

having official need therefore. Automated data base and output are managed through comprehensive procedures and policies prescribed in system functional users manuals. Regional Data Centers are contractor-operated. Contractor personnel are security screened; employees receive a security briefing and participate in an on-going security education program under the Regional Data Security Officer. Regional Data Centers are connected through a communications network to 44 distributed data processing centers at Army installations. Data are available only to installation personnel responsible for system operation and maintenance. Terminals not in data processing centers are under the supervision of a terminal area security officer at each remote location protecting them from unauthorized use. Access to information is controlled further by a system of assigned passwords for authorized users of terminals.

#### RETENTION AND DISPOSAL:

Individual correctional treatment records for prisoners in the U.S. Army Corrections System Facilities are retained for 2 years following expiration of sentence/completion of parole/maximum release date, following which they are retired to the National Personnel Records Center for 25 years before destruction by shredding.

**Note:** Transfer of a prisoner from one facility to another is not construed as release from confinement. When a prisoner is transferred to another facility, his/her file is transferred with him/her.

Information on tape/disc is erased after 3 years.

Army Clemency Board case files are returned on completion of Board action, as appropriate, where they are retained for 2 years following expiration of sentence/completion of parole/maximum release date, following which they are retired to the National Personnel Records Center and maintained for 25 years before being destroyed by shredding.

#### SYSTEM MANAGER(S) AND ADDRESS:

Office of the Provost Marshal General, 2800 Army Pentagon, Washington, DC 20310-2800; Army Corrections Command, 200 Stovall St, Alexandria, VA 22332-6100.

#### NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the commander of the correctional facility where confined.

For verification purposes, individual should provide their full name, Social Security Number (SSN), dates of confinement, any details, which may assist in locating records, and their signature.

In addition, the requester must provide a notarized statement or an unsworn declaration made in accordance with 28 U.S.C. 1746, in the following format:

If executed outside the United States: 'I declare (or certify, verify, or state) under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on (date). (Signature)'.

If executed within the United States, its territories, possessions, or commonwealths: 'I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date). (Signature)'.

#### RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the commander of the correctional facility.

For verification purposes, individual should provide their full name, Social Security Number (SSN), dates of confinement, any details, which may assist in locating records, and their signature.

In addition, the requester must provide a notarized statement or an unsworn declaration made in accordance with 28 U.S.C. 1746, in the following format:

If executed outside the United States: 'I declare (or certify, verify, or state) under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on (date). (Signature)'.

If executed within the United States, its territories, possessions, or commonwealths: 'I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date). (Signature)'.

#### CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records and for contesting contents and appealing initial agency determinations are contained in Army Regulation 340-21; 32 CFR part 505; or may be obtained from the system manager.

#### RECORD SOURCE CATEGORIES:

From the individual witnesses; victims; Military Police/U.S. Army Criminal Investigation Command personnel and/or reports; informants; various Federal, State and local investigative and law enforcement

agencies; foreign governments; and other individual or organization that may supply pertinent information.

#### EXEMPTIONS CLAIMED FOR THE SYSTEM:

Parts of this system may be exempt pursuant to 5 U.S.C. 552a(j)(2) if the information is compiled and maintained by a component of the agency which performs as its principle function any activity pertaining to the enforcement of criminal laws.

An exemption rule for this system has been promulgated in accordance with requirements of 5 U.S.C. 553(b)(1), (2), and (3), (c) and (e) and published in 32 CFR part 505. For additional information contact the system manager.

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## DEPARTMENT OF EDUCATION

### Notice of a Waiver of Section 1605 of the American Recovery and Reinvestment Act of 2009 (ARRA) for Indian River Central School District, Philadelphia, New York

**SUMMARY:** In this notice, the Department of Education (the Department) announces its waiver of the Buy American requirements in section 1605(a) of the ARRA (Buy American Requirements) for the Indian River Central School District in Philadelphia, New York (Indian River District) and the justification for this waiver. This waiver permits use of compatible telephones, servers, and software as well as American Power Conversion (APC) power supply and surge suppression equipment in the Indian River District's telecommunications project, which is supported with Impact Aid funds appropriated under the ARRA.

**SUPPLEMENTARY INFORMATION:** The Department provided the Indian River District with an Impact Aid ARRA formula grant for school construction activities authorized under section 8007(a) of the Elementary and Secondary Education Act of 1965, as amended. The Indian River District proposes to use these funds for a telecommunications infrastructure investment, but reports that the particular telecommunication and power supply components needed for this construction project are not produced in the United States.

In accordance with section 1605(c) of the ARRA, the Department hereby provides notice that it is granting a waiver of the Buy American Requirements for the Indian River District's telecommunications project. This notice constitutes the detailed

written justification that the Department is required to publish in instances when it grants such a waiver pursuant to section 1605(b) of the ARRA.

Section 1605(a) of the ARRA requires that none of the appropriated funds be used for the construction, alteration, maintenance, or repair of a public building or public work unless all of the iron, steel, and manufactured goods used in the project are produced in the United States. The ARRA further provides that this requirement does not apply, and that a waiver may be granted, when the head of the Federal department or agency involved finds that: (1) Applying these requirements would be inconsistent with the public interest; (2) iron, steel, and relevant manufactured goods are not produced in the United States in sufficient and reasonably available quantities and of a satisfactory quality; or (3) inclusion of iron, steel, and relevant manufactured goods produced in the United States will increase the overall cost of the project by more than 25 percent.

The district seeks a waiver based on the fact that the telecommunications upgrade will provide the necessary support to provide a reliable flow of products and services essential to the smooth functioning of government at the local level. The project would completely replace the current telecommunications infrastructure for six buildings within the school district, and make it consistent with a single Voice over Internet Protocol (VoIP) system that has already been installed in the district's other three facilities. One problem with the current infrastructure is that there are four different systems installed in the various buildings, which has contributed to incompatible systems and ineffective communications. As a result, the district determined that it is essential that all of its buildings should share a single, state-of-the-art system.

The district reported that the existing VoIP system comprises Cisco telephones, servers, and software as well as American Power Conversion (APC) power supply and surge suppression equipment. While both Cisco and APC are American firms that provide the bulk of the equipment and software in the U.S., the products themselves are manufactured in China and India. In order to remain technologically consistent with the district facilities that were updated with other resources and use materials of comparable satisfactory quality, the school district would need to use the same products in the proposed project.

The Secretary has determined that a section 1605(b) waiver of the Buy American Requirements is appropriate

for the Indian River District's telecommunications project because, based on information provided by the Indian River District as well as the Department's own research, the particular telecommunications and power supply components needed for this project are not manufactured in the United States. The Department bases this determination on information provided by the Indian River District as well as its own research. The Indian River District has provided information to the Department documenting that there are no Cisco telephones, servers, and software or APC power supply and surge suppression equipment manufactured in the United States. In addition, based on the Department's own research (Internet product literature searches) and to the best of the Department's knowledge at the time of its review of the Indian River District's waiver request, there do not appear to be U.S.-manufactured Cisco telephones, servers, and software or APC power supply and surge suppression equipment available to the Indian River District for the ARRA-funded telecommunications project.

Furthermore, the purpose of the ARRA is to stimulate economic recovery, in part, by funding current infrastructure construction, and not to delay projects that are "shovel ready" by requiring the revision of standards and specifications or a new bidding process. The imposition of the Buy American Requirements on such otherwise eligible projects would result in requiring the district to abandon a VoIP system that it already had purchased and installed in three facilities or requiring it to install possibly incompatible technology in the six remaining facilities. Either alternative is inconsistent with the public interest. In addition, imposing Buy American requirements for this project at this point would also result in an unreasonable delay, and to further delay construction would be in direct conflict with a fundamental economic purpose of the ARRA, which is to create or retain jobs.

The Department has reviewed the Indian River District's waiver request and has determined that the supporting documentation is sufficient to demonstrate that a waiver is justified under section 1605(b) of the ARRA. Having established both a proper basis to specify the particular goods required for this project, and that these compatible manufactured goods are not available from a producer in the United States, the Indian River District is hereby granted a waiver from the Buy American Requirements reflected in section 1605(a) of the ARRA for the

installation of the telecommunication and power supply components of compatible telecommunications infrastructure (including telephones, servers, and software) in all of the district's school facilities using ARRA funds as specified in the Indian River District's request.

**FOR FURTHER INFORMATION CONTACT:** Kristen Walls-Rivas, Impact Aid Program, U.S. Department of Education, 400 Maryland Avenue, SW., Washington, DC 20202. Telephone: (202) 260-1357 or via Internet: [Kristen.Walls-Rivas@ed.gov](mailto:Kristen.Walls-Rivas@ed.gov).

If you use a telecommunications device for the deaf (TDD), call the Federal Relay Service (FRS), toll free, at 1-800-877-8339. Individuals with disabilities can obtain this document in an accessible format (e.g., Braille, large print, audiotape, or computer diskette) on request to the program contact person listed in this section.

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**Note:** The official version of this document is the document published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available on GPO Access at: <http://www.gpoaccess.gov/nara/index.html>.

**Authority:** Section 1605 of the American Recovery and Reinvestment Act, Public Law 111-5.

Dated: June 23, 2010.

**Arne Duncan,**

*Secretary of Education.*

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## DEPARTMENT OF ENERGY

### Blue Ribbon Commission on America's Nuclear Future

**AGENCY:** Office of Nuclear Energy, DOE.  
**ACTION:** Notice of open meeting.

**SUMMARY:** This notice announces an open meeting of the Blue Ribbon Commission on America's Nuclear Future (the Commission). The Commission was organized pursuant to the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770) (the Act). This notice is provided in accordance with the Act.