

(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, NW, Washington, DC 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, NW, Washington, DC 20549.

Copies of such filing also will be available for inspection and copying at the principal office of OCC. All submissions should refer to File No. SR-OCC-09-10 and should be submitted by March 23, 1999.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.⁴

Margaret H. McFarland,

Deputy Secretary.

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SOCIAL SECURITY ADMINISTRATION PRIVACY ACT OF 1974, AS AMENDED; NEW SYSTEM OF RECORDS

AGENCY: Social Security Administration (SSA).

ACTION: New system of records and proposed routine uses.

SUMMARY: In accordance with the Privacy Act (5 U.S.C. § 552a(e)(4)), we are issuing public notice of our intent to establish a new system of records. The proposed system of records is entitled the Medicare Part B Buy-In Information System, SSA/OPB, SSA-100. The proposed system will maintain information collected for use in connection with implementation of the Medicare Part B buy-in demonstration program. We are also proposing routine

uses of information that will be maintained in the system in accordance with 5 U.S.C. § 552a(e)(11). We invite public comment on the proposed system and the routine uses.

DATES: We filed a report of the proposed system with the President of the Senate, the Speaker of the House of Representatives, and the Director, Office of Information and Regulatory Affairs, Office of Management and Budget on February 22, 1999. We also requested a waiver of the OMB 40-day advance notice requirements. If OMB does not grant the waiver we will not implement the proposal before April 3, 1999.

ADDRESSES: Interested individuals may comment on this publication by writing to the SSA Privacy Officer, Social Security Administration, 3-B-6 Operations Building, 6401 Security Boulevard, Baltimore, Maryland 21235. All comments received will be available for public inspection at the above address.

FOR FURTHER INFORMATION CONTACT: Ms. Priscilla Rieger, Social Insurance Policy Specialist, Social Security Administration, 3-D-1 Operations Building, 6401 Security Boulevard, Baltimore, Maryland 21235, telephone (410) 965-3953.

SUPPLEMENTARY INFORMATION:

I. Purpose and Background of The System

Under the provisions of the Medicare Part B Buy-in programs described in titles XVIII and XIX of the Social Security Act (Act), Medicare beneficiaries with very low incomes and few assets may qualify for State assistance in paying health care costs. Title IV of Division A, Social Security Administration, of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999, Public Law 105-277, directs the Commissioner of Social Security to expend \$6,000,000 for Federal-State partnerships which will evaluate means to promote the Medicare buy-in programs targeted to elderly and disabled individuals. Enrollments in the Medicare Part B buy-in programs are low. A lack of awareness about the Medicare Part B buy-in programs appears to be one of the major obstacles to enrollments.

SSA will conduct a Medicare Part B buy-in demonstration to identify and overcome the obstacles to Medicare Part B buy-in enrollments for: (1) certain qualified Medicare beneficiaries (QMB) who are eligible for Medicaid payment of their Medicare premiums, deductibles and coinsurance; (2) specified low-income Medicare

beneficiaries (SLMB) who would be QMBs but for income which exceeds the Federal poverty level (FPL) but is less than 120 percent of the FPL after application of Supplemental Security Income (SSI) income exclusions; and (3) subject to the availability of funding, qualified individuals who would be QMBs or SLMBs but for income which exceeds the allowable limit but is less than 135 percent of the FPL after application of SSI income exclusions. The demonstration will assist these beneficiaries who are or could be eligible for Medicaid benefits to help pay their Medicare costs. SSA intends to work with the Health Care Financing Administration to identify and investigate barriers and to foster enrollment of these beneficiaries in the Medicare buy-in programs. See 63 FR 64137 (1998) for more detailed information concerning the demonstration and the Medicare Part B buy-in programs.

In order to conduct the demonstration, SSA must collect and maintain personally identifiable information. The information will be maintained in the system of records we are proposing to establish, the Medicare Part B Buy-In Information System, OPB, SSA-100. The information will be collected during screening interviews conducted by SSA staff. Once gathered, the information will be used to assess a beneficiary's knowledge of the Medicare buy-in programs and to determine his or her potential eligibility for the buy-in programs. SSA will employ the services of a contractor to assist in designing and evaluating the effectiveness of the demonstration methodology. The amount of personal information maintained on each individual is the minimum necessary to provide factual research and statistical data for an evaluation of the net outcomes (e.g., increased applications to and enrollments in the buy-in programs) of the demonstration.

II. Collection and Maintenance of Data in the Proposed System

The proposed system will maintain information about all persons screened during the Medicare Part B buy-in demonstration. This will include information about beneficiaries potentially eligible for a buy-in program as well as those deemed not potentially eligible. Information will be collected from Social Security beneficiaries and, as necessary, from existing SSA systems of records such as the Master Beneficiary Record (09-60-0090) and the Supplemental Security Income Record (09-60-0103). The specific information maintained will include the

⁴ 17 CFR 200.30-3(a)(12).

beneficiary's name, Social Security number, date of birth, marital status, and such other information as may be supplied by the beneficiary regarding income, resources and living arrangements during a screening interview with an SSA staff contact. Statistical data as to how a beneficiary learned about the Medicare Part B buy-in demonstration will also be maintained to assist development of future publicity campaigns. The information will be retrieved by Social Security number and date.

III. Proposed Routine Uses of Information in The Proposed System

We are proposing to establish routine uses of information which will be maintained in the system as discussed below.

1. *Disclosure to third parties such as State Agencies and/or a beneficiary's representative payee in situations where the third party to be contacted has, or is expected to have, information relating to the individual's eligibility for, or entitlement to, benefits under a Social Security program when relevant data maintained in this system of records are needed to establish the validity of evidence or to verify the accuracy of information presented by the individual, and it concerns one or more of the following:*

- (a) his or her eligibility for benefits under a Social Security program;
- (b) the amount of his or her benefit payment; or
- (c) any case in which the evidence is being verified as a result of suspected fraud, concern for program integrity, quality appraisal, or evaluation and measurement activities.

We will disclose information under this routine use only as necessary to enable SSA to obtain information that will assist in determining individuals' entitlement to Medicare Part B buy-in programs.

2. *Disclosure to the Office of the President for the purpose of responding to an individual pursuant to an inquiry received from that individual or a third party on his/her behalf.*

We will disclose information under this routine use in situations in which an individual may contact the Office of the President, seeking that office's assistance in an SSA matter on his or her behalf. Information would be disclosed when the Office of the President makes an inquiry and presents evidence that the office is acting on behalf of the individual whose record is requested.

3. *Disclosure to a congressional office in response to an inquiry from that*

office made at the request of the subject of a record.

We will disclose information under this routine use only in situations in which an individual may ask his or her congressional representative to intercede in an SSA matter on his or her behalf. Information would be disclosed when the congressional representative makes an inquiry and presents evidence that he or she is acting on behalf of the individual whose record is requested.

4. *Disclosure to State or local agencies, (or agents on their behalf) for administering the Medicaid program.*

We will disclose information under this routine use to State, or local agencies to assist such agencies in administration of the Medicaid program. The purpose of this disclosure is to assist the agencies in establishing individuals' eligibility for such programs, to provide information necessary to enforce eligibility restrictions in such programs, and to combat and prevent fraud, waste and abuse in those programs.

5. *Disclosure to contractors and other Federal agencies, as necessary, for the purpose of assisting SSA in the efficient administration of its programs.*

We will disclose information under this routine use only in situations in which SSA may enter into a contractual or similar agreement with a third party to assist in accomplishing an agency function relating to this system of records (e.g., designing and evaluating the effectiveness of the methodologies tested in the Medicare Part B buy-in demonstration.)

6. *Disclosure to the Department of Justice (DOJ), a court or other tribunal, or other third-party before such tribunal when:*

- (a) SSA, or any component thereof; or
- (b) Any SSA employee in his/her official capacity; or
- (c) Any SSA employee in his/her individual capacity where DOJ (or SSA where it is authorized to do so) has agreed to represent the employee; or
- (d) The United States or any agency thereof where SSA determines that the litigation is likely to affect the operations of SSA or any of its components, is a party to litigation or has an interest in such litigation, and SSA determines that the use of such records by DOJ, the court or other tribunal is relevant and necessary to the litigation.

We will disclose information under this routine use only, as necessary, to enable DOJ, a court or other tribunal, to effectively defend SSA, its components or employees in litigation involving the proposed system of records.

7. *Information may be disclosed to student volunteers and other workers, who technically do not have the status of Federal employees, when they are performing work for SSA as authorized by law, and they need access to personally identifiable information in SSA records in order to perform their assigned Agency functions.*

Under certain Federal statutes, SSA is authorized to use the services of volunteers and participants in certain educational, training, employment and community service programs. Examples of such statutes and programs are: 5 U.S.C. § 3111 regarding student volunteers; and 42 U.S.C. § 2753 regarding the College Work Study Program. We contemplate disclosing information under this routine use only when SSA uses the services of these individuals and they need access to information in this proposed system of records to perform their assigned duties.

8. *Nontax return information, the disclosure of which is not expressly restricted by Federal law, may be disclosed to the General Services Administration (GSA) and the National Archives and Records Administration (NARA) under 44 U.S.C. § 2904 and § 2906, as amended by the National Archives and Records Administration Act of 1984, for the use of those agencies in conducting records management studies.*

The Administrator of GSA and the Archivist of NARA are charged by 44 U.S.C. § 2904 with promulgating standards, procedures, and guidelines regarding records management and conducting records management studies. Section 2906 of that law, also amended by the NARA Act of 1984, provides that GSA and NARA are to have access to Federal agencies' records and that agencies are to cooperate with GSA and NARA. In carrying out these responsibilities, it may be necessary for GSA and NARA to have access to this proposed system of records. In such instances, the routine use will facilitate disclosure.

IV. Compatibility of The Proposed Routine Uses

The Privacy Act (5 U.S.C. § 552a(b)(3)) and our disclosure regulations (20 CFR part 401) permit us to disclose information under a published routine use for a purpose which is compatible with the purpose for which we collected the information. Section 401.150(c) of title 20 of the Code of Federal Regulations (CFR) permits us to disclose information under a routine use where necessary to assist in carrying out SSA programs. Section 401.120 of title 20 C.F.R. provides that we will disclose

information when a law specifically requires the disclosure. The proposed routine uses numbered 1-7 will ensure efficient administration of SSA's Medicare Part B buy-in project, and would allow other disclosures, as necessary, to administer SSA programs that may involve this proposed system of records. The proposed routine use number 8 will allow GSA or NARA to inspect our records, as required by 44 U.S.C. § 2904 and § 2906, when those agencies conduct records management studies. Thus, all of the routine uses are appropriate and meet the relevant statutory and regulatory criteria.

V. Records Storage Medium and Safeguards

We will maintain information in the proposed system in computer data systems and in paper form. Only authorized SSA, State and private evaluation contractor personnel who have a need for the information in the performance of their official duties will be permitted access to the information. Security measures include the use of access codes to enter the computer system which will maintain the data, and storage of the computerized records in secured areas which are accessible only to employees who require the information in performing their official duties. Any paper records will be kept in locked cabinets or in otherwise secure areas. Also, all entrances and exits to SSA buildings and facilities are patrolled by armed security guards. Contractor personnel having access to data in the system of records will be required to adhere to SSA rules concerning safeguards, access and use of the data. SSA and contractor personnel having access to the data will be informed of the criminal penalties of the Privacy Act for unauthorized access to or disclosure of information maintained in this system. See 5 U.S.C. § 552a(i)(1).

VI. Effect of The System of Records on Individuals

The proposed system will maintain information to determine if the methodologies used in the Medicare Part B buy-in demonstration were effective in increasing awareness of, and applications and enrollments in, the buy-in programs. This information will also be used to identify and investigate barriers to such enrollments, thereby benefiting elderly and disabled Social Security beneficiaries who may be eligible for the buy-in programs. Thus, we do not anticipate that the proposed system of records will have any unwarranted adverse effect on individuals.

Dated: February 22, 1999.

Kenneth S. Apfel,

Commissioner of Social Security.

Social Security Administration Notice of System of Records Required by the Privacy Act of 1974, As Amended, 5 U.S.C. § 552a

System number: SSA-100.

System name: Medicare Part B Buy-In Information System, SSA/OPB, SSA-100.

Security classification: None.

System location: Social Security Administration, Office of Research, Evaluation and Statistics, ITC Building, 9th Floor, 500 E. Street, SW, Washington, D.C. 20254.

Categories of individuals covered by the system: All persons screened in the Medicare Part B buy-in demonstration program for potential eligibility for Medicare buy-in programs. This includes Social Security beneficiaries who have attained age 65, disabled Social Security beneficiaries who have received 24 consecutive months of Social Security benefits, and certain individuals who suffer from end stage renal disease.

Categories of records in the system: The system contains information supplied by a beneficiary during a screening interview conducted by SSA staff to determine potential eligibility for Medicare Part B buy-in programs. This information may include the individual's name, Social Security number (SSN), date of birth, address, marital status and such other information as may be supplied by the beneficiary regarding income, resources and living arrangements. Information may also be obtained from the Master Beneficiary Record and from the Supplemental Security Income Record, as needed. The beneficiary will also be surveyed as to how he or she learned about the Medicare Part B buy-in programs.

Authority for maintenance of the system: Title IV of Division A, Social Security Administration, of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999, Public Law (P.L.) 105-277.

Purpose(s): All information on the system will be maintained under the beneficiary's Social Security number. The system will be designed to determine a beneficiary's potential eligibility for Medicare Part B buy-in and gather information to be used in evaluating the effectiveness of the methodologies tested under the demonstration authority in P.L. 105-277 to increase Medicare buy-in applications and enrollments.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Disclosure may be made for routine uses as indicated below:

1. Disclosure to third parties in situations where the party to be contacted has, or is expected to have, information relating to the individual's eligibility for, or entitlement to, benefits under a Social Security program when the data are needed to establish the validity of evidence or to verify the accuracy of information presented by the individual, and it concerns one or more of the following:

(a) his or her eligibility for benefits under a Social Security program;

(b) the amount of his or her benefit payment;

(c) any case in which the evidence is being reviewed as a result of suspected fraud, concern for program integrity, quality appraisal, or evaluation and measurement activities.

2. Disclosure to the Office of the President for the purpose of responding to an individual pursuant to an inquiry received from that individual or a third party on his or her behalf.

3. Disclosure to a congressional office in response to an inquiry from that office made at the request of the subject of a record.

4. Disclosure to State or local agencies, (or agents on their behalf), for administering the Medicaid program.

5. Disclosure to contractors and other Federal agencies, as necessary, for the purpose of assisting SSA in the efficient administration of its programs.

6. Disclosure to the Department of Justice (DOJ), a court or other tribunal, or other third-party before such tribunal when:

(a) SSA, or any component thereof, or

(b) Any SSA employee in his or her official capacity; or

(c) Any SSA employee in his or her individual capacity where DOJ (or SSA where it is authorized to do so) has agreed to represent the employee; or

(d) The United States or any agency thereof where SSA determines that the litigation is likely to affect the operations of SSA or any of its components, is a party to litigation or has an interest in such litigation, and SSA determines that the use of such records by DOJ, the court or other tribunal is relevant and necessary to the litigation, provided, however, that in each case, SSA determines that such disclosure is compatible with the purpose for which the records were collected.

7. Information may be disclosed to student volunteers and other workers, who technically do not have the status

of Federal employees, when they are performing work for SSA as authorized by law, and they need access to personally identifiable information in SSA records in order to perform their assigned Agency functions.

8. Nontax return information, the disclosure of which is not expressly restricted by Federal law, may be disclosed to the General Services Administration (GSA) and the National Archives and Records Administration (NARA) under 44 U.S.C. § 2904 and § 2906, as amended by the National Archives and Records Administration Act of 1984, for the use of those agencies in conducting records management studies.

Policies and practices for storing, retrieving, accessing, retaining and disposing of records in the system:

Storage: Data may be stored in paper form and on magnetic media (e.g., magnetic tape and magnetic diskette).

Retrievability: Records in this system are indexed and retrieved by the SSN.

Safeguards: Security measures include the use of access codes to enter the computer system which will maintain the data, and storage of the computerized records in secured areas which are accessible only to employees who require the information in performing their official duties. Any paper records will be kept in locked cabinets or in otherwise secure areas. Contractor personnel having access to data in the system of records will be required to adhere to SSA rules concerning safeguards, access and use of the data. SSA and contractor personnel having access to the data will be informed of the criminal penalties of the Privacy Act for unauthorized access to or disclosure of information maintained in this system of records.

Retention and disposal: Magnetic discs and other files with personal identifiers are retained in secure areas accessible only to authorized personnel and will be disposed of as soon as they are determined to be no longer needed for contractor or SSA analysis. Means of disposal will be appropriate to the storage medium (e.g., deletion of magnetic discs or shredding of paper records). Records used in administering the demonstration and experimental programs will be retained indefinitely.

System manager and address: Director, Division of Representative Payment and Evaluation, Office of Program Benefits, Social Security Administration, 6401 Security Boulevard, Baltimore, Maryland 21235

Notification procedure: An individual can determine if this system contains a record about him or her by writing to the system manager at the above address

and providing his or her name, address and SSN.

An individual requesting notification of records in person need not provide any special documents of identity. Documents he or she would normally carry on his or her person would be sufficient (e.g., credit cards, drivers license, or voter registration card.) See 20 C.F.R. § 401.45(b) (1998). If an individual does not have identification papers sufficient to establish his or her identity that individual must certify in writing that he or she is the person claimed to be and that he or she understands that the knowing and willful request for or acquisition of a record pertaining to an individual under false pretenses is a criminal offense. *Id.*

If notification is requested by telephone, an individual must verify his or her identity by providing identifying information that parallels the record to which notification is being requested. If it is determined that the identifying information provided by telephone is insufficient, the individual will be required to submit a request in writing or in person. *Id.* at § 401.45(b)(2)(1998). If a request for notification is submitted by mail, an individual must include a notarized request to SSA to verify his/her identity or must certify in the request that he or she is the person claimed to be and that he or she understands that the knowing and willful request for or acquisition of a record pertaining to an individual under false pretenses is a criminal offense. *Id.* at § 401.45(b)(3)(1998).

Record access procedures: Same as notification procedures. Requesters should also reasonably specify the record contents being sought. See 20 C.F.R. § 401.40(b)(1998).

Contesting record procedures: Same as notification procedures. Requesters should also reasonably identify the record, specify the information they are contesting and state the corrective action sought and the reasons for the correction with supporting justification showing how the record is untimely, incomplete, inaccurate or irrelevant. These procedures are in accordance with SSA regulations 20 C.F.R. § 401.65(1998).

Record source categories: Data for the system are secured primarily from individual beneficiaries (or their representative payees if applicable) who are screened for eligibility for Medicare Part B buy-in as part of SSA's demonstration. Records in this system may also be derived in part from other SSA systems of records (e.g., the Master Beneficiary Record (09-60-0090) and the Supplemental Security Income Record (09-60-0103)).

Systems exempted from certain provisions of the Privacy Act: None.
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TENNESSEE VALLEY AUTHORITY

Establishment of Land Between The Lakes Advisory Committee

Notice is hereby given that, in consultation with the General Services Administration, it has been determined that the establishment of an advisory committee on the Tennessee Valley Authority's (TVA) Land Between The Lakes National Recreation Area (LBL) is necessary and in the public interest. Accordingly, TVA has chartered the Land Between The Lakes Advisory Committee (LBLAC).

The LBLAC will be an effective instrument to provide advice and recommendations to TVA. LBL is a 170,000-acre area located in western Kentucky and Tennessee bounded by the Tennessee River on the west and the Cumberland River on the east. It is one of the largest tracts of Federal land in the eastern United States. It is managed by TVA for multiple purposes to optimize a wide variety of outdoor recreation uses and to provide a national resource for environmental education. At LBL, innovative programs in these fields can be tested and carried out. LBL is also a significant economic stimulus for the surrounding region. TVA is establishing the LBLAC to broaden representation of diverse interests and increase the frequency of advice TVA receives from the public and private sectors in regard to its management and operation of LBL. TVA anticipates that the LBLAC will add important perspectives in the management and operation of LBL to the benefit of its resources, its visitors, and the economy of the region.

In order to attain a diverse and balanced membership, the LBLAC will consist of 17 members appointed by the TVA Board of Directors as follows:

- 5 persons selected by the TVA Board;
- 2 persons selected by the Governor of Tennessee;
- 2 persons selected by the Governor of Kentucky;
- 1 person selected by the Commissioner of the Kentucky Department of Fish and Wildlife Resources;
- 1 person selected by the Director of the Tennessee Wildlife Resources Agency;
- 2 persons selected by the Judge Executive of Lyon County, Kentucky;