of the Public Debt has lost contact, to other Federal agencies for the purpose of utilizing letter forwarding services to advise these individuals that they should contact the Bureau about returned payments and/or matured unredeemed securities.

DISCLOSURES TO CONSUMER REPORTING AGENCIES:

Debtor information is also furnished, in accordance with 5 U.S.C. 552a (b)(12) and section 3 of the Debt Collection Act of 1982, to consumer reporting agencies to encourage repayment of an overdue debt.

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

STORAGE:

Records in this system are stored in their original form in file cabinets, as information in electronic media, or on microform.

RETRIEVABILITY:

Information can be retrieved by social security or account number, or, in some cases, alphabetically by name or numerically by security serial number. In the case of securities registered in more than one name, information relating thereto can generally only be retrieved by social security number or by the name of the first-named owner. Information about individuals submitting electronic bids can also be retrieved by bidder identification number, where such number has been assigned.

SAFEGUARDS:

Information is contained in secure buildings, Federal Records Centers, or in areas which are occupied either by officers and responsible employees of the Department who are subject to personnel screening procedures and to the Executive Branch and Treasury Department Standards of Conduct or by agents of the Department who are required by the Department to maintain proper control over records while in their custody. Additionally, since in most cases, numerous steps are involved in the retrieval process, unauthorized persons would be unable to retrieve information in a meaningful form. Information stored in electronic media is safeguarded by automatic data processing security procedures in addition to physical security measures. Additionally, for those categories of records stored in computers with terminal access, the information cannot be obtained or modified without proper passwords and preauthorized functional capability.

RETENTION AND DISPOSAL:

Records of holdings, forms, documents, and other legal papers which constitute the basis for transactions subsequent to original issue are maintained for such time as is necessary to protect the legal rights and interests of the U.S. Government and the persons affected, or otherwise until they are no longer historically significant. Other records are disposed of at varying intervals in accordance with records retention schedules reviewed and approved by the National Archives and Records Administration (NARA). All records are destroyed by shredding, incineration, or maceration. Records in electronic media are electronically erased using accepted techniques.

SYSTEM MANAGER(S) AND ADDRESS:

Records relating to information contained in the Treasury Auction Automation Processing System: Assistant Commissioner, Office of Financing, Bureau of the Public Debt, Washington, DC 20239–0001. All other records: Assistant Commissioner, Office of Securities and Accounting Services,

Bureau of the Public Debt, Parkersburg, WV 26106–1328.

NOTIFICATION PROCEDURE:

Individuals may submit their requests for determination if the system contains records pertaining to them or for access to records as provided under ''Records access procedures'' and ''Requests for access to records.'' Contesting records procedures or requests for correction of records and appeals from an initial denial of a request for correction of records may be submitted as provided under the applicable heading below.

RECORD ACCESS PROCEDURES:

Individuals who wish to request access to records relating to them or who wish to request correction of records they believe to be in error should submit such requests pursuant to the procedures set out below in compliance with the applicable regulations (31 CFR part 1, subpart C). Requests which do not comply fully with these procedures may result in noncompliance with the request, but will be answered to the extent possible.

REQUESTS FOR ACCESS TO RECORDS:

(1) Requests by individuals for information relating to records contained in the commercial book-entry system should be directed to the Assistant Commissioner, Office of Financing, Bureau of the Public Debt, Washington, DC 20239–0001. (2) Requests by individuals about securities they own: (a) For Treasury bills, notes, or bonds held in the TREASURY DIRECT Book-entry Securities System: Individuals may contact the nearest Federal Reserve Bank or Branch or the Bureau of the Public Debt as listed in the appendix 1 to this system of records. Individuals should provide sufficient information, including their social security number, to identify themselves as owners of securities and sufficient information, including account number, to identify their TREASURY DIRECT account. (b) For all other categories of records in this system of records: Individual owners should contact: Assistant Commissioner, Office of Securities and Accounting Services, Bureau of the Public Debt, Parkersburg, WV 26106–1328. Requests should contain information to identify themselves including name, address, and social security number; the type of security involved such as a registered note or bond, an Armed Forces Leave Bond, etc.; and, to the extent possible, specify the loan, issue date, denomination, exact form of registration, and other information about the securities. (3) Requests by individuals who are representatives of owners or their estates require appropriate authority papers. Write to: Assistant Commissioner, Office of Securities and Accounting Services, Bureau of the Public Debt, Parkersburg, WV 26106–1328, to obtain information on these requirements. (4) In all cases: The request for information will be honored only if the identity and right of the requester to the information have been established.

CONTESTING RECORDS PROCEDURES:

(1) A request by an individual contesting records procedures or for correction of records should be in writing, be signed, and, in order for the Privacy Act procedures to apply, state that the request is made pursuant to the Privacy Act of 1974. (2) The request should specify: (a) the dates of the prior correspondence with the Bureau or a Federal Reserve Bank or Branch concerning the records in question, (b) the specific records involved, (c) the change or correction requested, and (d) the reasons therefor. (3) The request must include any available evidence in support of the request and should be sent to: Assistant Commissioner, Office of Financing, Bureau of the Public Debt, Washington, DC 20239–0001, for requests concerning information relating to records contained in the commercial book-entry system; for all other records Assistant Commissioner, Office of Securities and Accounting Services, Bureau of the Public Debt, Parkersburg, WV 26106–1328, for all other requests.

APPEALS FROM AN INITIAL DENIAL OF A REQUEST FOR CORRECTION OF RECORDS:

(1) An appeal from an initial denial of a request for correction of records must be in writing, be signed by the individual involved, and, in order for the Privacy Act procedures to apply, state that it is made pursuant to the Privacy Act of 1974. (2) All appeals must, to be handled under the Privacy Act procedures, be delivered to the address set forth for submission of appeals within 35 days of the individual's receipt of the initial denial of the requested correction. (3) All appeals must specify: (a) The records to which the appeal relates, (b) the date the initial request for correction of the records was made, and (c) the date that initial denial of the request for correction was received. (4) All appeals must also specify the reasons for the requester's disagreement with the initial denial of correction and must include any applicable supporting evidence. (5) Appeals should be addressed to the Commissioner, Bureau of the Public Debt, Washington, DC 20239–0001, or as otherwise provided in the applicable appendix to 31 CFR part 1, subpart C.

RECORD SOURCE CATEGORIES:

Information contained in records in the system is furnished by the individuals or their authorized representatives as listed in ''Categories of Individuals,'' or is generated within the system itself.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

Appendix of TREASURY DIRECT Contacts

This appendix lists the mailing addresses and telephone numbers of the places that may be contacted by individuals when inquiring about their securities accounts maintained in TREASURY DIRECT. The initials ''FRB'' stand for Federal Reserve Bank or Branch.

FRB Atlanta: PO Box 662, Atlanta, GA 30301–0662; Telephone: (recording) 404–521–8657; (other) 404–521–8653.

FRB Baltimore: PO Box 1378, Baltimore, MD 21203; Telephone: (recording) 410–576–3500; (other) 410–576–3553.

FRB Birmingham: PO Box 830447, Birmingham, AL 35283–0447; Telephone: (recording) 205–731–8702; (other) 205–731–8708.

FRB Boston: PO Box 2076, Boston, MA 02106–2076; Telephone: (recording) 617–973–3800; (other) 617–973–3810.

FRB Buffalo: PO Box 961, Buffalo, NY 14240–0961; Telephone: (recording) 716–849–5158; (other) 716–849–5000.

FRB Charlotte: PO Box 30248, Charlotte, NC 28230; Telephone: (recording) 704–358–2424; (other) 704–358–2410.

FRB Chicago: PO Box 834, Chicago, IL 60690; Telephone: 312–322–5369.

FRB Cincinnati: PO Box 999, Cincinnati, OH 45201–0999; Telephone: 513–721–4794, ext. 334.

FRB Cleveland: PO Box 6387, Cleveland, OH 44101–1687; Telephone: 216–579–2490.

FRB Dallas: PO Box 655906, Dallas, TX 75265–5906; Telephone: (recording); 214–922–6100 (other) 214–922–6770.

FRB Denver: PO Box 5228, Denver, CO 80217–5228; Telephone: (recording) 303–572–2475; (other) 303–572–2473.

FRB Detroit: PO Box 1059, Detroit, MI 48231–1059; Telephone: (recording) 313–963–6140; (other) 313–964–6157.

FRB El Paso: PO Box 100, El Paso, TX 79999; Telephone: (recording) 915–544–4730; (other) 915–521–8272

FRB Houston: PO Box 2578, Houston, TX 77252–2578; Telephone: 713–659–1629 or 1621.

FRB Jacksonville: PO Box 2499, Jacksonville, FL 32231–2499; Telephone: (recording) 904–632–1178; (other) 904–632–1179 or 1190.

FRB Kansas City: PO Box 419033, Kansas City, MO 64141–6033; Telephone: (recording) 816–881–2499; (other) 816–881–2883.

FRB Little Rock: PO Box 1261, Little Rock, AR 72203; Telephone: (recording) 501–324–8275; (other) 501–324–8272.

FRB Los Angeles: PO Box 512077, Los Angeles, CA 90051–0077; Telephone: 213–624–7398.

FRB Louisville: PO Box 32710, Louisville, KY 40232–2710; Telephone: (recording) 502–568–9240; (other) 502–568–9238.

FRB Memphis: PO Box 407, Memphis, TN 38101; Telephone: (recording) 901–523–9380; (other) 901–579–2423.

FRB Miami: PO Box 520847, Miami, FL 33152–0847; Telephone: (recording) 305–471–6257; (other) 305–471–6497.

FRB Minneapolis: PO Box 291, Minneapolis, MN 55480–0291; Telephone: 612–204–6650

FRB Nashville: PO Box 24382, Nashville, TN 37202–4382; Telephone: (recording) 615–251–7236; (other) 615–251–7100.

FRB New Orleans: PO Box 52948, New Orleans, LA 70152–2948; Telephone: (recording) 504–593–5839; (other) 504–593–3200.

FRB New York: Federal Reserve, PO Station, New York, NY 10045; Telephone: (recording) 212–720–5823; (other) 212–720–6619.

FRB Oklahoma City: PO Box 25129, Oklahoma City, OK 73125–0129; Telephone: (recording) 405–270–8660; (other) 405–270–8652.

FRB Omaha: Securities Department, PO Box 3958, Omaha, NE 68103–0958; Telephone: (recording) 402–221–5638; (other) 402–221–5636.

FRB Philadelphia: PO Box 90, Philadelphia, PA 19105–0090; Telephone: (recording) 215–574–6580 or 6188; (other) 215–574–6680.

FRB Pittsburgh: PO Box 867, Pittsburgh, PA 15230–0867; Telephone: (recording) 412–261–7988; (other) 412–261–7802.

FRB Portland: PO Box 3436, Portland, OR 97208–3436; Telephone: (recording) 503–221–5931; (other) 503–221–5932.

FRB Richmond: PO Box 27622, Richmond, VA 23261; Telephone: (recording) 804–697–8355; (other) 804–697–8372.

FRB Salt Lake City: PO Box 30780, Salt Lake City, UT 84130–0780; Telephone: (recording) 801–322–7844; (other) 801–322–7882.

FRB San Antonio: PO Box 1471, San Antonio, TX 78295; Telephone: (recording) 210–978–1330; (other) 210–978–1305.

FRB San Francisco: PO Box 7702, San Francisco, CA 94120–7702; Telephone: (recording) 415–974–3491; (other) 415–974–2330.

FRB Seattle: PO Box 3567, Seattle, WA 98124; Telephone: (recording) 206–343–3615; (other) 206–343–3605.

FRB St. Louis: PO Box 14915, St. Louis, MO 63178; Telephone: 314–444–8703.

United States Treasury, Washington, DC.: Bureau of the Public Debt, Capital Area Servicing Center, Washington, DC 20239–0001; Telephone: 202–874–4000; Device for hearing impaired, 202–874–4026.

TREASURY/BPD .004

SYSTEM NAME:

Controlled Access Security System—Treasury/BPD.

SYSTEM LOCATION:

Bureau of the Public Debt, Parkersburg, WV.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Bureau of the Public Debt employees, employees of contractors and service companies, and official visitors.

CATEGORIES OF RECORDS IN THE SYSTEM:

A record is created for each access to designated areas and contains the individual's name; card number; work shift; access level; time, date, and location of each use of the access card at a card reader.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

31 U.S.C. Sec. 321; 41 CFR 101–20.103.

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

A record or information from a record maintained in this system may be disclosed as a routine use to: (1) Appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing a statute, rule, regulation, order, or license; (2) a Federal, State, or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit; (3) a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, or in connection with criminal law proceedings, or in response to a subpoena; (4) a Congressional office in response to an inquiry made at the request of the individual to whom the record pertains; (5) unions recognized as exclusive bargaining representatives under the Civil Service Reform Act of 1978, 5 U.S.C. 7111 and 7114, arbitrators and other parties responsible for the administration of the Federal labor-management program if needed in the performance of their authorized duties.

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

STORAGE:

Electronic media and paper records.

RETRIEVABILITY:

Information on individuals can be retrieved by name or card number.

SAFEGUARDS:

Both the central system and the peripheral system will have limited accessibility. Paper records and magnetic disks are maintained in locked file cabinets with access limited to those personnel whose official duties require access, such as the systems manager, Bureau security officials, and employee relations specialists. Access to terminals is limited through the use of passwords to those personnel whose official duties require access, as for paper records.

RETENTION AND DISPOSAL:

The retention period is for three years; then the records are destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Division of Administrative Services, 200 Third Street, Parkersburg, WV 26106–1328.

NOTIFICATION PROCEDURE:

Address inquiries and initial requests for correction of records to: Director, Division of Administrative Services, Parkersburg, WV 26106–1328.

RECORD ACCESS PROCEDURES:

Individuals who wish to request access to records relating to them or who wish to request correction of records they believe to be in error should submit such requests pursuant to the procedures set out below in compliance with the applicable regulations (31 CFR part 1, subpart C). Requests which do not comply fully with these procedures may result in noncompliance with the request, but will be answered to the extent possible.

REQUESTS FOR ACCESS TO RECORDS:

(1) A request for access to records should be in writing, signed by the individual concerned, identify the system of records, and clearly indicate that the request is made pursuant to the Privacy Act of 1974. The Bureau reserves the right to require additional verification of an individual's identity. (2) The request should be submitted to the following: Director, Division of Administrative Services, Parkersburg, WV 26106–1328. (3) The request must state whether the requester wishes to be notified that the record exists or desires to inspect or obtain a copy of the record. If a copy of the record is desired, the requester must agree to pay the fees for copying the documents in accordance with 31 CFR part 1, subpart C. (4) Requests for records concerning a deceased or incapacitated individual should be accompanied either by

evidence of the requester's appointment as legal representative of the estate or by a statement attesting that no such representative has been appointed and giving the nature of the relationship between the requester and the individual.

REQUESTS FOR CORRECTION OF RECORDS:

(1) A request by an individual for correction of records should be in writing, signed by the individual involved, identify the system of records, and clearly state that the request is made pursuant to the Privacy Act of 1974. The Bureau reserves the right to require additional verification of an individual's identity. (2) The initial request should be submitted to the following: Director, Division of Administrative Services, Parkersburg, WV 26106–1328. (3) The request for correction should specify: (a) The dates of records in question; (b) the specific records alleged to be incorrect; (c) the correction requested; and (d) the reasons therefor. (4) The request must include any available evidence in support of the request.

APPEALS FROM AN INITIAL DENIAL OF A REQUEST FOR CORRECTION OF RECORDS:

(1) An appeal from an initial denial of a request for correction of records must be in writing, signed by the individual involved, identify the system of records, and clearly state that it is made pursuant to the Privacy Act of 1974. The Bureau reserves the right to require additional verification of an individual's identity. (2) An appeal must, to be handled under the Privacy Act procedures, be addressed to the following: Commissioner, Bureau of the Public Debt, Washington, DC 20239–0001 (or as otherwise provided for in the applicable appendix to 31 CFR, part 1, subpart C), within 35 days of the individual's receipt of the initial denial of the requested correction. (3) An appeal must also specify: (a) The records to which the appeal relates; (b) the date of the initial request made for correction of the records, and (c) the date that the initial denial of the request for correction was received. (4) An appeal must also specify the reasons for the requester's disagreement with the initial denial of correction and must include any applicable supporting evidence.

CONTESTING RECORD PROCEDURES:

See ''Notification Procedure'' and ''Record Access Procedures.''

RECORD SOURCE CATEGORIES:

The individual concerned, his/her supervisor, or an official of the individual's firm or agency.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

TREASURY/BPD .005

SYSTEM NAME:

Employee Assistance Records—Treasury/BPD.

SYSTEM LOCATION:

Bureau of the Public Debt, 200 Third Street, Parkersburg, West Virginia 26106. This system covers Public Debt employee assistance records that are maintained by another Federal, State, or local government, or contractor under an agreement with Public Debt to provide the Employee Assistance Program (EAP) functions. The system location of entities under an agreement with Public Debt is available from the system manager.

Note: Records covering individuals described in ''Categories of individuals covered by the system'' who are or were counseled through a Public Debt negotiated agreement with the U.S. Public Health Service, Department of Health and Human Resources, are not covered by this notice. Those records are maintained by the Public Health Service and its Privacy Act system notice (09–15–0001, Division of Federal Occupational Health Medical and Counseling Records, or 09–90–0010, Employee Assistance Program Records) applies.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Public Debt employees and former employees who will be or have been counseled, either by self-referral or supervisory-referral regarding drug abuse, alcohol, emotional health, or other personal problems. Where applicable, this system also covers family members of these employees when the family member utilizes the services of the EAP as part of the employee's counseling or treatment process.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system contains records of each employee and, in some cases, family members of the employee who have utilized the Employee Assistance Program for a drug, alcohol, emotional, or personal problem. Examples of information which may be found in each record are the individual's name, social security number, date of birth, grade, job title, home address, telephone numbers, supervisor's name and telephone number, assessment of problem, and referrals to treatment facilities and outcomes.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, 7361, 7362, 7904; 44 U.S.C. 3101.

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

These records and information in these records may be disclosed to: (1) An entity under contract with Public Debt for the purpose of providing the EAP function; (2) medical personnel to the extent necessary to meet a bona fide medical emergency in accordance with the Confidentiality of Alcohol and Drug Abuse Patient Records regulations (42 CFR part 2); (3) qualified personnel for the purpose of conducting scientific research, management audits, financial audits, or program evaluation, provided individual identifiers are not disclosed in any manner, in accordance with the Confidentiality of Alcohol and Drug Abuse Patient Records regulations (42 CFR part 2); (4) a third party upon authorization by an appropriate order of a court of competent jurisdiction granted after application showing good cause therefor, in accordance with the Confidentiality of Alcohol and Drug Abuse Patient Records regulations (42 CFR part 2); (5) the Department of Justice or other appropriate Federal agency in defending claims against the United States when the records are not covered by the Confidentiality of Alcohol and Drug Abuse Patient Records regulations at 42 CFR part 2.

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

STORAGE:

Paper records and electronic media.

RETRIEVABILITY:

These records are retrieved by the name and social security number of the individual on whom they are maintained.

SAFEGUARDS:

Records are stored in locked safes with combination locks. Only individuals with a need-to-know have access. Automated records are protected by restricted access procedures. Access to records is strictly limited to agency or contractor officials with a bona fide need for the records. These records are always maintained apart from any other system of records.

When Public Debt contracts with an entity for the purpose of providing the EAP functions, the contractor shall be required to maintain Privacy Act safeguards with respect to such records. The contractor will surrender to Public Debt all of these records as well as any new records at the time of contract termination. Also, when the disclosure of records is requested, the contractor will not make the determination about whether the records may be disclosed.

RETENTION AND DISPOSAL:

The retention period is 3 years after termination of counseling or until any litigation is resolved. If an employee is no longer employed by Public Debt, records are retained for 3 years after the official date of termination. Then the records are destroyed.

SYSTEM MANAGER AND ADDRESS:

Director, Human Resources Division, Bureau of the Public Debt, 200 Third Street, Parkersburg, WV 26106–1328.

NOTIFICATION PROCEDURE:

Address inquiries and initial requests for correction of records to: Director, Human Resources Division, Bureau of the Public Debt, 200 Third Street, Parkersburg, WV 26106–1328.

RECORD ACCESS PROCEDURES:

Individuals who wish to request access to records relating to them or who wish to request correction of records they believe to be in error should submit such requests pursuant to the procedures set out below in compliance with the applicable regulations (31 CFR part 1 subpart C). Requests which do not comply fully with these procedures may result in noncompliance with the request, but will be answered to the extent possible.

REQUESTS FOR ACCESS TO RECORDS:

(1) A request for access to records must be in writing, signed by the individual concerned, identify the system of records, and clearly indicate that the request is made pursuant to the Privacy Act of 1974. At least two items of identification must be furnished; e.g., date of birth; social security number; dates of employment, if request is by employee; relationship to employee, if request is by family member; or similar information. Public Debt reserves the right to require additional verification of an individual's identity; (2) The request is to be submitted to the Director, Human Resources Division, Bureau of the Public Debt, 200 Third Street, Parkersburg, WV 26106–1328; (3) The request must state whether the requester wishes to be notified that the record exists or desires to inspect or obtain a copy of the record. If a copy of the record is desired, the requester must agree to pay the fees for copying the documents in accordance with 31 CFR part 1 subpart C; (4) Requests for records concerning a deceased or incapacitated individual must be accompanied either by evidence of the requester's appointment as legal representative of the estate or by a notarized statement attesting that no such representative has been appointed and giving the nature of the relationship between the requester and the individual.

REQUESTS FOR CORRECTION OF RECORDS:

(1) A request by an individual for correction of records must be in writing, signed by the individual involved, identify the system of records, and clearly state that the request is made pursuant to the Privacy Act of 1974. At least two items of identification must be furnished; e.g., date of birth; social security number; dates of employment, if request is by employee; relationship to employee, if request is by family member; or similar information. Public Debt reserves the right to require additional verification of an individual's identity; (2) The initial request is to be submitted to the Director, Human Resources Division, 200 Third Street, Parkersburg, WV 26106–1328; (3) The request for correction should specify: (a) The dates of records in question, (b) the specific records alleged to be incorrect, (c) the correction requested, and (d) the reasons therefor; (4) The request must include any available evidence in support of the request.

APPEALS FROM AN INITIAL DENIAL OF A REQUEST FOR CORRECTION OF RECORDS:

(1) An appeal from an initial denial of a request for correction of records must be in writing, signed by the individual involved, identify the system of records, and clearly state that it is made pursuant to the Privacy Act of 1974. At least two items of identification must be furnished; e.g., date of birth; social security number; dates of employment, if request is by employee; relationship to employee, if request is by family member; or similar information. Public Debt reserves the right to require additional verification of an individual's identity; (2) Appellate determinations will be made by the Commissioner of the Public Debt or the delegate of such officer. Appeals should be addressed as follows: Privacy Act Amendment, Chief Counsel, Bureau of the Public Debt, Department of the Treasury, 999 E Street, NW, Room 503, Washington, DC 20239–0001 (or as otherwise provided for in the applicable appendix to 31 CFR part 1 subpart C), within 35 days of the individual's receipt of the initial denial of the requested correction; (3) An appeal must also specify: (a) The records to which the appeal relates, (b) the date of the initial request made for correction of the records, and (c) the date that the initial denial of the request for correction was received; (4) An appeal must also specify the reasons for the requester's disagreement with the initial denial of correction and must include any applicable supporting evidence.

CONTESTING RECORD PROCEDURES:

See ''Notification Procedure'' and ''Record Access Procedures.''

RECORD SOURCE CATEGORIES:

Information in this system of records comes from the individual to whom it applies, the supervisor of the individual if the individual was referred by a supervisor, or the Employee Assistance Program staff member who records the counseling session.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

TREASURY/BPD .006

SYSTEM NAME:

Health Service Program Records—Treasury/BPD.

SYSTEM LOCATION:

Bureau of the Public Debt, 200 Third Street, Parkersburg, WV 26106–1328.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

(1) Bureau of the Public Debt employees who receive services under the Federal Employee Health Services Program from the Public Debt Health Unit in Parkersburg, West Virginia. (2) Federal employees of other organizations in the Parkersburg, West Virginia, vicinity who receive services under the Federal Employee Health Services Program from the Public Debt Health Unit in Parkersburg, West Virginia. (3) Non-Federal individuals working in or visiting the buildings, who may receive emergency treatment from the Public Debt Health Unit in Parkersburg, West Virginia.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system is comprised of records developed as a result of an individual's utilization of services provided under the Federal Government's Health Service Program. These records contain information such as: Examination, diagnostic, assessment and treatment data; laboratory findings; nutrition and dietetic files; nursing notes; immunization records; blood donor records; CPR training; First Aider; names, social security number, date of birth, handicap code, addresses, and telephone numbers of individual; name, address, and telephone number of individual's physician; name, address, and telephone number of hospital; name, address, and telephone number of emergency contact; and information obtained from the individual's physician; and record of requested accesses by any Public Debt employee

(other than Health Unit personnel) who has an official need for the information.

Note: This system does not cover records related to counseling for drug, alcohol, or other problems covered by System No. Treasury/BPD .005—Employee Assistance Records. Medical records relating to a condition of employment or an on-the-job occurrence are covered by the Office of Personnel Management's System of Records No. OPM/GOVT–10—Employee Medical File System Records.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 5 U.S.C. 7901.

PURPOSE(S):

These records document an individual's utilization on a voluntary basis of health services provided under the Federal Government's Health Service Program at the Health Unit at the Bureau of the Public Debt in Parkersburg, West Virginia. Data is necessary to ensure proper evaluation, diagnosis, treatment, and referral to maintain continuity of care; a medical history of care received by the individual; planning for further care of the individual; a means of communication among health care members who contribute to the individual's care; a legal document of health care rendered; a tool for evaluating the quality of health care rendered.

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

A record or information from a record maintained in this system of records may be disclosed as a routine use to: (1) Medical personnel under a contract agreement with Public Debt; (2) a Federal, State, or local public health service agency as required by applicable law, concerning individuals who have contracted certain communicable diseases or conditions. Such information is used to prevent further outbreak of the disease or condition; (3) appropriate Federal, State, or local agencies responsible for investigation of an accident, disease, medical condition, or injury as required by pertinent legal authority; (4) the Department of Justice in connection with lawsuits in which the Department of the Treasury is a party or has an interest; (5) a Federal agency responsible for administering benefits programs in connection with a claim for benefits filed by an employee; (6) 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; (7) a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, or in response to a subpoena or in connection with criminal law proceedings.

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

STORAGE:

Paper records and electronic media.

RETRIEVABILITY:

These records are retrieved by the name of the individual to whom they pertain.

SAFEGUARDS:

These records are maintained in a secured room with access limited to Health Unit personnel whose duties require access. Medical personnel under a contract agreement who have access to these records are required to maintain adequate safeguards with respect to such records.

RETENTION AND DISPOSAL:

Records are maintained in accordance with National Archives and Records Administration retention schedules. Paper and microform records ready for disposal are destroyed by shredding or burning. Records in electronic media are electronically erased using accepted techniques.

SYSTEM MANAGERS AND ADDRESS:

Director, Division of Administrative Services, Bureau of the Public Debt, Parkersburg, West Virginia 26106–1328.

NOTIFICATION PROCEDURE:

Individuals may submit their requests for determination if the system contains records pertaining to them or for access to records as provided under ''Record Access Procedures.'' Requests must be made in compliance with the applicable regulations (31 CFR part 1, subpart C). Requests which do not comply fully with these procedures may result in noncompliance with the request, but will be answered to the extent possible.

RECORD ACCESS PROCEDURES:

(1) A request for access to records should be in writing, signed by the individual concerned, identify the system of records, and clearly indicate that the request is made pursuant to the Privacy Act of 1974. If the individual is seeking access in person, identity may be established by the presentation of a single official document bearing the individual's photograph or by the presentation of two items of identification without the photograph but instead showing a name and signature. If the individual is seeking access by mail, identity may be established by the presentation of a signature, address, and one other identifier such as a photocopy of an official document bearing the individual's signature. The Bureau reserves the right to require additional verification of an individual's identity. (2) The request should be submitted to the following: Director, Division of Administrative Services, Bureau of the Public Debt, Parkersburg, West Virginia 26106–1328. (3) The request must state whether the requester wishes to be notified that the record exists or desires to inspect or obtain a copy of the record. If a copy of the record is desired, the requester must agree to pay the fees for copying the documents in accordance with 31 CFR 1.26(d)(2)(ii).

An individual who requests access to a Health Service Program Record shall, at the time the request is made, designate in writing the name of a responsible representative who will be willing to review the record and inform the subject individual of its content. This does not permit the representative to withhold the records from the requester. Rather, the representative is expected to provide access to the records while explaining sensitive or complex information contained in the records.

CONTESTING RECORD PROCEDURES:

(1) A request by an individual contesting the content of records or for correction of records should be in writing, signed by the individual involved, identify the system of records, and clearly state that the request is made pursuant to the Privacy Act of 1974. If the request is made in person, identity may be established by the presentation of a single official document bearing the individual's photograph or by the presentation of two items of identification without the photograph but instead showing a name and signature. If the request is by mail, identity may be established by the presentation of a signature, address, and one other identifier such as a photocopy of an official document bearing the individual's signature. The Bureau reserves the right to require additional verification of an individual's identity. (2) The initial request should be submitted to the following: Director, Division of Administrative Services, Bureau of the Public Debt, Parkersburg, West Virginia 26106–1328. (3) The request should specify: (a) The dates of records in question, (b) the specific records alleged to be incorrect, (c) the correction requested, and (d) the reasons therefor. (4) The request must include

any available evidence in support of the request.

APPEALS FROM AN INITIAL DENIAL OF A REQUEST FOR CORRECTION OF RECORDS:

(1) An appeal from an initial denial of a request for correction of records must be in writing, signed by the individual involved, identify the system of record, and clearly state that it is made pursuant to the Privacy Act of 1974. If the individual is making an appeal in person, identity may be established by the presentation of a single official document bearing the individual's photograph or by the presentation of two items of identification without the photograph but instead showing a name and signature. If the individual is making an appeal by mail, identity may be established by the presentation of a signature, address, and one other identifier such as a photocopy of an official document bearing the individual's signature. The Bureau reserves the right to require additional verification of an individual's identity. (2) Appellate determinations will be made by the Commissioner of the Public Debt or the delegate of such officer. Appeals made by mail should be addressed to, or delivered personally to: Privacy Act Amendment Appeal, Chief Counsel, Bureau of the Public Debt, 999 E Street, NW., Room 503, Washington, DC 20239–0001 (or as otherwise provided for in the applicable appendix to 31 CFR part 1, subpart C), within 35 days of the individual's receipt of the initial denial of the requested correction. (3) An appeal must also specify: (a) The records to which the appeal relates, (b) the date of the initial request made for correction of the records, and (c) the date that the initial denial of the request for correction was received. (4) An appeal must also specify the reasons for the requester's disagreement with the initial denial of correction and must include any applicable supporting evidence.

RECORD SOURCE CATEGORIES:

Information in this system of records comes from the individual to whom it applies; laboratory reports and test results; Health Unit physicians, nurses, and other medical technicians who have examined, tested, or treated the individual; the individual's personal physician; other Federal employee health units; and other Federal agencies.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

TREASURY BPD .007

SYSTEM NAME:

Gifts to Reduce the Public Debt—Treasury/BPD.

SYSTEM LOCATION:

Bureau of the Public Debt, Office of Securities and Accounting Services, Capital Area Servicing Center, C Street Building, Washington, DC 20239–0001.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Donors of gifts to reduce the public debt.

CATEGORIES OF RECORDS IN THE SYSTEM:

Correspondence; copies of checks, money orders, or other payments; copies of wills and other legal documents; and other material related to gifts to reduce the public debt, received on or after October 1, 1984, by the Bureau of the Public Debt either directly from the donor or through the donor's Congressional or other representative.

This system does not cover gifts to reduce the public debt received prior to October 1, 1984, when this function was handled by the Financial Management Service. This system of records does not cover gifts sent to other agencies, such as gifts sent with one's Federal income tax return to the Internal Revenue Service. This system does not include any other gifts to the United States.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 31 U.S.C. 3113.

PURPOSE(S):

These records document the receipt from donors of gifts to reduce the public debt. They provide a record of correspondence acknowledging receipt, information concerning any legal matters, and a record of depositing the gift and accounting for it.

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

These records and information in these records may be used to: (1) Disclose pertinent information to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing a statute, rule, regulation, order, or license; (2) Disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, or in response to a subpoena, or in connection with criminal law proceedings; (3) Provide information to a Congressional office in response to an inquiry made at the request of the individual to whom the record pertains; (4) Disclose information to agents or contractors of the Department for the purpose of administering the public debt of the United States; (5) Disclose information to a legal representative of a deceased donor for the purpose of properly administering the estate of the deceased; (6) Disclose information to the Internal Revenue Service for the purpose of confirming whether a tax-deductible event has occurred; (7) Disclose information to the Department of Justice in connection with lawsuits in which the Department of the Treasury is a party or has an interest.

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

STORAGE:

Paper records, microform, and electronic media.

RETRIEVABILITY:

These records are retrieved by the name of the donor; amount of gift, type of gift; date of gift; social security number of donor, if provided; control number, check number; State code.

SAFEGUARDS:

These records are maintained in controlled access areas. Automated records are protected by restricted access procedures. Checks and other payments are stored in locked safes with access limited to personnel whose duties require access.

RETENTION AND DISPOSAL:

Records of gifts to reduce the public debt are maintained in accordance with National Archives and Records Administration retention schedules. All records are destroyed by incineration or shredding. Records in electronic media are electronically erased using accepted techniques.

SYSTEM MANAGER(S) AND ADDRESS:

Fiscal Officer, Capital Area Servicing Center, Office of Securities and Accounting Services, Bureau of the Public Debt, C Street Building, Washington, DC 20239–0001.

NOTIFICATION PROCEDURE:

Address inquiries and initial requests for correction of records to the System Manager.

RECORD ACCESS PROCEDURES:

Individuals who wish to request access to records relating to them or who wish to request correction of

records they believe to be in error should submit such requests pursuant to the procedures set out below in compliance with the applicable regulations (31 CFR part 1, subpart C). Requests which do not comply fully with these procedures may result in noncompliance with the request, but will be answered to the extent possible.

REQUESTS FOR ACCESS TO RECORDS:

(1) A request for access to records should be in writing, signed by the individual concerned, identify the system of records, and clearly indicate that the request is made pursuant to the Privacy Act of 1974. If the individual is seeking access in person, identity may be established by the presentation of a single official document bearing the individual's photograph or by the presentation of two items of identification without the photograph but instead showing a name and signature. If the individual is seeking access by mail, identity may be established by the presentation of a signature, address, and one other identifier such as a photocopy of an official document bearing the individual's signature. The Bureau reserves the right to require additional verification of an individual's identity; (2) The request should be submitted to the following: Fiscal Officer, Capital Area Servicing Center, Office of Securities and Accounting Services, Bureau of the Public Debt, C Street Building, Washington, DC 20239–0001; (3) The request must state whether the requester wishes to be notified that the record exists or desires to inspect or obtain a copy of the record. If a copy of the record is desired, the requester must agree to pay the fees for copying the documents in accordance with 31 CFR 1.26(d)(2)(ii).

REQUESTS FOR CORRECTION OF RECORDS:

(1) A request by an individual for correction of records should be in writing, signed by the individual involved, identify the system of records, and clearly state that the request is made pursuant to the Privacy Act of 1974. If the individual is seeking correction in person, identity may be established by the presentation of a single official document bearing the individual's photograph or by the presentation of two items of identification without the photograph but instead showing a name and signature. If the individual is seeking correction by mail, identity may be established by the presentation of a signature, address, and one other identifier such as a photocopy of an official document bearing the individual's signature. The Bureau reserves the right to require additional verification of an individual's identity; (2) The initial request should be submitted to the following: Fiscal Officer, Capital Area Servicing Center, Office of Securities and Accounting Services, Bureau of the Public Debt, C Street Building, Washington, DC 20239–0001; (3) The request for correction should specify: (a) The dates of records in question, (b) the specific records alleged to be incorrect, (c) the correction requested, and (d) the reasons therefor; (4) The request must include any available evidence in support of the request.

APPEALS FROM AN INITIAL DENIAL OF A REQUEST FOR CORRECTION OF RECORDS:

(1) An appeal from an initial denial of a request for correction of records must be in writing, signed by the individual involved, identify the system of records and clearly state that it is made pursuant to the Privacy Act of 1974. If the individual is making an appeal in person, identity may be established by the presentation of a single official document bearing the individual's photograph or by the presentation of two items of identification without the photograph but instead showing a name and signature. If the individual is making an appeal by mail, identity may be established by the presentation of a signature, address, and one other identifier such as a photocopy of an official document bearing the individual's signature. The Bureau reserves the right to require additional verification of an individual's identity; (2) Appellate determinations will be made by the Commissioner of the Public Debt or the delegate of such officer. Appeals made by mail should be addressed to, or delivered personally to: Privacy Act Amendment Appeal, Chief Counsel, Bureau of the Public Debt, 999 E Street, NW., Room 503, Washington, DC 20239–0001 (or as otherwise provided for in the applicable appendix to 31 CFR part 1, subpart C), within 35 days of the individual's receipt of the initial denial of the requested correction; (3) An appeal must also specify: (a) The records to which the appeal relates, (b) the date of the initial request made for correction of the records, and (c) the date that the initial denial of the request for correction was received; (4) An appeal must also specify the reasons for the requester's disagreement with the initial denial of correction and must include any applicable supporting evidence.

CONTESTING RECORD PROCEDURES:

See ''Notification Procedure'' and ''Record Access Procedures.''

RECORD SOURCE CATEGORIES:

Information in this system of records comes from the individual to whom it applies, executors, administrators, and other involved persons.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

BILLING CODE: 4810–42–P

United States Secret Service

TREASURY/USSS .001

SYSTEM NAME:

Administrative Information System—Treasury/USSS.

SYSTEM LOCATION:

(a) U.S. Secret Service (Headquarters), 1800 G St. NW, Washington, DC 20223. Components of this System are geographically dispersed throughout U.S. Secret Service field offices. (See below, United States Secret Service, appendix A, listing the addresses of Secret Service offices.) (b) U.S. Secret Service Uniformed Division, 1310 L St., NW, Washington, DC 20005; (c) Presidential Protective Division, U.S. Secret Service, Room 10, Old Executive Office Building, 17th and Pennsylvania Ave., NW, Washington, DC 20500; (d) Vice Presidential Protective Division, U.S. Secret Service, Old Executive Office Building, Room 295, Washington, DC 20500; (e) Dignitary Protective Division U.S. Secret Service, 1310 L St., NW, Washington, DC 20005; (f) Anacostia Naval Station, Bldg. 411, 2701 South Capital Street, SE, Washington, DC 20373; (g) Johnson Protective Division, U.S. Secret Service, PO Box 921, Stonewall, TX 78671; (h) Ford Protective Division, U.S. Secret Service, PO Box 955, Rancho Mirage, CA 92270–955; (i) Technical Security Division, U.S. Secret Service, 1709 New York Avenue, NW., Washington, DC 20500; (j) Carter Protective Division, U.S. Secret Service, PO Box 308, Plains, GA 31780. (k) Reagan Protective Division, U.S. Secret Service, 2121 Avenue Of the Stars, Century City, CA 90067, (l) Bush Protective Division, U.S. Secret Service PO Box 79797, Houston, Texas 77279–9797, (m) White House Section, U.S. Secret Service, Old Executive Office Bldg., Rm. 23, Washington, DC 20500.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

(a) Individuals who are now or were Secret Service employees; (b) Individuals, contractors, and vendors,

etc., who are presently doing or previously did business with the Secret Service; (c) Claimants against the Secret Service under the Federal Tort Claims Act and the Military Personnel and Federal Employees Claims Act.

CATEGORIES OF RECORDS IN THE SYSTEM:

(a) Records containing information on issuance of Secret Service equipment and accountable government property; (b) Records containing procurement negotiations, contracts, agreements, etc., with the Secret Service; (c) Records containing information on past, present, and future administrative correspondence with individuals, contractors, vendors, etc., who have or plan to enter into contractual agreements with the Secret Service; (d) Records on vehicle accidents, injuries, fatalities.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 40 and 41 of the U.S. Code, and other rules and regulations where applicable; 5 U.S.C. 301; 44 U.S.C. 3101.

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

(1) Disclosure of information to the Department of Treasury, GAO, OMB, GSA, the Department of Justice and other Federal, state, and local government agencies regarding purchases, contracts, and anticipated purchases and contracts of the Secret Service; (2) To provide administrative services for the Secret Service and maintain administrative records as required by law; (3) To use in the adjudication of any claim for or against the Secret Service; (4) Disclosure to individuals, contractors, vendors, etc., for the purpose of inquiries relating to or confirmation of orders and purchases; (5) Disclosure to a student participating in a Secret Service student volunteer program, where such disclosure is necessary to further the efforts of the Secret Service.

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

STORAGE:

Records are contained in file jackets and portions of the information are stored electronically at Headquarters.

RETRIEVABILITY:

Records may be retrieved by name and/or number.

SAFEGUARDS:

(1) File jackets and electronic data at Headquarters are located in locked rooms which are secured by alarms and other internal security devices with guards on duty on an around the clock basis. Access is available only to employees responsible for records management and operational employees who have a need for such information, each of whom holds a top secret security clearance; (2) The file jackets in Secret Service field offices are located in locked file cabinets or in locked rooms when Secret Service employees are not on duty. Access to the system is limited to employees of the Secret Service holding top secret security clearances.

RETENTION AND DISPOSAL:

The file jackets and electronic data are retained in accordance with mandatory National Archives Records Administration (NARA), General Records Schedules 3, 4, 8, 10, 11, 13, & 23. Disposal is by burning, shredding, and/or electronic deletion.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Director, Office of Administration, U.S. Secret Service, 1800 G St., NW, Rm. 850 Washington, DC 20223.

NOTIFICATION PROCEDURE:

Individuals who wish to present a request as to whether this system contains records pertaining to them should address inquiries to: Freedom of Information and Privacy Acts Officer, U.S. Secret Service, 1800 G St., NW, Room 720, Washington, DC 20223.

RECORD ACCESS PROCEDURES:

Requests for information contained in this system should be addressed to: Freedom of Information and Privacy Acts Officer, U.S. Secret Service, 1800 G St., NW, Room 720, Washington, DC 20223.

CONTESTING RECORD PROCEDURES:

See ''Record access procedures'' above.

RECORD SOURCE CATEGORIES:

(a) Individuals who are presently or were Secret Service employees; (b) Individuals, corporations, companies, contractors, etc., previously engaged or presently engaged in business with the Secret Service; (c) Claimants.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

TREASURY/USSS .002

SYSTEM NAME:

Chief Counsel Record System—Treasury/USSS.

SYSTEM LOCATION:

Office of Chief Counsel, United States Secret Service, 1800 G St., NW, Washington, DC 20223.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

(a) Individuals who have filed administrative claims; (b) Individuals involved in litigation against the U.S. Secret Service; (c) Individuals who have filed a petition regarding forfeiture; (d) Employees, former employees or applicants who have filed equal employment opportunity claims against the U.S. Secret Service; (e) Employees or former employees who have appealed disciplinary actions taken against them by the U. S. Secret Service to the Merit System Protection Board.

CATEGORIES OF RECORDS IN THE SYSTEM:

(a) Copies of administrative claims filed against the Secret Service or employees of the U.S. Secret Service and responses thereto; (b) Any type of legal document, including but not limited to complaints, summaries, affidavits, litigation reports, motions, and any other court filing or administrative filing or evidence; (c) Records concerning requests for information regarding the use of reproductions of obligations of the United States including bonds, checks, coins, coupons, currencies (U.S. and foreign), fractional notes, postage stamps (U.S. and foreign), postal money orders, and postmarks.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

18 U.S.C. 3056; 28 U.S.C. 2672 (Federal Tort Claims Act); 18 U.S.C. 471–509.

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

(1) Administrative claims may be routinely sent to Department of Justice attorneys to assist them in litigation involving the Secret Service; (2) Legal records and litigation reports may be sent to Department of Justice attorneys to assist them in the preparation for litigation involving the U.S. Secret Service; (3) Records indicating 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, may be referred to the appropriate Federal, state, local or foreign agency charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation or order issued pursuant thereto; (4) Disclosures to opposing counsel, a court magistrate or administrative tribunal in the course of a legal proceeding, and disclosures to opposing counsel in the course of

discovery proceedings for the purpose of, enforcing, 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; (5) Disclosures to Federal, state or local agencies maintaining civil, criminal or other relevant enforcement information or other pertinent 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; (6) Disclosures 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; (7) Disclosure to a student participating in a Secret Service student volunteer program, where such disclosure is necessary to further the efforts of the Secret Service.

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

STORAGE:

Records are contained in file jackets.

RETRIEVABILITY:

This System is indexed chronologically for administrative claims and requests for information regarding reproductions. Access to the physical files containing litigation records is by name.

SAFEGUARDS:

The file jackets are secured in a locked room with guards on duty on an around-the-clock basis. Access to the records is available only to employees responsible for record management and operational employees who have a need for such information, each of whom holds a top secret security clearance.

RETENTION AND DISPOSAL:

(1) Closed litigation case files are retained for a period of 5 years; (2) Administrative claims, and requests for information are disposed of at varying intervals in accordance with the records retention schedule approved by the National Archives and Records Administration. Any disposal is by shredding and/or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Chief Counsel, U.S. Secret Service, 1800 G St., NW, Room 842, Washington, DC 20223.

NOTIFICATION PROCEDURE:

Individuals who wish to present a request as to whether the system contains records pertaining to them should address inquiries to: Freedom of Information and Privacy Acts Officer, U.S. Secret Service, 1800 G St., NW, Room 720, Washington, DC 20223.

RECORD ACCESS PROCEDURES:

Requests for information contained in this System should be addressed to: Freedom of Information and Privacy Acts Officer, U.S. Secret Service, 1800 G St., NW, Room 720, Washington, DC 20223.

CONTESTING RECORD PROCEDURES:

See ''Record access procedures'' above.

RECORD SOURCE CATEGORIES:

(a) Administrative claims are filed by those individuals who believe that they have a claim against the U.S. Secret Service; (b) Individuals who are involved in legal proceedings against the U.S. Secret Service. All litigation reports are initiated by Office of Chief Counsel, U.S. Secret Service; (c) Requests for information regarding the use of reproductions from Secret Service field offices, the general public, and from professional organizations; other Federal agencies, and Federal, State and local courts.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

TREASURY/USSS .003

SYSTEM NAME:

Criminal Investigation Information System—Treasury/USSS.

SYSTEM LOCATION:

(a) United States Secret Service, (Headquarters) 1800 G St., NW, Washington, DC 20223; (b) Components of this System are geographically dispersed throughout Secret Service field offices. (See United States Secret Service appendix A listing the addresses of Secret Service field offices.)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

(a) Individuals who have been or are currently the subject of a criminal investigation by the U.S. Secret Service in connection with the performance by that agency of its authorized criminal investigative functions; (b) Individuals who are payees, registered owners or endorsers of stolen or lost obligations and other securities of the United States; (c) Individuals who are witnesses, complainants, informants, suspects, defendants, fugitives, released prisoners, correspondents, organized crime figures, and victims of crimes who have been identified by the Secret Service in the conduct of criminal investigations or by information supplied by other law enforcement agencies, government units, and the general public.

CATEGORIES OF RECORDS IN THE SYSTEM:

(a) Records containing information compiled for the purpose of identifying individual criminal offenders and alleged offenders and consisting only of identifying data and notations of arrest, the nature and disposition of criminal charges, sentencing, confinement, release, and parole or probation status; (b) Records containing information compiled for the purpose of a criminal investigation, including reports of informants and investigators, and associated with an identifiable individual; (c) Records containing reports identifiable with an individual compiled at various stages of the process of enforcement of criminal laws from arrest or indictment through release from supervision; (d) Records containing investigatory material compiled for law enforcement purposes, including but not limited to, handwriting exemplars; laboratory analyses of inks and papers; handwriting analyses; petitions for the remission of forfeitures; notice of non-receipt of Treasury drafts; affidavits of forged endorsements; opinions of the examiner of questioned documents; reports or opinions from the examination of computer evidence; reports or opinions from the examination of altered cellular telephones; certificates by owners of U.S. registered securities concerning forged requests for payments or assignments; applications for relief on account of loss, theft, or destruction of U.S. Savings Bonds or checks; photographic reproductions of obligations and other securities of the United States; contraband items; claims against the United States for the proceeds of government checks and bonds; and reports necessary for the settlement of check and bond claims; names and telephone numbers of persons intercepted by electronic, mechanical, or other device under the provisions of Title 18 U.S.C., Section 2510 et.seq. compiled during the lawful course of a criminal or civil investigation.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

18 U.S.C. 3056.

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

(1) Disclosure to Federal, state, and local government agencies foreign or domestic, having prosecutive and civil law enforcement functions for use by attorneys, magistrates, and judges, parole or probation authorities and other law enforcement authorities for the purpose of developing a criminal or civil investigation, prosecuting, sentencing, or determining the parole and probation status of criminal offenders or suspected criminal offenders; (2) Disclosure to personnel of other Federal, state and local law enforcement agencies, foreign or domestic, for the purpose of developing information on subjects involved in Secret Service criminal investigations and assisting other law enforcement agencies in the investigation and prosecution of violations of the criminal laws which those agencies are responsible for enforcing; (3) Disclosure to personnel of Federal, state, and local governmental agencies, where such disclosure is considered reasonably necessary for the purpose of furthering Secret Service efforts to investigate the activities of and apprehend criminal offenders and suspected criminal offenders; (4) Disclosure to personnel of Federal, state, and local governmental agencies, foreign and domestic, where there is a showing of reasonable necessity to obtain such information to accomplish a valid law enforcement purpose; (5) Disclosure to employees and officials of financial and commercial business firms and to private individuals of identifying information pertaining to actual or suspected criminal offenders where such disclosure is considered reasonably necessary for the purpose of furthering Secret Service efforts to investigate the activities of and apprehend criminal offenders and suspected criminal offenders; (6) Records maintained in this System indicating 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, may be disclosed 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; (7) Disclosures in the course of presenting evidence to a court, magistrate or administrative tribunal and disclosures to opposing counsel in the course of discovery proceedings for the purpose of enforcing, 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; (8) Disclosures to Federal, state or local agencies maintaining civil, criminal or other pertinent information or enforcement information relevant to an agency decision concerning the hiring or retention of an employee, or the issuance of a license, grant or other benefit; (9) Disclosures to a Federal, state or local 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; (10) Disclosures of information relating to criminal and civil proceedings to the news media in accordance with the guidelines contained in 28 CFR 50.2; (11) Disclosure in connection with the utilization by the Secret Service of the Northern Virginia Regional Identification System for the storage and retrieval of fingerprint information maintained by the Secret Service; (12) Disclosure to a student participating in a Secret Service student volunteer program, where such disclosure is necessary to further the efforts of the Secret Service.

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

STORAGE:

All records comprising this system are contained in file jackets, computerized data systems, microfilm and microfiche. Portions of the indices and information contained in the records are maintained in electronic storage media located at Headquarters.

RETRIEVABILITY:

This system is indexed by name, address, vehicle license number, and/or telephone number, and is retrieved through computer search of magnetic media indices both at Headquarters and in the field offices. Additionally, subjects are retrievable from the computerized files by physical description. Access to the physical files containing records is by case number.

SAFEGUARDS:

(1) At Headquarters, the field jackets containing the records are secured by alarms, and other internal security devices, in locked rooms with guards on duty on an around-the-clock basis. Access to the records is available only to employees responsible for records management and operational employees with a ''need to know,'' each of whom has a top secret security clearance; (2) In field offices the file jackets are located in locked filing cabinets and when Secret Service employees are not on duty, in locked rooms. Access to the system is controlled and limited to employees of the Secret Service holding top secret security clearances.

RETENTION AND DISPOSAL:

(1) All Judicial cases, 20 years; (2) Non-judicial criminal investigative cases (except non-judicial check and bond cases), 10 years; (3) Non-judicial check claim and bond forgery cases, 5 years; (4) Administrative files of an investigatory nature, 5 years; (5) All other files and records the disposition of which is not otherwise specified, 5 years; (6) Investigations for other districts, 2 years; (7) Receipts vary with the case file to which they pertain; (8) Investigation Control Forms, varies; (9) Arrest History Forms, Indefinite; (10) Headquarters Criminal Investigative case files, 30 years; indices and microfilm copies are retained for an indefinite period; (11) Consensual and non-consensual interception indices, 10 years or when investigative use no longer exists, whichever is longer; (12) Fingerprint and photograph files, at varying intervals in accordance with record retention schedules approved by the National Archives and Records Administration. Disposal is by burning, shredding, maceration, and pulping, and/or electronic deletion.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Director, Office of Investigations, U.S. Secret Service, 1800 G St., NW, Washington, DC 20223.

NOTIFICATION PROCEDURE:

In accordance with the provisions of 5 U.S.C. 552a (j) and (k), the Director of the U.S. Secret Service has exempted this System from compliance with the provisions of 5 U.S.C. 552a(e)(4)(G).

RECORD ACCESS PROCEDURES:

In accordance with the provisions of 5 U.S.C. 552a (j) and (k), the Director of the U.S. Secret Service has exempted this System from compliance with the provisions of 5 U.S.C. 552a (e)(4)(H).

CONTESTING RECORD PROCEDURES:

See ''Record access procedures'' above.

RECORD SOURCE CATEGORIES:

In accordance with the provisions of 5 U.S.C. 552a (j) and (k) the Director of the U.S. Secret Service has exempted this System from compliance with the provisions of 5 U.S.C. 552a (e)(4)(I).

EXEMPTIONS CLAIMED FOR THE SYSTEM:

This system is exempt from 5 U.S.C. 552a (c)(3), (c)(4), (d), (e)(1), (e)(4)(G), (e)(4)(H), and (e)(4)(I), of the Privacy Act pursuant to 5 U.S.C. 552a (j) and (k).

TREASURY/USSS .004

SYSTEM NAME:

Financial Management Information System—Treasury/USSS.

SYSTEM LOCATION:

(a) U.S. Secret Service, (Headquarters), 1800 G St., NW, Washington, DC 20223; (See below United States Secret Service, appendix A listing the addresses of Secret Service field offices.); (b) U.S. Secret Service Uniformed Division, 1310 L Street, NW, Room 320, Washington, DC 20005; (c) Special Services Division, U.S. Secret Service, Building 216, Washington Navy Yard, Washington, DC 20374; (d) Presidential Protective Division, U.S. Secret Service, Room 10, Old Executive Office Building, Washington, DC 20500; (e) Vice-Presidential Protective Division, U.S. Secret Service, Old Executive Office Building, Room 295, Washington, DC 20500; (f) Dignitary Protective Division, U.S. Secret Service, 1310 L St., NW, Suite 500, Washington, DC 20005; (g) Johnson Protective Division, U.S. Secret Service, PO Box 927, Stonewall, TX 78671; (h) Ford Protective Division, U.S. Secret Service, PO Box 955, Rancho Mirage, CA 92270–955; (i) Carter Protective Division, U.S. Secret Service, PO Box 308, Plains, GA 31780–0308; (j) Technical Security Division, U.S. Secret Service, 1709 New York Ave. NW., Washington, DC 20223. (k) Reagan Protective Division, U.S. Secret Service, 2121 Avenue of the Stars, Century City, CA 90067. (l) Bush Protective Division, U. S. Secret Service PO Box 79797, Houston, Texas 77279–9797, (m) White House Section, U.S. Secret Service Old Executive Office Bldg., Rm. 23, Washington, DC 20500.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

(a) Individuals who are now, or were previously, Secret Service employees; (b) Individuals, contractors, vendors, etc., who are presently doing business with or previously did business with the Secret Service; (c) Individuals who are involved in or were previously involved in tort claims with the Secret Service; (d) Individuals who are now or previously were involved in payments (accounts receivable) with the Secret Service; (e) Individuals who have been recipients of awards.

CATEGORIES OF RECORDS IN THE SYSTEM:

(a) Records containing information compiled for the purpose of pay, travel, property damage, expenses incurred other than travel, and retirement annuities and taxes; (b) Records containing information of accounts receivable and payable, involving Secret Service employees and other persons; (c) Records containing information of tort claims dealing with Secret Service property, concerning payment and accounts receivable; (d) Records containing information on the expenditures, anticipated expenditures, and budget studies of the Secret Service; (e) Time and attendance records.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

31 U.S.C. 68, 484, 952, and 1801 through 1806, and 5 U.S.C. 5514, and 21 U.S.C. 2415.

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

The routine uses of the records contained in this System are as follows: (1) Disclosure to the Internal Revenue Service, U.S. Treasury, GAO, OPM and other Federal agencies dealing with the payment and collection of monies concerning Secret Service employees; (2) disclosure to the Internal Revenue Service, U.S. Treasury Department, OPM, GAO, and other Federal agencies dealing with the payment, collection and audit of monies concerning persons who have financial dealings with the Secret Service; (3) To establish and maintain a means of gaining statistical information needed to answer inquiries from other Federal, state, and local governments and Congress; (4) To establish a reporting system to Treasury, OMB, GAO, and Congress concerning Secret Service expenditures; (5) To establish a means of payments to contractors and vendors for purchases made by Secret Service; (6) Disclosure to other Federal agencies to effect inter-agency salary offset and to affect inter-agency administrative offset; (7) Disclosures to debt collection agencies for debt collection services; (8) Disclosures of current mailing addresses obtained from the Internal Revenue Service, which have become a part of this system, to consumer reporting agencies to obtain credit reports and to debt collection agencies for collection services; (9) Disclosures to appropriate Federal, State, or foreign agencies responsible for investigating or prosecution of the violation of, or for enforcing or implementing, a statute, rule, regulation, order or license; (10) Disclosures to a Federal, state, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an employee, or issuance of a security clearance, license, contract, grant, or other benefit; (11) Disclosures to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings; (12) Disclosures to foreign governments in accordance with formal or informal international agreements; (13) Disclosures to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains; (14) Disclosures to the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's functions relating to civil and criminal proceedings; (15) Disclosure to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation; (16) Disclosure to a student participating in a Secret Service student volunteer program, where such disclosure is necessary to further the efforts of the Secret Service.

DISCLOSURES TO CONSUMER REPORTING AGENCIES:

Disclosures pursuant to 5 U.S.C. 552a(b)(12) may be made from this system to consumer reporting agencies as defined in the Debt Collection of 1982 (31 U.S.C. 3701 (a)(3) or the Fair Credit Reporting Act (15 U.S.C. 1681a(f)).

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

STORAGE:

All records are contained in files, and/or microfiche. The information contained in this System is stored in computers maintained at Headquarters.

RETRIEVABILITY:

This System is indexed by name and/or number at Headquarters and by name only in field offices, resident offices and

protective divisions. Access is by name and/or number.

SAFEGUARDS:

(1) The file jackets, and computers are secured by alarms and other internal security devices in locked rooms with guards on duty on a 24-hour basis; (2) Access to the records is available only to employees responsible for records management and operational employees who have a need for such information, each of whom holds a top secret security clearance; (3) The file jackets are located in locked rooms when Secret Service employees are not on duty. Access is limited to employees holding top secret security clearances.

RETENTION AND DISPOSAL:

(1) Financial Management Division's automated accounting systems, foreign disbursement file, and paid files are retained for six years and three months; (2) Accounts receivable systems are maintained for six years and three months unless they are not liquidated; (3) Systems for holiday, overtime, and other pay adjustments, enter on duty information, resignations, retirements, reassignments, etc., are disposed of at varying intervals in accordance with records retention schedules approved by the National Archives Record Administration (NARA); (4) Records on personnel are retained in accordance with mandatory National Archives and Records Administration General Records Schedules 2, 5, 6, and 7. Disposal of records is by burning, mulching, shredding, or electronic deletion.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Director, Office of Administration, 1800 G St., NW, Rm 850, Washington, DC 20223.

NOTIFICATION PROCEDURE:

Individuals who wish to present a request as to whether this system contains a record pertaining to them should address inquiries to: Freedom of Information and Privacy Acts Officer, U.S. Secret Service, 1800 G St., NW, Room 720, Washington, DC 20223.

RECORD ACCESS PROCEDURES:

Request for information contained in this System should be addressed to: Freedom of Information and Privacy Acts Officer, U.S. Secret Service, 1800 G St., NW, Room 720, Washington, DC 20223.

CONTESTING RECORD PROCEDURES:

See ''Record access procedures'' above.

RECORD SOURCE CATEGORIES:

(a) Individuals who are presently or were previously Secret Service employees; (b) Individuals who are presently or were service contractors or suppliers with the Secret Service; (c) Individuals who are presently or were previously involved in tort claims with the Secret Service; (d) Individuals who are presently or were previously involved in collections and disbursements with the Secret Service; (e) Internal Revenue Service; (f) Surviving spouse of deceased personnel.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

TREASURY/USSS .005

SYSTEM NAME:

Freedom of Information Request System—Treasury/USSS.

SYSTEM LOCATION:

United States Secret Service, 1800 G St., NW, Washington, DC 20223.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals or organizations who have requested information under the Freedom of Information Act or the Privacy Act.

CATEGORIES OF RECORDS IN THE SYSTEM:

(a) Correspondence and documents relating to requests for information; (b) Documents relevant to appeals and lawsuits under the Freedom of Information Act.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 552.

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

(1) Records may be disseminated to a Federal agency which furnished the record for the purpose of permitting a decision as to access or correction to be made by that Agency, or for the purpose of consulting with that Agency as to the propriety of access or correction; (2) Records may be disseminated to any appropriate Federal, state, local, or foreign Agency for the purpose of verifying the accuracy of information submitted by an individual who has requested amendment or correction of records; (3) Disclosure to a student participating in a Secret Service student volunteer program, where such disclosure is necessary to further the efforts of the Secret Service.

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

STORAGE:

Records comprising this System are maintained in file jackets and computerized data bases.

RETRIEVABILITY:

The files and indices are indexed numerically and alphabetically and/or through computer search of magnetic media.

SAFEGUARDS:

The files and magnetic media are secured in locked rooms. Access to the records is available only to employees responsible for the management of the system and operational employees who have a need for such information, each of whom have a top secret security clearance.

RETENTION AND DISPOSAL:

All files are destroyed six years after the date of last entry. Magnetic media indices are retained for an indefinite period of time. Disposal is by burning, shredding, or electronic deletion.

SYSTEM MANAGER(S) AND ADDRESS:

Freedom of Information and Privacy Acts Officer, U.S. Secret Service, 1800 G St., NW, Room 720, Washington, DC 20223.

NOTIFICATION PROCEDURE:

Individuals who wish to present a request as to whether this system contains records pertaining to them should address their inquiries to: Freedom of Information and Privacy Acts Officer, U.S. Secret Service, 1800 G St., NW, Room 720, Washington, DC 20223.

RECORD ACCESS PROCEDURES:

Any individual wishing to obtain information on the procedures for gaining access to and contesting records should contact: Freedom of Information and Privacy Acts Officer, U.S. Secret Service, 1800 G St., NW, Room 720, Washington, DC 20223.

CONTESTING RECORD PROCEDURES:

See ''Record access procedures'' above.

RECORD SOURCE CATEGORIES:

Individuals or organizations requesting information pursuant to the Freedom of Information Act or the Privacy Act.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

TREASURY/USSS .006

SYSTEM NAME:

Non-Criminal Investigation Information System—Treasury/USSS.

SYSTEM LOCATION:

(a) United States Secret Service, 1800 G St., NW, Washington, DC 20223; (b) Components of this System are geographically dispersed throughout Secret Service field offices. (See below, United States Secret Service appendix A, listing the addresses of Secret Service field offices.)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

(a) Individuals who are applicants for employment with the U.S. Secret Service and other bureaus of the Department of the Treasury; (b) Individuals who are employees of the U.S. Secret Service and other bureaus of the Department of the Treasury holding security clearances granting access to classified documents and records; (c) Individuals who have filed administrative claims with the Secret Service and other bureaus of the Department of the Treasury under the Federal Tort Claims Act or who have been involved in automobile accidents or other incidents involving employees of the Secret Service and other bureaus of the Department of the Treasury resulting in tort claims against such individuals; (d) Individuals involved in investigations required in the administration of the Government Losses in Shipment Act, the Gold Reserve Act, and the Silver Purchase Act; (e) Individuals who are employees of the Secret Service and other bureaus of the Department of the Treasury who have been accused of misconduct in the performance of their duties, or who have been the subject of a complaint involving the performance of their official functions; (f) Individuals who are the subject of investigations or supply information to investigative agents conducting special investigations relating to the performance by the Secret Service of its statutory and regulatory functions.

CATEGORIES OF RECORDS IN THE SYSTEM:

(a) Record containing investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment or access to classified information; (b) Records containing investigatory material compiled for law enforcement purposes, including but not limited to, reports of investigators relating to claims under the Federal Tort Claims Act, Government Losses in Shipment Act, the Gold Reserve Act and the Silver Purchase Act, and employee misconduct or malfeasance; (c) Records containing reports or statement of investigators, witnesses, complainants, claimants and correspondents associated with identifiable individuals.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

18 U.S.C. 3056, Executive Order 10450 and Treasury Order 102–18 (revised March, 1985); and Treasury Order 173–1.

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

The routine uses of the records contained in this System are as follows: (1) Disclosure to the Department of Justice and other Federal agencies for administrative, civil, or other legal proceedings to be used by personnel officials, attorneys, administrative law officers, and judges; (2) Disclosure to personnel of other Federal, state and local governmental agencies, foreign and domestic, for the purpose of developing or confirming information on individuals involved in non-criminal investigations conducted by the Secret Service; (3) Disclosure to personnel of private institutions and to private individuals for the purpose of confirming and/or determining suitability, eligibility, or qualifications for Federal civilian employment or access to classified information; and for the purposes of furthering the efforts of the Secret Service to investigate the activities of individuals related to or involved in non-criminal civil and administrative investigations; (4) Disclosure to another agency or to an instrumentality of any governmental jurisdiction within or under the control of the United States for the purpose of determining suitability, eligibility, or qualifications for employment with or access to classified information in such other agency or instrumentality; (5) Records maintained indicating 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, may be referred 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; (6) Disclosures in the course of presenting evidence to a court, magistrate or administrative tribunal and disclosures to opposing counsel in the course of discovery proceedings for the purpose of enforcing, 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; (7) Disclosures to Federal, state or local agencies maintaining civil, criminal or other relevant enforcement information or other pertinent 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, to the extent that the information is relevant and necessary to the requesting agencies' decision on the matter; (8) Disclosures of information relating to civil proceedings to the news media in accordance with the guidelines contained in 28 CFR 50.2. (9) Disclosure to Federal, state, or local government agencies for the purpose of developing a relevant ongoing civil, criminal, or background investigation; (10) Disclosure to a student participating in a Secret Service student volunteer program, where such disclosure is necessary to further the efforts of the Secret Service.

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

STORAGE:

Records comprising this system are contained in file jackets, computerized data systems, microfilm, and microfiche. Portions of the information are maintained in on-line computer data files located at Headquarters.

RETRIEVABILITY:

This System is indexed alphabetically by name in Headquarters, Office of Inspection, and in field offices and retrieved through manual search of index cards and/or through computer search of magnetic media. Access to the physical files is by case number obtained from the name indices.

SAFEGUARDS:

(1) The file jackets, indices and magnetic media are secured by alarms and other internal security devices in locked rooms with guards on duty on an around-the-clock basis. Access to the records is available only to employees responsible for record management and operational employees who have a need for such information, each of whom holds a top secret security clearance; (2) The file jackets field offices are located in locked filing cabinets and when employees are not on duty, in locked

rooms. Access to the system is limited to employees holding top secret security clearances.

RETENTION AND DISPOSAL:

The retention schedule is as follows: (1) All judicial case records are retained for a period of 30 years; (2) Applicant security and background investigation records of Secret Service employees are retained for 20 years after retirement or separation of the employee from Secret Service employment; (3) Applicant investigation records relating to employees of Bureaus of the Treasury Department other than the Secret Service, are retained for 20 years; (4) All other records, the disposition of which are not otherwise specified, are retained. No destruction authorized. Magnetic media indices are retained for an indefinite period of time. Disposal: Disposal of records is by burning, shredding, maceration, pulping, and electronic deletion.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Directors, Office of Investigation and Office of Inspection, 1800 G St., NW, Washington, DC 20223.

NOTIFICATION PROCEDURE:

The Director of the U.S. Secret Service has exempted this system from the provisions of 5 U.S.C. 552a(e)(4)(G).

RECORD ACCESS PROCEDURES:

The Director of the U.S. Secret Service has exempted this System from the provisions of 5 U.S.C. 552a(e)(4)(H).

CONTESTING RECORD PROCEDURES:

See ''Record access procedures'' above.

RECORD SOURCE CATEGORIES:

The Director of the U.S. Secret Service has exempted this system from the provisions of 5 U.S.C. 552a(e)(4)(I).

EXEMPTIONS CLAIMED FOR THE SYSTEM:

This system is exempt from 5 U.S.C. 552a (c)(3), (d), (e)(4)(G), (e)(4)(H), (e)(4)(I) and (f) of the Privacy Act pursuant to 5 U.S.C. 552a (j) and (k).

TREASURY/USSS .007

SYSTEM NAME:

Protection Information System—Treasury/USSS.

SYSTEM LOCATION:

(a) United States Secret Service, 1800 G St., NW, Washington, DC 20223; (b) Presidential Protective Division, U.S. Secret Service, Room 1, Old Executive Office Building, Washington, DC 20500; (c) Vice-Presidential Protection Division, U.S. Secret Service, Room 295, Executive Office Building, Washington, DC 20500. (d) Dignitary Protective Division, U.S. Secret Service, 1310 L St., NW, Suite 500, Washington, DC 20005; (e) Special Services Division, U.S. Secret Service, Washington Navy Yard, 2nd and M St., SE, Bldg. 216, Washington, DC 20374;(f) Johnson Protective Division, U.S. Secret Service, PO Box 927, Stonewall, TX 78671; (g) Ford Protective Division, U.S. Secret Service, PO Box 955, Rancho Mirage, CA 92270–955; (h) U.S. Secret Service Uniformed Division, Room 320, 1310 L St., NW, Washington, DC 20005; (i) Technical Security Division, 1709 New York Avenue, NW., Washington, DC 20500. (j) Carter Protective Division, U.S. Secret Service, PO Box 308, Plains, GA 31780; (k) Reagan Protective Division, 2121 Avenue of the Stars, Fox Plaza, 34th Floor, Century City, CA 90067; (l) WAVES Center, Old Executive Office Bldg., Room 065. (m) Bush Protective Division, U. S. Secret Service PO Box 79797, Houston, Texas 77279–9797, (n) White House Section, U.S. Secret Service Old Executive Office Bldg., Rm. 23, Washington, DC 20500. Components of this System are geographically dispersed throughout Secret Service field offices. (See below, United States Secret Service Appendix A, listing the addresses of Secret Service field offices.)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

(a) Individuals who have been or are currently the subject of a criminal investigation by the U.S. Secret Service or another law enforcement agency for the violation of certain criminal statutes relating to the protection of persons or the security of properties; (b) Individuals who are the subjects of investigative records and reports supplied to the Secret Service by Federal, state, and local law enforcement agencies, foreign or domestic, other non-law enforcement governmental agencies, or private institutions and individuals; (c) Individuals who are the subjects of non-criminal protective and background investigations by the Secret Service and other law enforcement agencies where the evaluation of such individuals, in accordance with criteria established by the Secret Service, indicates a need for such investigations; (d) Individuals who are granted ingress and egress to areas secured by the Secret Service, or to areas in close proximity to persons protected by the Secret Service, including but not limited to invitees, passholders, tradesmen, and law enforcement, maintenance or service personnel; (e) Individuals who have attempted or solicited unauthorized entry into areas secured by the Secret Service; individuals who have sought an audience or contact with persons protected by the Secret Service or who have been involved in incidents or events which relate to the protective functions of the Secret Service; (f) Individuals who are witnesses, protectees, suspects, complainants, informants, defendants, fugitives, released prisoners, and correspondents who have been identified by the Secret Service or from information supplied by other law enforcement agencies, governmental units, private institutions, and members of the general public in connection with the performance by the Secret Service of its authorized protective functions.

CATEGORIES OF RECORDS IN THE SYSTEM:

(a) Records containing information compiled for the purpose of identifying individual criminal offenders and alleged offenders and consisting only of identifying data and notations of arrest, the nature and disposition of criminal charges, sentencing, confinement, release, and parole or probation status; (b) Records containing information compiled for the purpose of a criminal investigation, including reports of informants and investigators, which are associated with an identifiable individual; (c) Records containing reports relative to an individual compiled at various stages of the process of enforcement of certain criminal laws from arrest or indictment through release from supervision; (d) Records containing information supplied by other Federal, state, and local law enforcement agencies, foreign or domestic, other non-law enforcement governmental agencies, private institutions and persons concerning individuals who, because of their activities, personality traits, criminal or mental history, or history of social deviancy, may be of interest to the Secret Service in connection with the performance by that agency of its protective functions; (e) Records containing information compiled for the purpose of identifying and evaluating individuals who may constitute a threat to the safety of persons or security of areas protected by the Secret Service; (f) Records containing information compiled for the purpose of background investigations of individuals, including but not limited to, passholders, tradesmen, maintenance or service personnel who have access to areas secured by or who may be in close proximity to persons protected by the Secret Service.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

The protective authority is contained in 18 U.S.C. 3056 and section 1 of Pub. L. 90–331, (18 U.S.C. 871; 18 U.S.C. 1751). The protective and security authority of the U.S. Secret Service Uniformed Division is contained in 3 U.S.C. 202.

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

The routine uses are as follows: (1) Disclosure to the Department of Justice and other Federal, state, and local governmental agencies having a prosecutive function for the use of attorneys, magistrates, and judges; and parole and probation authorities for the purpose of prosecuting, sentencing, and determining the parole and probation status of criminal offenders or suspected criminal offenders; and for civil and other proceedings involving Secret Service Protective functions; (2) Disclosure to personnel of other Federal, state and local law enforcement agencies, foreign or domestic, for the purpose of developing information on subjects involved in Secret Service protective investigations and evaluations and for the purpose of protective intelligence briefings of personnel of other law enforcement and governmental agencies assisting the U.S. Secret Service in the performance of its protective functions; (3) Disclosure to personnel of Federal, state, and local governmental agencies, foreign or domestic, where such disclosures are considered reasonably necessary for the purpose of furthering Secret Service efforts to investigate the activities of those persons considered to be of protective interest; (4) Disclosure to personnel of Federal, state, and local law enforcement agencies and other governmental agencies, foreign or domestic, where there is a showing of a reasonable need to accomplish a valid enforcement purpose; (5) Disclosure to personnel of private institutions and to private individuals of identifying information pertaining to actual or suspected criminal offenders or other individuals considered to be of protective interest for the purpose of furthering Secret Service efforts to evaluate the danger such individuals pose to persons protected by that agency; (6) Records indicating 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, may be disclosed 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; (7) Disclosures in the course of presenting evidence to a court, magistrate or administrative tribunal and disclosures to opposing counsel in the course of discovery proceedings for the purpose of enforcing, 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; (8) Disclosures and/or responses to Federal, state or local agencies maintaining civil, criminal or other relevant law enforcement information or other pertinent 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 issuance of a contract, grant or other benefit, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter; (9) Disclosures of information relating to criminal and civil proceedings to the news media in accordance with the guidelines contained in 28 CFR 50.2. (10) Disclosure to a student participating in a Secret Service student volunteer program, where such disclosure is necessary to further the efforts of the Secret Service.

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

STORAGE:

All records are contained in file jackets, microfilm, or microfiche. Portions of the information contained in the records are maintained in on-line computer data files located at Headquarters and in the Old Executive Office Building.

RETRIEVABILITY:

This System is indexed by case number and other case related data in master and magnetic media indices. Access to the physical files is by case number, both at Headquarters and the field offices.

SAFEGUARDS:

(1) The file jackets and magnetic media are secured in locked rooms secured by alarms and other internal security devices with guards on duty on a twenty four hour basis. Access to the records is available only to employees responsible for record management and operational employees who have a need for such information, each of whom holds a top secret security clearance; (2) The file jackets in field offices are located in locked filing cabinets and in locked and alarmed rooms when employees are not on duty. Access to the system is limited to employees of the Secret Service holding top secret security clearances.

RETENTION AND DISPOSAL:

The retention schedule for records is as follows: (1) All judicial case records are retained for a period of 30 years. In cases where periodic checkups are conducted in protective intelligence cases, the retention period is computed from the date of the final check-up. (2) All other protective intelligence case records including protective surveys and non-judicial protective intelligence cases are routinely retained for a period of five years; (3) Disposal of records contained in this System is by burning or shredding.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Director, Office of Protective Research, Assistant Director Protective Operations, U.S. Secret Service, 1800 G St., NW, Washington, DC 20223.

NOTIFICATION PROCEDURE:

In accordance with the provisions of 5 U.S.C. 552a (j) and (k) the Director of the U.S. Secret Service has exempted this System from the provisions of 5 U.S.C. 552a(e)(4)(G).

RECORD ACCESS PROCEDURES:

In accordance with the provisions of 5 U.S.C. 552a (j) and (k) the Director of the U.S. Secret Service has exempted this System from the provisions of 5 U.S.C. 552a(e)(4)(H).

CONTESTING RECORD PROCEDURES:

See ''Record access procedures'' above.

RECORD SOURCE CATEGORIES:

In accordance with the provisions of 5 U.S.C. 552a (j) and (k) the Director of the U.S. Secret Service has exempted this System from the provisions of 5 U.S.C. 552a(e)(4)(I).

EXEMPTIONS CLAIMED FOR THE SYSTEM:

This system is exempt from 5 U.S.C. 552a (c)(2), (c)(3), (c)(4), (d), (e)(3), (e)(4)(G), (e)(4)(H), (e)(4)(I), (e)(5), (e)(8), (f) and (g) of the Privacy Act pursuant to 5 U.S.C. 552a (j) and (k).

TREASURY/USSS .008

SYSTEM NAME:

Public Affairs Record System—Treasury/USSS.

SYSTEM LOCATION:

U.S. Secret Service, 1800 G St., NW, Washington, DC 20223.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

(a) Persons who are private citizens who correspond requesting information relating to the Secret Service; (b) Persons who are members of the news media, authors and publishers requesting information about the Secret Service; (c) Members of Congress who make inquiries with the Secret Service; (d) Persons who are recipients of the Secret Service Honor Award, who have received recognition from or assisted the Secret Service.

CATEGORIES OF RECORDS IN THE SYSTEM:

(a) Records of inquiries received from the general public, the communication media and the press relative to Secret Service activities; (b) Records of awards presented by the Secret Service; (c) Records of Congressional inquiries and correspondence.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

18 U.S.C. 3056 and Treasury Department Order Number 173–3, dated October 29, 1965.

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

The routine uses are as follows: (1) Disclosures and/or responses to members of Congress and/or the general public. (2) Disclosure to a student participating in a Secret Service student volunteer program, where such disclosure is necessary to further the efforts of the Secret Service.

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

STORAGE:

Records comprising this System are maintained in file jackets.

RETRIEVABILITY:

Records are filed alphabetically and chronologically.

SAFEGUARDS:

The records are secured in locked filing cabinets and/or in locked rooms, with guards on duty on a twenty four hour basis. Access is available only to employees responsible for management of the system and operational employees who have a need for such information, each of whom holds a top secret security clearance.

RETENTION AND DISPOSAL:

Records in this system are maintained in accordance with mandatory General Services Administration, Records Schedule 14, Items 1–7. Disposal of records is by burning, shredding, and electronic deletion.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Director, Office of Government Liaison and Public Affairs, U.S. Secret Service, 1800 G St., NW, Room 805, Washington, DC 20223.

NOTIFICATION PROCEDURE:

Individuals who wish to present a request as to whether this system contains records pertaining to them should address inquiries to: Freedom of Information and Privacy Acts Officer, U.S. Secret Service, 1800 G St., NW, Room 720, Washington, DC 20223.

RECORD ACCESS PROCEDURES:

Requests for information contained in the System should be addressed to: Freedom of Information and Privacy Acts Officer, U.S. Secret Service, 1800 G St., NW, Room 720, Washington, DC 20223.

CONTESTING RECORD PROCEDURES:

See ''Record access procedures'' above.

RECORD SOURCE CATEGORIES:

(a) The general public, the news media and members of Congress who correspond with the Secret Service; (b) Persons who have received awards or honors from the Secret Service.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

TREASURY/USSS .009

SYSTEM NAME:

Training Information System—Treasury/USSS.

SYSTEM LOCATION:

James J. Rowley Training Center, Laurel, MD 20707, and 1310 L St., NW, Room 904, Washington, DC 20005.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who are now or were Secret Service employees and officers of the U.S. Secret Service Uniformed Division.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records containing the type and dates of training programs of the U.S. Secret Service employees, officers of the U.S. Secret Service Uniformed Division including course control documents and lesson plans for classes conducted by the Office of Training.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

18 U.S.C. 3056.

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

Disclosure to a student participating in a Secret Service student volunteer program, where such disclosure is necessary to further the efforts of the Secret Service, otherwise, disclosures are not made outside of the Agency.

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

STORAGE:

Records are maintained on cards and in a computer database.

RETRIEVABILITY:

Records are filed alphabetically.

SAFEGUARDS:

Records are secured in locked rooms with alarms when employees are not on duty. Access is available only to employees responsible for management of the records and operational employees who have a need for such information, each of whom holds a top secret security clearance.

RETENTION AND DISPOSAL:

Records are currently disposed of at varying intervals in accordance with record retention schedules approved by the National Archives and Records Administration (NARA).

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Director, Office of Training, U.S. Secret Service, Room 900, 1310 L St., NW, Washington, DC 20005.

NOTIFICATION PROCEDURE:

Individuals who wish to present a request as to whether this system contains records pertaining to them should address inquiries to: Freedom of Information and Privacy Acts Officer, U.S. Secret Service, 1800 G St., NW, Room 720, Washington, DC 20223.

RECORD ACCESS PROCEDURES:

Requests for information contained in the system should be addressed to: Freedom of Information and Privacy Acts Officer, U.S. Secret Service, 1800 G St., NW, Room 720, Washington, DC 20223.

CONTESTING RECORD PROCEDURES:

See ''Record access procedures'' above.

RECORD SOURCE CATEGORIES:

(a) Individuals who are now or were Secret Service employees, officers of the U.S. Secret Service Uniformed Division; (b) Individuals from other Federal, state and local law enforcement agencies.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

USSS Appendix A

U.S. Secret Service field offices and resident offices:

Western Bank Building, 505 Marquette Street, NW, Suite 1700, Albuquerque, NM 87102.

6100 Rockside Woods Blvd., Room 440, Cleveland, OH 44131–2334.

Equitable Building, PO Box 54407, Atlanta, GA 30308.

Strom Thurmond Federal Bldg., 1835 Assembly Street, Suite 1425, Columbia, SC 29201.

Federal Office Building, 300 East 8th Street, Suite 972, Austin, TX 78701.

500 South Front Street, Suite 800, Columbus, OH 43215.

100 S. Charles Street, 11th Floor, Baltimore, MD 21201.

125 East John W. Carpenter Fwy, Suite #300, Irving, TX 75062.

Daniel Bldg., 15 South 20th St., Suite 1125, Birmingham, AL 35233.

1660 Lincoln Street, Suite 1430, Denver, CO 80264.

Thomas P. O'Neill, Jr. Federal Bldg., 10 Causeway Street, Suite 791, Boston, MA 02222–1080.

Patrick V. McNamara Building, Suite 1000, 477 Michigan Avenue, Detroit, MI 48226.

610 Main St., Suite 300, Buffalo, NY 14202.

Mesa One Building, 4849 North Mesa, Suite 210, El Paso, TX 79912.

1 Valley Square, Suite 910, Charleston, WV 25301.

330 Ionia Ave., NW, Suite 302, Grand Rapids, MI 49503–2350.

One Fairview Center, 6302 Fairview Rd., Suite 400, Charlotte, NC 28210.

300 Ala Moana Boulevard; Room 6–210, PO Box 50046, Honolulu, HI 96850.

Gateway IV Building, 300 Riverside Plaza, Suite 1200 North, Chicago, IL 60606.

602 Sawyer St., Suite 500, Houston, TX 77007.

John Weld Peck Federal Building, 550 Main Street, Room 6118, Cincinnati, OH 45202.

575 N. Pennsylvania Street, Suite 211, Federal Bldg., Indianapolis, IN 46204.

Federal Bldg., 100 West Capitol Street, Suite 840, Jackson, MS 39269.

7820 Arlington Expressway, Suite 500, Jacksonville, FL 32211.

Hale Boggs Federal Building, 501 Magazine St., Room 807, New Orleans, LA 70130.

1150 Grand Avenue, Suite 510, Kansas City, MO 64106.

PO Box 16027, Federal Station, Las Vegas, NV 89101.

7 World Trade Center, 9th Fl., New York, NY 10048–1901.

111 Center Street, Suite 1700, Little Rock, AR 72201.

35 Pinelawn Road, Suite 216E, Melville, NY 11747.

Federal Building, Suite 640, 200 Granby Street, Norfolk, VA 23510.

RoyBal Federal Bldg., 17th Fl., 255 E. Temple Street, Los Angeles, CA 90012.

Lakepointe Towers, Suite 650, 4013 NW Expressway, Oklahoma City, OK 73116.

135 W. Central Blvd., Suite 670, Orlando, FL 32801.

377 Federal Building, 600 Dr. Martin Luther King, Jr., Place, Louisville, KY 40202.

Old Federal Bldg; 106 S. 15th Street, Room 905, Omaha, NE 68102.

5350 Poplar Ave., Suite 204, Memphis, TN 38119.

8375 Northwest 53rd Street, Suite 100, Miami, FL 33166.

600 Arch Street, 7236 Federal Bldg; Philadelphia, PA 19106–1676.

572 Federal Courthouse, 517 E. Wisconsin Ave., Milwaukee, WI 53202.

3200 North Central Ave., Suite 2180, Phoenix, AZ 85012.

218 U.S. Courthouse, 110 South 4th Street, Minneapolis, MN 55401.

William S. Moorehead Federal Bldg., 1000 Liberty Avenue, Room 835, Pittsburgh, PA 15222.

182 Saint Francis Street, Suite 200, Mobile, AL 36602.

121 Southwest Salmon Street, Suite 1330, Portland, OR 97204, (503) 326–2162.

801 Broadway Street, U.S. Courthouse 658, Nashville, TN 37203, (615) 736–5841.

The Federal Center, 380 Westminster St., Suite 343, Providence, RI 02903, (401) 331–6456.

Headquarters Plaza—West Tower, Suite 700, One Speedwell Ave., Morristown, NJ 07960, (973) 984–5760.

Main St Centre, 600 East Main Street, Suite 1910, Richmond, VA 23240, (804) 771–2274.

265 Church Street, Suite 1201, New Haven, CT 06510, (203) 865–2449.

4407 Bland Road, Suite 210, Raleigh, NC 27609.

PO Box 1525, Riverside, CA 92502.

501 J Street, Suite 530, Sacramento, CA 95814, (916) 498–5141.

301 E Genese, Suite 200, Saginaw, MI 48607.

U.S. Courts and Customshouse, 280 South 1st St., Suite 2050, San Jose, CA 95113.

200 W. Santa Ana Blvd., Suite 500, Santa Ana, CA 92701.

1114 Market Street, Room 924, St. Louis, MO 63101.

57 West 200 South, Suite 450, Salt Lake City, UT 84101.

1050 Connecticut Ave., NW, Suite 1000, Washington, DC 20036.

727 E. Durango, Room B410, Federal Building, San Antonio, TX 78206.

550 West C St., Suite 660, San Diego, CA 92101.

345 Spear St., Suite 530, San Francisco, CA 94105.

1510 F D Roosevelt Ave., Suite 3B, Guaynabo, PR 00968.

890 Federal Building, 915 Second Avenue, Seattle, WA 98174.

601 W. Riverside Avenue, Suite 1340, Spokane, WA 99201.

400 West Monroe, Suite 301, Springfield, IL 62704.

501 East Polk St., Room 1101, Tampa, FL 33602.

Suite 800, 505 South Flagler Drive, West Palm Beach, FL 33401.

140 Grand St., Suite 300, White Plains, NY 10601.

1 Rodney Square, Room 414, 920 King St., Wilmington, DE 19801.

Ventnor Professional Campus, 6601 Ventnor Ave., Suite 501, Ventnor City, NJ 08406.

JFK International Airport, Bldg. #75, Room 246, Jamaica, NY 11430.

Suite 508, 7 Laurens St., NCNB Plaza, Greenville, SC 29601.

American Embassy/USSS—London, England PSC 801, Box 64, FPO AE 09498–4064.

American Embassy/USSS—Manila, Philippines FPO AP 96515.

American Embassy/USSS—Paris, PSC 116, Box D306, APO AE 09777–5000.

American Embassy/USSS—Rome, Italy PSC 59, Box 62, USSS, APO AE 09624.

American Embassy, Box 64, APO AP 96546.

U.S. Embassy—Bogota, Unit 5116, APO AA 34038.

American Embassy, Bonn, PSC 117, Box 300, APO AE 09080.

U.S. Consulate General, PSC 464, Box 30, FPO AP 96522–0002.

United States Consulate General, PSC 59, Milan, 100 Milan, APO AE 09624.

U.S. Consulate, Montreal, PO Box 847, Champlain, NY 12919–0847.

American Embassy, Nicosia, PSC 815, FPO AE 09836.

U.S. Embassy, PO Box 5000, Ogdensburg, NY 13669.

BILLING CODE: 6720–01–P

Office of Thrift Supervision

TREASURY/OTS .001

SYSTEM NAME:

Confidential Individual Information System—Treasury/OTS.

SYSTEM LOCATION:

Enforcement Division, Office of Thrift Supervision, 1700 G Street, NW, Washington, DC 20552. Computerized records of Suspicious Activity Reports (SAR), with status updates, are managed by FinCEN pursuant to a contractual agreement, and are stored at the Internal Revenue Service's Computing Center in Detroit, Michigan. Authorized personnel at the Federal financial regulatory agencies have on-line access to the computerized database managed by FinCEN through individual work stations that are linked to the database central computer.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Directors, officers, employees, agents, borrowers, and persons participating in the conduct of the affairs of entities regulated by the OTS who have been involved in suspected criminal activity or suspicious financial transactions and referred to law enforcement officials; and other individuals who have been involved in irregularities, violations of law, or unsafe or unsound practices referenced in documents received by OTS in the exercising of its supervisory functions.

These records also contain information concerning individuals who have filed notices of intention to acquire control of a savings association;

controlling persons of companies that have applications to acquire control of a savings association; and organizers of savings associations who have sought Federal Savings and Loan Insurance Corporation (FSLIC) or Saving Association Insurance Fund (SAIF) insurance of accounts or federal charters.

CATEGORIES OF RECORDS IN THE SYSTEM:

Application information and inter-agency and intra-agency correspondence, memoranda and reports. The SAR contains information identifying the financial institution involved, the suspected person, the type of suspicious activity involved, the amount of loss known, and any witnesses.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

12 U.S.C. 1464; 44 U.S.C. 3101.

PURPOSE(S):

The overall system serves as a central OTS repository for investigatory or enforcement information related to the responsibility of OTS to examine and supervise savings associations. It also serves to store information on applicants to acquire, control, or insure a savings association in connection with OTS's regulatory responsibilities.

The system maintained by FinCEN serves as the database for the cooperative storage, retrieval, analysis, and use of information relating to Suspicious Activity Reports made to or by the Federal financial regulatory agencies and FinCEN to various law enforcement agencies for possible criminal, civil or administrative proceedings based on known or suspected violations affecting or involving persons, financial institutions, or other entities under the supervision or jurisdiction of such Federal financial regulatory agencies.

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 to: (1) Provide the Department of Justice with periodic reports on the number, amount, individual identity and other details concerning outstanding potential criminal violations of the law that have been referred to the Department; (2) Provide the Federal financial regulatory agencies and FinCEN with information relevant to their operations; (3) Provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation; (4) Provide information or records to any appropriate governmental agency or self-regulatory organization charged with the responsibility of administering law or investigating or prosecuting violations of law or charged with enforcing or implementing a statute, rule, regulation, order, policy, or license; (5) Disclose, when considered appropriate, information to a bar association, or other professional organizations performing similar functions, for possible disciplinary action; (6) Disclose information when appropriate to international and foreign governmental authorities in accordance with law and formal or informal international agreements; and (7) Provide information to any person with whom the OTS contracts to reproduce, by typing, photocopying or other means, any record within this system for use by the OTS and its staff in connection with their official duties or to any person who is utilized by the OTS to perform clerical or stenographic functions relating to the official business of the OTS.

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

STORAGE:

Records are maintained on magnetic media and in paper files.

RETRIEVABILITY:

Computer output and file folders are retrievable by indexes of data fields, including name of financial institution and individual's name.

SAFEGUARDS:

Paper files are stored in lockable metal file cabinets with access limited to authorized individuals. Computer disks maintained at OTS are accessed only by authorized personnel. The database maintained by FinCEN complies with applicable security requirements of the Department of the Treasury. On-line access to the information in the database is limited to authorized individuals, and each individual has been issued a non-transferable identifier or password.

RETENTION AND DISPOSAL:

Records are periodically updated to reflect changes and maintained as long as needed.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Chief Counsel for Enforcement, Office of Thrift Supervision, 1700 G Street, NW, Washington, DC 20552.

NOTIFICATION PROCEDURE:

The system is exempt from notification and record-access requirements and requirements that an individual be permitted to contest its contents under 5 U.S.C. 552a (j)(2) and (k)(2) as relating to investigatory material compiled for law enforcement purposes.

RECORD ACCESS PROCEDURE:

See ''Notification procedure'' above.

CONTESTING RECORD PROCEDURES:

See ''Notification procedure'' above.

RECORD SOURCE CATEGORIES:

Suspicious activity reports and related historical information and updating forms compiled by financial institutions, the OTS, and other Federal financial regulatory agencies for law enforcement purposes. The OTS will also include information from applicants, inter-agency and intra-agency correspondence, memoranda, and reports.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

This system is exempt from 5 U.S.C. 552 a(c)(3), (d)(1), (d)(2), (d)(3), (d)(4), (e)(1), (e)(4)(G), (H) and (I), and (f) of the Privacy Act pursuant to 5 U.S.C. 552a (j)(2) and (k)(2).

TREASURY/OTS .002

SYSTEM NAME:

Correspondence/Correspondence Tracking.

SYSTEM LOCATION:

Office of Thrift Supervision, Department of the Treasury, 1700 G Street, NW., Washington, DC 20552.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

White House and Executive Office of the President officials, Members of Congress, Treasury Department officials, the general public, and businesses.

CATEGORIES OF RECORDS IN THE SYSTEM:

Incoming correspondence addressed to the Director of OTS, letters from members of Congress transmitting letters from constituents or making inquiries; OTS responses; OTS memoranda and notes used to prepare responses; and information concerning internal office assignments, processing and response to the correspondence.

PURPOSE(S):

To maintain written records of correspondence addressed to the Director of OTS and Congressional correspondence; to track the progress of the response; to document the completion of the response to the incoming correspondence.

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

(1) Disclosures may be made to a Congressional office from the records of an individual in response to an inquiry made at the request of the individual to whom the record pertains; (2) Information may be disclosed to the appropriate governmental agency charged with the responsibility of administering law or investigating or prosecuting violations of law or charged with enforcing or implementing a statute, rule, regulation, order or license.

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

STORAGE:

Records are maintained in magnetic media and in paper files.

RETRIEVABILITY:

Records are maintained by name of individual; assignment control number.

SAFEGUARDS:

Access to paper records is limited to authorized personnel with a direct need to know. Some paper records are maintained in locked file cabinets in a secured office with access limited to those personnel whose official duties require access. Access to computerized records is limited, through the use of a password, to those whose official duties require access.

RETENTION AND DISPOSAL:

Computerized records relating to non-congressional correspondence are retained for two (2) years after the Director's term. Computerized records relating to congressional correspondence are kept permanently. Paper records are retained for two (2) years after the Director's or member of Congress' term, then transferred directly to the National Archives.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Congressional Affairs. See ''Location'' for address.

NOTIFICATION PROCEDURE:

Individuals wishing to be notified if they are named in this system or gain access to records maintained in this system must submit a request containing the following elements: (1) Identify the record system; (2) identify the category and type of records sought; and (3) provide at least two items of secondary identification (date of birth, employee identification number, dates of employment or similar information). Address inquiries to Manager, Dissemination Branch, Office of Thrift Supervision, 1700 G Street, NW, Washington, DC 20552.

RECORDS ACCESS PROCEDURE:

See ''Notification procedure'' above.

CONTESTING RECORD PROCEDURES:

See ''Notification procedure'' above.

RECORD SOURCE CATEGORIES:

Congressional letters and responses from a Member of Congress and/or a constituent.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

TREASURY/OTS .003

SYSTEM NAME:

Consumer Complaint System.

SYSTEM LOCATION:

Office of Thrift Supervision, Department of the Treasury, 1700 G Street, NW., Washington, DC 20552. See appendix A for appropriate local address of OTS Regional Offices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons who submit inquiries or complaints concerning federally insured depository institutions, service corporations, and subsidiaries.

CATEGORIES OF RECORDS IN THE SYSTEM:

Consumer's name, savings association's docket number, case number as designated by a Consumer Complaint Case number. Within these categories of records, the following information may be obtained: Consumer's address, source of inquiry or complaint, nature of the inquiry or complaint, nature of the inquiry or complaint designated by instrument and complaint code, information on the investigation and resolution of inquiries and complaints.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

15 U.S.C. 57a(f), 5 U.S.C. 301.

PURPOSE(S):

OTS uses this system to track individual complaints and to provide additional information about each institution's compliance with regulatory requirements.

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

(1) Information may be disclosed to officials of regulated savings associations in connection with investigation and resolution of complaints and inquiries; (2) relevant information may be made available to appropriate law enforcement agencies or authorities in connection with investigation and/or prosecution of alleged civil, criminal and administrative violations; (3) disclosures may be made to a Congressional office in response to an inquiry made at the request of the individual to whom the record pertains; (4) disclosures may be made to other Federal and nonfederal governmental supervisory or regulatory authorities when the subject matter is within such other agency's jurisdiction.

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

STORAGE:

Records are maintained in paper files and on magnetic media.

RETRIEVABILITY:

By name of individual, complaint case number, savings association name, docket number, district complaint code, instrument code, source code or by some combination thereof.

SAFEGUARDS:

Paper records are maintained in locked file cabinets with access limited to those personnel whose official duties require access. Access to computerized records is limited, through use of the system passwords, to those whose official duties require access.

RETENTION AND DISPOSAL:

Active paper files are maintained until the case is closed. Closed files are retained six (6) years then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Manager, Consumer Programs. See ''Location'' for address.

NOTIFICATION PROCEDURE:

Individuals wishing to be notified if they are named in this system or gain access to records maintained in this system must submit a request containing the following elements: (1) Identify the record system; (2) identify the category and type of records sought; and (3) provide at least two items of secondary identification (date of birth, employee identification number, dates of employment or similar information). Address inquiries to Manager, Dissemination Branch, Office of Thrift Supervision, 1700 G Street, NW, Washington, D.C. 20552.

RECORD ACCESS PROCEDURES:

See ''Notification procedure'' above.

CONTESTING RECORD PROCEDURES:

See ''Notification procedure'' above.

RECORD SOURCE CATEGORIES:

Inquirer or complainant (or his or her representative which may include a

member of Congress or an attorney); savings association officials and employees; compliance/safety and soundness examiner(s); and other supervisory records.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

TREASURY/OTS .004

SYSTEM NAME:

Criminal Referral Database.

SYSTEM LOCATION:

Office of Thrift Supervision, Department of the Treasury, 1700 G Street, NW., Washington, DC 20552. See appendix A for appropriate local address of OTS Regional Offices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals suspected of having committed crime(s) and individuals indicted or convicted of crime(s) against or involving savings associations.

CATEGORIES OF RECORDS IN THE SYSTEM:

Criminal referrals.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

12 U.S.C. 1464; 44 U.S.C. 3101.

PURPOSE(S):

This system lists all matters referred to the Department of Justice for possible criminal proceedings.

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

Information may be disclosed to the appropriate governmental agency charged with the responsibility of administering law or investigating or prosecuting violations of law or charged with enforcing or implementing a statute, rule, regulation, order or license.

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

STORAGE:

Records are maintained in paper files and on magnetic media.

RETRIEVABILITY:

Records are filed by name of individual, savings institution or referral control number.

SAFEGUARDS:

Paper records are maintained in locked file cabinets. Access is limited to personnel whose official duties require such access and who have a need to know the information in a record for a job-related purpose. Access to computerized records is limited, through use of a password, to those whose official duties require access.

RETENTION AND DISPOSAL:

Records are periodically updated to reflect changes, and maintained in electronic form as long as needed for the purpose for which the information was collected. Records will then be disposed of in accordance with applicable law.

SYSTEM MANAGER(S) AND ADDRESS:

Chief Counsel, Office of Enforcement. See ''System location'' for address.

NOTIFICATION PROCEDURE:

This system is exempt from notification and record-access requirements and requirements that an individual be permitted to contest its contents under 5 U.S.C. 552a(j)(2) and (k)(2) as relating to investigatory material compiled for law enforcement purposes.

RECORDS ACCESS PROCEDURE:

See ''Notification procedure'' above.

CONTESTING RECORD PROCEDURES:

See ''Notification procedure'' above.

RECORD SOURCE CATEGORIES:

Criminal Referral forms compiled for law enforcement purposes.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

This system is exempt from 5 U.S.C. 552a(c)(3), (d)(1), (d), (e)(1), (e)(4)(G), (H) and (I), and (f) of the Privacy Act pursuant to 5 U.S.C. 552a(j)(2) and (k)(2).

TREASURY/OTS .005

SYSTEM NAME:

Employee Counseling Services.

SYSTEM LOCATION:

Office of Thrift Supervision, Department of the Treasury, 1700 G Street, NW., Washington, DC 20552. See appendix A for appropriate local address of OTS Regional Offices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees who seek counseling services.

CATEGORIES OF RECORDS IN THE SYSTEM:

Counseling records.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, 44 U.S.C. 3101.

PURPOSE(S):

To provide a history and record of the employee counseling session(s) and to assist the counselor in identifying and resolving employee problem(s).

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

This system will have minimal effect on individual privacy because access is limited to the employee counseling program counselor. Under special and emergency circumstances records may be released to medical personnel, research personnel, and as a result of a court order.

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

STORAGE:

Records are maintained in paper files.

RETRIEVABILITY:

Records are retrieved by a number assigned to employee.

SAFEGUARDS:

Records are maintained in locked file cabinet. Access is limited to the employee counselor.

RETENTION AND DISPOSAL:

Records are retained and disposed of in accordance with the appropriate National Archives and Records Administration General Records Schedules.

SYSTEM MANAGER(S) AND ADDRESS:

Manager, Human Resources Branch. See ''System location'' for address.

NOTIFICATION PROCEDURE:

Individuals wishing to be notified if they are named in this system or gain access to records maintained in this system must submit a request containing the following elements: (1) Identify the record system; (2) identify the category and type of records sought; and (3) provide at least two items of secondary identification (date of birth, employee identification number, dates of employment or similar information). Address inquiries to Manager, Dissemination Branch, Office of Thrift Supervision, 1700 G Street, NW, Washington, D.C. 20552.

RECORD ACCESS PROCEDURES:

See ''Notification procedure'' above.

CONTESTING RECORD PROCEDURES:

See ''Notification procedure'' above.

RECORD SOURCE CATEGORIES:

Employees and counselors.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

TREASURY/OTS .006

SYSTEM NAME:

Employee Locator File.

SYSTEM LOCATION:

Office of Thrift Supervision, Department of the Treasury, 1700 G Street, NW., Washington, DC 20552. See

appendix A for appropriate local address of OTS Regional Offices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All present employees of the OTS and persons whose employment has been terminated within the last six months.

CATEGORIES OF RECORDS IN THE SYSTEM:

Employee's name, present address, telephone number, and the name, address, and telephone number of another person to notify in case of emergency.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, 44 U.S.C. 3101.

PURPOSE(S):

This system provides current information on employee's address and emergency contact person.

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

(1) Disclosure of information may be made to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains; (2) medical personnel in case of an emergency.

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

STORAGE:

Records are maintained in paper files and on magnetic media.

RETRIEVABILITY:

Records are filed by name of individual.

SAFEGUARDS:

Paper records are maintained in locked file cabinets. Access is limited to those personnel whose official duties require such access and who have a need to know information in a record for a particular job-related purpose. Access to computerized records is limited, through use of a password, to those whose official duties require access.

RETENTION AND DISPOSAL:

Records are maintained until termination of employee's employment with OTS. After termination, records are retained for six months then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Manager, Human Resources Branch. See ''System location'' for address.

NOTIFICATION PROCEDURE:

Individuals wishing to be notified if they are named in this system or gain access to records maintained in this system must submit a request containing the following elements: (1) Identify the record system; (2) identify the category and type of records sought; and (3) provide at least two items of secondary identification (date of birth, employee identification number, dates of employment or similar information). Address inquiries to Manager, Dissemination Branch, Office of Thrift Supervision, 1700 G Street, NW, Washington, D.C. 20552.

RECORD ACCESS PROCEDURES:

See ''Notification procedure'' above.

CONTESTING RECORD PROCEDURES:

See ''Notification procedure'' above.

RECORD SOURCE CATEGORIES:

The individual whose record is being maintained.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

TREASURY/OTS .007

SYSTEM NAME:

Employee Parking.

SYSTEM LOCATION:

Office of Thrift Supervision, Department of the Treasury, 1700 G Street, NW., Washington, DC 20552.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All OTS employees (and their corresponding car pool members) who apply for agency controlled parking.

CATEGORIES OF RECORDS IN THE SYSTEM:

Information is contained in parking applications and computerized reports and consists of (for each rider): Name, home address, office phone number, and place of employment (of non-OTS riders). For OTS employees only: work hours, supervisor's name, office code, social security number and years of service.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, 44 U.S.C. 3101.

PURPOSE(S):

To control and maintain parking applications and spaces.

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

No disclosures are made outside of OTS.

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

STORAGE:

Records are maintained in paper files and on magnetic media.

RETRIEVABILITY:

Records are filed by parking pass number, name of OTS employee and social security number.

SAFEGUARDS:

Paper records are maintained in locked file cabinets. Access is limited to personnel whose official duties require such access and who have a need to know the information in a record for a job-related purpose. Access to computerized records is limited, through use of a password, to those whose official duties require access.

RETENTION AND DISPOSAL:

Records are retained and disposed of in accordance with National Archives and Records Administration General Records Schedules.

SYSTEM MANAGER(S) AND ADDRESS:

Executive Director, Administration. See ''System location'' for address.

NOTIFICATION PROCEDURE:

Individuals wishing to be notified if they are named in this system or gain access to records maintained in this system must submit a request containing the following elements: (1) Identify the record system; (2) identify the category and type of records sought; and (3) provide at least two items of secondary identification (date of birth, employee identification number, dates of employment or similar information). Address inquiries to Manager, Dissemination Branch, Office of Thrift Supervision, 1700 G Street, NW, Washington, D.C. 20552.

RECORD ACCESS PROCEDURES:

See ''Notification procedure'' above.

CONTESTING RECORD PROCEDURES:

See ''Notification procedure'' above.

RECORD SOURCE CATEGORIES:

Applications submitted by OTS employees and non-OTS riders.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

TREASURY/OTS .008

SYSTEM NAME:

Employee Training Database.

SYSTEM LOCATION:

Office of Thrift Supervision, Department of the Treasury, 1700 G Street, NW., Washington, DC 20552.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All employees of the Office of Thrift Supervision.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual employee records are maintained by name, course taken, social security number, position, division, and manager name.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301 and 44 U.S.C. 3101.

PURPOSE(S):

To maintain necessary information on training taken by employees through outside sources and vendors.

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

Records are not disclosed outside of OTS.

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

STORAGE:

Records are maintained on magnetic media.

RETRIEVABILITY:

Records are filed by individual name, social security number and course taken.

SAFEGUARDS:

Access to computerized records is limited, through use of a password, to those persons whose official duties require access.

RETENTION AND DISPOSAL:

Records are retained and disposed of in accordance with National Archives and Records Administration General Records Schedules.

SYSTEM MANAGER(S) AND ADDRESS:

Manager, Training and Professional Development Branch. See ''System location'' for address.

NOTIFICATION PROCEDURE:

Individuals wishing to be notified if they are named in this system or gain access to records maintained in this system must submit a request containing the following elements: (1) Identify the record system; (2) identify the category and type of records sought; and (3) provide at least two items of secondary identification (date of birth, employee identification number, dates of employment or similar information). Address inquiries to Manager, Dissemination Branch, Office of Thrift Supervision, 1700 G Street, NW, Washington, D.C. 20552.

RECORD ACCESS PROCEDURES:

See ''Notification procedure'' above.

CONTESTING RECORD PROCEDURES:

See ''Notification procedure'' above.

RECORD SOURCE CATEGORIES:

Personnel records and training request forms completed by employee.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

TREASURY/OTS .010

SYSTEM NAME:

Inquiry/Request Control.

SYSTEM LOCATION:

Office of Thrift Supervision, Department of the Treasury, 1700 G Street, NW., Washington, DC 20552.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons who make inquiries, request for records, or information concerning activities of the OTS, regulated financial institutions and related individuals and organizations; e.g., holding companies, service corporations, directors of thrift, advisors or representatives of thrift industry and also requests for records under the Freedom of Information Act/ Privacy Act(FOIA/PA).

CATEGORIES OF RECORDS IN THE SYSTEM:

Selected items of information extracted from incoming inquiry, and records concerning internal office case assignments, processing and resolution of the inquiry/request.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301.

PURPOSE(S):

To internally control work flow and assignments; to track progress of the inquiry/request; and to provide statistical information for budgetary, resource allocation, and statutory reporting purposes.

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

Disclosure of information may be made to a Congressional office in response to an inquiry made at the request of the individual to whom the records pertains.

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

STORAGE:

Records are maintained in paper files and magnetic media.

RETRIEVABILITY:

Records are maintained by individual name, case control number, subject of inquiry, savings and loan association and/or financial institution, docket number, receipt date, inquiry code, disposition code, or any combination thereof.

SAFEGUARDS:

Paper records are maintained in secured offices with access limited to those personnel whose official duties require access. Access to computerized records is limited, through use of a password, to those whose official duties require access.

RETENTION AND DISPOSAL:

Records are retained and disposed of in accordance with National Archives and Records Administration General Records Schedules.

SYSTEM MANAGER(S) AND ADDRESS:

Manager, Dissemination Branch. See ''System location'' for address.

NOTIFICATION PROCEDURE:

Individuals wishing to be notified if they are named in this system or gain access to records maintained in this system must submit a request containing the following elements: (1) Identify the record system; (2) identify the category and type of records sought; and (3) provide at least two items of secondary identification (date of birth, employee identification number, dates of employment or similar information). Address inquiries to Manager, Dissemination Branch, Office of Thrift Supervision, 1700 G Street, NW, Washington, D.C. 20552.

RECORD ACCESS PROCEDURES:

See ''Notification procedure'' above.

CONTESTING RECORD PROCEDURES:

See ''Notification procedure'' above.

RECORD SOURCE CATEGORIES:

Incoming inquiry or request (by mail, fax, or telephone), internal case assignment notations, case control, and close-out forms.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

TREASURY/OTS .011

SYSTEM NAME:

Positions/Budget.

SYSTEM LOCATION:

Office of Thrift Supervision, Department of the Treasury, 1700 G Street, NW., Washington, DC 20552. See appendix A for appropriate local address of OTS Regional Offices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All current employees of the Office of Thrift Supervision.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual employee records are kept by office and agency as follows: Name,

title, entered on duty date, service computation date, occupation series, social security number, grade, current salary, location of employee, date of last promotion, and eligibility for promotion. Records are kept for each office (and, where appropriate, for the agency) on number of vacancies, authorized position ceilings, and number of employees.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, 44 U.S.C. 3101.

PURPOSE(S):

The system allows the OTS Budget Division the ability to track positions by Office to assure that assigned Full-Time Equivalent ceilings are not exceeded and remain within the limits set by the Director of the OTS. The system also provides information to each office which can be used in developing their calendar year compensation budget.

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

Information may be disclosed to the appropriate governmental agency charged with the responsibility of administering law or investigating or prosecuting violations of law or charged with enforcing or implementing a statute, rule, regulation, order, or license.

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

STORAGE:

Records are maintained in paper files and on magnetic media.

RETRIEVABILITY:

Records are filed by name of individual.

SAFEGUARDS:

Paper records are maintained in file folders in secured areas. Access is limited to personnel whose official duties require such access and who have a need to know the information in a record for a particular job-related purpose. Access to computerized records is limited, through use of a password, to those whose official duties require access.

RETENTION AND DISPOSAL:

Records are retained and disposed of in accordance with National Archives and Records Administration General Records Schedules.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Planning, Budget and Finance Division. See ''System location'' for address.

NOTIFICATION PROCEDURE:

Individuals wishing to be notified if they are named in this system or gain access to records maintained in this system must submit a request containing the following elements: (1) Identify the record system; (2) identify the category and type of records sought; and (3) provide at least two items of secondary identification (date of birth, employee identification number, dates of employment or similar information). Address inquiries to Manager, Dissemination Branch, Office of Thrift Supervision, 1700 G Street, NW, Washington, DC 20552.

RECORD ACCESS PROCEDURES:

See ''Notification procedure'' above.

CONTESTING RECORD PROCEDURES:

See ''Notification procedure'' above.

RECORD SOURCE CATEGORIES:

Personnel records.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

TREASURY/OTS .012

SYSTEM NAME:

Payroll/Personnel System and Payroll Records.

SYSTEM LOCATION:

Office of Thrift Supervision, Department of the Treasury, 1700 G Street, NW., Washington, DC 20552. See appendix A for appropriate local address of OTS Regional Offices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All current Office of Thrift Supervision (OTS) employees and all former employees of the OTS, within the past three years.

CATEGORIES OF RECORDS IN THE SYSTEM:

Information pertaining to (1) employee status, grade, salary, pay plan, hours worked, hours of leave taken and earned, hourly rate, gross pay, taxes, deductions, net pay, location, and payroll history; (2) employee's residence, office, social security number, and address; (3) Personnel actions (SF–50), State employees' withholding exemption certificates, Federal employees' withholding allowance certificates (W4), Bond Allotment File (SF–1192), Federal Employee's Group Life Insurance (SF–2810 and 2811), Savings Allotment-Financial Institutions, Address File (OTS Form 108), Union Dues Allotment, time and attendance reports, individual retirement records (SF–2806), Combined Federal Campaign allotment, direct deposit, health benefits, and thrift investment elections to either the Federal Thrift Savings Plan (TSP–1) or OTS' Financial Institutions Thrift Plan (FITP–107 and K 1–2).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, 44 U.S.C. 3101.

PURPOSE(S):

Provides all the key personnel and payroll data for each employee which is required for a variety of payroll and personnel functions.

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

(1) In the event that records maintained in this system of records indicate 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 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 implementing the statute, or rule or regulation or order issued pursuant thereto; (2) a record from this system may be disclosed as a routine use to other Federal agencies and the Office of Personnel Management if necessary for or regarding the payment of salaries and expenses incident to employment at the Office of Thrift Supervision or other Federal employment, or the vesting, computation, and payment of retirement or disability benefits; (3) a record from this system may be necessary to support the assessment, computation, and collection of federal, state, and local taxes, in accordance with established procedures; (4) disclosure of information may be made to a Congressional office in response to an inquiry made at the request of the individual to whom the record pertains; (5) records from this system may be disclosed to the Office of Child Support Enforcement, Administration for Children and Families, Department of Health and Human Services, for the purpose of locating individuals to establish paternity, establishing and modifying orders of child support, and identifying sources of income, and for other child support enforcement actions as required by the Personal Responsibility and Work Opportunity Reconciliation Act (Welfare Reform Law, Pub. L. 104–193).

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

STORAGE:

Records are maintained on magnetic media, microfiche, and in paper files.

RETRIEVABILITY:

Records are filed by individual name, social security number and by office.

SAFEGUARDS:

Paper and microfiche records are maintained in secured offices and access is limited to personnel whose official duties require such access and who have a need to know the information in a record for a particular job-related purpose. Access to computerized records is limited, through the use of a password, to those whose official duties require access.

RETENTION AND DISPOSAL:

Records are retained and disposed of in accordance with National Archives and Records Administration General Records Schedules.

SYSTEM MANAGER(S) AND ADDRESS:

Manager, Human Resources Branch. See ''System location'' for address.

NOTIFICATION PROCEDURE:

Individuals wishing to be notified if they are named in this system or gain access to records maintained in this system must submit a request containing the following elements: (1) Identify the record system; (2) identify the category and type of records sought; and (3) provide at least two items of secondary identification (date of birth, employee identification number, dates of employment or similar information). Address inquiries to Manager, Dissemination Branch, Office of Thrift Supervision, 1700 G Street, NW, Washington, DC 20552.

RECORD ACCESS PROCEDURES:

See ''Notification procedure'' above.

CONTESTING RECORD PROCEDURES:

See ''Notification procedure'' above.

RECORD SOURCE CATEGORIES:

Personnel and payroll records of current and former employees.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

TREASURY/OTS .013

SYSTEM NAME:

Personnel Security and Suitability Program.

SYSTEM LOCATION:

Office of Thrift Supervision, Department of the Treasury, 1700 G Street, NW., Washington, DC 20552.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and former government employees and applicants applying for employment with the Office of Thrift Supervision.

CATEGORIES OF RECORDS IN THE SYSTEM:

Background investigations, limited background investigations, minimal background investigations, national agency check investigations, periodic re-investigations, and FBI and other agency name checks: investigative information relating to personnel investigations conducted by the Department of the Treasury, the Office of Personnel Management, and other Federal agencies and departments on pre-placement and post-placement basis to make suitability for employment determinations and for granting security clearances. Card records, automated data systems, or logs comprised of notices of personnel security and suitability investigations reflecting identification data on incumbents and former employees, and record type of E.O. 10450 investigations and degree and date of security clearance, if any.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Executive Order 10450, sections 2 and 3; Executive Order 12356, part 4; Executive Order 10577; 5 U.S.C. 3301; and 5 CFR parts 731, 732 and 736.

PURPOSE(S):

The purpose of the records in the Personnel Security and Suitability System is to enable the OTS to determine and document each employee's suitability or security risk for selection, employment and continued employment according to appropriate Federal regulations.

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

These records and information in these records may be used to disclose information to departmental and agency officials or other Federal agencies as relevant to or necessary for making suitability or employability retention or security clearance determinations.

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

STORAGE:

File folders, logs and index cards.

RETRIEVABILITY:

Records are retrieved by name.

SAFEGUARDS:

Records are stored in locked metal containers and in locked rooms. They are limited to officials who have a need to know in the performance of their official duties. Officials are required to sign an access form.

RETENTION AND DISPOSAL:

Records are retained and disposed of in accordance with National Archives and Records Administration General Records Schedules.

SYSTEM MANAGER(S) AND ADDRESS:

Manager, Human Resources Branch. See ''System location'' for address.

NOTIFICATION PROCEDURE:

Individuals wishing to be informed if they are named in this system or gain access to records maintained in the system must submit a written, signed request containing the following elements: (1) Identify the record system; (2) identify the category and type of records sought; and (3) provide at least two items of secondary identification (date of birth, employee identification number, dates of employment, or similar information). Address inquiries to Manager, Dissemination Branch, Office of Thrift Supervision, 1700 G Street, NW, Washington, DC 20552.

RECORDS ACCESS PROCEDURE:

See ''Notification procedure'' above.

CONTESTING RECORD PROCEDURES:

See ''Record Access Procedures'' above.

RECORD SOURCE CATEGORIES:

The information is obtained from current and former employees, co-workers, neighbors, acquaintances, educational records and instructors, and police and credit record checks.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

APPENDIX A

Addresses of Office of Thrift Supervision Regional Offices:

Northeast Region: 10 Exchange Place, 18th Floor, Jersey City, NJ 07302.

Southeast Region: 1475 Peachtree Street, NE, Atlanta, GA 30309.

Central Region: 200 Madison Street, Suite 1300, Chicago, IL 60606.

Midwest Region: 122 W. John Carpenter Freeway, Suite 600, Irving, TX 75039.

West Region: One Montgomery Street, Suite 400, San Francisco, CA 94104.

[FR Doc. 98–31632 Filed 12–16–98; 8:45 am]

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Federal Register

Thursday
December 17, 1998

Part III

Department of Agriculture

Agricultural Marketing Service

7 CFR Parts 57 and 59
Egg Products Inspection Act Regulations; Final Rule

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Parts 57 and 59

[Docket No. PY–99–001]

Egg Products Inspection Act Regulations

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule; technical amendment.

SUMMARY: This rule duplicates, redesignates, and amends the regulations governing egg and egg products inspection under the Egg Products Inspection Act (EPIA). The Department of Agriculture (USDA) has redelegated most, but not all, functions under the EPIA from the Agricultural Marketing Service (AMS) to the Food Safety and Inspection Service (FSIS). Shell egg surveillance functions continue to be delegated to AMS. This rule duplicates or redesignates those portions of part 59 pertinent to shell egg surveillance as a new part 57, and it leaves those portions of part 59 pertinent to other functions under the EPIA. This action will assure that each agency has the regulations that it needs to carry out its responsibilities, and it will facilitate the transfer of the EPIA regulations administered by FSIS to the title of the Code of Federal Regulations that includes the Federal Meat Inspection Act and Poultry Products Inspection Act regulations, also administered by FSIS.

EFFECTIVE DATE: December 18, 1998.

FOR FURTHER INFORMATION CONTACT: Douglas C. Bailey, Chief, Standardization Branch, Poultry Programs, Agricultural Marketing Service, U.S. Department of Agriculture, STOP 0259, 1400 Independence Avenue, SW, Washington, D.C. 20250–0259 (202) 720–3506.

SUPPLEMENTARY INFORMATION: This rule has been determined to be not significant for purposes of Executive Order 12866, and therefore, has not been reviewed by the Office of Management and Budget (OMB).

This rule has been reviewed under Executive Order 12988, Civil Justice Reform. This rule: (1) Preempts all State and local laws and regulations that are inconsistent with this rule; (2) has no retroactive effect, and does not require administrative proceedings before parties may file suit in court challenging this rule.

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*), AMS has considered the economic impact of this rule on small entities. This rule is technical in nature. It does not change regulatory requirements or the responsibilities of any party. Accordingly, AMS has determined that provisions of this rule would not have any economic impact on small entities.

Background and Changes

AMS was responsible for administering the EPIA (21 U.S.C. 601 *et seq.*) upon its enactment in 1970, and issued the regulations in 7 CFR part 59. The Federal Crop Insurance Reform and Department of Agriculture Reorganization Act of 1994 (Pub.L. 103–354; 7 U.S.C. 2204e) consolidated food safety responsibilities in FSIS. In 1995, the Department revised its regulations to delegate most functions under EPIA to FSIS, but continued to delegate shell egg surveillance functions under EPIA to AMS.

This rule reorganizes and amends the EPIA regulations as a follow-up action to the Department's redelegation of authority. The changes duplicate and redesignate those portions of part 59 pertinent to shell egg surveillance as a new part 57 and leaves those portions pertinent to other functions under the EPIA in part 59. This will assure that AMS and FSIS have the regulations that they need to carry out their responsibilities, and it will facilitate FSIS' transfer of the regulations remaining in part 59, as part of an upcoming rulemaking, to the same location as other regulations administered by FSIS (chapter III of title 9 of the Code of Federal Regulations, which includes the Federal Meat Inspection Act and Poultry Products Inspection Act regulations). When FSIS published a final rule implementing amendments to the EPIA in August 1998 (63 FR 45663), the Director of the Federal Register charged FSIS and AMS with transferring to 9 CFR the EPIA regulations related to food safety by January 1, 1999.

Because of the technical, nonsubstantive nature of this rule, AMS finds that it has good cause that notice and public procedure required by the Administrative Procedure Act are unnecessary (5 U.S.C. 553). Additionally, AMS finds that there is good cause not to delay the effective date and therefore this rule will be effective on the first day following the date of publication in the **Federal Register** (5 U.S.C. 553).

List of Subjects in 7 CFR Parts 57 and 59

Eggs and egg products, Exports, Food grades and standards, Food labeling, Imports, Reporting and recordkeeping requirements.

For the reasons set forth above, 7 CFR chapter I, subchapter C is amended as follows:

SUBCHAPTER C—REGULATIONS AND STANDARDS UNDER THE AGRICULTURAL MARKETING ACT OF 1946 AND THE EGG PRODUCTS INSPECTION ACT

1. The heading of subchapter C is revised to read as set out above.

2. Part 57 is added to read as follows:

PART 57—INSPECTION OF EGGS (EGG PRODUCTS INSPECTION ACT)

Sec.

Definitions

57.1 Meaning of words.
57.5 Terms defined.

Administration

57.10 Authority.
57.13 Federal and State cooperation.
57.17 Nondiscrimination.
57.18 OMB control number.

Scope of Inspection

57.20 Inspection in accordance with methods prescribed or approved.
57.22 Basis of service.
57.28 Other inspections.

Relation to Other Authorities

57.35 Eggs outside official plants.

Eggs and Egg Products Not Intended for Human Food

57.45 Prohibition on eggs and egg products not intended for use as human food.

Refrigeration of Shell Eggs

57.50 Temperature and Labeling Requirements.

Exemptions

57.100 Specific exemptions.
57.105 Suspension or termination of exemptions.

Performance of Service

57.110 Licensed inspectors.
57.112 Suspension of license or authority; revocation.
57.114 Surrender of license.
57.116 Activities of inspectors.
57.118 Identification.
57.119 Political activity.
57.120 Financial interest of inspectors.
57.132 Access to plants.
57.134 Accessibility of product.

Records and Related Requirements for Egg Handlers and Related Industries

57.200 Records and related requirements.
57.220 Information and assistance to be furnished to inspectors.

Administrative Detention

57.240 Detaining product.

Appeal of an Inspection or Decision

57.300 Who may request an appeal inspection or review of an inspector's decision.
57.310 Where to file an appeal.
57.320 How to file an appeal.
57.330 When an application for an appeal grading or inspection may be refused.
57.340 Who shall perform the appeal.
57.350 Procedures for selecting appeal samples.
57.360 Appeal inspection certificates.
57.370 Cost of appeals.

Identifying and Marking Product

57.410 Shell eggs required to be labeled.

Retention

57.426 Retention.

Processing Requirements

57.504 General operating procedures.

Registration of Shell Egg Handlers

57.690 Persons required to register.

Inspection and Disposition of Restricted Eggs

57.700 Prohibition on disposition of restricted eggs.
57.720 Disposition of restricted eggs.
57.760 Inspection of egg handlers.

Identification of Restricted Eggs or Egg Products Not Intended for Human Consumption

57.800 Identification of restricted eggs.
57.801 Nest run or washed ungraded eggs.
59.840 Identification of inedible, unwholesome, or adulterated egg products.
57.860 Identification wording.

Imports

57.900 Requirements for importation of restricted eggs into the United States.
57.905 Importation of restricted eggs or eggs containing more restricted eggs than permitted in the official standards for U.S. Consumer Grade B.
57.915 Foreign inspection certificate required.
55.920 Importer to make application for inspection of imported eggs.
57.925 Inspection of imported eggs.
57.930 Imported eggs; retention in customs custody; delivery under bond; movement prior to inspection; sealing; handling; facilities, and assistance.
57.935 Means of conveyance and equipment used in handling eggs to be maintained in sanitary condition.
57.945 Foreign eggs offered for importation; reporting of findings to customs; handling of products refused entry.
57.950 Labeling of containers of eggs for importation.
57.955 Labeling of shipping containers of eggs for importation.
57.960 Small importations for consignee's personal use, display, or laboratory analysis.
57.965 Returned U.S. inspected and marked products; not importations.
57.970 Charges for storage, cartage, and labor with respect to products imported contrary to the Act.

Authority: 21 U.S.C. 1031–1056.

PART 59—INSPECTION OF EGGS AND EGG PRODUCTS (EGG PRODUCTS INSPECTION ACT)

3. The authority citation for part 59 continues to read as follows:

Authority: 21 U.S.C. 1031–1056.

4. Undesignated center headings and sections in part 59 are duplicated as undesignated center headings and sections in part 57, as set out in the following table:

Part 59	Part 57
Definitions	Definitions
§59.1	§57.1
§59.5	§57.5
Administration	Administration
§59.10	§57.10
§59.13	§57.13
§59.17	§57.17
§59.18	§57.18
Scope of Inspection	Scope of Inspection
§59.20	§57.20
§59.22	§57.22
§59.28	§57.28
Relation to Other Authorities	Relation to Other Authorities
§59.35	§57.35
Eggs and Egg Products Not Intended for Human Food	Eggs and Egg Products Not Intended for Human Food
§59.45	§57.45
Refrigeration of Shell Eggs	Refrigeration of Shell Eggs
§59.50	§57.50
Exemptions	Exemptions
§59.100	§57.100
§59.105	§57.105
Performance of Service	Performance of Service
§59.110	§57.110
§59.112	§57.112
§59.114	§57.114
§59.116	§57.116
§59.118	§57.118
§59.119	§57.119
§59.120	§57.120
§59.132	§57.132
§59.134	§57.134
Records and Related Requirements for Eggs and Egg Products Handlers and Related Industries	Records and Related Requirements for Eggs and Egg Products Handlers and Related Industries
§59.200	§57.200
§59.220	§57.220
Administrative Detention	Administrative Detention
§59.240	§57.240
Appeal of an Inspection or Decision	Appeal of an Inspection or Decision
§59.300	§57.300
§59.310	§57.310
§59.320	§57.320
§59.330	§57.330

Part 59	Part 57
§ 59.340	§ 57.340
§ 59.350	§ 57.350
§ 59.360	§ 57.360
§ 59.370	§ 57.370
Identifying and Marking Product	Identifying and Marking Product
§ 59.410	§ 57.410
Inspection, Reinspection, Condemnation, and Retention	Inspection, Reinspection, Condemnation, and Retention
§ 59.426	§ 57.426 Retention
Sanitary, Processing, and Facility Requirements	Sanitary, Processing, and Facility Requirements
§ 59.504	§ 57.504
Identification of Restricted Eggs or Egg Products Not Intended for Human Consumption	Identification of Restricted Eggs or Egg Products Not Intended for Human Consumption
§ 59.800	§ 57.800
§ 59.840	§ 57.840
§ 59.860	§ 57.860
Imports	Imports
§ 59.900	§ 57.900
§ 59.905	§ 57.905
§ 59.915	§ 57.915
§ 59.920	§ 57.920
§ 59.925	§ 57.925
§ 59.930	§ 57.930
§ 59.935	§ 57.935
§ 59.945	§ 57.945
§ 59.950	§ 57.950
§ 59.955	§ 57.955
§ 59.960	§ 57.960
§ 59.965	§ 57.965
§ 59.970	§ 57.970

5. The duplicated undesignated center headings that precede §§ 57.200, 57.426, and 57.504 and the duplicated headings of §§ 57.35, 57.134, 57.410, 57.900, 57.920, 57.930, 57.935, 57.945, 57.950, and 57.955 are revised as set out in the table of contents for part 57.

6. Undesignated center headings and sections in part 59 are redesignated as undesignated center headings and sections in part 57, as set out in the following table:

Part 59	Part 57
Registration of Shell Egg Handlers	Registration of Shell Egg Handlers
§ 59.690	§ 57.690
Inspection and Disposition of Restricted Eggs	Inspection and Disposition of Restricted Eggs
§ 59.700	§ 57.700
§ 59.720	§ 57.720
§ 59.760	§ 57.760
§ 59.801	§ 57.801

PART 57—INSPECTION OF EGGS (EGG PRODUCTS INSPECTION ACT)

7. In duplicated § 57.5, the definition for ''official standards'' is revised to read as follows:

§ 57.5 Terms defined.

* * * * *

Official standards means the standards of quality, grades, and weight classes for eggs.

* * * * *

8. Duplicated § 57.18 is revised to read as follows:

§ 57.18 OMB control number.

The information collection requirements in this part have been approved by the Office of Management and Budget and assigned OMB control number 0581–0113.

§ 57.20 [Amended]

9. Duplicated § 57.20 is amended by removing ''and egg products''.

§ 57.28 [Amended]

10. Duplicated § 57.28 is amended by removing and reserving paragraph (a)(2) and by removing, in paragraph (b), ''and egg products''.

§ 57.45 [Amended]

11. Duplicated § 57.45 is amended by removing, in paragraph (a), ''in paragraphs (c) and (d) of this section or''; by removing, in paragraph (b), ''or any egg products which are unwholesome, adulterated, or are otherwise unfit for human food purposes, except as provided in paragraphs (c) and (d) of this section,''; and by removing paragraphs (c) and (d). As revised, § 57.45 reads as follows:

§ 57.45 Prohibition on eggs and egg products not intended for use as human food.

(a) No person shall buy, sell, or transport or offer to buy or sell, or offer or receive for transportation in commerce, any eggs or egg products which are not intended for use as human food, unless they are denatured or decharacterized, unless shipped under seal as authorized in §§ 57.504(c) and 57.720(a) and identified as required by the regulations in this part.

(b) No person shall import or export shell eggs classified as loss, inedible, or incubator rejects unless they are denatured or decharacterized and identified as required by the regulations in this part.

§ 57.1000 [Amended]

12. Duplicated § 57.100 is amended by removing, in the introductory text, ''and the provision for continuous inspection of processing operations in section 5(a) of the Act'' and by removing and reserving paragraph (b).

§ 57.200 [Amended]

13. Duplicated § 57.200 is amended by removing, in paragraph (a), ''or egg products'' and ''and egg products'' and by removing, in paragraph (b), ''and egg processing operations'', '', (1)'', and '', and (2) official egg products plants which use all shell eggs received and do not reship any shell eggs''.

§ 57.240 [Amended]

14. Duplicated § 57.240 is amended by removing ''or egg products'' in the first sentence.

15. Duplicated § 57.310 is amended by removing paragraph (a); by removing, in paragraph (b), ''which has left the official plant where it was inspected or''; and by removing the paragraph designation and the heading of paragraph (b). As revised, § 57.310 reads as follows:

§ 57.310 Where to file an appeal.

Any interested party who is not satisfied with the determination of the class, quantity, or condition of product which was inspected other than in an official plant may request an appeal inspection by filing such request with the Regional Director in the region where the product is located or with the Chief of the Grading Branch.

§ 57.340 [Amended]

16. Duplicated § 57.340 is amended by removing paragraph (a), by removing ''§ 57.310(b)'' and adding in its place ''§ 57.310,'' and by removing the paragraph designation (b).

§ 57.410 [Amended]

17. Duplicated § 57.410 is amended by removing paragraph (b) and the paragraph designation (a).

18. Duplicated § 57.504 is amended by removing and reserving paragraphs (a) and (b); by removing, in paragraph (c) everything after the first two sentences; and by removing paragraphs (d) through (q). As revised, § 57.504 reads as follows:

§ 57.504 General operating procedures.

(a) [Reserved]

(b) [Reserved]

(c) All loss and inedible eggs or egg products shall be placed in a container clearly labeled ''inedible'' and containing a sufficient amount of approved denaturant or decharacterant, such as FD&C brown, blue, black, or green colors, meat and fish by-products, grain and milling by-products, or any other substance, as approved by the Administrator, that will accomplish the purposes of this section. Shell eggs shall be crushed and the substance shall be dispersed through the product in amounts sufficient to give the product a distinctive appearance or odor.

§ 57.900 [Amended]

19. Paragraph (a) of duplicated § 57.900 is amended by removing ''Egg products and restricted'' and adding, in its place, ''Restricted'' in the first sentence and by removing ''or egg product'' in the last sentence.

§ 57.915 [Amended]

20. Duplicated § 57.915 is amended by removing and reserving paragraph (a) and by removing the heading of paragraph (b).

§ 57.920 [Amended]

21. Duplicated § 57.920 is amended by removing ''or egg products'' and ''Eggs and Egg Products,'' in the first sentence.

§ 57.925 [Amended]

22. Paragraph (a) of duplicated § 57.925 is amended by removing ''and egg products'' in the first sentence.

§ 57.930 [Amended]

23. Paragraph (a) of duplicated § 57.930 is amended by removing ''or egg products'' in the first sentence.

§ 57.945 [Amended]

24. Duplicated § 57.945 is amended by removing ''or egg products'' in the first sentence of paragraph (a), in paragraph (b), and in paragraph (c).

§ 57.950 [Amended]

25. Paragraph (a) of duplicated § 57.950 is amended by removing and reserving paragraph (a)(5) and by removing paragraphs (a)(8), and (a)(9).

§ 57.955 [Amended]

26. Paragraph (a) of duplicated § 57.955 is amended by removing and reserving paragraphs (a)(3) and (a)(4) and by removing, in both paragraphs (a)(5) and (a)(6), ''For shell eggs, the'' and adding, in its place, ''The''.

§ 57.960 [Amended]

27. Duplicated § 57.960 is amended by removing ''or egg products'' in the first sentence and ''30 pounds of liquid or frozen eggs, or 50 pounds of dried egg products,'' in the last sentence.

PART 57—[AMENDED]

28. In the duplicated and redesignated sections of part 57, each internal reference to a section of part 59 is revised as set out in the preceding duplication and redesignation tables.

PART 59—[AMENDED]

29. The authority citation for part 59 continues to read as follows:

Authority: 21 U.S.C. 1031–1056.

30. In § 59.5, the definition for ''official standards'' is revised to read as follows:

§ 59.5 Terms defined.

* * * * *

Official standard means the standards of quality, grades, and weight classes for eggs.

* * * * *

31. Paragraph (a)(1) of § 59.28 is amended by removing, in the first sentence, ''Business premise, facilities, inventories, operations, transport vehicles, and records of egg handlers, and the'' and adding, in its place, ''The'' and by removing the second and third sentences. As revised, paragraph (a)(1) of § 59.28 reads as follows:

§ 59.28 Other inspections.

(a) Periodic inspections shall be made of:

(1) The records of all persons engaged in the business of transporting, shipping, or receiving any eggs or egg products.

* * * * *

§ 59.35 [Amended]

32. Section 59.35 is amended by removing paragraph (a) and the paragraph designation (b).

§ 59.40 [Amended]

33. Section 59.40 is amended by removing ''§§ 59.504(c) and 59.720(a)'' in the first sentence and adding, in its place, ''§ 59.504(c)''.

34. Section 59.100 is amended by revising the introductory text, removing and reserving paragraphs (a), (c), (d), and (f), and by removing paragraph (h). As revised, the introductory text of § 59.100 reads as follows:

§ 59.100 Specific exemptions.

The following are exempt to the extent prescribed as to the provision for continuous inspection of processing operations in section 5(a) of the Act: *Provided,* That the conditions for exemption and provisions of these regulations are met:

* * * * *

§ 59.200 [Amended]

35. Paragraph (b) of § 59.200 is amended by removing ''shell egg handlers and'' and ''(1) producers who

ship all of their production as nest-run eggs without segregation need only to maintain records indicating the amount of shell eggs shipped, date of shipment, and the receivers' name and address, and (2)''.

§ 59.240 [Amended]

36. The first sentence of § 59.240 is amended by removing ''or whenever any restricted eggs capable of use as human food are found by such a representative in the possession of any person not authorized to acquire such eggs under the regulations in this part,''.

§ 59.310 [Amended]

37. Paragraph (b) of § 59.310 is amended by removing ''or which was inspected other than in an official plant''.

§ 59.330 [Amended]

38. Section 59.330 is amended by removing ''grading or'' in the heading and in the first sentence.

§ 59.800 [Amended]

39. Section 59.800 is amended by removing the last two sentences.

§ 59.905 [Amended]

40. Section 59.905 is amended by removing paragraph (b) and the paragraph designation (a).

§ 59.915 [Amended]

41. Section 59.915 is amended by removing the heading of paragraph (a) and by removing and reserving paragraph (b).

§ 59.920 [Amended]

42. Section 59.920 is amended by removing ''upon PY Form 222—Import Request, Eggs and Egg Products,'' in the first sentence.

§ 59.925 [Amended]

43. Section 59.925 is amended by removing ''eggs and'' in the heading and in the first sentence of paragraph (a).

§ 59.930 [Amended]

44. Section 59.930 is amended by removing ''eggs and'' in the heading and by removing ''eggs or'' in paragraph (a).

§ 59.935 [Amended]

45. The heading of § 59.935 is amended by removing ''eggs and''.

§ 59.945 [Amended]

46. Section 59.945 is amended by removing ''eggs and'' in the heading and by removing ''eggs or'' in the first sentence of paragraph (a), in paragraph (b), and in paragraph (c).

§ 59.950 [Amended]

47. Paragraph (a) of § 59.950 is amended by removing and reserving paragraph (a)(3).

§ 59.955 [Amended]

48. Section 59.955 is amended by removing, in both paragraphs (a)(3) and (a)(4), ''For egg products, the'' and adding, in its place, ''The'' and by removing and reserving paragraph (a)(5) and paragraph (c).

§ 59.960 [Amended]

49. Section § 59.960 is amended by removing ''eggs or'' in the first sentence and by removing ''30-dozen shell eggs,'' in the last sentence.

Dated: December 4, 1998.

Kenneth C. Clayton,

Acting Administrator, Agricultural Marketing Service.

[FR Doc. 98–32738 Filed 12–16–98; 8:45 am]

BILLING CODE 3410–02–P

Federal Register

Thursday
December 17, 1998

Part IV

Department of Health and Human Services

Administration for Children and Families

Administration for Native Americans: Availability of Financial Assistance; Notice

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

[Program Announcement No. 93612–992]

Administration for Native Americans: Availability of Financial Assistance

AGENCY: Administration for Native Americans (ANA), ACF, DHHS.

ACTION: Announcement of availability of competitive financial assistance to assist eligible applicants in assuring the survival and continuing vitality of their Native American languages.

SUMMARY: The Administration for Native Americans (ANA) announces the availability of Fiscal Year 1999 funds and other available funds for Native American language projects. Financial assistance provided by ANA is designed to assist applicants in designing projects which will promote the survival and continuing vitality of Native American languages.

Application kit: Application kits, approved by the OMB under control number 0980–0204, which expires August 31, 1999, containing the necessary forms and instructions to apply for a grant under this program announcement, may be obtained:

By Mail: Department of Health and Human Services, Administration for Children and Families, Administration for Native Americans, 370 L'Enfant Promenade, SW, Mail Stop HHH 348–F, Washington, D.C. 20447–0002, Attention: Aaron Sadler/Application Kit.

By Telephone: Call Janean Chambers, Telephone: (202) 690–6547.

By Telefax: Fax: (202) 690–7441.

By World-Wide-Web: Copies of this program announcement and many of the required forms may be obtained electronically at the ANA World Wide Web Page: http://www.acf.dhhs.gov/programs/ana/index.html

The printed **Federal Register** notice is the only official program announcement. Although reasonable efforts are taken to assure that the files on the ANA World Wide Web Page containing electronic copies of this Program Announcement are accurate and complete, they are provided for information only. The applicant bears sole responsibility to assure that the copy downloaded and/or printed from any other source is accurate and complete.

DATES: The closing date for submission of applications is February 19, 1999.

FOR FURTHER INFORMATION CONTACT: Ann Sneed, Native American Program Specialist, Department of Health and Human Services, Administration for Children and Families, Administration for Native Americans, 370 L'Enfant Promenade, Mail Stop HHH 348F, Washington, D.C. 20447, telephone: (202) 690–6504, telefax: (202) 690–7441, or e-mail: asneed@acf.dhhs.gov

Part I: Supplementary Information

A. Purpose and Availability of Funds

The purpose of this notice is to announce the availability of fiscal year 1999 financial assistance to eligible applicants for the purpose of assisting Native Americans in assuring the survival and continuing vitality of their languages. Financial assistance awards made under this program announcement will be on a competitive basis and the proposals will be reviewed against the evaluation criteria in this announcement.

Approximately $2,000,000 in Fiscal Year 1999 has been allocated for category I and II grants. For Category I, Planning Grants (project length: 12 months), the funding level for a budget period of 12 months will be up to $50,000. For Category II, Design and/or Implementation Grants (project length: up to 36 months), the funding level for a budget period of 12 months will be up to $125,000. In accordance with current agency policies, ANA may fund additional highly ranked applications if additional funds become available prior to the next competition.

ANA continues a variety of requirements directed towards enforcing its policy that an eligible grant recipient may only have one active ANA grant awarded from a competitive area at any time. Therefore, while eligible applicants may compete for a Native American language grant in either of the two categories, an applicant may only submit one application and no applicant may receive more than one Native American language grant.

ANA introduces two new requirements within the review criteria for budget proposals in applications. All applicants must clearly demonstrate a plan for an employee fringe benefit package which includes an employee retirement plan benefit, and the funding of travel for key personnel to attend post-award grant management and administration training sponsored by ANA.

B. Background

The Congress has recognized that the history of past policies of the United States toward Indian and other Native American languages has resulted in a dramatic decrease in the number of Native American languages that have survived over the past 500 years. Consequently, the Native American languages Act (Title 1, Pub.L. 101-477) was enacted to address this decline.

This legislation invested the United States government with the responsibility to work together with Native Americans to ensure the survival of cultures and languages unique to Native America. This law declared that it is the policy of the United States to ''preserve, protect and promote the rights and freedom of Native Americans to use, practice and develop Native American languages.'' While the Congress made a significant first step in passing this legislation in 1990, it served only as a declaration of policy. No program initiatives were proposed, nor any funds authorized to enact any significant programs in furtherance of this policy.

In 1992, Congressional testimony provided estimates that of the several hundred languages that once existed, about 150 are still spoken or remembered today. However, only 20 are spoken by persons of all ages, 30 are spoken by adults of all ages, about 60 are spoken by middle-aged adults, and 45 are spoken by the most elderly.

In response to this testimony, the Congress passed the Native American languages Act of 1992 (the Act), Pub. L. 102–524, to assist Native Americans in assuring the survival and continuing vitality of their languages. Passage of the Act was an important second step in attempting to ensure the survival and continuation of Native languages, as it provides the basic foundation upon which the tribal nations can rebuild their economic strength and rich cultural diversity.

While the Federal government recognizes that substantial loss of Native American languages over the past several hundred years, the nature and magnitude of the status of Native American languages will be better defined when eligible applicants under the Act have completed language assessments.

The Administration for Native Americans (ANA) believes that the responsibility for achieving self-sufficiency rests with the governing bodies of Indian Tribes, Alaska Native villages, and in the leadership of Native American groups. This belief supports the ANA principle that the local community and its leadership are responsible for determining goals, setting priorities, and planning and implementing programs which support the community's long-range goals.

Therefore, since preserving a language and ensuring its continuation is

generally one of the first steps taken toward strengthening a group's identity, activities proposed under this program announcement will contribute to the social development of Native communities and significantly contribute to their efforts toward self-sufficiency.

The Administration for Native Americans recognizes that eligible applicants must have the opportunity to develop their own language plans, technical capabilities, and access to the necessary financial and technical resources in order to assess, plan, develop and implement programs to assure the survival and continuing vitality of their languages. ANA also recognizes that potential applicants may have specialized knowledge and capabilities to address specific language concerns at various levels. This program announcement reflects these special needs and circumstances.

C. ANA Program and Administrative Policies

Applicants must comply with the following programmatic policies:

- Funds will not be awarded for projects addressing dead languages. For purposes of this announcement, dead languages are those languages that are no longer spoken by any tribal member or community member.
- The Commissioner shall determine the repository for copies of products from Native American language grants funded under this program announcement. At the end of the project period, products or project models of Native American languages grants funded by this program announcement should be sent to the designated repository. Federally recognized Indian Tribes are not required to comply with this requirement.

Applicants must comply with the following administrative policies:

- Current Native American language grantees whose grant project period extends beyond September 30, 1999, or who have requested an extension of the grant project beyond that date, are not eligible to apply for a grant under the same program area. Current Native American language grantees with project periods beyond September 30, 1999, may not compete for additional Native American language grants.
- Applicants for Category I may propose 12- to 17-month projects; applicants for Category II may propose up to 36-month projects.
- Applicants must describe a locally-determined strategy to carry out a proposed project with fundable objectives and activities.
- An application from a federally recognized Tribe, Alaska Native Village or Native American organization must be from the governing body of the Tribe or organization.
- ANA will not accept applications from tribal components which are tribally-authorized divisions of a larger Tribe, unless the application includes a tribal resolution which clearly demonstrates the Tribe's support of the project and the Tribe's understanding that the other applicant's project supplants the Tribe's authority to submit an application under the Native American languages program both for the current competition and for the duration of the approved grant period, should the application be funded.
- If a federally recognized Tribe or Alaska Native village chooses not to apply, it may support another applicant's project (e.g., a tribal organization) which serves or impacts their reservation. In this case, the applicant must include a tribal resolution which clearly demonstrates the Tribe's approval of the project and the Tribe's understanding that the other applicant's project supplants the Tribe's authority to submit an application under the Native American languages program both for the current competition and for the duration of the approved grant period, should the application be funded.
- ANA will only accept one application which serves or impacts a reservation, Tribe, or Native American community.
- Any non-profit organization submitting an application must submit proof of its non-profit status in the application at the time of submission. The non-profit agency can accomplish this by providing a copy of the applicant's listing in the Internal Revenue Service's (IRS) most recent list of tax exempt organizations described in Section 501(c)(3) of the IRS code or by providing a copy of the currently valid IRS tax exemption certificate, or by providing a copy of the articles of incorporation bearing the seal of the State in which the corporation or association is domiciled.
- If the applicant, other than a Tribe or an Alaska Native Village government, is proposing a project benefiting Native Americans or Native Alaskans, or both, it must provide assurance that its duly elected or appointed board of directors is representative of the community, to be served. To establish compliance with the requirement in the regulations for a Board representative of the community, applicants should provide information establishing that at least ninety (90) percent of the individuals serving on a non-profit applicant's board fall into one or more of the following categories: (1) A current or past member of the community to be served; (2) a prospective participant or beneficiary of the project to be funded; or (3) have a cultural relationship with the community to be served.
- Organizations incorporating in American Samoa are cautioned that the Samoan government relies exclusively upon IRS determinations of non-profit status; therefore, articles of incorporation approved by the Samoan government do not establish non-profit status for these organizations for the purpose of eligibility for ANA funds.
- Grantees must provide at least 20 percent of the total approved cost of the project; i.e. the sum of the ACF share and the non-Federal share. The non-Federal share may be met by cash or in-kind contributions. Therefore, a project requesting $100,000 in Federal funds must include a match of at least $25,000 (20% of the total $125,000 project cost).

As per 45 CFR Part 74.2, In-Kind contributions are defined as ''the value of non-cash contributions provided by non-Federal third parties. Third party-in kind contributions may be in the form of real property, equipment, supplies and other expendable property, and the value of goods and services directly benefiting and specifically identifiable to the project or program.''

In addition it may include other Federal funding sources where legislation or regulations authorize using specific types of funds for match; examples follow:

- Indian Child Welfare funds, through the Department of Interior;
- Indian Self-Determination and Education Assistance funds, through the Department of Interior and the Department of Health and Human Services; and
- Community Development Block Grant funds, through the Department of Housing and Urban Development.

An itemized budget detailing the applicant's non-Federal share, and its source(s), must be included in an application.

- If an applicant plans to charge or otherwise seek credit for indirect costs in its ANA application, a current copy of its Indirect Cost Agreement must be included in the application.
- A request for a waiver of the non-Federal share requirement may be submitted in accordance with 45 CFR 1336.50(b)(3) of the Native American Program Regulations.
- Applications originating from American Samoa, Guam, or the Commonwealth of the Northern Mariana Islands are covered under Section

501(d) of Public Law 95–134, as amended (48 U.S.C. 1469a) under which HHS waives any requirement for matching funds under $200,000 (including in-kind contributions). Therefore, for the grants under this Native American language program, no match is required for grants to these insular areas.

D. Proposed Projects To Be Funded

Category I—Planning Grants

The purpose of a Planning Grant is to conduct an assessment and to develop the plan needed to describe the current status of the language(s) to be addressed and to establish community long-range goal(s) to ensure its survival. Project activities may include, but are not limited to:

- Data collection, compilation, organization and description of current language status through a ''formal'' method (e.g. work performed by a linguist, and/or a language survey conducted by community members) or an ''informal'' method (e.g. a community consensus of the language status based on elders, tribal scholars, and/or other community members);
- Establishment of community long-range language goals; and
- Acquisition of necessary training and technical assistance to administer the project and achieve project goal(s).

Category II—Design and/or Implementation Grants

The purposes of Design and/or Implementation Grants are (1) so Tribes or communities may design and/or implement a language program to achieve their long-range goal(s); and (2) to accommodate where the Tribe or community is in reaching their long-term language goal(s).

Applicants under Category II must be able to document that:

(a) Language information has been collected and analyzed, and that it is current (compiled within 36 months prior to the grant application);

(b) The community has established long-range language goals; and

(c) Community representatives are adequately trained so that the proposed project goals can be achieved.

Category II applications may include purchasing specialized equipment (including audio and video recording equipment, computers, and software) necessary to achieve the project objectives. The applicant must fully justify the need for this equipment and explain how it will be used to achieve the project objectives.

The types of projects ANA may fund under Category II include, but are not limited to:

1. Establishment and support of a community Native American language project to bring older and younger Native Americans together to facilitate and encourage the teaching of Native American languages skills from one generation to another;
2. Establishment of a project to train Native Americans to teach Native American languages to others or to enable them to serve as interpreters or translators of such languages;
3. Development, printing, and dissemination of materials to be used for the teaching and enhancement of Native American languages;
4. Establishment or support of a project to train Native Americans to produce or participate in television or radio programs to be broadcast in Native American languages; and
5. Compilation, transcription and analysis of oral testimony to record and preserve Native American languages.

E. Eligible Applicants

The following organizations are eligible to apply under this competitive area:

- Federally recognized Indian Tribes;
- Consortia of Indian Tribes;
- Incorporated non-federally recognized Tribes;
- Incorporated nonprofit multi-purpose community-based Indian organizations;
- Urban Indian Centers;
- National or regional incorporated nonprofit Native American organizations with Native American community-specific objectives;
- Alaska Native villages as defined in the Alaska Native Claims Settlement Act (ANCSA) and/or nonprofit village consortia;
- Incorporated nonprofit Alaska Native multi-purpose community-based organizations;
- Nonprofit Alaska Native Regional Corporations/Associations in Alaska with village specific projects;
- Nonprofit Native organizations in Alaska with village specific projects;
- Public and nonprofit private agencies serving Native Hawaiians (The populations served may be located on these islands or on the continental United States);
- Public and nonprofit private agencies serving native peoples from Guam, American Samoa, Palau, or the Commonwealth of the Northern Mariana Islands. The populations served may be located on these islands or in the United States; and
- Tribally controlled community colleges, tribally controlled post-secondary vocational institutions; and,
- Colleges and universities located in Hawaii, Guam, American Samoa, Palau, or the Commonwealth of the Northern Mariana Islands which serve Native American Pacific Islanders.
- Non-profit Alaska Native community entities or tribal governing bodies (Indian Reorganization Act or traditional Councils) as recognized by the Bureau of Indian Affairs.

Further information on eligibility requirements is presented in Part I.C, ANA Program and Administrative Policy. Some important policies found in Part I are highlighted as follows:

Current ANA Native American language grantees whose grant project period ends on or before September 30, 1999 are eligible to apply for a grant award under this program announcement. The Project Period is noted in Block 9 of the ''Financial Assistance Award'' document. Applicants for new grants may not have a pending request to extend their existing grant beyond September 30, 1999.

Any non-profit organization submitting an application must submit proof of its non-profit status in the application at the time of submission. The non-profit agency can accomplish this by providing a copy of the applicant's listing in the Internal Revenue Service's (IRS) most recent list of tax exempt organizations described in Section 501(c)(3) of the IRS code or by providing a copy of the currently valid IRS tax exemption certificate, or by providing a copy of the articles of incorporation bearing the seal of the State or Tribe in which the corporation or association is domiciled.

If the applicant, other than a Tribe or an Alaska Native Village government, is proposing a project benefiting Native Americans or Native Alaskans, or both, it must provide assurance that its duly elected or appointed board of directors is representative of the community, to be served. To establish compliance with the requirement in the regulations for a Board representative of the community applicants should provide information establishing that at least ninety (90) percent of the individuals serving on a non-profit applicant's board fall into one or more of the following categories: (1) A current or past member of the community to be served; (2) a prospective participant or beneficiary of the project to be funded; or (3) have a cultural relationship with the community to be served. A list of board members with this information including tribal or Village affiliation, is

one of the most suitable approaches for demonstrating compliance with this requirement.

Under each competitive area, ANA will only accept one application which serves or impacts a reservation, Tribe, or Native American community. If a federally recognized Tribe or Alaska Native village chooses not to apply, it may support another applicant's project (e.g., a tribal organization) which serves or impacts their reservation. In this case, the applicant must include a tribal resolution which clearly demonstrates the Tribe's approval of the project and the Tribe's understanding that the other applicant's project supplants the Tribe's authority to submit an application under that specific competitive area both for the current competition and for the duration of the approved grant period.

Participating Organizations: If a tribal organization, or other eligible applicant, decides that the objective of its proposed Native American language project would be accomplished more effectively through a partnership arrangement with a tribal school, college, or university, the applicant shall identify such school, college or university as a participating organization in its application. Under a partnership agreement, the applicant will be responsible for the fiscal, administrative and programmatic management of the grant.

F. Grantee Share of the Project

Grantees must provide at least 20 percent of the total approved cost of the project. The total approved cost of the project is the sum of the Federal share and the non-Federal share. Further information on this requirement is presented in Part I.C, ANA Program and Administrative Policy.

G. Review Criteria

The proposed project should address the Native American languages purposes stated and described in the section I.B, ''Background'' of this announcement.

The evaluation criteria below are closely inter-related. Points are awarded only to applications which respond to these criteria. Proposed projects will be reviewed on a competitive basis using the following separate sets of evaluation criteria; one set for planning grant applications, the other for design and/or implementation grant applications:

H. Planning Grants

(1) Current Status of Native American language(s) (15 points)

- The application fully describes the current status of Native American language(s) in the community. Since obtaining this data may be part of the planning grant application being reviewed, applicants can meet this requirement by explaining their current language status and providing a detailed description of any circumstances or barriers which have prevented the collection of community language data. If documentation exists, describe it in terms of current language status.

(2) Goals and Available Resources (25 points)

(a) The application describes the proposed project's long-range goals and strategies, including:

- How the specific Native American long-range community goal(s) relate to the proposed project; and
- How the goal(s) fit within the context of the current language status.

(b) The application explains how the community and the tribal government (where one exists) intends to achieve these goals. The type of community served will determine the type of documentation necessary to demonstrate participation. All Tribes and communities, however, must indicate in their application how they intend to involve elders and other community members in their projects and include them in development of language goals and strategies and in evaluation of project outcomes. Ways to demonstrate community and tribal government support for the project include:

- A resolution from Tribes or tribal organizations stating that community involvement has occurred in project planning;
- Community surveys and questionnaires, including those developed to determine the level of community support for tribal resolutions; and
- Minutes of community meetings, tribal presentations and discussion forums;

Applications from National Indian and Native organizations must clearly demonstrate a need for the project, explain how the project was originated, state who the intended beneficiaries will be, and describe how the recipients will actually benefit from the project. National Indian and Native organizations should describe their membership and define how the organization operates.

(c) Available resources (other than ANA and the non-federal share) which will assist and be coordinated with the project are described. These resources should be documented by letters of commitment of resources, and not ''letters of support''.

- ''Letters of support'' merely express another organization's endorsement of a proposed project. Such support letters and related documentation do not indicate a binding commitment, do not establish the authenticity of other resources, and do not offer or bind specific resources to the project.
- ''Letters of commitment'' are binding and specify the nature, amount and conditions under which another agency or organization will support a project funded with ANA funds. These resources may be human, natural or financial, and may include other Federal and non-Federal resources. Applicant statements that additional funding will be sought from other specific sources are not considered a binding commitment of outside resources.
- Non-ANA resources should be leveraged to strengthen and broaden the impact of the proposed project in the community. Project designs should explain how those parts of projects which ANA does not fund will be financed through other sources. For example, ANA does not fund construction. Applicants must show the relationship of non-ANA funded activities to those objectives and activities that are funded with ANA grant funds.

If the applicant proposes to enter into a partnership arrangement with a school, college or university, documentation of this commitment must be included in the application.

(3) Project Objectives, Approach and Activities (30 points)

The proposed objectives in the Objective Work Plan(s) relate to the goal to ensure the survival and continuing vitality of Native American language(s). More specifically, together they will achieve for the Tribe or community's language goals for the proposed project.

Each Objective Work Plan clearly describes:

- The tribal government's and community's active involvement in the continuing participation of Native American language speakers;
- Measurable or quantifiable results or outcomes;
- How the results or outcomes relate to the community's long-range goals or the establishment of those goals;
- How the project can be accomplished with the available or expected resources during the project period;
- How the main activities will be accomplished;
- Who specifically will conduct the activities under each objective; and

• What the next steps may be after the Planning project is completed.

(4) Organizational capabilities/ Qualifications (20 points)

(a) The management and administrative structure of the applicant is explained. Evidence of the applicant's ability to manage a project of the proposed scope is well-defined. The application clearly demonstrates the successful management of projects of similar scope by the organization and or by the individual designated to manage the project.

(b) Position descriptions and/or resumes of key personnel, including those of consultants, are presented. The position descriptions and/or resumes relate specifically to the staff proposed in the Approach Page and in the proposed budget of the application. Position descriptions very clearly describe the position and its duties and clearly relate to the personnel staffing required to achieve the project objectives. Resumes demonstrate that the proposed staff are qualified to carry out the proposed activities. Either the position descriptions or the resumes contain the qualifications, and/or specialized skills, necessary for overall quality management of the project. Resumes must be included if individuals have been identified for positions in the application.

Note: Applicants are encouraged to give preference to Native Americans in hiring staff and contracting services under an approved ANA grant.

(5) Budget (10 points)

A detailed and fully explained budget is provided for each budget period requested which:

• Identifies and explains each line item, with a well-written justification, in the budget categories in Section B of the Budget Information of the application, including the applicant's non-Federal share and its source. Applicants from American Samoa, Guam, and the Northern Mariana Islands are not required to provide a 20% match for the non-Federal share since the level of funding available for the grants would not invoke a required match for grants to these insular areas. Therefore, applicants from these insular areas may not have points reduced for the lack of matching funds. They are, however, expected to coordinate and organize the delivery of any non-ANA resources they propose for the project, as are all ANA applicants.

• Includes and justifies sufficient cost and other necessary details to facilitate the determination of cost allowability and the relevance of these costs to the proposed project; and

• Requests funds which are appropriate and necessary for the scope of the proposed project.

• Includes sufficient funds for principal representatives from the applicant organization to travel to one post-award grant training and technical assistance conference. This travel and training should occur as soon as practical.

• Includes an employee fringe benefit budget that provides grant-funded employees with a qualified, self-directed, portable retirement plan in addition to Social Security. ANA will fund at least five (5) percent of the employer's share, and up to the full grant-project Federal share of employer contributions when based on a program providing benefits equally to all grant- and non-grant employees.

ANA considers a retirement plan to be a necessary, reasonable and allowable cost in accordance with OMB rules. Minimum standards for an acceptable retirement fringe benefit plan are:

• The plan must be ''qualified'', i.e., approved by the Internal Revenue Service to receive special tax-favored treatment.

• The plan exists for the exclusive benefit of the participants; funds are to be used for retirement and certain other pre-retirement needs, not for the organization's needs.

• The plan must have a vesting schedule that does not exceed the initial budget period of the ANA grant.

• The plan must be a 401(k) for people who work in corporations or 403(b) plan for people who work for not-for-profit organizations. An alternate proposal may be submitted for review and approval during grant award negotiations. Alternate proposals may include the use of Individual Retirement Accounts, Money Purchase Pension Plans, Defined Benefit Pension Plans, Combination Plans, etc. In no case will a non-qualified deferred compensation plan, e.g., Supplemental Executive Retirement Plan (SERPs) or Executive Bonus Plan be accepted.

II. Design and/or Implementation Grants

(1) Current Status of Native American language(s) (10 points)

(a) The application fully describes the current status of the Native American language to be addressed; current status is defined as data compiled within the previous 48 months. The description of the current status minimally includes the following information:

• Number of speakers
• Age of speakers
• Gender of speakers
• Level(s) of fluency
• Number of first language speakers (Native language as the first language acquired)
• Number of second language speakers (Native language as the second language acquired)
• Where Native language is used (e.g. home, court system, religious ceremonies; church, media, school, governance and cultural activities)
• Source of data (formal and/or informal)
• Rate of language loss or gain

(b) The application fully describes existing community language or language training programs and projects, if any, in support of the Native American language to be addressed by the proposed project. Existing programs and projects may be formal (e.g., work by a linguist, and/or language survey conducted by community members) or ''informal'' (e.g., a community consensus of the language status based on elders, tribal scholars, and/or other community members).

The description should answer the following: has applicant had a community language or language training program within the last 48 months? (2) Within the last 10 years? If so, fully describe the program(s), and include the following:

• Program goals
• Number of program participants
• Number of speakers
• Age range of participants (e.g., 0–5, 6–10, 11–18, etc.)
• Number of language teachers
• Criteria used to acknowledge competency of language teachers
• Resources available to the applicant (e.g. valid grammars, dictionaries, and/ or thographics or describe other suitable resources)
• Program achievements

If applicant has never had a language program, a detailed explanation of what barriers or circumstances prevented the establishment of a community language program should be included.

(2) Goals and Available Resources (20 points)

(a) The application describes the proposed project's long-range goals and strategies, including:

• How the specific Native American long-range community goal(s) relate to the proposed project; and

• How the goal(s) fit within the context of the current language status;

• A clearly delineated strategy to assist in assuring the survival and continued vitality of the Native American languages addressed in the community.

(b) The application explains how the community and the tribal government (where one exists) intends to achieve these goals. The type of community served will determine the type of documentation necessary to demonstrate participation. All Tribes and communities, however, must indicate in their application how they intend to involve elders and other community members in their projects and include them in development of language goals and strategies and in evaluation of project outcomes. Ways to demonstrate community and tribal government support for the project include:

- A resolution from Tribes or tribal organizations stating that community involvement has occurred in project planning;
- Community surveys and questionnaires, including those developed to determine the level of community support for tribal resolutions; and
- Minutes of community meetings, tribal presentations and discussion forums;

Applications from National Indian and Native organizations must clearly demonstrate a need for the project, explain how the project was originated, state who the intended beneficiaries will be, and describe how the recipients will actually benefit from the project. National Indian and Native organizations should describe their membership and define how the organization operates.

(c) Available resources (other than ANA and the non-federal share) which will assist and be coordinated with the project are described. These resources should be documented by letters of commitment of resources, and not ''letters of support''.

- ''Letters of support'' merely express another organization's endorsement of a proposed project. Such support letters and related documentation do not indicate a binding commitment, do not establish the authenticity of other resources, and do not offer or bind specific resources to the project.
- ''Letters of commitment'' are binding and specify the nature, amount and conditions under which another agency or organization will support a project funded with ANA funds. These resources may be human, natural or financial, and may include other Federal and non-Federal resources. Applicant statements that additional funding will be sought from other specific sources are not considered a binding commitment of outside resources.
- Non-ANA resources should be leveraged to strengthen and broaden the impact of the proposed project in the community. Project designs should explain how those parts of projects which ANA does not fund will be financed through other sources. For example, ANA does not fund construction. Applicants must show the relationship of non-ANA funded activities to those objectives and activities that are funded with ANA grant funds.

If the applicant proposes to enter into a partnership arrangement with a school, college or university, documentation of this commitment must be included in the application.

(3) Project Objectives, Approach and Activities (30 points)

The proposed objectives in the Objective Work Plan(s) relate to the goal to ensure the survival and continuing vitality of Native American language(s). More specifically, together they will achieve for the Tribe or community's language goals for the proposed project. If the project is for more than one year, the application includes Objective Work Plans for each year (budget period) proposed.

Each Objective Work Plan clearly describes:

- The tribal government's and community's active involvement in the continuing participation of Native American language speakers;
- Measurable or quantifiable results or outcomes;
- How they relate to the community's long-range goals or the establishment of those goals;
- How the project can be accomplished with the available or expected resources during the project period;
- How the main activities will be accomplished;
- Who specifically will conduct the activities under each objective; and
- How the project will be completed, become self-sustaining, or be financed by other than ANA funds at the end of the project period.

(4) Organizational capabilities/ Qualifications (15 points)

(a) The management and administrative structure of the applicant is explained. Evidence of the applicant's ability to manage a project of the proposed scope is well-defined. The application clearly demonstrates the successful management of projects of similar scope by the organization and or by the individual designated to manage the project.

(b) Position descriptions and/or resumes of key personnel, including those of consultants, are presented. The position descriptions and/or resumes relate specifically to the staff proposed in the Approach Page and in the proposed budget of the application. Position descriptions very clearly describe the position and it's duties and clearly relate to the personnel staffing required to achieve the project objectives. Resumes demonstrate that the proposed staff are qualified to carry out the proposed activities. Either the position descriptions or the resumes contain the qualifications, and/or specialized skills, necessary for overall quality management of the project. Resumes must be included if individuals have been identified for positions in the application.

Note: Applicants are encouraged to give preference to Native Americans in hiring staff and contracting services under an approved ANA grant.

(5) Budget (10 points)

A detailed and fully explained budget is provided for each budget period requested which:

- Identifies and explains each line item, with a well-written justification, in the budget categories in Section B of the Budget Information of the application, including the applicant's non-Federal share and its source. Applicants from American Samoa, Guam, and the Northern Mariana Islands are not required to provide a 20% match for the non-Federal share since the level of funding available for the grants would not invoke a required match for grants to these insular areas. Therefore, applicants from these insular areas may not have points reduced for the lack of matching funds. They are, however, expected to coordinate and organize the delivery of any non-ANA resources they propose for the project, as are all ANA applicants.
- Includes and justifies sufficient cost and other necessary details to facilitate the determination of cost allowability and the relevance of these costs to the proposed project.
- Requests funds which are appropriate and necessary for the scope of the proposed project.
- Includes sufficient funds for principal representatives from the applicant organization to travel to one post-award grant training and technical assistance conference. This travel and training should occur as soon as practical.
- Includes an employee fringe benefit budget that provides grant-funded employees with a qualified, self-directed, portable retirement plan in

addition to Social Security. ANA will fund at least five (5) percent of the employer's share, and up to the full grant-project Federal share of employer contributions when based on a program providing benefits equally to all grant- and non-grant employees.

ANA considers a retirement plan to be a necessary, reasonable and allowable cost in accordance with OMB rules. Minimum standards for an acceptable retirement fringe benefit plan are:

- The plan must be ''qualified'', i.e., approved by the Internal Revenue Service to receive special tax-favored treatment.
- The plan exists for the exclusive benefit of the participants; funds are to be used for retirement and certain other pre-retirement needs, not for the organization's needs.
- The plan must have a vesting schedule that does not exceed the initial budget period of the ANA grant.
- The plan must be a 401(k) for people who work in corporations or 403(b) plan for people who work for not-for-profit organizations. An alternate proposal may be submitted for review and approval during grant award negotiations. Alternate proposals may include the use of Individual Retirement Accounts, Money Purchase Pension Plans, Defined Benefit Pension Plans, Combination Plans, etc. In no case will a non-qualified deferred compensation plan, e.g., Supplemental Executive Retirement Plan (SERPs) or Executive Bonus Plan be accepted.

(6) Evaluation, Sharing and Preservation Plans (15 points)

The application should include the following three plans:

(a) An ''evaluation plan'' with a baseline to measure project outcomes, including, but not limited to, describing effective language growth in the community (e.g., an increase of Native American language use). This plan will be the basis for evaluating the community's progress in achieving its language goals and objectives.

(b) A ''sharing plan'' that identifies how the project's methodology, research data, outcomes or other products can be shared and modified for use by other Tribes or communities. If this is not feasible or culturally appropriate, provide the reasons. The goal is to provide opportunities to ensure the survival and the continuing vitality of Native languages.

(c) A ''plan to preserve project products'' describes how the products of the project will be preserved through archival or other culturally appropriate methods, for the benefit of future generations.

I. Application Due Date

The closing date for submission of applications under this program announcement is February 19, 1999.

J. For Further Information Contact

Ann Sneed, Native American Program Specialist, Department of Health and Human Services, Administration for Children and Families, Administration for Native Americans, 370 L'Enfant Promenade, Mail Stop HHH 348F, Washington, D.C. 20447, telephone: (202) 690–6504; telefax: 202–690–7441; e-mail: asneed@acf.dhhs.gov.

Part II: General Guidance to Applicants

The following is provided to assist applicants to develop a competitive application.

A. Definitions

- ''Language preservation'' is the maintenance of a language so that it will not decline into non-use.
- ''Language vitality'' is the active use of a language in a wide range of domains of human life.
- ''Language replication'' is the application of a language program model developed in one community to other linguistically similar communities.
- ''Language survival'' is the maintenance and continuation of language from one generation to another in a wide range of aspects of community life.
- A ''multi-purpose community-based Native American organization'' is an association and/or corporation whose charter specifies that the community designates the Board of Directors and/or officers of the organization through an elective procedure and that the organization functions in several different areas of concern to the members of the local Native American community. These areas are specified in the by-laws and/or policies adopted by the organization. They may include, but need not be limited to, economic, artistic, cultural, and recreational activities, and the delivery of human services such as health care, day care, counseling, education, and training.
- A ''multi-year project'' is a project on a single theme that requires more than 12 months to complete and affords the applicant an opportunity to develop and address more complex and in-depth strategies than can be completed in one year. A multi-year project cannot be a series of unrelated objectives with activities presented in chronological order over a two or three year period.
- ''Budget Period'' is the interval of time (usually 12 months) into which the project period is divided for budgetary and funding purposes.
- ''Core administration'' is funding for staff salaries for those functions that support the organization as a whole, or for purposes unrelated to the actual management or implementation of work conducted under an ANA approved project. However, functions and activities that are clearly project related are eligible for grant funding. For example, the management and administrative functions necessary to carry out an ANA approved project are not considered ''core administration'' and are, therefore, eligible costs. Additionally, ANA will fund the salaries of approved staff for time actually and reasonably spent to implement a funded ANA project.
- ''Real Property'' means land, including land improvements, structures and appurtenances thereto, excluding movable machinery and equipment.
- ''Construction'' is the term which specifies a project supported through a discretionary grant or cooperative agreement, to support the initial building of a facility.

B. Activities That Cannot Be Funded

The Administration for Native Americans does not fund:

- Projects that operate indefinitely or require ANA funding on a recurring basis.
- Projects in which a grantee would provide training and/or technical assistance (T/TA) to other Tribes or Native American organizations which are otherwise eligible to apply to ANA (''third party T/TA''). However, the purchase of T/TA by a grantee for its own use or for its members' use (as in the case of a consortium), where T/TA is necessary to carry out project objectives, is acceptable.
- The support of on-going social service delivery programs or the expansion, or continuation, of existing social service delivery programs.
- ANA will not fund the purchase of real property.
- ANA will not fund construction.
- Objectives or activities for the support of core administration of an organization.
- Costs of fundraising, including financial campaigns, endowment drives, solicitation of gifts and bequests, and similar expenses incurred solely to raise capital or obtain contributions are unallowable under a grant award. However, even though these costs are unallowable for purposes of computing charges to Federal awards, they must be treated as direct costs for purposes of determining indirect cost rates and be

allocated their share of the organization's indirect costs if they represent activities which (1) include the salaries of personnel, (2) occupy space, and (3) benefit from the organization's indirect costs.

Projects or activities that generally will not meet the purposes of this announcement are discussed further in Section H, ''General Guidance to Applicants'', below.

C. Multi-Year Projects

Only Category II ''Design and/or Implementation'' projects may be developed as multi-year projects, i.e. for up to three years. The information in this section is not applicable to Category I, planning projects.

A multi-year project is a project on a single theme that requires more than 12 to 17 months to complete. It affords the applicant an opportunity to develop and address more complex and in-depth strategies. A multi-year project cannot be a series of unrelated objectives with activities presented in chronological order over a two or three year period. Initial awards, on a competitive basis, will be for a one-year budget period (up to 17 months), although project periods may be for three years.

Awards, on a competitive basis, will be for a one-year budget period, although project periods may be for three years. Applications for continuation grants funded under these awards beyond the one-year budget period, but within a two-to-three year project period, will be funded in subsequent years on a non-competitive basis, subject to the availability of funds, satisfactory progress of the grantee and determination that continued funding would be in the best interest of the Government. Therefore, this program announcement does not apply to current ANA grantees with multi-year projects that apply for continuation funding for their second or third year budget periods.

D. Intergovernmental Review of Federal Programs

This program is not covered by Executive Order 12372 or 45 CFR Part 100.

E. The Application Process

1. Application Submission by Mail

One signed original, and two copies, of the grant application, including all attachments, must be mailed on or before the closing date to: U.S. Department of Health and Human Services, Administration for Children and Families, ACYF/Office of Grants Management, 370 L'Enfant Promenade, S.W., Mail Stop HHH 326-F, Washington, D.C. 20447–0002, Attention: Lois B. Hodge, ANA No. 93612–992.

2. Application Submission by Courier

Applications hand-carried by applicants, applicant couriers, or by overnight express mail couriers shall be considered as meeting an announced deadline if they are received on or before the deadline date, between the hours of 8:00 am and 4:00 pm at: U.S. Department of Health and Human Services Administration for Children and Families, ACYF/Office of Grants Management, ACF Mail Room, Second Floor Loading Dock, Aerospace Center, 901 D Street, S.W., Washington, D.C. 20024, Attention: Lois B. Hodge, ANA No. 93612–992.

3. Application Consideration

The ANA Commissioner determines the final action to be taken on each grant application received under this program announcement.

The following points should be taken into consideration by all applicants:

- Incomplete applications and applications that do not conform to this announcement will not be accepted for review. Applicants will be notified in writing of any such determination by ACF. An incomplete application is one that is:
- Missing Form SF 424
- Does not have a signature on Form SF 424
- Does not include proof of non-profit status, if applicable.
- The application (Form 424) must be signed by an individual authorized (1) to act for the applicant Tribe or organization, and (2) to assume the applicant's obligations under the terms and conditions of the grant award, including Native American Program statutory and regulatory requirements.
- Complete applications that conform to all the requirements of this program announcement are subjected to a competitive review and evaluation process. Independent review panels consisting of reviewers familiar with American Indian Tribes and Native American communities and organizations, and Native American languages evaluate each application using the published criteria in this announcement. As a result of the review, a normalized numerical score will be assigned to each application.
- Each Tribe, Native American organization, or other eligible applicant may compete for one grant award under this program announcement.
- The Administration for Native Americans will accept only one application for this program announcement from any one applicant. If an eligible applicant sends in two applications for this program announcement, the one with the earlier postmark will be accepted for review unless the applicant withdraws the earlier application.
- The Commissioner's funding decision is based on the review panel's analysis of the application, recommendation and comments of ANA staff, State and Federal agencies having contract and grant performance related information, and other interested parties.
- The Commissioner makes grant awards consistent with the purpose of the Act, all relevant statutory and requires this program announcement, and the availability of funds.
- Successful applicants are notified through an official Financial Assistance Award (FAA) document. The FAA will state the amount of Federal funds awarded, the purpose of the grant, the terms and conditions of the grant award, the effective date of the award, the project period, the budget period, and the amount of the non-ACF matching share requirement.

F. The Review Process

1. Initial Application Review

Applications submitted by the closing date and verified by the postmark under this program announcement will undergo a pre-review to determine that:

- The applicant is eligible in accordance with the Eligible Applicants Section of this announcement; and,
- The application is signed and submitted by the deadline; and,
- The application narrative, forms and materials submitted are adequate to allow the review panel to undertake an in depth evaluation and the project described is an allowable type. (All required materials and forms are listed in the Grant Application Checklist in the Application Kit).

Applications subjected to the pre-review described above which fail to satisfy one or more of the listed requirements will be ineligible or otherwise excluded from competitive evaluation.

2. Competitive Review of Accepted Applications

Applications which pass the pre-review will be evaluated and rated by an independent review panel on the basis of the specific evaluation criteria listed in Part II. These criteria are used to evaluate the quality of a proposed project, and to determine the likelihood of its success.

• ANA staff cannot respond to requests for information regarding funding decisions prior to the official notification to the applicants.

• After the Commissioner has made decisions on all applications funded with fiscal year 1999 funds, unsuccessful applicants are notified in writing within 30 days. The notification will be accompanied by a critique including recommendations for improving the application.

3. Appeal of Ineligibility

Applicants who are initially excluded from competitive evaluation because of ineligibility, may appeal an ANA decision of applicant ineligibility. Likewise, applicants may also appeal an ANA decision that an applicant's proposed activities are ineligible for funding consideration. The appeals process is stated in the final rule published in the **Federal Register** on August 19, 1996 (61 FR 42817).

G. General Guidance to Applicants

The following information is provided to assist applicants in developing a competitive application.

1. Program Guidance

• The Administration for Native Americans funds projects that demonstrate the strongest prospects for addressing the stated purposes of this program announcement.

• Projects will not be ranked on the basis of general financial need.

• In discussing the goals, strategy, and problems being addressed in the application, include sufficient background and/or history of the community concerning these issues and/or progress to date, as well as the size of the population to be served. This material will assist the reviewers in determining the appropriateness and potential benefits of the proposed project.

• In the discussion of community-based, long-range goals, non-Federally recognized and off-reservation groups are encouraged to include a description of what constitutes their specific ''community.''

• Applicants must document the community's support for the proposed project and explain the role of the community in the planning process and implementation of the proposed project. For Tribes, a current signed resolution from the governing body of the Tribe supporting the project proposal stating that there has been community involvement in the planning of this project will suffice as evidence of community support/involvement. For all other eligible applicants, the type of community you serve will determine the type of documentation necessary. For example, a tribal organization may submit resolutions supporting the project proposal from each of its members Tribes, as well as a resolution from the applicant organization. Other examples of documentation include: community surveys; minutes of community meetings; questionnaires; tribal presentations; and/or discussion/position papers.

• Applications from National Indian and Native American organizations must demonstrate a need for the project, explain how the project was originated, state who the intended beneficiaries will be, and describe how the recipients will actually benefit from the project.

• An application should describe a clear relationship between the proposed project, language goals, and the community's long-range goals or plan.

• The project application, including the Objective Work Plans, must clearly identify in measurable terms the expected results, benefits or outcomes of the proposed project, and the positive or continuing impact that the project will have on the community.

• Supporting documentation, including letters of support, if available, or other testimonies from concerned interests other than the applicant should be included to demonstrate support for the feasibility of the project and the commitment of other resources to the proposed project.

• In the ANA Project Narrative, Section A of the application package, ''Resources Available to the Proposed Project,'' the applicant should describe any specific financial circumstances which may impact on the project, such as any monetary or land settlements made to the applicant, and any restrictions on the use of those settlements. When the applicant appears to have other resources to support the proposed project and chooses not to use them, the applicant should explain why it is seeking ANA funds and not utilizing these resources for the project.

• Applications which were not funded under a previous years closing date and for resubmission should make a reference to the changes, or reasons for not making changes, in their current ANA application which are based on ANA panel review comments.

2. Technical Guidance

• It is strongly suggested that the applicant follow the Supplemental Guide included in the ANA application kit to develop an application. The Guide provides practical information and helpful suggestions, and is an aid to help applicants prepare ANA applications.

• Applicants are encouraged to have someone other than the author apply the evaluation criteria in the program announcement and score the application prior to its submission, in order to gain a better sense of the application's quality and potential competitiveness in the ANA review process.

• For purposes of developing an application, applicants should plan for a project start date approximately 120 days after the closing date under which the application is submitted.

• The Administration for Native Americans will not fund essentially identical projects serving the same constituency.

• If a project could be supported by other Federal funding sources, the applicant should fully explain its reasons for not pursuing other Federal funds for the project.

• For purposes of this announcement, ANA is using the Bureau of Indian Affairs' list of federally recognized Indian Tribes which includes nonprofit Alaska Native community entities or tribal governing bodies (IRA or traditional councils). Other federally recognized Indian Tribes which are not included on this list (e.g., those Tribes which have been recently recognized or restored by the United States Congress) are also eligible to apply for ANA funds.

• The Objective Work Plan proposed should be of sufficient detail to become a monthly staff guide for project responsibilities if the applicant is funded.

• Applicants proposing multi-year projects under Category II must fully describe each year's project objectives and activities. Separate Objective Work Plans (OWPs) must be presented for each project year and a separate itemized budget of the Federal and non-Federal costs of the project for each budget period must be included.

• Applicants for multi-year projects under Category II must justify the entire time-frame of the project (i.e., why the project needs funding for more than one year) and clearly describe the results to be achieved for each objective by the end of each budget period of the total project period.

• The Administration for Native Americans will critically evaluate applications in which the acquisition equipment is a major component of the Federal share of the budget. ''Equipment is tangible, non-expendable personal property having a useful life of more than one year and an acquisition cost of $5,000 or month per ''unit.'' During negotiation, such expenditures may be

deleted from the budget of an otherwise approved application, if not fully justified by the applicant and deemed not appropriate to the needs of the project by ANA.

• Applicants are encouraged to request a legibly dated receipt from a commercial carrier or U.S. Postal Service as proof of timely mailing.

3. Grant Administrative Guidance

• The application's Form 424 must be signed by the applicant's representative authorized to act with full authority on behalf of the applicant.

• The Administration for Native Americans recommends that the pages of the application be numbered sequentially and that a table of contents and tabbing of the sections be provided.

• An application with an original signature and two additional copies are required.

• The Cover Page (included in the Kit) should be the first page of an application, followed by the one-page abstract.

• The applicant should specify the entire project period length on the first page of the Form 424, Block 13, not the length of the first budget period. Should the application propose one length of project period and the Form 424 specify a conflicting length of project period, ANA will consider the project period specified on the Form 424 as the request. ANA may negotiate a reduction of the project period. The approved project period is shown on block 9 of a Financial Assistance Award.

• Line 15a of the Form 424 must specify the Federal funds requested for the first Budget Period, not the entire project period.

• Applicants may propose up to a 17 month project period under Category I and up to a 36 month project period under Category II.

4. Projects or Activities That Generally Will Not Meet the Purposes of This Announcement

• Core administration functions, or other activities, which essentially support only the applicant's on-going administrative functions.

• Project goals which are not responsive to this program announcement.

• Proposals from consortia of Tribes that are not specific with regard to support from, and roles of, member Tribes. ANA expects an application from a consortium to have goals and objectives that will create positive impacts and outcomes in the communities of its members. Proposals from consortia of Tribes should have individual objectives which are related to the larger goal of the proposed project. Project objectives may be tailored to each consortia member, but within the context of a common goal for the consortia. In situations where both tribal consortia and a Tribe who belongs to the consortia receives ANA funding, ANA expects that consortia groups will not seek funding that duplicates activities being conducted by their member Tribes.

• Projects that will not be completed, self-sustaining, or supported by other than ANA funds, at the end of the project period. All projects funded by ANA must be completed, or self-sustaining or supported with other than ANA funds at the end of the project period. ''Completed'' means that the project ANA funded is finished, and the desired result(s) have been attained. ''Self-sustaining'' means that a project will continue without outside resources. ''Supported by other than ANA funds'' means that the project will continue beyond the ANA project period, but will be supported by funds other than ANA's.

• Renovation or alteration unless it is essential for the project. Renovation or alteration costs may not exceed the lesser of $150,000 or 25 percent of the total direct costs approved for the entire budget period.

• Projects originated and designed by consultants who provide a major role for themselves in the proposed project and are not members of the applicant organization, Tribe or village.

Paperwork Reduction Act of 1995 (Pub. L. 104–13)

Public reporting burden for this collection of information is estimated to average 29.5 hours per response, including the time for reviewing instructions, gathering and maintaining the data needed, and reviewing the collection of information.

The following information collections are included in the ANA application kit approved under OMB # 0980–0204—expires August 31, 1999.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

I. Receipt of Applications

Applications must either be hand delivered or mailed to the address in Section E, The Application Process. The Administration for Native Americans cannot accommodate transmission of applications by fax or through other electronic media. Therefore, applications transmitted to ANA electronically will not be accepted regardless of date or time of submission and time of receipt. Videotapes and cassette tapes may not be included as part of a grant application for panel review.

Applications and related materials postmarked after the closing date will be classified as late.

1. Deadlines

• Mailed applications shall be considered as meeting an announced deadline if they are either received on or before the deadline date or sent on or before the deadline date and received by ACF in time for the independent review to:

U. S. Department of Health and Human Services, Administration for Children and Families, ACYF/Office of Grants Management, 370 L'Enfant Promenade, S.W., Mail Stop HHH 326–F, Washington, D.C. 20447–0002 Attention: Lois B. Hodge ANA No. 93612–992

• Applicants are cautioned to request a legibly dated U.S. Postal Service postmark or to obtain a legibly dated receipt from a commercial carrier or the U.S. Postal Service. Private metered postmarks shall not be acceptable as proof of timely mailing.

• Applications hand carried by applicants, applicant couriers, or by overnight/express mail couriers shall be considered as meeting an announced deadline if they are received on or before the deadline date or postmarked on or before the deadline date, Monday through Friday (excluding Federal holidays), between the hours of 8:00 am and 4:30 pm at: U. S. Department of Health and Human Services, Administration for Children and Families, ACYF/Office of Grants Management, ACF Mailroom, 2nd Floor Loading Dock, Aerospace Center, 901 D Street, S.W., Washington, D.C. 20024. (Applicants are cautioned that express/overnight mail services do not always deliver as agreed.)

• ACF cannot accommodate transmission of applications by fax or through other electronic media. Therefore, applications transmitted to ACF electronically will not be accepted regardless of date or time of submission and time of receipt.

• No additional material will be accepted, or added to an application, unless it is postmarked by the deadline date.

2. Late Applications

Applications which do not meet the criteria above are considered late applications. ACF shall notify each late applicant that its application will not be considered in the current competition.

3. Extension of Deadlines

The Administration for Children and Families may extend an application deadline for applicants affected by acts of God such as floods and hurricanes, or when there is a widespread disruption of the mails. A determination to extend or waive deadline requirements rests with the Chief Grants Management Officer.

(Catalog of Federal Domestic Assistance Program Numbers: 93.612 Native American Programs; and 93.587 Promoting the Survival and Continuing Vitality of Native American languages)

Gary N. Kimble,

Commissioner, Administration for Native Americans.

[FR Doc. 98–33394 Filed 12–16–98; 8:45 am]

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Federal Register

Thursday
December 17, 1998

Part V

Department of Agriculture

Agricultural Research Service

Cooperative State Research, Education, and Extension Service, USDA

Biotechnology Risk Assessment Research Grants Program for Fiscal Year 1999; Solicitation of Applications; Notice

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

Cooperative State Research, Education, and Extension Service

Biotechnology Risk Assessment Research Grants Program for Fiscal Year 1999; Solicitation of Applications

AGENCY: Agricultural Research Service; Cooperative State Research, Education, and Extension Service.

ACTION: Notice of Biotechnology Risk Assessment Research Grants Program; Fiscal Year 1999 Solicitation of Applications.

SUMMARY: Applications are invited for competitive grant awards under the Biotechnology Risk Assessment Research Grants Program (the ''Program'') for fiscal year (FY) 1999. The authority for the Program is contained in section 1668 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5921). The Program is administered by the Cooperative State Research, Education, and Extension Service (CSREES) and the Agricultural Research Service (ARS) of the U.S. Department of Agriculture.

DATES: Proposals are due March 24, 1999.

FOR FURTHER INFORMATION CONTACT: Dr. Edward K. Kaleikau, USDA/CSREES, (202) 401–1901, Dr. Robert M. Faust, USDA/ARS, (301) 504–6918, or Dr. Deborah Sheely, USDA/CSREES, (202) 401–1924.

SUPPLEMENTARY INFORMATION:

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Stakeholder Input

CSREES is soliciting comments regarding this solicitation of applications from any interested party. These comments will be considered in the development of the next request for proposals for the Program. Such comments will be forwarded to the Secretary or his designee for use in meeting the requirements of section 103(c)(2) of the Agricultural Research, Extension, and Education Reform Act of 1998, 7 U.S.C. 7613(c)(2). Written comments should be submitted by first-class mail to: Office of Extramural Programs; Competitive Research Grants and Awards Management; USDA-CSREES; STOP 2299; 1400 Independence Avenue, S.W., Washington, D.C. 20250–2299, or via e-mail to: RFP-OEP@reeusda.gov.

In your comments, please include the name of the program and the fiscal year solicitation of applications to which you are responding. Comments are requested within six months from the issuance of the solicitation of applications. Comments received after that date will be considered to the extent practicable.

Purpose

The purpose of the Program is to assist Federal regulatory agencies in making science-based decisions about the effects of introducing into the environment genetically modified organisms, including plants, microorganisms, fungi, bacteria, viruses, arthropods, fish, birds, mammals and other animals excluding humans. Investigations of effects on both managed and natural environments are relevant. The Program accomplishes this purpose by providing scientific information derived from the risk assessment research that it funds. Research proposals submitted to the Program must be applicable to the purpose of the Program to be considered.

Applicant Eligibility

Proposals may be submitted by any United States public or private research or educational institution or organization.

Available Funding

Subject to the availability of funds, the anticipated amount available for support of the Program in FY 1999 is $1.5 million. The agency intends to award these funds for project proposals in the targeted areas with no more than two awards for conference proposals.

CSREES is prohibited from paying indirect costs exceeding 19 percent of the total Federal funds provided under each award on competitively awarded research grants (7 U.S.C. 3310). However, Section 711 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1999, Sec. 107(a), Pub. L. No. 105–277 prohibits CSREES from using the funds available for the Program for FY 1999 to pay indirect costs exceeding 14 percent of the total Federal funds provided under each award on competitively awarded research grants.

Program Description

CSREES and ARS will competitively award research grants to support science-based biotechnology regulation and thus help address concerns about the effects of introducing genetically modified organisms into the environment and help regulators in developing policies regarding such introduction.

The Program's emphasis is on risk assessment, which is defined as the science-based evaluation and interpretation of factual information in which a given hazard, if any, is identified, and the consequences associated with the hazard are explored. Investigators are encouraged to design studies in which answers to three general questions are sought: 1) what is the risk (potential risk identification)?; 2) how likely is the risk to occur (quantifying the probability of occurrence)?; and 3) what is the severity and extent of the effect if it occurs (quantifying the effects)? Proposals that address all three questions are preferred. However, studies of a single question will also be considered if developed within the broader context of risk assessment. The Program does not support risk management research, which is defined as (1) research aimed primarily at reducing risks of specific biotechnology-derived agents and (2) a policy and decision-making process that uses risk assessment data in deciding how to avoid or mitigate the consequences identified in a risk assessment. Proposals must be relevant to risk assessment to be eligible for this Program.

Proposals must include a statement describing the relevance of the proposed project to one or more of the research topics requested in this solicitation. In addition, proposals should include detailed descriptions of the experimental design and appropriate statistical analyses to be done.

Awards will not be made for clinical trials, commercial product development, product marketing strategies, or other research deemed not appropriate to risk assessment.

Proposal Evaluation

Proposals will be evaluated by the Administrators of ARS and CSREES assisted by a peer panel of scientists for scientific merit, qualifications of project personnel, adequacy of facilities, and relevance to both risk assessment research and regulation of agricultural biotechnology. Proposals for funding a scientific research conference grant will

be evaluated on the following criteria: choice of topics and selection of speakers; general format of the conference, especially with regard to its appropriateness for fostering scientific exchange; provisions for wide participation from the scientific and regulatory community and others as appropriate; qualifications of the organizing committee and appropriateness of invited speakers to the topic areas being covered; and appropriateness of the budget requested and qualifications of the project personnel. All proposals are considered together in making award decisions. However, no more than two conference grants will be awarded.

Areas of Research To Be Supported in Fiscal Year 1999

Proposals addressing the following topics are requested:

1. Research relevant to assessing the risk of the introduction into the environment of genetically engineered organisms. Potential subject areas include but are not limited to: research on the potential for recombination between plant viruses and plant-encoded viral transgenes; research on the potential for nontarget effects of introduced plant-defense compounds expressed in genetically modified plant-associated microorganisms (e.g., compounds in the phyllosphere or rhizosphere-inhabiting bateria) or in plants (e.g., Bacillus thuringiensis delta-endotoxin), especially in regard to persistence of the organisms and material in the environment; changes in ecosystem or agro-ecosystem function and composition; or research on gene flow from transgenic crops to related plants. The data collected may include: survival; reproductive fitness; genetic stability; genetic recombination; horizontal gene transfer; loss of genetic diversity; or enhanced competitiveness. The organisms may include: fungi; bacteria; viruses; microorganisms; plants; arthropods; fish; birds; mammals; and other animals excluding humans. As long as the data gathered are relevant to the assessment of the risk of genetically modified organisms, the experiments need not utilize genetically engineered organisms. When feasible, measure of risk should include estimates of expected frequency and impact, and address the availability of effective mitigation measures to reduce or avoid impacts.

2. Research on large-scale deployment of genetically engineered organisms; especially commercial uses of such organisms, with special reference to considerations that may not be revealed through small-scale evaluations and tests. Studies should attempt to project impacts over as large a spatial and temporal scale as feasible. Of particular interest are studies that survey transgenic insect and virus resistant plants for insects and viral strains that have overcome the resistance phenotype. This may be done by monitoring locations where such plants are grown on a commercial scale or in large scale production. The analysis of resistance-breaking viral strains should include analyzing whether the strain arose via recombination between viral transgenes and the viral genome. Such projects should survey the production sites for two to three years.

3. Research to develop statistical methodology and quantitative measures of risks associated with field testing of genetically modified organisms.

4. The Program will, subject to resource availability, provide partial funding to organize a scientific research conference that brings together scientists and regulators to review the science-based data relevant to risk assessment of genetically modified organisms released into the environment. The scientific steering committee for the conference should include representatives from a variety of relevant disciplines, such as ecology, population biology, pathology, production and resource management science, and others, as appropriate. The Program will fund a maximum of two conference proposals.

Applicable Regulations

This Program is subject to the administrative provisions found in 7 CFR Part 3415, which set forth procedures to be followed when submitting grant proposals, rules governing the evaluation of proposals, the awarding of grants, and post-award administration of such grants. Several other Federal statutes and regulations apply to grant proposals considered for review or to grants awarded under this Program. These include but are not limited to:

7 CFR Part 3019—USDA implementation of OMB Circular A–110, Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals and Other Nonprofit Organizations.

Programmatic Contact

For additional information on the Program, please contact:

Dr. Edward K. Kaleikau, Cooperative State Research, Education, and Extension Service, U.S. Department of Agriculture, STOP 2241, 1400 Independence Avenue, S.W., Washington, D.C. 20250–2241, Telephone: (202) 401–1901
or
Dr. Robert M. Faust, Agricultural Research Service, U.S. Department of Agriculture, Room 338, Building 005, BARC-West, Beltsville, MD 20705, Telephone: (301) 504–6918,
or
Dr. Deborah Sheely, Cooperative State Research, Education, and Extension Service, U.S. Department of Agriculture, STOP 2241, 1400 Independence Avenue, S.W., Washington, D.C. 20250–2241, Telephone: (202) 401–1924

How To Obtain Application Materials

Copies of this solicitation, the administrative provisions for the Program (7 CFR Part 3415), and the Application Kit, which contains required forms, certifications, and instructions for preparing and submitting applications for funding, may be obtained by contacting: Proposal Services Unit, Office of Extramural Programs, Cooperative State Research, Education, and Extension Service, U.S. Department of Agriculture, STOP 2245, 1400 Independence Avenue, S.W., Washington, D.C. 20250–2245, Telephone Number: (202) 401–5048

Application materials also may be requested via Internet by sending a message with your name, mailing address (not e-mail) and telephone number to psb@reeusda.gov which states that you wish to receive a copy of the application materials for the FY 1999 Biotechnology Risk Assessment Research Grants Program. The materials will then be mailed to you (not e-mailed) as quickly as possible.

This Solicitation and other application information and materials also are available at the Program's website (http://www.reeusda.gov/crgam/biotechrisk/biotech.htm).

Proposal Format

The format guidelines for full research proposals, found in the administrative provisions for the Program at § 3415.4(d), should be followed for the preparation of proposals under the Program in FY 1999. In addition, please note the following items: (1) The Department elects not to solicit preproposals in FY 1999; (2) a proposal's project summary may not exceed one single-or double-spaced page. Include on this page the proposal title, as well as names and institutions of each investigator; and (3) a separate conflict of interest list must be submitted with the proposal for each investigator for whom a curriculum vitae (C.V.) is required. This list is

necessary to assist program staff in excluding from proposal review those individuals who have conflicts of interest with the project personnel in the grant proposal.

For each investigator (and other personnel as described in the program description), list alphabetically the full names of only the individuals in the following categories. It is not necessary to list individuals in each category separately; rather, a single alphabetized list for each investigator is preferred. Additional pages may be used as necessary. A conflict of interest list must be submitted before a proposal is considered complete. Inclusion of a C.V. or publication list in lieu of a conflict of interest list is not sufficient. Other investigators working in the applicant's specific research area are not in conflict of interest with the applicant unless those investigators fall within one of the categories listed below:

(A) All collaborators on research projects within the past five years, including current and planned collaborations;

(B) All co-authors on publications within the past five years, including pending publications and submissions;

(C) All persons in your field with whom you have had a consulting or financial arrangement within the past five years; and

(D) All thesis or postdoctoral advisees/advisors within the past five years.

Compliance With the National Environmental Policy Act (NEPA)

As outlined in 7 CFR Part 3407 and 7 CFR Part 520 (the CSREES and ARS regulations implementing the National Environmental Policy Act of 1969), environmental data for any proposed project is to be provided to CSREES and ARS so that CSREES and ARS may determine whether any further action is needed. Form CSREES–1234, ''NEPA Exclusions Form'' (copy in Application Kit), indicating the applicant's opinion of whether or not the project falls within one or more categorical exclusions, along with supporting documentation, must be included in the proposal. The applicant shall review the following categorical exclusions and determine if the proposed project may fall within one of the categories:

(1) Department of Agriculture Categorical Exclusions (7 CFR 1b.3)

(i) Policy development, planning and implementation which are related to routine activities such as personnel, organizational changes, or similar administrative functions;

(ii) Activities which deal solely with the funding of programs, such as program budget proposals, disbursements, and transfer or reprogramming of funds;

(iii) Inventories, research activities, and studies, such as resource inventories and routine data collection when such actions are clearly limited in context and intensity;

(iv) Educational and informational programs and activities;

(v) Civil and criminal law enforcement and investigative activities;

(vi) Activities which are advisory and consultative to other agencies and public and private entities; and

(vii) Activities related to trade representation and market development activities abroad.

(2) CSREES and ARS Categorical Exclusions (7 CFR 3407.6 and 7 CFR 520.5)

Based on previous experience, the following categories of CSREES and ARS actions are excluded because they have been found to have limited scope and intensity and to have no significant individual or cumulative impacts on the quality of the human environment:

(i) The following categories of research programs or projects of limited size and magnitude or with only short-term effects on the environment:

(A) Research conducted within any laboratory, greenhouse, or other contained facility where research practices and safeguards prevent environmental impacts;

(B) Surveys, inventories, and similar studies that have limited context and minimal intensity in terms of changes in the environment; and

(C) Testing outside of the laboratory, such as in small, isolated field plots, which involves the routine use of familiar chemicals or biological materials.

(ii) Routine renovation, rehabilitation, or revitalization of physical facilities, including the acquisition and installation of equipment, where such activity is limited in scope and intensity.

In order for CSREES and ARS to determine whether any further action is needed with respect to NEPA, pertinent information regarding the possible environmental impacts of a particular project is necessary; therefore, a separate statement must be included in the proposal indicating whether the applicant is of the opinion that the project falls within a categorical exclusion and the reasons therefore. If it is the applicant's opinion that the project proposed falls within the categorical exclusions, the specific exclusions must be identified. The information submitted shall be identified as ''NEPA Considerations'' and the narrative statement shall be placed after the coversheet of the proposal.

Even though a project may fall within the categorical exclusions, CSREES and ARS may determine that an Environmental Assessment or an Environmental Impact Statement is necessary for an activity, if substantial controversy on environmental grounds exists or if other extraordinary conditions or circumstances are present which may cause such activity to have a significant environmental effect.

Proposal Submission and Due Date

What To Submit

An original and 14 copies of a proposal must be submitted. Proposals should be typed on one side of the page only. Each copy of each proposal must be stapled securely in the upper lefthand corner. (DO NOT BIND.) All copies of the proposal must be submitted in one package.

Where and When To Submit

Proposals sent by First Class, an express mail service, or courier service must be postmarked on or by March 24, 1999, to be eligible for the program. Proposals hand-delivered must be received on or by March 24, 1999. Proposals received after the deadline date of March 24, 1999, as indicated either by the postmark date on First Class or express mail, or by the date on a courier bill of lading, will be returned without review. Proposals sent via First Class must be sent to the following address: Biotechnology Risk Assessment Research Grants Program, c/o Proposal Services Unit, Office of Extramural Programs, Cooperative State Research, Education, and Extension Service, U.S. Department of Agriculture, STOP 2245, 1400 Independence Avenue, S.W., Washington, D.C. 20250–2245, Telephone: (202) 401–5048.

Proposals delivered by hand, express mail, or overnight courier must be sent to the following address (note that the zip code differs from that shown above): Biotechnology Risk Assessment Research Grants Program, c/o Proposal Services Unit, Office of Extramural Programs, Cooperative State Research, Education, and Extension Service, U.S. Department of Agriculture, Room 303, Aerospace Center, 901 D Street, S.W., Washington, D.C. 20024, Telephone: (202) 401–5048.

Additional Information

The Biotechnology Risk Assessment Research Grants Program is listed in the

Catalog of Federal Domestic Assistance under No. 10.219. For reasons set forth in the final rule-related Notice to 7 CFR Part 3015, subpart V (48 FR 29115, June 24, 1983), this Program is excluded from the scope of Executive Order No. 12372 which requires intergovernmental consultation with State and local officials.

Under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35), the collection of information requirements contained in this Notice have been approved under OMB Document No. 0524–0022.

Done at Washington, D.C., on this third day of December, 1998.

Colien Hefferan,

Acting Administrator, Cooperative State Research, Education, and Extension Service.

Floyd Horn,

Administrator, Agricultural Research Service.

[FR Doc. 98–33550 Filed 12–16–98; 8:45 am]

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Reader Aids

Federal Register

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Thursday, December 17, 1998

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Laws — **523–5227**

Presidential Documents

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