

also will be available for inspection at the office of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than March 21, 2006.

**A. Federal Reserve Bank of Kansas City** (Donna J. Ward, Assistant Vice President) 925 Grand Avenue, Kansas City, Missouri 64198-0001:

1. *Harvey H. Delaney and Barbara A. Delaney*, both of Burdett, Kansas; to retain voting shares of NSB Bancshares, Inc., La Crosse, Kansas, and thereby indirectly retain voting shares of The Nekoma State Bank, La Crosse, Kansas.

Board of Governors of the Federal Reserve System, March 1, 2006.

**Robert deV. Frierson,**

*Deputy Secretary of the Board.*

[FR Doc. E6-3115 Filed 3-3-06; 8:45 am]

**BILLING CODE 6210-01-S**

## 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 (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States. Additional information on all bank holding companies may be obtained from the National Information Center Web site at <http://www.ffiec.gov/nic/>.

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 March 31, 2006.

**A. Federal Reserve Bank of St. Louis** (Glenda Wilson, Community Affairs Officer) 411 Locust Street, St. Louis, Missouri 63166-2034:

1. *DBT Financial Corporation*, DeWitt, Arkansas; to merge with Planters & Merchants Bancshares, Inc., Gillett, Arkansas, and thereby indirectly acquire Planters & Merchants Bank, Gillett, Arkansas.

2. *First Financial Banc Corporation*, El Dorado, Arkansas; to acquire 100 percent of the voting shares of Cornerstone Bank, Senatobia, Mississippi.

3. *German American Bancorp*, Jasper, Indiana; to acquire 14.9 percent of the voting shares of Indiana Bank Corp., Terre Haute, Indiana, and thereby indirectly acquire voting shares of The First National Bank of Dana, Dana, Indiana.

Board of Governors of the Federal Reserve System, March 1, 2006.

**Robert deV. Frierson,**

*Deputy Secretary of the Board.*

[FR Doc. E6-3114 Filed 3-3-06; 8:45 am]

**BILLING CODE 6210-01-S**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Office of the Secretary

#### Departmental Appeals Board; Privacy Act of 1974; System of Records

**AGENCY:** Departmental Appeals Board (DAB), Office of the Secretary, Department of Health and Human Services (HHS).

**ACTION:** Notification of Altered Privacy Act System Notice.

**SUMMARY:** On May 19, 1993, in accordance with the requirements of the Privacy Act, the Departmental Appeals Board (DAB) published a notice of a system of records entitled "Departmental Appeals Board Case and Appeal Records, HHS/OS/DAB No. 09-90-0049." 58 FR 29228, May 19, 1993. The DAB has reviewed its May 19, 1993 Privacy Act notice and now proposes to revise that notice. Revisions include the following: Adding routine uses; updating the DAB's address; clarifying its policies and practices for storing, retrieving, accessing, retaining and disposing of records in the system; and making minor editorial or formatting

changes. The revised notice, like the original, covers records maintained by the DAB's Appellate Division, Civil Remedies Division, and Alternative Dispute Resolution Division. The DAB's Medicare Appeals Council (MAC) will issue a separate Privacy Act notice describing the system of records used by the MAC and its supporting component, the Medicare Operations Division, to docket, track, manage, and decide appeals and other matters before the MAC.

**DATES:** The DAB sent a report of the altered system to Congress and the Office of Management and Budget (OMB) on January 19, 2006. The altered system will be effective 40 days after the submittal of the report of new system to OMB or 30 days after publication of the notice, whichever is later, unless the DAB receives comments on the routine uses during that period.

Submit comments on or before April 5, 2006. Comments may be viewed on or before April 5, 2006.

**ADDRESSES:** Please mail written comments to: Departmental Appeals Board, MS 6127, 330 Independence Avenue, SW., Cohen Building, Room G-644, Washington, DC 20201 (Attention: Maxine Winerman or Ken Veilleux). The DAB will not accept comments by facsimile (fax) transmission.

Comments received will be available for public inspection, by appointment, from 9 a.m. to 5 p.m. at the DAB's offices, which are located at 800 North Capitol Street, NW., 6th Floor, Washington, DC. To schedule an appointment, please call (202) 565-0200.

**FOR FURTHER INFORMATION CONTACT:** Maxine Winerman (DAB), 202-565-0147, or Ken Veilleux (DAB), (202) 565-0130.

**SUPPLEMENTARY INFORMATION:** The system of records described in the DAB's May 19, 1993 Privacy Act notice is used by DAB staff to docket, track, manage, and decide or mediate appeals and other matters involving individuals who are parties in those matters. This system includes information on all individuals who are parties in matters before the DAB, including their names and addresses and any other information about those individuals that is presented by a party or intervener to enable the DAB to decide, decline to decide, mediate, or conclude a matter. The amount of information recorded on each individual will be only that which is necessary to resolve the matter that is before the DAB. In addition, this system contains some information that is about entities, rather than individuals, and

that information is not covered by the Privacy Act.

The records in this system are maintained in a secure manner compatible with their content and use. The System Managers control access to the information in the records. Only authorized users whose official duties require the use of such information will have regular access to the records. The records (whether paper or computer-based) are maintained in accordance with the standards of Chapter 45-13 of the HHS General Administration Manual: "Safeguarding Records Contained in the System of Records."

The Privacy Act permits the DAB to disclose information or records pertaining to an individual without that individual's consent if the information is to be used for a purpose that is compatible with the purpose(s) for which the information was collected. Any such disclosure is known as a "routine use." This revised notice identifies eight routine uses for the DAB's system of records. The DAB expects that its routine use disclosures will not result in any unwarranted adverse effects on personal privacy.

Mediation-related records are maintained in conformity with the confidentiality provisions of the Administrative Dispute Resolution Act (ADRA), 5 U.S.C. 574, and with guidelines contained in the **Federal Register** document "Confidentiality in Federal Alternative Dispute Resolution Programs," 65 FR 83085, December 29, 2000. Disclosure of such records is made only in conformity with those provisions and guidelines. That is, all dispute resolution communications would be confidential unless specifically subject to disclosure under one of the public policy type exceptions identified in sections 574(a) or 574(b) of the ADRA.

Dated: January 13, 2006.

**Cecilia Sparks Ford,**  
Chair, Departmental Appeals Board.

**HHS/OS/DAB 09-90-0049**

**SYSTEM NAME:**

Departmental Appeals Board Case and Appeal Records, HHS/OS/DAB.

**SECURITY CLASSIFICATION:**

None.

**SYSTEM LOCATION:**

6th Floor, 800 North Capitol Street, NW., Washington, DC 20002.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Individuals who are parties in matters before the Departmental Appeals Board

(DAB), or who are requesting review or consideration of a matter by the DAB.

*Categories of Records in the System:*

The DAB's system of records contains correspondence, pleadings, legal briefs, documentary evidence, and other paper or computer-stored records relevant to the issues being adjudicated, mediated, or considered by the DAB or its personnel. This system also contains some information that is about entities, rather than individuals, and that information is not covered by the Privacy Act.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

The DAB provides ALJ hearings and/or Board reviews in cases in which an individual has a right to a hearing pursuant to the following statutory authorities and/or the regulations implementing them:

- 42 U.S.C. 1320a-7a(c),
- 42 U.S.C. 1320a-8(b),
- 42 U.S.C. 1395cc(h) and (j),
- 42 U.S.C. 1395ff(f),
- 31 U.S.C. 3801 *et seq.*,
- 5 U.S.C. 5514(a)(2),
- 42 U.S.C. 216, 241, and 289b, and
- Any other authorities that are cited when new cases are added to the DAB's jurisdiction.

The DAB also mediates disputes pursuant to the federal Administrative Dispute Resolution Act, 5 U.S.C. 571-584.

The system of records has been created for the purpose of tracking, adjudicating, and mediating matters that come before the DAB. Information about the types of matters that come before the DAB can be obtained by contacting the DAB at 202-565-0200 or by visiting the DAB Web site at the following Internet addresses: <http://www.hhs.gov/dab/civil/overview.html>, <http://www.hhs.gov/dab/appellate>, and <http://www.hhs.gov/dab/adr>.

**PURPOSE:**

The system of records is used to docket, track, adjudicate, mediate, or conclude matters before the DAB and, in those matters before the Appellate and Civil Remedies Divisions, to develop a body of case law that can guide persons and agency components in the future with respect to matters that are before or might come before the DAB.

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

The following are the routine uses of records or information contained in the DAB's system of records:

(1) To apprise the public of the basis on which the DAB makes its decisions, the DAB may disclose records or parts

of records not subject to a Freedom of Information Act exemption to persons who request the records or who attend DAB hearings.

(2) The DAB will disclose the status of a pending or past matter, and similar docket information, to any person making an inquiry about such information in order to apprise the public of the status and progress of matters before the DAB.

(3) The DAB may make disclosures to the Department of Justice, to a court or other tribunal, or to another party before such tribunal, when (a) HHS, or any component thereof; or (b) any HHS employee in his or her official capacity; or (c) any HHS employee in his or her individual capacity where the Justice Department (or HHS, where it is authorized to do so) has agreed to represent the employee; or (d) the United States or any agency thereof where HHS determines that the litigation is likely to affect HHS or any of its components, is a party to the litigation or has an interest in such litigation, and HHS determines that the use of such records by the Department of Justice, the tribunal, or the other party is relevant and necessary to the litigation and would help in the effective representation of the governmental party, provided, however, that in each case, HHS determines that such disclosure is compatible with the purpose for which the records were collected.

(4) The DAB may make disclosures to a Congressional office in response to an inquiry made by that office at the request of an individual who is a party in a matter before the DAB.

(5) The DAB may make disclosures to the public and to commercial reporters of DAB decisions and rulings for the purpose of distributing and publishing the decisions and rulings.

(6) The DAB may make disclosures to third parties, including public and private organizations, in order to obtain from them (by subpoena or other means) information relevant or necessary to the proceedings before the DAB.

(7) The DAB may make disclosures to HHS contractors who have been engaged by the agency to assist in the performance of a service related to this system of records and who have a need to access the records in order to perform the activity.

(8) The DAB may make disclosures to student volunteers, individuals working under a personal services contract, and other individuals performing functions for HHS but technically not having the status of agency employees, if they need access to the records to perform their assigned agency functions.

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

**STORAGE**

Records in the system are maintained in file folders and binders, and on password-protected computers or computer servers.

**RETRIEVABILITY**

Records in the system are retrieved by the name of the non-government party or by docket or decision number.

**SAFEGUARDS**

Access to and use of records in the system are limited to those persons (including DAB contractors) whose official duties require such access. Paper records are maintained in file cabinets, offices, and other secure areas to which only authorized persons have access; information or records stored on computers may be retrieved through the use of passwords known only to authorized personnel. Physical access to the DAB's offices and computers is controlled by security personnel and by a computerized card entry system, and is limited to DAB employees and to non-DAB persons whose access is authorized and whose activities are supervised or monitored by the System Managers or other DAB employees. DAB employees who maintain records in the system are instructed to grant access to these records only to persons whose official duties require such access. In addition, DAB employees are required and instructed to adhere to the provisions of the Privacy Act, the HHS Privacy Act Regulations, and security guidelines set forth in Chapter 45-13 of the HHS General Administration Manual. Contractors who assist the DAB in maintaining the records are instructed to make no disclosure of the records except as authorized by the System Managers and permitted by the Privacy Act. Privacy Act language is included in contracts related to this system.

**RETENTION AND DISPOSAL**

Once a matter is closed, the DAB's paper records for that matter are stored in DAB files for a period of time not exceeding seven years. After that time, the files are turned over to the Office of the Secretary, HHS Records Management Officer. The records are then transferred to the Washington National Records Center, Washington, DC 20409, where they are kept for an additional 20 years, after which time they may be destroyed.

Electronic files that are part of the DAB's system of records (including case tracking information) are maintained on

a secure server that can be accessed only by authorized personnel.

**SYSTEM MANAGERS AND ADDRESSES**

Appellate Division: Chief, Appellate Division, Departmental Appeals Board, MS 6127, Room G-644, Cohen Building, 330 Independence Avenue, SW., Washington, DC 20201.

Civil Remedies Division: Chief, Civil Remedies Division, Departmental Appeals Board, MS 6132, Room G-644, Cohen Building, 330 Independence Avenue, SW., Washington, DC 20201.

Alternative Dispute Resolution Division: Chief, Alternative Dispute Resolution Division, Departmental Appeals Board, MS 6132, Room G-644, Cohen Building, 330 Independence Avenue, SW., Washington, DC 20201.

**NOTIFICATION PROCEDURE**

Individuals who wish to inquire about whether the DAB's system of records contains information about them should contact the appropriate System Manager indicated above. When making such an inquiry, it is necessary to provide the following information regarding the individual:

- (1) Full name;
- (2) Date of birth;
- (3) Kind of action taken by the agency;
- (4) Date and location of the filing of

the case, appeal or other matter before the DAB; and

- (5) If appropriate, the DAB docket or decision number.

**RECORD ACCESS PROCEDURE**

Same as notification procedures. Requesters should also reasonably specify the record contents being sought.

**CONTESTING RECORD PROCEDURE**

Contact the appropriate System Manager at the address specified under notification procedures, reasonably identify the record, and specify the information to be contested and corrective action sought with the supporting justification.

**RECORD SOURCE CATEGORIES**

Information in this system is obtained from:

- (1) The individuals to whom the record pertains;
- (2) Agency officials and documents;
- (3) The testimony, affidavits and statements of witnesses;
- (4) The documents, received testimony, exhibits and submissions of the parties involved in the matter.

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT**

None.

[FR Doc. E6-3009 Filed 3-3-06; 8:45 am]

**BILLING CODE 4150-23-P**

**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**Office of the Secretary, Departmental Appeals Board; Privacy Act of 1974; New System of Records**

**AGENCY:** Departmental Appeals Board (DAB), Office of the Secretary, Department of Health and Human Services (HHS).

**ACTION:** Notification of a new system of records.

**SUMMARY:** In accordance with the requirements of the Privacy Act, the HHS DAB is publishing a notice of a system of records entitled, "Medicare Appeals Council Records, HHS/OS/DAB No. 09-90-0048." We have provided background information about the proposed system in the **SUPPLEMENTARY INFORMATION** section below.

**DATES:** The DAB sent a report of the system notice to Congress and the Office of Management and Budget (OMB) on *January 27, 2006*. The routine uses will be effective 40 days after the submittal of the report of new system to OMB or 30 days after publication of the notice, whichever is later, unless the DAB receives comments on the routine uses during that period.

Submit comments on or before April 5, 2006. Comments may be viewed on or before April 5, 2006.

**ADDRESSES:** Written comments on routine uses should be addressed to: U.S. Department of Health and Human Services, Office of the Secretary, Departmental Appeals Board, MS 6127, Medicare Appeals Council, Attention: Jill W. Anderson, 330 Independence Avenue, SW., Cohen Building, Room G-644, Washington, DC 20201.

Comments received will be available for public inspection, by appointment, from 9 a.m. to 5 p.m. at the DAB's offices, which are located at 800 North Capitol Street, NW., 6th Floor, Washington, DC. To schedule an appointment, please call (202) 565-0200.

**FOR FURTHER INFORMATION CONTACT:** Jill W. Anderson, Departmental Appeals Board, 202-565-0166 and/or [jill.anderson@hhs.gov](mailto:jill.anderson@hhs.gov).

**SUPPLEMENTARY INFORMATION:** On August 15, 1994, the Social Security Independence and Program Improvement Act of 1994, Public Law 103-296, was enacted, establishing the Social Security Administration (SSA) as an independent agency. As a result, the Secretary of HHS delegated to the Chair of the DAB the authority to review decisions issued by Administrative Law Judges (ALJs) concerning entitlement