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BOOK 1:
Pages
52323–52600

BOOK 2:
Pages
52601–53020

federal register

Book 1 of 2 Books
Tuesday, October 27, 1981

Highlights

52334 **Excise Taxes** Treasury/IRS provides rules on computing net income limitation on windfall profits.

52391 **Income Taxes** Treasury/IRS proposes regulations on income tax withholding.

52566 **Public Health** HHS/PHS proposes to amend regulations on qualifications for health maintenance organizations (HMOs). (Part III of this issue)

52431 **Loan Programs—Education** HHS/PHS announces maximum interest rates on student loan insurance for graduate students in health professions schools.

52572 **Aircraft** CAB issues regulations and proposed regulations on insurance coverage. (5 documents) (Part IV of this issue)

52590–52599 **Air Taxis** CAB adopts registration procedure and amends regulations to grant operating authority to Canadian charter air taxi operators. (7 documents) (Part V of this issue)

52382 **Securities** SEC proposes system of classification of smaller issuers to exempt them from certain reporting and other requirements.

52378 SEC proposes automatic effectiveness of registration statement form for securities offered by unit investment trusts.

CONTINUED INSIDE

Highlights

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Questions and requests for specific information may be directed to the telephone numbers listed under INFORMATION AND ASSISTANCE in the READER AIDS section of this issue.

52374 **Communications—Accounting** FCC amends uniform system of accounts to increase dollar limit for expensing minor items.

52367 **Radio** FCC allocates high frequencies to be used by States, Territories, and Possessions in meeting disaster communications needs.

52402 FCC proposes to allow transmission of non-voice signals at certain frequency.

52326 **Gasoline** DOE removes Standby Gasoline Rationing Plan regulations.

52362 **Inventions and Patents** Commerce/PTO amends regulations on patent interference proceedings.

52552 **Regulatory Agenda** USDA/Sec'y

Privacy Act Documents

52602–53020 HHS (12 documents)

52476 **Sunshine Act Meetings**

Separate Parts of This Issue

52552 **Part II, USDA/Sec'y**
52566 **Part III, HHS/PHS**
52572 **Part IV, CAB**
52590 **Part V, CAB**
52602 **Part VI, HHS**

Contents

Federal Register
Vol. 46, No. 207
Tuesday, October 27, 1981

Agricultural Marketing Service
RULES
52323 Potatoes (Irish) grown in Colorado
PROPOSED RULES
52377 Raisins produced from grapes grown in California
Regulatory agenda. *See* entry under Agriculture Department.

Agricultural Stabilization and Conservation Service
PROPOSED RULES
Regulatory agenda. *See* entry under Agriculture Department.

Agriculture Department
See also Agricultural Marketing Service; Commodity Credit Corporation; Forest Service; Rural Electrification Administration.
PROPOSED RULES
52552 Regulatory agenda
NOTICES
Senior Executive Service:
52404 Performance Review Board; membership

Air Force Department
NOTICES
Meetings:
52410 Historical Program Advisory Committee
52410 Scientific Advisory Board

Alcohol, Drug Abuse, and Mental Health Administration
NOTICES
52747 Privacy Act; systems of records; annual publication

Animal and Plant Health Inspection Service
PROPOSED RULES
Regulatory agenda. *See* entry under Agriculture Department.

Arts and Humanities, National Foundation
NOTICES
Meetings:
52460 Design Arts Advisory Panel
52460 Humanities Advisory Panel
52460 Humanities National Council Advisory Committee
52460 Visual Arts Advisory Panel

Centers for Disease Control
NOTICES
52851 Privacy Act; systems of records; annual publication

Civil Aeronautics Board
RULES
52597 Air carriers and foreign air carriers; Canadian charter air taxi operators; operating authority, registration procedure
Air taxi operators, classification and exemption:
52583 Insurance requirements for air taxi operators other than commuter air carriers
52572 Aircraft accident liability insurance
52590 Canadian charter air taxi operators; operating authority, registration procedure
52599 Canadian charter air taxi operators; operating authority, registration procedure; policy statement
Charters:
52598 Canadian charter air taxi operators; operating authority, registration procedure
52582 Domestic and foreign air carriers; insurance requirements
52583 Domestic air cargo service; insurance requirements
52597 Foreign air carrier or person, lease of aircraft with crew; Canadian charter air taxi operators; operating authority, registration procedure
52597 Foreign air carriers, permit applications; Canadian charter air taxi operators; operating authority, registration procedure
Organization, functions, and authority delegations:
52326 Domestic Aviation Bureau, Director; approval of alternate service patterns, etc.
52598 International Aviation Bureau, Director; Canadian charter air taxi operators, registration process
PROPOSED RULES
52585 Aircraft accident liability insurance; requirements for on-demand air taxi operators and for Canadian charter air taxi operators
NOTICES
Hearings, etc.:
52405 Chalk's International Airline, Inc.; fitness determination
52405 Jetwest International Airways, Inc.
52406 New York Helicopter Corp.; fitness determination

Commerce Department
See International Trade Administration; National Oceanic and Atmospheric Administration; Patent and Trademark Office.

Commodity Credit Corporation
RULES
Loan and purchase programs:
52324 Rice
52325 Wheat

Defense Department
See also Air Force Department.
NOTICES
Meetings:
52411 DIA Advisory Committee
Senior Executive Service:
52410 Bonus award schedule

Drug Enforcement Administration
RULES
Schedules of controlled substances:
52333 Mazindol

Economic Regulatory Administration
NOTICES
Consent orders:
52413 Enserch Corp.

Employment and Training Administration
NOTICES
52442 Migrant and seasonal farmworker programs; designation of potential grantees, conditional designations, deferred designations and non-selection of applicants for 1982 FY

Energy Department
See also Economic Regulatory Administration; Federal Energy Regulatory Commission.
RULES
52326 Gasoline rationing; standby plan; CFR Part rescinded
NOTICES
Trespassing on Department property:
52411 Los Alamos Scientific Laboratory, N. Mex.; off-limits designation

Environmental Protection Agency
PROPOSED RULES
Pesticide chemicals in or on raw agricultural commodities; tolerances and exemptions, etc.:
52395 2,4-D
52398 Residues in dry bulb onions
52397 Residues in sweet potatoes and yams
NOTICES
Motor vehicle fuel economy, evaluation of retrofit devices:
52414 Glynn-50
52414 IDALERT ™
Pesticides; tolerances in animal feeds and human foods:
52415 Albany International
52418 Dow Chemical Co.
52416 E. I. du Ponte de Nemours & Co. et al.
52418 Herculite Products, Inc.
52418 Merck & Co., Inc.
52417 Velsicol Chemical Corp. et al.
Toxic and hazardous substances control:
52415, 52417 Premanufacturers notices receipts (2 documents)
52414 Premanufacturers notices receipts; correction

Environmental Quality Office, Housing and Urban Development Department
NOTICES
Environmental statements; availability, etc.:
52432 Foxfire, Ann Arbor, Mich.; termination
52432 Grand Junction, Colo.
52433 Salt Lake County et al., Utah
52433 Soul City New Community, Warren County, N.C.
52434 Tacoma Center, Tacoma, Wash.

Farmers Home Administration
PROPOSED RULES
Regulatory agenda. *See* entry under Agriculture Department.

Federal Communications Commission
RULES
Common carrier services:
52374 Uniform system of accounts; increased dollar limit for expensing minor items
Frequency allocations and radio treaty matters:
52365 Imported radio frequency devices; Form 740; amendments
Radio services, special:
52364 Land mobile services; frequency allocations; resubmitted applications
Radio services, special:
52367 Local Government Radio Service; disaster radio response program
PROPOSED RULES
Radio and television broadcasting:
52398 Aural modulation monitors; type approval requirements eliminated
52402 Land mobile use; non-voice signals
NOTICES
Hearings, etc.:
52421 Broadcast Production & Management Corp. et al.
52419 Whitco Broadcasters, Inc., et al.
Meetings:
52419 Common Carrier Bureau
52419 Common Carrier Bureau; cancellation
52419 ITU 1983 Region 2 Broadcasting Satellite Service Planning Conference Preparations Advisory Committee et al.

Federal Energy Regulatory Commission
PROPOSED RULES
Natural Gas Policy Act of 1978; ceiling prices for high cost natural gas produced from tight formations; various States:
52389, 52390 Louisiana (2 documents)

Federal Grain Inspection Service
PROPOSED RULES
Regulatory agenda. *See* entry under Agriculture Department.

Federal Maritime Commission
NOTICES
Energy and environmental statements; availability, etc.:
52422 Pan Atlantic Lines et al.; credit policy, voting, and filing of self-policing reports, etc.
Freight forwarder licenses:
52422 Seven Seas Co.

Federal Mine Safety and Health Review Commission
NOTICES
52476 Meetings; Sunshine Act

Federal Home Loan Bank Board
NOTICES
52476 Meetings; Sunshine Act

Federal Reserve System
NOTICES
Applications, etc.:
52423 Allied Bancshares, Inc. (3 documents)
52423 Allied Mesquite Bancshares, Inc.
52423 Allied Vidor Bancshares, Inc.
52424 Barnett Banks of Florida, Inc.
52427 Central of Georgia Bancshares, Inc.
52427 Citizens Bancorporation of Milaca, Inc.
52427 Clare Bancorporation
52424 Ellis Banking Corp.
52424 Equitable Bancorporation
52425 Exchange Bancorporation, Inc.
52425 First Holmes Corp.
52425 First Pikeville Bancshares, Inc.
52425 First Security Corp.

52426 International Bancshares of Oklahoma, Inc.
52427 Kilgore First Bancorp, Inc.
52425 Marlin Financial Corp.
52428 Orange Bancorp
52426 Orbanco Financial Services Corp., Inc.
52424 Pacific Bancorporation
52428 Pan American Banks, Inc.
52428 Peoples Bancorp of Sandy Hook, Inc.
52426 Rosedale Bancshares, Inc.
52428 Summit Bancshares, Inc.
52427 Valley Bancshares, Inc.
52476 Meetings; Sunshine Act

Federal Trade Commission
RULES
Franchising and business opportunity ventures; disclosure requirements and prohibitions; exemptions:
52327 Business opportunity trade show promoter
NOTICES
Premerger notification waiting periods; early terminations:
52429 Donaldson, Lufkin & Jenrette, Inc.
52429 Garrett, Bernard R.
52429 Johnston, S. K., Jr.
52428 Vereniging AGO

Fine Arts Commission
NOTICES
52410 Meetings

Food and Drug Administration
RULES
Animal drugs, feeds, and related products:
52532 Ethyl alcohol containing ethyl acetate in drinking water
52330 Mebendazole-trichlorfon oral
52330 Roxarsone
52329 Thiabendazole, piperazine phosphate granules
NOTICES
Biological products:
52430 Platelets, pheresis collection; availability of guidelines
Animal drugs, feeds, and related products:
52429 3-Nitro-4-Hydroxyphenyl Arsonic Acid Custom Mix ANB; approval withdrawn
52430 Top Form Foal Wormer; approval withdrawn
52929 Privacy Act; systems of records; annual publication

Food and Nutrition Service
PROPOSED RULES
Regulatory agenda. *See* entry under Agriculture Department.

Food Safety and Inspection Service
PROPOSED RULES
Regulatory agenda. *See* entry under Agriculture Department.

Foreign Agricultural Service
PROPOSED RULES
Regulatory agenda. *See* entry under Agriculture Department.

Forest Service
PROPOSED RULES
Regulatory agenda. *See* entry under Agriculture Department.
NOTICES
Environmental statements; availability, etc.:
52404 Rocky Mountain Region, land and resource management plan
Meetings:
52404 Apache National Forest Grazing Advisory Board
52404 Gospel-Hump Advisory Committee
52404 Sitgreaves National Forest Grazing Advisory Board

Health and Human Services Department
See also Alcohol, Drug Abuse, and Mental Health Administration; Centers for Disease Control; Food and Drug Administration; Health Care Financing Administration; Health Resources Administration; Health Services Administration; Human Development Services Office; National Institutes of Health; Public Health Service; Social Security Administration.
NOTICES
52602, 52641 Privacy Act; systems of records; annual publication (2 documents)

Health Care Financing Administration
NOTICES
52675 Privacy Act; systems of records; annual publication

Health Resources Administration
NOTICES
52740 Privacy Act; systems of records; annual publication

Health Services Administration
NOTICES
52431 Health education assistance loan (HEAL) program; interest rates
52899 Privacy Act; systems of records; annual publication

Historic Preservation, Advisory Council
NOTICES
52404 Micronesia Islands; termination of U.S. trusteeship, report availability

Housing and Urban Development Department
See Environmental Quality Office, Housing and Urban Development Department.

Human Development Services Office
NOTICES
52671 Privacy Act; systems of records; annual publication

Interior Department
See also Land Management Bureau.
RULES
52364 Property management (2 documents)

Internal Revenue Service
RULES
Excise taxes:
52334 Crude oil windfall profit tax; net income limitation
PROPOSED RULES
Employment taxes:
52391 Income tax withholding; increases

International Trade Administration
NOTICES
Countervailing duties:
52406 Barley from France

52407 Cap screws from Italy
52407 Steel welded wire mesh from Italy

Interstate Commerce Commission
NOTICES
Environmental statements; availability, etc.:
52441 Castle Valley Railroad Line, Utah; construction
Motor carriers:
52436 Finance applications
52436 Lease and interchange of vehicles
52437, 52439 Permanent authority applications (2 documents)
52440 Permanent authority applications; restriction removals
Railroad services abandonment:
52442 Soo Line Railroad Co.

Justice Department
See also Drug Enforcement Administration; Parole Commission.
RULES
Organization, functions, and authority delegations:
52339 Reorganization of Department; restructuring of authorities and responsibilities of Deputy Attorney General and Associate Attorney General

Labor Department
See Employment and Training Administration; Mine Safety and Health Administration; Occupational Safety and Health Administration; Pension and Welfare Benefit Programs Office.

Land Management Bureau
NOTICES
Exchange of public lands for private land:
52435 Utah
Meetings:
52435 Outer Continental Shelf Advisory Board
Motor vehicles, off-road, etc.; area closures and openings:
52434 California
Opening of public lands:
52435 Montana; correction
Withdrawal and reservations of lands, proposed, etc.:
52435 Wyoming

Mine Safety and Health Administration
NOTICES
Petitions for mandatory safety standard modifications:
52444 Consolidated Coal Co.
52445 Copper Range Co.
52445 Missouri Rock, Inc.
52445, 52446 Ozark-Mahoning Co. (2 documents)
52446 Peabody Coal Co. (2 documents)
52447 United States Steel Corp.

National Institute for Occupational Safety and Health
See Centers for Disease Control.

National Institutes of Health
NOTICES
52784 Privacy Act; systems of records; annual publication

National Oceanic and Atmospheric Administration
NOTICES
Environmental statements; availability, etc.:
52408 New Hampshire coastal management program; Atlantic Ocean/Harbor Segment
Fishermen's contingency fund:
52408 Claim recommendation

National Science Foundation
NOTICES
52463 Antarctic Conservation Act of 1978; permit applications, etc.
Meetings:
52461 Advisory Council
52462 Earth Sciences Advisory Committee
52462 Engineering Advisory Committee
52462 Physiology, Cellular and Molecular Biology Advisory Committee
52461 Social and Economic Science Advisory Committee (2 documents)
52461 Special Research Equipment Advisory Committee

Nuclear Regulatory Commission
NOTICES
Applications, etc.:
52463 Commonwealth Edison Co.
52464 Duke Power Co.
52464 Pacific Gas & Electric Co.
52464 Power Authority of State of New York
52464 Regulatory guides; issuance and availability

Occupational Safety and Health Administration
RULES
State plans; development, enforcement, etc.:
52361 Arizona
52361 Nevada; supplement
52360 Utah
NOTICES
State plans; standards approval, etc.:
52447 Nevada
52448 North Carolina

Oceans and Atmosphere, National Advisory Committee
NOTICES
52459 Meetings; agenda change

Packers and Stockyards Administration
PROPOSED RULES
Regulatory agenda. *See* entry under Agriculture Department.

Parole Commission
NOTICES
52476 Meetings; Sunshine Act

Patent and Trademark Office
RULES
Patent cases:
52362 Patent interference proceedings

Pension and Welfare Benefit Programs Office
NOTICES
Employee benefit plans; prohibited transaction exemptions:
52448 American Medical Association
52450 Chaimson Brokerage Co., Inc.

52451 Durham Clinic, P.A.
52454 Farnsworth Realty & Development Co.
52455 First-Wichita Bancshares, Inc., et al.
52456 J. E. Morgan Knitting Mills, Inc.
52458 Shlim, Nathan, M.D., P.C.

Postal Service
NOTICES
52476 Meetings; Sunshine Act

Public Health Service
PROPOSED RULES
52566 Health maintenance organizations; qualification
NOTICES
Health maintenance organizations:
52431 Noncompliance determinations (2 documents)
52722 Privacy Act; systems of records; annual publication

Rural Electrification Administration
PROPOSED RULES
Regulatory agenda. *See* entry under Agriculture Department.
NOTICES
Environmental statements; availability, etc.:
52405 Plains Electric Generation & Transmission Cooperative, Inc.

Securities and Exchange Commission
PROPOSED RULES
52382 Small business; system of classification of smaller issuers; reporting exemptions, etc.
52378 Unit investment trusts; automatic effectiveness of registration statements
NOTICES
Hearings, etc.:
52465 Boston Financial Apartments Associates, L. P., et al.
52468 International Harvester Credit Corp.
52477 Meetings; Sunshine Act
Self-regulatory organizations; proposed rule changes:
52469 Midwest Stock Exchange, Inc.
52470 New York Stock Exchange, Inc.
52470 Shareholder communications; request for comments

Social Security Administration
NOTICES
52945 Privacy Act; systems of records; annual publication

Soil Conservation Service
PROPOSED RULES
Regulatory agenda. *See* entry under Agriculture Department.

Susquehanna River Basin Commission
NOTICES
52474 Cowanseque Lake project; Tioga County, Pa.; hearings

Textile Agreements Implementation Committee
NOTICES
52409 Textile and apparel categories; correlation with Tariff Schedules of U.S.

Treasury Department
See Internal Revenue Service.

Veterans Administration
NOTICES
Meetings:
52475 Educational Allowances Station Committee
52475 Procurement; cost review schedule

MEETINGS ANNOUNCED IN THIS ISSUE

AGRICULTURE DEPARTMENT
Forest Service—
52404 Apache National Forest Grazing Advisory Board, Springerville, Ariz. (open), 11–24–81
52404 Gospel-Hump Advisory Committee, Grangeville, Idaho (open), 11–28–81
52404 Sitgreaves National Forest Grazing Advisory Board, Springerville, Ariz. (open), 11–24–81

ARTS AND THE HUMANITIES NATIONAL FOUNDATION
52460 Design Arts Panel, Washington, D.C. (open), 11–12–81
52460 Humanities Panel, Washington, D.C. (closed), 11–18 and 11–19–81
52460 National Council on the Humanities, Washington, D.C. (open), 11–12 and 11–13–81
52460 Visual Arts Panel, (print/drawing/artists books) Washington, D.C. (closed), 11–9 and 11–10–81

DEFENSE DEPARTMENT
Air Force Department—
52410 Air Force Historical Program Advisory Committee, Bolling Air Force Base, D.C. (open) 11–16 and 11–17–81
52410 USAF Scientific Advisory Board, Hanscom Air Force Base, Mass. (closed), 11–19 and 11–20–81
Office of the Secretary—
52411 Defense Intelligence Agency Advisory Committee, Rosslyn, Va. (closed), 11–19 and 11–20–81

FEDERAL COMMUNICATIONS COMMISSION
52419 Datel Interconnection, Washington, D.C., 11–4–81

FINE ARTS COMMISSION
52410 Meeting, Washington, D.C. (open), 11–10–81

INTERIOR DEPARTMENT
Land Management Bureau—
52435 Outer Continental Shelf Advisory Board, Alaska Regional Technical Working Committee, Anchorage, Alaska (open), 11–18–81

NATIONAL SCIENCE FOUNDATION
52462 Earth Science Advisory Committee, Geology, Geophysics, Geochemistry and Petrology Subcommittees, Washington, D.C. (closed), 11–19 and 11–20–81
52462 Engineering Advisory Committee, Civil and Environmental Engineering Subcommittee, Washington, D.C. (partially open), 11–12 and 11–13–81
52461 NSF Advisory Council, Washington, D.C. (open), 11–23 and 11–24–81

52462 Physiology, Cellular and Molecular Biology Advisory Committee, Biological Instrumentation Subcommittee, Washington, D.C. (closed), 11–12 and 11–13–81
52461 Social and Economic Science Advisory Committee, Economics Subcommittee, Washington, D.C. (closed), 11–13 and 11–14–81
52461 Social and Economic Science Advisory Committee, Sociology Subcommittee, Washington, D.C. (closed), 11–19 and 11–20–81
52461 Special Research Equipment Advisory Committee, Chemistry Subcommittee, Washington, D.C. (closed), 11–19 and 11–20–81

VETERANS ADMINISTRATION
52475 Station Committee on Educational Allowances, St. Petersburg, Fla. (open), 10–28–81

CHANGED MEETINGS

FEDERAL COMMUNICATIONS COMMISSION
52419 ITU 1983 Region 2 Broadcasting Satellite Service Planning Conference, Washington, D.C. 10–19–81 changed to 11–4–81

OCEANS AND ATMOSPHERE, NATIONAL ADVISORY COMMITTEE
52459 Meeting, Washington, D.C. (partially open), 11–2 and 11–3–81

CANCELLED MEETING

FEDERAL COMMUNICATIONS COMMISSION
52419 Cost Allocation Working Session, Washington, D.C., 10–23–81

HEARING

SUSQUEHANNA RIVER BASIN COMMISSION
52474 Cowanesque Lake Project, Tioga Junction, Pa., 11–17–81

CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

7 CFR
948 52323
1421 (2 documents) 52324, 52325

Proposed Rules:
Subtitle A 52552
Chs. I–VII 52552
Chs. IX–XII 52552
Chs. XIV–XVIII 52552
Ch. XXI 52552
Chs. XXIV–XXIX 52552
989 52377

9 CFR
Proposed Rules:
Chs. I–IV 52552

10 CFR
570 52326

14 CFR
205 52572
208 52582
211 52597
215 52597
218 52597
291 52583
294 52590
298 52583
380 52598
385 (2 documents) 52326, 52598
399 52599

Proposed Rules:
205 52585
294 52585
298 52585

16 CFR
436 52327

17 CFR
Proposed Rules:
230 52378
239 52378
240 52382
249 52382

18 CFR
Proposed Rules:
271 (2 documents) 52389, 52390

21 CFR
520 (2 documents) 52329, 52330
558 52330
584 52332
1308 52333

26 CFR
51 52334

Proposed Rules:
31 52391

28 CFR
Ch. I 52339

29 CFR
1952 (3 documents) 52360, 52361

36 CFR
Proposed Rules:
Ch. II 52552

37 CFR
1 52362

40 CFR
Proposed Rules:
180 (3 documents) 52395–52398

41 CFR
114 (2 documents) 52364

Proposed Rules:
Ch. 4 52552

42 CFR
Proposed Rules:
110 52566

47 CFR
1 52364
2 (2 documents) 52365, 52367
31 52374
33 52374
34 52374
35 52374
90 (2 documents) 52364, 52367
99 52367

Proposed Rules:
73 52398
90 52402

Rules and Regulations

Federal Register
Vol. 46, No. 207
Tuesday, October 27, 1981

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 948

Irish Potatoes Grown in Colorado—Area No. 2; Handling Regulation

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This continuing regulation requires fresh market shipments of potatoes grown in Colorado—Area No. 2 to be inspected and meet minimum grade, size and maturity requirements. The regulation will promote orderly marketing of such potatoes and keep less desirable qualities and sizes from being shipped to consumers.

EFFECTIVE DATE: November 1, 1981.

FOR FURTHER INFORMATION CONTACT: Charles W. Porter, Chief, Vegetable Branch, F&V, AMS, USDA, Washington, D.C. 20250 (202) 447–2615. The final impact statement relating to this final rule is available from Mr. Porter.

SUPPLEMENTARY INFORMATION: This rule has been reviewed under Secretary's memorandum 1512–1 and Executive Order 12291 and has been designated a "nonmajor" rule. William T. Manley, Deputy Administrator, Agricultural Marketing Service has determined that this action will not have a significant economic impact on a substantial number of small entities because it would not measurably affect costs for the directly regulated handlers.

Marketing Agreement No. 97 and Order No. 948, both as amended, regulate the handling of potatoes grown in designated counties of Colorado Area No. 2. The program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The Colorado Area No. 2 Potato Committee, established under the order, is responsible for its local administration.

This regulation is based upon recommendations made by the committee at a public meeting in Monte Vista, Colorado.

The grade, size, maturity, and inspection requirements specified herein are similar to those issued during past seasons. They are necessary to prevent potatoes of low quality or undesirable sizes from being distributed in fresh market channels. They will also provide consumers with good quality potatoes consistent with the overall quality of the crop and standardize the quality of the potatoes shipped from the production area in order to provide the consumer with a more acceptable product.

Exceptions are provided to certain of these requirements to recognize special situations in which such requirements would be inappropriate or unreasonable.

Shipments are permitted to certain special purpose outlets without regard to the grade, size, maturity, and inspection requirements provided that safeguards are met to prevent such potatoes from reaching unauthorized outlets. Certified seed is exempt because requirements for this outlet differ greatly from those for fresh market. Shipments for use as livestock feed likewise are exempt since no purpose would be served by regulating such potatoes. Shipments for charity purposes also are exempt. Also, potatoes for most processing uses are exempt under the legislative authority for this part.

Requirements for export shipments differ from those for domestic markets. While standard quality requirements are desired in foreign markets, smaller sizes are often more acceptable. Therefore, different requirements are set forth for export shipments.

The requirements contained in this handling regulation, effective November 1, 1981, will continue in effect from marketing season to marketing season indefinitely unless modified, suspended, or terminated by the Secretary upon recommendation and information submitted by the committee or other information available to the Secretary. Heretofore, regulations issued under the marketing order were made effective for a single marketing season. The change to issue regulations which will continue in effect from marketing season to marketing season reflects the fact that regulations change infrequently from season to season and it is believed unnecessary to issue them for only a single season. In addition, this action could result in a reduction in operational costs to the committee and the government. Although the final regulation will be effective for an indefinite period, the committee will continue to meet prior to or during each season to consider recommendations for modification, suspension, or termination of the regulation. Prior to making any such recommendations, the committee will submit to the Secretary a marketing policy for the season in accordance with § 948.20 of the order, including an analysis of supply and demand factors having a bearing on the marketing of the crop. Committee meetings are open to the public and interested persons may express their views at these meetings or may file comments with the Hearing Clerk, Room 1077–S, U.S. Department of Agriculture, Washington, D.C. 20250, before July 1 each year. The Department will evaluate committee, recommendations and information submitted by the committee comments filed, and other available information, and determine whether modification, suspension, or termination of the regulations on shipments of Colorado Area 2 potatoes would tend to effectuate the declared policy of the act.

Findings.

After consideration of all relevant matter presented, including the proposal set forth in the aforesaid notice which was recommended by the Colorado Area No. 2 Potato Committee, it is hereby found that the following handling regulation will tend to effectuate the declared policy of the act.

It is hereby further found that good cause exists for not postponing the effective date of this section until 30 days after its publication in the Federal Register (5 U.S.C. 553) in that (1) shipments of potatoes grown in the production area will already have begun by the effective date specified herein, (2) to maximize benefits to producers, this regulation should apply to as many shipments as possible during the marketing season, (3) notice was given in the Septemer 16, 1981, Federal Register (46 FR 45962) allowing interested persons until October 16, 1981, to file written comments and none

was received, and (4) compliance with this regulation, which is similar to regulations issued during previous seasons, requires no special preparation on the part of persons subject thereto which cannot be completed by the effective date hereof.

Information collection requirements (reporting or recordkeeping) under this part are subject to clearance by the Office of Management and Budget and are in the process of review. These information requirements shall not become effective until such time as clearance by the OMB has been obtained.

PART 948—IRISH POTATOES GROWN IN COLORADO

§ 948.384 [Removed]

Section 948.384 (45 FR 68912, October 17, 1980) is hereby removed and a new § 948.386 is added as follows:

§ 948.386 Handling regulation.

On and after November 1, 1981, no person shall handle any lot of potatoes grown in Area No. 2 unless such potatoes meet the requirements of paragraphs (a), and (b), and (c) of this section, or unless such potatoes are handled in accordance with paragraphs (d) and (e), or (f) of this section.

(a) *Minimum grade and size requirements.*—(1) *Round varieties.* U.S. No. 2, or better grade, 2 inches minimum diameter.

(2) *Russet Burbank.* U.S. No. 2, or better grade, 1⅞ inches minimum diameter.

(3) *All other long varieties except Russet Burbank.* U.S. Commercial, or better grade, 2 inches minimum diameter or 4 ounces minimum weight, or U.S. No. 2 grade, 1⅞ inches minimum diameter.

(4) *All varieties.* Size B, if U.S. No. 1.

(5) *All varieties for export.* 1½ inches minimum diameter.

(b) *Maturity (skinning) requirements.*—During September and October minimum maturity requirements shall be:

(1) *For U.S. No. 2 grade.* Not more than "moderately skinned."

(2) *All other grades.* Not more than "slightly skinned."

(c) *Inspection.*—(1) No handler shall handle any potatoes for which inspection is required unless an appropriate inspection certificate has been issued with respect thereto and the certificate is valid at the time of shipment. For purposes of operation under this part it is hereby determined pursuant to § 948.40(d) that each inspection certificate shall be valid for a period not to exceed five days following the date of inspection as shown on the inspection certificate.

(2) No handler may transport or cause the transportation by motor vehicle of any shipment of potatoes for which an inspection certificate is required unless each shipment is accompanied by a copy of the inspection certificate applicable thereto and the copy is made available for examination at any time upon request.

(d) *Special purpose shipments.*—(1) The grade, size, maturity and inspection requirements of paragraphs (a), and (b), and (c) of this section and the assessment requirements of this part shall not be applicable to shipments of potatoes for:

(i) Livestock feed;

(ii) Relief or charity; or

(iii) Canning, freezing, and "other processing" as hereinafter defined.

(2) The grade, size, maturity and inspection requirements of paragraphs (a), (b), and (c) of this section shall not be applicable to shipments of seed pursuant to § 948.6 but such shipments shall be subject to assessments.

(e) *Safeguards.*—Each handler of potatoes which do not meet the grade, size, and maturity requirements of paragraphs (a) and (b) of this section and which are handled pursuant to paragraph (d) of this section for any of the special purposes set forth therein shall:

(1) Prior to handling, apply for and obtain a Certificate of Privilege from the committee.

(2) Furnish the committee such reports and documents as requested, including certification by the buyer or receiver as to the use of such potatoes; and

(3) Bill each shipment directly to the applicable processor or receiver.

(f) *Minimum quantity.* For purposes of regulation under this part, each person may handle up to but not to exceed 1,000 pounds of potatoes without regard to the requirements of paragraphs (a), (b), and (c) of this section, but this exception shall not apply to any shipment which exceeds 1,000 pounds of potatoes.

(g) *Definitions.* The terms "U.S. No. 1," "U.S. Commercial," "U.S. No. 2," "Size B," "slightly skinned," and "moderately skinned" shall have the same meaning as when used in the U.S. Standards for Potatoes (7 CFR 2851.1540–2851.1566), including the tolerances set forth therein. The term "other processing" has the same meaning as the term appearing in the act and includes, but is not restricted to, potatoes for dehydration, chips, shoestrings, starch, and flour. It includes only that preparation of potatoes for market which involves the application of heat or cold to such an extent that the natural form or stability of the commodity undergoes a substantial change. The act of peeling, cooling, slicing, dicing, or applying material to prevent oxidation does not constitute "other processing." Other terms used in this section shall have the same meaning as when used in Marketing Agreement No. 97, as amended, and this part.

(h) *Applicability to imports.* Pursuant to section 8e of the act and § 980.1 *Import regulations* (7 CFR 980.1), Irish potatoes of the red skinned round type, except certified seed potatoes, imported into the United States during the periods November 1, 1981, through June 30, 1982, and September 1 through June 30 each year thereafter shall meet the minimum grade, size, quality and maturity requirements specified in paragraphs (a) and (b) of this section.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: October 22, 1981, to become effective November 1, 1981.

D. S. Kuryloski,

Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 81-31112 Filed 10-26-81; 8:45 am]

BILLING CODE 3410-02-M

Commodity Credit Corporation

7 CFR Part 1421

Rice Loan and Purchase Program

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Final rule.

SUMMARY: This rule deletes the regulations codified at 7 CFR 1421.325–1421.328 (1980-Crop Rice Loan and Purchase Program). Provisions setting forth the availability, maturity of loans, and loan schedules for rice eligible for price support have been published annually in the **Federal Register** and later codified in the Code of Federal Regulations. These program provisions enable eligible rice producers to receive price support through loans or purchases, with respect to their eligible crop of rice. In order to avoid amending the Code of Federal Regulations each year, the annual crop year data will no longer be codified in the Code of Federal Regulations beginning with loan schedules for 1981-crop rice. The provisions setting forth the loan and pruchase rates, premiums, and discounts will be published annually as a notice in the **Federal Register.** The provisions under the Rice Loan and Purchase Program relating to availability and maturity of loans are being deleted from

7 CFR 1421.326–1427.327 and will be added by a separate document to the general regulations governing the rice program appearing at 7 CFR 1421.300–1421.313.

EFFECTIVE DATE: October 27, 1981.

FOR FURTHER INFORMATION CONTACT: Thomas Fink, Cotton, Grain, and Rice Price Support Division, ASCS, P.O. Box 2415, Washington, D.C. 20013, (202) 447–7923. The Final Impact Statement describing the options considered in developing this final rule and the impact of implementing each option will be available upon request from George H. Schaefer, Program Planning and Development Division, P.O. Box 2415, Washington, D.C. 20013.

SUPPLEMENTARY INFORMATION: This final rule has been reviewed in accordance with Executive Order 12291 and Secretary's Memorandum 1521–1 and has been classified as "non major." It has been determined that this deletion of these regulations from the Code of Federal Regulations will not result in (1) an annual effect on the economy of $100 million or more; (2) major increases in costs or prices for consumers, individual industries, Federal, State, or local Government agencies, or geographic regions; or (3) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of U.S.-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The title and number of the federal assistance program that this final rule applies to are: Title: Commodity Loans and Purchases; Number 10.051, as found in the Catalog of Federal Domestic Assistance.

This rule will not have a major impact specifically on area and community development. Therefore, review as established by Office of Management and Budget Circular A–95 was not used to assure that units of local government are informed of this rule.

Previously, provisions setting forth the availability, maturity of loans, and loan schedules were published annually in the **Federal Register** as final rules. The same data were later codified in the Code of Federal Regulations. Effective with the 1981 crop of rice, loan and purchase rates, premiums, and discounts will be published as a notice in the **Federal Register**. Also, provisions relating to loan availability and loan maturity dates will be codified in a separate document in the general provisions governing the Rice Loan and Purchase Program. Since this rule makes no substantive change but merely deletes certain provisions from the Code of Federal Regulations, it has been determined that no further public rulemaking is required. The provisions previously appearing at 7 CFR 1421.325–1421.328 shall remain applicable to the respective crop years.

Final Rule

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

§ 1421.325 through 1421.328 (Subpart 1980—Crop rice loan and purchase program) [Removed]

Accordingly, the regulations at 7 CFR 1421.325 through 1421.328 (1980-Crop Rice Loan and Purchase Program) are hereby removed from the Code of Federal Regulations.

(Secs. 4 and 5, 62 Stat. 1070, as amended (15 U.S.C. 714 b and c); secs. 101, 401, 63 Stat. 1051, as amended, sec. 702, 91 Stat. 940 (7 U.S.C. 1441, 1421))

Signed at Washington, D.C. on October 19, 1981.

Everett Rank,

Executive Vice President, Commodity Credit Corporation.

[FR Doc. 81-31002 Filed 10-26-81; 8:45 am]
BILLING CODE 3410-05-M

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7 CFR Part 1421

Wheat Loan and Purchase Program

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Final rule.

SUMMARY: This rule deletes the regulations codified at 7 CFR 1421.485–1421.490 (1980-Crop Wheat Loan and Purchase Program). Provisions setting forth the availability, maturity of loans, ineligible classes, warehouse charges, and loan schedules for wheat eligible for price support have been published annually in the **Federal Register** and later codified in the Code of Federal Regualtions. These program provisions enable eligible wheat producers to receive price support through loans or purchases, with respect to their eligible crop of wheat. In order to avoid amending the Code of Federal Regulations each year, the annual crop year data will no longer be codified in the Code of Federal Regulations beginning with loan schedules for 1981-crop wheat. The provisions setting forth the loan and purchase rates, premiums, and discounts will be published annually as a notice in the **Federal Register**. The provisions under the Wheat Loan and Purchase Program relating to availability, maturity of loans, ineligible classes, and warehouse charges are being deleted from 7 CFR 1421.486–1421.489 and will be added by a separate document to the general regulations governing the wheat program appearing at 7 CFR 1421.460–1421.469.

EFFECTIVE DATE: October 27, 1981.

FOR FURTHER INFORMATION CONTACT: W. W. Beesley, (202) 447–7923.

SUPPLEMENTARY INFORMATION: This final rule has been reviewed in accordance with Executive Order 12291 and Secretary's Memorandum 1521–1 and has been classified as "nonmajor." This final rule has been classified as "nonmajor" since it will not have an annual effect on the economy of $100 million or more.

It has been determined that the Regulatory Flexibility Act is not applicable to this rule since Commodity Credit Corporation is not required by 5 U.S.C. 553 or any other provision of law to publish a notice of proposed rulemaking with respect to the subject matter of this final rule.

This rule will not have a major impact specifically on area and community development. Therefore, review as established by Office of Management and Budget Circular A–95 was not used to assure that units of local government are informed of this rule.

Previously, provisions setting forth the availability, maturity of loans, ineligible classes, warehouse charges, and loan schedules were published annually in the **Federal Register** as final rules. The same data was later codified in the Code of Federal Regulations. Effective with the 1981 crop of wheat, loan and purchase rates, premiums, and discounts will be published annually as a notice in the **Federal Register**. Also, provisions relating to loan availability, loan maturity dates, ineligible classes, and warehouse charges will be codified by a separate document in the general provisions governing the Wheat Loan and Purchase Program. Since this rule makes no substantive change but merely deletes certain provisions from the Code of Federal Regulations, it has been determined that no further public rulemaking is required. The provisions previously appearing at 7 CFR 1421.485–1421.490 shall remain applicable to the respective crop years.

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

§§ 1421.485 through 1421.490 (Subpart 1980—Crop Wheat Loan and Purchase Program) [Removed]

Final Rule

Accordingly, the regulations at 7 CFR 1421.485 through 1421.490 (1980-Crop

Wheat Loan and Purchase Program) are hereby removed from the Code of Federal Regulations.

(Secs. 4, 5, Pub. L. 80–89, 62 Stat. 1070, as amended (15 U.S.C. 714b, 714c); secs. 107A, 401, Pub. L. 81–439, 63 Stat. 1051, as amended (7 U.S.C. 1445b, 1421))

Signed at Washington, D.C. on October 19, 1981.

Everett Rank,

Executive Vice President, Commodity Credit Corporation.

[FR Doc. 81–31002 Filed 10–26–81; 8:45 am]
BILLING CODE 3410–05–M

DEPARTMENT OF ENERGY

10 CFR Part 570

Rescission of Standby Gasoline Rationing Plan

AGENCY: Department of Energy.

ACTION: Notice of rescission of 10 CFR Part 570.

EFFECTIVE DATE: October 27, 1981.

FOR FURTHER INFORMATION CONTACT: William Funk (Office of General Counsel), Department of Energy, Room 6A–141, 1000 Independence Avenue, S.W., Washington, D.C. 20585 (202) 252–6736.

SUMMARY: On June 12, 1980, DOE issued a final rule (45 FR 41330, June 18, 1980) for a Standby Gasoline Rationing Plan, 10 CFR Part 570. In accordance with the provisions of section 201 of the Energy Policy and Conservation Act (Pub. L. 94–163, "EPCA"), the Standby Gasoline Rationing Plan was approved by Congress and was placed in standby status.

Pursuant to EPCA section 203(f), all authority to carry out any rationing contingency plan expired on the same date as the Emergency Petroleum Allocation Act of 1973 (Pub. L. 93–159, "EPAA"). Under section 18 of the EPAA, the EPAA expired at midnight September 30, 1981.

The Department of Energy (DOE) rescinds the Standby Gasoline Rationing Plan regulations.

Therefore, the Standby Gasoline Rationing Plan regulations, 10 CFR Part 570, hereby are rescinded and removed.

Issued in Washington, D.C. October 20, 1981.

R. Tenney Johnson,

General Counsel.

[FR Doc. 81–31051 Filed 10–26–81; 8:45 am]
BILLING CODE 6450–01–M

CIVIL AERONAUTICS BOARD

14 CFR Part 385

[Reg. OR–187; Organization Regs., Amdt. No. 116 to Part 385]

Delegations and Review of Action Under Delegation; Nonhearing Matters

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: The CAB delegates to the Associate Director of the Bureau of Domestic Aviation the authority to approve alternate service patterns of carriers providing essential air service at small communities, and to adjust financial and operational unit rates in the payout formula of airlines providing that service under a final subsidy rate. The CAB also delegates to the Chief of the Essential Air Services Division the authority to approve alternate service patterns, as above, when no change in compensation is involved, and to request additional service and subsidy proposals when no carrier responded to a previous request.

DATES: Adopted: October 22, 1981. Effective: October 27, 1981.

FOR FURTHER INFORMATION CONTACT: Patrick V. Murphy, Chief, Essential Air Services Division, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428, (202) 673–5408.

SUPPLEMENTARY INFORMATION: Section 419 of the Federal Aviation Act of 1958, as amended, guarantees essential air service to small communities that are eligible points. It requires the Board to set essential air service levels for these eligible points and to pay a carrier to provide that service if no carrier is willing to do it on its own.

Essential air service levels are set using the guidelines in 14 CFR Part 398. If the community is not receiving the required level of essential air service, the Board requests service and subsidy proposals from carriers interested in providing it. Section 385.14a(b) already delegates to the Chief of the Essential Air Services Division of the Bureau of Domestic Aviation authority to request proposals in these circumstances (OR–163, 45 FR 6924, January 31, 1980). At other communities, if a carrier providing essential service wishes to leave, the Board will typically issue an order requiring the carrier to continue to provide essential service. The order also will request service and subsidy proposals from other carriers willing to enter that market and provide the essential service. Occasionally, no carrier will respond to that request for proposals and the Board must issue another request. This notice delegates to the Chief, Essential Air Services Division, the authority to issue these additional requests for proposals.

In some cases, a carrier that is providing essential air service to a point wishes to change its service pattern. Typically, this involves providing service to a hub other than the one or two that the Board designated as essential in its essential air service determination for that point. When this alternate service pattern would meet the essential air transportation needs of the point and does not engender any community opposition, approval of the carrier's plan is a routine matter. We are therefore delegating authority to approve alternate service patterns under these circumstances to the Associate Director, Subsidy Policy and Programs, Bureau of Domestic Aviation, where the change in service will not require an increase in the carrier's total subsidy payments. Where the carrier is not receiving a subsidy or its subsidy would not be affected at all by the service change, authority is delegated to the Chief, Essential Air Services Division, Bureau of Domestic Aviation, to approve the alternate service pattern. If the alternate service pattern would result in an increase in the carrier's total subsidy payments or is opposed by the community, Board action will still be required.

Approval of an alternative service pattern may affect a carrier's subsidy. Section 419 subsidy rates are typically based on some operational element or unit, such as departures completed, aircraft miles flown, or seat miles. The carrier is paid a given amount per departure or mile flown. When the carrier's service pattern changes, these operational units will change. For example, if the carrier is allowed to provide the essential service to a hub farther from the eligible point than the one originally designated, its aircraft or seat miles will increase. This could require an increase in its total compensation. In many cases, the carrier may desire an alteration of its essential service pattern but no change in its total compensation, or the Board may not consider such a change to be necessary. In order to prevent the service alteration from causing a change in the carrier's total compensation, an adjustment must be made in its operational or financial unit rates. That is, a different operational element (departures, seat miles, etc.) must be used as the basis for the rate or the amount paid per departure or mile flown must be changed so that total

compensation will remain the same. We are delegating authority to the Associate Director, BDA, to make these adjustments when that will not increase the total amount of compensation a carrier is authorized to receive. This authority may also be exercised where the type of aircraft used at the eligible point is changed, or in other cases where Board approval of the service change is not required. Authority to make these adjustments applies to carriers on a final subsidy rate. The Associate Director already has authority to adjust interim hold-in rates (§ 385.14(b)).

Since this is a rule of agency procedure and practice, the Board finds that notice and comment are unnecessary and that it may take effect upon publication in the **Federal Register**.

PART 385—DELEGATIONS AND REVIEW OF ACTION UNDER DELEGATION; NONHEARING MATTERS

Accordingly, the Civil Aeronautics Board amends 14 CFR Part 385, *Delegations and Review of Action Under Delegation; Nonhearing Matters*, as follows:

1. The authority for Part 385 is:

Authority: Secs. 204(a), 1001 Pub. L. 85-726, as amended, 72 Stat. 743, 788; 49 U.S.C. 1324(a), 1481; Reorganization Plan No. 3 of 1961, 75 Stat. 837, 26 FR 5989, 49 U.S.C. 1324 (note), unless otherwise noted.

2. In § 385.14, new paragraphs (c) and (d) are added to read as follows:

§ 385.14 Delegation to the Associate Director, Subsidy Policy and Programs, Bureau of Domestic Aviation.

* * * * *

(c) Issue orders approving a carrier's alternate service pattern if —

(1) The resulting level of service at the eligible point would be equal to or greater than the level of service that the Board determined to be essential for that point;

(2) The community concerned does not object to the carrier's implementation of the alternate service pattern; and

(3) Implementation of the alternate service pattern would not require an increase in the carrier's total subsidy payments.

(d) Issue orders adjusting the operational and/or financial unit rates of the payout formula for a carrier receiving subsidy under section 419 of the Act where the adjustment will not change the total amount of compensation that the carrier will receive.

3. In § 385.14a, paragraph (c) is redesignated paragraph (d) and new paragraphs (c) and (e) are added to read as follows:

§ 385.14a Delegation to the Chief, Essential Air Services Division, Bureau of Domestic Aviation.

* * * * *

(c) Request service and subsidy proposals from carriers interested in providing essential air transportation to a eligible point when no proposals were filed in response to a previous request for proposals.

(d) Establish procedural dates in essential air service proceedings.

(e) Issue orders approving a carrier's alternate service pattern if —

(1) The resulting level of service at the eligible point would be equal to or greater than the level of service that the Board determined to be essential for that point;

(2) The community concerned does not object to the carrier's implementation of the alternate service pattern; and

(3) The carrier is not receiving a subsidy for service to the eligible point concerned or implementation of the alternate service pattern would not effect the carrier's subsidy.

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-31097 Filed 10-26-81; 8:45 am]

BILLING CODE 6320-01-M

FEDERAL TRADE COMMISSION

16 CFR Part 436

Disclosure Requirements and Prohibitions Concerning Franchising and Business Opportunity Ventures

AGENCY: Federal Trade Commission.

ACTION: Exemption from trade regulation rule.

SUMMARY: On February 12, 1981, the Commission published a request for public comment on a petition for exemption from the requirements of the Franchise Rule that had been filed by a business opportunity trade show promoter. After reviewing the public comment, the Commission has determined that the provisions of Part 436 shall not apply to the activities of petitioner and all other persons who engage in similar activities whenever petitioner or such other persons undertake other specified actions.

DATE: October 13, 1981.

ADDRESS: Federal Trade Commission, 6th & Pennsylvania Ave., N.W., Washington, D.C. 20580.

FOR FURTHER INFORMATION CONTACT:

Neil J. Blickman, PM-H-272, Federal Trade Commission, 6th & Pennsylvania Ave., N.W., Washington, D.C. 20580 (202) 523-3814.

SUPPLEMENTARY INFORMATION: In the Matter of Petition for An Interpretive Opinion and Ruling of Exemption and, in the alternative, a Reopening of Rulemaking Proceedings with respect to Trade Regulation Rule entitled "Disclosure Requirements and Prohibitions Concerning Franchising and Business Opportunity Ventures" filed by Shulman Promotions, Inc. and Si Shulman, order granting conditional exemption.

On February 12, 1981 (46 FR 12005) the Commission published a notice in the **Federal Register** soliciting comments on a petition filed by Shulman Promotions, Inc. and Si Shulman, a business opportunity trade show promoter, "for an interpretive opinion and ruling of exemption and, in the alternative, a reopening of the rulemaking proceedings," in connection with the Commission's trade regulation rule on franchises and business opportunities. The **Federal Register** notice included a copy of the petition for exemption as well as a proposed form of conditional exemption, and requested public comment on any issues of fact, law or policy that may have some bearing on the issues raised in the petition or the notice. Written comments were accepted for a thirty day period following publication. In accordance with section 18(g) of the Federal Trade Commission Act, this exemption proceeding was conducted under section 553 of the Administrative Procedure Act. 5 U.S.C. 553. After review of the petitions and the comments received in response to the notice, the Commission hereby grants a conditional exemption, as hereinafter described, to petitioner and all other persons who organize events in which franchises or business opportunities are sold.

An exemption under section 18(g) requires a Commission determination that "application of the rule to any person or class of persons is not necessary to prevent the unfair or deceptive act or practice to which the rule relates * * *" If such determination is made, then "the Commission may exempt such person or class from all or any part of such rule." The major issue in this proceeding is whether, and if so to what extent, the public interest requires a trade shown promoter to

assume responsibility for its exhibitors' compliance with the Commission's franchising trade regulation rule.

The goal of the franchise rule is to furnish prospective franchisees with pre-sale information about their proposed investment. Generally, the franchisor is in the best position to provide this information; therefore, the rule places the primary disclosure burden on the franchisor. On occasion, the franchisor does not market its own franchises, but, instead, retains a third party to do so on its behalf. Therefore, the rule extends disclosure obligations onto these third parties, denominated as "franchise brokers" by the rule, who assist in effecting the sale of franchises. Sales assistance in any one of three forms, *i.e.*, sales, offers for sale, or arrangements for a sale, makes a person a "franchise broker" under the rule.

At the outset, petitioner raises the threshold question of whether its activities are those of a "franchise broker." The Commission believes that they are. The Commission intended the "franchise broker" definition to cover all parties (other than a franchisor or a franchisee) within the sales chain, including brokers who actually sell or make offers as well as those who actively participate through any other types of activities or "arrangements" which directly lead to sales. Petitioner, as a trade show promoter, actively participates in the sales chain by means of arrangements that include, among others, (i) Securing exhibition space in various cities, (ii) publicizing the exhibition in local newspapers and all other media in order to encourage prospective purchasers to attend the show and talk to exhibitors about the possible purchase of a franchise or business opportunity, and (iii) supplying exhibitors with supplies and equipment needed to set up an exhibit booth. In essence, petitioner's only business is to deliver prospective purchasers to exhibitor-sellers of franchises and business opportunities at trade shows which it arranges and publicizes. These activities are sufficient to constitute "arrangements" for the sale of franchises as contemplated by the "franchise broker" definition, and thus brings petitioners' activities within the scope of the rule.

Turning now to the main issue, petitioner is concerned about the potential burdens and liabilities it would confront as a franchise broker. The rule makes a broker jointly and severally liable with a seller (in this case, an exhibitor) for compliance, which means that if an exhibitor violates the rule then petitioner as well as the exhibitor would be liable for appropriate enforcement action under the F.T.C. Act. As a result, a cautious and prudent trade show promoter would need to make an independent legal judgment about an exhibitor's coverage under the rule whenever the exhibitor does not have disclosures; moreover, for exhibitors who do have disclosures, the petitioner would need to make an independent legal judgment about whether such disclosures are complete and accurate. Petitioner claims that the burdens of doing so are excessive.

Petitioner and the other commentators who sponsor such shows present legitimate objections. For example, without an in-depth review of each exhibitor's operations, a promoter cannot be sure whether an exhibitor's proposed business relationship is a "franchise" under the rule and thus requires disclosure. In addition, even if an exhibitor makes disclosures, and a promoter has made an exhaustive review of such disclosure documents for completeness and accuracy, promoters could never really be sure that changes in the exhibitor's operations since the review did not require updated disclosures. Finally, since promoters neither hire nor supervise the exhibitors' salespersons, they cannot control whether the disclosure is made, or if made, whether it was made at the proper time, or, even if properly made, whether disclosures were accompanied by inconsistent oral representations.

On the other hand, the public record which forms the basis of the franchise rule developed ample evidence of widespread deceptive and unfair practices in the sale of franchises and business opportunities, resulting in consumer losses, as a result of purchases made in the absence of sufficient information and sufficient review time. The rule attempts to ensure that information is given in a timely manner by imposing joint and several liability on all active participants in the sales chain in instances where the rule's requirements are not met. A total exemption would relieve one of the parties on the sales chain from such liability, and with it, any real incentive to inquire into rule compliance by other members of the sales chain. At the same time, the exempted party would continue to reap the profits arising from such sales in the form of continued rental fees for exhibit space at future trade shows. We believe that this result is not in the public interest.

Some of the public comments charge that the Commission has shifted rule enforcement responsibility from itself to the promoters. We think this criticism is untrue. Promoters are not innocent bystanders having no influence, participation or stake in the sales transaction. On the contrary, they are active in all three roles, by inviting the exhibitors to their shows delivering prospective purchasers to the exhibitors' sales booths, and profiting from exhibitors' rental fees. In such circumstance, we believe that it is entirely proper that a party assume a degree of responsibility for the legality of a transaction in which it actively participates and from which it profits.

In addition, we believe that joint and several liability among active participants in the sales transaction tends to make each participant exercise a restraining influence on the activities of other participants. This peer restraint will better assure timely and complete information disclosure to prospective franchisees and clearly serves the public interest.

The most equitable solution is to find a means of equating the petitioner's degree of liability to its degree of responsibility. These responsibilities should be of a nature which petitioner can perform with the minimum possible burden consonant with the nature and degree of its participation in the sales transaction.

The February 12th Federal Register notice contained a proposed conditional exemption which sought to strike this balance. The new responsibilities involved activities, the performance of which were within the petitioner's complete control and could be accomplished relatively easily. The primary objective was to ensure that prospective purchasers knew their rights and responsibilities, so that they could be better able to protect themselves. After reviewing the comments, the Commission continues to believe and has determined that a conditional exemption best serves the public interest, by balancing the twin needs of alerting purchasers about their rights and responsibilities while, at the same time, imposing the minimum possible burden to petitioner.

However, the Commission has decided to modify the conditional exemption proposed in the February 12th notice in a manner which will reduce compliance burdens even further, and thus eliminate the objections raised by petitioner and the other trade show promoters who submitted comments. The modifications delete both the policing and recordkeeping requirements imposed on petitioner. In each case, the Commission has determined either that the cost or burden on the petitioner exceeded the anticipated consumer

protection benefit arising from compliance, or that the Commission had other available means to accomplish the same result. Moreover, since no clear preference has emerged for either of the two proposed consumer education notices, the Commission will permit petitioner to use either notice.

Finally, the Commission finds no principled basis to distinguish the same activities when performed by non-petitioners from those performed by petitioner; accordingly, consistent with Commission's authority under section 18(g) to exempt a person or any class of persons, the conditional exemption will apply to petitioner as well as all other persons who conduct activities similar to those conducted by petitioner.

Accordingly, the Commission hereby grants the following conditional exemption:

Persons who organize events in which franchises or business opportunities are advertised, offered, licensed, contracted, sold or otherwise promoted will be exempt from franchise rule coverage as a "franchise broker" for any such event in which the promoter gives either of the following consumer education notices to each attendee at the time such attendee first enters the trade show:

Notice 1

PROTECT YOURSELF BY USING YOUR LEGAL RIGHTS *BEFORE* YOU INVEST

The Federal Trade Commission has adopted regulations which give you important legal rights when you are considering an investment in a franchise or business opportunity venture. These rights include:

(1) Your right to receive a disclosure statement prepared by the seller which contains information you should know about the seller and the investment opportunity, including copies of all agreements you will be required to sign.

(2) Your right to a written explanation of all earnings claims about the sales, income or profits which other investors have realized or which you can achieve by investing in the proposed investment opportunity. This explanation must describe the factual basis and assumptions behind such claims, and include information about the number and percentage of other investors who are known to have done as well. A salesperson's verbal earnings claims, not accompanied by the written explanations set forth above, is against the law, and probably also unreliable.

(3) Your right to a refund if you were promised one and meet all the conditions for obtaining it.

You must receive all required disclosures *as soon as* you have a serious discussion with the seller about your proposed investment or a salesperson makes any earnings claim to you. In addition, you must receive the disclosures *at least* 10 business days (2 weeks) before you may legally commit yourself to purchase the franchise or business opportunity by paying any money or signing any binding agreement. There are *no exceptions* to this delivery requirement.

These regulations are designed to help you protect yourself by giving you the time and information necessary to investigate the proposed investment thoroughly. No government agency has checked the accuracy of the disclosures or determined whether the proposed investment is a good one. It is up to you to do so.

There may be a few business opportunity sellers that are not covered by the disclosure requirements. This does not mean that their proposed investments are any better or worse than those for which disclosures are available. However, if you are considering an investment in a business that does not provide disclosures, you would be well advised to obtain as much information as possible about the venture before making a final investment decision. A look at the disclosures provided by other companies will suggest a number of important questions you should consider asking in order to protect yourself.

Notice 2

BEFORE YOU BUY * * *

A Federal Trade Commission Rule gives you important legal rights as you plan to buy a franchise or business opportunity.

WHAT THE SELLER MUST GIVE YOU

1. A written statement that tells you important information about the seller and the business offered to you.

2. Copies of all agreements you will have to sign.

3. A written explanation of any claims about how much money you might earn if you buy the business. Verbal promises the seller makes aren't good enough—in fact, they're illegal and almost sure to be wrong. The Rule requires the seller to give you details about earnings claims *in writing*. This written statement must provide details about the number and percentage of other buyers who have succeeded as the seller claims.

WHEN THE SELLER MUST GIVE YOU THIS INFORMATION

As soon as you talk seriously with the seller about buying the business, or

As soon as the seller makes an earnings claim, but

Always at least 10 business days (2 weeks) before you agree to buy.

There is *no* exception to this Rule.

WHY THIS INFORMATION IS IMPORTANT

1. It will help you compare franchise and business opportunities offered by other sellers. With this information in hand, you can take the time to compare what you'll get for your money. You can take the time to ask questions and get the facts.

2. It will help you find out if the business you plan to buy is worth the money you'll pay. No government agency can check out whether the seller's offer is a good one—it's all up to you. Check out the information in the written statements on your own or with the help of a lawyer or an accountant.

WHAT IF THE SELLER SAYS HE'S NOT COVERED?

Some sellers aren't covered by the FTC's Rule, but that doesn't mean you'll get a better or worse deal. *Before* you buy, get as much information as possible.

IF THE SELLER DOESN'T COMPLY WITH THE FTC'S RULE, write to the FTC, Washington, D.C. 20580.

It is so ordered.

By the Commission. Chairman Miller did not participate.

Issued: October 13, 1981.

Carol Thomas,

Secretary.

[FR Doc. 81-31120 Filed 10-26-81; 8:45 am]

BILLING CODE 6750-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 520

Oral Dosage Form New Animal Drugs not Subject to Certification; Withdrawal of a Portion of a Regulation; Thiabendazole, Piperazine Phosphate Granules

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration is removing that portion of the regulations reflecting approval of

a new animal drug application (NADA) providing for use of thiabendazole/piperazine phosphate granules as an anthelmintic in weanling foals over 4 months of age. The sponsor, Merck Sharp & Dohme Research Laboratories, requested the withdrawal of approval.

EFFECTIVE DATE: November 6, 1981.

FOR FURTHER INFORMATION CONTACT: David N. Scarr, Bureau of Veterinary Medicine (HFV-214), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-1846.

SUPPLEMENTARY INFORMATION: In a notice published elsewhere in this issue of the **Federal Register**, approval of NADA 39-436 is withdrawn. This document amends the regulations to remove that portion which reflects approval of this NADA.

PART 520—ORAL DOSAGE FORM NEW ANIMAL DRUGS NOT SUBJECT TO CERTIFICATION

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(e), 82 Stat. 345-347 (21 U.S.C. 360b(e))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10 (formerly 5.1; see 46 FR 26052; May 11, 1981)) and redelegated to the Director of the Bureau of Veterinary Medicine (21 CFR 5.84), Part 520 is amended in § 520.2380f by revising the section heading and paragraphs (a) and (c), to read as follows:

§ 520.2380f Thiabendazole, piperazine phosphate powder.

(a) *Specifications.* Each ounce of water dispersible powder contains 6.67 grams of thiabendazole and 8.33 grams of piperazine (as piperazine phosphate).

* * * * *

(c) *Conditions of use*—(1) *Amount.* 2 grams of thiabendazole and 2.5 grams of piperazine (0.3 ounce of powder) per 100 pounds of body weight.

(2) *Indications for use.* Treatment of infections of large strongyles (genus *Strongylus),* small strongyles (genera *Cyathostomum, Cylicobrachytus,* and related genera *Craterostomum, Oesophagodontus, Poteriostomum),* pinworms *(Oxyuris),* threadworms *(Strongyloides),* and ascarids *(Parascaris)* in horses.

(3) *Limitations.* Use a single oral dose. Administer as a drench or by stomach tube suspended in 1 pint of warm water; by dose syringe suspended in ½ ounce of water for each 100 pounds of body weight; or sprinkled over a small amount of daily feed. Not for animals intended for food use. If the label bears directions for administration by stomach tube or drench, it shall also bear the statement "Caution: Federal law restricts this drug to use by or on the order of a licensed veterinarian:" if not labeled for use by stomach tube or drench, the label shall bear the statement, "Consult your veterinarian for assistance in the diagonosis, treatment, and control of parasitism."

Effective date. November 6, 1981.

(Sec. 512(e), 82 Stat. 345-347 (21 U.S.C. 360b(e)))

Dated: October 20, 1981.

Gerald B. Guest,

Acting Director, Bureau of Veterinary Medicine.

[FR Doc. 81-30830 Filed 10-26-81; 8:45 am]

BILLING CODE 4110-03-M

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21 CFR Part 520

Oral Dosage Form New Animal Drugs Not Subject to Certification; Mebendazole-Trichlorfon Oral

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a supplemental new animal drug application (NADA) filed by Pitman-Moore, Inc., providing for safe and effective use of mebendazole-trichlorfon oral, an anthelmintic drug to treat horses except pregnant mares during the last month of pregnancy.

EFFECTIVE DATE: October 27, 1981.

FOR FURTHER INFORMATION CONTACT: Sandra K. Woods, Bureau of Veterinary Medicine (HFV-114), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3420.

SUPPLEMENTARY INFORMATION: Pitman-Moore, Inc., Washington Crossing, NJ 08560, filed a supplemental NADA (100-402) providing for a revised label precaution statement for use of an anthelmintic drug in horses. The current statement "Do not treat * * * animals used for breeding purposes" is amended to read "Do not treat * * * mares in the last month of pregnancy." The firm submitted reproduction studies demonstrating that the drug is not embryotoxic or teratogenic in pregnant mares nor toxic in stallions. The supplemental application is approved and the regulations are amended accordingly.

In accordance with the freedom of information provisions of Part 20 (21 CFR Part 20) and § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, from 9 a.m. to 4 p.m., Monday through Friday.

The Bureau of Veterinary Medicine has determined pursuant to 21 CFR 25.24(d)(1)(i) (proposed December 11, 1979; 44 FR 71742) that this action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

This action is governed by the provisions of 5 U.S.C. 556 and 557 and is therefore excluded from Executive Order 12291 by section 1(a)(1) of the Order.

PART 520—ORAL DOSAGE FORM NEW ANIMAL DRUGS NOT SUBJECT TO CERTIFICATION

§ 520.1326 [Amended]

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10 (formerly 5.1; see 46 FR 26052; May 11, 1981)) and redelegated to the Bureau of Veterinary Medicine (21 CFR Part 5.83), § 520.1326 *Mebendazole-trichlorfon oral* is amended in paragraph (c)(3) by removing the phrase "or animals used for breeding purposes" and inserting in its place "or mares in the last month of pregnancy."

Effective date. This amendment is effective October 27, 1981.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)))

Dated: October 20, 1981.

Robert A. Baldwin,

Associate Director for Scientific Evaluation.

[FR Doc. 81-30968 Filed 10-26-81; 8:45 am]

BILLING CODE 4110-03-M

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21 CFR Part 558

New Animal Drugs for Use in Animal Feeds; Roxarsone

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a supplemental new animal drug application (NADA) sponsored by Salsbury Laboratories which provides for safe and effective use of roxarsone premixes for growing chickens and turkeys for increased rate of weight gain, improved feed efficiency, and improved pigmentation, and for growing

swine for increased rate of weight gain, improved feed efficiency, and for the treatment of swine dysentery (hemorrhagic enteritis or bloody scours). FDA is also amending the regulations to indicate those conditions of use which were found effective as a result of a National Academy of Sciences/National Research Council (NAS/NRC) evaluation of the product.

EFFECTIVE DATE: October 27, 1981.

FOR FURTHER INFORMATION CONTACT: Lonnie W. Luther, Bureau of Veterinary Medicine (HFV-147), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4317.

SUPPLEMENTARY INFORMATION: Salsbury Laboratories, 2000 Rockford Rd., Charles City, IA 50616, is the sponsor of an NADA (7-891) which originally became effective March 23, 1951, for use of roxarsone premixes in chicken, turkey, and swine feeds. The NADA is one of several for drug products containing 3-nitro-4-hydroxyphenylarsonic acid (roxarsone) that were the subject of an NAS/NRC evaluation publication in the Federal Register of September 10, 1970 (35 FR 14273). The NAS/NRC evaluation concluded, and FDA concurred, that the drug is:

(1) Effective for improved feed efficiency in chickens, turkeys, and swine;

(2) Effective for improved pigmentation in chickens and turkeys;

(3) Effective for treatment of swine dysentery (hemorrhagic enteritis or bloody scours);

(4) Probably effective for faster weight gains in chickens, turkeys, and swine, but that labeling for stimulation of growth should read "will result in faster weight gains and improved feed efficiency under appropriate conditions";

(5) Probably not effective for coccidiosis in poultry;

(6) More information is needed on the drug claim regarding the control of cecal coccidiosis in poultry; and

(7) Not effective for necrotic enteritis in swine.

The NAS/NRC evaluation also stated that:

(1) The claim for bloody scours should be changed to a claim for swine dysentery;

(2) A caution statement should be required to state excessive consumption in or lack of adequate water by treated animals may result in weakness or paralysis of the legs;

(3) The labeling of the drug should contain a warning that when the drug is administered for therapeutic claims, treated animals must consume enough medication to provide a therapeutic dose under the conditions of use; and

(4) The label should state the desired oral dose per unit of animal weight per day.

FDA further concluded in memoranda dated November 2 and 27, 1972, and signed by the Director of the Bureau of Veterinary Medicine, that antibiotics and arsenicals which were labeled for growth promotion and feed efficiency and were found probably effective can be considered effective if the claim is rephrased to read "for increase in rate of weight gain and improved feed efficiency," later revised to "for increased rate of weight gain and improved feed efficiency for (appropriate conditions of use)."

The NAS/NRC evaluation concerned only the drug's effectiveness and safety to the treated animal and did not consider the safety of food derived from treated animals.

Salsbury Laboratories responded to the NAS/NRC evaluation by submitting a supplemental NADA providing additional effectiveness data from studies conducted at Salsbury Laboratories, revised labeling, and updated manufacturing and controls information. The additional effectiveness data and information substantiated upgrading the NAS/NRC rating to effective.

Approval of this supplemental NADA reflects its compliance with the conclusions of the NAS/NRC review and codification of the basic approval. The revisions do not result in changes that will increase the risk of human exposure to residues of the drugs in edible animal tissues. Accordingly, under the Bureau of Veterinary Medicine's supplemental approval policy (42 FR 64367; December 23, 1977), this is a Category II supplemental NADA which does not require reevaluation of the safety and effectiveness data in the basic application.

Approval of this supplemental NADA also codifies that a waiver of the requirements of section 512(m) of the Federal Food, Drug, and Cosmetic Act has been granted for the approved uses of this drug.

The supplemental NADA is approved and the regulations are amended to reflect the approval and to indicate that approval of identical products for the same conditions of use need not include certain types of effectiveness data required by 21 CFR 514.1(b)(8)(ii) or 514.111(a)(5). In lieu of those data, approval of such products may require submission of bioequivalency or similar data as suggested in the guideline for submitting NADA's for NAS/NRC reviewed generic drugs, available from the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

In accordance with the freedom of information provisions of Part 20 (21 CFR Part 20) and § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch (address above), from 9 a.m. to 4 p.m., Monday through Friday.

The Bureau of Veterinary Medicine has carefully considered the potential environmental effects of this action and has concluded that the action will not have a significant impact on the human environment and that an environmental impact statement therefore will not be prepared. The Bureau's finding of no significant impact and the evidence supporting this finding, contained in a statement of exemption (pursuant to 21 CFR 25.1(f)(2)(ii)) may be seen in the Dockets Management Branch (HFA-305) (address above), between 9 a.m. and 4 p.m., Monday through Friday.

This action is governed by the provisions of 5 U.S.C. 556 and 557 and is therefore excluded from Executive Order 12291 by section 1(a)(1) of the Order.

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10 (formerly 5.1; see 46 FR 26052; May 11, 1981)) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), Part 558 is amended by revising § 558.530 to read as follows:

§ 558.530 Roxarsone.

(a) *Approvals.* (1) Premix levels of 10, 20, and 50 percent to No. 011801 in § 510.600(c) of this chapter for use in making chicken and turkey feeds.

(2) Premix levels of 10, 20, 50, and 80 percent to No. 017210 in § 510.600(c) of this chapter for use in making chicken, turkey, and swine feeds.

(b) *Assay limits.* Finished feed 85 to 120 percent of labeled amount.

(c) *Special considerations.* Complete feeds containing roxarsone only and conforming to the requirements of paragraph (f)(1) and (2) of this section are not required to comply with the provisions of section 512(m) of the Federal Food, Drug, and Cosmetic Act.

(d) *Related tolerances.* See § 556.60 of this chapter.

(e) *NAS/NRC status.* The conditions of use are NAS/NRC reviewed and found effective. NADA's for these uses need not include effectiveness data as specified by § 514.111 of this chapter, but may require bioequivalency and safety information.

(f) *Conditions of use*—(1) *Growing chickens and growing turkeys*—(i) *Grams per ton.* Roxarsone 22.7 and 45.4 (0.0025 to 0.005 percent).

(ii) *Indications for use.* For increased rate of weight gain, improved feed efficiency, and improved pigmentation.

(iii) *Limitations.* Withdraw 5 days before slaughter; as sole source of organic arsenic; drug overdose or lack of water may result in leg weakness; feed continuously as a complete feed throughout growing period.

(2) *Growing-finishing swine*—(i) *Grams per ton.* Roxarsone 22.7 to 34.1 (0.0025 to 0.00375 percent).

(*a*) *Indications for use.* For increased rate of weight gain and improved feed efficiency.

(*b*) *Limitations.* Withdraw 5 days before slaughter; as sole source of organic arsenic; feed continuously as a complete feed throughout growing season.

(ii) *Grams per ton.* Roxarsone 181.5 (0.02 percent).

(*a*) *Indications for use.* For the treatment of swine dysentery.

(*b*) *Limitations.* Feed for not more than 6 consecutive days; if improvement is not observed, consult a veterinarian; withdraw 5 days before slaughter; as a sole source of organic arsenic; animals must consume enough medicated feed to provide a therapeutic dose.

(3) *Permitted combinations.* It may be used in accordance with this section in combination as follows:

(i) Aklomide as in § 558.35.

(ii) Amprolium as in § 558.55.

(iii) Amprolium and ethopabate as in § 558.58.

(iv) Bacitracin methylene disalicylate as in § 558.76.

(v) Bacitracin zinc as in § 558.78.

(vi) Bambermycins and bambermycins plus certain anticoccidials as in § 558.95.

(vii) Buquinolate as in § 558.105.

(viii) Chlortetracycline as in § 558.128.

(ix) Clopidol as in § 558.175.

(x) Decoquinate as in § 558.195.

(xi) Monensin as in § 558.355.

(xii) Nequinate as in § 558.365.

(xiii) Nicarbazin as in § 558.366.

(xiv) Nitromide and sulfanitran as in § 558.376.

(xv) Robenidine hydrochloride as in § 558.515.

(xvi) Sulfadimethoxine, ormetoprim as in § 558.575.

(xvii) Zoalene as in § 558.680.

(xviii) Penicillin and zoalene as in § 558.680

Effective date. October 27, 1981.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)))

Dated: October 21, 1981.

Robert A. Baldwin,

Associate Director for Scientific Evaluation.

[FR Doc. 81-30909 Filed 10-26-81; 8:45 am]

BILLING CODE 4110-03-M

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21 CFR Part 584

[Docket No. 79G-0382]

Food Substances Affirmed as Generally Recognized as Safe in Feed and Drinking Water of Animals; Ethyl Alcohol Containing Ethyl Acetate

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is affirming that ethyl alcohol containing 4.25 percent ethyl acetate is generally recognized as safe (GRAS) for use in a liquid feed supplement for ruminants. This action, based on a petition filed by Talbot-Carlson, Inc., lists the substance in the regulations as an animal food substance affirmed as GRAS.

EFFECTIVE DATE: October 27, 1981.

FOR FURTHER INFORMATION CONTACT: Robert P. Schmidt, Bureau of Veterinary Medicine (HFV-224), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3390.

SUPPLEMENTARY INFORMATION: In a notice published in the **Federal Register** of November 9, 1979 (44 FR 65189), FDA announced that Talbot-Carlson, Inc., 207 Scott St., Audubon, IA 50025, had filed a petition for GRAS affirmation (GRASP FAP 2179) in accordance with procedures established in § 570.35 (21 CFR 570.35). The petition proposed that ethyl alcohol containing 4.25 percent ethyl acetate be affirmed as GRAS when added to liquid feed supplements used in ruminant feeds. Interested persons were given an opportunity to review the petition and to submit comments to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

The petition asked that the substance be affirmed by experts as GRAS, based on common use in food before January 1, 1958. The petition stated that ethyl alcohol (ethanol) containing 4.25 percent ethyl acetate (Formula No. 35-A as in 27 CFR 212.45) was initially used in a cattle feed supplement in 1955. The product was marketed as Morea-M-30 and M-44 by Feed Services Corp. and used in Kansas, Illinois, South Dakota, Missouri, Wisconsin, and Iowa. Morea was a liquid feed supplement containing cane molasses, urea, phosphoric acid, several vitamins and minerals, and 6 percent Formula No. 35-A ethyl alcohol. In 1955, the U.S. Treasury Department approved the use of ethyl alcohol containing 4.25 percent ethyl acetate as a raw material in animal feed supplements. See 27 CFR 212.45 (a) and (b)(2).

Published and unpublished scientific studies comment on the effect of ethyl alcohol on rumen fermentation. Ethyl alcohol reportedly increases digested cellulose by 6 percent (*Journal of Animal Science*, 13:802-807 (August 1964)) and acts as a supplemental source of energy.

No comments were received in response to the notice of filing. Based on the information in the petition and other available data and information, the agency concludes that ethyl alcohol containing 4.25 percent ethyl acetate was in common use as an animal feed supplement before January 1, 1958.

Moreover, FDA is not aware of any safety concerns resulting from the use of ethyl alcohol containing ethyl acetate in livestock feed. The agency has not received any reports of toxicity resulting from such use. Both ethyl alcohol and ethyl acetate are GRAS food substances under 21 CFR 184.1293 and 182.60. In addition, FDA obtained statements from two experts who stated that they recognize ethyl alcohol containing ethyl acetate as safe for use in animal feed, based on common use in food before January 1, 1958.

FDA, having evaluated data in the petition and other relevant material, concludes that the regulations should be amended to provide for GRAS status of the product as set forth below. Therefore, in accordance with § 570.30(c) (21 CFR 570.30(c)), ethyl alcohol containing 4.25 percent ethyl acetate is affirmed as GRAS as an ingredient in animal feed supplements based on common use in feeds before January 1, 1958.

The agency has determined pursuant to 21 CFR 25.24(d)(6) (proposed December 11, 1979; 44 FR 71742) that this action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an

environmental assessment nor an environmental impact statement is required.

In accordance with Executive Order 12291, the economic effects of this rule have been carefully analyzed, and it has been determined that the rule is not a major rule as defined by the Order.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 409, 701(a), 52 Stat. 1055, 72 Stat. 1784–1788 as amended (21 U.S.C. 321(s), 348, 371(a))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10 (formerly 5.1; see 46 FR 26052; May 11, 1981)), Chapter I of Title 21 of the Code of Federal Regulations is amended by adding new Part 584 consisting of § 584.200, to read as follows:

PART 584—FOOD SUBSTANCES AFFIRMED AS GENERALLY RECOGNIZED AS SAFE IN FEED AND DRINKING WATER OF ANIMALS

Subpart A [Reserved]

Subpart B—Listing of Specific Substances Affirmed as GRAS

Sec.

584.200 Ethyl alcohol containing ethyl acetate.

Authority: Secs. 201(s), 409, 701(a), 52 Stat. 1055, 72 Stat. 1784–1788 as amended (21 U.S.C. 321(s), 348, 371(a)).

Subpart A [Reserved]

Subpart B—Listing of Specific Substances Affirmed as GRAS

§ 584.200 Ethyl alcohol containing ethyl acetate.

The feed additive ethyl alcohol containing ethyl acetate meets the requirement of 27 CFR 212.45, being not less than 92.5 percent ethyl alcohol, each 100 gallons having had added the equivalent of 4.25 gallons of 100 percent ethyl acetate. It is used in accordance with good feeding practices in ruminant feed supplements as a source of added energy.

Effective date. This regulation is effective October 27, 1981.

(Secs. 201(s), 409, 701(a), 52 Stat. 1055, 72 Stat. 1784–1788 as amended (21 U.S.C. 321(s), 348, 371(a)))

Dated: October 8, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-30823 Filed 10-26-81; 8:45 am]

BILLING CODE 4110-03-M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

21 CFR Part 1308

Schedules of Controlled Substances; Rescheduling of Mazindol into Schedule IV

AGENCY: Drug Enforcement Administration, Justice.

ACTION: Final rule.

SUMMARY: This is a final rule removing mazindol from Schedule III of the Controlled Substances Act and placing it into Schedule IV. As a result of this rule, mazindol will be subject to the manufacture, distribution, security, registration, recordkeeping, inventory, criminal liability, exportation and importation controls of Schedule IV.

EFFECTIVE DATE: November 27, 1981.

FOR FURTHER INFORMATION CONTACT: Howard McClain, Jr., Chief, Regulatory Control Division, Drug Enforcement Administration, Washington, D.C. 20537; Telephone: (202) 633–1366.

SUPPLEMENTARY INFORMATION: A notice was published in the **Federal Register** on Friday, April 17, 1981 (46 FR 22393), proposing that mazindol be removed from Schedule III of the Controlled Substances Act and that it be placed into Schedule IV. Interested persons were given until June 16, 1981 to submit comments or objections regarding this proposal. One comment was received from Merrell Dow Pharmaceuticals, Inc., the manufacturer of another anorectic preparation, diethylpropion. Merrell Dow urged DEA to delay any decision on the rescheduling of mazindol pending the receipt and evaluation of the forthcoming recommendation of the Department of Health and Human Services (DHHS) regarding possible rescheduling of diethylpropion and phentermine, other Schedule IV anorectics. The Merrell Dow response raised issues which were deemed worthy of further discussion and the comment was forwarded to Dr. J. Richard Crout, Director of the Food and Drug Administration's Bureau of Drugs for his consideration. By letter dated September 10, 1981 to the Director of DEA's Office of Compliance and Regulatory Affairs, Dr. Crout explained that although a comprehensive review of all available anorectics has been recommended and although periodic class reviews for scheduled drugs is desirable, he believed that a review focusing on one drug and comparing it to other drugs in the class (i.e., the mazindol review) was adequate for scheduling recommendations. He further stated that he did not consider diethylpropion and phentermine to be appropriate benchmark Schedule IV anorectics for comparison with mazindol since both have been on interim status in this schedule for sometime now. He added that fenfluramine would be a more appropriate Schedule IV agent for comparison.

No other comments or objections were received in response to this proposal, nor were there any requests for a hearing. Based on the scientific and medical evaluation and recommendation of the Secretary of Health, Department of Health and Human Services, received in accordance with section 201(b) of the Controlled Substances Act (21 U.S.C. 811(b)), the Acting Administrator of the Drug Enforcement Administration, pursuant to sections 201(a) and 201(b) of the Act (21 U.S.C. 811(a) and 811(b)), finds that:

(1) Based on information now available, mazindol has a lower "potential for abuse" than Schedule III anorectics;

(2) Mazindol has a currently accepted medical use in treatment in the United States; and,

(3) Abuse of mazindol would lead to limited psychological dependence relative to the anorectics in Schedule III.

The above findings are consistent with the placement of mazindol in Schedule IV of the Controlled Substances Act. All regulations applicable to Schedule IV substances are applicable on November 27, 1981.

As a result of this action, mazindol will continue to be subject to the same manufacture, distribution, security, registration, inventory, records, prescription, importation and exportation controls and criminal liability as in the past. All labels and labeling for commercial containers after (6 months after publication) shall comply with the requirements of §§ 1302.03–1302.05 and 1302.08 of Title 21, Code of Federal Regulations. In the event this effective date imposes special hardships on the manufacturer as defined in section 102(14) of the Controlled Substances Act (21 U.S.C. 802(14)), the Drug Enforcement Administration will entertain any justified requests for an extension of time.

Pursuant to Title 5, United States Code, Section 605(b), the Acting Administrator certifies that control of mazindol, as ordered herein, will have no significant impact upon small business or other entities whose interests must be considered under the Regulatory Flexibility Act. Such entities

will distribute, dispense or prescribe mazindol in precisely the same manner as they had in the past. No additional recordkeeping, security or other reports are required by this action.

In accordance with the provisions of section 201(a) of the Controlled Substances Act (21 U.S.C. 811(a)), this scheduling action is a formal rulemaking "on the record after opportunity for a hearing." Such formal proceedings are conducted pursuant to the provisions of 5 U.S.C. 556 and 557 and, as such, have been exempted from the consultation requirements of Executive Order 12291.

PART 1308—SCHEDULES OF CONTROLLED SUBSTANCES

Under the authority vested in the Attorney General by section 201(a) of the Act (21 U.S.C. 811(a)) and delegated to the Acting Administrator of the Drug Enforcement Administration by regulations of the Department of Justice (28 CFR Part 0.100), the Acting Administrator hereby orders that Part 1308, Title 21, Code of Federal Regulations (CFR) be amended as follows:

§ 1308.13 [Amended]

1. By removing mazindol as item (5) of § 1308.13(b) and renumbering item (6) phendimetrazine as item (5); and

2. By revising paragraph (e) of § 1308.14 Title 21, Code of Federal Regulations (CFR), to include mazindol therein as item (2), to read as follows:

§ 1308.14 Schedule IV.

* * * * *

(e) Stimulants. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers and salts of isomers:

(1) Diethylpropion	1610
(2) Mazindol	1605
(3) Pemoline (including organometallic complexes and chelates thereof)	1530
(4) Phentermine	1640

* * * * *

Dated: October 19, 1981.

Francis M. Mullen, Jr.,

Acting Administrator, Drug Enforcement Administration.

[FR Doc. 81-30853 Filed 10-26-81; 8:45 am]

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DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 51

[T.D. 7790]

Excise Tax; Net Income Limitation on Windfall Profit; Crude Oil

AGENCY: Internal Revenue Service, Treasury.

ACTION: Final regulations.

SUMMARY: This document provides final regulations relating to the computation of the net income limitation on windfall profit under section 4988(b) of the Internal Revenue Code of 1954. These regulations provide the public with the guidance needed to compute the net income limitation. They are contained in a new Part 51 of Title 26 of the Code of Federal Regulations for final regulations under the Crude Oil Windfall Profit Tax Act of 1980.

DATE: The regulations are effective for periods after February 29, 1980.

FOR FURTHER INFORMATION CONTACT: Donald W. Stevenson of the Legislation and Regulations Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, NW, Washington, D.C. 20224, Attention: CC:LR:T, 202-566-3516, not a toll-free call.

SUPPLEMENTARY INFORMATION:

Background

On January 7, 1981, the Federal Register published amendments (46 FR 1754) to proposed Excise Tax Regulations (26 CFR Part 51) that had been published on April 4, 1980 (45 FR 23400). The January 7, 1981, amendments were proposed under section 4988(b) of the Internal Revenue Code of 1954 to prescribe rules for computing the net income limitation on windfall profit pursuant to section 101(a) of the Crude Oil Windfall Profit Tax Act of 1980 (94 Stat. 230). Numerous comments were received suggesting a number of changes to the proposed amendments. A public hearing on the proposed amendments was held on June 18, 1981. After consideration of the suggested changes to the proposed amendments, those amendments are adopted as revised by this Treasury decision.

Two-Month Rule

The proposed regulations provided that in computing the taxable income from the property for the taxable year the taxpayer shall take into account all income received or accrued and all expenses paid or incurred during the taxable year and 2 months after the close of the taxable year for oil removed during the taxable year (or during a previous taxable year if the gross income therefrom was received or accrued or the expenses were paid or incurred during the current taxable year more than 2 months after the close of the taxable year of removal).

Commenters stated that this rule requires a cash basis taxpayer to maintain additional sets of records using a modified accrual method of accounting. The commenters argued that the statute did not require a strict matching of income and expenses for each barrel produced within a calendar year. They suggested that the Congressional intent would be served if taxable income from the property were determined under section 613(a), using the taxpayer's taxable year and method of accounting. This would minimize administrative burdens for all producers.

These comments were found to be persuasive. Consequently, this Treasury decision eliminates the 2-month rule and substitutes a rule that is based upon the section 613(a) taxable income from the property concept. It uses the taxpayer's own taxable year and method of accounting. The new rule further provides that, in computing the net income attributable to a barrel, the taxpayer shall divide taxable income from the property by the number of barrels of taxable crude oil sold within the taxable year.

Attribution of Expenditures to Gas and Oil

In computing taxable income from the property attributable to taxable crude oil where both taxable crude oil and gas or exempt oil are produced from the property, the proposed regulations required the producer to allocate all expenditures incurred in that year among taxable and exempt crude oil and gas based on a relative gross income ratio. Several commenters stated that in many instances the producer can specifically identify certain expenses which relate solely to taxable crude oil or solely to other production and recommended that the proposed regulations be modified to provide that if an incurred expense can be specifically attributed to gas, or to exempt or taxable crude oil production, then the producer should allocate those expenses directly to that production.

The final regulations are modified to provide for allocation to taxable crude oil production of those expenditures which are attributable solely to taxable crude oil production and of a proportionate amount (determined by

the relative gross income ratio) of expenditures attributable to both taxable crude oil and gas or exempt oil.

Hypothetical Cost Depletion Deduction

Section 4988(b)(3)(C) provides that, in computing the net income limitation, taxable income from the property is reduced by a hypothetical cost depletion deduction. The proposed regulations provided that, in order to compute the hypothetical cost depletion deduction allowable for the taxable year, a cost depletion deduction is computed for every year from the year of acquisition until the current taxable year, taking into account the taxpayer's cost basis, section 263(c) costs and qualified tertiary injectant expenses. Several commenters questioned whether original reserve estimates used in this computation could be revised in subsequent years' computations. Others stated that the computation was cumbersome and, in cases where properties were acquired long ago, historical data such as reserve estimates may not be available.

The proposed regulations also provided that each element of the cost depletion deduction must be substantiated by adequate records. If the taxpayer establishes that the failure to produce adequate records is not due to the taxpayer's negligent or willful action or omission, the cost depletion element is deemed to be substantiated if the best evidence available clearly supports it. Commenters argued that the phrase "clearly supports it" is vague and suggests a higher than usual substantiation requirement with regard to cost depletion deductions. The comments suggest that a cost depletion deduction should be allowed regardless of the reason for the absence of adequate records so long as the "preponderance of evidence" supports it.

In response to these comments, the regulations are modified to clarify that the taxpayer shall determine original reserves by reference to estimates for the first year of production (rather than the year of acquisition) and shall take into account revisions in reserves estimates in making subsequent years' computations. The regulations are also amended to eliminate the special substantiation requirement.

Computation of the Net Income Limitation for the Taxable Year That Includes March 1, 1980

The proposed regulations provided that in computing the net income limitation for the taxable year that includes March 1, 1980, the taxpayer shall take into account only barrels of taxable crude oil removed from the premises after February 29, 1980, and the income from and the production costs incurred with respect to those barrels. Several commenters pointed out that it will be difficult for most small producers to identify specifically the income and expenses attributable solely to taxable crude oil removed after February 29, 1980, and that the administrative burden of matching these barrels with income and expenses is unwarranted.

While, in theory, the rule in the proposed regulations correctly applies the rationale underlying the net income limitation, elimination of the administrative burden cited by the commenters clearly outweighs the need to strictly match the income and expenses with the barrels removed prior to March 1, 1980. Consequently, this rule is modified in the final regulations to provide that in computing the net income limitation for the taxable year that includes March 1, 1980, income and costs arising before March 1, 1980, shall not be treated as attributable to taxable crude oil and barrels sold before that date are not to be included in the barrels by which net income is divided to determine the net income attributable to a barrel of taxable crude oil.

Definition of Property

The proposed regulations provided that any election made by the taxpayer under section 614 and regulations thereunder for depletion purposes is binding in determining the definition of property for purposes of the net income limitation. One commenter stated that elections made prior to the enactment of the windfall profit tax should not be binding since many of these elections were made for percentage depletion purposes before depletion was repealed for some producers in 1975. This recommendation was not adopted in the final regulations. The legislative intent with respect to the calculation of the net income limitation was to retain the pre-existing income tax definition of property. Since regulations under section 614 provide, in effect, that elections made under section 614 are binding for all subsequent years unless consent to make a change is obtained from the Commissioner, that rule continues to apply.

Rule for Partnerships

The proposed regulations provided that in the case of a partnership, the net income limitation shall be computed separately for each partner. Commenters stated that the net income limitation should be computed on the basis of the partnership's taxable year rather than the partner's taxable year. Another comment suggested that the regulations should specifically state that the net income limitation is computed separately for each partner, taking into account the provisions of the partnership agreement and all other relevant factors in determining the partner's net income from the property.

The final regulations provide that the net income limitation is computed for each partner separately using data based upon the partnership's taxable year and accounting method used for income tax purposes. Special allocations of partnership income and expenses that are effective for income tax purposes are also effective for net income limitation purposes.

Computation of Net Income Limitation Under Notice of Proposed Rulemaking

In the case of any producer who, prior to October 27, 1981, has filed an annual return of windfall profit tax, a claim for credit or refund of that tax, or an annual reconciliation of deposits of windfall profit tax, based on a net income limitation computed under the rules set forth in the notice of proposed rulemaking published on January 7, 1981 (46 FR 1754), the net income limitation for the taxable year covered by the annual return of windfall profit tax, the claim for credit or refund of that tax, or the annual reconciliation of deposits of windfall profit tax shall be determined under those rules unless the producer elects to follow the rules set forth in this Treasury decision.

Drafting Information

The principal author of these regulations is Donald W. Stevenson of the Legislation and Regulations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the regulations, both on matters of substance and style.

Adoption of Amendments to the Regulation

Accordingly, a new part, Part 51, is added in the appropriate place in Title 26 of the Code of Federal Regulations. The new part contains § 51.4988–2 which provides regulations under section 4988(b) of the Internal Revenue Code of 1954. Section 51.4988–2 is adopted as proposed, except that paragraphs (b) and (c) (3) and (4) are revised, a new paragraph (c)(6) is added, and the first sentence of paragraph (d)(1) is revised. These revised and new

provisions and the title and table of contents of the new part read as follows:

Part 51—Excise Tax Regulations Under the Crude Oil Windfall Profit Tax Act of 1980

Sec.
51.4988–1 [Reserved]
51.4988–2 Net income limitation on windfall profit.

Authority: Sec. 4997, 7805, Internal Revenue Code of 1954 (94 Stat. 249, 68A Stat. 917; (26 U.S.C. 4997, 7805))

§ 51.4988–2 Net income limitation on windfall profit.

* * * * *

(b) *Calculation of net income limitation*—(1) *In general.* Except to the extent provided otherwise in paragraph (c) of this section, the net income limitation with respect to a barrel shall be computed in the following manner.

(i) Determine the taxpayer's gross income from the property (from which the barrel was produced) that is attributable to taxable crude oil for the taxable year. Where the taxpayer has several depletable properties under section 614 of the Code in a single property as defined by the energy regulations, the taxpayer must compute the gross income (and net income limitation) separately for each depletable property.

(ii) Determine the taxpayer's taxable income from the property attributable to taxable crude oil for the taxable year by reducing the taxpayer's gross income from the property determined under paragraph (b)(1)(i) of this section by all allowable deductions attributable to the production of taxable crude oil that would be subtracted in determining taxable income from the property under section 613 (a) (except windfall profit tax, section 263(c) costs, and qualified tertiary injectant expenses to which an election under section 4988(b)(3)(E) applies) and by the cost depletion deduction (described in paragraph (b)(3) of this section) allowable for the taxable year.

(iii) Determine the taxpayer's net income attributable to the barrel of taxable crude oil by dividing the taxpayer's taxable income from the property determined under paragraph (b)(1)(ii) of this section by the number of units (barrels of taxable crude oil) sold within the taxable year (as that phrase is defined in § 1.611–2(a)(2)).

(iv) Determine the net income limitation per barrel by multiplying the net income attributable to a barrel of taxable crude oil by 90 percent and rounding to the nearest cent.

(2) *Determining expenditures attributable to taxable crude oil.* In the case where both taxable crude oil and gas or exempt oil are produced from the property, the amount of expenditures attributable to taxable crude oil is the sum of all expenditures that can be clearly identified as relating solely to the production of taxable crude oil and a proportionate amount of all expenditures that cannot be clearly identified as relating solely to the production of taxable crude oil or solely to the production of gas or exempt oil. The proportionate amount is determined by multiplying the total amount of all expenditures that cannot be clearly identified as relating solely to the production of taxable crude oil or solely to the production of gas or exempt oil by a fraction, the numerator of which is the gross income from the property attributable to taxable crude oil and the denominator of which is the total gross income from the property.

(3) *Taxable income from the property reduced by cost depletion* (i) Taxable income from the property shall be reduced by the cost depletion deduction that would have been allowable to the taxpayer for the taxable year with respect to the property if for all taxable years—

(A) All—

(*1*) Section 263 (c) costs, and

(*2*) Qualified tertiary injectant expenses to which an election under section 4988(b)(3)(E) applies,

incurred by the taxpayer had been capitalized and taken into account in computing cost depletion, and

(B) Cost depletion had been used by the taxpayer with respect to the property.

(ii) The cost depletion deduction that would be allowable for the taxable year is computed by first determining the depletable basis of the property as of the date of its acquisition by the taxpayer. With regard to transfers of properties before 1979, the taxpayer's original basis in the property is determined under section 1012. The basis of proven oil or gas properties transferred after 1978 is determined under paragraph (c) of this section. Adjustments to basis are then made for expenditures properly chargeable to capital account and depletable under section 612, section 263(c) costs, and qualified tertiary injectant expenses (to which an election under section 4988(b)(3)(E) applies) incurred during the year. A unit cost is then found in accordance with accepted cost depletion principles using the estimated recoverable reserves determined for income tax purposes as of the beginning of the first taxable year in which those reserves were depleted by the taxpayer (whether or not the estimate later proves to be inaccurate). A cost depletion allowance is determined for that year and is subtracted from the depletable basis. The depletable basis minus the cost depletion allowance for that year is carried over to the next taxable year and the same computation is performed for each succeeding year (taking account of revisions of estimated reserves used for that year) until the current year. The cost depletion allowance for the current taxable year is then multiplied by the fraction described in paragraph (b)(2) of this section to determine the cost depletion deduction attributable to taxable crude oil that would be allowable for the taxable year.

(iii) For purposes of computing the net income limitation, intangible drilling and development costs with respect to a nonproductive well shall be deducted from gross income from the property in the taxable year these costs are paid or incurred. However, section 263(c) costs with respect to a productive well may be deducted only as a part of the cost depletion deduction. For purposes of this paragraph, a nonproductive well is any well that has been abandoned or is reasonably expected never to produce oil or gas in commercial quantities. If the taxpayer is unable to determine with reasonable certainty by the later of the end of the taxable year or the time the return is filed whether a well will produce oil or gas in commercial quantities, the taxpayer shall treat the well as a productive well. If the well later proves to be a nonproductive well, the taxpayer may file an amended return or a claim for credit or refund.

(4) *Example.* The following example illustrates the principles set forth in this paragraph:

Example. (i) In 1982 A, the owner of a 50 percent working interest in Blackacre and a cash-basis, calendar-year taxpayer, received $750,000 for the sale of and gas produced from Blackacre. Of this amount $600,000 was attributable to the production of the oil and gas was $362,500. Of these expenditures $250,000 could be clearly identified as relating solely to the production of oil and $50,000 could be clearly indentified as relating solely to the production of gas. Accordingly, in computing taxable income from the property for purposes of the net income limitation, A reduces $600,000, the gross income from the property attributable to taxable crude oil, by $300,000 ($250,000 plus $600,000 × $62,500 / $750,000 (expenses not solely oil or solely gas)).

(ii) Assume further that A purchased his interest in Blackacre in 1977 for $200,000, that production began in 1980, and that estimated recoverable reserves, units sold, IDC, and tertiary injectant expenses for 1980, 1981, and 1982 were as indicated below.

A's allocated share	1980	1981	1982
Estimated recoverable reserves at beginning of tax year[1]	100,000	90,000	70,000
Units sold during taxable year	10,000	20,000	25,000
Depletable basis, beginning of period	$200,000	$270,000	$280,000
+ IDC incurred during taxable year[1]	100,000	90,000	0
+ Tertiary injectant expenses incurred during taxable year	0	0	0
Adjusted depletable basis	$300,000	$360,000	$280,000
− Cost depletion for taxable year	30,000	80,000	100,000
Depletable basis end of period	$270,000	$280,000	$180,000

A's hypothetical cost depletion deduction for 1982 for net income limitation purposes is $80,000 ($100,000 × $600,000 / $750,000)

[1] Includes gas converted to units of oil.

(iii) A computes the net income limitation for 1982 in the following manner (all figures reflect only amounts attributable to taxable crude oil):

Gross income from property	$600,000
Production expenses	-300,000
Cost depletion deduction	-80,000
Taxable income from property	$220,000
Barrels of taxable crude oil sold within the taxable year	20,000
Net income attributable to a barrel	$11.00
Net income limitation per barrel (rounded to the nearest cent)	$9.90

(c) *Special rules.* * * *

* * * * *

(3) *Rule applicable to partnerships.* In the case of a partnership, the net income limitation shall be computed separately for each partner. The partnership's taxable year and method of accounting used for income tax purposes shall be used in determining the net income attributable to each barrel of crude oil removed (or deemed removed) from the premises during the partnership's taxable year. If the partnership and partner have different taxable years, a net income limitation shall be computed for each of the two partnership taxable years partially included in the partner's taxable year and each amount so computed shall be applied to barrels removed (or deemed removed) from the premises during the appropriate portion of the partner's taxable year. To the extent that special allocations of partnership income and expenses are effective for purposes of determining the partner's taxable income from the property under section 613(a), they shall also be effective for purposes of section 4988(b). In any case in which a partnership computes the net income limitation for any partner, the partnership shall maintain in its books and records any information and documents bearing on the accuracy of its net income limitation computation so long as they are relevant in connection with the administration of any Internal Revenue law.

Example. Partnership XYZ, a fiscal year partnership, determines that the crude oil production of each of its partners is subject to a $9.00 per barrel net income limitation for the fiscal year ending June 30, 1981 and a $10.00 per barrel net income limitation for the fiscal year ending June 30, 1982. XYZ so notifies its partners and keeps in its records all information and documentation bearing on the amount of the net income limitation. Its partners are calendar year taxpayers. They apply the $9.00 per barrel net income limitation against their potential windfall profit tax liability for the period January 1, 1981 through June 30, 1981 and the $10.00 per barrel net income limitation against their potential windfall profit tax liability for the remainder of 1981 (and for January through June 1982).

(4) *Computation of the net income limitation for the taxable year that includes March 1, 1980.* For purposes of computing the net income limitation under paragraph (b)(1) of this section for the taxable year that includes March 1, 1980, income received or accrued and costs (including depreciation) paid or incurred before March 1, 1980, shall not be treated as attributable to taxable crude oil. Also, units sold before that date, although taken into account in determining the cost depletion allowable under paragraph (b)(3)(ii) of this section, shall not be treated as sold within that taxable year under paragraph (b)(1)(iii).

* * * * *

(6) *Computation of the net income limitation before October 27, 1981 under notice of proposed rulemaking.* In the case of any producer who, prior to October 27, 1981, has filed an annual return of windfall profit tax, a claim for credit or refund of that tax, or an annual reconciliation of deposits of windfall profit tax, based on a net income limitation computed under the rules set forth in the notice of proposed rulemaking published on January 7, 1981 (46 FR 1754), the net income limitation for the taxable year for which the return, claim for credit or refund, or the annual reconciliation was filed shall be determined by making the computations prescribed in those rules unless the producer elects to follow the rules set forth in the preceding subparagraphs of this paragraph. Any such election shall be made by filing a return or claim for credit or refund based upon a net income limitation computed under those subparagraphs.

(d) *Definitions.* (1) Except where otherwise indicated in paragraph (b)(1)(i), the term "property" when used in this section has the same meaning as that term is given in section 614 of the Code and regulations thereunder. * * *

* * * * *

This Treasury decision is issued under the authority contained in sections 4997 and 7805 of the Internal Revenue Code of 1954 (94 Stat. 249; 68A Stat. 917; 26 U.S.C. 4997, 7805).

Roscoe L. Egger, Jr.,

Commissioner of Internal Revenue.

Approved: October 19, 1981.

John E. Chapoton,

Assistant Secretary of the Treasury.

Amendments to the Regulations

26 CFR is amended by the addition of new Part 51 consisting of § 51.4988–1 which is reserved and § 51.4988–2. Part 51 reads as set forth below:

PART 51—EXCISE TAX REGULATIONS UNDER THE CRUDE OIL WINDFALL PROFIT TAX ACT OF 1980

Sec.

51.4988–1 [Reserved]
51.4988–2 Net income limitation on windfall profit.

Authority: Secs. 4997, 7805, Internal Revenue Code of 1954 (94 Stat. 249, 68A Stat. 917; (26 U.S.C. 4997, 7805)).

§ 51.4988–1 [Reserved]

§ 51.4988–2 Net income limitation on windfall profit.

(a) *In general.* The windfall profit on any barrel of crude oil shall not exceed 90 percent of the net income attributable to that barrel.

(b) *Calculation of net income limitation*—(1) *In general.* Except to the extent provided otherwise in paragraph (c) of this section, the net income limitation with respect to a barrel shall be computed in the following manner.

(i) Determine the taxpayer's gross income from the property (from which the barrel was produced) that is attributable to taxable crude oil for the taxable year. Where the taxpayer has several depletable properties under section 614 of the Code in a single property as defined by the energy regulations the taxpayer must compute the gross income (and net income limitation) separately for each depletable property.

(ii) Determine the taxpayer's taxable income from the property attributable to taxable crude oil for the taxable year by reducing the taxpayer's gross income from the property determined under paragraph (b)(1)(i) of this section by all allowable deductions attributable to the production of taxable crude oil that would be subtracted in determining taxable income from the property under section 613(a) (except windfall profit tax, section 263(c) costs, and qualified tertiary injectant expenses to which an election under section 4988(b)(3)(E) applies) and by the cost depletion deduction (described in paragraph (b)(3) of this section) allowable for the taxable year.

(iii) Determine the taxpayer's net income attributable to the barrel of taxable crude oil by dividing the taxpayer's taxable income from the property determined under paragraph (b)(1)(ii) of this section by the number of units (barrels of taxable crude oil) sold within the taxable year (as that phrase is defined in § 1.611–2(a)(2)).

(iv) Determine the net income limitation per barrel by multiplying the net income attributable to a barrel of taxable crude oil by 90 percent and rounding to the nearest cent.

(2) *Determining expenditures attributable to taxable crude oil.* In the case where both taxable crude oil and gas or exempt oil are produced from the property, the amount of the expenditures

attributable to taxable crude oil is the sum of all expenditures that can be clearly identified as relating solely to the production of taxable crude oil and a proportionate amount of all expenditures that cannot be clearly identified as relating solely to the production of taxable crude oil or solely to the production of gas or exempt oil. The proportionate amount is determined by multiplying the total amount of all expenditures that cannot be clearly identified as relating solely to the production of taxable crude oil or solely to the production of gas or exempt oil by a fraction, the numerator of which is the gross income from the property attributable to taxable crude oil and the denominator of which is the total gross income from the property.

(3) *Taxable income from the property reduced by cost depletion.* (i) Taxable income from the property shall be reduced by the cost depletion deduction that would have been allowable to the taxpayer for the taxable year with respect to the property if for all taxable years—

(A) All—

(*1*) Section 263(c) costs, and

(*2*) Qualified tertiary injectant expenses to which an election under section 4988(b)(3)(E) applies,

incurred by the taxpayer had been capitalized and taken into account in computing cost depletion, and

(B) Cost depletion had been used by the taxpayer with respect to the property.

(ii) The cost depletion deduction that would be allowable for the taxable year is computed by first determining the depletable basis of the property as of the date of its acquisition by the taxpayer. With regard to transfers of properties before 1979, the taxpayer's original basis in the property is determined under section 1012. The basis of proven oil or gas properties transferred after 1978 is determined under paragraph (c) of this section. Adjustments to basis are then made for expenditures properly chargeable to capital account and depletable under section 612, section 263(c) costs, and qualified tertiary injectant expenses (to which an election under section 4988(b)(3)(E) applies) incurred during the year. A unit cost is then found in accordance with accepted cost depletion principles using the estimated recoverable reserves determined for income tax purposes as of the beginning of the first taxable year in which those reserves were depleted by the taxpayer (whether or not the estimate later proves to be inaccurate).

A cost depletion allowance is determined for that year and is subtracted from the depletable basis. The depletable basis minus the cost depletion allowance for that year is carried over to the next taxable year and the same computation is performed for each succeeding year (taking account of revisions of estimated reserves used for that year) until the current year. The cost depletion allowance for the current taxable year is then multiplied by the fraction described in paragraph (b)(2) of this section to determine the cost depletion deduction attributable to taxable crude oil that would be allowable for the taxable year.

(iii) For purposes of computing the net income limitation, intangible drilling and development costs with respect to a nonproductive well shall be deducted from gross income from the property in the taxable year these costs are paid or incurred. However, section 263(c) costs with respect to a productive well may be deducted only as a part of the cost depletion deduction. For purposes of this paragraph, a nonproductive well is any well that has been abandoned or is reasonably expected never to produce oil or gas in commercial quantities. If the taxpayer is unable to determine with reasonable certainty by the later of the end of the taxable year or the time the return is filed whether a well will produce oil or gas in commercial quantities, the taxpayer shall treat the well as a productive well. If the well later proves to be a nonproductive well, the taxpayer may file an amended return or a claim for credit or refund.

(4) *Example.* The following example illustrates the principles set forth in this paragraph:

Example. (i) In 1982 A, the owner of a 50 percent working interest in Blackacre and a cash-basis, calendar-year taxpayer, received $750,000 for the sale of oil and gas produced from Blackacre. Of this amount $600,000 was attributable to the sale of taxable crude oil. A's share of all expenditures attributable to the production of the oil and gas was $362,500. Of these expenditures $250,000 could be clearly identified as relating solely to the production of oil and $50,000 could be clearly identified as relating solely to the production of gas. Accordingly, in computing taxable income from the property for purposes of the net income limitation, A reduces $600,000, the gross income from the property attributable to taxable crude oil, by $300,000 ($250,000 plus

$$\frac{\$600,000}{\$750,000} \times \$62,500$$

(expenses not solely oil or solely gas)).

(ii) Assume further that A purchased his interest in Blackacre in 1977 for $200,000, that production began in 1980, and that estimated recoverable reserves, units sold, IDC, and tertiary injectant expenses for 1980, 1981, and 1982 were as indicated below.

A's allocated share	1980	1981	1982
Estimated recoverable reserves at beginning of tax year[1]	$100,000	$90,000	$70,000
Units sold during taxable year[1]	10,000	20,000	25,000
Depletable basis, beginning of period	200,000	270,000	280,000
Plus IDC incurred during taxable year	100,000	90,000	0
Plus tertiary injectant expenses incurred during taxable year	0	0	0
Adjusted depletable basis	300,000	360,000	280,000
Minus cost depletion for taxable year	30,000	80,000	100,000
Depletable basis end of period	270,000	280,000	180,000

[1] Includes gas converted to units of oil.

A's hypothetical cost depletion deduction for 1982 for net income limitation purposes is $80,000

$$(\$100,000 \times \frac{\$600,000}{\$750,000}).$$

(iii) A computes the net income limitation for 1982 in the following manner (all figures reflect only amounts attributable to taxable crude oil):

Gross income from property	$600,000
Production expenses	−$300,000
Cost depletion deduction	−80,000
Taxable income from property	$220,000
Barrels of taxable crude oil sold within the taxable year	20,000
Net income attributable to a barrel	$11.00
Net income limitation per barrel (rounded to the nearest cent)	$8.90

(c) *Special Rules*—(1) *Applying the cost depletion deduction to transfers of proven oil or gas properties.* In the case of a transfer of an interest in any proven oil or gas property (within the meaning of section 613A(c)(9)(A)) after 1978 which (but for section 4988(b)(4)(A)) would result in an increase in the amount determined under section 4988(b)(3)(C), the latter section shall be applied with respect to the transferee by taking into account only amounts which would have been allowable with respect to the transferor under that section and costs incurred by the transferee during periods after the transfer. For purposes of this paragraph, the term "transfer" means any change in legal or equitable ownership by sale, exchange, gift, bequest, devise, lease, sublease, assignment, contract, or other disposition (including creation of a production payment that gives the transferee an economic interest in the property, a distribution by an estate, and any contribution to or any

distribution by a corporation, partnership, or trust).

Example. E acquires F's 50 percent working interest in a producing oil lease on Blackacre for $400,000 on January 1, 1982. F's depletable basis in the property as of the end of 1981 (after taking the hypothetical cost depletion) was $280,000. E's basis in his interest in the oil property, for purposes of the determination of cost depletion under section 4988(b)(3)(C), is $280,000. E may add to his basis any section 263(c) costs and qualified tertiary injectant expenses E incurs with respect to the lease after its acquisition.

(2) *Rule applicable to production payments.* For purposes of determining the net income limitation, if any portion of the taxable crude oil removed from the property is applied in discharge of a production payment, the gross income from the portion shall be included in the gross income from the property of both the person holding the production payment and the person holding the interest from which the production payment was created.

(3) *Rule applicable to partnerships.* In the case of a partnership, the net income limitation shall be computed separately for each partner. The partnership's taxable year and method of accounting used for income tax purposes shall be used in determining the net income attributable to each barrel of crude oil removed (or deemed removed) from the premises during the partnership's taxable year. If the partnership and partner have different taxable years, a net income limitation shall be computed for each of the two partnership taxable years partially included in the partner's taxable year and each amount so computed shall be applied to barrels removed (or deemed removed) from the premises during the appropriate portion of the partner's taxable year. To the extent that special allocations of partnership income and expenses are effective for purposes of determining the partner's taxable income from the property under section 613(a), they shall also be effective for purposes of section 4988(b). In any case in which a partnership computes the net income limitation for any partner, the partnership shall maintain in its books and records any information and documents bearing on the accuracy of its net income limitation computation so long as they are relevant in connection with the administration of any internal revenue law.

Example. Partnership XYZ, a fiscal year partnership, determines that the crude oil production of each of its partners is subject to a $9.00 per barrel net income limitation for the fiscal year ending June 30, 1981 and a $10.00 per barrel net income limitation for the fiscal year ending June 30, 1982. XYZ so notifies its partners and keeps in its records all information and documentation bearing on the amount of the net income limitation. Its partners are calendar year taxpayers. They apply the $9.00 per barrel net income limitation against their potential windfall profit tax liability for the period January 1, 1981 through June 30, 1981 and the $10.00 per barrel net income limitation against their potential windfall profit tax liability for the remainder of 1981 (and for January through June 1982).

(4) *Computation of the net income limitation for the taxable year that includes March 1, 1980.* For purposes of computing the net income limitation under paragraph (b)(1) of this section for the taxable year that includes March 1, 1980, income received or accrued and costs (including depreciation) paid or incurred before March 1, 1980, shall not be treated as attributable to taxable crude oil. Also, units sold before that date, although taken into account in determining the cost depletion allowable under paragraph (b)(3)(ii) of this section, shall not be treated as sold within that taxable year under paragraph (b)(1)(iii) of this section.

(5) *Election to capitalize qualified tertiary injectant expenses*—(i) *General.* With respect to any property, any taxpayer may elect to capitalize qualified tertiary injectant expenses for purposes of the determination of taxable income from the property under paragraph (b)(1)(ii) of this section. The election is irrevocable and shall apply to all qualified tertiary injectant expenses allocable to the property for which the election is made for the taxable year for which the election is made and for all subsequent taxable years. If the taxpayer elects not to capitalize these expenses, the taxpayer may deduct these expenses from gross income but may not take these expenses into account in determining the cost depletion deduction.

(ii) *Time and manner of making election.* An election to capitalize qualified tertiary injectant expenses shall be made by a statement to that effect on the producer's return of windfall profit tax, or claim for credit or refund of overpayment of windfall profit tax, for the first taxable year for which the election is to be effective.

(6) *Computation of the net income limitation before October 27, 1981, under notice of proposed rulemaking.* In the case of any producer who, prior to October 27, 1981, has filed an annual return of windfall profit tax, a claim for credit or refund of that tax, or an annual reconciliation of deposits of windfall profit tax, based on a net income limitation computed under the rules set forth in the notice of proposed rulemaking published on January 7, 1981 (46 FR 1754), the net income limitation for the taxable year for which the return, claim for credit or refund, or the annual reconciliation was filed shall be determined by making the computations prescribed in those rules unless the producer elects to follow the rules set forth in the preceding subparagraphs of this paragraph. Any such election shall be made by filing a return or claim for credit or refund based upon a net income limitation computed under those subparagraphs.

(d) *Definitions.* (1) Except where otherwise indicated in paragraph (b)(1)(i) the term "property" when used in this section has the same meaning as that term is given in section 614 of the Code and regulations thereunder. Any election made by the taxpayer under section 614 and regulations thereunder for depletion purposes is binding in determining the definition of property for purposes of the net income limitation.

(2) The term "section 263(c) costs" means intangible drilling and development costs incurred by the taxpayer which (by reason of an election under section 263(c)) may be deducted as expenses for purposes of the Internal Revenue Code of 1954 (other than section 4988(b)(3)). Such term shall not include costs incurred in drilling a nonproductive well.

(3) The term "qualified tertiary injectant expenses" means any expenses that are deductible under section 193 of the Code.

This Treasury decision is issued under the authority contained in sections 4997 and 7805 of the Internal Revenue Code of 1954 (94 Stat. 249; 68A Stat. 917; 26 U.S.C. 4997, 7805).

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DEPARTMENT OF JUSTICE

Attorney General

28 CFR Ch. I

[Order No. 960-81]

Reorganization Regulations

AGENCY: Department of Justice.

ACTION: Final rule.

SUMMARY: This order amends Parts 0 through 60, Title 28 of the Code of Federal Regulations to reflect a reorganization of the Department of Justice. The reorganization restructures the focus of authorities and responsibilities vested in the Deputy

Attorney General and the Associate Attorney General.

EFFECTIVE DATE: October 15, 1981.

FOR FURTHER INFORMATION CONTACT: Kevin D. Rooney, Assistant Attorney General for Administration, Department of Justice, Room 1111, 10th and Pennsylvania Avenue NW., Washington, D.C. 20530 (202-633-3101).

SUPPLEMENTARY INFORMATION: The Deputy Attorney General will serve as the principal assistant to the Attorney General in fulfilling Department-wide management responsibilities and will supervise and direct functions related to civil law enforcement and litigation. The Associate Attorney General will coordinate and direct functions related to criminal law enforcement.

This order reflects the establishment of the Office of Legal Policy and the consolidation within the Office of Legal Policy of the authorities and functions previously conducted by the Office of Information Law and Policy, the Office of Privacy and Information Appeals, and the Office for the Improvements in the Administration of Justice. Furthermore, this order reflects the inclusion of the Foreign Claims Settlement Commission, as a separate agency, within the Department of Justice.

This order also contains various nomenclature changes and editorial amendments to Chapter I of Title 28, Code of Federal Regulations to reflect the current organization, internal procedures and general statements of policy of the Department of Justice.

This regulation is exempt from the requirements of Executive Order 12291 as a regulation related to agency organization and management. Furthermore, this regulation will not have a significant economic impact on a substantial number of small entities because its effect is internal to the Department of Justice.

By virtue of the authority vested in me, as Attorney General, by 28 U.S.C. 509 and 510, 5 U.S.C. 301 and 8 U.S.C. 1103, Chapter I of Title 28, Code of Federal Regulations is hereby amended as follows:

PART 0—ORGANIZATION OF THE DEPARTMENT OF JUSTICE

§ 0.0 [Removed]

1. Section 0.0 is removed.

2. Section 0.1 is amended by revising the list of offices, Bureaus and Boards to read as follows:

§ 0.1 Organizational units.

* * * * *

Offices

Office of the Attorney General
Office of the Deputy Attorney General
Office of the Associate Attorney General
Office of the Solicitor General
Office of Legal Counsel
Office of Legislative Affairs
Office of Professional Responsibility
Office of Legal Policy
Office of Public Affairs
Office of the Pardon Attorney
Office of Intelligence Policy and Review
Community Relations Service
Executive Office for United States Attorneys
Executive Office for United States Trustees
INTERPOL—United States National Central Bureau

* * * * *

Bureaus

Federal Bureau of Investigation
Bureau of Prisons
Drug Enforcement Administration
Immigration and Naturalization Service
Office of Justice Assistance, Research and Statistics (and related agencies)
United States Marshals Service

Boards

Board of Immigration Appeals
United States Parole Commission
Foreign Claims Settlement Commission

§ 0.6 [Removed]

3. Section 0.6 is removed.

§§ 0.7 through 0.9 [Removed]

4. Sections 0.7–0.9 [Reserved] are removed.

5. Section 0.10 is amended by revising the introductory test of paragraph (b) and paragraph (b)(5) to read as follows:

§ 0.10 Attorney General's Advisory Committee of United States Attorneys.

* * * * *

(b) The Committee shall make recommendations to the Attorney General, to the Deputy Attorney General and to the Associate Attorney General concerning any matters which the Committee believes to be in the best interests of justice, including, but not limited to, the following:

* * * * *

(5) Aiding the Attorney General, the Deputy Attorney General and the Associate Attorney General in formulating new programs for improvement of the criminal justice system at all levels, including proposals relating to legislation and court rules.

* * * * *

6. Section 0.11 is revised to read as follows:

§ 0.11 Incentive Awards Board.

The Incentive Awards Board shall consist of the Deputy Attorney General or a designee of the Deputy Attorney General, who shall be the chairperson, and four members designated by the Attorney General from among the Assistant Attorneys General, bureau heads or persons of equivalent rank in the Department. The duties of the Board shall be:

(a) Consider and make recommendations to the Attorney General concerning honorary awards and cash awards in excess of $5,000 to be granted for suggestions, inventions, superior accomplishment, or other personal effort which contributes to the efficiency, economy, or other improvement of Government operations or achieves a significant reduction in paperwork.

(b) Consider and make recommendations to the Attorney General for transmittal to the Office of Personnel Management and the President for Presidential awards under 5 U.S.C. 4504 and 5403.

(c) Evaluate periodically the effectiveness of the employee recognition program and recommend needed improvements to the Attorney General.

§ 0.12 [Amended]

7. Section 0.12 is amended by removing the words "three members" and inserting in their place the words "four members" and by removing the words "Director of Public Information" and inserting in their place the words "Director of Public Affairs".

8. Section 0.15 is revised to read as follows:

§ 0.15 Deputy Attorney General.

(a) The Deputy Attorney General is authorized to exercise all the power and authority of the Attorney General specified in § 0.5 of Subpart B of this part, unless any such power or authority is required by law to be exercised by the Attorney General personally or has been specifically delegated exclusively to another Department official.

(b) The Deputy Attorney General shall advise and assist the Attorney General in formulating and implementing Department policies and programs and in providing overall supervision and direction to all organizational units of the Department. Subject to the general supervision of the Attorney General, the Deputy Attorney General shall direct the activities of the Associate Attorney General and the following organizational units: Office of Legislative Affairs; Justice Management Division; Office of Public Affairs; Antitrust Division; Civil Division; Civil Rights Division; Land and Natural Resources Division; Tax Division; Office of Justice Assistance, Research and Statistics; Community Relations Service; Executive Office for United States Trustees; and United States Trustees.

The Foreign Claims Settlement Commission is under the supervision of the Deputy Attorney General for administrative purposes. In addition, the Deputy Attorney General shall:

(1) Except as assigned to the Associate Attorney General by § 0.19(a)(1), exercise the power and authority vested in the Attorney General to take final action in matters pertaining to:

(i) The employment, separation, and general administration of personnel in the Senior Executive Service and in General Schedule grades GS–16 through GS–18, or the equivalent, and of attorneys and law students regardless of grade or pay in the Department;

(ii) The appointment of special attorneys and special assistants to the Attorney General (28 U.S.C. 515(b));

(iii) The appointment of Assistant United States Trustees and fixing of their compensation; and

(iv) The approval of the appointment by United States Trustees of standing trustees and the fixing of their maximum annual compensation and percentage fees as provided in 28 U.S.C. 586(e).

(2) Administer the Attorney General's recruitment program for honor law graduates and judicial law clerks.

(3) Coordinate Departmental liaison with White House Staff and the Executive Office of the President.

(4) Coordinate and control the Department's reaction to civil disturbances and terrorism.

(5) Perform such other duties and functions as may be assigned from time to time by the Attorney General.

(c) The Deputy Attorney General may redelegate the authority provided in paragraphs (b)(1) (i), (ii), and (iii) of this section to take final action in matters pertaining to the employment, separation, and general administration of attorneys and law students in grades GS–15 and below, to appoint special attorneys and special assistants to the Attorney General pursuant to 28 U.S.C. 515(b), and to appoint Assistant United States Trustees and fix their compensation, to the official in the Office of the Deputy Attorney General responsible for attorney personnel management.

(d) The Deputy Attorney General may redelegate the authority provided in paragraph (b)(1)(iv) of this section to take final action in matters pertaining to the approval of the appointment by United States Trustees of standing trustees and the fixing of their maximum annual compensation and percentage fees as provided in 28 U.S.C. 586(e) to the Director of the Executive Office for United States Trustees.

§ 0.16 [Redesignated as § 0.22 and Revised]

9. Section 0.16, Executive Office for U.S. Attorneys, is redesignated as § 0.22, Subpart D–1. (See item 14 for a revision to new § 0.22)

§ 0.17 [Redesignated as § 0.28 and Revised]

10. Section 0.17, Office of Public Affairs, is redesignated as § 0.28, Subpart E–2. (See item 19 for a revision to new § 0.28)

11. Section 0.19 is amended by revising it to read as follows:

§ 0.19 Associate Attorney General.

(a) The Associate Attorney General shall advise and assist the Attorney General and the Deputy Attorney General in formulating and implementing Departmental policies and programs pertaining to criminal matters. The Associate Attorney General shall also provide overall supervision and direction for the following organizational units: Criminal Division; Drug Enforcement Administration; Immigration and Naturalization Service; Executive Office for United States Attorneys; Bureau of Prisons; Federal Prison Industries, Inc.; Office of Pardon Attorney; Board of Immigration Appeals; United States Marshals Service; and the United States National Central Bureau, INTERPOL. The United States Parole Commission is under the supervision of the Associate Attorney General for administrative purposes. In addition the Associate Attorney General shall:

(1) Exercise the power and authority vested in the Attorney General to take final action in matters pertaining to the employment, separation, and general administration of attorneys and law students in pay grades GS–15 and below in organizational units subject to his direction and of Assistant United States Attorneys and other attorneys to assist United States Attorneys when the public interest so requires and fixing their salaries.

(2) Perform such other duties as may be especially assigned from time to time by the Attorney General.

(b) The Associate Attorney General may redelegate the authority provided in paragraph (a)(1) of this section to the official in the Office of the Deputy Attorney General responsible for attorney personnel management.

§ 0.19a [Redesignated as § 0.23a and Revised]

12. Section 0.19a is redesignated as 0.23a. (See item 15 for a revision to new § 0.23a)

13. Section 0.20 is amended by revising the introductory paragraph and paragraphs (b), (c), and (e) and by removing (d) and redesignating paragraph (e) as (d), to read as follows:

§ 0.20 General functions.

The following-described matters are assigned to, and shall be conducted, handled, or supervised by, the Solicitor General, in consultation with each agency or official concerned:

* * * * *

(b) Determining whether, and to what extent, appeals will be taken by the Government to all appellate courts (including petitions for rehearing *en banc* and petitions to such courts for the issuance of extraordinary writs) and, in accordance with § 0.163, advising on the approval of settlements of cases in which he had determined that an appeal would be taken.

(c) Determining whether a brief *amicus curiae* will be filed by the Government, or whether the Government will intervene, in any appellate court.

(d) Assisting the Attorney General, the Deputy Attorney General and the Associate Attorney General in the development of broad Department program policy.

14. Subpart D–1 consisting of newly redesignated § 0.22 is added and redesignated § 0.22 is revised to read as follows:

Subpart D–1—Executive Office for U.S. Attorneys

§ 0.22 General functions.

The Executive Office for United States Attorneys shall be under the direction of a Director who shall:

(a) Provide general executive assistance and supervision to the offices of the United States Attorneys, including:

(1) Evaluating the performance of the offices of the United States Attorneys, making appropriate reports and inspections and taking corrective action were indicated.

(2) Coordinating and directing the relationship of the offices of the United States Attorneys with other organizational units of the Department of Justice.

(b) Publish and maintain a United States Attorneys' Manual and a United States Attorneys' Bulletin for the internal guidance of the United States Attorneys' offices and those other organizational units of the Department concerned with litigation.

(c) Supervise the operation of the Office of Legal Education, the Attorney General's Advocacy Institute and the Legal Education Institute, which shall

develop, conduct and authorize the training of all Federal legal personnel.

(d) Provide the Attorney General's Advisory Committee of United States Attorneys with such staff assistance and funds as are reasonably necessary to carry out the Committee's responsibilities (28 CFR 0.10(d)).

15. Subpart D-2 consisting of newly redesignated §§ 0.23, 0.23a, 0.23b and 0.23c. Redesignated 0.23, 0.23a, 0.23b and 0.23c are revised. Subpart D-2 reads as follows:

Subpart D-2—Office of Legal Policy

§ 0.23 General functions.

The Office of Legal Policy shall be headed by an Assistant Attorney General. The principal responsibilities of the Office shall be to plan, develop, and coordinate the implementation of major policy initiatives of high priority to the Department and to the Administration. In addition, the Assistant Attorney General, Office of Legal Policy, shall:

(a) Examine and study legislation and other policy proposals and coordinate Departmental efforts to secure enactment of those of special interest to the Department and the Administration.

(b) Assist the Attorney General and the Deputy Attorney General in fulfilling responsibilities of the Federal Legal Council to promote coordination and communication among Federal legal offices with the goal of achieving effective, consistent, and efficient management of legal resources throughout the Federal Government.

(c) Manage and coordinate the discharge of Departmental responsibilities related to the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a), including coordination and implementation of policy development and compliance within executive agencies and Departmental units relative to the Freedom of Information Act and within Departmental units relative to the Privacy Act; and, except as otherwise directed by the Attorney General, act on appeals taken from Departmental denials of access to records under the Privacy Act and the Freedom of Information Act.

(d) Advise and assist the Attorney General and the Deputy Attorney General regarding the selection and appointment of Federal judges.

(e) Administer the Federal Justice Research Program.

(f) Represent the Department on the Administrative Conference of the United States and, as appropriate, on regulatory reform matters.

(g) Participate, as appropriate, in internal budget hearings of the Department with regard to policy implications of resource allocations and resource implications of major policy initiatives; and advise the Assistant Attorney General for Administration with regard to information requirements for Departmental policy formulation.

(h) Advise appropriate Departmental officials, from time to time, on investigation, litigation, negotiation, penal, or correctional policies to insure the compatibility of those policies with overall Departmental goals.

(i) Through appropriate participation in meetings or conferences with national, state and local law enforcement and justice system officials, promote the priorities of the Department for the Nation's justice system.

(j) Perform such other duties and functions as may be specially assigned by the Attorney General and the Deputy Attorney General.

In carrying out his responsibilities under this section, the Assistant Attorney General, Office of Legal Policy, shall have the right to call upon the relevent Departmental units for personnel and other assistance.

§ 0.23a Office of Privacy and Information Appeals.

The Office of Privacy and Information Appeals is established in the Office of Legal Policy under the supervision of the Assistant Attorney General, Office of Legal Policy, to assist in acting on information and privacy appeals under §§ 16.7 and 16.47, respectively, of this chapter, except that in the case of appeals from initial decisions in which the Assistant Attorney General, Office of Legal Policy, participated this assistance shall be provided by the Office of Legal Counsel. The Office of Privacy and Information Appeals shall provide staff support to the Department Review Committee, established by § 17.38 of this chapter.

§ 0.23b Office of Information Law and Policy.

There is established, in the Office of Legal Policy, the Office of Information Law and Policy to be headed by the Director of the Office of Information Law and Policy. Under the general supervision and direction of the Assistant Attorney General, Office of Legal Policy, the Director shall:

(a) Advise executive agencies and organizational units of the Department on questions relating to interpretation and application of the Freedom of Information Act and advise the Department on questions relating to interpretation and application of the Privacy Act.

(b) Coordinate the development and implementation of and compliance with Freedom of Information Act policy within the executive agencies and all organizational units of the Department.

(c) Undertake, arrange, or support training and informational programs concerning both acts for the executive agencies and the Department.

(d) Undertake such other responsibilities as may be assigned by the Assistant Attorney General, Office of Legal Policy.

§ 0.23c Freedom of Information Committee.

(a) The Freedom of Information Committee is established to encourage agency compliance with the Freedom of Information Act throughout the executive branch. The Committee consists of Justice Department attorneys designated by the Assistant Attorney General, Office of Legal Policy. However, attorneys in other organizational units of the Department shall be so designated only with the consent of the head of the other organizational unit. The Committee, through the Office of Information Law and Policy, shall provide assistance and encouragement to Federal agencies in complying with the letter and spirit of the Freedom of Information Act through training of Federal personnel and consultation with agencies on particular matters arising under the Freedom of Information Act. The Office of Information Law and Policy may also undertake studies and make recommendations to carry out the intent of this subsection.

(b) All Federal agencies which intend to deny requests for records under the Freedom of Information Act should consult with the Freedom of Information Committee through the Director of the Office of Information Law and Policy, to the fullest extent practicable.

16. Section 0.25 is amended as follows:

A. The introductory paragraph is revised.

B. Paragraphs (c), (i), (j) and (k) are removed.

C. Paragraphs (g), (l), (m), (n), and (o) are revised.

D. After revising paragraphs (g), (l), (m), (n) and (o), redesignate paragraphs (d) through (o) and paragraphs (c) through (k), respectively.

E. The affected portions of § 0.25 read as follows:

§ 0.25 General functions.

The following-described matters are assigned to, and shall be conducted,

handled, or supervised by, the Assistant Attorney General, Office of Legal Counsel:

* * * * *

(c) Rendering opinions to the Attorney General and to the heads of the various organizational units of the Department on questions of law arising in the administration of the Department.

(d) Approving proposed orders of the Attorney General, and orders which require the approval of the Attorney General, as to form and legality and as to consistency and conformity with existing orders and memoranda.

(e) Except as to proposed legislation, acting in a liaison capacity for cooperation with the Council of State Governments.

(f) Coordinating the work of the Department of Justice with respect to the participation of the United States in the United Nations and related international organizations and advising with respect to the legal aspects of treaties and other international agreements.

(g) When requested, advising the Attorney General in connection with his review of decisions of the Board of Immigration Appeals and other organizational units of the Department.

(h) Designating within the Office of Legal Counsel (1) a liaison officer, and an alternate, as a representative of the Department in all matters concerning the filing of departmental documents with the Office of the Federal Register, and (2) a certifying officer, and an alternate, to certify copies of documents required to be filed with the Office of the Federal Register (1 CFR 16.1).

(i) Approving certain blind trusts, as required by section 202(f)(4)(B) of the Ethics in Government Act of 1978, 92 Stat. 1843.

(j) Consulting with the Director of the Office of Government Ethics regarding the development of policies, rules, regulations, procedures and forms relating to ethics and conflicts of interest, as required by section 402 of the Ethics in Government Act of 1978, 92 Stat. 1862.

(k) Performing such special duties as may be assigned by the Attorney General, the Deputy Attorney General, or the Associate Attorney General from time to time.

17. Section 0.27 is amended by revising the introductory paragraph and paragraph (d) to read as follows:

§ 0.27 General functions.

The following-described matters are assigned to, and shall be conducted, handled, or supervised by, the Assistant Attorney General, Office of Legislative Affairs:

* * * * *

(d) Performing such other duties respecting legislative matters as may be assigned by the Attorney General, the Deputy Attorney General, or the Associate Attorney General.

§§ 0.28, 0.29, and 0.29a [Redesignated as §§ 0.23, 0.236, and 0.23c and Revised]

18. Sections 0.28, 0.29 and 0.29a are redesignated as new §§ 0.23, 0.23b, and 0.23c. The full text appears in Subpart D–2. (See item 15 for a revision to new §§ 0.23, 0.23b and 0.23c).

19. Subpart E–2 consisting of redesignated § 0.28 is added and redesignated § 0.28 is revised to read as follows:

Subpart E–2—Office of Public Affairs

§ 0.28 General functions.

The Office of Public Affairs is headed by a Director of Public Affairs who shall:

(a) Handle matters pertaining to relations with the public generally.

(b) Disseminate information to the press, the radio and television services, the public, members of Congress, officials of Government, schools, colleges, and civic organizations.

(c) Coordinate the relations of the Department of Justice with the news media.

(d) Serve as a central agency for information relating to the work and activities of all agencies of the Department.

(e) Prepare public statements and news releases.

(f) Coordinate Department publications.

(g) Assist the Attorney General and other officials of the Department in preparing for news conferences, interviews and other contacts with the news media.

20. Section 0.30 is amended by revising the introductory paragraph to read as follows:

§ 0.30 General functions.

The following-described matters are assigned to, and shall be conducted, handled, or supervised by, the Director of the Community Relations Service:

* * * * *

21. Section 0.33a is revised to read as follows:

§ 0.33a Organization.

The Office of Intelligence Policy and Review shall be headed by a Counsel for Intelligence Policy, appointed by the Attorney General.

22. Section 0.33b is amended by revising paragraphs (b) and (o) to read as follows:

§ 0.33b Functions.

* * * * *

(b) Serve as the Department representative on interdepartmental boards, committees and other groups dealing with intelligence and counterintelligence matters.

* * * * *

(o) Perform other duties pertaining to intelligence activities as may be assigned by the Attorney General.

23. Subpart F–2, consisting of § 0.34, is added to read as follows:

Subpart F–2—INTERPOL-United States National Central Bureau

§ 0.34 General functions.

The following functions are assigned to, and shall be conducted, handled, or supervised by, the Chief of the United States National Central Bureau, International Criminal Policy Organization (INTERPOL—U.S. National Central Bureau), as authorized by statute and within guidelines prescribed by the Department of Justice, in conjunction with the Department of Treasury:

(a) Facilitate international law enforcement cooperation as the United States representative with the International Criminal Police Organization (INTERPOL), on behalf of the Attorney General, pursuant to 22 U.S.C. 263a.

(b) Represent the United States National Central Bureau at criminal law enforcement and international law enforcement conferences and symposia.

(c) Establish and serve as the secretary to a policy advisory group consisting of the designees of the United States Representative to INTERPOL (the Attorney General) and the alternate representative (the Secretary of the Treasury), and of the heads of the participating law enforcement agencies, which will review and develop INTERPOL programs and policies.

(d) Transmit information of a criminal justice, humanitarian, or other law enforcement related nature between National Central Bureaus of INTERPOL member countries, and law enforcement agencies within the United States and abroad; and respond to requests by law enforcement agencies, and other legitimate requests by appropriate organizations, institutions and individuals, when in agreement with the INTERPOL constitution.

(e) Coordinate and integrate information for investigations of an

international nature and identify those involving patterns and trends of criminal activities.

(f) Conduct analyses of patterns of international criminal activities, when specific patterns are observed.

24. Section 0.35 is revised to read as follows:

§ 0.35 Applications for clemency.

The Pardon Attorney shall have charge of the receipt, investigation, and disposition of applications to the President for pardon and other forms of Executive clemency.

25. Section 0.36 is revised to read as follows:

§ 0.36 Recommendations.

The Pardon Attorney shall submit all recommendations in clemency cases to the Attorney General.

26. Sections 0.37 and 0.38 of Subpart G–1 are revised to read as follows:

§ 0.37 Organization.

The Executive Office for United States Trustees shall be headed by a Director appointed by the Attorney General.

§ 0.38 Functions.

The Director shall have responsibility for assisting the Attorney General and the Deputy Attorney General in supervising and providing general coordination and assistance to United States Trustees. The Director shall perform such duties relating to such functions and others under the Bankruptcy Reform Act of 1978 as may be assigned by the Attorney General or the Deputy Attorney General.

27. Section 0.40 is amended by revising the introductory paragraph and paragraphs (a), (b), (d) and (f) and by adding paragarph (j), to read as follows:

§ 0.40 General functions.

The following functions are assigned to and shall be conducted, handled, or supervised by, the Assistant Attorney General, Antitrust Division:

(a) General enforcement, by criminal and civil proceedings, of the Federal antitrust laws and other laws relating to the protection of competition and the prohibition of restraints of trade and monopolization, including conduct of surveys of possible violations of antitrust laws, conduct of grand jury proceedings, issuance and enforcement of civil investigative demands, civil actions to obtain orders and injunctions, civil actions to recover forfeitures or damages for injuries sustained by the United States as a result of antitrust law violations, proceedings to enforce compliance with final judgments in antitrust suits and negotiation of consent judgments in civil actions, civil actions to recover penalties, criminal actions to impose penalties including actions for the imposition of penalties for conspiring to defraud the Federal Government by violation of the antitrust laws, participation as *amicus curiae* in private antitrust litigation; and prosecution or defense of appeals in antitrust proceedings.

(b) Intervention or participation before administrative agencies functioning wholly or partly under regulatory statutes in administrative proceedings which require consideration of the antitrust laws or competitive policies, including such agencies as the Civil Aeronautics Board, Interstate Commerce Commission, Federal Communications Commission, Federal Maritime Commission, Federal Energy Regulatory Commission, Federal Reserve Board, Federal Trade Commission, Nuclear Regulatory Commission, and Securities and Exchange Commission, except proceedings referred to any agency by a federal court as an incident to litigation being conducted under the supervision of another Division in this Department.

* * * * *

(d) As the delegate of the Attorney General furnishing reports and summaries thereof respecting the competitive factors involved in proposed mergers or consolidations of insured banks required by the Federal Deposit Insurance Act, as amended (12 U.S.C. 1828(c)), furnishing reports respecting the competitive factors involved in proposed acquisitions under the Savings and Loan Holding Company Amendments of 1967 (12 U.S.C. 1730a(e)), furnishing advice regarding the proposed disposition of surplus Government property required by the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 488), furnishing reports regarding deepwater port licenses under the Deepwater Port Act of 1974 (33 U.S.C. 1506), furnishing advice and reports regarding federal coal leases under the Federal Coal Leasing Amendments Act of 1976 (30 U.S.C. 184(1)), furnishing advice on oil and gas leasing under the Outer Continental Shelf Lands Act Amendments of 1978 (43 U.S.C. 1334(a) 1334(f)(3), 1337), furnishing reports and recommendations regarding the issuance of licenses for exploration or permits for commercial recovery of deep seabed hard minerals pursuant to the Deep Seabed Hard Minerals Resources Act (30 U.S.C. 1413(d)), furnishing advice or reports regarding contracts or operating agreements concerning exploration, development or production of petroleum reserves under the Naval Petroleum Reserves Production Act of 1976 (10 U.S.C. 7430(g)(1)), and furnishing advice regarding nuclear licenses under the Atomic Energy Act of 1954 (42 U.S.C. 2135).

* * * * *

(f) Assembling information and perparing reports required or requested by the Congress or the Attorney General as to the effect upon the maintenance and preservation of competition under the free enterprise system of various Federal laws or programs, including the Defense Production Act of 1950, the Small Business Act, the Federal Coal Leasing Amendments Act of 1976 (30 U.S.C. 208–2), the Naval Petroleum Reserves Production Act of 1976 (10 U.S.C. 7431(b)(2)), and the joint resolution of July 28, 1955, giving consent to the Interstate Compact to Conserve Oil and Gas.

* * * * *

(j) Preparing the annual report to the Congress concerning the administration of the Attorney General's functions under the Truth in Lending Act (Title 1 of the Consumer Credit Protection Act) (15 U.S.C. 1613).

28. Section 0.41 is amended by revising the introductory paragraph and paragraphs (b) and (h) to read as follows:

§ 0.41 Special functions.

The following functions are assigned to, and shall be conducted, handled, or supervised by, the Assistant Attorney General, Antitrust Division:

* * * * *

(b) Upon appropriate certification by the Federal Trade Commission, the institution of criminal proceedings under the Federal Trade Commission Act (15 U.S.C. 56(b)), the determination whether the Attorney General will commence, defend or intervene in civil proceedings under the Federal Trade Commission Act (15 U.S.C. 56(a)), and the determination under the Consumer Product Safety Act (15 U.S.C. 2076(b)(7)), whether the Attorney General will initiate, prosecute, defend or appeal an action relating to the Consumer Product Safety Commission.

* * * * *

(h) All litigation arising under the Federal Food, Drug and Cosmetic Act (21 U.S.C. 301 *et seq.*), the Federal Hazardous Substances Act (15 U.S.C. 1261 *et seq.*), the Fair Packaging and Labeling Act (15 U.S.C. 1451 *et seq.*), the Automobile Information Disclosure Act (15 U.S.C. 1231 *et seq.*), the odometer requirements section of the Motor Vehicle Information and Cost Savings

Act (15 U.S.C. 1981 *et seq.*), the Federal Cigarette Labeling and Advertising Act (15 U.S.C. 1331 *et seq.*), the Poison Prevention Packaging Act of 1970 (15 U.S.C. 1471 *et seq.*), the Federal Caustic Poison Act (15 U.S.C. 401 note), the Consumer Credit Protection Act (15 U.S.C. 1611, 1661q and 1681r), the Wool Products Labeling Act of 1939 (15 U.S.C. 68 *et seq.*), the Fur Products Labeling Act (15 U.S.C. 69 *et seq.*), the Textile Fiber Products Identification Act (15 U.S.C. 70 *et seq.*), the Consumer Product Safety Act (15 U.S.C. 2051 *et seq.*), the Flammable Fabrics Act (15 U.S.C. 1191 *et seq.*), the Refrigerator Safety Device Act (15 U.S.C. 1211 *et seq.*), and Title I of the Magnuson-Moss Warranty—Federal Trade Commission Improvements Act (15 U.S.C. 2301 *et seq.*).

* * * * *

29. Section 0.45 is amended by revising the introductory paragraph and paragraphs (c) and (d) to read as follows:

§ 0.45 General functions.

The following-described matters are assigned to, and shall be conducted, handled, or supervised by, the Assistant Attorney General, Civil Division:

* * * * *

(c) International Trade—all litigation before the Court of International Trade, including suits instituted pursuant to 28 U.S.C. 1581(i) and suits by the United States to recover customs duties, to recover upon a bond relating to the importation of merchandise required by the laws of the United States or by the Secretary of the Treasury and to recover a civil penalty under sections 592, 704(i)(2), or 734(i)(2) of the Tariff Act of 1930, and the presentation of appeals in the Court of International Trade.

(d) Fraud Cases—civil claims arising from fraud on the Government (other than antitrust, land and tax frauds), including alleged claims under the False Claims Act, the Surplus Property Act of 1944, the Anti-Kickback Act, the Contract Settlement Act of 1944, the Contract Disputes Act of 1978, 19 U.S.C. 1592 and common law fraud.

* * * * *

30. Section 0.45(h) is amended by removing the words "Tax Court" and inserting in their place, the words, "Court of Claims".

§ 0.45a [Removed]

31. Section 0.45a is removed.

32. Section 0.48, Service in customs litigation, is revised to read as follows:

§ 0.48 International trade litigation.

The Attorney-in-Charge, International Trade Field Office, at 26 Federal Plaza, New York, New York 10007, in the Office of the Assistant Attorney General, Civil Division, is designated to accept service of notices of appeals to the Court of Customs and Patent Appeals and all other papers filed in the Court of International Trade, when the United States is an adverse party. (28 U.S.C. 2633(c); 28 U.S.C. 2601(b)).

33. Section 0.50 is amended by revising the introductory paragraph and the introductory text of paragraph (a) to read as follows:

§ 0.50 General functions.

The following functions are assigned to, and shall be conducted, handled, or supervised by, the Assistant Attorney General, Civil Rights Division:

(a) Enforcement of all Federal statutes affecting civil rights, including those pertaining to elections and voting, public accommodations, public facilities, school desegregation, employment (including 42 U.S.C. 2000e–(6)), housing, abortion, sterilization, credit, and constitutional and civil rights of Indians arising under 25 U.S.C. 1301 *et seq.*, and of institutionalized persons, and authorization of litigation in such enforcement, including criminal prosecutions and civil actions and proceedings on behalf of the Government and appellate proceedings in all such cases. Notwithstanding the provisions of the foregoing sentence, the responsibility for the enforcement of the following described provisions of the United States Code is assigned to the Assistant Attorney General, Criminal Division:

* * * * *

34. Section 0.55 is amended by revising the introductory paragraph and paragraphs (b), (d), and (s) to read as follows:

§ 0.55 General functions.

The following functions are assigned to and shall be conducted, handled, or supervised by, the Assistant Attorney General, Criminal Division:

* * * * *

(b) Cases involving criminal frauds against the United States except cases assigned to the Antitrust Division by § 0.40(a) involving conspiracy to defraud the Federal Government by violation of the antitrust laws, and tax fraud cases assigned to the Tax Division by Subpart N of this part.

* * * * *

(d) Libels or civil penalty actions (including petitions for remission or mitigation of civil penalties and forfeitures, offers in compromise, and related proceedings) under the Federal Aviation Act of 1958, the Contraband Transportation Act, the Copyrights Act, the customs laws (except those assigned to the Civil Division which involve sections 592, 704(i)(2) or 734(i)(2) of the Tariff Act of 1930), the Export Control Act of 1949, the Federal Alcohol Administration Act, the Federal Seed Act, the Gold Reserve Act of 1934, the Hours of Service Act, the Animal Welfare Act, the Immigration and Nationality Act, the neutrality laws, laws relating to cigarettes, liquor, narcotics and dangerous drugs, other controlled substances, gambling, war materials, pre-Columbian artifacts, coinage, and firearms, locomotive inspection (45 U.S.C. 22, 23, 28–34), the Organized Crime Control Act of 1970, prison-made goods (18 U.S.C. 1761–1762), the Safety Appliance Act, standard barrels (15 U.S.C. 231–242), the Sugar Act of 1948, and the Twenty-Eight Hour Law.

* * * * *

(s) Civil proceedings in which the United States is the plaintiff filed under the Organized Crime Control Act of 1970, 18 U.S.C. 1963–1968.

§ 0.60 [Removed]

35. Section 0.60 [Reserved] is removed.

36. Section 0.61 is amended by removing paragraphs (e), (f), (i) and (n), by revising the introductory paragraph, (a) and (c), by revising paragraphs (j), (h) and (k) and by redesignating paragraphs (g) as (e), (h) as (f), (j) as (g), (k) as (h) and (l) as (i) respectively. The affected portions of § 0.61 read as follows:

§ 0.61 Functions relating to internal security.

The following functions are assigned to and shall be conducted, handled, or supervised by, the Assistant Attorney General, Criminal Division:

(a) Enforcement of all criminal laws relating to subversive activities and kindred offenses directed against the internal security of the United States, including the laws relating to treason, sabotage, espionage, and sedition; enforcement of the Foreign Assets Control Regulations issued under the Trading With the Enemy Act (31 CFR 500.101 *et seq.*); criminal prosecutions under the Atomic Energy Act of 1954, the Smith Act, the neutrality laws, the Arms Export Control Act, the Federal Aviation Act of 1958 (49 U.S.C. 1523) relating to offenses involving the security control of air traffic, and 18 U.S.C. 799; and criminal prosecutions for

offenses, such as perjury and false statements, arising out of offenses relating to national security.

* * * * *

(c) Administration and enforcement of the Internal Security Act of 1950, as amended.

* * * * *

(f) Libels and civil penalty actions (including petitions for remission or mitigation of civil penalties and forfeitures, offers in compromise and related proceedings) arising out of violations of the Trading with the Enemy Act, the neutrality statutes and the Arms Export Control Act.

(g) Enforcement and administration of the provisions of 2 U.S.C. 441e relating to contributions by foreign nationals.

(h) Enforcement and administration of the provisions of 18 U.S.C. 219, relating to officers and employees of the United States acting as agents of foreign principals.

* * * * *

Subpart L—[Removed]

37. Subpart L [Reserved] is removed.

38. Section 0.65 is amended by removing paragraph (i) and redesignating paragraph (j) as paragraph (i), and revising the introductory paragraph to read as follows:

§ 0.65 General functions.

The following functions are assigned to and shall be conducted, handled, or supervised by the Assistant Attorney General in charge of the Land and Natural Resources Division:

* * * * *

39. Section 0.70 is amended by revising the introductory paragraph to read as follows:

§ 0.70 General functions.

The following functions are assigned to and shall be conducted, handled, or supervised by, the Assistant Attorney General, Tax Division:

* * * * *

40. Section 0.75 is amended by revising the introductory paragraph and paragraphs (d), (f), (h), (i), (j), (k), and (p) and by adding paragraph (r) to read as follows:

§ 0.75 Policy functions.

The Assistant Attorney General for Administration shall head the Justice Management Division and shall provide advice relating to basic Department policy for budget and financial management, program evaluation, auditing, personnel management and training, procurement, information processing and telecommunications, security and for all matters pertaining to organization, management, and administration. The following matters are assigned to, and shall be conducted, handled, or supervised by, the Assistant Attorney General for Administration:

* * * * *

(d) Plan, direct, and coordinate Department-wide personnel management programs, and develop and issue Department-wide policy in all personnel program areas, including training, position classification and pay administration, staffing, employee performance evaluation, employee development, employee relations and services, employee recognition and incentives, equal employment opportunity programs, including the equal opportunity recruitment program (5 U.S.C. 7201), personnel program evaluation, labor management relations, adverse action hearings and appeals, employee grievances, and employee health programs.

* * * * *

(f) Supervise and direct the operation of the Department's central payroll system, automated information services, publication services, library services and any other Department-wide central services which are established by or assigned to the Justice Management Division.

* * * * *

(h) Formulate Department-wide audit policies, standards and procedures; develop, direct and supervise independent and comprehensive internal audits, including examinations authorized by 28 U.S.C. 526, of all organizations, programs, and functions of the Department, and audits of expenditures made under the Department's contracts and grants to ensure compliance with laws, regulations and generally accepted accounting principles; economy and efficiency in operation; and that desired results are being achieved.

(i) Develop and direct a Department-wide directives management program and administer the directives management system.

(j) Plan, direct, administer, and monitor compliance with Department-wide policies, procedures, and regulations concerning records, reports, procurement, printing, graphics, audiovisual activities (including the approval or disapproval of production and equipment requests), forms management, supply management, motor vehicles, real and personal property, space assignment and utilization, and all other administrative services functions.

(k) Formulate Department policies, standards, and procedures for information systems and the management and use of automatic data processing equipment; review the use and performance of information systems with respect to Department objectives, plans, policies, and procedures; provide technical leadership and support to new Department-wide information systems; review and approve all contracts for information processing let by the Department, and provide the final review and approval of systems and procedures and standards for use of data elements and codes.

* * * * *

(p) Direct all Department security programs including personnel, physical, document, information processing and telecommunications, special intelligence, and employee health and safety programs and formulate and implement Department defense mobilization and contingency planning.

* * * * *

(r) Develop and implement a legal information coordination system for the use of the Department of Justice and, as appropriate, the Federal Government as a whole.

41. Section 0.76 is amended by revising the introductory paragraph and paragraphs (f), (j), and (q) and by removing (l) and (t), respectively, and redesignating paragraphs (m) through (w) as paragraphs (l) through (t), to read as follows:

§ 0.76 Specific functions.

The functions delegated to the Assistant Attorney General for Administration by this Subpart 0 shall also include the following specific policy functions:

* * * * *

(f) Prescribing regulations providing for premium pay pursuant to 5 U.S.C. 5541–5550a.

* * * * *

(j) Excluding the Office of Justice Assistance, Research and Statistics, supervising and directing the Department's procurement and contracting functions and assuring that equal employment opportunity is practiced by the Department's contractors and subcontractors and in federally assisted programs under the Department's control.

* * * * *

(l) Making the certificate required with respect to the necessity for including illustrations in printing (44 U.S.C. 1104).

(m) Making the certificates with respect to the necessity of long distance telephone calls (31 U.S.C. 680a).

(n) Making certificates of need for space (68 Stat. 518, 519).

(o) Exercising, except for the authority conferred in §§ 0.15(b)(1), 0.19(a)(1), 0.137, and 0.138 of Part 0, the power and authority vested in the Attorney General to take final action on matters pertaining to the employment, separation, and general administration of personnel in General Schedule grade GS–1 through GS–15, and in wage board positions; classify positions in the Department under the General Schedule and wage board systems regardless of grade; postaudit and correct any personnel action within the Department; and inspect at any time any personnel operations of the various organizational units of the Department.

(p) Selecting and assigning employees for training by, in, or through non-Government facilities, paying the expenses of such training or reimbursing employees therefor, and preparing and submitting the required annual report to the Office of Personnel Management (5 U.S.C. 4103–4118).

(q) Exercising authority for the temporary employment of experts or consultants of organizations thereof, including stenographic reporting services (5 U.S.C. 3109(b)).

(r) Providing assistance in furnishing information to the public under the Public Information Section of the Administrative Procedure Act (5 U.S.C. 552).

(s) Representing the Department in its contacts on matters relating to administration and management with the Congressional Appropriations Committees, Office of Management and Budget, the General Accounting Office, the Office of Personnel Management, the General Services Administration, the Joint Committee on Printing, the Government Printing Office and all other Federal departments and agencies.

(t) Taking final action, including making all required determinations and findings, in connection with the acquisition of real property for use by the Department of Justice.

42. Section 0.77 is amended by revising the introductory paragraph and by revising paragraphs (l) and (m) to read as follows:

§ 0.77 Operational functions.

The Assistant Attorney General for Administration shall provide all direct administrative support services to the Offices, Boards and Divisions of the Department and to the United States Marshals Service, except where independent administrative authority has been conferred. These services shall include the following:

* * * * *

(l) Taking final action, including making all required determinations and findings, in connection with negotiated purchases and contracts as provided in 41 U.S.C. 252(c) (1)–(11), (14), (15) except that the authority provided in 41 U.S.C. 252(c)(11) shall be limited not to exceed an expenditure of $25,000 per contract and shall not be further delegated.

(m) Serving as Contracting Officer for the Offices, Boards and Divisions, with authority of redelegation to the Deputy Assistant Attorney General, Office of Personnel and Administration, Justice Management Division. The authority so delegated includes the authority of redelegation to subordinates and to officials within the Offices, Boards and Divisions.

* * * * *

43. Section 0.78 is amended by revising the introductory paragraph to read as follows:

§ 0.78 Implementation of financial disclosure requirements.

The Assistant Attorney General for Administration shall serve as the designated agency ethics official under Title II of the Ethics in Government Act of 1978, 92 Stat. 1836, for purposes of administering the public and confidential financial disclosure programs applicable to officers and employees of the Department of Justice. His duties shall include the following:

* * * * *

44. Section 0.85 is amended by revising the introductory paragraph and paragraphs (b), (h), (i) and (j) to read as follows:

§ 0.85 General functions.

The Director of the Federal Bureau of Investigation shall:

* * * * *

(b) Conduct the acquisition, collection, exchange, classification and preservation of fingerprint cards and identification records from criminal justice and other governmental agencies, including fingerprint cards voluntarily submitted by individuals for personal identification purposes; provide expert testimony in Federal, State and local courts as to fingerprint examinations; and provide fingerprint training and provide identification assistance in disasters and for other humanitarian purposes.

* * * * *

(h) Make recommendations to the Office of Personnel Management in connection with applications for retirement under 5 U.S.C. 8336(c).

(i) Investigate alleged fraudulent conduct in connection with operations of the Department of Housing and Urban Development and other alleged violations of the criminal provisions of the National Housing Act, including 18 U.S.C. 1010.

(j) Exercise the power and authority vested in the Attorney General to approve and conduct exchanges of identification records with officials of federally chartered or insured banking institutions to promote or maintain the security of those institutions and, if authorized by State statute and approved by the Attorney General, to officials of State and local governments for purposes of employment and licensing; and exercise the power and authority vested in the Attorney General by 15 U.S.C. 78q(f)(2) and 7 U.S.C. 12a, to approve and conduct exchanges of identification records with certain segments of the securities industry and the Commodity Futures Trading Commission, respectively.

45. Section 0.85a is revised to read as follows:

§ 0.85a Criminal justice policy coordination.

The Federal Bureau of Investigation shall report to the Attorney General on all its activities.

46. Section 0.86 is revised to read as follows:

§ 0.86 Seizure of gambling devices.

The Director, Associate Director, Assistants to the Director, Executive Assistant Directors, Assistant Directors, inspectors and agents of the Federal Bureau of Investigation are authorized to exercise the power and authority vested in the Attorney General to make seizures of gambling devices (18 U.S.C. 1955(d), 15 U.S.C. 1171 *et seq.*) and wire or oral communication intercepting devices (18 U.S.C. 2513).

47. Subpart P–1 is revised, including the subpart heading to read as follows:

Subpart P–1—Office of Justice Assistance, Research and Statistics and Related Agencies

Sec.

0.90 Office of Justice Assistance, Research and Statistics.
0.91 National Institute of Justice.
0.92 Bureau of Justice Statistics.
0.93 Office of Juvenile Justice and Delinquency Prevention.
0.94 The Law Enforcement Assistance Administration.

Authority: 28 U.S.C. 509 and 510, 5 U.S.C. 301 and 8 U.S.C. 1103.

Subpart P–1—Office of Justice Assistance, Research and Statistics and Related Agencies

§ 0.90 Office of Justice Assistance, Research and Statistics.

The Office of Justice Assistance, Research and Statistics is headed by a Director. Under the general authority and policy control of the Attorney General, the Director provides staff support to, and coordinates the activities of, the National Institute of Justice, the Bureau of Justice Statistics, the Office of Juvenile Justice and Delinquency Prevention and the Law Enforcement Assistance Administration.

§ 0.91 National Institute of Justice.

The National Institute of Justice is headed by a Director. Under the general authority of the Attorney General the Director performs functions and administers programs, including grantmaking, under 42 U.S.C. 3721–3724, 3781–3789o to support basic and applied research into justice issues.

§ 0.92 Bureau of Justice Statistics.

The Bureau of Justice Statistics is headed by a Director. Under the general authority of the Attorney General the Director performs functions and administers programs, including grantmaking, under 42 U.S.C. 3731–3735, 3781–3789o to provide a variety of statistical services for the criminal justice community.

§ 0.93 Office of Juvenile Justice and Delinquency Prevention.

The Office of Juvenile Justice and Delinquency Prevention is headed by an Administrator. Under the general authority of the Attorney General the Administrator performs functions and administers programs, including grantmaking, under 42 U.S.C. 3781–3789o, 5601 *et seq.*, relating to juvenile delinquency and the improvement of juvenile justice systems.

§ 0.94 The Law Enforcement Assistance Administration.

The Law Enforcement Assistance Administration is headed by an Administrator. Under the general authority of the Attorney General the Administrator performs functions and administers programs, including grantmaking, under 42 U.S.C. 3711–3713, 3741 *et seq.*, 3781–3789o, relating to the administration of criminal justice systems. The Administrator also administers Public Safety Officers Death Benefits (42 U.S.C. 3796 *et seq.*).

(a) Subject to the general supervision and direction of the Attorney General, the Administrator of the Law Enforcement Assistance Administration is authorized to exercise the power and authority vested in the Attorney General by Executive Order No. 11755 of December 29, 1973, with respect to certification and revoking certification of work-release laws or regulations.

(b) The Administrator of LEAA is authorized to redelegate to any of his subordinates any of the authority delegated to him by § 0.94(a).

48. Section 0.95 is amended by revising the introductory paragraph and paragraph (h) to read as follows:

§ 0.95 General functions.

The Director of the Bureau of Prisons shall direct all activities of the Bureau of Prisons, including:

* * * * *

(h) Conduct of studies and the preparation and submission of reports and recommendations to committing courts respecting disposition of cases in which defendants have been committed for such purposes pursuant to 18 U.S.C. 4205(c).

* * * * *

49. Section 0.96 is amended by removing paragraphs (l), (m) and (n) and redesignating paragraphs (o) through (t) as (l) through (q), respectively, and adding paragraph (r) to read as follows:

§ 0.96 [Amended]

* * * * *

(r) Establishing and designating Bureau of Prisons Institutions (18 U.S.C. 4001, 4042, 4082).

Appendix to Subpart Q—[Amended]

50. Appendix to Subpart Q, Part O is amended by removing the words "Deputy Attorney General" and inserting in their place, the words, "Associate Attorney General" in the undesignated paragraph following paragraph (b)(3).

51. Section 0.100 is amended by revising the introductory paragraph to read as follows:

§ 0.100 General functions.

The following-described matters are assigned to, and shall be conducted, handled, or supervised by, the Administrator of the Drug Enforcement Administration:

* * * * *

52. Section 0.101 is amended by revising the introductory paragraph to read as follows:

§ 0.101 Specific functions.

The Administrator of the Drug Enforcement Administration shall be responsible for:

* * * * *

§ 0.102 [Removed]

53. Section 0.102 [Reserved] is removed.

Appendix to Subpart R—[Amended]

54. Section 3(b) of the Appendix to Subpart R, Part O, is amended by removing the words "Civil Service Commission" and inserting in their place the words "Office of Personnel Management".

55. Section 0.105 is amended by revising the introductory paragraph to read as follows:

§ 0.105 General functions.

The Commissioner of the Immigration and Naturalization Service shall:

* * * * *

56. Section 0.111 is amended by revising the introductory paragraph and paragraphs (e), (h), (i), (j), (k) and (o), by removing paragraph (g), by redesignating paragraphs (h) through (j) as (g) through (i), respectively, and by adding a new paragraph (j), to read as follows:

§ 0.111 General functions.

The Director of the United States Marshals Service shall direct and supervise all activities of the United States Marshals Service including:

* * * * *

(e) Protection of Federal jurists, court officers, and other threatened persons in the interests of justice where criminal intimidation impedes the functioning of the Federal judicial process.

* * * * *

(g) Direction and supervision of a training school for United States Marshals Service personnel.

(h) Disbursement of appropriated funds to satisfy Government obligations incurred in the administration of justice pursuant to 28 U.S.C. 571.

(i) Maintenance of custody and control of money and property seized pursuant to 18 U.S.C. 1955(d), when seized property is turned over to the United States Marshals Service.

(j) Receipt, processing and transportation of prisoners held in the custody of a marshal or transported by the United States Marshals Service under cooperative or intergovernmental agreements.

(k) Sustention of custody of Federal prisoners from the time of their arrest by a marshal or their remand to a marshal by the court, until the prisoner is committed by order of the court to the custody of the Attorney General for the service of sentence, otherwise released from custody by the court, or returned to

the custody of the United States Parole Commission or the Bureau of Prisons.

* * * * *

(o) Acquisition of adequate and suitable detention space, health care and other services and materials required to support prisoners under the custody of the United States Marshal who are not housed in Federal facilities.

57. Section 0.115 is amended by revising the introductory paragraph and paragraphs (b), (d) and (e), by redesignating paragraphs (f) and (g) as (g) and (h), respectively, and by adding new paragraphs (f) and (i) to read as follows:

§ 0.115 General functions.

The Board of Immigration Appeals shall review and determine:

* * * * *

(b) Appeals from decisions of district directors and special inquiry officers on applications for the exercise of the discretionary authority contained in the Immigration and Nationality Act (8 U.S.C. 1182(c)) and from decisions of district directors and officers in charge on applications for the advance exercise of the discretionary authority contained in 8 U.S.C. 1182(d)(3)).

* * * * *

(d) Appeals from decisions of district directors on familial visa petitions filed in accordance with the Immigration and Nationality Act (8 U.S.C. 1154) and from decisions revoking the approval of such petitions in accordance with 8 U.S.C. 1155.

(e) Appeals from determinations of special inquiry officers or district directors relating to the bond, conditional parole or detention of an alien under 8 U.S.C. 1252.

(f) Appeals from decisions of special inquiry officers in rescission of adjustment of status cases under the Immigration and Nationality Act (8 U.S.C. 1256).

(g) Cases involving the decisions referred to in paragraphs (a) through (d) of this section which may be certified to the Board by the Commissioner, or any duly authorized officer of the Service, or which the Board may require to be certified to it.

(h) Cases in which the Board has rendered a decision which are reopened or reconsidered in accordance with 8 CFR 3.2.

(i) Recommendations of regional commissioners regarding the suspension or disbarment of attorneys or representatives from practice before the Service and the Board under 8 CFR 292.3.

58. Section 0.116 is amended by revising the introductory paragraph and adding paragraph (d) to read as follows:

§ 0.116 Decisions subject to review by the Attorney General.

The Board shall refer to the Attorney General for review of its decision all cases which:

* * * * *

(d) Involve the suspension or disbarment, by the Board, of an attorney or representative, from practice before the Service and the Board.

59. Section 0.124 is added to Subpart V to read as follows:

The United States Parole Commission is composed of nine Commissioners of whom one is designated Chairman. The Commission:

§ 0.124 United States Parole Commission.

(a) Has authority, under 18 U.S.C. 4201 *et seq.*, to grant, modify, or revoke paroles of eligible U.S. prisoners serving sentences of more than 1 year, and is responsible for the supervision of parolees and prisoners mandatorily released prior to the expiration of their sentences, and for the determination of supervisory conditions and terms;

(b) Has responsibility in cases in which the committing court specifies that the Parole Commission shall determine the date of parole eligibility of the prisoner;

(c) Has responsibility for determining, in accordance with the Labor-Management Reporting and Disclosure Act of 1959 (29 U.S.C. 504), whether the service as officials in the field of organized labor or in labor oriented management positions of persons convicted of certain crimes is contrary to the purposes of that act; and

(d) Has responsibility under the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1111), for determining whether persons convicted of certain crimes may provide services to, or be employed by, employment benefit plans.

60. Sections 0.128, 0.128a, and 0.128b, Subpart V–1, Foreign Claims Settlement Commission, is added to Part 0 to read as follows:

Subpart V–1—Foreign Claims Settlement Commission

Sec.
0.128 Organization.
0.128a General functions.
0.128b Regulations.

Authority: 22 U.S.C. 1622a; 22 U.S.C.1622 note; 50 U.S.C. app. 2001; 22 U.S.C. 1621–1645o; 50 U.S.C. app. 2001–2017p.

Subpart V–1—Foreign Claims Settlement Commission

§ 0.128 Organization.

The Foreign Claims Settlement Commission of the United States is a separate agency within the Department of Justice. It is composed of a full-time Chairman, and two part-time Commissioners. All functions, powers, and duties of the Commission not directly related to adjudicating claims are vested in the Chairman of the Commission, including the functions set forth in Section 3 of Reorganization Plan No. 1 of 1954 and the authority to issue rules and regulations. The Attorney General provides necessary administrative support and services to the Commission.

§ 0.128a General functions.

The Foreign Claims Settlement Commission has been authorized to determine claims of United States nationals for loss of property in specific foreign countries as a result of nationalization or other taking by the government of those countries by the International Claims Settlement Act of 1949, as amended, (22 U.S.C. 1621–1645o); and to determine claims of United States nationals and organizations in territories of the United States for damage and loss of property as a result of military operations during World War II and claims of United States military personnel and civilian American citizens for having been held in a captured status in specified areas during World War II, the Korean conflict and the Vietnam conflict by the War Claims Act of 1948, as amended (50 U.S.C. app. 2001–2017p).

§ 0.128b Regulations.

All rules of practice and regulations applicable to the management of the affairs of and the adjudication of claims by the Foreign Claims Settlement Commission of the United States are published in 45 CFR Chapter V.

§ 0.130 [Amended]

61. Section 0.130 paragraph (b) is amended by removing the words "Director of the Bureau of the Budget" and inserting in their place the words "Director of the Office of Management and Budget".

§ 0.134 through 0.136 [Removed]

62. Sections 0.134 and 0.135–0.136 [Reserved] are removed.

63. Section 0.137 is revised to read as follows:

§ 0.137 Federal Bureau of Investigation.

Except as to persons in the positions of Associate Director, Assistant to the Director, Executive Assistant Director, and Assistant Director of the Federal Bureau of Investigation, the Director of the Federal Bureau of Investigation is authorized to exercise the power and authority vested in the Attorney General by law to take final action in matters pertaining to the employment, direction, and general administration (including appointment, assignment, training, promotion, demotion, compensation, leave, classification, and separation) of personnel, including personnel in wage board positions in the Federal Bureau of Investigation. All personnel actions taken under this section shall be subject to postaudit and correction by the Assistant Attorney General for Administration.

§ 0.138 [Amended]

64. Section 0.138 is amended by removing the words "and Law Enforcement Assistance Administration" from the title and by removing the words "and the Administrator of the Law Enforcement Assistance Administration," from the section and by removing the words "Wage Grade positions" and inserting in their place the words "wage board positions".

65. Section 0.139 is amended by revising paragraphs (a) and (c) to read as follows:

§ 0.139 Procurement matters.

* * * * *

(a) The Assistant Attorney General for Administration is authorized to exercise the authority vested in the Attorney General by law with respect to contractual actions executed on behalf of the Offices, Boards and Divisions. In accordance with the limitations specified in 41 CFR 28–1.404–51 respecting redelegation of contracting authority, the Director of the Federal Bureau of Investigation, the Director of the Bureau of Prisons, the Commissioner of Federal Prison Industries, Inc., the Commissioner of the Immigration and Naturalization Service, the Administrator of the Drug Enforcement Administration, the Director of the Office of Justice Assistance, Research and Statistics, and the Director of the United States Marshals Service are, as to their respective jurisdictions, authorized to exercise the authority vested in the Attorney General by law with respect to procurement matters. The Department of Justice Contract Review Committee will review contracts, prior to award, as specified in paragraph (b) of this section, except that contracts of the Federal Bureau of Investigation shall be reviewed within that Bureau.

* * * * *

(c) The Assistant Attorney General for Administration is authorized to postaudit any procurement transactions throughout the Department and direct that corrective actions be taken wherever deemed necessary, and to inspect at any time the procurement operations of the Federal Bureau of Investigation, Bureau of Prisons, Federal Prison Industries, Inc., Immigration and Naturalization Service, Drug Enforcement Administration, United States Marshals Service and Office of Justice Assistance, Research and Statistics.

§ 0.140 [Amended]

66. Section 0.140, introductory paragraph, is amended by removing the words "Administrators of the Law Enforcement Assistance Administration" and inserting in their place the words "Director of the Office of Justice Research and Statistics" and by removing the words "U.S. Marshals Services" and inserting in their place the words "United States Marshals Service" and paragraph (a) is amended by removing the words "section 3828 of the Revised Statutes of the United States (44 U.S.C. 324)." and inserting "44 U.S.C. 3702."

§ 0.141 [Amended]

67. Section 0.141 is amended by removing the words "Administrators of the Law Enforcement Assistance Administration" and inserting in their place "Director of the Office of Justice Assistance, Research and Statistics".

68. Section 0.142 is amended by revising the introductory paragraph and by adding paragraph (f) to read as follows:

§ 0.142 Per Diem and travel allowances.

The Director of the Federal Bureau of Investigation, Director of the Bureau of Prisons, Commissioner of Federal Prison Industries, Inc., Commissioner of Immigration and Naturalization, Administrator of the Drug Enforcement Administration, Director of the United States Marshals Service, and Director of the Office of Justice Assistance, Research and Statistics, as to their respective jursidictions, and the Assistant Attorney General for Administration, as to all other organizational units of the Department (including United States Attorneys), except as provided in paragraph (f) below, are authorized to exercise the authority of the Attorney General to take final action in the following matters:

* * * * *

(f) The heads of Offices, Boards and Divisions, in addition to the Bureaus, have the authority to approve the use of cash in excess of $100 in lieu of Government Transportation Requests in emergency circumstances, in accordance with regulations prescribed by the Administrator of the General Services Administration.

§ 0.143 [Amended]

69. Section 0.143 is amended by removing the words "Administrators of the Law Enforcement Assistance Administration" and inserting in their place the words "Director of the Office of Justice Assistance, Research and Statistics" and by removing the amount "$1,000" and inserting in its place, the amount, "5,000".

70. Section 0.144 is revised to read as follows:

§ 0.144 Determination of basic workweek.

The Director of the Federal Bureau of Investigation, Director of the Bureau of Prisons, Commissioner of Federal Prison Industries, Inc., Commissioner of the Immigration and Naturalization Service, Administrator of the Drug Enforcement Administration, Director of the Office of Justice Assistance, Research and Statistics, Director of the Executive Office for United States Attorneys and Director of the United States Marshals Service, as to their respective jurisdictions, and the Assistant Attorney General for Administration, as to all other organizational units of the Department, are authorized to exercise the authority vested in the Attorney General by 5 U.S.C. 6101(a), to determine that the organizational unit concerned would be seriously handicapped in carrying out its functions or that costs would be substantially increased except upon modification of the basic workweek, and when such determination is made to fix the basic workweek of officers and employees of the unit concerned.

§§ 0.145 and 0.146 [Amended]

71. Sections 0.145 and 0.146 are amended by removing the words "Administrator(s) of the Law Enforcement Assistance Administration" and inserting in their place "Director of the Office of Justice Assistance, Research and Statistics.

72. Section 0.147 is revised to read as follows:

§ 0.147 Certification of obligations.

The following-designated officials are authorized to make the certifications required by 31 U.S.C. 200(c): for the Federal Bureau of Investigation, the Assistant Director, Administrative Services Division; for the Bureau of Prisons, the Assistant Director for Planning and Development; for the Federal Prison Industries, Inc., the Secretary; for the Immigration and Naturalization Service, the Assistant Commissioner, Administrative Division; for the Drug Enforcement Administration, the Director of the Office of Administration and Management; for the Office of Justice Assistance, Research and Statistics, the Comptroller; and for all other organizational units of the Department (including United States Attorneys and United States Marshals), the Deputy Assistant Attorney General, Office of the Controller, Justice Management Division.

73. Section 0.148 is revised to read as follows:

§ 0.148 Certifying officers.

The following-named officials are authorized to designate employees to certify vouchers (31 U.S.C., 82b): for the Federal Bureau of Investigation, the Director; for the Bureau of Prisons, the Director and the Associate Commissioner, Federal Prison Industries, Inc.; for the Federal Prison Industries, Inc., the Associate Commissioner and the Director, Bureau of Prisons; for the Immirgration and Naturalization Service, the Commissioner; for the Drug Enforcement Administration, the Administrator; for the Office of Justice Assistance, Research and Statistics, the Director; for the United States Marshals Service, the Director; and for all other organizational units of the Department (including United States Attorneys), the Assistant Attorney General for Adminsitration.

74. Section 0.149 is revised to read as follows:

§ 0.149 Disbursing employees.

The Director of the Fedeal Bureau of Investigation, the Director of the Bureau of Prisons, the Commissioner of the Federal Prison Industries, Inc., the Commissioner of the Immigration and Naturalization Service, the Administrator of the Drug Enforcement Administration, the Director of the United States Marshals Service, and the Director of the Office of Justice Assistance, Research and Statistics, as to their respective jurisdictions, and the Assistant Attorney General for Administration, as to all other orgnizational units of the Department (including United States Attorneys), are authorized to request Treasury Department designation of disbursing employees (including cashiers). Existing authorizations to request designations shall remain in effect until terminated by the official who by this section would be authorized to request such designations.

§§ 0.151 and 0.152 [Amended]

75. Section 0.151 and 0.152 are amended by removing the words "Administrators of the Law Enforcement Assistance Administration" and inserting in their place the words "Director of the Office of Justice Assistance, Research and Statistics".

76. Section 0.153 is revised to read as follows:

§ 0.153 Selection and assignment of employees for training.

The Director of the Federal Bureau of Investigation, the Director of the Bureau of Prisons, the Commissioner of Federal Prison Industries, Inc., the Commissioner of the Immigration and Naturalization Service, the Administrator of the Drug Enforcement Administration, the Director of the Office of Justice Assistance, Research and Statistics, the Director of the Executive Office for United States Attorneys and the Director of the United States Marshals Service, as to their respective jurisdictions, and the Assistant Attorney General for Administration, as to all other organizational units of the Department, are hereby authorized to exercise the authority vested in the Attorney General by 5 U.S.C 4109, with respect to the selection and assignment of employees for training by, in, or through Government facilities and the payment or reimbursement of expenses for such training.

§§ 0.154 and 0.155 [Amended]

77. Sections 0.154 and 0.155 are amended by removing the words "Administrators of the Law Enforcement Assistance Administration" and inserting in their place "Director of the Office of Justice Assistance, Research and Statistics".

§§ 0.157 and 0.158 [Removed]

78. Sections 0.157 and 0.158 [Reserved] are removed.

79. Section 0.160 is revised to read as follows:

§ 0.160 Offers which may be accepted by Assistant Attorneys General.

(a) Subject to the limitations set forth in paragraph (c) of this section the Assistant Attorneys General of the litigating divisions are authorized, with respect to matters assigned to their divisions, to:

(1) Accept offers in compromise of claims on behalf of the United States in all cases in which the difference between the gross amount of the original claim and the proposed settlement does not exceed $750,000 or 10 percent of the original claim, whichever is greater.

(2) Accept offers in compromise of, or settle administratively, claims against the United States in all cases where the principal amount of the proposed settlement does not exceed $750,000;

(3) Accept offers to compromise all nonmonetary cases.

(b) Subject to the limitations set forth in paragraph (c) of this section, the Assistant Attorney General, Tax Division, is authorized to accept offers in compromise of, or settle administratively, claims against the United States, regardless of the amount of the proposed settlement, in any case where the Joint Committee on Taxation has indicated it has no adverse criticism of the settlement.

(c) Any settlement, regardless of the amount or circumstances, should be referred to the Deputy Attorney General:

(1) When for any reason, the compromise of a particular claim, as a practical matter, will control or adversely influence the disposition of other claims totalling more than the $750,000 designated in the preceding part of this section.

(2) When the Assistant Attorney General is of the opinion that because of a question of law or policy presented, or because of opposition to the proposed settlement by the agency or agencies involved, or for any other reason, the offer should receive the personal attention of the Deputy Attorney General.

80. Section 0.161 is revised to read as follows:

§ 0.161 Acceptance of certain offers by the Deputy Attorney General.

(a) In all cases in which the amount of the offer in proposed settlement exceeds the applicable amount specified in § 0.160, and in any case falling within any of the exceptions enumerated in § 0.160(c), the Assistant Attorney General concerned shall, if in his opinion the offer of compromise, or administrative action to settle, should be accepted, transmit his recommendation to that effect to the Deputy Attorney General.

(b) The Deputy Attorney General is authorized to exercise the settlement authority of the Attorney General as to

all claims on behalf of, and all claims against, the United States.

§ 0.162 [Amended]

81. Section 0.162 is amended by removing the words "within paragraph (b) of § 0.160" and inserting in their place "under § 0.160(c)(2)" and by removing from the title the words "Assistant Attorney Generals" and inserting in their place the words "Assistant Attorneys General".

§§ 0.164 and 0.165 [Amended]

82. Sections 0.164 and 0.165 are amended by removing the amount "$250,000" and inserting, in its place, the amount, "$750,000" and by removing the words "Associate Attorney General" and inserting in their place the words "Deputy Attorney General".

Section 0.167 is amended by revising paragraphs (a) and (b) to read as follows:

§ 0.167 [Amended]

(a) Any proposed allowance by the Director, without hearing, of a title or debt claim.

(b) Any final determination of a title of debt claim, whether by allowance or disallowance.

* * * * *

§ 0.168 [Amended]

84. Section 0.168(b) is amended by removing the words "Associate Attorney General" and inserting in their place the words "Deputy Attorney General".

85. Section 0.171 is amended by revising paragraph (a) to read as follows:

§ 0.171 Judgments, fines, penalties and forfeitures.

(a) Each Assistant Attorney General shall be responsible for conducting, handling, or supervising such litigation or other actions as may be appropriate to accomplish the satisfaction, collection, or recovery, as the case may be, or judgments, fines, penalties, and forfeitures (including bailbond forfeitures) arising in connection with cases under his jurisdiction. In order to assure the efficient and effective performance of the functions described in the first sentence of this paragraph, each Assistant Attorney General shall designate an individual or unit in his division to be responsible for the performance of those functions.

* * * * *

Appendix to Subpart Y—[Amended]

86. In the Appendix to Subpart Y, remove Civil Division Directive No. 110-78 and add in lieu thereof, Civil Division Directive No. 145-81 to read as follows:

Directive No. 110-78—[Removed]

Directive No. 145-81—Redelegation of Authority of Branch Directors, Heads of Offices and United States Attorneys in Civil Division Cases

Section 1. Authority to compromise or close cases.

(a) Delegation to Deputy Assistant Attorneys General. The Deputy Assistant Attorneys General are authorized to act for, and to exercise the authority of, the Assistant Attorney General in charge of the Civil Division with respect to the institution of suits, the acceptance or rejection of compromise offers, and the closing of claims or cases, unless any such authority is required by law to be exercised by the Assistant Attorney General personally or has been specifically delegated to another Department official.

(b) Delegation to Branch Directors, the Director of the Appellate Staff, the Chief of the Judgment Enforcement Unit and the Director of the Office of Foreign Litigation. Subject to the limitations imposed by paragraph (d) of this section, Branch Directors, the Director of the Appellate Staff, the Chief of the Judgment Enforcement Unit and the Director of the Office of Foreign Litigation are hereby authorized, with respect to matters assigned to their respective components, to reject any offer in compromise and to accept offers in compromise and close cases in the manner and to the same extent as Deputy Assistant Attorneys General, except that Branch Directors, the Director of the Appellate Staff, the Chief of the Judgment Enforcement Unit and the Director of the Office of Foreign Litigation cannot accept or reject any offers in compromise of, or settle administratively, any case against the United States where the principal amount to be paid by the United States exceeds $150,000. Nor can these Civil Division officials accept or reject any offers in compromise of claims on behalf of the United States in which the difference between the gross amount of the original claim and the proposed settlement exceeds $150,000 or 10 percent of the original claim, whichever is greater. Branch Directors, the Chief of the Judgment Enforcement Unit and the Director of the Office of Foreign Litigation are further authorized to file suits, counterclaims, and cross-claims, or to take any other action necessary to protect the interests of the United States in all nonmonetary cases, in all routine loan collection and foreclosure cases, and in other monetary cases where the gross amount of the claim does not exceed $150,000.

(c) Delegation to U.S. Attorneys and Attorneys-in-Charge of Field Offices. Subject to the limitations imposed by paragraph (d) of this section, United States Attorneys and Attorneys-in-Charge of field offices are authorized in any case for which they have primary responsibility, to:

(1) Reject any offer to settle a monetary claim on behalf of the United States where the amount offered is below $100,000 or below an amount previously indicated by the appropriate Civil Division official to be an acceptable minimum.

(2) Prior to entry of final judgment in the trial court, accept or reject offers to compromise cases and close claims which have been delegated to them by the Civil Division, as set forth in section 4 (a) and (b) of this directive, in the same manner and to the same extent as Branch Directors, except that United States Attorneys and Attorneys-in-Charge of Field Offices cannot accept or reject any offers in compromise of any case against the United States where the principal amount of the proposed settlement exceeds $100,000. Nor can United States Attorneys or Attorneys-in-Charge of Field Offices accept or reject any offers in compromise of claims in behalf of the United States in which the differences between the gross amount of the original claim and the proposed settlement exceeds $100,000 or 10 percent of the original claim, whichever is greater. United States Attorneys may redelegate this authority to Assistant United States Attorneys who supervise other Assistant United States Attorneys who handle civil litigation.

(d) Limitations on delegations. The authority to compromise cases, file suits, counterclaims, and cross-claims, or take any other action necessary to protect the interests of the United States, delegated by paragraphs (a), (b) and (c) of this section, may not be exercised, and the matter shall be submitted for resolution to the Assistant Attorney General, Civil Division, when:

(1) For any reason, the proposed action, as a practical matter, will control or adversely influence the disposition of other claims totalling more than the respective amounts designated in the above paragraphs.

(2) Because a novel question of law or a question of policy is presented, or for any other reason, the proposed action should, in the opinion of the officer or employee concerned, receive the personal attention of the Assistant Attorney General, Civil Division.

(3) The agency or agencies involved are opposed to the proposed action. (The views of an agency must be solicited with respect to any significant proposed action if it is a party, if it has asked to be consulted with respect to any such proposed action, or if such proposed action in a case would adversely affect any of its policies.)

(4) The U.S. Attorney involved is opposed to the proposed action and requests that the decision be submitted to the Assistant Attorney General for reconsideration.

Section 2. Action Memoranda.

(a) Whenever a United States Attorney compromises a case or closes a claim pursuant to the authority delegated by this Directive, a memorandum fully explaining the basis for the action taken shall be executed and placed in the file. A copy of the memorandum must be sent to the appropriate branch of the Civil Division.

(b) The compromising of cases or closing of claims which a United States Attorney is not authorized to approve shall be referred to the Civil Division official having the requisite approval authority. The referral memorandum shall contain a detailed description of the matter, the United States

Attorney's recommendation, and a full statement of the reasons therefor.

(c) Whenever an official of the Civil Division accepts or rejects a compromise or closes a claim pursuant to the authority delegated by this Directive, a memorandum containing a detailed statement of the matter and a full statement of the reasons for the action taken shall be placed in the file.

Section 3. Return of civil judgment cases to agencies. Claims arising out of judgments in favor of the United States which cannot be permanently closed as uncollectible may be returned to the referring Federal agency for servicing and surveillance whenever all conditions set forth in USAM 4-2.230 have been met.

Section 4. Authority for direct reference and delegation of Civil Division cases to United States Attorneys.

(a) Direct reference to United States Attorneys by agencies. The following civil actions under the jurisdiction of the Assistant Attorney General, Civil Division, may be referred by the agency concerned directly to the United States Attorney for handling in trial courts and United States Attorneys are hereby delegated the authority to take all necessary steps to protect the interests of the United States, without prior approval of the Assistant Attorney General, Civil Division, or his representatives. Agencies may, however, if special handling is desired, refer these cases to the Civil Division. Also, when constitutional questions or other significant issues arise in the course of such litigation, or when an appeal is taken by any party, the Civil Division should be consulted.

(1) Money claims by the United States (except penalties and forfeitures) where the gross amount of the original claim does not exceed $100,000.

(2) Single family dwelling house foreclosures arising out of loans made or insured by the Department of Housing and Urban Development, the Veterans Administration and the Farmers Home Administration.

(3) Suits to enjoin violations of, and to collect penalties under, the Agricultural Adjustment Act of 1938, 7 U.S.C. 1376, the Packers and Stockyards Act, 7 U.S.C. 203, 207(g), 213, 215, 216, 222, and 228a, the Perishable Agricultural Commodities Act, 1930, 7 U.S.C. 499c(a) and 499h(d), the Egg Products Inspection Act, 21 U.S.C. 1031 *et seq.*, the Potato Research and Promotion Act, 7 U.S.C. 2611 *et seq.*, the Cotton Research and Promotion Act of 1966, 7 U.S.C. 2101 *et seq.*, the Federal Meat Inspection Act, 21 U.S.C. 601 *et seq.*, and the Agricultural Marketing Agreement Act of 1937, as amended, 7 U.S.C. 601 *et seq.*

(4) Suits by social security beneficiaries under the Social Security Act, 42 U.S.C. 402 *et seq.*

(5) Social security disability suits under 42 U.S.C. 423 *et seq.*

(6) Black lung beneficiary suits under the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 921 *et seq.*

(7) Suits by Medicare beneficiaries under 42 U.S.C. 1395ff.

(8) Garnishment actions authorized by 42 U.S.C. 659 for child support or alimony payments.

(9) Judicial review of actions of the Secretary of Agriculture under the food stamp program, pursuant to the provisions of 7 U.S.C. 2022 involving retail food stores.

(10) Cases referred by the Department of Labor for the collection of penalties or for injunctive action under the Fair Labor Standards Act of 1938 and the Occupational Safety and Health Act of 1970.

(11) Cases referred by the Department of Labor solely for the collection of civil penalties under the Farm Labor Contractor Registration Act of 1963, 7 U.S.C. 2048(b)

(12) Cases referred by the Interstate Commerce Commission to enforce orders of the Interstate Commerce Commission or to enjoin or suspend such orders pursuant to 28 U.S.C. 1336.

(13) Cases referred by the United States Postal Service for injunctive relief under the nonmailable matter laws, 39 U.S.C. 3001 *et seq.*

(b) Deletation to United States Attorneys. Branch and office directors and unit chiefs of the Civil Division may delegate to United States Attorneys any claims or suits, including those involving amounts up to $150,000, where the circumstances warrant such delegations. Upon the recommendation of branch and office directors and unit chiefs, the Assistant Attorney General, Civil Division, may delegate to United States Attorneys any claims or suits involving amounts up to $750,000, where the circumstances warrant such delegations. All delegations pursuant to this subsection shall be in writing and no United States Attorney shall have authority to compromise or close any such delegated case or claim except as is specified in the required written delegation. The limitations of section 1(d) of this directive remain applicable in any case or claim delegated hereunder.

(c) Cases not covered. Regardless of the amount in controversy, the following matters will normally not be referred to United States Attorneys for handling but will be retained and handled by the appropriate branch within the Civil Division:

(1) Civil Actions in the Court of Claims.

(2) Cases within the jurisdiction of the commercial branch involving patents, trademarks, copyrights, etc. (See USAM 4-1.225).

(3) Cases before the United States Court of International Trade and the Court of Customs and Patent Appeals.

(4) Any case involving bribery, conflict of interest, breach of fiduciary duty, breach of employment contract, or exploitation of public office; or any False Claims Act case where the amount of single damages, plus forfeitures, exceeds $100,000.

(5) Any case involving vessel-caused pollution in navigable waters.

(6) Cases on appeal, except as determined by the Director of the Appellate Staff.

(7) Any case involving litigation in a foreign court.

Section 5. Adverse decisions. All final judicial decisions adverse to the Government involving any delegated case must be reported promptly to the Assistant Attorney General, Civil Division, attention Director, Appellate Staff. Consult Title 2 of the United States Attorney's Manual for procedures and time limitations.

Section 6. This directive supersedes Civil Division Directive No. 110-78 regarding redelegation of the Assistant Attorney General's authority in Civil Division cases to branch directors, heads of offices, and United States Attorneys. This directive clarifies the intent set forth in Directive 110-78 which this directive supersedes.

87. In the Appendix to Subpart Y, Part O, Tax Division Directive No. 40, Redelegation of Authority to Compromise and Close Civil Claims, Tax Division Directive No. 40 is redesignated as Directive No. 41 and amended as follows:

Directive No. 40—[Redesignated as Directive No. 41]

Directive No. 41—Redelegation of Authority to Compromise and Close Civil Claims

* * * * *

Directive No. 41—[Amended]

(a) Section 3, the comma appearing after the number "6" is removed.

(b) Section 4, paragraph (E), a comma is added after the word "concessions".

(c) Section 6, paragraph (c) is amended by removing the words "Associate Attorney General" and inserting in their place the words "Deputy Attorney General".

(d) Section 7 is amended to read as follows: Section 7. This directive supersedes Tax Division Directive No. 40, effective December 10, 1980.

(e) Section 8 is amended to read as follows: Section 8. This directive shall become effective on the date of its publication in the Federal Register.

§ 0.175 [Amended]

88. Section 0.175(a) is amended by removing the words "sections 2514 and 6003, of Title 18, United States Code" and inserting in their place the words "18 U.S.C. 6003" and by removing the words "section 6004 of Title 18, United States Code" and inserting in their place the citation "18 U.S.C. 6004".

89. Section 0.175(b) is amended by removing the words "Assistant Attorney Generals" and inserting in their place "Assistant Attorneys General", and by removing the words "Internal Security Division", and by removing the words "section 2514 and 6003 of Title 18, United States Code" and inserting in their place the citation "18 U.S.C. 6003".

90. Section 0.175(c) is amended by removing the words "Assistant Attorney Generals" and inserting in their place the words "Assistant Attorneys General".

§ 0.176 [Amended]

91. Section 0.176 is amended by removing the words "section 6005 of Title 18, United States Code" and inserting in their place the citation "18 U.S.C. 6005", and by removing the words

"Assistant Attorney Generals" and inserting in their place "Assistant Attorneys General".

§ 0.178 [Amended]

92. Section 0.178(a) is amended by removing the words "Assistant Attorney Generals" and inserting in their place "Assistant Attorneys General" and by removing the words "Deputy Assistant Attorney Generals"and inserting in their place "Deputy Assistant Attorneys General".

93. Section 0.190 is amended to read as follows:

§ 0.190 Changes within organizational units.

(a) The head of each Office, Board, Division or Bureau may from time to time propose the establishment, transfer, reorganization or termination of major functions within his organizational unit as he may deem necessary or appropriate. In each instance, the head of the Office, Board, Division or Bureau shall submit the proposed change in writing to the Assistant Attorney General for Administration. The Assistant Attorney General for Administration shall evaluate the proposal and shall submit the proposed change, along with his recommendation, to the Associate Attorney when appropriate, and in all other cases directly to the Deputy Attorney General. Where the Associate Attorney General has received a proposed change, he shall evaluate it, and shall submit it along, with his recommendation, to the Deputy Attorney General. The Deputy Attorney General shall then approve or disapprove the change.

(b) The approval shall be final in the case of changes which do not affect the overall structure of the Department. Proposed changes which are determined by the Deputy Attorney General to affect the overall structure of the Department's organization shall be forwarded by the Deputy Attorney General to the Attorney General for final approval prior to implementation, and shall be effectuated by issuance of an Attorney General's order, in accordance with Subpart AA of this part.

PART 1—EXECUTIVE CLEMENCY

94. Section 1.1 is revised to read as follows:

§ 1.1 Submission of petition; form to be used.

Persons seeking Executive clemency, by pardon or by commutation of sentence, including remission of fine, shall execute formal petitions therefor which shall be addressed to the President of the United States and which, except those relating to military or naval offenses, shall be submitted to the Attorney General of the United States. Appropriate forms for such petitions will be furnished by the Department of Justice, Washington, D.C., upon application therefor. Forms for petition for commutation of sentence may also be obtained from the warden of Federal penal institutions. A petitioner applying for Executive clemency with respect to military or naval offenses should submit his petition directly to the Secretary of the military department which had original jurisdiction over the court-martial trial and conviction of the petitioner. In such instance, a form furnished by the Department of Justice may be used but should be modified to meet the needs of the particular case.

§ 1.4 [Amended]

95. Section 1.4 is amended by removing the words "Board of Parole" and inserting in their place the words "Parole Commission".

PART 2—PAROLE, RELEASE, SUPERVISION, AND RECOMMITMENT OF PRISONERS, YOUTH OFFENDERS, AND JUVENILE DELINQUENTS

§§ 2.1 and 2.27 [Amended]

96. Sections 2.1(c) and 2.27(a) are amended by removing the words "Washington, D.C." and inserting in their place the words "Chevy Chase, Maryland".

§ 2.27 [Amended]

97. Section 2.27(b) is amended by removing the words "320 First Street, NW, Washington, D.C. 20537" and inserting in their place the words "5550 Friendship Boulevard, Chevy Chase, Maryland 20815–7286".

§ 2.40 [Amended]

98. Section 2.40(a)(1) is amended by removing the words "Washington, D.C. 20537" and inserting in their place the words "Chevy Chase, Maryland 20815–7286".

§ 2.56 [Amended]

99. Section 2.56(d) is amended by removing the words "Office of Privacy and Information Appeals (Associate Attorney General)" and inserting in their place the words "Assistant Attorney General, Office of Legal Policy".

PART 3—GAMBLING DEVICES

100. Section 3.2 is revised to read as follows:

§ 3.2 Assistant Attorney General, Criminal Division.

The Assistant Attorney General, Criminal Division, is authorized to exercise the power and authority of and to perform the functions vested in the Attorney General by the Act. (See also 28 CFR 0.55(i).)

101. Section 3.5 is revised to read as follows:

§ 3.5 Seizure of gambling devices.

The Director, Associate Director, Assistants to the Director, Executive Assistant Directors, Assistant Directors, inspectors and agents of the Federal Bureau of Investigation are authorized to exercise the power and authority vested in the Attorney General to make seizures of gambling devices.

102. Section 3.6 is revised to read as follows:

§ 3.6 Seized gambling devices.

All gambling devices seized pursuant to the Act shall be held for or turned over to, the United States Marshal for the district in which the seizure is made. Except for the power and authority conferred by section 3.5 and the power described in the last sentence of this section, United States Marshals are, in accordance with the proviso in the Act, authorized and designated as the officers to perform the various duties with respect to seizures and forfeitures of gambling devices under the Act which are comparable to the duties performed by collectors of customs or other persons with respect to the seizure and forfeiture of vessels, vehicles, merchandise, and baggage under the customs laws. The power to authorize remission or mitigation of seizure or forfeiture of gambling devices under the Act shall be exercised only by the Attorney General, the Deputy Attorney General, the Associate Attorney General, or the Assistant Attorney General, Criminal Division.

PART 4—PROCEDURE GOVERNING APPLICATIONS FOR CERTIFICATES OF EXEMPTION UNDER THE LABOR-MANAGEMENT REPORTING AND DISCLOSURE ACT OF 1959, AND THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974

§§ 4.3 and 4.17 [Amended]

103. Sections 4.3 and 4.17 are amended by removing the words "320 First St., N.W., Washington, D.C. 20537" and inserting in their place the words, "5550 Friendship Boulevard, Chevy Chase, Maryland 20815–7286".

PART 5—ADMINISTRATION AND ENFORCEMENT OF FOREIGN AGENTS REGISTRATION ACT OF 1938, AS AMENDED

§ 5.200 [Amended]

104. Section 5.200(b) is amended by removing the words "DJ–301" and inserting in their place the words "OBD–63".

§ 5.201 [Amended]

105. Section 5.201(a)(1) is amended by removing the words "DJ–306" and inserting in their place the words "OBD–67".

§ 5.201 [Amended]

106. Section 5.201(a)(2) is amended by removing the words "DJ–304" and inserting in their place the words "OBD–65".

§ 5.202 [Amended]

107. Section 5.202(e) is amended by removing the words "DJ–305" and inserting in their place the words "OBD–66".

§ 5.203 [Amended]

108. Section 5.203(a) is amended by removing the words "DJ–302" and inserting in their place the words "OBD–64".

§ 5.204 [Amended]

109. Section 5.204(a) is amended by removing the words "DJ–307" and inserting in their place the words "OBD–68".

§ 5.205 [Amended]

110. Section 5.205(a) is amended by removing the words "DJ–302" and inserting in their place the words "OBD–64".

§ 5.401 [Amended]

111. Section 5.401(b) is amended by removing the words "DJ–310" and inserting in their place the words "OBD–69".

PART 8—CONFISCATION OF WIRE OR ORAL COMMUNICATION INTERCEPTING DEVICES

112. Section 8.1 is revised to read as follows:

§ 8.1 Seizure of intercepting devices.

The Director, Associate Director, Assistant to the Director, Executive Assistant Directors, Assistant Directors, inspectors and agents of the Federal Bureau of Investigation are authorized to exercise the power and authority vested in the Attorney General (18 U.S.C. 2513) to make seizures of wire or oral communication intercepting devices.

PART 9—REMISSION OR MITIGATION OF CIVIL FORFEITURES

§§ 9a.5 and 9a.7 [Amended]

113. Sections 9a.5 and 9a.7 and the table of contents are amended by removing the amount "$2,500" and inserting in its place the amount "$10,000".

PART 12—REGISTRATION OF CERTAIN PERSONS HAVING KNOWLEDGE OF FOREIGN ESPIONAGE, COUNTERESPIONAGE, OR SABOTAGE MATTERS UNDER THE ACT OF AUGUST 1, 1956

§ 12.3 [Amended]

114. Section 12.3, the heading to the section and table of contents are amended by removing the words "Foreign Agents Registration Section" and inserting in their place the words "Foreign Agents Registration Unit".

PART 14—ADMINISTRATIVE CLAIMS UNDER FEDERAL TORT CLAIMS ACT

115. Section 14.1 is revised to read as follows:

§ 14.1 Scope of regulations.

These regulations shall apply only to claims asserted under the Federal Tort Claims Act. The terms "Federal agency" and "agency", as used in this part, include the executive departments, the military departments, independent establishments of the United States, and corporations primarily acting as instrumentalities or agencies of the United States but do not include any contractor with the United States.

§ 14.2 [Amended]

116. Section 14.2(a) is amended by removing the words "section 2672 of Title 28, United States Code" and inserting in their place the citation "28 U.S.C. 2401(b) and 2672".

117. Section 14.2(b)(1) is amended by adding the following sentence to the end of the paragraph: "A claim shall be presented as required by 28 U.S.C. 2401(b) as of the date it is received by the appropriate agency."

118. Section 14.2(b)(2) is revised to read as follows:

§ 14.2 Administrative claim; when presented.

* * * * *

(b)(1) * * *

(2) When more than one Federal agency is or may be involved in the events giving rise to the claim, an agency with which the claim is filed shall contact all other affected agencies in order to designate the single agency which will thereafter investigate and decide the merits of the claim. In the event that an agreed upon designation cannot be made by the affected agencies, the Department of Justice shall be consulted and will thereafter designate an agency to investigate and decide the merits of the claim. Once a determination has been made, the designated agency shall notify the claimant that all future correspondence concerning the claim shall be directed to that Federal agency. All involved Federal agencies may agree either to conduct their own administrative reviews and to coordinate the results or to have the investigations conducted by the designated Federal agency, but, in either event, the designated Federal agency will be responsible for the final determination of the claim.

* * * * *

§ 14.5 [Amended]

119. Section 14.5 is amended by removing the amount "$2,500" and inserting in its place the amount "$5,000".

PART 15—DEFENSE OF CERTAIN SUITS AGAINST FEDERAL EMPLOYEES, AND CERTIFICATION AND DEFENSE OF CERTAIN SUITS AGAINST PROGRAM PARTICIPANTS UNDER THE NATIONAL SWINE FLU IMMUNIZATION PROGRAM OF 1976

§ 15.1 [Amended]

120. Section 15.1(a) is amended by removing the words "Chief of the Torts Section" and inserting in their place the words "Branch Director of the Torts Branch".

121. Section 15.1(b) is amended by removing the words "Assistant Section Chief for Swine Flu Litigation, Torts Section" and inserting in their place the words "Branch Director, Torts Branch", and by removing the words "Assistant Section Chief for Swine Flu Litigation" and inserting in their place the words "Branch Director", and by removing the word "attorney" and inserting in its place the word "Attorney".

§ 15.2 [Amended]

122. Section 15.2(a) is amended by removing the words "Chief of the Torts Section" and inserting in their place the words "Branch Director of the Torts Branch".

123. Section 15.2(b) is amended by removing the words "Assistant Section Chief for Swine Flu Litigation, Torts Section" and inserting in their place the words "Branch Director, Torts Branch".

PART 16—PRODUCTION OR DISCLOSURE OF MATERIAL OR INFORMATION

§ 16.1 [Amended]

124. Section 16.1(a) is amended by removing the words "Office of Public Information" and inserting in their place the words "Office of Public Affairs".

125. Section 16.1(b) is amended by removing the words "The Office of Information Law and Policy after appropriate coordination" and inserting in their place the words "After appropriate coordination the Office of Legal Policy".

126. Section 16.2 is revised to read as follows:

§ 16.2 Public reference facilities.

Each office listed below will maintain in a public reading room or public reading area, the materials relating to that office which are required by 5 U.S.C. 552(a)(2) and 552(a)(4) to be made available for public inspection and copying:

United States Attorneys and United States Marshals—at the principal offices of the United States Attorneys listed in the United States Government Organization Manual;
Bureau of Prisons—at its principal office at 101 Indiana Avenue, N.W., Washington, D.C. 20537;
United States Parole Commission—at its principal office at 5550 Friendship Boulevard, Chevy Chase, Maryland 20815-7286;
Foreign Claims Settlement Commission—See 45 CFR 503.1(g).
Federal Bureau of Investigation—at the J. Edgar Hoover Bldg., 9th and Pennsylvania Avenue, N.W., Washington, D.C. 20535;
Community Relations Service—at 5550 Friendship Boulevard, Chevy Chase, Maryland 20815-7286;
Criminal Division, Internal Security Section (for registrations of foreign agents and others pursuant to 28 CFR Parts 5, 10 and 12) at Room 458, Federal Triangle Building, 315 Ninth Street, N.W., Washington, D.C. 20530;
Board of Immigration Appeals—at Suite 1609, 5203 Leesburg Pike, Falls Church, Virginia 22041;
Immigration and Naturalization Service—see 8 CFR 103.9;
Office of Justice Assistance, Research and Statistics—at 633 Indiana Avenue, N.W., Washington, D.C. 20530;
All other Offices, Divisions, and Bureaus of the Department of Justice—at the Department of Justice, 10th & Pennsylvania Avenue, N.W., Washington, D.C. 20530.

§ 16.3 [Amended]

127. Section 16.3(a) is amended by removing the words "Deputy Attorney General" and inserting in their place the words "Assistant Attorney General for the Office of Legal Policy" and by removing the words "Law Enforcement Assistance Administration—Administrator, Law Enforcement Assistance Administration" and inserting in their place the words "Office of Justice Assistance, Research and Statistics—Director, Office of Justice Assistance, Research and Statistics".

§ 16.4 [Amended]

128. Section 16.4 paragraphs (a), (b) and (c) are amended by removing the words "Associate Attorney General" and inserting in their place the words "Assistant Attorney General, Office of Legal Policy".

129. Section 16.4(a) is amended by removing the words "Law Enforcement Assistance Administration" and inserting in their place the words, "Office of Justice Assistance, Research and Statistics".

§ 16.5 [Amended]

130. Section 16.5(e) is amended by removing the words "Associate Attorney General" and inserting in their place the words "Assistant Attorney General, Office of Legal Policy".

§§ 16.6 and 16.7 [Amended]

131. Sections 16.6(b)(3) and 16.7(a) are amended by removing the words "Freedom of Information Appeals Unit" or "Appeals Unit" and inserting in their place the words "Office of Legal Policy".

§§ 16.7 and 16.8 [Amended]

132. Sections 16.7(b) and (g) and 16.8(a), (b) and (c) are amended by removing the words "Associate Attorney General" and inserting in their place the words "Assistant Attorney General, Office of Legal Policy".

§ 16.10 [Amended]

133. Section 16.10(b)(2) is amended by removing the words "Freedom of Information Appeals Unit" and "Appeals Unit" and inserting in their place the words "Office of Legal Policy" and removing the words "Associate Attorney General" and inserting in their place the words "Assistant Attorney General, Office of Legal Policy".

134. The Appendix to Subpart B, Part 16 is revised to read as follows:

Appendix to Subpart B—Redelegation of Authority to the Deputy Assistant Attorney General for Litigation, Antitrust Division, To Authorize Production or Disclosure of Material or Information

1. By virtue of the authority vested in me by 28 CFR 16.23(b)(1) the authority delegated to me by that section to authorize the production of material and disclosure of information described in 28 CFR 16.21(a) is hereby redelegated to the Deputy Assistant Attorney General for Litigation, Antitrust Division.

2. This directive shall become effective on the date of its publication in the Federal Register.

135. Section 16.31 is revised to read as follows:

§ 16.31 Definition of identification record.

An FBI identification record, often referred to as a "rap sheet", is a listing of certain information taken from fingerprint cards submitted to and retained by the FBI in connection with arrests and, in some instances, includes information taken from fingerprint cards submitted in connection with Federal employment, naturalization, or military service. The identification record includes the name of the agency or institution which submitted the fingerprint card to the FBI. If the fingerprint card concerns a criminal offense, the identification record includes the date arrested or received, the arrest charge, and the disposition of the arrest if known to the FBI. All arrest data included in an identification record are obtained from fingerprint cards, disposition reports and other reports submitted by agencies having criminal justice responsibilities. Therefore, the FBI Identification Division is not the source of the arrest data reflected on an identification record.

§§ 16.45, 16.47 and 16.48 [Amended]

136. Sections 16.45(a) and (b)(5), 16.47 and 16.48(b), (c), (d) and (e) are amended by removing the words "Associate Attorney General" and inserting in their place the words "Assistant Attorney General, Office of Legal Policy".

§ 16.52 [Amended]

137. Section 16.52(a) is amended by removing the words "Law Enforcement Assistance Administration" and inserting in their place the words "Office of Justice Assistance, Research and Statistics".

§ 16.57 [Amended]

138. Section 16.57(a) is amended by removing the words "Associate Attorney General" and inserting in their place the words "Assistant Attorney General, Office of Legal Policy".

§§ 16.72 through 16.75 [Removed]

§§ 16.77 through 16.78 [Removed]

§ 16.80 [Removed]

§§ 16.82 and 16.83 [Removed]

§§ 16.86 and 16.87 [Removed]

§ 16.89 [Removed]

§§ 16.94 and 16.95 [Removed]

139. Sections 16.72–16.75, 16.77–16.78, 16.80, 16.82–16.83, 16.86–16.87, 16.89, and 16.94–16.95 [Reserved] are removed.

§ 16.204 [Amended]

140. Section 16.204(a) is amended by removing the words "Office of Public Information" and inserting in their place the words "Office of Public Affairs".

§§ 16.204 and 16.207 [Amended]

141. Section 16.204(a) and 16.207(a) are amended by removing the words "320 First Street, NW, Washington, D.C." and inserting in their place the words "5550 Friendship Boulevard, Chevy Chase, Maryland 20815–7286".

PART 20—CRIMINAL JUSTICE INFORMATION SYSTEMS

§ 20.3 [Amended]

142. Section 20.3(b) is corrected by adding a space before the last sentence.

PART 25—RECOMMENDATIONS TO THE PRESIDENT ON CIVIL AERONAUTICS BOARD DECISIONS

143. Section 25.4 is amended by removing the words "(Room 3305, Main Justice Building, telephone: 202–739–2481)" and inserting in their place "(Main Justice Building, 10th & Pennsylvania Avenue, NW., Washington, D.C. 20530)".

PART 42—NONDISCRIMINATION; EQUAL EMPLOYMENT OPPORTUNITY; POLICIES AND PROCEDURES

144. Section 42.1 is revised to read as follows:

§ 42.1 Policy.

It is the policy of the Department of Justice to seek to eliminate discrimination on the basis of race, color, religion, sex, national origin, political affiliation, marital status, physical or mental handicap, or age in employment within the Department and to assure equal employment opportunity for all employees and applicants for employment in the Department, in conformity with the policies and requirements of Executive Order No. 11478 of August 8, 1969, relating to equal employment opportunity in the Federal Government, the Civil Rights Act of 1964, as amended (42 U.S.C. 2000e–16), the Age Discrimination in Employment Act of 1967, as amended (29 U.S.C. 633a); the Rehabilitation Act of 1973, as amended (29 U.S.C. 791), the Vietnam Era Veterans' Readjustment Assistance Act of 1974 (38 U.S.C. 2014), and the regulations of the Equal Employment Opportunity Commission which are recodified as 29 CFR 1613.201–806 relating to equal employment opportunity.

§ 42.2 [Amended]

145. Section 42.2(a) is amended by removing the words "Office of Personnel Management (5 CFR Part 713)" and inserting in their place the words "Equal Employment Opportunity Commission (29 CFR 1613.204(c))".

146. Section 42.2(b) is amended by removing the words "Associate Attorney General" and inserting in their place the words "Deputy Attorney General".

§ 42.3 [Amended]

147. Section 42.3 is amended by removing the words "Associate Attorney General" and inserting in their place the words "Assistant Attorney General for Administration".

§§ 42.50 through 42.59 [Reserved]

148. Sections 42.50–42.59, Subpart B of Part 42, are removed and reserved.

§ 42.102 [Amended]

149. Section 42.102(a) is amended by removing the words "Associate Attorney General" and inserting in their place the words "Deputy Attorney General".

§ 42.302 [Amended]

150. Section 42.302(c) is amended by removing the words "Health, Education, and Welfare" and inserting in their place the words "Health and Human Service".

Subpart F [Amended]

151. Subpart F is amended by removing from the preceding Authority clause the words "Executive Order 11764 (39 FR 2575)" and inserting in their place the words "Executive Order 12250".

§ 42.401 [Amended]

152. Section 42.401, introductory paragraph, is amended by removing the words "Executive Order 11764" and inserting in their place the words "Executive Order 12250".

§ 42.403 [Amended]

153. Section 42.403(c)(3) is amended by removing the words "Executive Order 11764" and inserting in their place the words "Executive Order 12250".

154. Section 42.412(a) is revised to read as follows:

§ 42.412 Coordination.

(a) The Attorney General's authority under Executive Order 12250 is hereby delegated to the Assistant Attorney General, Civil Rights Division.

* * * * *

Subpart G [Amended]

155. Subpart G, Part 42 is amended by removing from the title the words "and Executive Order 11914".

Appendix B [Removed]

156. Appendix B, Analysis of Final Rule, Part 42 is removed.

Part 45—Standards of Conduct

157. Section 45.735.1 is amended by revising paragraph (b) to read as follows:

§ 45.735–1 Purpose and scope.

* * * * *

(b) This part, among other things, reflects prohibitions and requirements imposed by the criminal and civil laws of the United States. However, the paraphrased restatements of criminal and civil statutes contained in this part are designed for informational purposes only and in no way constitute an interpretation or construction thereof that is binding upon the Department of Justice or the Federal Government. Moreover, this part does not purport to paraphrase or enumerate all restrictions or requirements imposed by statutes, Executive orders, regulations or otherwise upon Federal employees and former Federal employees. The omission of a reference to any such restriction or requirement in no way alters the legal effect of that restriction or requirement and any such restriction or requirement, as the case may be, continues to be applicable to employees and former employees in accordance with its own terms. Furthermore, attorneys employed by the Department should be guided in their conduct by the Code of Professional Responsibility of the American Bar Association. Interpretations and applications of the Code to an attorney's official duties should be obtained pursuant to § 45.735–2(e).

* * * * *

158. Section 45.735–2 is amended by removing paragraphs (b), (c) and (d) and by revising paragraph (e) and redesignating it as new paragraph (b) to read as follows:

§ 45.735-2 [Amended]

* * * * *

(b) Employees should discuss with their immediate supervisors any problems concerning ethics or professional conduct that they cannot resolve personally by reference to the standards set forth in this part. Supervisors should ascertain all pertinent information bearing upon any such problem coming to their attention and shall take prompt action to see that problems that cannot be readily resolved are submitted to the Assistant Attorney General or other official in charge of the employees' Office, Board or Division. In the case of personnel employed by the United States Attorneys, problems may be referred to the Director of the Executive Office for United States Attorneys.

§§ 45.735-3 and 45.735-5 [Amended]

159. Sections 45.735-3(b) and 45.735-5(a)(2) are amended by removing the words "Associate Attorney General" and inserting in their place the words "Deputy Attorney General".

§ 45.735-4 [Reserved]

160. Section 45.735-4 is removed and reserved.

161. Section 45.735.9 is amended by revising paragraph (a) to read as follows:

§ 45.735-9 Private professional practice and outside employment.

(a) No professional employee shall engage in the private practice of his profession, including the practice of law, except as may be authorized by or under paragraph (c) or (e) of this section. Acceptance of a forwarding fee shall be deemed to be within the foregoing prohibition. Teaching will not be considered "professional practice" for purposes of this rule. Employees who wish to undertake teaching engagements should consult § 45.735-12.

* * * * *

162. Section 45.735-9(c) and (e) are amended by removing the words "Associate Attorney General" and inserting in their place the words "Deputy Attorney General".

163. Section 45.735.12, the title is amended to read as follows:

§ 45.735-12 Speeches, publications and teaching.

* * * * *

164. Section 46.735-12(c) is amended by removing the words "Associate Attorney General" and inserting in their place the words "Deputy Attorney General".

§ 45.735-13 [Removed]

165. Section 45.735-13 is removed.

166. Section 45.735-14 is amended by removing paragraphs (c) (5) and (6) and revising paragraph (b) to read as follows:

§ 45.735-14 Gifts, entertainment, and favors.

* * * * *

(b) Except as provided in paragraph (c) of this section, a special Government employee shall be subject to the prohibition set forth in paragraph (a)(4) of this section.

* * * * *

167. Section 45.735-14a is added to read as follows:

§ 45.735-14a Reimbursement for travel and subsistence; acceptance of awards.

(a) Employees may not accept reimbursement for travel or expenses incident to travel on official business from any source other than the Federal Government. However, employees may accept such reimbursement, from organizations that are exempt from taxation under the Internal Revenue Code, 26 U.S.C. 501(c)(3) for expenses incident to training or the attendance at meetings in accordance with 5 U.S.C. 4111 and 5 CFR 410.702.

(b) Employees may accept reimbursement for travel or expenses incident to travel of a nonofficial nature, so long as the circumstances are such that acceptance of the reimbursement is compatible with other restrictions set forth in this part.

(c) Employees will not be deemed to be on official business when they attend the meetings of a charitable, religious, professional, social, fraternal, educational, recreational, public service or civic organization if they have not been directed by the Department to attend the meeting and if they do not receive Government reimbursement for their travel or other expenses incident to attendance at the meetings.

(d) Employees may accept awards from the organizations described in paragraph (c) of this section, so long as the circumstances are such that acceptance is compatible with other restrictions set forth in this part.

(e) Employees may accept reimbursement for travel or expenses incident to travel from an organization described in paragraphs (a) or (c) of this section for the actual expenses of an accompanying spouse in connection with the employee's attendance at the meetings of the organization or acceptance of an award from the organization. The acceptance of spousal expenses under this paragraph shall not depend upon the official or nonofficial nature of the employee's travel, but it must be otherwise compatible with the restrictions set forth in this part. In particular, employees may not accept spousal expenses from an organization that:

(1) Has, or is seeking to obtain, contractual or other business or financial relations with the Department.

(2) Conducts operations or activities that are regulated by the Department.

(3) Is engaged, either as principal or attorney, in proceedings before the Department or in court proceedings in which the United States is an adverse party.

(4) Has interests that may be substantially affected by the performance or nonperformance of the employee's official duties.

§ 45.735-18 [Removed]

168. Section 45.735-18 is removed.

169. Section 45.735-19 is amended by revising paragraph (a) to read as follows:

§ 45.735-19 Partisan political activities.

(a) While certain political activities are prohibited by the criminal statutes of the United States (see 18 U.S.C. Chapter 29), the basic restrictions on political activity of employees are set forth in 5 U.S.C. 7321-7328.

* * * * *

170. Section 45.735-21 is amended by adding paragraphs (o) and (p) to read as follows:

§ 45.735-21 Miscellaneous statutory provisions.

* * * * *

(o) Engaging in violation of merit system principles (5 U.S.C. 2301).

(p) Engaging in prohibited personnel practices (5 U.S.C. 2302).

171. Section 45.735-22 is amended by revising the introductory text of paragraph (a), and paragraphs (b) and (c) to read as follows:

§ 45.735-22 Reporting of outside interests by persons other than special Government employees.

(a) Each employee occupying a position designated in paragraph (c) of this section, and who is not required to submit a financial disclosure report under § 45.735-27 of this title, shall submit to the head of his division a statement on a form made available through the appropriate division administrative office, setting forth the following information:

* * * * *

(b) Each employee designated in paragraph (c) of this section who enters upon duty after the date of this order, and who is not required to submit a financial disclosure report under

§ 45.735–27 of this title, shall submit such statement not later than 30 days after the date of his entrance on duty or 90 days after the effective date of this order, whichever is later.

(c) Statements of employment and financial interest are required of the following employees:

(1) Office of the Attorney General:

Counsellor
Special Assistants
Special Counsels

(2) Office of the Deputy Attorney General:

Associate Deputy Attorneys General
Executive Assistant

(3) Office of the Associate Attorney General:

Deputy Associate Attorneys General
Special Assistants

(4) Office of the Solicitor General:

Tax Assistant

(5) Office of Legal Counsel:

Deputy Assistant Attorneys General

(6) Office of Legal Policy:

Deputy Assistant Attorneys General

(7) Office of Legislative Affairs:

Deputy Assistant Attorneys General
Chief, Legislative and Legal Section

(8) Justice Management Division:

Deputy Assistant Attorneys General
Staff Directors
Administrative Counsel

(9) Office of Professional Responsibility:

Counsel on Professional Responsibility
Deputy Counsel
Assistant Counsels

(10) Community Relations Service:

Deputy Director
Associate Director
Chief Counsel
Regional Directors

(11) Antitrust Division:

Deputy Assistant Attorney General
Director of Economic Policy Office
Director of Operations
Deputy Director of Operations
Director, Policy Planning Office
Section Chiefs
Field Office Chiefs

(12) Civil Division:

Deputy Assistant Attorney General
Section Chiefs

(13) Civil Rights Division:

Deputy Assistant Attorneys General
Special Assistants
Executive Officer
Section Chiefs
Director(s) of Offices

(14) Criminal Division:

Deputy Assistant Attorneys General
Section Chiefs

(15) Land and Natural Resources Division:

Deputy Assistant Attorneys General
Section Chiefs

(16) Tax Division:

Deputy Assistant Attorneys General
Section Chiefs

(17) Federal Bureau of Investigation:

Assistant Director, Administrative Services Division

(18) National Institute of Corrections (Bureau of Prisons):

Director, National Institute of Corrections
Employees classified at GS–13 or above who are in positions involving: (i) Contracting or procurement, or (ii) administering, auditing or monitoring grants and contracts

(19) Drug Enforcement Administration:

Assistant Administrators
Office Directors
Chief Counsel
Chief Inspector
Controller
Laboratory Directors
Regional Directors
Chief, Administrative Services Division
Contract and Procurement Officer
Contract Specialists, GS–13 and above
Chief, Compliance Division
Section Chiefs, Compliance Division
Project Officer, GS–13 and above

(20) Immigration and Naturalization Service:

Associate Commissioner, Management
Assistant Commissioner, Administration
Regional Commissioners
Deputy Regional Commissioners
Associate Deputy Regional Commissioners, Management

(21) Office of Justice Assistance, Research and Statistics:

Assistant Directors
Special Assistants to the Director and the Assistant Directors
General Counsel
Administrator, Law Enforcement Assistance Administration
Administrator, Office of Juvenile Justice and Delinquency Prevention
Director, National Institute of Justice
Director, Bureau of Justice Statistics
All Deputy Administrators of the above offices
Employees classified at GS–13 or above who are in positions involving: (i) Contracting or procurement, or (ii) administering, auditing or monitoring grants and contracts.

(22) United States Marshals Service:

Director
Deputy Director
United States Marshals

* * * * *

172. Section 45.735–26 is revised to read as follows:

§ 45.735–26 Designated Agency Ethics Official.

(a) The Assistant Attorney General for Administration is the "designated agency ethics official (DAEO)" for this Department.

(b) In addition to the duties listed in 5 CFR 738.203, the DAEO shall provide for the regular distribution of conduct regulations to employees, and otherwise assist the Offices, Boards and Divisions in meeting their responsibilities under this part.

(c) The above responsibilities of the DAEO shall not be interpreted to diminish the primary responsibility of each Office, Board or Division to provide for the education and counseling of its own employees on matters of conduct and professional ethics.

PART 50—STATEMENTS OF POLICY

§ 50.1 [Removed]

173. Section 50.1 [Reserved] is removed.

§ 50.4 [Removed]

174. Section 50.4 is removed.

§ 50.9 [Amended]

175. Section 50.9(d)(1) is amended by removing the words "Associate Attorney General" and inserting in their place the words "Deputy Attorney General".

§ 50.9 [Amended]

176. Section 50.9(d)(2) is amended by removing the words "Deputy Attorney General" and inserting in their place the words "Associate Attorney General".

PART 55—IMPLEMENTATION OF THE PROVISIONS OF THE VOTING RIGHTS ACT REGARDING LANGUAGE MINORITY GROUPS

Appendix [Amended]

177. The Appendix, Part 55, the entry for the State of Alaska, Election District 16 is amended by removing the superscript "1".

178. The Appendix, Part 55, the entry for the State of Alaska, Election District 17, is amended by removing the words "Alaskan Natives.[1]" and inserting in their place the word "Do."

179. The Appendix, Part 55, the entry for the State of Alaska, Election District 18 is amended by removing the words "Alaskan Natives.[1]" and inserting in their place the word "Do."

180. The Appendix, Part 55, the entry for the State of California is amended by removing the word "OCalifornia" and

inserting in its place the word "California".

181. The Appendix, Part 55, the entry for the State of Florida, Hendry County, Hillsborough County and Monroe County is amended by removing the word ".....do....." and inserting in its place the word "Do."

182. The Appendix, Part 55, the entry for the State of Nebraska is amended by removing the work "Turuston" and inserting in its place the word "Thurston".

183. The Appendix, Part 55, the entry for the State of New York, Kings County is amended by removing the word "do....." and inserting in its place the word "Do."

184. The Appendix, Part 55, the entry for the State of Oklahoma, is amended by removing the words "Mayers County" and inserting in their place the words "Mayes County".

185. The Appendix, Part 55, the entry for the State of South Dakota is revised to read as follows:

South Dakota:		
Bennett County		American Indian.
Charles Mix County		do.
Corson County		do.
Lyman County		do.
Mellette County		do.
Shannon County	American Indian.	do.
Todd County	Do.	
Washabaugh County		American Indian.

186. The Appendix, Part 55, the entry for the State of Texas, Bee County, is amended by moving the entry to the right to align it with the other entries in the column.

187. The Appendix, Part 55, the entry for the State of Texas, Bexar County, is amended by inserting the word "Do." in the column designated Coverage under section 203(c).

188. The Appendix, Part 55, the entry for the State of Texas, Blanco County, is amended by moving the word "Do." to align it with the other entries in the column.

189. The Appendix, Part 55, the entry for the State of Texas is amended by removing the words "Upton county" and inserting in their place the words "Upton County".

190. The Appendix, Part 55, the entry for the State of Virginia is amended by reformatting the entry as follows:

Virginia:	
Charles City County	Do.

PART 58—REGULATIONS RELATING TO THE BANKRUPTCY REFORM ACT OF 1978

§ 58.2 [Amended]

191. Section 58.2 is amended by removing the words "Associate Attorney General" and inserting in their place the words "Deputy Attorney General".

§ 58.5 [Amended]

192. Section 58.5 is amended by removing the words "United States Civil Service Commission" and inserting in their place the words "Office of Personnel Management".

PART 60—AUTHORIZATION OF FEDERAL LAW ENFORCEMENT OFFICERS TO REQUEST THE ISSUANCE OF A SEARCH WARRANT

§ 60.3 [Amended]

193. Section 60.3(a)(3) is amended by removing the words "Department of Health, Education, and Welfare" and inserting in their place the words "Department of Health and Human Services".

Authority

194. The general authority citation for these amendments is 28 U.S.C. 509, 510 and 5 U.S.C. 301. The authority citation for § 0.115 is 8 U.S.C. 1103. Any other authority citation is noted where it applies in the text of these regulations.

Dated: October 15, 1981.

William French Smith,

Attorney General.

[FR Doc. 81-30955 Filed 10-26-81; 8:45 am]

BILLING CODE 4410-01-M

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Part 1952

Approval of the Utah Industrial Hygiene Field Operations Manual

AGENCY: Occupational Safety and Health Administration, Department of Labor.

ACTION: Final rule.

SUMMARY: This notice gives approval of amendments to the Utah Industrial Hygiene Field Operations Manual. Amendments to the Utah manual were made to bring it into conformity with program and policy changes made by the Occupational Safety and Health Administration in its Industrial Hygiene Field Operations Manual.

EFFECTIVE DATE: October 27, 1981.

FOR FURTHER INFORMATION CONTACT: Charles Y. Boyd, Project Officer, Office of State Programs, Occupational Safety and Health Administration, U.S. Department of Labor, Room N-3619, 200 Constitution Avenue, N.W., Washington, D.C. 20210, (202) 523-8081.

SUPPLEMENTARY INFORMATION:

Background

Part 1953 of Title 29, Code of Federal Regulations, prescribes procedures under Section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667) (hereinafter referred to as the Act) for review of changes and progress in the development and implementation of State plans which have been approved in accordance with Section 18(c) of the Act and Part 1902 of this chapter. On January 10, 1973, notice was published in the **Federal Register** of the approval of the Utah plan and of the adoption of Subpart E of Part 1952 containing the decision (38 FR 1178). On June 23, 1981, the State of Utah submitted a supplement to the plan involving Federal program changes (see Subpart C of 29 CFR Part 1953).

Description of the Plan Supplement

The Amendments to the Utah Industrial Hygiene Field Operations Manual generally parallel the Federal manual. However, the Utah manual differs from the Federal manual in its methods for technical equipment operations, maintenance, and calibration as well as its procedures for the analytical laboratory. Responsibilities and titles are changed to reflect the State's organizational structure.

Location of the Plan and its Supplement for Inspection and Copying

A copy of the plan and the supplement may be inspected and copied during normal business hours at the following locations: Office of the Regional Administrator, Occupational Safety and Health Administration, Room 15010, Federal Building, 1961 Stout Street, Denver, Colorado 80202; the Utah Industrial Commission, UOSHA Offices at 448 South 400 East, Salt Lake City, Utah 84111, and the Office of the Director for State Programs, Room N-3613, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Public Participation

Under § 953.2(c) of this chapter, the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter referred to as Assistant Secretary) may prescribe alternative procedures to expedite the review

process or for any other good cause which may be consistent with applicable law. The Assistant Secretary finds that the Utah plan supplement described above is substantially identical to the OSHA Industrial Hygiene Field Operations Manual. Accordingly, it is found that further public comment is unnecessary.

Decision

After careful consideration, the Utah plan supplement is hereby approved under Subpart C of 29 CFR Part 1953. This decision incorporates the requirements of the Act and implementing regulations applicable to State plans generally.

PART 1952—APPROVED STATE PLANS FOR ENFORCEMENT OF STATE STANDARDS

In accordance with this decision, Subpart E of 29 CFR 1952 is amended by adding the following § 1952.115:

§ 1952.115 Changes to approved plan.

(a) In accordance with Subpart C of Part 1953 of this chapter, amendments to the Utah Industrial Field Operations Manual were approved on October 20, 1981.

(Sec. 18, Pub. L. 91-596, 84 Stat. (29 U.S.C. 667))

Signed at Washington, D.C. this 20th day of October 1981.

Thorne G. Auchter,

Assistant Secretary of Labor.

[FR Doc. 81-31098 Filed 10-26-81; 8:45 am]

BILLING CODE 4510-26-M

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29 CFR Part 1952

Approval of Supplement to Nevada State Plan

AGENCY: Occupational Safety and Health Administration, Labor.

ACTION: Final rule.

SUMMARY: This notice approves the adoption of an Industrial Hygiene Field Operations Manual by the State of Nevada. This adoption constitutes a change to the State's occupational safety and health plan in response to a Federal program change.

EFFECTIVE DATE: October 27, 1981.

FOR FURTHER INFORMATION CONTACT:

Marjorie N. Sauber, Project Officer, Office of State Programs, Occupational Safety and Health Administration, 200 Constitution Avenue, N.W., Washington, D.C. 20210, (202) 523-6021.

SUPPLEMENTARY INFORMATION:

Background

The Nevada occupational safety and health plan was approved under section 18(c) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667(c)) (hereinafter called the Act) and Part 1902 of this Chapter on December 28, 1973 (39 FR 1008). Part 1953 of this Chapter provides procedures for the review and approval of State change supplements by the Assistant Secretary for Occupational Safety and Health (hereinafter called the Assistant Secretary).

Description of Supplement

On December 18, 1980, the State of Nevada submitted its Industrial Hygiene Field Operations Manual. The manual was subsequently revised and submitted on January 23, 1981. The State has adopted the Federal Industrial Hygiene Field Operations Manual with changes to conform to the State's organizational structure and laboratory procedures.

Location of Plan for Inspection and Copying

A copy of the plan and its supplements may be inspected and copied during normal business hours at the following locations: Director, Federal Compliance and State Programs, Occupational Safety and Health Administration, Room N-3613, 200 Constitution Avenue, N.W., Washington, D.C. 20210; Regional Administrator, 450 Golden Gate Avenue, Room 11321, San Francisco, California 94102; and Department of Occupational Safety and Health, Nevada Industrial Commission, Room 311, 515 East Musser Street, Carson City, Nevada 89701.

Public Participation

Under § 1953.2(c) of this Chapter, the Assistant Secretary may prescribe alternative procedures to expedite the review process or for other good cause consistent with applicable law. The Assistant Secretary finds that this change is consistent with commitments in the approved plan and with the corresponding Federal change. Good cause is therefore found for approval of the supplement without public notice and comment.

Decision

PART 1952—APPROVED STATE PLANS FOR ENFORCEMENT OF STATE STANDARDS

After careful consideration, the Nevada plan change described above is hereby approved under Part 1953 of this Chapter. This decision incorporates the requirements of the Act and the implementing regulations applicable to State plans generally. Accordingly, Subpart W of Part 1952 of this Chapter is amended by adding a new § 1952.295 and paragraph as follows:

§ 1952.295 Changes to approved plans.

The Nevada Industrial Hygiene Field Operations Manual was submitted on December 18, 1980 and approved on October 20, 1981.

(Sec. 18, Pub. L. 91-596, 84 Stat. 1608 (29 U.S.C. 667))

Signed at Washington, D.C. this 20th day of October 1981.

Thorne G. Auchter,

Assistant Secretary of Labor.

[FR Doc. 81-31110 Filed 10-26-81; 8:45 am]

BILLING CODE 4510-26-M

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29 CFR Part 1952

Approval of Supplement to Arizona State Plan

AGENCY: Occupational Safety and Health Administration, Labor.

ACTION: Final rule.

SUMMARY: This notice approves the completion of several changes in the Arizona occupational safety and health compliance manuals concerning amended citations and notification of penalty; isocyanates, zinc oxide fumes and silica; and processing procedures, to bring them into conformance with the Federal manuals.

EFFECTIVE DATE: October 27, 1981.

FOR FURTHER INFORMATION CONTACT:

Arlene L. Perkins, Project Officer, Office of State Programs, Occupational Safety and Health Administration, Room N-3613, 200 Constitution Avenue N.W., Washington, D.C. 20210, (202) 523-6021.

SUPPLEMENTARY INFORMATION:

Background

The Arizona Occupational Safety and Health Plan was approved under Section 18(c) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667(c)) (hereinafter called the Act) and Part 1902 of this Chapter on October 29, 1974 (39 FR 39037). Part 1953 of this Chapter provides procedures for the review and approval of State change supplements by the Assistant Secretary for Occupational Safety and Health (hereinafter called the Assistant Secretary).

1. On September 18, 1980, the State of Arizona submitted a supplement revising its Field Operations Manual section on Amended Citations and Notification of Penalty. The supplement clarifies the language of the section so

as to assure that it is as effective as the Federal Field Operations Manual.

2. On March 6, 1980, the State of Arizona submitted a revision to its Industrial Hygiene Field Operations Manual concerning isocyanates, zinc oxide fumes and silica. The supplement provides for sampling methods as effective as those provided in the Federal Industrial Hygiene Field Operations Manual.

3. On November 21, 1980, the State of Arizona submitted a supplement revising its Field Operations Manual section on Safety and Health Complaint Processing Procedures. The supplement establishes a policy for receiving and responding to complaints and for assuring complainant anonymity, which is as effective as that in the Federal Field Operations Manual.

Location of Supplement for Inspection and Copying

A copy of the changed supplements, along with the approved plan may be inspected and copied during normal business hours at the following locations: Office of the Regional Administrator—OSHA, 450 Golden Gate Avenue, San Francisco, California 94102; Director, Division of Occupational Safety and Health, 1524 West Adams, Phoenix, Arizona 85007; Director, Federal Compliance and State Programs, Occupational Safety and Health Administration, N-3613, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Public Participation

Under 29 CFR 1953.2(c), the Assistant Secretary may prescribe alternative procedures to expedite the review process or for other good cause which may be consistent with applicable laws. The Assistant Secretary finds that good cause exists for not publishing the supplements to the Arizona State plan as a proposed change for the following reasons:

1. The changes were adopted in accordance with the procedural requirements of State law and further public participation and comments would be unnecessary.

2. The Assistant Secretary finds that this change is consistent with commitments in the approved plan and with the corresponding Federal change.

Decision

After careful consideration, the Arizona plan changes described above are hereby approved under Part 1953. This decision incorporates the requirements of the Act and the implementing regulations applicable to State plans generally.

(Sec. 18, Pub. L. 91-596, 84 Stat. 1608 (29 U.S.C. 667))

Signed at Washington, D.C. this 20th day of October 1981.

Thorne G. Auchter,

Assistant Secretary of Labor.

[FR Doc. 81-31109 Filed 10-26-81; 8:45 am]

BILLING CODE 4510-26-M

DEPARTMENT OF COMMERCE

Patent and Trademark Office

37 CFR Part 1

Patent Interference Proceedings

AGENCY: Patent and Trademark Office, Commerce.

ACTION: Final rule.

SUMMARY: This document amends the regulations governing patent interference proceedings. The amendments are needed, and intended to (1) clarify and more specifically define the matters which may be raised before the Board of Patent Interferences at final hearing; (2) broaden the present requirements relating to printed testimony and briefs at final hearing; and (3) specify the manner in which discovery may be used.

DATES: Effective date: December 31, 1981.

FOR FURTHER INFORMATION CONTACT: Ian A. Calvert, Chairman, Board of Patent Interferences, by telephone at (703) 557-3625, or by mail marked to his attention and addressed to the Commissioner of Patents and Trademarks, Washington, D.C. 20231.

SUPPLEMENTARY INFORMATION: A notice of proposed rulemaking concerning the amendment of 37 CFR 1.225, 1.231, 1.253, 1.254 and 1.258, and the addition of § 1.288, was published in the **Federal Register** on November 25, 1980 (45 FR 78172). Interested persons were requested to submit written comments on or before February 4, 1981. Three comments were received.

One commenter requested that the deadline for comments be extended to April 16, 1981, the date set for comments on another proposal relating to the rules for reexamination and inter partes protest proceedings (46 FR 3162). An extension was not considered necessary, and in any event, no comments concerning the present rules were received after the published deadline.

It was suggested that § 1.258(a) should not be amended to specify that a motion under § 1.231(a) must be transmitted to the primary examiner in order for the matter raised in the motion to be considered by the Board of Patent Interferences at final hearing. Proposed § 1.258(a)(1)(i) was objected to because a decision by the Patent Interference Examiner denying transmission would only be reviewable by petition and not by the Board. Instead of the proposal, it was suggested that § 1.258 be amended to require only that a matter have been raised in a motion complying with § 1.231(a) and (b) in order to be considered by the Board at final hearing.

This suggestion has not been adopted. As stated in the notice of proposed rulemaking, the proposed changes in § 1.258 were not intended to alter the existing practice. The suggestion would change the practice and would, in effect, make the propriety of dismissing a motion under § 1.231 reviewable by the Board of Patent Interferences at final hearing. Such a procedure would not be desirable. It would leave unsettled what issues could be raised at final hearing, lead to greater uncertainty during the taking of testimony, and impose an additional burden on the Board.

The suggestion expressed a belief that limiting review of a Patent Interference Examiner's dismissal of a § 1.231 motion to review by petition is unsatisfactory. However, in the considerable time during which this procedure has been followed, it has not been found to be unsatisfactory. Whether a motion should be transmitted to the Primary Examiner is a matter that rests largely within the discretion of the Patent Interference Examiner, and any party may by petition challenge a decision of the Patent Interference Examiner to transmit or not to transmit a motion. A decision refusing to transmit a motion is scrutinized more thoroughly on petition than a decision transmitting a motion, "as it is considered desirable to submit all matters raised by motion under 37 CFR 1.231 to the primary examiner for decision on the merits where possible." *Gutman* v. *Beriger*, 200 USPQ 596, 597 (Comr. Pats. & TM, 1978). The rights of the parties are deemed to be adequately protected by limiting review of the transmission or dismissal of a motion under § 1.231 to a request for reconsideration and/or petition under §§ 1.243(d) and 1.244, respectively.

It was also suggested that "and (b)" be inserted after "paragraph (a)" in the first sentence of 37 CFR 1.231(d). This suggestion has been adopted.

One commenter noted that proposed § 1.253(e) would apparently prohibit spiral-type bindings, while at the same time requiring the testimony to be bound to lie flat when open. The proposed prohibition against "ring-type bindings" was taken from Rule 5.8(a) of the U.S.

Court of Customs and Patent Appeals. It is understood that the Court prohibits such bindings because of the manner in which its records are stored. However, the Patent and Trademark Office stores records in a different manner, and generally prefers spiral-type bindings as the most convenient method of binding the testimony so that it will lie flat when open. Therefore, the sentence "Plastic and metal ring-type bindings are not acceptable" is not being adopted. While it is recognized that the rule will permit bindings which would not be acceptable to the Court, it is considered that the advantages gained by having the testimony and briefs lie flat when they are being reviewed by Patent and Trademark Office personnel and others outweigh any disadvantages which may be caused by the discrepancy between this paragraph and the Court rule.

No adverse comments were received relative to the proposed addition of new § 1.288.

Environmental and Other Considerations

These rule changes will not have any significant impact on the quality of the human environment or the conservation of energy resources.

These rule changes will not have a significant adverse economic impact on a substantial number of small entities (Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*).

The Patent and Trademark Office has determined that these rule changes do not constitute a "major rule" as defined in Section 1(b) of Executive Order 12291 (45 FR 13193), since they would benefit parties in interference proceedings and impose no additional burdens on the Office.

Amendment of Regulations

PART 1—RULES OF PRACTICE IN PATENT CASES

In consideration of the comments received, and pursuant to the authority of the Commissioner of Patents and Trademarks under 35 U.S.C. 6, 37 CFR Part 1 is amended as follows:

1. In § 1.225, paragraph (a) is revised to read as follows:

§ 1.225 Failure of junior party to file statements or to overcome filing date of senior party.

(a) If a junior party to an interference fails to file a preliminary statement, or if his statement fails to overcome the effective filing date of another party, judgment on the record will be entered against that junior party unless:

(1) Under the provisions of § 1.258(a), he would be entitled to raise before the Board of Patent Interferences a matter which is ancillary to priority and which, if decided in his favor, would remove the basis for judgment on the record against him, and

(2) Within a time set by the patent interference examiner, not less than 30 days, he requests that final hearing be set to review such matter. If the matter was raised in a motion which was dismissed for one of the reasons specified in § 1.258(a)(1)(iii), the request for final hearing must be accompanied by a motion to take testimony under paragraph (b) of this section.

* * * * *

2. In § 1.231, paragraph (d) is revised to read as follows:

§ 1.231 Motions before the primary examiner.

* * * * *

(d) All proper motions as specified in paragraphs (a) and (b) of this section, or of a similar character, will be transmitted to and considered by the primary examiner without oral argument, except that consideration of a motion to dissolve on a ground other than no interference in fact will be deferred to final hearing before a Board of Patent Interferences where the motion raises a matter which would be reviewable at final hearing under § 1.258(a) and such matter is raised against a patentee or has been ruled upon by the Board of Appeals or by a court in ex parte proceedings. Also consideration of a motion to add or remove the names of one or more inventors may be deferred to final hearing if such motion is filed after the times for taking testimony have been set. Requests for reconsideration will not be entertained.

* * * * *

3. In § 1.253, paragraph (e) is revised to read as follows:

§ 1.253 Copies of the testimony.

* * * * *

(e) When the copies of the testimony are submitted in printed form, they may be produced by standard typographic printing or by any process capable of producing a clear black permanent image. All printed matter except on covers must appear in at least 11 point type on opaque, unglazed paper. Margins must be justified. Footnotes may not be printed in type smaller than 9 point. The page size shall be either 7⅝ by 10¼ inches (19.4 by 26 cm.) with type matter 4⅛ by 7⅛ inches (10.6 by 18.2 cm.), or 8½ by 11 inches (21.6 by 27.9 cm.) with type matter 6½ by 9½ inches (16.5 by 24.1 cm.). The testimony shall be bound to lie flat when open. Twenty-five additional copies for the United States Court of Customs and Patent Appeals, should appeal be taken, may also be filed; if no appeal be taken, the twenty-five copies will be returned to the party filing the testimony.

* * * * *

4. Section 1.254 is amended by adding the following sentence:

§ 1.254 Briefs at final hearing.

* * * The board may refuse to accept any brief which has been printed, typewritten, or bound otherwise than in substantial conformity with this section.

5. Section 1.258 is revised to read as follows:

§ 1.258 Matters considered in determining priority.

(a) In determining priority of invention, the Board of Patent Interferences will consider only priority of invention on the evidence submitted, and matters ancillary thereto. A party shall be entitled to raise a matter which is ancillary to priority only if:

(1) The matter was raised by the party in a motion under § 1.231(a), and:

(i) The motion was transmitted to and decided by the primary examiner; or

(ii) Consideration of the motion was deferred to final hearing; or

(iii) The motion was dismissed as being based on facts sought to be established by affidavits, declarations or evidence outside of official records and printed publications, or as being based on a ground which would require the taking of testimony; or

(2) The matter was raised by the party in opposition to a motion under § 1.231(a) (2), (3), (4) or (5) which was granted over his opposition; or

(3) The party shows good reason why the matter was not raised as specified in paragraphs (a)(1) or (a)(2) of this section.

(b) To prevent manifest injustice the Board of Patent Interferences may in its discretion consider a matter which is ancillary to priority even though it would not otherwise be entitled to consideration under paragraph (a) of this section.

(c) At final hearing between an application and a patent the prior art of record in the patent file may be referred to for the purpose of construing the issue.

6. Section 1.288 is added to read as follows:

§ 1.288 Use of discovery.

(a) If a party intends to rely upon an admission or upon an answer to an

interrogatory, obtained by discovery, the admission or answer may be introduced into evidence by filing, before the closing of the time for taking the testimony of the party (before the time for taking the testimony in chief if such admission or answer is not in rebuttal), a copy of the admission and the request therefor and/or a copy of the interrogatory and its answer, together with a notice of reliance thereon.

(b) A party may not rely upon any other matter obtained by discovery unless it is introduced into evidence pursuant to §§ 1.271 to 1.286.

Dated: October 5, 1981.

Gerald J. Mossinghoff,

Commissioner of Patents and Trademarks.

Dated: October 10, 1981.

Approved:

Robert B. Ellert,

Acting Assistant Secretary for Productivity, Technology and Innovation.

[FR Doc. 81-31096 Filed 10-26-81; 8:45 am]

BILLING CODE 3510-16-M

DEPARTMENT OF THE INTERIOR

Office of the Secretary

41 CFR Part 114

Property Management

AGENCY: Department of the Interior.

ACTION: Final rule.

SUMMARY: The Office of the Secretary, Department of the Interior has determined that, in the interests of efficiency, the responsibility to ensure compliance with energy conservation policy in the acquisition of motor vehicles should be and is hereby assigned to Bureaus and Offices of the Department.

EFFECTIVE DATE: This amendment will become effective October 27, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Paul L. Agin, Chief, Division of Property Management, Office of Acquisition and Property Management, Department of the Interior, Washington, D.C. 20240, telephone number (202) 343-3185.

SUPPLEMENTARY INFORMATION: It is the general policy of the Department of the Interior to allow time for interested parties to take part in the rulemaking process. However, this amendment is entirely administrative in nature. Therefore, the public rulemaking process is waived.

Richard R. Hite,

Deputy Assistant Secretary of the Interior.

October 16, 1981.

PART 114—PROCUREMENT SOURCES AND PROGRAM SUBPART 114-26.5—GSA PROCUREMENT PROGRAM

Accordingly, Subpart 114-26.5—GSA Procurement Programs is revised in part to read as follows:

§ 114-26.501 [Amended]

1. Section 114-26.501 *Purchase of new motor vehicles* is amended by removing the words "Director, Office of Administrative and Management Policy" and inserting in their place, the words "Heads of Bureaus and Offices, or by their designees who may be appointed at the next lower level of authority."

§ 114-26.501-1 [Amended]

2. Section 114-26.501-1 *General* is amended by removing the words "appropriate Assistant Secretary to the Director, Office of Administrative and Management Policy" and inserting in their place, the words "Heads of Bureaus and Offices, or through their designees, for certification and forwarding to GSA, as provided in FPMR § 114-26.501."

* * * * *

[FR Doc. 81-31136 Filed 10-26-81; 8:45 am]

BILLING CODE 4310-10-M

41 CFR Part 114

Property Management

AGENCY: Department of the Interior.

ACTION: Notice of organizational change of title.

SUMMARY: Pursuant to Secretarial Order Number 3045 and in accordance with Section 2 of the Reorganization Plan Number 3 of 1950 (64 Stat. 1262), as amended, which changed the title of Office of Administrative and Management Policy to the Office of Acquisition and Property Management, this notice hereby amends Part 114 of Title 41 of the Code of Federal Regulations to reflect the organizational name change.

EFFECTIVE DATE: This amendment will become effective October 27, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Paul L. Agin, Chief, Division of Property Management, Office of Acquisition and Property Management, Department of the Interior, Washington, D.C. 20240, telephone number (202) 343-3185.

SUPPLEMENTARY INFORMATION: It is the general policy of the Department of the Interior to allow time for interested parties to take part in the rulemaking process. However, this amendment is entirely administrative in nature. Therefore, the public rulemaking process is waived.

October 16, 1981.

Richard R. Hite,

Deputy Assistant Secretary of the Interior.

Accordingly, Chapter 114 of Title 41, Code of Federal Regulations is amended to read as follows: Wherever the name of "Office of Administrative and Management Policy", appears in 41 CFR Part 114, it is changed to read "Office of Acquisition and Property Management."

[FR Doc. 81-31137 Filed 10-26-81; 8:45 am]

BILLING CODE 4310-10-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 1 and 90

[FCC 81-438]

Resubmitted Applications

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document extends from 30 to 90 days, the time in which applicants for certain frequencies in the Private Land Mobile Radio Service have in which to resubmit returned applications without losing their place in the processing line. This action was taken to allow applicants sufficient time to perform the research and administrative tasks necessary to resubmit such applications.

EFFECTIVE DATE: October 1, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Eugene Thomson, Private Radio Bureau, (202) 632-6497.

SUPPLEMENTARY INFORMATION:

Order

Adopted: September 30, 1981.

Released: October 14, 1981.

1. This action concerns §§ 1.959 and 90.141 of the Commission's rules and regulations. These rule selections now state that any application which has been returned to the applicant for correction will be processed in its original position in the processing line if it is resubmitted and received by the

Commission within 30 days (45 days outside the continental United States) from the date on which it was returned to the applicant. Otherwise, it will be treated as a new application for the purpose of processing considerations.

2. The Commission has been told informally that in many cases, 30 days is insufficient time for the applicant to perform the necessary research and administrative tasks necessary to resubmit the application within 30 days, and that the loss of its place in the processing line unduly extends the entire processing time. In addition, a greater administrative burden is placed upon the Commission since the late resubmitted application is treated as an entirely new application and must be reviewed *de novo*.

3. In view of the above, we are extending to 60 days the time which applicants for frequencies below 470 MHz have in which to refile return applications and not lose their place in line. Since all frequencies below 470 MHz are shared in accordance with § 90.173 (47 CFR 90.173) of the Commission's rules and regulations on a non-exclusive basis, we feel this policy will have no detrimental impact on the length of processing time and in fact, this change will ease burdens on applicants and on the Commission.[1]

4. Authority for this action is contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended. Because the amendments are procedural in nature, pertain to agency practice, and relieve a restriction, we conclude pursuant to 5 U.S.C. 553 (b) and (d) that notice and public procedure thereon are impractical, unnecessary, and contrary to the public interest, and that the rule change should become effective immediately.

5. Accordingly, it is ordered, effective October 1, 1981, that Parts 1 and 90 of the rules and regulations are amended as set out in the attached Appendix.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

Federal Communications Commission.

William J. Tricarico,

Secretary.

PART 1—PRACTICE AND PROCEDURE

Appendix

Parts 1 and 90 of Chapter 1 of Title 47 of the Code of Federal Regulations are amended as follows:

1. Section 1.959 is revised to read as follows:

§ 1.959 Resubmitted applications.

Any application for frequencies below 470 MHz which has been returned to the applicant for correction will be processed in its original position in the processing line if it is resubmitted and received by the Commission within 60 days from the date on which it was returned to the applicant. Otherwise it will be treated as a new application for the purpose of processing considerations. An application for frequencies above 470 MHz which has been returned to the applicant will be processed in its original position in the processing line if it is resubmitted and received by the Commission within 30 days (45 days outside the continental United States) from the date on which it was returned to the applicant. Otherwise it will be treated as a new application for the purpose of processing considerations.

PART 90—PRIVATE LAND MOBILE RADIO SERVICES

2. Section 90.141 is revised to read as follows:

§ 90.141 Resubmitted applications.

Any application for frequencies below 470 MHz which has been returned to the applicant for correction will be processed in its original position in the processing line if it is resubmitted and received by the Commission within 60 days from the date on which it was returned to the applicant. Otherwise it will be treated as a new application for the purpose of processing considerations. An application for frequencies above 470 MHz which has been returned to the applicant will be processed in its original position in the processing line if it is resubmitted and received by the Commission within 30 days (45 days outside the continental United States) from the date on which it was returned to the applicant. Otherwise it will be treated as a new application for the purpose of processing considerations.

[FR Doc. 81-30980 Filed 10-26-81; 8:45 am]

BILLING CODE 6712-01-M

[1] Because applicants above 470 MHz can be assigned frequencies on an exclusive basis and their applications are processed on a first come, first served basis, we are not extending the resubmission time to these applications. Their resubmission time will remain 30 days.

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47 CFR Part 2

[FCC 81-434]

Frequency Allocations and Radio Treaty Matters; General Rules and Regulations; Amendment of Rules Pertaining to Form 740

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission has instituted a new procedure for the handling of the FCC Form 740. Originally this form was required to be submitted to the U.S. Customs Service with the entry papers of imported radio frequency (RF) devices. While a copy of the form must still accompany each shipment of these devices, the completed original of Form 740 must be sent directly to the Federal Communications Commission.

The Commission on May 21, 1981 temporarily waived the requirement to file the Form 740. This waiver was to expire on October 1, 1981. To preserve the integrity of the Commission's Importation Rules (Part 2, Subpart K) it was determined necessary to adopt this new procedure. The purpose of the program, as modified, is to insure that RF devices capable of causing interference will not be marketed in the United States.

EFFECTIVE DATE: October 1, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Ungar, Office of Science and Technology, 202-632-7060.

SUPPLEMENTARY INFORMATION: In the matter of Amendment of Part 2 of the Commission's rules pertaining to Federal Communication Commission Form 740; Order.

Adopted: September 30, 1981.

Released: October 8, 1981.

The Commission has determined that in order to preserve the integrity of its Importation Rules (Part 2, Subpart K) it is necessary to make amendments to those rules, effective October 1, 1981.

On May 21, 1981, the Commission waived the requirement that importers of devices capable of causing electromagnetic interference submit to the U.S. Customs Service FCC Form 740 for each shipment of devices. This action was necessitated by budgetary restrictions. The waiver expires September 30, 1981. It has become obvious that to reinstitute fully the 740 program with the participation of the Customs Service will take longer than had been anticipated. We are concerned that further waiver of the requirement to submit FCC Form 740 will do irreparable injury to the importation program and further frustrate our efforts to insure that devices capable of causing interference not be marketed in the United States.

We have determined, therefore, to amend our Rules to require that FCC Form 740 be sent directly to the Federal Communications Commission rather than merely presented to the U.S. Customs Service and forwarded

subsequently. The original of the completed form should be sent to the Commission on or before the time shipments are delivered to U.S. ports of entry. The copy should remain with the shipment for inspection by authorized personnel.

Until FCC Form 740 is revised, importers should disregard intructions directing that both the original and one copy of the Form must accompany each shipment. Should problems arise during this new procedure, the Chief Scientist of the Federal Communications Commission has been delegated authority to grant waivers of relevant portions of the importation rules.

Authorization for the amendments adopted in the attached Appendix is contained in 4(i), 4(j) 302 and 303(r) of the Communications Act of 1934 as amended. Because these amendments pertain to matters of procedure and because time is of the essence, compliance with the notice and effective date provisions of section 4 of the Administrative Procedures Act is neither necessary nor desirable in the public interest.

In view of the foregoing it is ordered, Effective October 1, 1981 that Part 2 of the rules and regulations is amended as set forth in the appendix hereto.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

Federal Communications Commission.

William J. Tricarico,

Secretary.

Appendix

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

Part 2 (Subpart K) of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

Subpart K—Importation of Devices Capable of Causing Harmful Interference

Section 2. 1202 is amended by revising paragraph (a) and adding a new paragraph (c) to read as follows:

§ 2.1202 General requirement for entry into the U.S.A.

(a) A radio frequency device or radio frequency sub-assembly shall be refused entry or withdrawal for consumption into the Customs territory of the United States unless accompanied by a copy of FCC 740 certifying that the entry meets one of the conditions for entry set out in this subpart.

* * * * *

(c) The original of the Form 740 shall be sent to the Commission at the following address on or before the date the shipment is delivered to a U.S port of entry: Federal Communications Commission, Washington, D.C. 20554; Attention: Imports.

Section 2. 1203 is revised to read as follows:

§ 2.1203 Entry and release when equipment authorization is required.

(a) A radio frequency device requiring an equipment authorization as a prerequisite for importation into the Customs territory of the U.S.A. shall be refused entry or withdrawal for consumption unless the entry papers for such shipment is accompanied by one copy of FCC Form 740 certifying that the appropriate equipment authorization has been issued by the FCC.

(b) The original of the Form 740 shall be sent to the Commission at the following address on or before the date the shipment is delivered to a U.S port of entry: Federal Communications Commission, Washington, D.C. 20554; Attention: Imports.

Section 2. 1205 is revised to read as follows:

§ 2.1205 Entry and release when equipment authorization is not required.

(a) A radio frequency device for which the Commission has established technical specifications, but for which equipment authorization is not required shall be refused entry or withdrawal for consumption into the Customs territory of the U.S. unless the entry papers for such shipment are accompanied by a copy of FCC Form 740 certifying that the device does not require an FCC equipment authorization and that the device complies with the applicable FCC technical specifications.

(b) The original of the Form 740 shall be sent to the Commission at the following address on or before the date the shipment is delivered to a U.S. port of entry: Federal Communications Commission, Washington, D.C. 20554; Attention: Imports.

(c) A subassembly (See § 2.1201(b)) which is designed to be included in a device ultimately subject to FCC regulations shall be refused entry or withdrawal for consumption into the Customs territory of the U.S. unless accompanied by one copy of the FCC Form 740 certifying that the necessary steps required to insure compliance with applicable FCC rules, including obtaining an equipment authorization, if required, shall be taken before the completed device is marketed.

(d) The original of the form 740 shall be sent to the Commission at the following address on or before the date the shipment is delivered to a U.S. port of entry: Federal Communications Commission, Washington, D.C. 20554; Attention: Imports.

Section 2.1207 is revised to read as follows:

§ 2.1207 Entry for test and evaluation.

A radio frequency device imported for the purpose of evaluation at industry trade shows under the restrictions of § 2.803 or to determine compliance with pertinent technical requirements may be released in limited quantities under a bond furnished in accordance with U.S. Customs Service regulations. The entry papers for such entries must be accompanied by one copy of FCC Form 740 certifying that the device is imported for the purpose of export and will not be offered for sale or otherwise marketed for use within the U.S.A.

Section 2.1209 is revised to read as follows:

§ 2.1209 Entry for export.

(a) A radio frequency device imported solely for export may be released under a bond furnished in accordance with U.S. Customs Service regulations. The entry papers for such entries must be accompanied by one copy of FCC Form 740 certifying that the device is imported for the purpose of export and will not be offered for sale or otherwise marketed for use within the U.S.A.

(b) The original of the Form 740 shall be sent to the Commission at the following address on or before the date the shipment is delivered to a U.S. port of entry: Federal Communications Commission, Washington, D.C. 20554; Attention: Imports.

Section 2.1211 is revised to read as follows:

§ 2.1211 Entry for Federal Government use.

(a) A radio frequency device or subassembly imported for use exclusively by the U.S. Government, or agency thereof, shall be accompanied by one copy of FCC Form 740 certifying this to be the case.

(b) The original of the Form 740 shall be sent to the Commission at the following address on or before the date the shipment is delivered to a U.S. port of entry: Federal Communications Commission, Washington, D.C. 20554; Attention: Imports.

Section 2.1215 is revised to read as follows:

§ 2.1215 Entry for repair or further fabrications.

(a) A radio frequency device or a subassembly thereof, imported for repair or further fabrication and which is then exported may be released under bond in

accordance with U.S. Customs Service regulations. The entry papers for such entries must be accompanied by one copy of FCC Form 740 certifying this to be the case.

(b) The original of the Form 740 shall be sent to the Commission at the following address on or before the date the shipment is delivered to a U.S. port of entry: Federal Communications Commission, Washington, D.C. 20554; Attention: Imports.

Section 2.1219(b) is revised to read as follows:

§ 2.1219 **Non-complying equipment.**

* * * * *

(b) Alternatively, the importer consignee may complete (2) copies of FCC Form 740 and furnish a bond in accordance with U.S. Customs Service regulations to allow time for him to accomplish whatever is necessary to bring the device into compliance. Such entry shall be detained by the importer or consignee and must not be used or otherwise disposed of until (2) copies of the FCC Form 740, certifying that the equipment complies with applicable FCC rules, have been sent to the Commission.

* * * * *

[FR Doc. 81-30978 Filed 10-26-81; 8:45 am]
BILLING CODE 6712-01-M

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47 CFR Parts 2, 90, and 99

[Gen. Docket No. 80-7; RM-3059; RM-2726; RM-2101; FCC 81-389]

Establishment of a Disaster Radio Response Program in the Local Government Radio Service for States, Territories, and Possessions

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document amends Parts 2, 90, and 99 to allocate high frequency (HF) frequencies to be used by the States, Territories, and Possessions in meeting disaster communications needs. This action is necessary to provide these entities with frequency resources needed to fulfill disaster communications requirements.

DATE: Effective November 27, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Keith Plourd, Private Radio Bureau, Washington, D.C. 20554 (202) 632-6497.

SUPPLEMENTARY INFORMATION:

Adopted: August 4, 1981.

Released: October 13, 1981.

By the Commission: Commissioner Jones absent.

Summary

In the matter of an amendment of Parts 2, 90, and 99 of the Commission's Rules to establish a disaster radio response program in the Local Government Radio Service for States, Territories, and Possessions, gen docket no. 80-7, RM-3059, RM-2726, RM-2101; report and order.

1. In this Report and Order, the Commission amends its Rules to provide a frequency allocation and assignment program through which the States, Territories, and Possessions of the United States can meet state and regional disaster communications needs. This program is entitled, "Operation SECURE," an acronym for "State Emergency Capability Using Radio Effectively." The proposed rules are adopted with significant modifications.

Background

2. On January 16, 1980, the Commission adopted a Notice of Proposed Rule Making (NPRM) [1] which documented a need for medium and long-range radio frequency capability to respond to disasters by States, Territories, and Possessions (hereinafter, the "States"). The specific frequencies and the proposals for their assignment and use were intended to enable the States to establish radio contact between command centers and disaster sites on an as-needed temporary basis. Since disaster sites cannot be predicted, it is not feasible to establish permanent radio networks for this need. What is required, we pointed out, is the capability to go to any site in a state and have sufficient frequency capability to cover medium to long range distances. For example, the State of Florida in case of a disaster situation could set up a command center in Tallahassee to communicate with Miami, Orlando, and Jacksonville, 500, 250, and 125 miles away, respectively. The intent of this proceeding is to provide frequency capabilities which can reliably cover these distances on as-needed basis, so that the States can establish radio contact by deploying state personnel and radio equipment to any disaster site within the State. The frequency range which we proposed as capable of providing this coverage over these distances is the 2 to 10 MHz band. Accordingly, in the NPRM the Commission proposed relief through the reallotment of frequencies in this band for disaster communications purposes.

[1] Released January 25, 1980. See 45 FR 7583.

3. In our Notice we stated our intention to limit eligibility to the fifty States, Territories, and Possessions, and to require these eligibles to submit disaster communication plans that would assure the readiness and ability of the system(s) to meet disaster communication needs throughout the state's geographical area. The use of the frequencies would be limited to single side band (A3J) emissions, with other appropriate technical standards. We proposed that the frequencies should be used only for disaster emergencies and related training exercises, but we asked for comments as to allowing other uses. Finally, in seeking to establish a disaster response program under Part 90, we proposed to delete as no longer required, Part 99, "Disaster Communications Service." [2]

Comments

4. Our proposed rules received widespread support.[3] Several comments indicated that Operation SECURE would fill a disaster communication need that is not now being met. Many noted that the choice of the 2 to 10 MHz band would provide sorely needed medium and long-range disaster communications capabilities. A number of comments, however, also requested the use of these systems by States for secondary, routine, day-to-day operations; primarily the reasons given were to keep equipment and personnel in operating condition, and also to justify expenditures for equipment that would otherwise be used only infrequently and at sporadic locations. For assignment of disaster frequencies and systems, several parties recommended that there be a frequency coordination procedure. On the technical standards, we proposed to require the use of single sideband equipment, and this was generally supported. Many comments also suggested allowing the use of radioteletype operations, contending that it is generally a more efficient use of voice channels in situations where high traffic volume of a priority nature must be passed.

Eligibility

5. In the NPRM, we proposed limiting eligibility to use these disaster response frequencies to the States, Territories, and Possessions in Part 90 under the Local Government Radio Service. Offshore Navigation, Inc. (ONI) and

[2] Due to changing operational requirements and a scarcity of HF allocations, some examination of alternate means of communication for disaster purposes may be warranted in the future.

[3] The parties who commented are listed in Appendix A.

Decca Survey Systems (Decca) contended that this additional use of the spectrum below 10 MHz would interfere with Radiolocation operations on frequencies below 3400 KHz, because the new eligibility would contemplate more intensive use of these frequencies. We have considered these arguments, but we do not see this as a major problem since the frequencies to be assigned are not used primarily for these Radiolocation activities and the disaster operations, since they will not occur on a routine basis, are not anticipated to cause undue interference.

6. Several parties thought that we should extend eligibility beyoud the States. A few suggested that the Red Cross, the National Ski Patrol System, and similar volunteer disaster teams should be eligible to operate on the SECURE systems for their independent emergency role requirements. They cite rugged terrain and remote locations as reasons why HF is needed to carry out their rescue activities. For similar reasons, the Utilities Telecommunications Council (UTC) suggested that eligibles in the Power Radio Service ought to be included, particularly where disasters involve nuclear power plants.[4] Additionally, some suggested that counties and local communities should be included. These arguments point to the useful aspects of the HF band which permit wide area coverage and coordination, and communications coverage far beyond that provided through VHF and UHF frequencies.

7. We have carefully considered all of these suggestions and the reasons for them. However, we believe that it is the States that have the pre-eminent need for HF frequency capabilities because of their present lack of frequency resources to carry out their long distance communications responsibilities in times of disaster. And, of course, this is the intended purpose of this proceeding. Further, as a result of the proceedings at the 1979 World Administrative Radio Conference (WARC) in Geneva, Switzerland, the United States has found that it is necessary to make careful the use of the HF fixed service bands.[5] Thus, there would be significant problems with generally opening up these HF frequencies to a more broad-based eligibility group, or in allowing the States to employ these frequencies for additional uses other than those proposed in this proceeding. Further, the U.S. Government has agreed in the international community to use these frequencies for only the most stringent and limited requirements and their use for routine day-to-day operations is not consistent with this. For these reasons, we are limiting the use of these HF frequencies to States, Territories and Possessions as proposed in our NPRM.

Disaster Communications Plan

8. We proposed a requirement for applicants to submit disaster communications plans with their license applications. The comments supported this requirement, without opposition. We are therefore adopting this requirement. Generally, these plans should include a system diagram, points of contact, schedules of drills, frequency/distance requirements, methods of deployment to all parts of the State, and information pertaining to interstate communications and coordination.[6]

9. The proposals also considered requiring the integration of the Emergency Broadcast System into the plans. Review of comments on our Notice of Proposed Rule Making indicated that respondents believe that the Emergency Broadcast System should not be required to be integrated into these plans. Accordingly, we have decided not to adopt this as a requirement. Nor will we require, as was suggested in various comments, the States to use the services of Amateur Radio operators, the National Ski Patrol System, the American Red Cross, or the Affiliation of Volunteer Emergency Response Teams. Though these groups all command valuable resources, we do not feel that the States should be required to depend on their services to carry out communications necessary to fulfill disaster response mandates. We do, of course, encourage their consideration in State disaster planning.

10. Finally, plans [7] that are submitted with license applications will be reviewed by the Commission, with an eye toward meeting disaster communications needs in all parts of the State. Although local communities and counties are not separately eligible for licensing on SECURE systems, there is a requirement in the State plan for deployment capability to all areas in the State.

Assignment of Frequencies

11. We proposed to assign dedicated frequencies to applicants for disaster communications use. It is now clear that this approach will not be effective. In the next twenty years there will be a growing use of the bands below 10 MHz internationally, and international use of specific channels will be in a constant state of flux. For these reasons, we must design flexibility into our frequency assignment structure in order to adapt to what we foresee as a constantly changing HF environment. Accordingly, we are not authorizing specific frequencies to individual licensees. Applicants will be required to state the bands that they need (for the distances they may be required to cover) and the number of channels required in each band. The Commission will select the available frequencies. Due to the potential demand internationally for these frequency assignments, it may well be necessary for assigned frequencies to be withdrawn during a license term. In this event, the Commission will advise the licensees involved, and will assign alternative frequencies to the extent feasible. In consideration of this latter procedure, we are adopting a technical standard which requires the use of equipment with multichannel capability. This will assure that if a system must vacate a frequency because of a priority international requirement, the system will still be operable, through switching capability, on another available frequency.

Coordination

12. The coordination necessary for the assignment of these frequencies will be performed by the Commission. There was considerable interest in the comments in local coordination, presumably as between States or regions set up by States in a local disaster communications plan. It was suggested by many parties that the Association of Public Safety Communications Officers (the APCO) could provide such coordination. The APCO has indicated interest and an ability to perform this coordination. While local coordination will not be imposed as a requirement by the Commission, to the extent that the States see the need for local coordination, they may wish to take advantage of the APCO's services.

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[4] UTC has filed a separate petition (RM-3534) with the Commission to this effect. A similar petition (RM-3504) has been filed by the American Petroleum Institute (API). Both of these petitions involve the use of different HF spectrum than is being considered in this proceeding. Accordingly, these petitions are beyond the scope of this action and will be considered separately.

[5] The new HF environment which is emerging as a consequence of WARC is reflected in the First Notice of Inquiry in Docket 80-739 which discusses amending the HF portion of the Frequency Allocation Table in Part 2 of the Commission's Rules, and in a Notice of Proposed Rule Making in Docket 80-740, which proposes amending Part 2 of the Commission's Rules. See 46 FR 5009, Jan. 19, 1981.

[6] See Appendix B, amended § 90.129.

[7] We anticipate that assistance to the States in formulating plans may be provided through other Federal Government agencies.

Multichannel Requirements

13. As already indicated, since we cannot guarantee clear channels due to the international HF environment, we will require licensees to use equipment with multichannel capability. This will assure that systems will be able to change frequency on a moment's notice, while concurrently maintaining the disaster response communications capability. This will also yield the additional benefit of assuring compatible systems on all organizational levels. The rules we are adopting here reflect this multichannel requirement.[8]

Technical Requirements

14. Most of the comments agreed with the proposal to require single sideband (A3J, or SSB) emissions for voice requirements on these disaster communications channels. Many parties further indicated the need to permit the use of radioteletype (audio frequency shift keying, or AFSK) on these channels, as a matter of efficiency. The City of Tacoma, Washington, summarized the benefits, stating, "* * * use of SSB and radioteletype in * * * (the 2 to 10 MHz) * * * range by emergency services organizations at all levels would provide a sorely needed system for the emergency services/civil defense organizations in this country." The State of New York disagreed with the SSB requirement, arguing that SSB would be more restrictive than double sideband (DSB) emissions. However, since the overwhelming response to SSB was favorable, and since no undue hardship was indicated in the comments, we have decided to include a requirement for SSB in the rules, as proposed, and to permit radioteletype (A2) emissions.[9] The requirement for SSB is further motivated by present efforts to conserve the scarce radio spectrum resource,[10] and the need for all systems to be capable of inter-communicating, which would be thwarted if both SSB and DSB were permitted. Concerning the permitted use of radioteletype on these channels, the Commission will, to the extent feasible, authorize these operations on channels separate from those set aside for regular voice (A3J) emissions, so as to prevent interference due to incompatibility.

15. In order to maintain high channel integrity, nationally and abroad, we will limit the transmitter output power to 1000 watts, peak envelope power (PEP), with a transmitter frequency stability sufficient to maintain the suppressed carrier within 20 Hz of the authorized carrier frequency. We believe that adopting this standard for these systems creates no real burden for the public since this tolerance is currently being met today by much of the equipment used in this frequency range. Also, the 1000 watt PEP limit in our estimation will meet power requirements with appreciable margins. All other technical standards, for the most part remain unchanged. We take this opportunity, however, to bring the language in § 90.209, entitled, "Bandwidth limitations," into conformity with § 90.211, "Modulation requirements." Since § 90.211 has restricted the single sideband maximum modulating audio frequency to 2800 Hz for operations below 25 MHz, we are modifying the language of § 90.209 to reflect this limitation.[11]

Operational Considerations

16. In consideration of the interference potential of HF systems, both internationally and between systems, we are limiting the use of these channels, as previously discussed, to testing, training, and the emergency communications. Despite the numerous comments opposing this, we cannot permit routine, day-to-day use of these disaster communications frequencies, for reasons given above. The scope and specific details of how the States intend to accomplish this minimum use must be reflected in the disaster communications plans submitted with license applications. To specify how this is to be accomplished, the plans would indicate testing and training schedules which may be required to maintain the system in a state of operational readiness. We suggest that a testing period not exceeding 60 minutes per week, cumulatively, is sufficient time to assure the readiness of today's solid state equipment.

Part 99

17. As a final step in this proceeding, we will grandfather systems on Part 99 frequencies for an indefinite period of time. Therefore, we will keep Part 99 to provide a regulatory framework for present systems, while amending Part 99 rules to prevent new licensees from operating under that Part.

Conclusion

18. For the reasons discussed above, we find that amendment of Parts 2, 90, and 99, as set out in Appendix B, is in the public interest, convenience, and necessity. Authority for these amendments is contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended. Accordingly, it is ORDERED, that, effective on November 27, 1981, 47 CFR, Parts 2, 90, and 99 is AMENDED as set forth in Appendix B. IT IS FURTHER ORDERED, that this proceeding IS TERMINATED.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

Federal Communications Commission.

William J. Tricarico,

Secretary.

Appendix A

Comments

1. State of Louisiana, Department of Public Safety (Louisiana)
2. City of Tacoma, Department of Emergency Services (Tacoma)
3. State of New Jersey, Department of Law and Public Safety, Division of State Police (New Jersey)
4. State of Utah, Office of the State Planning Coordinator (Utah)
5. City of Indianapolis, Department of Public Safety (Indianapolis)
6. Thurston County, Washington, Department of Communication (Thurston County)
7. National Ski Patrol System, Inc. (NSPS)
8. State of Arizona, Division of Emergency Services (Arizona)
9. City of Beverly, Massachusetts, Executive Department, Department of Civil Defense (Beverly)
10. State of Florida, Department of Community Affairs, Division of Public Safety Planning and Assistance (Florida Public Safety)
11. The State of Texas, Division of Disaster Emergency Services, Texas Department of Public Safety (Texas)
12. State of New York, Division of Military and Naval Affairs (New York)
13. State of Georgia, Department of Defense, Civil Defense Division (Georgia)
14. The State of Hawaii, Civil Defense Division, Telecommunications (Hawaii)
15. The Missouri Disaster Planning and Operations Office, Civil Defense (Missouri)
16. California Office of Emergency Services (California)
17. State of Florida, Department of General Services (Florida General Services)
18. State of Michigan, Department of State Police (Michigan)
19. Virginia Public Telecommunications Council (VPTC)
20. American Radio Relay League, Inc. (ARRL)
21. Utilities Telecommunications Council (UTC)

[8] See Appendix B, new § 90.264.

[9] See Appendix B, new §§ 90.207 and 90.237.

[10] SSB voice channels occupy about one/half the spectrum of double sideband (DSB) voice channels.

[11] See Appendix B, § 90.209.

22. Associated Public Safety Communications Officers, Inc. (APCO)
23. The State of Nevada, Civil Defense and Disaster Agency (Nevada)
24. Council of Affiliated Volunteer Emergency Response Teams (AVERT)
25. Georgia Civil Defense Association, Communications Committee (Georgia CDA)
26. County of Sonoma, California, Communications Division, General Services Department (Sonoma County)
27. The State of Maryland, Civil Defense and Disaster Preparedness Agency (Maryland)
28. Fred K. Marchman, Section Emergency Coordinator, American Radio Relay League Northern Florida Section (Fred Marchman)

Reply Comments

1. Decca Survey Systems, Inc. (Decca)
2. Associated Public Safety Communications Officers, Inc. (APCO)
3. American Radio Relay League, Inc. (ARRL)
4. Offshore Navigation, Inc. (ONI)

Appendix B

The Commission amends Title 47 of the Code of Federal Regulations, Parts 2, 90 and 99, as follows:

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

1. In § 2.106, amend the *Table of frequency allocations*, columns 7 through 11, as follows:

§ 2.106 Table of frequency allocations.

FEDERAL COMMUNICATIONS COMMISSION

7 Band (kHz)	8 Service	9 Class of station	10 Frequency (kHz)	11 Nature of services of stations
* *	*	*	*	* *
2107-2170	FIXED. LAND MOBILE. MARITIME MOBILE. (NG19).	Base. Coast. Fixed. Land mobile. Ship.		AERONAUTICAL FIXED. FIXED (in Alaska). INDUSTRIAL. INTERNATIONAL FIXED PUBLIC. LOCAL GOVERNMENT. MARITIME MOBILE. PUBLIC SAFETY.
* *	*	*	*	* *
2194-2495	FIXED. LAND MOBILE. MARITIME MOBILE. (NG19).	Base. Coast. Fixed. Land mobile. Ship.		AERONAUTICAL FIXED. FIXED (in Alaska). INDUSTRIAL. INTERNATIONAL FIXED PUBLIC. LOCAL GOVERNMENT. MARITIME MOBILE. PUBLIC SAFETY.
* *	*	*	*	* *
2505-2850 (NG20)	FIXED. LAND MOBILE. MARITIME MOBILE.	Base. Coast. Fixed. Land mobile. Ship.		AERONAUTICAL FIXED. FIXED (in Alaska). INDUSTRIAL. INTERNATIONAL FIXED PUBLIC. LOCAL GOVERNMENT. MARITIME MOBILE.
			2368	Intership (telephony). (NG44).
			2378	Intership (telephony). (NG44). PUBLIC SAFETY.

FEDERAL COMMUNICATIONS COMMISSION—CONTINUED

7 Band (kHz)	8 Service	9 Class of station	10 Frequency (kHz)	11 Nature of services of stations
*	*	*	*	*
3155-3200	FIXED. LAND MOBILE. MARITIME MOBILE.	Base. Coast. Fixed. Land mobile. Ship.		AERONAUTICAL FIXED. FIXED (in Alaska and Puerto Rico). INDUSTRIAL. INTERNATIONAL FIXED PUBLIC. LOCAL GOVERNMENT. MARITIME MOBILE. PUBLIC SAFETY.
3200-3230 (NG20)	FIXED. LAND MOBILE. MARITIME MOBILE.	Base. Coast. Fixed. Land mobile. Ship.		AERONAUTICAL FIXED. FIXED (in Alaska). INDUSTRIAL. INTERNATIONAL FIXED PUBLIC. LOCAL GOVERNMENT. MARITIME MOBILE. PUBLIC SAFETY.
3230-3240	FIXED. LAND MOBILE. MARITIME MOBILE.	Base. Coast. Fixed. Land mobile. Ship.		AERONAUTICAL FIXED. FIXED (in Alaska). INDUSTRIAL. INTERNATIONAL FIXED PUBLIC. LOCAL GOVERNMENT. MARITIME MOBILE. PUBLIC SAFETY.
3240-3400 (US105)	FIXED. LAND MOBILE. MARITIME MOBILE MOBILE.	Base. Coast. Fixed. Land mobile. Ship.		AVIATION (flight test and aeronautical fixed only). FIXED (in Alaska). INDUSTRIAL. INTERNATIONAL FIXED PUBLIC. LOCAL GOVERNMENT. MARITIME MOBILE. PUBLIC SAFETY.
*	*	*	*	*
4000-4063	FIXED	Fixed		AERONAUTICAL FIXED. FIXED (in Alaska). INTERNATIONAL FIXED PUBLIC. LOCAL GOVERNMENT.
*	*	*	*	*
4438-4650	FIXED. MOBILE	Base. Fixed. Mobile		AERONAUTICAL FIXED. FIXED (in Alaska). INDUSTRIAL. INTERNATIONAL FIXED PUBLIC. LOCAL GOVERNMENT.
*	*	*	*	*
4750-4995	FIXED	Fixed		AERONAUTICAL FIXED. FIXED (in Alaska). INTERNATIONAL FIXED PUBLIC. LOCAL GOVERNMENT.
*	*	*	*	*
5005-5450	FIXED	Fixed		AERONAUTICAL FIXED. FIXED (in Alaska). INTERNATIONAL FIXED PUBLIC. LOCAL GOVERNMENT.

FEDERAL COMMUNICATIONS COMMISSION—CONTINUED

7 Band (kHz)	8 Service	9 Class of station	10 Frequency (kHz)	11 Nature of services of stations
*	*	*	*	*
5730-5950	FIXED	Fixed		AERONAUTICAL FIXED. FIXED (in Alaska). INTERNATIONAL FIXED PUBLIC. LOCAL GOVERNMENT.
*	*	*	*	*
6765-7000	FIXED	Fixed		AERONAUTICAL FIXED. FIXED (in Alaska). INTERNATIONAL FIXED PUBLIC. LOCAL GOVERNMENT.
*	*	*	*	*
7300-8195	FIXED	Fixed		AERONAUTICAL FIXED. FIXED (in Alaska). INTERNATIONAL FIXED PUBLIC. LOCAL GOVERNMENT.
*	*	*	*	*
9040-9500	FIXED	Fixed		AERONAUTICAL FIXED. FIXED (in Alaska). INTERNATIONAL FIXED PUBLIC. LOCAL GOVERNMENT.
*	*	*	*	*
9775-9995	FIXED	Fixed		AERONAUTICAL FIXED. INTERNATIONAL FIXED PUBLIC. LOCAL GOVERNMENT.
*	*	*	*	*

PART 90—PRIVATE LAND MOBILE RADIO SERVICES

2. In § 90.17, paragraph (b), add a new entry into the *Local Government Radio Service Frequency Table* as follows:

§ 90.17 Local government radio service.

* * * * *

(b) * * *

LOCAL GOVERNMENT RADIO SERVICE FREQUENCY TABLE

Frequency or band	Class of station(s)	Limitations
Kilohertz:		
530	Base (T.I.S.)	23
1610	do	23
2726	Base or mobile	1
2000 to 10,000	Fixed, base or mobile	25
* *	* * *	

3. In § 90.17, add new paragraph (c)(25) to read as follows:

* * * * *

(c) * * *

(25) Only the central governments of the fifty individual States, the District of Columbia, and the insular areas of the Commonwealth of the Northern Mariana Islands, the Commonwealth of Puerto Rico, and the unincorporated territories of American Samoa, Guam and the United States Virgin Islands are eligible to be licensed to use this spectrum, and then only for disaster communications purposes. Licensees may not use this spectrum to provide operational communications circuits. See also, § 90.264.

§ 90.19 Police radio service.

4. § 90.19(d), remove the following frequencies from the *Police Radio Service Frequency Table:*

* * * * *

(d) * * *

(kilohertz)

2326	2804	5195
2414	2808	7480
2422	2812	7805
2466	5135	7935
2474	5140	

* * * * *

5. In § 90.19(e), remove the text of paragraph (e)(4) and insert, "Reserved," in its place as follows:

§ 90.19 Police radio service.

* * * * *

(e) * * *

(4) [Reserved]

* * * * *

6. In § 90.129, add paragraph (m) to read as follows:

§ 90.129 Supplemental information to be routinely submitted with applications.

* * * * *

(m) Applicants requesting licenses to operate on frequencies pursuant to § 90.17(c)(25) must submit disaster communications plans containing the following information:

(1) A system network/system use diagram including a showing of emergency power and methods of deployment to all parts of the State or insular area;

(2) A designation of the responsible governmental authority within the State or insular area who will be the controlling agency for the licensee;

(3) A schedule of proposed drills and/or exercises by the participants;

(4) The number of frequencies in each band, and the type of emission required by the applicant;

(5) The distances expected to be covered within that State or insular area;

(6) The adjacent states and insular areas expected to be communicated with during a regional disaster or emergency;

(7) The point of contact for emergencies involving more than one state or insular area;

(8) The common frequency band(s) and number of frequencies in each band required for interstate communication, and the point(s) of contact for these adjacent states or insular areas;

(9) The format and emission parameters of radio teletype transmissions to be used for interstate communications.

7. Amend § 90.205(b) by adding footnote 9 to the maximum power table as follows:

§ 90.205 Power.

(a) * * *

(b) Except where otherwise specifically provided, the maximum power that will be authorized is as follows:

Frequency range (millihertz)	Maximum output power (watts)	Maximum effective radiated power (watts)
1.3 to 3	[1] [2] 1500	
3 to 25	[1] [2] 750	
25 to 100	300	

[1] For disaster communications as provided for in § 90.264, peak envelope power is limited to 1 kW.

(c) * * *

8. In § 90.207, paragraph (e), revise the text to read as follows:

§ 90.207 Types of emissions.

* * * * *

(e) For radioteleprinter operations that may be authorized in accordance with § 90.237, only F2 or F9 emissions will be authorized above 10 MHz, and A2 or F2 emissions below 10 MHz.

* * * * *

9. Revise § 90.209(b)(3) to read as follows:

§ 90.209 Bandwidth limitations.

* * * * *

(b) * * *

(3) For type A3J operations below 10 MHz, the bandwidth occupied by the emission shall not exceed 3000 Hz for equipment manufactured after Nov. 1, 1983, and 3500 Hz for equipment manufactured before Nov. 1, 1983. The assigned frequency will be specified in the authorization. The authorized carrier frequency shall be 1400 Hz lower in frequency than the assigned frequency. Only upper sideband emission shall be used. In the case of regularly available double sideband radiotelephone channels, an assigned frequency for A3J emissions is available either 1600 Hz below or 1400 Hz above the double sideband radiotelephone assigned frequency. The 3000 Hz occupied bandwidth is applicable to all types of transmitters for A3J operation below 10 MHz that are first type accepted after November 1, 1982.

* * * * *

10. Amend § 90.209 by revising paragraphs (d) (1), (2), and (3) to read as follows:

§ 90.209 Bandwidth limitations.

* * * * *

(d) * * *

(1) On any frequency removed from the assigned frequency by more than 50% and up to and including 150% of the authorized bandwidth: At least 25 decibels;

(2) On any frequency removed from the assigned frequency by more than 150% up to and including 250% of the authorized bandwidth: At least 35 decibels;

(3) On any frequency removed from the assigned frequency by more than 250% of the authorized bandwidth: At least 43 plus 10 $\log_{10}$ (mean power in watts) decibels.

* * * * *

11. Amend § 90.213 paragraph (a) as follows:

A. Amend the *Frequency Tolerance* table as follows:

§ 90.213 Frequency tolerance.

(a) * * *

FREQUENCY TOLERANCE

Frequency range (millihertz)	Fixed and base stations		Mobile stations	
	Over 200W output power	200 W or less output power	Over 2 W output power	2 W or less output power
Below 25	[1] [2] [3] [4] .005	.01	.01	.02
25 to 50	.002	.002	.002	.005
* * * * *				

B. Renumber footnotes 4 through 13 as 5 through 14.

C. Add new footnote 4 between footnote 3 and new footnote 5 to read as follows:

12. Amend § 90.237 by adding new paragraph (g) to read as follows:

§ 90.237 Interim provisions for operations of radioteleprinter and radiofacsimile divices.

* * * * *

(g) For single sideband operations in accordance with § 90.17(c)(25), transmitters type-accepted under this part for use of A3J emissions may also be used for A2 and F2 emission for radioteleprinter transmissions. The transmitter must be so adjusted and operated that the emissions do not exceed the limits in this part for A3J emissions. All other requirements in this part for A3J emissions shall apply to such A2 and F2, radioteleprinter emissions.

13. Add new § 90.264 to read as follows:

§ 90.264 Disaster communications between 2 and 10 MHz.

(a) The use of any particular frequency between 2 and 10 MHz is limited to those frequencies falling within the bands allocated to the fixed and land mobile services as indicated in § 2.106 of the Commission's Rules and Regulations.

(b) Only in the following circumstances will authority be extended to stations to operate on the frequencies between 2 and 10 MHz:

(1) To provide communications circuits in emergency and/or disaster situations, where safety of life and property are concerned;

(2) To provide standby and/or backup communications circuits to regular domestic communications circuits which have been disrupted by disasters and/or emergencies.

(c) The FCC will not accept responsibility for protection of the circuits from harmful interference caused by foreign operations.

(d) In the event that a complaint of harmful interference resulting from operation of these circuits is received from a foreign source, the offending circuit(s) must cease operation on the particular frequency concerned immediately upon notification by the Commission.

(e) In order to accomodate the situations described in paragraphs (c) and (d) of this section, the equipment shall be capable of transmitting and receiving on any frequency within the bands between 2 and 10 MHz and capable of immediate change among the frequencies.

(f) Only 2.8A3J, 0.1A1 and those emission types listed in § 90.237(g) are permitted.

(g) Applicants must fulfill eligibility requirements set out in § 90.17(c)(25) and shall submit disaster communications plans pursuant to § 90.129(m).

(h) Training exercises which require use of these frequencies for more than 60 minutes per week, cumulative, are not authorized without prior written approval from the Commission.

14. In § 90.555, amend the combined frequency list by revising the kilohertz portion of the list as follows:

§ 90.555 Combined frequency listing.

* * * * *

[1] For disaster communication operations according to § 90.264, transmitters exceeding 200 W peak envelope power shall maintain the carrier frequency to within 20 Hz of the authorized carrier frequency.

(b) Combined frequency list:

Frequency	Services	Special limitations
Kilohertz:		
70–90	IR	Radiolocation.
90–100	IR	Do.
110–130	IR	Do.
530	PL	Travelers' information stations.
1610	PL	Do.
1605–1715	IR	Radiolocation.
1610	PP	
1614	IP	Geophysical.
1618	PP	
1626	PP	
1628	IM, IP	Do.
1630	PF	
1634	PP	
1642	PP	
1650	PP	
1652	IM, IP	Do.
1658	PP	
1666	PP	
1674	PP	
1676	IP, IF	Do.
1682	PP	
1690	PP	
1698	PP	
1700	IP, IF	Do.
1706	PP	
1714	PP	
1715–1750	IR	Radiolocation.
1722	PP	
1730	PP	
1750–1800	IR	Do.
2000–3000	PS	Communication with public coast.
2000–10000	PL	Disaster communications.
2212	PO	
2226	PO	
2236	PO	
2244	PO	
2292	IW, IP, IM, IS.	
2366	PP	
2382	PP	
2390	PP	
2398	IW, IP, IF, IM, IS.	
2406	PP	
2430	PP	
2442	PP	
2450	PP	
2458	PP	
2482	PP	
2490	PP	
2505–3500	PL, PS	State guard.
2726	PL, PS	Do.
3201	PS	
3230–3400	IR	Radiolocation.
4383.8	(2)	Alaska emergency frequency.
4637.5	IW, IP, IM, IS.	
Megahertz:		

* * * * *

PART 99—DISASTER COMMUNICATIONS SERVICE

15. In § 99.1, add new paragraph (c) to read as follows:

§ 99.1 Basis and purpose.

* * * * *

(c) No new applications under Part 99 will be accepted by the Commission after Aug. 15, 1981. See Part 90 of this Chapter for disaster response communications rules.

[FR Doc. 81-30899 Filed 10-26-81; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Parts 31, 33, 34, and 35

[CC Docket No. 81 273; RM-3806; FCC 81-447]

Amendment of the Uniform System of Accounts to Increase the Dollar Limit for Expensing Minor Items

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The FCC is amending its Uniform System of Accounts by increasing the dollar limit for expensing minor items is being increased from the current $50 limit to $200. The embedded investment between the $50 and the $200 limits will be amortized over a five-year period. Many minor items which formerly were expensed have increased in cost to a level which under current regulations, would be capitalized. The Order will update the appropriate sections of the rules to relieve unnecessary and burdensome recordkeeping which has been created by the effects of inflation. The Notice of Proposed Rulemaking was printed at 46 FR 26356.

DATES: Effective six months after the publication in the **Federal Register**, (April 27, 1982) provided however, that any carrier may, at its option, adopt these changes effective no earlier than January 1, 1982.

FOR FURTHER INFORMATION CONTACT: Stephen Steckler, Chief, Accounting Branch, 634–1861.

Adopted: October 7, 1981.

Released: October 16, 1981.

By the Commission: Commissioner Fogarty concurring in the result.

Background

1. On May 1, 1981, the Commission released a Notice of Proposed Rulemaking (Notice), FCC 81–189, 46 FR 26356 (released May 12, 1981), in the above-captioned proceeding.[1] The Notice presented a proposal to amend Parts 31, 33, 34, and 35 of the Commission's accounting rules to increase the current $50 limit for expensing minor items such as tools, test sets, and furniture.[2] Inflationary trends alone since 1974, when the limit was raised from $25 to $50, justify a substantial increase in these monetary limits. An increase would allow companies to reduce detailed recordkeeping associated with capitalization recordkeeping and to minimize carrying charges.

Issues

2. The Notice offered two methods for increasing the expense limit. The first method was to select a fixed dollar limit which would continue to apply until changed by further order of the Commission. The second method involved the use of a moving expense limit. The moving expense limit would rise from a predetermined level in one of two ways: (1) By predetermined steps at given time intervals or (2) at a rate determined by an inflation index. The Notice also sought comments relating to AT&T's suggestion that carriers be allowed to amortize the embedded investment between the current $50 limit and the new limit over a reasonable period.

Comments and Reply Comments

3. Comments on the Notice were received from the American Telephone and Telegraph Co. (AT&T), Continental Telephone Corporation (Continental), GTE Service Corporation (GTE), New York Public Service Commission (NYPSC), People of the State of California and the Public Utilities Commission of the State of California (California), and United Telephone System, Inc. (United). A reply comment was filed by AT&T.

4. In its comments, AT&T projected that the Consumer Price Index (CPI) will have risen by approximately 100% between 1974 and January 1, 1982. Accordingly, AT&T believes that the present expense limit should be increased to $100. Additionally, AT&T requested the adoption of a moving expense limit that would increase the expense limit in predetermined steps over specified time intervals. AT&T also stated that the embedded capital investment between $50 and the new limit should be amortized over a five-year period. Increasing the expense limit to $200 combined with the use of a five-year amortization period would produce for AT&T an estimated incremental revenue requirement in 1982 of $105 million or $1.23 per subscriber line. It indicated that an increase in the expense limit on a going-forward basis only, would require the maintenance of a dual system of records for identical items; for example, new items would be expensed while identical old items, until fully depreciated and retired, would remain on the books as capital assets and would have to be inventoried. AT&T's plan for the amortization of the

[1] This Notice was instituted in response to a Petition for Rulemaking filed by GTE Service Corporation on November 7, 1980.

[2] The increase to $50 was ordered for all carriers in Docket 20110, 49 FCC 2d 1153 (1974). Section 33.31 (d), however, currently indicates an expense limit of $10. This is an inadvertent error and should currently read $50.

embedded investment is to transfer the amounts under the new limit to special subaccounts within each plant account affected. Appropriate portions of the embedded investment would be retired each month of the amortization period. The amount representing the undepreciated portion of each month's retired investment would be charged to expense.

5. AT&T's reply comments stated that it recognizes that a $200 limit has merit from the standpoint of easing recordkeeping burdens and minimizing the escalation of associated administration costs. However, in order to reduce the impact on the ratepayer, AT&T has proposed to increase the amortization period of the embedded investment to a ten-year period, which would be more reflective of the average remaining service lives of the assets in the $50 to $200 range. Increasing the expense limit to $200 combined with the use of a ten-year amortization period would produce for AT&T an estimated incremental revenue requirement in 1982 of $72 million or $0.84 per subscriber line.

6. GTE suggested that the most practical approach to this problem is to set a fixed dollar limit at a reasonable level. It suggested an expense limit of $200, to become effective with calendar year 1982. Although GTE's initial Petition supported a change in the expense limit on a going-forward basis only, it believes AT&T's proposal for amortizing the embedded investment has merit in light of the recordkeeping burden of maintaining a dual inventory system.

7. Continental requested that an expensing limit of not less than $200 be implemented. It stated that a fixed dollar limit is better for budgeting, construction, and accounting purposes. Continental also stated that neither an increase in the expense limit nor the amortization of the embedded investment would cause any significant difficulties.

8. United also advocated that the present limit should be raised to $200 and that the raise should be implemented immediately rather than gradually. United supported the proposal to employ a five year period to amortize the embedded investment between the old and the new limits.

9. NYPSC stated that a $100 expense limit is more in line with inflation. However, it added that it would have no objection to a $200 limit if the evidence submitted in this proceeding indicated that it was justifiable and preferable. NYPSC favored the selection of a fixed dollar limit on a prospective basis which would continue to apply until changed by further order of the Commission. Its support for a prospective change is based upon its interpretation of Paragraph 31 of Accounting Principles Board Opinion No. 20, Accounting Changes.

10. California stated that the changes in CPI for the telecommunication technology and the industry since 1974 warrant an increase in the expensing of minor items to a $100 level. California also recommended that a fixed dollar limit be adopted to minimize recordkeeping changes and to maintain consistency in the capitalization of minor items. Further, California requested that the increase be effective six months after the issuance of the final order.

Discussion

11. An evaluation of the comments and our experience in administering the accounting rules leads us to conclude that a $200 expensing limit is in the public interest. It is undisputed that inflation has created the necessity to increase the expensing limit for minor items from the $50 limit established in 1974. Many items which normally would have been expensed in 1974 have increased in price sufficiently to now fall into the category of plant required to be capitalized. While a straight inflation adjustment of the expense limit would raise the $50 limit to $100, we believe sound regulatory policy warrants an increase to $200. With the exception of California, all the parties to this proceeding have supported the reasonableness of a $200 expense limit. Our experience with the current $50 standard has shown it to be decidedly conservative and thus a $100 expense limit would also be overly conservative. The conservative nature of our limit is made manifest by the position of two other regulatory bodies. The Canadian Radio-Television and Telecommunications Commission has adopted a $1500 expense limit. The Cost Accounting Standards Board has adopted a $1000 limit for the expensing of minor items. The comments indicate, and our experience tends to confirm, that the administrative costs of maintaining inventory records, including the associated depreciation records, for items of minor value and of relatively short lives are significant when compared with the dollar amounts involved. There is also an associated carrying cost when items are capitalized and depreciated over time. Accordingly, we believe the interest of the ratepayers and the carriers will be best served by the adoption of a $200 expense limit.

12. Most of the parties commenting did not favor the adoption of a moving expense limit that would increase at predetermined times to predetermined levels or that would be determined by an inflation index. The use of predetermined levels may provide useful lead times to implement the new limits; however, presetting dollar amounts to apply to unknown future economic conditions would be arbitrary and could prove disruptive. Increases based upon an inflation index may prove to be complex when attempting to determine the reliability and reasonableness of the index. Both methods would increase the carriers' administrative costs because of the more frequent changes in the expense limit.

13. Most of the parties commenting agreed with the proposal to amortize the embedded amount between the current $50 limit and the new limit over a five-year period. However, NYPSC stated that the change in the dollar limit is in essence a change in classification of an asset from a fixed asset to an item of expense chargeable to operations. NYPSC took strong exception to applying the change in expense limits retroactively, stating that a write-off of the embedded investment would be contrary to generally accepted accounting principles based upon its interpretation of Paragraph 31 of Accounting Principles Board Opinion No. 20, Accounting Changes. NYPSC stated that since this is a "change in accounting estimate resulting from changing conditions and additional information," the revision of a previous estimate of the dollar limit for expensing minor items should be prospective, not retroactive. However, the Addendum to Accounting Principles Board Opinion No. 2 points out that differences may arise in the application of generally accepted accounting principles as between regulated and nonregulated business. This is one of those occasions where such an accounting difference is warranted. This Commission has granted retroactive accounting treatment for the write-off of the embedded investment to relieve the burden of maintaining a dual inventory system in two previous instances, Dockets 11769 [3] and 20110, when the expense limit was raised. We believe that the savings realized through the elimination of the dual inventory system and our desire to maintain consistency in accounting in a regulatory environment warrant the accounting

[3] FCC 56-893, 21 FR 7446 (released September 28, 1956).

required to amortize the embedded amounts.[4]

14. We believe that the five-year period of amortization provides a sufficient time period to write-off the embedded portion. A longer period would increase the administrative costs of running an amortization program and prolong carrying costs that we are trying to minimize. A five-year period will also provide a reasonably rapid capital recovery while keeping the impact on subscribers to a minimum. Carriers will therefore transfer the embedded amounts between the current $50 limit and the $200 limit to special subaccounts within each plant account affected. Appropriate portions of the embedded investment will be retired each month of the amortization period. The amount representing the undepreciated portion of each month's retired investment will be charged to expense.

15. In compliance with the provisions of Section 604(a) of the Regulatory Flexibility Act, 5 U.S.C. 604(a), we believe the above discussion sets forth the purpose of the amendments and the alternatives considered by the Commission. Although no comments were received that responded directly to the initial regulatory flexibility analysis, we believe the accounting change can be readily implemented by all carriers subject to Parts 31, 33, 34 and 35 without significant economic impact and, in fact, will ease the recordkeeping requirements of these carriers, both large and small.

Ordering Clauses

16. Accordingly, it is ordered, that, under authority contained in Sections 4(i) and 220 of the Communications Act of 1934, as amended (47 U.S.C. 154(i) and 220): Part 31, Uniform System of Accounts for Class A and Class B Telephone Companies; Part 33, Uniform System of Accounts for Class C Telephone Companies; Part 34, Uniform System of Accounts for Radiotelegraph Carriers; and Part 35, Uniform System of Accounts for Wire-Telegraph and Ocean-Cable Carriers, of the Commission's rules are amended as set forth in the attached Appendix effective six months after publication in the **Federal Register** (April 27, 1982), provided however, that any carrier may, at its option, adopt these changes effective no earlier than January 1, 1982.

17. It is further ordered, that carriers shall amortize the embedded amounts over a five-year period, as set forth in Paragraph 14.

18. It is further ordered, that the Secretary shall cause a copy of this Order to be published in the **Federal Register.**

19. It is further ordered, that this proceeding is terminated.

(Secs. 2, 3, 4, 5, 220, 301, 303, 307, 308, 309, 315, 317, 48 Stat., as amended, 1064, 1065, 1066, 1068, 1081, 1082, 1083, 1084, 1085, 1088, 1089; (47 U.S.C. 152, 153, 154, 155, 301, 303, 307, 308, 309, 315, 317.))

Federal Communications Commission.

William J. Tricarico,

Secretary.

Appendix

PART 31—UNIFORM SYSTEM OF ACCOUNTS FOR CLASS A AND CLASS B TELEPHONE COMPANIES

I. Part 31, Uniform System of Accounts for Class A and Class B Telephone Companies, is amended as follows:

In § 31.2-20, paragraph (d) is revised to read as follows:

§ 31.2-20 Purpose of telephone plant accounts.

* * * * *

(d) The cost of individual items of equipment, such as tools and office equipment, costing $200 or less or of short life shall be charged to the appropriate operating expense or clearing accounts according to the use of such items, except that such accounting shall not be permitted when the investment in such property is relatively large and the correctness of the accounting therefor is verified by current inventories.

PART 33—UNIFORM SYSTEM OF ACCOUNTS FOR CLASS C TELEPHONE COMPANIES

II. Part 33, Uniform System of Accounts for Class C Telephone Companies, is amended as follows:

In § 33.31, paragraph (d) is revised to read as follows:

§ 33.31 Purpose of telephone plant accounts.

* * * * *

(d) The cost of individual items of equipment, such as tools and office equipment, costing $200 or less or of short life shall be charged to the appropriate operating expense or clearing accounts according to the use of such items, except that such accounting shall not be permitted when the investment in such property is relatively large and the correctness of the accounting therefor is verified by current inventories.

PART 34—UNIFORM SYSTEM OF ACCOUNTS FOR RADIOTELEGRAPH CARRIERS

III. Part 34, Uniform System of Accounts for Radiotelegraph Carriers, is amended as follows:

In § 34.1-1, paragraph (c) is revised to read as follows:

§ 34.1-1 Purpose and content of operated plant accounts.

* * * * *

(c) The cost of individual items of equipment, such as tools and office equipment, costing $200 or less or of short life shall be charged to the appropriate operating expense or clearing accounts according to the use of such items, except that such accounting shall not be permitted when the investment in such property is relatively large and the correctness of the accounting therefor is verified by current inventories.

* * * * *

PART 35—UNIFORM SYSTEM OF ACCOUNTS FOR WIRE-TELEGRAPH AND OCEAN-CABLE CARRIERS

IV. Part 35, Uniform System of Accounts for Wire-Telegraph and Ocean-Cable Carriers, is amended as follows:

In § 35.1-1, paragraph (d) is revised to read as follows:

§ 35.1-1 Purpose and content of operated plant accounts.

* * * * *

(d) The cost of individual items of equipment, such as tools and office equipment, costing $200 or less or of short life shall be charged to the appropriate operating expense or clearing accounts according to the use of such items, except that such accounting shall not be permitted when the investment in such property is relatively large and the correctness of the accounting therefor is verified by current inventories.

* * * * *

[FR Doc. 81-31035 Filed 10-26-81; 8:45 am]

BILLING CODE 6712-01-M

[4] AT&T stated that, in addition to the costs of continuing recordkeeping and inventory procedures, other costs would be incurred to provide for dual classifications of identical items. For central office tools alone, costs to modify the property record system to accommodate dual classification of identical items are estimated to be in excess of $500,000.

Proposed Rules

Federal Register
Vol. 46, No. 207
Tuesday, October 27, 1981

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

Agricultural Marketing Service

7 CFR Part 989

Raisins Produced From Grapes Grown in California; Proposed Preliminary Free and Reserve Percentages for the 1981–82 Crop Year

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This proposal invites written comments on preliminary marketing percentages for Natural (sun-dried) Seedless and Dipped Seedless raisins from the 1981 production. The estimated 1981 production of such raisins is in excess of domestic and Western Hemisphere market needs, and the proposal is intended to tailor the supply to these needs. Excess supplies would be available primarily for export to approved countries outside the Western Hemisphere.

DATES: Comments must be received by November 12, 1981. Proposed effective dates: August 1, 1981, through July 31, 1982.

ADDRESSES: Send two copies of comments to the Hearing Clerk, U.S. Department of Agriculture, Room 1077, South Building, Washington, D.C. 20250, where they will be available for public inspection during business hours.

FOR FURTHER INFORMATION CONTACT: J. S. Miller, Chief, Specialty Crops Branch, Fruit and Vegetable Division, AMS, USDA, Washington, D.C. 20250, (202) 447–5697.

SUPPLEMENTARY INFORMATION: William T. Manley, Deputy Administrator, Agricultural Marketing Service, has determined that this action will not have a significant economic impact on a substantial number of small entities because it would result in only minimal costs being incurred by the 21 regulated handlers.

J. S. Miller has determined that an emergency situation exists which warrants less than a 60-day comment period. Handlers are in the process of acquiring Natural (sun-dried) Seedless and Dipped Seedless raisins from the 1981 crop and will begin processing and marketing them in volume soon. Therefore, handlers must know as soon as possible what preliminary marketing percentages will apply to the 1981 crop so they can plan their operations accordingly. Moreover, upon designation of the proposed marketing percentages, raisin handlers will begin paying producers for their raisins. Producers have a considerable amount of time, energy, and funds invested in the production of the 1981 raisin crop and should be paid for their efforts as promptly as possible.

Information collection (reporting and recordkeeping) under this part are subject to clearance by the Office of Management and Budget and are in process of review. These information requirements shall not become effective until such OMB clearance has been obtained.

The proposal under consideration pertains to designating preliminary free tonnage percentages for Natural (sun-dried) Seedless and Dipped Seedless raisins of 71 percent for the 1981–82 crop year. Also, proposed for that crop year are preliminary reserve tonnage percentages for these raisins of 29 percent. The 1981–82 crop year began August 1, 1981.

These designations would be pursuant to § 989.55 of the marketing agreement and Order No. 989, both as amended (7 CFR Part 989), regulating the handling of raisins produced from grapes grown in California, hereinafter referred to collectively as the "order." The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The proposal was recommended under § 989.54(b) by the Raisin Administrative Committee, established under the order as the agency to work with USDA in administering its terms and provisions.

Under § 989.54(b) of the order, the Committee is required to recommend on or before October 5, a preliminary free tonnage percentage for any varietal type of raisin for which a free tonnage has been computed. If the Committee determines that the field price is firmly established for a particular varietal type, the Committee is required to recommend a preliminary free tonnage percentage which when applied to the estimated production of that varietal type, would release 85 percent of the computed free tonnage for that varietal type. In accordance with § 989.54(a), the Committee computed free tonnages for Natural (sun-dried) Seedless and Dipped Seedless raisins of 180,430 natural condition tons and 6,691 natural condition tons, respectively. The field price for each of these varietal types has been firmly established and the 1981 production of Natural (sun-dried) Seedless and Dipped Seedless raisins is estimated to be 215,000 natural condition tons and 8,000 natural condition tons, respectively.

Eighty-five percent of the free tonnage quantity (180,430 tons) for Natural (sun-dried) Seedless raisins would be 153,366 tons. Dividing this by the estimated production (215,000 tons) results in a preliminary free tonnage percentage of 71 percent. Eighty-five percent of the free tonnage quantity (6,691 tons) for Dipped Seedless raisins would be 5,687 tons. Dividing 5,687 tons by the estimated production (8,000 tons) results in a preliminary free tonnage percentage of 71 percent.

Section 989.54(b) also provides that any difference between the preliminary or final free tonnage percentage and 100 percent should be the reserve percentage. Thus, the preliminary reserve percentage for Natural (sun-dried) Seedless and Dipped Seedless raisins would be 29 percent.

The proposed preliminary free tonnage percentages would make 153,366 tons of the estimated 1981 production of Natural (sun-dried) Seedless raisins, and 5,687 tons of the Dipped Seedless raisin production available for immediate sale in any marketing channel. No later than February 15, the Committee is required to recommend free tonnage percentages when applied to the final production estimate which will tend to release the full free tonnage for those varietal types. By then, the Committee will have firmer estimates of the 1981 raisin production.

The proposal is as follows: (The following section will not be published in the Code of Federal Regulations).

PART 989—RAISINS PRODUCED FROM GRAPES GROWN IN CALIFORNIA

Section 989.235 would be added to read as follows:

§ 989.235 Free and reserve percentages for the 1981–82 crop year.

The preliminary percentages of standard Natural (sun-dried) Seedless and Dipped Seedless raisins acquired by handlers during the crop year beginning August 1, 1981, which shall be free tonnage and reserve tonnage, respectively, are designated as follows:

	Free percentage	Reserve percentage
Natural (sun-dried) seedless	71	29
Dipped seedless	71	29

Dated: October 21, 1981.

D. S. Kuryloski,

Deputy Director, Fruit and Vegetable Division.

[FR Doc. 81-31111 Filed 10-26-81; 8:45 am]

BILLING CODE 3410-02-M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Parts 230 and 239

[Release No. 33-6356, File No. S7-909]

Automatic Effectiveness of Registration Statements Filed Under the Securities Act of 1933 by Certain Unit Investment Trusts

AGENCY: Securities and Exchange Commission.

ACTION: Proposed rule and amendments to form.

SUMMARY: The Commission is proposing for comment a rule and related amendments to the registration statement form for securities offered by unit investment trusts to permit registration statements filed by certain unit investment trusts investing in debt securities to become effective automatically on a date and at a time designated by the registrant, if certain conditions are met. Automatic effectiveness would be available for a registration statement filed with respect to the securities of a new series of a trust, if the registrant represented that the registration statement being filed did not differ in any material respect from the registration statement of at least one specifically identified previous series of the trust, except to the extent such differences were necessary to identify the specific portfolio securities of, and to provide essential financial information for, the series being registered. The Commission is taking this action to eliminate review of registration statements of unit investment trust series that differ from one another only with respect to the specific aspects of the composition of the portfolio, and thus do not present disclosure issues that require staff review and comment prior to the effectiveness of the registration statement.

DATE: Comments must be received on or before December 21, 1981.

ADDRESS: Comments should be submitted in triplicate to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549, and should refer to File No. S7-909. All comments received will be available for public inspection and copying in the Commission's Public Reference Room, 1100 L Street, NW, Washington, D.C. 20549.

FOR FURTHER INFORMATION CONTACT: Kathleen A. Jackson, Special Counsel, (202) 272-2115, or Sandra Molley, Law Clerk, (202) 272-2033, Division of Investment Management, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549.

SUPPLEMENTARY INFORMATION: The Commission is proposing for public comment new rule 475b [17 CFR 230.475b] under the Securities Act of 1933 [15 U.S.C. 77a et seq.] ("1933 Act") and related amendments to Form S-6 under 1933 Act [17 CFR 239.16]. Under the proposed rule, certain 1933 Act registration statements offering securities of unit investment trusts investing generally in debt obligations would become effective automatically, without affirmative action by the Commission or its staff. Specifically, eligible unit investment trusts that issued securities in series would be permitted to designate the date and time of effectiveness of the 1933 Act registration statement filed with respect to a series of such trust, if the registrant complied with certain conditions and made certain representations. In order for a registration statement to be eligible for automatic effectiveness, the registrant would have to identify a previous series of the trust for which the effective date of the registration statement had been determined by the Commission or its staff, and represent (a) that the securities deposited in the series being registered did not differ materially in type or quality from those deposited in such previous series and (b) that the registration statement of the new series did not contain disclosures that differed in any material respect from those of such previous series, except to the extent necessary to identify the specific portfolio securities deposited in, and to provide essential financial information for, the new series. The registrant would also have to represent that it had complied with rule 460 [17 CFR 230.460] under the 1933 Act, relating to circulation of a preliminary prospectus. In addition, if the registration statement of the new series had been prepared or reviewed by counsel, such counsel would have to represent that the registration statement did not contain disclosures that would render it ineligible for automatic effectiveness. Rule 475b would also permit the Commission to suspend the ability of a unit investment trust to designate the date and time of automatic effectiveness with respect to any registration statement that had been filed but had not yet become effective, as well as with respect to any future registration statement, if the Commission found that a registration statement filed under the rule was incomplete or inaccurate in any material respect or that the registrant had not complied with the provisions of the rule. The proposed amendments to Form S-6 would provide a format for registrant to make the representations required for effectiveness under the rule.

If the proposed rule and form amendments are adopted, the Commission will adopt an amendment to its Rules of Organization and Program Management [17 CFR 200.1 et seq.] delegating to the staff the authority to suspend the operation of the automatic effectiveness provisions of the rule under the circumstances described above.

The proposed rule has been designated 475b for purposes of this release. However, it is contemplated that regulation C under the 1933 Act, of which the proposed rule would be a part, may be revised during the interim between the new rule's proposal and adoption. Should this revision be effected, the designation of the proposed rule may be changed if and when it is adopted.

Background

In fiscal year 1980, approximately 75 percent of the registration statements filed under section 8(a) of the 1933 Act [15 U.S.C. 77h(a)] by investment companies related to series of unit investment trusts. The organization of these trusts differs from that of other investment companies in that these trusts do not issue interests in a managed portfolio of securities but instead, issue interests (called "units")

in a portfolio of securities that is fixed at inception. Each new series of units issued by the trust has a different portfolio, and a purchaser of units in a particular series looks only to that series for his investment return. Each series files a separate registration statement that becomes effective pursuant to section 8(a) of the 1933 Act; however, only the trust (and not each series of units) is registered under the Investment Company Act of 1940 [15 U.S.C. 80a–1 et seq.] ("1940 Act"). In addition, a registered unit investment trust may issue several different types of series, which vary from one another in terms of the types of securities, the frequency and type of distributions to unitholders, and the duration of the series.[1] Typically, however, even where a trust issues several different types of series, most new series invest in securities that are comparable in type and quality to those invested in by at least some previous series. Therefore, usually the only difference between "follow-on" series and earlier ones is in the specific composition of the portfolio and, as a result, the essential financial information provided about the series, such as the anticipated rate of return. Because of these similarities, the processing of follow-on series' registration statements under the 1933 Act is generally routine. The definitive prospectus of a preceding series, marked to show any changes (which are usually minor), is used as the preliminary prospectus of a new series, and the registration statement for the series is usually declared effective within a short time after it is filed. Nevertheless, the overall process of reviewing these registration statements has become burdensome to the staff, given the large number of these filings and the disruptions to other work in progress arising from the desire of sponsors to bring new series to market on short notice. Moreover, in some cases the review process might complicate the planning of sponsors of unit investment trusts. To the extent that the review of "follow-on" series thus imposes a burden on sponsors of unit investment trusts, that burden would seem unjustified in view of the usual absence of substantive issues arising in the course of such review.

In light of the above, and in view of the increasing demands on the Commission's limited staff resources, it appears to the Commission that in certain circumstances registration statements of unit investment trust series should be permitted to become effective without prior staff review. Accordingly, the Commission is proposing rule 475b to permit registration statements of certain unit investment trusts to become effective on a date and at a time designated by the registrant, if certain conditions are met.

It should be noted that certain conditions of proposed rule 475b are modeled upon rule 465 under the 1933 Act, which was adopted in August, 1980.[2] Rule 465 permits post-effective amendments to 1933 Act registration statements filed by open-end management investment companies (the type commonly known as "mutual funds") and unit investment trusts, except registered insurance company separate accounts as defined in section 2(a)(37) of the 1940 Act [15 U.S.C. 80a–2(a) (37)], to become effective automatically, without affirmative action by the Commission or its staff. Under rule 465(b), certain post-effective amendments, including those that are filed to bring the financial statements in a registrant's prospectus up to date pursuant to section 10(a)(3) of the 1933 Act [15 U.S.C. 77j(a)(3)][3] ("annual updating amendments"), may become effective immediately upon filing or on a date chosen by the resistrant within twenty days after the date of filing. To be eligible for such automatic effectiveness, the registrant must represent, among other things, that no material event requiring disclosure in the prospectus has occurred since the effective date of its registration statement or most recent post-effective amendment thereto.[4] Furthermore, if the post-effective amendment was prepared or reviewed by counsel, such counsel must furnish a written representation that the amendment does not contain disclosures that would render it ineligible for automatic effectiveness.

Registration statements for units of follow-on series of unit investment trust bond funds cannot become effective pursuant to rule 465 because they are filed as initial registration statements, the effectiveness of which is governed by section 8(a) of the 1933 Act [15 U.S.C. 77h(a)], rather than as post-effective amendments governed by section 8(c) [15 U.S.C. 77h(c)]. Nevertheless, it appears to the Commission that it would be appropriate to accord most of these registration statements treatment similar to that provided post-effective amendments filed for purposes of section 10(a)(3) of the 1933 Act that are eligible for immediate effectiveness. Like those annual updating amendments, registration statements for series of unit investment trust bond funds may vary only with respect to the financial information provided about each series. The operation of the trust and the rights of the unitholder usually remain the same throughout all the series. Accordingly, once the initial series of a particular type has been made effective and its pattern of operations established, there does not appear to be a compelling need for the Commission or the staff to review the disclosure for follow-on series that have portfolio securities of substantially the same type and quality as those of earlier series.

Proposed Rule and Related Amendments

The proposed rule provides that certain registration statements filed under the 1933 Act in connection with the offering of series of registered unit investment trusts may become effective automatically without staff review, if the conditions specified in paragraph (b) of the proposed rule are met. Paragraph (a)(1) of the rule would authorize the registrant to designate the date and time of effectiveness of the registration statement in either the registration statement or any pre-effective amendment thereto. Paragraph (a)(2) of the proposed rule provides that a pre-effective amendment to a registration statement filed pursuant to the rule would be deemed to be filed with the consent of the Commission and,

[1] For example, one registered unit investment trust investing in corporate debt obligations has issued series specializing in, *inter alia*, six-month certificates of deposit, long-term bonds, and preferred stock. Subsequent series within each particular type—*i.e.*, those that differ from previous series only in their specific portfolio securities—will be referred to in this release as "follow-on" series.

[2] Securities Act Release No. 6229, August 25, 1980 [45 FR 57702, Aug. 29, 1980].

[3] Section 10(a)(3) of the 1933 Act provides that, "when a prospectus is used more than nine months after the effective date of the registration statement, the information contained therein shall be as of a date not more than sixteen months prior to such use." Pursuant to section 24(e)(3) of the 1940 Act [15 U.S.C. 80a–24(e)(3)], any prospectus relating to a redeemable security issued by an investment company that is updated to meet the requirements of section 10(a)(3) must be filed as a post-effective amendment to the issuer's registration statement.

[4] The Commission has recently proposed amendments to rule 465 to provide that, under certain conditions, the filing of a post-effective amendment containing a prospectus during the pendency of a prior post-effective amendment relating to the same prospectus would not prevent the prior amendment from becoming effective automatically (Securities Act Release No. 6327, July 8, 1981) [46 FR 36195, July 14, 1981]. If these amendments are adopted, the registrant would be required to represent that no material event requiring disclosure in the prospectus had occurred since the latest of three dates: the effective date of its registration statement; the effective date of its most recent post-effective amendment to its registration statement which includes a prospectus; or the filing date of a post-effective amendment which had been filed but had not yet become effective.

accordingly, would be treated as part of the registration statement.

Paragraph (b) of the proposed rule lists several conditions to the availability of automatic effectiveness. One of these conditions is that the unit investment trust be of the type commonly known as a "bond fund." Specifically, under paragraph (b)(1) of the rule, the issuer of the units for which the registration statement was being filed would have to be engaged exclusively in the business of investing in "eligible trust securities" as defined in rule 14a–3 under the 1940 Act [17 CFR 270.14a–3]. Such eligible trust securities include the following: (1) securities, other than convertible securities, issued by a corporation which have their interest or dividend rate fixed at the time they are issued; (2) interest-bearing obligations issued by a state or by any agency, instrumentality, authority or political subdivision thereof; (3) government securities; and (4) under the circumstances set forth in paragraphs (b)(4)(i)–(vi) of rule 14a–3, units of a previously issued series of the trust.[5]

Paragraph (b)(3) would require the registrant to identify a previous series of the trust, for which the effective date of the registration statement had been determined by the Commission or its staff, and to make representations to the effect that the series being registered and the specifically identified previous series did not differ materially in manner of operation or in type of portfolio securities. Specifically, paragraph (b)(3)(i) would require the registrant to represent that the portfolio securities deposited in the series being registered did not differ materially in type or quality from those deposited in such previous series. Under this provision, the securities in the portfolio of the new series would have to resemble closely, in terms of the type of issuer, risk factors, the length of time to maturity, and the ratings of the obligations, if any, those in the portfolio of the previous series identified by the registrant.

Under paragraph (b)(3)(ii), the registrant would also be required to represent that the disclosures contained in the registration statement for the new series did not differ in any material respect from those contained in the registration statement for the previous series identified by the registrant, except to the extent necessary to identify the specific securities deposited in, and to provide essential financial information for, the new series. Under this provision, the disclosure concerning the respective yields offered by the two series could vary significantly. However, if changes in the operation of the trust (such as changes in the rights of unitholders or the fees charged by the trust's sponsor) required new prospectus disclosure, in most instances it would be inappropriate for the registrant to make the representation required by paragraph (b)(3)(ii) and, thus, for the new registration statement to become effective automatically under the rule. Similarly, automatic effectiveness under the proposed rule would not be warranted if the risks associated with the securities contained in the portfolio of the new series were sufficiently different from those associated with the securities held by the previous series of the trust that new and material risk-related disclosure would be appropriate.[6] New registration statements that were not eligible for filing pursuant to the proposed rule, either because there had been material changes in disclosure or for any other reason, would continue to be reviewed and, where necessary, to be the subject of staff comments in advance of effectiveness in accordance with existing procedures established under section 8(a) of the 1933 Act.

In addition to the representations required by paragraph (b)(3) with respect to the relationship of the follow-on series to that of the identified previous series, under paragraph (b)(4) of the rule the registrant would have to represent that it had complied with rule 460 under the 1933 Act (17 CFR 230.460) relating to the distribution of preliminary prospectuses.[7] This provision is intended to help insure satisfaction of the standards of section 8(a) of the 1933 Act relating to registration statements becoming effective other than by lapse of time. In addition to the representations required of the registrant, if the registration statement or any pre-effective amendment thereto was prepared or reviewed by counsel, under paragraph (b)(6) of the proposed rule such counsel would be required to provide a written representation to the effect that the registration statement or pre-effective amendment thereto did not contain disclosures which would render such filing ineligible for automatic effectiveness. Under paragragh (b)(5) of the proposed rule, all of the representations required from the registrant for automatic effectiveness would be made on the signature page of either the registration statement or the pre-effective amendment thereto. The representation of counsel, when required, would be furnished as a letter accompanying the filing.

Paragraph (c)(1) of the proposed rule provides that the Commission may suspend the operation of the automatic effectiveness provisions of the proposed rule under certain circumstances specified in paragraph (c)(2). Paragraph (c)(2) provides that the ability of a particular unit investment trust to designate the time of effectiveness of 1933 Act registration statements of its series may be suspended where it appears to the Commission that: (1) any registration statement containing a

[5] Paragrah (b)(4) of Rule 14a–3 under the 1940 Act provides that units of previously issued series of a unit investment trust may be considered eligible trust securities under the following circumstances:

(i) The aggregate principal amount of units of existing series so deposited shall not exceed 10% of the aggregate principal amount of the portfolio of the new series;

(ii) The aggregate principal amount of units of any particular existing series so deposited shall not exceed 5% of the aggregate principal amount of the portfolio of the new series;

(iii) No units shall be so deposited which do not substantially meet investment qualify criteria at least as high as those applicable to the new series in which such units are deposited;

(iv) The value of the eligible trust securities underlying units of an existing series deposited in a new series shall not, by reason of maturity of such securities according to their terms within ten years following the date of deposit, be reduced sufficiently for such existing series to be voluntarily terminated;

(v) Units of existing series so deposited shall constitute units purchased by the sponsor as market maker and not remaining unsold units from the original distribution of such units; and

(vi) The sponsor shall deposit units of existing series in the new series without a sales charge.

[6] Some examples of circumstances in which new and material risk disclosure might be warranted are the following: 1) the portfolio of the new series contained securities purchased on a when-issued or delayed delivery basis but the portfolios of previous series did not; 2) the portfolio of the new series contained securities 40 percent or more of which were issued by foreign issuers while the portfolios of previous series were composed of less than 40 percent foreign-issued securities; 3) both the portfolio of the new series and that of a previous series contained securities issued by a particular city, but in the interval between the filing of the respective registration statements, it became known that the city was in financial difficulty.

[7] Rule 460 provides, *inter alia*, that pursuant to the statutory requirements of Section 8(a) of the 1933 Act, in ruling upon requests for the acceleration of the effective date of registration statements, the Commission will consider whether issuers have taken reasonable steps to make the information contained in the registration statement conveniently available to those who it is anticipated will participate in the distribution of the security. The rule further provides that, at a minimum, each dealer and underwriter should receive, a reasonable time in advance of the anticipated effective date of the registration statement, a sufficient number of copies of the preliminary prospectus permitted by rule 433 under the 1933 Act (17 CFR 230.433) to assure adequate distribution of the preliminary prospectus. These provisions would be unchanged by the proposed revision of Regulation C under the 1933 Act (17 CFR 230.400 through 230.494) proposed in Securities Act Release No. 6333 (August 6, 1981) [46 FR 41971, August 8, 1981].

designation pursuant to the rule is incomplete or inaccurate in any material respect, whether or not such registration statement has become effective; or (2) with respect to such registration statement, the registrant has not complied with any of the conditions set forth in paragraph (b) of the rule. A suspension would apply to any registration statement relating to any series of the trust that had been filed but had not, at the time of such suspension, become effective, and also to any registration statement with respect to series filed after the date of the suspension.

A suspension would apply only to the registrant's ability to designate the date and time of effectiveness pursuant to paragraph (a) of the proposed rule. The suspension would become effective as of the time that the Commission furnished written notice thereof to the sponsor of the unit investment trust, and would remain in effect until such time as the Commission furnished written notice to the sponsor that the suspension had been terminated. Once the ability to designate a date and time of effectiveness had been suspended, any registration statement that had been filed by the trust but which had not, at the time of the suspension, become effective, and any subsequently filed registration statement relating to a series of the trust, would become effective in accordance with the existing procedures under section 8(a) of the 1933 Act. The staff would review and comment on a registration statement filed by such a trust in the normal manner notwithstanding such suspension.

Should the operation of paragraph (a) of the proposed rule be suspended with respect to registration statements for series of a unit investment trust, the registrant, at any time, would be entitled to file a petition for review of the suspension. Such a petition for review, which could be in the form of a letter or other statement, would have to set forth with particularity the facts upon which the petitioner relied. If the registrant so requested in its petition, an opportunity would be provided for presentation of all material facts at a hearing on the matter. The purpose of the hearing would be to develop a record, for the Commission's consideration of the matter, on the question of whether suspension of the operation of the automatic effectiveness provision was in the public interest and required for the protection of investors.

If rule 475b is adopted, the staff will not prepare notifications of effectiveness for registration statements that became effective automatically under the rule. Registrants would have to take into account whatever time might be required for the registration statement or pre-effective amendment to be delivered to the Commission, and take care that the date and time specified for effectiveness was not earlier than the date and time of filing. Rule 456 under the 1933 Act [17 CFR 230.456] states that the date on which any papers are actually received by the Commission shall be the date of filing. Of course, notwithstanding any designation by the registrant, a registration statement may not become effective until it is filed with the Commission.

To facilitate implementation of the proposed rule, it is proposed to amend the facing sheet and signature page of Form S-6, the registration statement under the 1933 Act for securities of unit investment trusts. The facing sheet would be amended to provide a format for registrants to make the designation required by paragraph (a)(1) of Rule 475b as a condition to effectiveness under the rule. Similarly, the signature page would be amended to provide a format for registrants to make the representations required by paragraphs (b)(3) and (b)(4) of the proposed rule.

Registrants are reminded that, regardless of whether the proposed rule is adopted, the statutory burden of full disclosure is on the issuer, its affiliates, its underwriter, its accountants and others responsible for the filing. As a matter of law, this burden cannot be shifted to the Commission or its staff. To monitor compliance with these statutory responsibilities, if the proposed rule is adopted the Commission staff will undertake a program of spot-checking registration statements and pre-effective amendments filed under the rule.

Regulatory Flexibility Act Certification

Pursuant to section 605(b) of the Regulatory Flexibility Act, 5 U.S.C. 605(b), the Chairman of the Commission has certified that the rule and form amendments proposed herein will not, if promulgated, have a significant economic impact on a substantial number of small entities. This certification, including the reasons therefor, is attached to the release.

Text of the Proposed Rule and Amendments to Form S-6

PART 230—GENERAL RULES AND REGULATIONS, SECURITIES ACT OF 1933

I. It is proposed to amend Part 230 of Chapter II of Title 17 of the Code of Federal Regulations by adding a new § 230.475b as follows:

§ 230.475b Effectiveness of registration statements filed by certain unit investment trusts.

(a)(1) A unit investment trust registered under the Investment Company Act of 1940 that files a registration statement pursuant to the Act in connection with the offering of the securities of a series of the unit investment trust, except the first series of such trust, may designate a date and time for such registration statement to become effective. If the registrant complies with the conditions set forth in paragraph (b) of this section, the registration statement shall become effective in accordance with such designation.

(2) The registrant may designate the date and time of effectiveness in the registration statement or in any pre-effective amendment thereto. A pre-effective amendment to a registration statement with respect to which such a designation is properly made shall be deemed to have been filed with the consent of the Commission and shall accordingly be treated as part of the registration statement.

(b) Availability of effectiveness of a registration statement in accordance with paragraph (a) of this section is conditioned upon compliance with the following:

(1) The registrant is engaged exclusively in the business of investing in "eligible trust securities," as defined in rule 14a-3 under the Investment Company Act of 1940 [17 CFR 270.14a-3];

(2) The designation provided for in paragraph (a) of this section is set forth on the facing sheet of such registration statement or pre-effective amendment thereto;

(3) The registrant identifies a previous series of the trust for which the effective date of the registration statement was determined by the Commission or its staff, and makes the following representations:

(i) That the portfolio securities deposited in the series with respect to which the registration statement or pre-effective amendment is being filed do not differ materially in type or quality from those deposited in such previous series identified by the registrant; and

(ii) That, except to the extent necessary to identify the specific portfolio securities deposited in, and to provide essential financial information for, the series with respect to which the registration statement or pre-effective amendment thereto is being filed, the

registration statement or pre-effective amendment thereto does not contain disclosures that differ in any material respect from those contained in the registration statement of such previous series identified by the registrant;

(4) The registrant represents that it has complied with rule 460 under the Act [17 CFR 230.460];

(5) The identification and representations provided for in paragraphs (b)(3) and (b)(4) of this section are made on the signature page of the registration statement or pre-effective amendment thereto; and

(6) If counsel prepared or reviewed such registration statement or pre-effective amendment thereto, such counsel shall furnish to the Commission at the time the registration statement or pre-effective amendment thereto is filed a written representation that such registration statement or pre-effective amendment does not contain disclosures which would render such registration statement ineligible to become effective pursuant to paragraph (a) of this section.

(c)(1) The Commission may, in the manner and under the circumstances set forth in paragraph (c)(2) of this section, suspend the ability of a unit investment trust to designate the date and time of effectiveness of series of such trust, and such suspension shall remain in effect until the Commission furnishes written notice to the sponsor of the unit investment trust that the suspension has been terminated. Any suspension, so long as it is in effect, shall apply to any registration statement that has been filed but has not, at the time of such suspension, become effective, and to any registration statement with respect to any series of such trust that may be filed after such suspension. Any such suspension shall apply only to the ability to designate the date and time of effectiveness pursuant to paragraph (a) hereof and shall not otherwise affect any registration statement.

(2) Any suspension pursuant to paragraph (c)(1) of this section shall become effective at such time as the Commission furnishes written notice thereof to the sponor of the unit investment trust. The Commission may issue such a suspension if it appears to the Commission that any registration statement containing a designation pursuant to this section is incomplete or inaccurate in any material respect, whether or not such registration statement has become effective, or that the registrant has not complied with the conditions of this section. Following such action by the Commission, the registrant may file with the Commission at any time a petition for review of the suspension. The Commission will order a hearing on the matter if a request for such a hearing is included in the petition.

PART 239—FORMS PRESCRIBED UNDER THE SECURITIES ACT OF 1933

II. It is proposed to amend Part 239 of Chapter II of Title 17 of the Code of Federal Regulations by:

1. Amending the facing sheet of Form S–6 and

2. Amending the signature page of Form S–6 as follows:

§ 239.16 Form S–6, for unit investment trusts registered on Form N–8B–2 [Amended]

1. Amendment to facing sheet. Insert the following after "Approximate date of proposed public offering."

[ ] Check box if it is proposed that this filing will become effective on (date) at (time) pursuant to Rule 475b.

2. Amendment to signature page. Insert the following after the first textual paragraph under "SIGNATURES:"

Alternative Form of Signature for Filings Under Rule 475b

The registrant, ————————, hereby identifies series (number and type) of the trust for purposes of the representations required by rule 475b and represents the following:

(1) That the portfolio securities deposited in the series as to the securities of which this registration statement is being filed do not differ materially in type or quality from those deposited in such previous series;

(2) That, except to the extent necessary to identify the specific portfolio securities deposited in, and to provide essential financial information for, the series with respect to the securities of which this registration statement is being filed, this registration statement does not contain disclosures that differ in any material respect from those contained in the registration statement for such previous series as to which the effective date was determined by the Commission or the staff; and

(3) That it has complied with rule 460 under the Securities Act of 1933.

Pursuant to the requirements of the Securities Act of 1933, the registrant has duly caused this registration statement to be signed on its behalf by the undersigned thereunto duly authorized, and its seal to be hereunto affixed and attested, all in the city of ————————, and State of ————————, on the —— day of ————, 19——.

Statutory Authority

The Commission hereby proposes rule 475b and amendments to Form S–6 for comment pursuant to the provisions of sections 7, 8 and 19(a) of the Securities Act of 1933 [15 U.S.C. 77g, 77h and 77s(a)].

By the Commission.

George A. Fitzsimmons,

Secretary.

October 21, 1981.

Regulatory Flexibility Certification

I, John S. R. Shad, Chairman of the Securities and Exchange Commission, hereby certify pursuant to 5 U.S.C. 605(b) that proposed rule 475b [17 CFR 230.475b] and the proposed amendments to From S–6 [17 CFR 239.16] under the Securities Act of 1933 [15 U.S.C. 77a et seq.], set forth in Securities Act Release No. 6356, if promulgated, will not have a significant economic impact on a substantial number of small entities. The reason for this certification is that the proposed rule and form amendments propose changes in filing procedures for registration statements which will reduce or have no effect on the costs involved in preparing and filing documents with the Commission.

Dated: October 20, 1981.

John S. R. Shad,

Chairman.

[FR Doc. 81-31100 Filed 10-26-81; 8:45 am]

BILLING CODE 8010-01-M

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17 CFR Parts 240 and 249

[Release No. 34–18189; File No. S7–910]

Proposed System of Classification of Smaller Issuers for Purposes of Exempting Them From Certain Reporting and Other Requirements

AGENCY: Securities and Exchange Commission.

ACTION: Proposed rule and proposed amendments to forms.

SUMMARY: The Commission is proposing for comment a new rule and rule amendments which would exempt a class of smaller issuers from the registration and reporting provisions under the Securities Exchange Act of 1934. These proposals represent an effort by the Commission to alleviate the burdens imposed on small business in complying with the Securities Exchange Act of 1934 to the greatest extent possible consistent with the public interest and the protection of investors.

DATE: Comments must be received on or before December 18, 1981.

ADDRESSES: All communications on the matters discussed in the release should be submitted in triplicate to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Comments should refer to File No. S7–910 and will be availale for public inspection and copying in the Commission's Public Reference Room, 1100 L Street, N.W., Washington, D.C. 20549.

FOR FURTHER INFORMATION CONTACT: Suzanne Brannan (202/272-2644), Office of Small Business Policy, Division of Corporation Finance, Securites and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549.

SUPPLEMENTARY INFORMATION: The Securities and Exchange Commission today announced that it is proposing a new rule and certain rule amendments to provide for a system of classification of small issuers for purposes of exempting certain of them from the registration, reporting and other obligations under the Securities Exchange Act of 1934 (the "Exchange Act") [15 U.S.C. 78a *et seq.*]. The proposals are intended to provide a rational adjustment to the criteria for entry into or exit from the Exchange Act reporting system and to eliminate the costs to the smallest issuers of complying with the registration and reporting provisions under the Act.

I. Background

On June 13, 1980, the Commission published an advance notice of rulemaking release announcing that it was considering the advisability of classifying companies under the Exchange Act so that defined classes of smaller issuers might have modified reporting and other requirements [1] ("Advance Notice Release"). This effort was begun, in part, in response to critics who noted that the cost of compliance with Exchange Act reporting requirements is not only substantial in absolute amounts but is relatively greater for smaller companies than for larger issers. As an example, it has been argued that the indiscriminate application of the disclosure provisions of the Exchange Act, which are intended primarily to ensure the continuous public availability of adequate information about companies with publicly traded securites, imposes a relatively higher compliance burden for smaller companies which may, in turn, inhibit the capital raising efforts of new and growing enterprises.

The scope of the registration and reporting provisions of the Exchange Act extends to all issuers presumed to be the subject of active investor interest in the over-the-counter market.[2] Specifically, the registration provisions of Section 12 extend to any company with both total assets in excess of $1 million and a class of equity securities held of record by 500 or more persons. Once registered, the Exchange Act requires the issuer to file the annual, quarterly and current reports prescribed by the Commission, to make and keep accurate books and records and devise and maintain a system of internal accounting controls in accordance with Section 13(b), and to comply with the proxy or information statement requirements of Section 14 and the tender offer requirements of Section 13(e). In addition, all officers, directors and ten percent shareholders of registered issuers must file certain ownership reports in accordance with Section 16(a) and are subject to the short-swing trading provisions of Section 16(b). Moreover, there are several other obligations which are imposed, in certain circumstances, upon persons owning, acquiring or exercising investment discretion with respect to securities which are registered under Section 12 including those of the tender offer requirements under Section 14. Issuers required to file periodic reports are generally required to provide the same type and quality of information regardless of their size. Similarly the proxy solicitation and information statement provisions do not make distinctions among issuers based on size.

Section 15(d) of the Exchange Act provides that each issuer which files a registration statement which is declared effective pursuant to the Securities Act of 1933 [15 U.S.C. 77a *et seq.*] (the "Securities Act") must also file with the Commission such supplementary, periodic and current reports as may be required with respect to a security registered pursuant to Section 12 of the Exchange Act for the fiscal year in which the registration statement becomes effective. The duty to file reports continues for any subsequent fiscal year unless the securities of each class to which the registration statement relates are held by less than 300 persons at the beginning of the issuer's fiscal year.

The Report of the Advisory Committee on Corporate Disclosure (the "Advisory Committee Report") and witnesses at the public Small Business Hearings held by the Commission concerning the impact of its rules and regulations on small businesses cited a number of factors suggesting that a reduction in the compliance burdens imposed by the federal securities laws for small businesses might be warranted.[3] Following these hearings, the Commission undertook several initiatives to reduce certain of the burdens imposed by the Securites Act and the Trust Indenture Act of 1939 [15 U.S.C. 77aaa, *et seq.*].[4] The Commission today is addressing revisions to the disclosure provisions under the Exchange Act. In its advance notice release the Commission requested commentators to focus on certain specified questions in seeking guidance generally on the desirability of implementing a classification system, and the criteria which could be used in grouping companies. The two most fundamental of the series of questions asked were: (1) whether small companies would derive benefits from a classification system that would provide for reduced disclosure for small issuers under the Exchange Act, and whether such a system would be consistent with the protection of investors; and, (2) what criteria should the Commission use in establishing categories of issuers for a classification system, *i.e.* asset size, revenues, net worth, number of shareholders, or some combination of these? [5]

In response to the advance notice release, the Commission received 67 written comments from businesses, attorneys and legal associations, accountants and accounting associations, trade associations, venture capitalists, analysts, market makers,

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[1] *Consideration of a System of Classifying Smaller Issuers for Purposes of Modifying Certain Reporting and Other Requirements*, Securites Exchange Act Release No. 16868 (June 2, 1980) [45 FR 40145] (hereinafter cited as "Advance Notice Release").

[2] Report of the Special Study of Securities Markets of the Securities and Exchange Commission, House Comm. on Interstate and Foreign Commerce, H.R. Doc. No. 95, pt. 3, 88th Cong., 1st Sess. (1963) at 60-62.

[3] Report of the Advisory Committee on Corporation Disclosure to the Securities and Exchange Commission (hereinafter cited as the "Advisory Committee Report") Committee Print 95-29 Cong., 1st Session. (1977); Summary of Comments Relating to Small Business Hearings and Proposed Form S-18, Division of Corporation Finance, Securities and Exchange Commission, File No. S7-734, question 12 at 71.

[4] A summary of the Commission actions is set forth in Securities Act Release No. 6049 (April 3, 1979) [45 FR 21562] and Securities Exchange Act Release No. 16866 (June 2, 1980) [45 FR 40145]. Subsequently, in Securities Act Release No. 6299 (March 19, 1981) [46 FR 18947], the Commission adopted amendments to Form S-18 that expanded the availability of the form to companies engaged in significant mining operations. As a result of that action, the Commission adopted similar amendments to rule 242 in Securities Act Release No. 6321 (June 11, 1981) [46 FR 31680]. Most recently, the Commission adopted amendments to the rules, forms and disclosure requirements under Regulation A to comprehensively revise and update the disclosure requirements under that regulation in Securities Act Release No. 6340 (August 7, 1980) [46 FR 41766]. Finally, in Securities Act Release No. 6339 (August 7, 1981) [46 FR 41791], the Commission proposed Regulation D which would coordinate the various limited offering exemptions and streamline the existing requirements applicable to private offers and sales of securities. Proposed Regulation D would replace and significantly revise the existing limited offering exemptions contained in Commission rules 146, 240 and 242.

[5] Advance notice release, *supra* note 1, 45 FR at 40151.

investment bankers and investors, banks, stock exchanges, state and federal agencies and academicians.[6] A substantial majority of the commentators favored a system of classifying smaller issuers for the purpose of reducing the reporting requirements under the Exchange Act. Cost savings, resulting primarily from reduced use of outside professionals as well as company employees, investment bankers and printers, were generally viewed by commentators as resulting in increased profits for small issuers and greater return to investors and would encourage small issuers to raise capital through registered offerings and expand their businesses. Several commentators indicated that the burdens of compliance with Exchange Act disclosure requirements for small issuers outweighed the benefits to the public because investors and stockholders often have neither the need for nor the interest in the technical disclosure elicited since they rely primarily on other sources of information such as direct communication with company officials, company annual reports, and broker-dealers. In any case, financial analysts, who are often major users of reports filed with the Commission, generally do not follow smaller companies,[7] and thus, to the extent that individuals benefit from analysts' reviews, individuals probably do not derive a benefit in this manner from Exchange Act reports of such issuers.

Many suggestions were received for the criteria which could be used for classifying small issuers under the Exchange Act. The most frequently suggested criteria, usually in combination with each other and such other criteria as revenues and net worth, were asset size and shareholder number. Most commentators agreed that the shareholder number was generally indicative of investor interest in a company's securities and, thus, of the need for continuous disclosure, and that an asset test was a simple and functional test of an issuer's size in relation to the costs of complying with Exchange Act reporting requirements. Consequently, there was substantial support for the criteria currently contained in the Exchange Act and the rules thereunder. However, the commentators differed widely on the level of assets which should be used as a ceiling criteria. There was a consensus that the asset size test should be raised from $1 million, but commentators suggested such varied asset levels ranging from $2 million to $100 million. Several commentators, however, endorsed the Commission's suggestion that a simple inflationary adjustment of the million dollar asset requirement established by Congress in 1964 may be the most appropriate parameter for establishing a class of the very smallest companies.[8]

II. Discussion

In response to the comments received, the Commission is today proposing a new rule, designated Rule 12g–1, [17 CFR 240.12g–1] under which issuers with less than $3 million in total assets would be exempt from the registration provisions of the Exchange Act.[9] Such issuers would, of course, not be required to file supplementary reports with the Commission or comply with the proxy or information statement requirements of Section 14. The Commission is also proposing an amendment to Rule 12g–4 [17 CFR 240.12g–4][10] that would provide for termination of the registration of a class of securities under Section 12(g) and, therefore, of further disclosure obligations, when a company had less than 500 shareholders and its total assets had not exceeded $3 million for the company's three most recent fiscal years, as reflected in the company's last three annual reports filed with the Commission. This is in addition to the current provision for termination of registration of any class of security if the number of shareholders of such class of securities is reduced to less than 300 persons.

The Commission is also proposing to extend substantially similar relief to issuers required to report pursuant to Section 15(d). A proposed amendment to Rule 15d–6 [17 CFR 240.15d–6] would permit an issuer to suspend its further disclosure obligations pursuant to Section 15(d) if the issuer had less than 500 shareholders and its total assets had not exceeded $3 million for each of its three most recent fiscal years, as reflected in the issuer's last three annual reports filed with the Commission. The effect of the Rule 15d–6 amendment would thus be to permit those issuers who are eligible to use the proposed amendment only after having been reporting companies for three years. The rationale for the requirement of a three year reporting obligation, as with the similar provisions proposed with respect to Section 12(g), is to lessen the frequency with which issuers may otherwise enter in or exit from the Exchange Act reporting system.[11] The Commission specifically directs attention to and requests comments on whether the effectiveness of the amendments proposed under Sections 12(g) and 15(d) should be delayed for a period of time so that shareholders of an issuer currently reporting under the Exchange Act would have sufficient notice of an issuer's potential ability to terminate registration or suspend its duty to file reports.

The Commission announced in the advance notice release that it was considering reducing or modifying the reporting requirements for a class or classes of smaller issuers but did not specify what modifications it might consider. The Commission is now proposing a system in which the smallest issuers would be completely exempt from the registration requirements of the Exchange Act and is proposing additional standards by

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[6] Comments are available for public inspection and copying in File No. S7–837, in the Commission's Public Reference Room, 1100 L Street, NW, Washington, D.C.

[7] The Financial Analysts Federation ("FAF") conducted a survey of research directors at the request of the Advisory Committee to determine whether all publicly held companies are the focus of fundamental security analysis. The FAF's results indicate that smaller companies do not receive the continued or widespread scrutiny of security analysis. *See* the Advisory Committee Report, *supra* note 3 at 39–42. A similar study conducted by the Joint Industry/Government Committee on Small Business Financing of the National Association of Securities Dealers, cited such factors as lack of liquidity, lack of independent research, price volatility, and the "prudent man" standard under the Employee Retirement Income Security Act as those usually cited by institutions as primary reasons for not investing in these companies. *See* Report of the Joint Industry/Government Committee on Small Business Financing, National Association of Securities Dealers, Inc., (May 22, 1979), at 15–16.

[8] In the advance notice release, the Commission stated that the price deflator for Gross Private Fixed Investment, which includes such business assets as plant and equipment, indicated that from 1964 to 1979 prices rose 147 percent. Thus, $1 million of a business' total assets in 1964 would theoretically be valued at $2.47 million in 1979. These figures were updated by the Commission's Directorate of Economic and Policy Analysis, and indications are that, as of 1980 figures, $1 million of a business' total assets in 1964 would theoretically be valued at $2.562 million.

[9] The Commission is recommending, in conjunction with proposed Rule 12g–1, essentially to rescind current Rule 12g–1 [17 CFR 240.12g–1] which was promulgated in order to provide an orderly transition to the new requirements as enacted in 1964 for affected companies. *See*, Securities Exchange Act Release No. 7429 (September 30, 1964)[29 FR 13462].

[10] Currently, Rule 12g–4 provides for notice of termination on Form 12g–4/15d–6 [17 CFR 249.323, 333] if the number of holders of record of such equity class of security is held by less than 300 persons. The Commission is also proposing technical amendments to the form to conform it with the substance of the proposals.

[11] The Commission notes that, if the proposals published today are adopted, it is anticipated that the deferral for small insurance companies of the effective date of the quarterly reporting requirements of Part I of Form 10–Q [17 CFR 240.308a] as provided by Rules 13a–13(c)(1) [17 CFR 240.13a–13(c)(1)] and 15d–13(g)(1) [17 CFR 240.15d–13(c)(1)] will not be extended.

which registration under Section 12(g) may be terminated or the duty to file reports in accordance with Section 15(d) may be suspended other than for the fiscal year in which the registration statement under the Securities Act was declared effective.

The Commission considered a number of factors in formulating these proposals in recognition of the careful balancing it must undertake in evaluating the need by investors for continuous periodic disclosure for purposes of secondary trading activity against the relatively higher time and expense burdens which the Exchange Act imposes on smaller versus larger issuers. First, the proposals represent, in the Commission's view, a needed adjustment in the ceiling levels below which issuers need not report. It is generally acknowledged that the $1 million asset level established in 1964 is now an outdated measure because of the upward pressure inflation in the economy has placed on the valuation of an issuer's assets.[12]

Second, the Commission considered the impact of the current reporting system on the ability of small issuers to raise capital. As indicated by commentators, the current reporting system and the ability of an issuer to assume the continuous reporting obligations imposed by the Exchange Act are significant factors in determining whether a company will proceed with plans to seek public capital. If, as commentators argue, alternative financing arrangements are also not available, the ability of a company to expand its operations is severely limited. The commission also notes that some commentators expressed the view that, even if there is a reduction in the costs associated with Exchange Act compliance, the reduced disclosure may adversely impact on an issuer's ability to attract investors and thereby may act to the long-term disadvantage of an issuer's capital raising efforts. The Commission believes, however, that this is a factor to be weighed by the issuer, who is in the best position to evaluate its capital raising or liquidity needs, when determining whether it should voluntarily report or utilize the exemptions afforded by the proposed rules.

Finally, the Commission considered whether the efficiency of the secondary trading markets of small issuers might be adversely affected by a change in the disclosure system. The Commission notes that rules governing the National Association of Securities Dealers Automated Quotation System ("NASDAQ"), an automated inter-dealer quotation system for over-the-counter securities, require that an issuer of securities registered for trading on NASDAQ must be a reporting company under the Exchange Act. Thus, a company which seeks to have its shares traded by means of NASDAQ must comply with the Exchange Act, regardless of whether that company may otherwise be exempt under the proposed rules.[13] Similarly, quotations for securities which are not listed on NASDAQ or on a national securities exchange are sometimes given by dealers in the National Daily Quotation Service ("pink sheets") published by the National Quotation Bureau, Inc. It is often through this means that a secondary market is maintained for some of the smallest or least-traded issuers. Commission Rule 15c2-11 [17 CFR 240.15c2-11] requires that any broker-dealer submitting quotations for securities maintain for investors either the most recent annual report of the issuer, if the issuer is a reporting company, or the information prescribed by paragraph (a)(4) of that rule. If the proposed rules are adopted, a broker-dealer submitting quotations for securities of an issuer that has elected the exemption from the registration and reporting provisions in accordance with the proposed rules would, as in the case of all non-reporting companies, be required to comply with paragraph (a)(4) of Rule 15c2-11 unless the issuer is otherwise excepted from the requirements of the rule. Thus, the Commission believes that investors in the secondary market may elicit information necessary for investment decisions from broker-dealers submitting quotations in the subject securities and, further, that any issuer who believes that additional information in the marketplace is needed to retain investor interest and solidify a stable share price may voluntarily register as is currently permitted. The Commission invites comments on the effect of the proposals on the ability of the affected issuers to sustain trading activity.

III. Synopsis

The following discussion of the proposed new rule and rule amendments are intended to assist all persons in their understanding of the proposed exemptions under the Exchange Act. However, attention is directed to the text of the rules for a more complete understanding.

A. Proposed Classification Scheme Under Section 12(g)

Section 12(g)(1) of the Exchange Act requires an issuer to register any class of equity securities if on the last day of the fiscal year of the issuer such securities are held of record by more than 500 persons and if the issuer's total assets exceed $1 million. Proposed Rule 12g-1 would group small issuers who now would become subject to the Exchange Act and exempt them from the registration and reporting requirements if the issuers had less than $3 million in assets.[14] Thus, if an issuer were not required to register its securities at the time proposed Rule 12g-1 were adopted, that is, the total assets of the issuer did not exceed $1 million at its most recent fiscal year-end and its equity securities were held by fewer than 500 shareholders, then that issuer would not be required to register until such time as at a fiscal year-end its total assets exceeded $3 million and it had a class of equity securities held by more than 500 persons. The Commission is also proposing to amend Rule 12g-4 to provide that an issuer now subject to Exchange Act reporting requirements pursuant to Section 12(g) or an issuer who becomes subject to reporting requirements after adoption of the proposals may be eligible to terminate its obligation at such time as the issuer certifies that it has fewer than 500 shareholders and its total assets have not exceeded $3 million on the last day of each of its last three fiscal years as reflected in the issuer's three latest annual reports filed pursuant to Commission rules. This is in addition to the current provision for termination of registration of a class of securities set forth in Section 12(g)(4) and Rule 12g-4 thereunder when the number of shareholders of such class is reduced to less than 300 persons. The proposed amendment is intended to provide an additional standard by which registration under Section 12(g) may be terminated, based primarily on the ability of an issuer to bear the economic

[12] *Supra*, note 8.

[13] Presently NASDAQ registration standards require that companies must have total assets of $2 million. *See*, Securities Exchange Act Release No. 18054 (August 21, 1981) [46 FR 43341]. Thus, certain issuers with assets exceeding $2 million but less than $3 million may be eligible for NASDAQ registration even though they are exempted from Exchange Act reporting requirements pursuant to the proposals.

[14] Currently issuers must exceed both of the criteria under Section 12(g) in order to become subject to the registration and reporting provisions of the Exchange Act; *i.e.* $1 million in total assets and a class of equity securities held by 500 shareholders. Proposed Rule 12g-1 would, in effect, raise the $1 million total asset test to $3 million. *See* examples 1 and 2 below.

burden of compliance with the Exchange Act disclosure provisions.

The following examples illustrate the operation of the proposed classification scheme under Section 12(g):

1. Proposed Rule 12g–1 becomes effective. Start-up Company A sells securities under Section 4(2) of the Securities Act every year thereafter for three years. It eventually has total assets of $10 million and has 450 shareholders. Company A does not have to register its securities under the current or proposed regulatory scheme since the number of shareholders does not exceed 500.

2. Proposed Rule 12g–1 becomes effective. Company B sells securities under Section 4(2) of the Securities Act every year thereafter for three years. Eventually it has total assets of $2.8 million and has 700 shareholders. Company B would not have to register its securities under new Rule 12g–1 since its assets do not exceed $3 million. However, under the current regulatory scheme, Company B would be required to register its securities since its assets exceed $1 million and it had more than 500 shareholders.

3. Company C has been registered and reporting under Section 12(g) for four years and has consistently had $2.8 million in total assets and 450 shareholders when proposed Rule 12g–1 and amendments to Rule 12g–4 become effective. Company C files a certification pursuant to the amendments to Rule 12g–4 that it has fewer than 500 shareholders and has had total assets not exceeding $3 million on the last day of each of its last three fiscal years as reflected in its last three annual reports filed with the Commission. No further reports are made by Company C and its registration is terminated. Under the current regulatory scheme, the company must continue to be a reporting company since the number of shareholders exceeds 300 persons.

4. Company D has consistently had $2.8 million in assets and 450 shareholders and has been registered and reporting under Section 12(g) for four years. Proposed Rule 12g–1 and amendments to Rule 12g–4 become effective. Company D does not file a certification regarding its asset size and shareholder number. Instead it files its next quarterly report, due two months after the effective date of the rule and amendments. Shortly before the end of its next fiscal year, the company determines that it does not wish to continue as a reporting company. It files a certification under the amendments to Rule 12g–4 and in ninety days or less its registration is terminated, and it is relieved of its further reporting obligations.

5. At the end of its most recent fiscal year, Company E has, for the first time, reached a total asset level over $1 million and has over 500 shareholders. Rule 12g–1 and amendments to Rule 12g–4 become effective. Company E has, prior to the effective date of Rule 12g–1, incurred a duty to register its securities on Form 10; therefore the exemption provided by Rule 12g–1 is not available to Company E although Company E may fall below the 500 shareholder level later in the year. Company E must register and file three annual reports with the Commission reflecting three consecutive fiscal years of total assets below $3 million, and have under 500 shareholders, before it is eligible to file a Form 12g–4/15d–6 to terminate its registration.

B. Proposed Classification Scheme Under Section 15(d)

Section 15(d) of the Exchange Act differs from Section 12(g) in that the duty to file reports under the Exchange Act arises when the issuer has filed a registration statement for a public offering with the Commission which has become effective pursuant to the Securities Act. An issuer's further duty to file reports under the Exchange Act is automatically suspended for any fiscal year, other than for the fiscal year within which the registration statement became effective, if on the first day of such fiscal year the issuer has fewer than 300 shareholders of the issue of securities to which the registration statement related. Rule 15d–6 [17 CFR 240.15d–6] provides a procedure for filing a notice to inform the Commission that the issuer's duty to file reports is suspended since the securities to which the registration statement relates are held by less than 300 persons at the beginning of the issuer's fiscal year.

The proposed amendment to Rule 15d–6 would provide an exemption from the reporting obligations of Section 15(d) for any issuer whose total assets have not exceeded $3 million on the last day of each of its three most recent fiscal years as reflected in three annual reports filed with the Commission and that it has fewer than 500 shareholders at the beginning of its current fiscal year. At such time, the issuer would be eligible to file a notice of such suspension on Form 12g–4/15d–6. Following the current operation of Section 15(d), the proposed amendment would pemit only a temporary suspension of the reporting duty only as long as the issuer remained below the ceiling levels. If on the first day of any subsequent fiscal year the issuer is unable to meet the terms of Rule 15d–6, it must begin to report agian and continue to report at least until the requisite three annual reports each reflecting less than $3 million in total assets are on file with the commission and its shareholder number is reduced to under 500 pesons. As with the proposed amendments to Rule 12g–4, the proposed exemption contained in Rule 15d–6 provides an additional standard by which an issuer's duty to file reports may be suspended.

The following examples illustrate the operation of the proposed classification scheme under Section 15(d):

1. The proposed amendment to Rule 15d–6 becomes effective. Company A registers securities on Form S–18. Pursuant to Section 15(d), Company A is required to file a Form 10–K for the fiscal year in which the registration statement was declared effective. At the beginning of its next fiscal year, Company A has more than 300 shareholders and, thus, must continue to be a reporting company. If, after having filed three annual reports reflecting that the company has had under $3 million in assets for three consecutive fiscal years, and the company has under 500 shareholders at the beginning of its next fiscal year, then Company A's reporting duty would be suspended and Company A could file notification of that suspension on a Form 12g–4/15d–6. Under the current Section 15(d) scheme, Company A's reporting duty would not be suspended, since the number of shareholders exceeded 300 persons.

2. The proposed amendment to Rule 15d–6 becomes effective. Company B registers securities on Form S–18. Company B files a Form 10–K for the fiscal year in which its Form S–18 became effective. On the first day of its next fiscal year Company 3 has 290 shareholders and had $2.8 million in assets for its latest fiscal year. Company B's duty to report under the Exchange Act is suspended. Company B continues to have $2.8 million in assets and 290 shareholders for three years. In the fourth year, Company B has 301 shareholders. Company B must become a reporting company and it must have under 500 shareholders and file at least three consecutive annual reports showing total assets under $3 million before it could become eligible to use the proposed amendment to Rule 15d–6.

3. The proposed amendment to Rule 15d–6 becomes effective. Company C has a public offering of common stock on Form S–18. Company C files a Form 10–K for the fiscal year in which its Form S–18 became effective. On the last day of that fiscal year it has $4 million

in total assets and on the first day of the succeeding fiscal year, 600 shareholders. The exemption provided by proposed Rule 15d–6 is not available. In addition, Company C would become subject to Section 12(g) since the exemption provided by Rule 12g–1 is not available. If Company C subsequently has assets below $3 million for three consecutive fiscal years as reflected in three annual reports filed with the Commission, and has fewer than 500 shareholders, Company C could terminate its registration under Section 12(g) pursuant to proposed Rule 12g–4 and in such case its reporting burden would be suspended under Section 15(d) pursuant to proposed Rule 15d–6.

IV. Technical Amendments

The Commission is also proposing technical conforming amendments to Rules 12g–2 [17 CFR 240.12g–2], 12h–4 [17 CFR 240.12h–4] and 15d–1 [17 CFR 240.15d–1]. Rule 12g–2 [15] pertains to securities required to be registered pursuant to Section 12(g)(1) of the Act but which were exempt by virtue of listing and registration on a national securities exchange [16] or because they were issued by an investment company registered pursuant to Section 8 of the Investment Company Act of 1940 [15 U.S.C. 80a–1 *et seq.*].[17] Rule 12h–4 [18] provides for the immediate suspension of an issuer's duty to file reports required by Section 13(a) as to a class of securities subject to Section 15(d) for the balance of the issuer's fiscal year upon de-registration of that class of securities pursuant to Section 12(d) of the Exchange Act or the filing of a certification on Form 12g–4/15d–6 with respect to that class. The rule further states that such suspension shall not be in effect for any subsequent fiscal year at the beginning of which securities of the de-registered class are held of record by 300 or more persons. Finally, Rule 15d–1 [19] provides that every registrant under the Securities Act of 1933 shall file an annual report, on the appropriate form for the fiscal year in which the registration statement under that Act became effective and for each fiscal year thereafter, unless the registrant is exempt from such filing by Section 15(d) of the Securities Exchange Act of 1934.

The Commission notes further that proposals for amendment to Rule 12g3–2 [20] [17 CFR 240.12g3–2] are not being made at this time since that rule is currently under review for possible revision by the Commission. Rule 12g3–2 provides exemptions for foreign issuers from Exchange Act reporting and other requirements. The Commission is also proposing that Rule 12h–1 [21] [17 CFR 240.12h–1] be rescinded since the rule was designed to provide a temporary exemption for insurance companies from compliance with Section 12(g) in 1965.

Summary of Regulatory Flexibility Analysis

The Commission has prepared an Initial Regulatory Flexibility Analysis in accordance with 5 U.S.C. 603 regarding Rule 12g–1 and the associated amendments proposed herein.

The analysis notes that Rule 12g–1 and the rule amendments are being proposed in response to commentary in recent years that the cost of compliance with Exchange Act reporting requirements is not only substantial in absolute amounts but also is relatively greater for smaller companies than for larger issuers. The summary reviews the description of the proposals and notes that under the proposals a number of small issuers which would otherwise remain subject to the Exchange Act, because they had over 300 shareholders, will be able to terminate their registration or suspend their reporting obligations, and many small companies which would otherwise become subject to the Exchange Act under Section 12(g) will have entry into the reporting system delayed or eliminated. Thus, many small issuers will be relieved of reporting expenses pursuant to these proposals.

The Commission also stated in the summary that for purposes of the analysis therein the Commission was using the definition for small business proposed in Securities Exchange Act Release No. 17645 (March 20, 1981) [46 FR 19251], *i.e.* a small business is defined as any issuer whose total assets on the last day of its most recent fiscal year were $2.5 million or less. The majority of the issuers who would be eligible to use the proposals would be small businesses under this definition. The proposals will not increase the Exchange Act reporting burden for any issuer, and no additional recordkeeping or reporting will be required except a certification/notification to the Commission of the termination of an issuer's reporting duties which requires the issuer to indicate whether the issuer is terminating these duties pursuant to statute or Commission rule. Such a filing may require the skills of a professional familiar with the securities laws, and some services by management, but does not require any recordkeeping or reporting beyond that required by the Exchange Act up to the time of the effectiveness of the certification/notification.

A copy of the Initial Regulatory Flexibility Analysis may be obtained by contacting Suzanne Brannan, Office of Small Business Policy, Division of Corporation Finance, U.S. Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549 at (202)/272–2644.

Text of Proposed Rules

17 CFR Chapter II is proposed to be amended as follow:

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

1. By revising § 240.12g–1 to read as follows:

§ 240.12g–1 Exemption from section 12(g).

An issuer shall be exempt from the requirement to register any class of equity securities pursuant to section 12(g)(1) if on the last day of its most recent fiscal year the issuer had total assets not exceeding $3,000,000.

2. By revising § 240.12g–2 to read as follows:

§ 240.12g–2 Securities deemed to be registered pursuant to section 12(g)(1) upon termination of exemption pursuant to section 12(g)(2)(A) or (B).

Any class of securities which would have been required to be registered pursuant to section 12(g)(1) of the Act except for the fact that it was exempt from such registration by section 12(g)(2)(A) because it was listed and registered on a national securities exchange, or by section 12(g)(2)(B) because it was issued by an investment company registered pursuant to section 8 of the Investment Company Act of 1940, shall upon the termination of the listing and registration of such class or the termination of the registration of such company and without the filing of an additional registration statement be deemed to be registered pursuant to said section 12(g)(1) if at the time of such termination securities of the class are not exempt from such registration pursuant to section 12 or rules thereunder or all securities of such class

[15] *See*, Securities Exchange Act Release No. 8573 (April 17, 1969) [34 FR 7236] [adopting Rule 12g–2].

[16] 15 U.S.C. 781(g)(2)(A).

[17] 15 U.S.C. 781(g)(2)(B). Section 8 of Investment Company Act of 1940 is codified at 15 U.S.C. 80a–8.

[18] *See*, Securities Exchange Act Release No. 16078 (August 2, 1979) [44 FR 46447] [Adopting Rule 12h–4].

[19] *See*, Securities Exchange Act Release No. 4194 (January 17, 1949) [13 FR 9326] [adopting Rule 15d–1].

[20] *See*, Securities Exchange Act Release No. 8066 (April 28, 1967) [32 FR 7848] [adopting Rule 12g3–2].

[21] *See* Securities Exchange Act Release No. 7562 (April 2, 1965) [30 FR 4320] [adopting Rule 12h–1].

are held of record by 300 or more persons.

3. By revising § 240.12g–4 to read as follows:

§ 240.12g–4 Certifications of termination of registration under section 12(g).

Termination of registration of a class of securities shall take effect in 90 days, or such shorter period as the Commission may determine, after the issuer certifies to the Commission on Form 12g–4/15d–6 that the number of holders of record of such class of security is reduced to less than 300 persons; or the number of holders of record of such class of security is reduced to less than 500 persons and the total assets of the issuer have not exceeded $3,000,000 on the last day of each of the issuer's three most recent fiscal years, as reflected in the issuer's three most recent annual reports filed with the Commission pursuant to Commission rules; *Provided, However,* That the issuer's duty to file any reports required under section 13(a) shall be suspended immediately upon such certification; *Provided further,* That if the certification on Form 12g–4/15d–6 is subsequently withdrawn or denied, the registrant shall, within 60 days after the date of such withdrawal or denial, file with the Commission all reports which would have been required to be filed had the certification on Form 12g-4/15d-6 not been filed. If the issuer had merged into, or consolidated with another issuer or issuers, the form shall be filed by the successor issuer. The form shall be filed in addition to any other report required to be filed with the Commission in connection with the number of holders of record.

§ 240.12h–1 [Removed]

4. By removing § 240.12h–1.

§ 240.12h–2 [Redesignated as § 240.12h–1]

5. By redesignating § 240.12h–2 as § 240.12h–1.

§ 240.12h–3 [Redesignated as § 240.12h–2]

6. By redesignating § 240.12h–3 as § 240.12h–2.

7. By redesignating § 240.12h–4 as § 240.12h–3 and revising pragraph (b) to read as follows:

§ 240.12h–4 [Redesignated as § 240.12h–3 and Amended]

§ 240.12h–3 Partial exemption from section 15(d) upon termination of registration under section 12.

* * * * *

(b) The suspension shall not be in effect for any subsequent fiscal year at the beginning of which securities of such class are held of record by 300 or more persons or are not exempt by Rule 15d–6.

* * * * *

8. By revising § 240.15d–1 to read as follows:

§ 240.15d–1 Requirement of annual reports.

Every registrant under the Securities Act of 1933 shall file an annual report, on the appropriate form authorized or prescribed therefor, for the fiscal year in which the registration statement under the Act became effective and for each fiscal year thereafter, unless the registrant is exempt from such filing by section 15(d) of the Securities Exchange Act of 1934 or rules thereunder. Annual reports shall be filed within the period specified in the appropriate report form. At the time of filing the annual report, the rgistrant other than a person registered under the Public Utility Holding Company Act of 1935 or the Investment Company Act of 1940 shall pay to the Commission a fee of $250, no part of which shall be refunded.

9. By revising § 240.15d–6 to read as follows:

§ 240.15d–6 Suspension of duty to file reports.

(a) The duty of any issuer to file reports pursuant to section 15(d) of the Act a to any fiscal year other than the fiscal year within which such registration statement under the Securities Act of 1933 became effective shall be suspended if,

(1) At the beginning of such fiscal year all securities of each class registered under the Securities Act of 1933 are held of record by less than 300 persons; or

(2) At the beginning of such fiscal year all securities of each class registered under the Securities Act of 1933 are held of record by less than 500 shareholders and on the last day of each of the issuer's three most recent fiscal years total assets of the issuer have not exceded $3,000,000, as reflected in the issuer's three most recent annual reports filed with the Commission pursuant to Commission rules.

(b) If the duty of any issuer to file reports pursuant to section 15(d) of the Act as to any fiscal year is suspended in accordance with paragraph (a)(1) or (2) of this section, such issuer shall, within 30 days after the beginning of the first such fiscal year, file a notice on Form 15d–6 informing the Commission of such suspension. If the suspension resulted from the issuer's merger into, or consolidation with, another issuer or issuers, the notice shall be filed by the successor issuer. The notice shall be filed in addition to any other report required to be filed with the Commission in connection with the transaction or event giving rise to such suspension.

PART 249—FORMS, SECURITIES EXCHANGE ACT OF 1934

10. By revising § 249.323 to read as follows:

§ 249.323 Form 12g–4, certification to termination of registration of a class of security under section 12(g) of the Act.

This form shall be filed by each issuer to certify that the number of holders of record of a class of security registered under section 12(g) of the Securities Exchange Act of 1934 is reduced to less than 300 holders, or that the number of holders of record of a class of security registered under section 12(g) of the Securities Exchange Act of 1934 is reduced to less than 500 persons and the total assets of the issuer have not exceeded $3,000,000 on the last day of each of the issuer's three most recent fiscal years, as reflected in the issuer's three most recent annual reports filed with the Commission, pursuant to Commission rules. Registration terminates 90 days after the filing of the certificate or within such shorter time as the Commission may direct. Copies of this form may be obtained from the Commission on request.

Note.—A binomial form for use also in reporting on Form 15d–6.

11. By revising § 249.333 to read as follows:

§ 249.333 Form 15d–6, for suspension of duty to file reports pursuant to section 15(d) of the Securities Exchange Act of 1934.

This form shall be filed by each issuer required to file reports pursuant to section 15(d) of the Securities Exchange Act of 1934, as a notification that the duty to file such reports is suspended because at the beginning of the fiscal year in which such reports would be required all securities of each class of such issuer registered under the Securities Act of 1933 are held of record by less than 300 persons or because all securities of each class registered under the Securities Act of 1933 are held of record by less than 500 shareholders and the total assets of the issuer have ot exceeded $3,000,000 on the last day of each of the issuer's three most recent fiscal years as reflected in the issuer's three most recent annual reports filed with the Commission, pursuant to Commission rules, this form shall be filed within 30 days after the beginning of such fiscal year to which it pertains. Copies of this form may be obtained from the Commission on request.

Note.—A binomial form for use also in reporting on Form 12g–4.

Statutory Authority

The foregoing rule, rule amendmnets and amendments to a form are proposed pursuant to Sections 12(h) and 23(a) of the Securities Exchange Act of 1934 [15 U.S.C. 781, 78w].

By the Commission.

George A. Fitzsimmons,

Secretary.

October 20, 1981.

[FR Doc. 81-31099 Filed 10-26-81; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 271

[Docket No. RM79-76 (Louisiana—2 Addition)]

High-Cost Gas Produced From Tight Formations; Notice of Proposed Rulemaking

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Federal Energy Regulatory Commission is authorized by section 107(c)(5) of the Natural Gas Policy Act of 1978 to designate certain types of natural gas as high-cost gas where the Commission determines that the gas is produced under conditions which present extraordinary risks or costs. Under section 107(c)(5), the Commission issued a final regulation designating natural gas produced from tight formations as high-cost gas which may receive an incentive price (18 CFR 271.703). This rule established procedures for jurisdictional agencies to submit to the Commission recommendations of areas for designation as tight formations. This notice of proposed rulemaking by the Director of the Office of Pipeline and Producer Regulation contains the recommendation of the State of Louisiana Office of Conservation that an additional area of the Haynesville Formation be designated as a tight formation under § 271.703(d).

DATE: Comments on the proposed rule are due on November 20, 1981.

PUBLIC HEARING: No public hearing is scheduled in this docket as yet. Written requests for a public hearing are due on November 5, 1981.

ADDRESS: Comments and requests for hearing must be filed with the Office of the Secretary, 825 North Capitol Street NE., Washington, D.C. 20426.

FOR FURTHER INFORMATION CONTACT: Leslie Lawner, (202) 357–8307, or Walter Lawson, (202) 357–8556.

SUPPLEMENTARY INFORMATION:

Issued: October 21, 1981.

I. Background

On October 1, 1981, the State of Louisiana Office of Conservation (Louisiana) submitted to the Commission a recommendation, in accordance with § 271.703 of the Commission's regulations (45 FR 56034, August 22, 1980), that an additional area of the Haynesville Formation, located in the northwest part of the state of Louisiana, be designated as a tight formation. The Commission previously adopted a recommendation that the Haynesville Formation adjacent to this additional area be designated as a tight formation (Order No. 141, issued April 29, 1981, in Docket No. RM79–76 (Louisiana—2)). Pursuant to § 271.703(c)(4) of the regulations, this Notice of Proposed Rulemaking is hereby issued to determine whether Louisiana's recommendation that an additional area of the Haynesville Formation be designated a tight formation should be adopted. Louisiana's recommendation and supporting data are on file with the Commission and are available for public inspection.

II. Description of Recommendation

The recommended addition to the Haynesville Formation lies entirely within northern Bossier Parish, on the Arkansas border and is located in the southwestern portion of the Arkana Gas Field. The Haynesville Formation is located below the Bossier Formation and above the Smackover Formation. The top of the Haynesville Formation is located at a depth of 10,360 feet and the base is located at 10,845 feet on the induction electrical log of the Crystal Oil Company Hall No. 1 Well. In the Arkana Field, the Haynesville Formation consists of three members. The upper member is predominately shale, 120 feet to 220 feet thick; the middle member, the Haynesville Sand, is 120 feet to 220 feet thick with shale stringers varying from 2 feet to 15 feet in thickness; and the lower member, the Buckner, is 200 feet to 400 feet thick, consisting of shale and anhydrite. The area recommended consists of the following sections:

Township 23 North, Range 14 West, sections: 1, 2, 6–10, 15–22, 27–34

Township 23 North, Range 15 West, sections: 1–3, 10–15, 22–27, 34–36

III. Discussion of Recommendation

Louisiana claims in its submission that evidence gathered through information and testimony presented at a public hearing convened by Louisiana on this matter demonstrates that:

(1) The average *in situ* gas permeability throughout the pay section of the proposed area is not expected to exceed 0.1 millidarcy;

(2) The stabilized production rate, against atmospheric pressure, of wells completed for production from the recommended formation, without stimulation, is not expected to exceed the maximum allowable production rate set out in § 271.703(c)(2)(i)(B); and

(3) No well drilled into the recommended formation is expected to produce more than five (5) barrels of oil per day.

Louisiana further asserts that the requirement of Statewide Order No. 29–B will assure that development of this additional area of the Haynesville Formation will not adversely affect any fresh water aquifer that is or is expected to be used as a domestic or agricultural water supply. Further, Louisiana is in the process of establishing rules and regulations in accordance with the Environmental Protection Agency's Underground Injection Control guidelines which it believes will further prevent the contamination of any fresh water aquifer.

Accordingly, pursuant to the authority delegated to the Director of the Office of Pipeline and Producer Regulation by Commission Order No. 97, issued in Docket No. RM80–68 (45 FR 53456, August 12, 1980), notice is hereby given of the proposal submitted by Louisiana that an additional area of the Haynesville Formation as described and delineated in Louisiana's recommendation as filed with the Commission, be designated as a tight formation pursuant to § 271.703.

IV. Public Comment Procedures

Interested persons may comment on this proposed rulemaking by submitting written data, views or arguments to the Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, D.C. 20426, on or before November 20, 1981. Each person submitting a comment should indicate that the comment is being submitted in Docket No. RM79–76 (Louisiana—2 Addition), and should give reasons including supporting data for any recommendations. Comments should include the name, title, mailing address, and telephone number of one person to whom communications

concerning the proposal may be addressed. An original and 14 conformed copies should be filed with the Secretary of the Commission. Written comments will be available for public inspection at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, NE, Washington, D.C., during business hours.

Any person wishing to present testimony, views, data, or otherwise participate at a public hearing should notify the Commission in writing that they wish to make an oral presentation and therefore request a public hearing. Such request shall specify the amount of time requested at the hearing. Requests should be filed with the Secretary of the Commission no later than November 5, 1981.

(Natural Gas Policy Act of 1978, 15 U.S.C. 3301–3342)

Accordingly, the Commission proposes to amend the regulations in Part 271, Subchapter H, Chapter I, Title 18, Code of Federal Regulations, as set forth below, in the event Louisiana's recommendation is adopted.

Kenneth A. Williams,

Director, Office of Pipeline and Producer Regulation.

PART 271—CEILING PRICES

Section 271.703(d) is amended by revising subparagraph (22) to read as follows:

§ 271.703 Tight formations.

* * * * *

(d) *Designated tight formations.* The following formations are designated as tight formations. A more detailed description of the geographical extent and geological parameters of the designated tight formations is located in the Commission's official file for Docket No. RM79–76, as subindexed below, and is also located in the official files of the jurisdictional agency that submitted the recommendation.

* * * * *

(22) *Haynesville Formation in Louisiana.* RM79–76 (Louisiana—2) and (Louisiana—2 Addition)

(i) *Delineation of Formation.*

(A) The Haynesville Formation (Louisiana—2) is found in the northern portion of Bossier Parish, Louisiana, on the Arkansas border and consists of the following: Township 23 North, Range 12 West, Sections 5–8 and 17–19, Township 23 North, Range 13 West, Sections 1–24 and Township 23 North, Range 14 West, Sections 11–14, 23, and 24.

(B) The Haynesville Formation (Louisiana—2 Addition) is a westward extension of the Haynesville formation identified in Louisiana—2 and consists of the following: Township 23 North, Range 14 West, Sections 1 and 2, 6–10, 15–22, and 27–34, and Township 23 North Range 15 West, Sections 1–3, 10–15, 22–27, and 34–36.

(ii) *Depth.* The top of the Haynesville Formation is located at a measured depth of 10,360 feet, with the base located at 10,845 feet on the induction electrical log of the Crystal Oil Company Hall No. 1 Well. In the Arkana Field, the Haynesville Formation consists of three members. The upper member is predominately shale, 120 feet to 220 feet thick; the middle member, the Haynesville Sand, is 120 feet to 220 feet thick, with shale stringers varying from 2 feet to 15 feet in thickness; and the lower member, the Buckner, is 200 feet to 400 feet thick, consisting of shale and anhydrite.

[FR Doc. 81–30956 Filed 10–26–81; 8:45 am]

BILLING CODE 6717–02–M

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18 CFR Part 271

[Docket No. RM79–76 (Louisiana—5)]

High-Cost Gas Produced From Tight Formations; Notice of Proposed Rulemaking

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Federal Energy Regulatory Commission is authorized by section 107(c)(5) of the Natural Gas Policy Act of 1978 to designate certain types of natural gas as high-cost gas where the Commission determines that the gas is produced under conditions which present extraordinary risks or costs. Under section 107(c)(5), the Commission issued a final regulation designating natural gas produced from tight formations as high-cost gas which may receive an incentive price (18 CFR 271.703). This rule established procedures for jurisdicational agencies to submit to the Commission recommendations of areas for designation as tight formations. This notice of proposed rulemaking by the Director of the Office of Pipeline and Producer Regulation contains the recommendation of the State of Louisiana that the Smackover C Zone be designated as a tight formation under § 271.703(d).

DATE: Comments on the proposed rule are due on November 23, 1981.

PUBLIC HEARING: No public hearing is scheduled in this docket as yet. Written requests for a public hearing are due on November 6, 1981.

ADDRESS: Comments and requests for hearing must be filed with the Office of the Secretary, 825 North Capitol Street NE., Washington, D.C. 20426.

FOR FURTHER INFORMATION CONTACT: Leslie Lawner, (202) 357–8307, or Walter Lawson, (202) 357–8556.

SUPPLEMENTARY INFORMATION:

Issued: October 22, 1981.

I. Background

On October 5, 1981, the State of Louisiana Office of Conservation (Louisiana) submitted to the Commission a recommendation, in accordance with § 271.703 of the Commission's regulations (45 FR 56034, August 22, 1980), that the Smackover C Zone in the East Dykesville Field, located in the northern part of the State of Louisiana, be designated as a tight formation in the Commission's regulations. Pursuant to § 271.703(c)(4) of the regulations, this Notice of Proposed Rulemaking is hereby issued to determine whether Louisiana's recommendation that the Smackover C Zone be designated a tight formation should be adopted. Louisiana's recommendation and supporting data are on file with the Commission and are available for public inspection.

II. Description of Recommendation

The Smackover C Zone, underlying specified portions of the East Dykesville Field in Claiborne and Webster Parishes, north Louisiana, is a sandstone interlayered with occasional one to two foot thick beds of shale. The recommended area is described below. It is defined as that formation occurring between the measured depths of 11,290 feet and 11,340 feet on the induction electrical log of the Wheless Industries—Pelto Oil—Guy Lewis et al. No. 1 Well.

Recommended Area

T23N–R8W,
Secs. 30–34.
T22N–R8W,
Secs. 3–10, 15–18.
T23N–R9W,
Secs. 25–27, 34–36.
T22N–R9W,
Secs. 1–3, 10–15.

III. Discussion of Recommendation

Louisiana claims in its submission that evidence gathered through information and testimony presented at a public hearing convened by Louisiana on this matter demonstrates that:

(1) The average *in situ* gas permeability throughout the pay section of the proposed area is not expected to exceed 0.1 millidarcy;

(2) The stabilized production rate, against atmospheric pressure, of wells

completed for production from the recommended formation, without stimulation, is not expected to exceed the maximum allowable production rate set out in § 271.703(c)(2)(i)(B); and

(3) No well drilled into the recommended formation is expected to produce more than five (5) barrels of oil per day.

Louisiana further asserts that existing Statewide Order No. 29–B will assure that development of the Smackover C Zone will not adversely affect any fresh water aquifer that is or is expected to be used as a domestic or agricultural water supply. In addition, Louisiana states that it is in the process of establishing rules and regulations in accordance with the Environmental Protection Agency's Underground Injection Control guidelines which it believes will further prevent the contamination of any fresh water aquifer.

Accordingly, pursuant to the authority delegated to the Director of the Office of Pipeline and Producer Regulation by Commission Order No. 97, issued in Docket No. RM80–68 (45 FR 53456, August 12, 1980), notice is hereby given of the proposal submitted by Louisiana that the Smackover C Zone, as described and delineated in Louisiana's recommendation as filed with the Commission, be designated as a tight formation pursuant to § 271.703.

IV. Public Comment Procedures

Interested persons may comment on this proposed rulemaking by submitting written data, views or arguments to the Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before November 23, 1981. Each person submitting a comment should indicate that the comment is being submitted in Docket No. RM79–76 (Louisiana—5), and should give reasons, including supporting data, for any recommendations. Comments should include the name, title, mailing address, and telephone number of one person to whom communications concerning the proposal may be addressed. An original and 14 conformed copies should be filed with the Secretary of the Commission. Written comments will be available for public inspection at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C., during business hours.

Any person wishing to present testimony, views, data, or otherwise participate at a public hearing should notify the Commission in writing that they wish to make an oral presentation and therefore request a public hearing. Such request shall specify the amount of time requested at the hearing. Requests should be filed with the Secretary of the Commission no later than November 6, 1981.

(Natural Gas Policy Act of 1978, 15 U.S.C. 3301–3432)

Accordingly, the Commission proposes to amend the regulations in Part 271, Subchapter H, Chapter I, Title 18, Code of Federal Regulations, as set forth below, in the event Louisiana's recommendation is adopted.

Kenneth A. Williams,

Director, Office of Pipeline and Producer Regulation.

PART 271—CEILING PRICES

Section 271.703 is amended by adding new paragraph (d)(76) to read as follows:

§ 271.703 Tight formations.

* * * * *

(d) *Designated tight formations.* The following formations are designated as tight formations. A more detailed description of the geological extent and geological parameters of the designated tight formations is located in the Commission's official file for Docket No. RM79–76, subindexed as indicated, and is also located in the official files of the the jurisdictional agency that submitted the recommendation.

* * * * *

(76) *Smackover C Zone in Louisiana.* RM79–76 (Louisiana—5).

(i) *Delineation of formation.* The Smackover C Zone, a quartz sandstone interlayered with occasional beds of shale, is located in the following portions of Claiborne and Webster Parishes, north Louisiana: T23N–R8W, Sections 30–34; T22N–R8W, Sections 3–10, 15–18; T23N–R9W, Sections 25–27, 34–36; T22N–R9W, Sections 1–3, 10–15.

(ii) *Depth.* The Smackover C Zone is defined as that formation occurring between the measured depths of 11,290 feet and 11,340 feet on the induction electrical log of the Wheless Industries—Pelto Oil—Guy Lewis et al. No. 1 Well, located in Section 5, Township 22 North, Range 8 West, Claiborne Parish.

[FR Doc. 81-31134 Filed 10-26-81; 8:45 am]

BILLING CODE 6717-02-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 31

[LR–197–81]

Income Tax Withholding

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of proposed rulemaking

SUMMARY: This document contains proposed regulations relating to income tax withholding. Changes to the applicable tax law were made by the Economic Recovery Tax Act of 1981 (Pub. L. 97–34). The regulations would provide guidance to employers and employees with respect to such withholding.

DATES: Written comments and requests for a public hearing must be delivered by Dec. 28, 1981. The amendments to the regulations are proposed to be effective for withholding from remuneration paid after December 31, 1981, except that the amendments to the regulations relating to increases in withholding (§ 31.3402(i)–2) are proposed to be effective for requests made after September 30, 1981.

ADDRESS: Send comments and requests for a public hearing to: Commissioner of Internal Revenue, Attention: CC:LR:T (LR–197–81), Washington, D.C. 20224.

FOR FURTHER INFORMATION CONTACT: Barry L. Wold of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, D.C. 20224 (Attention: CC:LR:T) (202–566–3288).

SUPPLEMENTARY INFORMATION:

Background

This document contains proposed Employment Tax Regulations (26 CFR Part 31) under section 3402 of the Internal Revenue Code of 1954. The regulations are proposed to conform the existing regulations to section 101(e) of the Economic Recovery Tax Act of 1981 (95 Stat. 172, 184). These regulations are proposed to be issued under the authority contained in sections 3402 (i) and (m) and 7805 of the Internal Revenue Code (26 U.S.C. 3402 (i) and (m), 95 Stat. 185; 26 U.S.C. 7805, 68A Stat. 917).

General Rule

The proposed regulations would permit an employee to consider six additional items in determining the number of withholding allowances to claim on his or her Form W–4. These new items are the deduction for moving

expenses under section 217, the deduction for certain retirement savings under section 219, the deduction for two-earner married couples under section 221, estimated net losses from schedules C, D, E, and F of Form 1040, the deduction for employee business expenses from Form 2106, and the amount of decrease of tax due attributable to income averaging under sections 1301 through 1305. These new items are in addition to the items that may currently be claimed on Form W–4. All these items may be claimed only to the extent they may not be taken into consideration in computing payments of estimated tax. Form W–4 is being revised to reflect the changes in section 3402 and the regulations thereunder. The Service also invites specific comments suggesting additional items that the Service might permit to be claimed on Form W–4 under the authority of section 3402 (m) (3).

The proposed regulations also provide that a Form W–4 claiming exempt status for a particular taxable year will expire on the 15th day of the 2nd calendar month following the end of that taxable year, rather than 4 months following the end of that taxable year. The proposed regulations provide that an employee may request, after September 30, 1981, that an additional amount be deducted and withheld from the employee's wages. It is no longer necessary for the employee to obtain the employer's consent for such an increase. In addition, the proposed regulations make several technical changes to the regulations under section 3402 of the Code.

Regulatory Flexibility Act

Pursuant to 5 U.S.C. 605(b), the Secretary of the Treasury has certified that the requirements of the Regulatory Flexibility Act do not apply to this notice of proposed rulemaking as it will not have a significant economic impact on a substantial number of small entities. The regulations affect primarily individual employees and do not significantly alter the recordkeeping duties of small entities. Small entities will be required to deduct and withhold additional amounts from an employee's wages at the request of the employee. Previously, employers could refuse to comply with such a request. This change will not have a significant economic impact on a substantial number of small entities because the majority of employers currently comply with such requests and the increased cost to the employer is not significant.

Comments and Requests For a Public Hearing

Before adopting these proposed regulations, consideration will be given to any written comments that are submitted (preferably six copies) to the Commissioner of Internal Revenue. All comments will be available for public inspection and copying. A public hearing will be held upon written request to the Commissioner by any person who has submitted written comments. If a public hearing is held, notice of the time and place will be published in the **Federal Register**.

Drafting Information

The principal author of these proposed regulations is Barry L. Wold of the Legislation and Regulations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the regulations, on matters of both substance and style.

Waiver of Certain Procedural Requirements of Final Treasury Directive

A determination has been made by Roscoe L. Egger, Jr., Commissioner of Internal Revenue, that their is need for immediate quidance in order to enable taxpayers to complete new withholding exemption certificates to avail themselves of the provisions of section 101(e)(4) and (5) of the Economic Recovery Tax Act of 1981. Because of the immediate need for these regulations, compliance with the procedural requirements of paragraphs 8 through 14 of the final Treasury directive (43 52120), relating to improving regulations, would be impractical and, therefore, these requirements have not been followed.

Proposed Amendments to the Regulations

The proposed amendments to 26 CFR Part 31 are as follows:

PART 31—EMPLOYMENT TAXES; APPLICABLE ON OR AFTER JANUARY 1, 1955

§ 31.3402(a)–2 [Amended]

Paragraph 1. Section 31.3402(a)–2 (relating to amount of tax to be withheld under percentage method of withholding) is removed.

Par. 2. Section 31.3402(b)–1 (relating to percentage method of withholding) is revised to read as follows:

§ 31.3402(b)–1 Percentage method of withholding.

With respect to wages paid after April 30, 1975, the amount of tax to be deducted and withheld under the percentage method of withholding shall be determined under the applicable percentage method withholding table contained in Circular E (Employer's Tax Guide) according to the instructions contained therein.

§ 31.3402(b)–2 [Removed]

Par. 3. Section 31.3402(b)–2 (relating to wage paid before January 1, 1970) is removed.

§ 31.3402(c)–1 [Amended]

Par. 4. Section 31.3402(c)–1 (relating to wage bracket withholding) is amended by removing the last sentence from paragraph (a)(1), by removing the phrase "(§ 31.3402(c)–2, in the case of wages paid before July 14, 1968)" from the first sentence of paragraph (b), and by removing the phrase "paragraph (d) of § 31.3402(b)–1" from the last sentence of paragraph (d)(2) and inserting in lieu thereof the phrase "Circular E".

§ 31.3402(c)–2 [Removed]

Par. 5. Section 31.3402(c)–2 (relating to wages paid before July 14, 1968) is removed.

§ 31.3402(f)(1)–1 [Amended]

Par. 6. Section 31.3402(f)(1)–1 (relating to withhold exemptions) is amended by removing the phrase "based on itemized deductions" from paragraph (a)(2) and by removing the phrase "for itemized deductions" from the last sentence of paragraph (b).

§ 31.3402(f)(2)–1 [Amended]

Par. 7. Section 31.3402(f)(2)–1 (relating to withhold exemption certificates) is amended by removing the phrase "in lieu of the first-mentioned certificate" from the first sentence of paragraph (a), by removing the phrase "for itemized deductions" from paragraphs (b)(1)(iv), (b)(1)(v), and (c)(1)(i)(*c*), by removing the phrase "his itemized deductions" from paragraph (b)(1)(iv) and inserting in lieu thereof the phrase "the determinable additional amounts for each item under § 31.3402(m)–1", and by removing the phrase "and itemized deductions" from paragraphs (b)(1)(v) and (c)(1)(i)(*c*) and inserting in lieu thereof the phrase "and the determinable additional amounts for each item under § 31.3402(m)–1".

§ 31.3402(f)(3)–1 [Amended]

Par. 8. Section 31.3402(f)(3)–1 (relating to when withholding exemption certificate takes effect) is amended by removing the second sentence of

paragraph (d) and by removing paragraph (e).

Par. 9. Section 31.3402(f)(4)–1(a) is amended by adding two sentences at the end thereof as follows:

§ 31.3402(f)(4)–1 Period during which withholding exemption certificate remains in effect.

(a) *In general.* * * * Paragraphs (b) and (c) of this section are applicable only for withholding exemption certificates furnished by the employee to the employer before January 1, 1982. See § 31.3402(f)(4)–2 for the rules applicable to withholding exemption certificates furnished by the employee to the employer after December 31, 1981.

* * * * *

Par. 10. Section 31.3402(f)(4)–2 is added after § 31.3402(f)(4)–1 and reads as follows:

§ 31.3402(f)(4)–2 Effective period of withholding exemption certificate.

(a) *In general.* Except as provided in paragraphs (b) and (c) of this section, a withholding exemption certificate that takes effect under section 3402(f) of the Internal Revenue Code of 1954, or that on December 31, 1954, was in effect under section 1622(h) of the Internal Revenue Code of 1939, shall continue in effect with respect to the employee until another withholding exemption certificate takes effect under section 3402(f). Paragraphs (b) and (c) of this section are applicable only for withholding exemption certificates furnished by the employee to the employer after December 31, 1981. See § 31.3402(f)(4)–1 for the rules applicable to withholding exemption certificates furnished by the employee to the employer before January 1, 1982.

(b) *Withholding allowances under section 3402(m).* See paragraphs (b) and (c) of § 31.3402(f)(2)–1 (relating to withholding exemption certificates) for information as to when an employee claiming withholding allowances under section 3402(m) and the regulations thereunder must file a new withholding exemption certificate with his employer.

(c) *Statements under section 3402(n) eliminating requirement of withholding.* The statements described in § 31.3402(n)–1 made by an employee with respect to his preceding taxable year and current taxable year shall be effective until either a new withholding exemption certificate furnished by the employee takes effect or the existing certificate that contains such statements expires. In no case shall a withholding exemption certificate that contains such statements be effective with respect to any payment of wages made to an employee—

(1) In the case of an employee whose liability for tax under subtitle A is determined on a calendar year basis, after February 15 of the calendar year following the estimation year, or

(2) In the case of an employee to whom paragraph (c)(1) of this section does not apply, after the 15th day of the 2nd calendar month following the last day of the estimation year.

(d) *Estimation year.* The estimation year is the taxable year including the day on which the employee files the withholding exemption certificate with his employer, except that if the employee files the withholding exemption certificate with his employer and specifies on the certificate that the certificate is not to take effect until a specified future date, the estimation year shall be the taxable year including that specified future date.

Par. 11. Section 31.3402(f)(5)–1 is amended by removing the phrase "or W–4E" from paragraph (b) and by revising paragraph (a) to read as follows:

§ 31.3402(f)(5)–1 Form and contents of withholding exemption certificates.

(a) Form W–4 is the form prescribed for the withholding exemption certificate required to be filed under section 3402(f)(2). A withholding exemption certificate shall be prepared in accordance with the instructions and regulations applicable thereto, and shall set forth fully and clearly the data therein called for. Blank copies of Form W–4 will be supplied employers upon request to the district director. In lieu of the prescribed form, emloyers may prepare and use a form the provisions of which are identical with those of the prescribed form, but only if employers also provide employees with all the tables and instructions contained in the Form W–4 in effect at that time and only if emloyers comply with all revenue procedures relating to substitute Forms W–4 in effect at that time.

* * * * *

§ 31.3402(h)(4)–1 [Amended]

Par. 12. Section 31.3402(h)(4)–1 (relating to other methods) is amended by removing from the last sentence of paragraph (c)(1) the phrase "for estimated itemized deductions", by removing from the fifth sentence of paragraph (c)(2) the phrase "paragraph (d)(2) of § 31.3402(b)–1" and adding in lieu thereof the phrase "Circular E", and by removing from the last sentence of paragraph (c)(4) the phrase "will exceed 245 days it does not" and inserting in lieu thereof the phrase "will, during the current calendar year, not exceed 245 days it does".

Par. 13. Section 31.3402(i)–1 (relating to additional withholding) is amended by adding a new paragraph (c) to read as follows:

§ 31.3402(i)–1 Additional withholding.

* * * * *

(c) This section is applicable only to agreements made before October 1, 1981. Any such agreement shall remain in effect in accordance with paragraph (a). See § 31.3402 (i)–2 for rules relating to increases in withholding after September 30, 1981.

Par. 14. Section 31.3402 (i)–2 is added after § 31.3402 (i)–1 and reads as follows:

§ 31.3402 (i)–2 Increases or decreases in withholding.

(a) *Increases in withholding*—(1) *In general.* In addition to the tax required to be deducted and withheld in accordance with the provisions of section 3402, the employee may request, after September 30, 1981, that the employer deduct and withhold an additional amount from the employee's wages. The employer must comply with the employee's request. The employer must do so in accordance with the time limitations of § 31.3402(f) (3)–1 (relating to when withholding exemption certificate takes effect). The employee must make his request on Form W–4 as provided in § 31.3402(f) (5)–1 (relating to form and contents of withholding exemption certificates), and this Form W–4 shall take effect and remain effective in accordance with section 3402(f) and the regulations thereunder.

(2) *Amount deducted considered to be tax.* The amount deducted and witheld pursuant to paragraph (a)(1) of this section shall be considered to be tax required to be deducted and withheld under section 3402. All provisions of law and regulations applicable with respect to the tax required to be deducted and withheld under section 3402 shall be applicable with respect to any amount deducted and withheld under paragraph (a)(1) of this section.

(b) *Decreases in withholding.* [Reserved]

Par. 15. Section 31.3402 (m)–1 (relating to withholding allowances for itemized deductions) is revised to read as follow:

§ 31.3402 (m)–1 Withholding allowances.

(a) *General rule.* An employee may claim, with respect to wages paid after December 31, 1981, a number of withholding allowances determined in accordance with this section. In order to receive the benefit of such allowances, the employee must have in effect with

his employer a withholding exemption certificate claiming such allowances.

(b) *Items that may be taken into account.* The following items may be taken into account in determining the number of withholding allowances an employee may claim, but only to the extent such items may not be taken into consideration in computing estimated tax under section 6015:

(1) Estimated itemized deductions allowable under chapter 1 (other than the deductions for personal exemptions referred to in section 151 and other than the deductions required to be taken into account in determining adjusted gross income under section 62 (other than the deduction for alimony under paragraph (13) thereof)),

(2) The estimated tax credits allowable under subpart A of part IV of subchapter A of chapter 1, except:

(i) For the credit for tax withheld on wages under section 31,

(ii) For the credit for tax withheld at source on nonresident aliens and foreign corporations and on tax-free covenant bonds under section 32,

(iii) That the employee may claim the credit for certain uses of gasoline, special fuels, and lubricating oil under section 39 only to the extent the employee has not filed for a quarterly tax refund to the credit on Form 843,

(iv) That the employee may claim the credit for earned income under section 43 only to the extent the employee has not filed for advance payments of the credit on form W-5, and

(v) For the credit for overpayment of tax under section 45,

(3) The estimated deduction for moving expenses under section 217 but only to the extent that the amount of such deduction is not excluded from the definition of wages by section 3401(a)(15),

(4) The estimated deduction for certain retirement savings under section 219 but only to the extent that the amount of such deduction is not excluded from the definition of wages by section 3401(a)(12)(D),

(5) The estimated deduction for two-earner married couples under section 221,

(6) The estimated net losses from schedules C (Profit or (Loss) From Business or Profession), D (Capital Gains and Losses), E (Supplemental Income Schedule), and F (Farm Income and Expenses) of Form 1040,

(7) The estimated deduction for employee business expenses from Part I of Form 2106, and

(8) The estimated amount of decrease of tax due attributable to income averaging under sections 1301 through 1305.

(c) *Definitions*—(1) *Estimated.* The term "estimated" as used in this section to modify the terms "deduction", "deductions", "credits", "losses", and "amount of decrease" means with respect to an employee the aggregate dollar amount of a particular item that the employee reasonably expects will be allowable to him for the estimation year under the section of the Code specified for each item. In no event shall that amount exceed the sum of—

(i) The amount shown for that particular item on the income tax return that the employee has filed for the taxable year preceding the estimation year (or, if such return has not yet been filed, then the income tax return that the employee filed for the taxable year preceding such year), which amount the employee also reasonably expects to show on the income tax return for the estimation year, plus

(ii) The determinable additional amounts for each item for the estimation year.

The determinable additional amounts are amounts that are not included in paragraph (c)(1)(i) of this section and that are demonstrably attributable to identifiable events during the estimation year or the preceding year. Amounts are demonstrably attributable to identifiable events if they relate to payments already made during the estimation year, to binding obligations to make payments (including the payment of taxes) during the year, and to other transactions or occurrences, the implementation of which has begun and is verifiable at the time the employee files a withholding exemption certificate claiming withholding allowances relating thereto. The estimation year is the taxable year including the day on which the employee files the withholding exemption certificate with his employer, except that if the employee files the withholding exemption certificate with his employer and specifies on the certificate that the certificate is not to take effect until a specified future date, the estimation year shall be the taxable year including that specified future date.

(2) *Amount of decrease of tax due.* The term "amount of decrease of tax due" as used in paragraph (b)(8) of this section means—

(i) The amount of tax that the taxpayer would owe on his taxable income without using schedule G, minus

(ii) The amount of tax that the taxpayer would owe on his taxable income using schedule G.

(d) *Computing allowances.* The employee shall compute the number of allowances he may claim for the items specified in paragraph (b) of this section in accordance with the tables and instructions on Form W-4.

(e) *Examples.* The application of this section may be illustrated by the following examples:

Example (1). Employee A has an estimated net loss from a partnership of $2,000 which would be reported on Schedule E. Employee A is not required to make any payments of estimated tax. Employee A may take her $2,000 partnership loss into consideration in determining the number of withholding allowances to which she is entitled in accordance with the tables and instructions on Form W-4.

Example (2). Employee B has an estimated net loss from a business of $3,000 which would be reported on Schedule C. Employee B would also otherwise be required to make payments of estimated tax on income of $3,000. Employee B may not take his business loss into consideration in determining the number of withholding allowances to which he is entitled in accordance with the tables and instructions on Form W-4.

Example (3). Employee C has an estimated net loss from a farm of $5,000 which would be reported on Schedule F. Employee C would also otherwise be required to make payments of estimated tax on income of $4,000. Employee C may only take her farm loss into consideration to the extent of $1,000 ($5,000 −4,000) in determining the number of withholding allowances to which she is entitled in accordance with the tables and instructions on Form W-4.

(f) *Special rules*—(1) *Married individuals.* (i) Except as provided in subdivision (ii) of this subparagraph, a husband and wife shall determine the number of withholding allowances to which they are entitled under section 3402(m) on the basis of their combined wages and allowable items. The withholding allowances to which a husband and wife are entitled may be claimed by the husband, by the wife, or they may be allocated between them. However, they may not both have withholding exemption certificates in effect claiming the same withholding allowance.

(ii) If a husband and wife filed separate income tax returns for the taxable year preceding the estimation year and reasonably expect to file separate returns for the estimation year, the husband and wife shall determine the number of withholding exemptions to which they are entitled under section 3402(m) on the basis of their individual wages and allowable items, and they shall be considered to be single for purposes of the tables on Form W-4.

(2) *Only one certificate to be in effect.* An employee who is entitled to one or more withholding allowances under section 3042(m) and who has, at the same time, two or more employers, may claim such withholding allowance or

allowances with only one of his employers.

Roscoe L. Egger, Jr.,

Commissioner of Internal Revenue.

[FR Doc. 81-31053 Filed 10-22-81; 4:25 pm]

BILLING CODE 4830-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[PP 2E1293/7E1980/P197; PH-FRL-1968-1]

2,4-D; Proposed Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This notice proposes that a tolerance be established for the pesticide 2,4-D (2,4-dichlorophenoxyacetic acid). This proposal was submitted by the Interregional Research Project No. 4 (IR-4). This amendment will establish a maximum permissible level for residues of 2,4-D on apricots at 5 parts per million (ppm) and millet grain at 0.5 ppm and millet forage and straw at 20 ppm.

DATE: Comments must be received on or before November 27, 1981.

ADDRESS: Written comments to: Donald R. Stubbs, Emergency Response Section, Registration Division (TS-767C), Environmental Protection Agency, 401 M Street, SW, Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Donald Stubbs, (703) 557-7123 at the above address.

SUPPLEMENTARY INFORMATION: The Interregional Research Project No. 4 (IR-4), New Jersey Agricultural Experiment Station, P.O. Box 231, Rutgers University, New Brunswick, NJ 08903, has submitted to EPA pesticide petition PP 2E1293 on behalf of the IR-4 Technical Committee and the Agricultural Experiment Station of California, and PP 7E1980 on behalf of the IR-4 Technical Committee and the Agricultural Experiment Stations of Colorado, Kansas, Minnesota, Nebraska, Nevada, and North Dakota.

The petitions requested that the Administrator, pursuant to section 408(e) of the Federal Food, Drug, and Cosmetic Act propose the establishment of a tolerance for residues of 2,4-D (2,4-dichlorophenoxyacetic acid) from application of its dimethylmine salt in or on the raw agricultural commodity apricots at 2 ppm (PP 2E1293) and the establishment of tolerances for residues of 2,4-D and its metabolite 2,4-dichlorophenol (2,4-DCP) in or on the raw agricultural commodities millet grain at 0.5 ppm and millet forage and straw at 20 ppm (PP 7E1980). Later PP 2E1293 was amended to propose a tolerance of 5 ppm in or on apricots. It was also later determined that tolerances in millet grain, straw and forage should be in terms of 2,4-D *per se* rather than in terms of parent plus metabolite.

The data submitted in the petitions and all other relevant material have been evaluated. The pesticide is considered useful for the purposes for which the tolerances are sought. The toxicological data considered in support of the proposed tolerances for residues of 2,4-D, dimethylamine salt, on apricots at 5 ppm included a two-year rat feeding study (using 2,4-D acid) with a no-observed-effect level (NOEL) of 1,250 ppm, a two-year chronic feeding study in dogs (using 2,4-D acid) with a NOEL of 500 ppm, and a 3-generation rat reproduction study of 1500 ppm (2,4-D acid) which showed no reproductive impairment but did suggest slight toxicity to weanlings at 100 ppm. Several teratology studies are positive but have NOEL's for fetotoxicity at 25 mg/kg (of dimethylamine salt) and 40 mg/kg (of 2,4-D acid) for terata in the rat and hamster respectively; the margin of safety for teratogenicity for the proposed use on apricots is approximately 2400.

The toxicological data considered in support of the proposed tolerances for residues of 2,4-D and its metabolite 2,4-DCP in or on millet grain at 0.5 ppm and millet forage and straw at 20 ppm included acute rat oral lethal dose (LD_{50}) studies of 2,4-D, its sodium salt, and various esters at levels ranging from 300 mg/kg of body weight (bw) to about 640 mg/kg bw; a 22-week cattle feeding study with a NOEL of 50 mg/kg bw; a 32-week rat feeding study with minimal changes at 1,000 ppm; a 113-day rat feeding study with a NOEL of 300 ppm; a 90-day dog feeding study with a NOEL of 400 ppm; a rat reproduction study with a NOEL of approximately 100 ppm; a two-year dog feeding study with a NOEL of 500 ppm; and a two-year rat feeding study with a NOEL of 1,250 ppm.

Toxicological data gaps for the proposed tolerances are a second mammalian species oncogenicity study and a new reproduction study. Desirable data which are lacking from the petitions to support the proposed tolerances and uses are a dermal absorption study with the dimethylamine salt and a teratology study with the 2,4-D metabolite, 2,4-dichlorophenol. The data gaps that exist are presently being filled by industry.

The Agency initiated a review of the available information on the potential health effects of 2,4-D. Based on the results of this review, EPA concluded that (a) the currently available information on the potential adverse health effects of 2,4-D does not support a regulatory action to remove 2,4-D products from the market, (b) information from scientifically valid studies does not indicate that the continued use of 2,4-D poses an imminent hazard or unreasonable adverse effect when used according to label precautions and directions for use, and (c) the Agency should act quickly and vigorously to obtain better toxicological information on 2,4-D.

The technical preparation of 2,4-D contains a nitroso contaminant. The Agency has calculated that nitrosamine residues in millet grain and straw would be less than 1 part per billion (ppb), which is not considered to be a significant health hazard in this use pattern.

The acceptable daily intake (ADI), based on the two-year dog feeding study (NOEL of 500 pm, 12.5 mg/kg bw) and using a 100-fold safety factor, is calculated to be 0.1250 mg/kg of body weight (bw)/day. The maximum permitted intake (MPI) for the 60-kg human is calculated to be 7.5 mg/day. The theoretical maximum residue contribution (TMRC) from existing tolerances for a 1.5-kg daily diet is calculated to be 0.9033 mg/day. The current action will utilize 0.12 percent of the ADI. Published tolerances utilize 12.04 percent of the ADI.

The nature of the residues is adequately understood and an adequate analytical method (gas-liquid chromatography) is available for enforcement purposes. The established tolerances in eggs, meat, milk, and poultry are adequate to cover the existing and proposed uses of 2,4-D. There are presently no actions pending against the continued registration of these chemicals.

Based on the above information considered by the Agency, the tolerances established by amending 40 CFR Part 180 would protect the public health. It is proposed, therefore, that the tolerances be established as set forth below.

Any person who has registered or submitted an application for registration of a pesticide, under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended, which contains any of the ingredients listed herein, may request within 30 days after publication of this notice in the **Federal Register** that this rulemaking proposal be referred to an Advisory Committee in

accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments on the proposed regulation. Comments must bear a notation indicating both the subject and the petitions and document control numbers, "[PP 2E1293/7E1980/P197]." All written comments filed in response to these petitions will be available for public inspection in the office of Donald Stubbs from 8:00 a.m. to 4:00 p.m., Monday through Friday, except legal holidays.

As required by Executive Order 12291, EPA has determined that this proposed rule is not a "Major" rule and therefore does not require a Regulatory Impact Analysis. In addition, the Office of Management and Budget (OMB) has exempted this regulation from the OMB review requirements of Executive Order 12291 pursuant to section 8(b) of that Order.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-534, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the Federal Register of May 4, 1981 (46 FR 24950).

(Sec. 408(e), 68 Stat. 514 (21 U.S.C. 346a(e)))

Dated: October 14, 1981.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

PART 180—TOLERANCE AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Therefore, it is proposed that 40 CFR 180.142 be revised by reformatting the commodities in an alphabetized columnar listing, adding a new explanatory sentence relating to the apricot tolerance and alphabetically inserting the raw agricultural commodity apricots in paragraph (a), and alphabetically inserting the raw agricultural commodities millet forage, millet grain, and millet straw in paragraph (b) to read as follows:

§ 180.142 2,4-D; tolerances for residues.

(a) Tolerances are established for residues of the herbicide, plant regulator, and fungicide 2,4-D (2,4-dichlorophenoxyacetic acid) in or on raw agricultural commodities as follows:

Commodity	Parts per million
Apples	5
Apricots	5
Citrus fruits	5
Pears	5
Potatoes	0.2
Quinces	5

(1) The tolerance on apricots also includes residues of 2,4-D (2,4-dichlorophenoxyacetic acid) from the preharvest application of 2,4-D dimethylamine salt to apricots.

(2) The tolerance on citrus fruits also includes residues of 2,4-D from the preharvest application of 2,4-D isopropyl ester and 2,4-D butoxyethyl ester and from the postharvest application of 2,4-D alkanolamine salts and 2,4-D isopropyl ester to citrus fruits.

(b) Tolerances are established for residues of 2, 4-D at:

Commodity	Parts per million
Barley, grain	0.5
Barley, straw	20
Blueberries	0.1
Corn, fodder	20
Corn, forage	20
Corn, fresh, sweet (K+CWHR)	0.5
Corn, grain	0.5
Cranberries	0.5
Grapes	0.5
Grass, hay	300
Grasses, pasture	1,000
Grasses, rangeland	1,000
Millet, forage	20
Millet, grain	0.5
Millet, straw	20
Oats, forage	20
Oats, grain	0.5
Rice	0.1
Rice, straw	20
Rye, forage	0.5
Rye, grain	0.5
Sorghum, fodder	20
Sorghum, forage	20
Sorghum, grain	0.5
Sugarcane	2
Sugarcane, forage	20
Wheat, forage	20
Wheat, grain	0.5

(1) *Salts.* Residues on all the above may result from application of 2, 4-D in acid form, or in the form of one or more the following salts:

(i) The inorganic salts: Ammonium, lithium, potassium, and sodium.

(ii) The amine salts: Alkanolamines of the ethanol and isopropanol series), alkyl (C-12), alkyl (C-13), alkyl (C-14), alkylamines derived from tall oil, amylamine, diethanolamine, diethylamine, diisopropanolamine, dimethylamine, N,N-dimethyl-linoleylamine, N,N-dimethyloleyamine, ethanolamine, ethylamine, heptylamine, isopropanolamine, isopropylamine, linoleylamine, methylamine, morpholine, octylamine, oleylamine, N-oleylamine, N-oleyl-1,3-propylenediamine, propylamine, triethanolamine, triethlamine, triisopropanolamine, and trimethylamine.

(2) *Esters.* Residues on all the above may result from application of 2,4-D in acid form, or in the form of one or more of the following esters: amyl (pentyl), butoxyethoxypropyl, butoxyethyl, butoxypolyethylene glycol butyl ether, butoxypropyl, butyl, dipropylene glycol isobutyl ether, ethoxyethoxyethyl, ethoxyethoxypropyl, ethyl, ethoxypropyl, isobutyl, isooctyl (including, but not limited to, 2-ethylhexyl, 2-ethyl-4-methyl-pentyl, and 2-octyl), isopropyl, methyl, polyethylene glycol 200, polypropoxybutyl, polypropylene glycol, propylene glycol, propylene glycol butyl ether, propylene glycol isobutyl ether, tetrahydrofurfuryl, and tripropylene glycol isobutyl ether.

(c) Tolerances are established for negligible residues of 2,4-D from application of its dimethylamine salt to irrigation ditch banks in the Western United States in programs of the Bureau of Reclamation, U.S. Department of the Interior; cooperating water user organizations; the Bureau of Sport Fisheries, U.S. Department of the Interior; Agricultural Research Service, U.S. Department of Agriculture; and the Corps of Engineers, U.S. Department of Defense. Where tolerances are established at higher levels from other uses of 2,4-D on the following crops, the higher tolerance applies also to residues from the irrigation ditch bank use cited in this paragraph. The established tolerances follow:

Commodity	Parts per million
Avocados	0.1(N)
Citrus fruits	0.1(N)
Cottonseed	0.1(N)
Cucurbits	0.1(N)
Forage grasses	0.1(N)
Forage legumes	0.1(N)
Fruiting vegetables	0.1(N)
Grain crops	0.1(N)
Hops	0.1(N)
Leafy vegetables	0.1(N)
Nuts	0.1(N)
Pome fruits	0.1(N)
Root crop vegetables	0.1(N)
Seed and pod vegetables	0.1(N)
Small fruits	0.1(N)
Stone fruits	0.1(N)

(d) A tolerance is established for residues of 2,4-D sodium salt and alkanolamine salts (of the ethanol and isopropanol series), calculated as 2,4-D (2,4-dichlorophenoxyacetic acid) as follows:

Commodity	Parts per million
Asparagus	5

(e) A tolerance is established for residues of 2,4-D from application of its alkanolamine salts (of the ethanol and isopropanol series) as follows:

Commodity	Parts per million
Strawberries	0.05

(f) Tolerances are established for residues of 2,4-D from application of its dimethylamine salt for water hyacinth control in ponds, lakes, reservoirs, marshes, bayous, drainage ditches, canals, rivers and streams that are quiescent or slow moving in programs conducted by the Corps of Engineers or other Federal, State, or local public agencies. Where tolerances are established at higher levels from other uses of the dimethylamine salt of 2,4-D on crops included within these commodity groups, the higher tolerances also apply to residues from the aquatic uses cited in this paragraph. The established tolerances follow:

Commodity	Parts per million
Crops in paragraph (c) of this section	1.0
Crop groupings in paragraph (c) of this section	1.0
Fish	1.0
Shellfish	1.0

(g) [Reserved]

(h) Tolerances are established for residues of 2,4-dichlorophenoxyacetic acid (2,4-D) and/or its metabolite, 2,4-dichlorophenol (2,4-DCP) in food products of animal origin as follows:

Commodity	Parts per million
Cattle, fat	0.2
Cattle, kidney	2
Cattle, meat	0.2
Cattle, mbyp (exc. kidney)	0.2
Eggs	0.05
Goats, fat	0.2
Goats, kidney	2
Goats, meat	0.2
Goats, mbyp (exc. kidney)	0.2
Hogs, fat	0.2
Hogs, kidney	2
Hogs, meat	0.2
Hogs, mbyp (exc. kidney)	0.2
Horses, fat	0.2
Horses, kidney	2
Horses, meat	0.2
Horses, mbyp (exc. kidney)	0.2
Milk	0.1
Poultry	0.05
Sheep, fat	0.2
Sheep, kidney	2
Sheep, meat	0.2
Sheep, mbyp (exc. kidney)	0.2

(i) A tolerance is established for residues of 2,4-D from applications of its dimethylamine salt or its butoxyethanol ester for Eurasian Watermilfoil control in programs conducted by the Tennessee Valley Authority in dams and reservoirs of the TVA system as follows:

Commodity	Parts per million
Fish	1.0

[FR Doc. 81-31064 Filed 10-26-81; 8:45 am]
BILLING CODE 6560-32-M

40 CFR Part 180

[OPP-00000/P198; PH-FRL-1967-6]

Raw Agricultural Commodities Definitions and Interpretations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This notice proposes that 40 CFR 180.1(h) be amended by adding the general category "sweet potatoes" to Column A and by including the corresponding specific raw agricultural commodities "sweet potatoes, yams" in Column B. This proposal was submitted by the Interregional Research Project No. 4 (IR-4).

DATE: Comments must be received on or before November 27, 1981.

ADDRESS: Written comments to: Donald Stubbs, Emergency Response Section, Registration Division (TS-767C), Environmental Protection Agency, 401 M St. SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Donald Stubbs (703-557-7123).

SUPPLEMENTARY INFORMATION: The Interregional Research Project No. 4 (IR-4), New Jersey Agriculture Experiment Station, P.O. Box 231, Rutgers University, New Brunswick, NJ 08903, has proposed an amendment to 40 CFR Part 180 to EPA on behalf of the IR-4 Technical Committee. This amendment requested that the Administrator, pursuant to section 408(e) of the Federal Food, Drug, and Cosmetic Act, revise 40 CFR 180.1(h) by adding the general category "sweet potatoes" to Column A and by adding the corresponding specific raw agricultural commodities "sweet potatoes, yams" to Column B.

According to 40 CFR 180.34(f), the grouping root crop vegetables includes yams and sweet potatoes. The term "yams" may apply to certain varieties of sweet potatoes (*Impomoe batatas*) as well as true yams (*Dioscorea batatas*). The sweet potato is a major food crop in warmer parts of the United States and is grown for the enlarged fleshly roots. Moist-fleshed varieties in the United States are often erroneously called yams. In culture and exposure of edible parts, true yams resemble sweet potatoes.

The Administrator concurs with the IR-4 on the proposed revision of the 40 CFR 180.1(h) to add the general category "sweet potatoes" to Column A and the corresponding specific raw agricultural commodities "sweet potatoes, yams" to Column B. This revision will expand the tolerances and exemptions established for residues of pesticides chemicals in or on the general category "sweet potatoes" to include yams.

Therefore, the Administrator proposes that the pesticide regulations should be amended to reflect this change. Pursuant to provisions of the Federal Food, Drug and Cosmetic Act (Sec. 701(a), 52 Stat. 1055; 21 U.S.C. 37(a)), the authority transferred to the Administrator of the Environmental Protection Agency (35 FR 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticide Programs (39 FR 18805), it is proposed that Part 180 be amended as set forth below.

Interested persons are invited to submit written comments on the proposed regulation. The comments must bear a notation indicating both the subject and the document control number, "[OPP-00000/P198]". All written comments filed in response to this petition will be available for public inspection in the office of Donald Stubbs, from 8:00 a.m. to 4:00 p.m., Monday through Friday, excluding legal holidays.

As required by Executive Order 12291, EPA has determined that this proposed rule is not a "Major" rule and therefore does not require a Regulatory Impact Analysis. In addition, the Office of Management and Budget (OMB) has exempted this regulation from the OMB review requirements of Executive Order 12291 pursuant to section 8(b) of that Order.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-534, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

(Sec. 408(e), 68 Stat. 514 (21 U.S.C. 346a(e)))

Dated: October 19, 1981.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

PART 180—TOLERANCE AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Therefore, it is proposed that 40 CFR 180.1(h) be amended by alphabetically inserting "sweet potatoes" in Column A and adding the specific raw agricultural commodities "sweet potatoes, yams" in the corresponding Column B to read as follows:

§ 180.1 Definitions and interpretations.

* * * * *

(h) * * *

A	B
* * * * *	
Sweet potatoes	Sweet potatoes, yams.
* * * * *	

[FR Doc. 81-31068 Filed 10-26-81; 8:45 am]

BILLING CODE 6560-32-M

40 CFR Part 180

[OPP-00000/P199; PH-FRL-1967-5]

Raw Agricultural Commodities; Definitions and Interpretations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This notice proposes that 40 CFR 180.1(j)(5) be amended to include dry bulb onions. This proposal was submitted by the Interregional Research Project No. 4 (IR-4), Rutgers University, New Brunswick, New Jersey 08903.

DATE: Comments must be received on or before November 27, 1981.

ADDRESS: Written comments to: Donald Stubbs, Emergency Response Section, Registration Division (TS-767C), Environmental Protection Agency, 401 M St. SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Donald Stubbs (703-557-7123).

SUPPLEMENTARY INFORMATION: The Interregional Research Project No. 4 (IR-4), New Jersey Agricultural Experiment Station, P.O. Box 231, Rutgers University, New Brunswick, NJ 08903, has proposed an amendment to 40 CFR Part 180 to EPA on behalf of the IR-4 Technical Committee. This amendment requested that the Administrator, pursuant to section 408(e) of the Federal Food, Drug, and Cosmetic Act revise 40 CFR 180.1(j)(5) to indicate that dry bulb onions shall be examined for pesticide residues in the same manner as garlic bulbs.

The IR-4 contends that the inclusion of dry bulb onions is reasonable and logical since the plant parts mentioned above are removed prior to human consumption and both crops receive the same type of postharvest treatment.

The Administrator concurs with the IR-4 on the proposed revision of the 40 CFR 180.1(j)(5).

Therefore, the Administrator proposes that the pesticide regulations should be amended to reflect this change. Pursuant to provisions of the Federal Food, Drug and Cosmetic Act (Sec. 701(a), 52 Stat. 1055; 21 U.S.C. 37(a)), the authority transferred to the Administrator of the Environmental Protection Agency (35 FR 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticide Programs (39 FR 18805), it is proposed that Part 180 be amended as set forth below.

Interested persons are invited to submit written comments on the proposed regulation. The comments must bear a notation indicating both the subject and the document control number, "[OPP-00000/P199]." All written comments filed in response to this petition will be available for public inspection in the office of Donald Stubbs, from 8:00 a.m. to 4:00 p.m., Monday through Friday, excluding legal holidays.

As required by Executive Order 12291, EPA has determined that this proposed rule is not a "Major" rule and therefore does not require a Regulatory Impact Analysis. In addition, the Office of Management and Budget (OMB) has exempted this regulation from the OMB review requirements of Executive Order 12291 pursuant to section 8(b) of that Order.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-534, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

(Sec. 408(e), 68 Stat. 514 (21 U.S.C. 346a(e)))

Dated: October 19, 1981.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Therefore, it is proposed that 40 CFR 180.1(j)(5) be revised to insert the item "dry bulb onions" and the words "onion bulbs" to read as follows:

§ 180.1 Definitions and interpretations.

* * * * *

(j) * * *

(5) Roots, stems, and outer sheaths (or husks) shall be removed and discarded from garlic bulbs and dry bulb onions, and only the garlic cloves and onion bulbs shall be examined for pesticide residues.

* * * * *

[FR Doc. 81-31069 Filed 10-26-81; 8:45 am]

BILLING CODE 6560-32-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[BC Docket No. 81-698; FCC 81-448]

Elimination of Requirement for Type Approval of Aural Modulation Monitors

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: Federal Communications Commission proposes to change its rules governing aural modulation monitors. These monitors must now be approved by the Commission before they can be sold or used in AM, FM, and TV broadcast stations. The rules proposed would delete the approval requirement. Licensees of broadcast stations could then use other types of monitors that might be more suited to their individual needs. Whatever type of monitor used, licensees would still be responsible for obeying the technical requirements of the Commission's rules.

DATES: Comments are due by November 16, 1981 and replies by December 1, 1981.

ADDRESS: Federal Communications Commission, 1919 M Street NW., Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Gregory L. DePriest, (202) 632-9660.

SUPPLEMENTARY INFORMATION:

In the matter of amendment of Part 73 of the Commission's rules and

regulations to eliminate the requirement for type approval of aural modulation monitors.

Adopted: September 30, 1981.

Released: October 15, 1981.

1. The Commission today institutes this proceeding on its own motion to examine the need for the present rules requiring type approval of aural modulation monitors used by AM, FM, and TV broadcast stations. At the same time, two outstanding proceedings concerning modulation monitors are being terminated without action and three petitions dealing with the same subject are being denied. The focus of the proceedings, and concerns of the petitions, will be dealt with in the instant proceeding.[1]

2. The modulation level of a broadcast station's transmitter must be properly maintained if the station is to provide coverage of its entire service area and avoid causing interference to other stations. A modulation monitor is used to continuously measure the percentage of modulation produced by the transmitter and to adjust the transmitter's modulation level for proper operation. The Commission dictates the accuracy of the instrument along with several of its operational characteristics. To insure that the monitors meet the required standards, approval by our Laboratory is necessary before any can be sold or used in broadcast stations, each of which must have an approved aural modulation monitor in operation.

3. The requirements for type approval of modulation monitors for AM broadcast stations (§ 73.50) were established over four decades ago and are representative, in terms of their scope, of the requirements the Commission imposes on modulation monitors used in the FM and TV broadcast services. To be type approved for use in an AM broadcast station, a modulation monitor must incorporate three indicating instruments:

(a) An analog meter to indicate modulation percentage (a semi-peak indicator),

(b) An adjustable peak indicator (generally a flashing light called a peak flasher) that is capable of indicating short modulation peaks, and

(c) An analog meter for indicating the carrier level.

The ballistics of the modulation meter are dictated by the rules. The rise time, decay rate, and damping factor are all specified.[2] In addition, the rules extend so far as to require the "useful scale length" to "be at least 2.3 inches."

4. The meter ballistics required for type approval in the FM and TV services are the same as those in the AM service. FM stations operating with stereophonic or SCA (subsidiary communications authorization) subcarriers must use modulation monitors meeting a number of other requirements. These monitors are more closely akin to a sophisticated test instrument than a modulation meter.

5. A modulation monitor's principal and perhaps only function as a monitor is for the indication of modulation peaks. These should not be in excess of the maximum modulation levels specified in the rules. The present rules do not permit the modulation meter to respond accurately to peaks of short duration due to the rise and decay times specified. Thus, licensees must depend in large measures on the peak flasher in setting their modulation levels.

6. The ability of licensees to rely on the indications of their monitors is further reduced by the operation of many broadcast stations by remote control. AM stations with the modulation monitor located at the transmitter generally relay only the semi-peak indications from the transmitter to the remote control point. The peak flasher indications are not relayed nor are the carrier level indications. If the monitor is located at the remote control point, it avoids these problems but creates others. These monitors require a radio frequency (RF) amplifier to boost the off-the-air signal to a level suitable for use by the modulation monitor. Depending on the quality of the RF amplifier used it may distort the signal, causing the monitor to give inaccurate readings. More troublesome in this situation is that the passband of the RF amplifier must be sufficiently broad to avoid distorting the desired signal, but restricted enough to reject undesired signals on adjacent channels.

7. FM and TV stations operating by remote control also face the problem of obtaining accurate modulation level indications. Most of these stations have their modulation monitors located at the remote control point. These monitors use an off-the-air signal provided by a receiver and an RF amplifier. This arrangement is susceptible to interference from adjacent channel stations just as it is when used with AM stations. With FM and TV stations, however, the problem is less severe and more solutions are possible to deal with it.

8. The Commission desires to modify the present modulation monitor type approval requirements in the AM, FM, and TV broadcast services. Many changes in technology have occured since the meter ballistics were first specified over 40 years ago. We no longer believe the detailed meter specifications found in the present rules are necessary to insure the proper operation of the broadcast station. At the same time, the need for modulation monitors to contain various measurement devices in addition to the monitor is questioned. Instead, the Commission proposes to place the entire responsibility, *i.e.*, both for maintaining the modulation level and for having an accurate means of measuring it, squarely on the licensee's shoulders.[3] The proposed rule changes contained in the attached Appendix would delete the requirement for type approval of modulation monitors and would allow licensees to use any suitable method for measuring modulation levels. They would take the Commission out of the business of specifying operational and equimpent characteristics of modulation monitors and of testing the monitors to insure compliance with those requirements. They would allow manufacturers and licensees to produce or use any modulation measurement method. For example, a bar of flashing lights could be used instead of a meter.[4] In short, any method could be used if the licensee is satisfied with its accuracy.[5]

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[1] The affected proceedings are Dockets No. 18063 and 18360. The petitions are RM-1290, 1380, and 3025.

[2] The specified characteristics for the analog modulation meter contemplate a meter with a fast rise time to respond to short modulation peaks; and with slow decay to permit easier reading of the maximum pointer swing. Since it is recognized that the meter response, though fast, is not sufficiently rapid to indicate the full amplitude of peaks of short duration (hence its designation as a "semi-peak" indicator), a peak indicating device that can be set to "fire" at different modulation levels is also required.

[3] This proposal is consistent with other recent Commission actions. For example the *Notice of Proposed Rule Making* in BC Docket No. 81-239 proposes to eliminate a test signal requirement now imposed on TV licensee, operating by remote control. That *Notice* recognizes, as we do again in this document, that the licensee bears the responsibility for operating in accordance with the Commission's rules and of doing what is necessary to accomplish it.

[4] This proposal was previously made to the Commission by Collins Radio Company in RM-1208. The Commission subsequently released a *Notice of Proposed Rule Making* in Docket No. 18063. No action has been taken since the adoption of the *Notice* and the proceeding is today being terminated without action since the proposal in the instant proceeding encompasses that of the earlier *Notice*. See paragraph 1 of this item.

[5] One result to be obtained from amendment of the rules as proposed is to bring the aural modulation monitor requirements in line with those for visual modulation monitor requirements in the TV broadcast service. Section 73.691 of the rules states that licensees must have in operation "sufficient monitoring equipment for the visual

Continued

9. The proposed rule amendments outlined in the Appendix retain the existing requirement that modulation level indications must be continuously available to the operator on duty. We request comments on the desirability of retaining this condition. Its deletion would mean that licensees would simply be subject to the overall modulation limitations but could chose the manner, means, and level of effort to expend in achieving compliance. We believe its deletion is logically justified but shall withhold a final decision until the comments are reviewed.

10. The Commission's proposal to deregulate its modulation monitor requirements would afford licensees new freedom in the manner in which they operate their stations. This proposal, as with other deregulatory proposals, would also require licensees to bear new responsibilities. For example, FM station licensees now use the test equipment capability contained in present day type approved monitors to insure compliance with the transmission standards found in § 73.319 (for those operating with an SCA) and § 73.322 (for those having stereophonic operations). Future modulation monitors may not have the test equipment capacity to make the required measurements. Thus licensees purchasing these monitors would need to devise other test procedures and/or purchase other suitable test equipment. Whereas licensees are not insulated from this situation by the Commission's type approval program (which requires inclusion of the test equipment if the monitor is to be approved), this may not be the case if the proposed rules are adopted.

11. Licensees not possessing the necessary technical skill to operate in such an environment must obtain it. The Commission expects diligence on the part of its licensees will enable them to comply with the technical rules in the absence of a type approval program for modulation monitors, and even in the absence of a requirement for continuous modulation level indications to be available to the operator on duty. As a practical matter, we anticipate broadcast equipment manufacturers to continue offering modulation indicating or measuring devices, comparable to those now sold, for those licensees not wishing to devise their own measurement methods. Nonetheless, licensees should recognize the freedoms afforded by the proposed rules also impose responsibilities for those desiring to take advantage of them.

12. Comments are therefore requested on the proposed rules which will delete the requirement for type approval of modulation monitors and on the possibility of deleting the requirement for continuous modulation level indications to be available. Under both proposals, licensees would still be responsible for complying with the overall modulation limitations. The licensee, however, would decide upon the method or procedure for determining the modulation level and of maintaining the necessary monitoring precautions to insure operation within the limits set by the rules.

13. Although the proposal contained in this *Notice* will have highly useful but not major impact, the principle it employs is a very significant one. Instead of the Commission specifying precisely how a licensee will meet the Commission's basic objective, the proposal would merely state the objective and how best to attain that objective would be left to a licensee's discretion. Such an approach achieves the Commission's goals while allowing licensees to find the least burdensome and costly way to do so.

14. *Regulatory Flexibility Act Initial Analysis—*

I. *Reason for action:* This action is being proposed to delete requirements no longer considered necessary.

II. *The objective:* The objective is to delete unnecessary requirements. By doing this, licensees will be able to choose the method of measuring modulation levels, and the type of display used to indicate the modulation level.

III. *Legal basis:* Action is proposed in accordance with section 303(g) and (r) of the Communications Act of 1934, as amended, which charges the Commission to encourage the more effective use of radio in the public interest.

IV. *Description, potential impact and number of small entities affected:* The proposed rule change would affect all AM, FM, and TV broadcast licensees (approximately 10,000 total) and an unknown number of manufacturers of existing type approval aural modulation monitors. These two groups of small entities will be affected in the following manner. Licensees will be able to choose the method of measuring modulation levels and manufacturers will no longer be required to produce modulation monitors having meters as the indication method, or of having other instruments, apart from the modulation monitor, built into the same unit. Manufacturers will be free to produce monitors with different characteristics and licensees will be able to use monitors having characteristics that are, perhaps, better suited to their needs.

V. *Recording, recordkeeping and other compliance requirements:* None.

VI. *Federal rules which overlap, duplicate or conflict with this rule:* None.

VII. *Any significant alternative minimizing impact on small entities and consistent with stated objective:* No alternative exists that will minimize the impact on small entities as effectively as the action proposed. The Commission could continue to regulate modulation monitors and modify its existing rules to allow other types of measurement methods and displays. Continued regulation is unnecessary in the Commission's view since licensees should be technically competent to accurately measure and maintain proper modulation levels. Deletion of the existing requirements provides licensees the opportunity to use indication and measurement methods that may be better suited to their purposes than the present monitors regulated by the Commission's Rules.

15. For further information concerning this proceeding, contact Gregory DePriest, Broadcast Bureau, (202) 632-9660. However, for purposes of this non-restricted notice and comment rule making proceeding, members of the public are advised that *ex parte* contacts are permitted from the time the Commission adopts a Notice of Proposed Rule Making until the time a public notice is issued stating that a substantive disposition of the matter is to be considered at a forthcoming meeting or until a final Order disposing of the matter is adopted by the Commission, whichever is earlier. In general, an *ex parte* presentation is any written or oral communication (other than formal written comments or pleadings and formal arguments) between a person outside the Commission and a Commissioner or a member of the Commission's staff which addresses the merits of the proceeding. Any person who submits a written *ex parte* presentation must serve a copy of that presentation on the Commission's Secretary for inclusion in the public file. Any person who makes an oral *ex parte* presentation addressing matters not fully covered in any previously filed written comments for the proceeding must prepare a written summary of that presentation; on the day of oral presentation, that written summary must be served on the Commission's

signal to determine that the signal complies with the requirements of this subpart." No type approval of this visual monitoring equipment is required and the Commission does not dictate the types of measurement equipment that must be used.

Secretary for inclusion in the public file, with a copy to the Commission official receiving the oral presentation. Each *ex parte* presentation described above must state on its face that the Secretary has been served, and must also state by docket number the proceeding to which it relates. See generally, § 1.1231 of the Commission's rules, 47 CFR 1.1231.

16. This action is taken pursuant to authority found in sections 4(i), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended.

17. Pursuant to applicable procedures set forth in § 1.415 of the Commission's Rules, interested parties may file comments on or before November 16, 1981 and reply comments on or before December 1, 1981. All relevant and timely comments will be considered by the Commission before further action is taken in this proceeding.

18. In accordance with the provisions of Section 1.419 of the Commission's rules and regulations, an original and five copies of all comments, replies, or other documents filed in this proceeding shall be furnished to the Commission. Participants filing the required copies who also wish each Commissioner to have a personal copy of the comment may file an additional six copies. Members of the general public who wish to express their interest by participating informally in this proceeding may do so by submitting one copy of their comments, without regard to form, provided that the docket number in the caption of this document is specified. Such informal participants who wish members of the staff to have a personal copy and to have an extra copy available to the Commissioners may file an additional five copies. In reaching its decision, the Commission may take into consideration information and ideas not contained in the comments, provided that such information or a written summary indicating the nature and source of such information is placed in the public file, and provided that the fact of the Commission's reliance on such information is noted in the Report and Order. Responses will be available for public inspection during regular business hours in the Commission's Public Reference Room (Room 239) at its headquarters in Washington, D.C. (1919 M St. NW).

(Secs. 4, 303, 307, 48 Stat., as amended, 1006, 1082, 1083; 47 U.S.C. 154, 303, 307)

Federal Communications Commission.

William J. Tricarico,

Secretary.

Appendix

PART 73—RADIO BROADCAST SERVICES

Part 73, Chapter 1, Title 47 of the Code of Federal Regulations is proposed to be amended as follows:

§ 73.50 [Removed]

1. It is proposed to remove § 73.50 in its entirety.

2. It is proposed to revise § 73.56 in its entirety to read as follows:

§ 73.56 Modulation monitors.

See § 73.1585.

3. It is proposed to revise § 73.253 in its entirety to read as follows:

§ 73.253 Modulation monitors.

See § 73.1585.

4. It is proposed to amend § 73.274 by revising paragraph (b) to read as follows:

§ 73.274 Remote control authorizations.

* * * * *

(b) FM stations may, without specific authority from the FCC, use a subcarrier frequency for remote control telemetry in accordance with the technical provisions of § 73.319, and upon installation of suitable equipment for measuring the modulation of the FM subcarrier transmissions.

5. It is proposed to amend § 73.297 by revising paragraph (a) to read as follows:

§ 73.297 Stereophonic broadcasting.

(a) An FM broadcast station may, without specific authority from the FCC, transmit stereophonic programs upon installation of type accepted stereophonic transmitting equipment and suitable stereophonic modulation monitoring equipment to determine that the transmissions comply with the provisions of §§ 73.322 and 73.1585. Prior to commencement of stereophonic broadcasting, equipment performance measurements must be completed.

* * * * *

§ 73.332 [Removed]

6. It is proposed to remove § 73.332 in its entirety.

7. It is proposed to revise § 73.553 in its entirety to read as follows:

§ 73.553 Modulation monitors.

See § 73.1585.

8. It is proposed to amend § 73.574 by revising paragraph (b) to read as follows:

§ 73.574 Remote control authorizations.

* * * * *

(b) Noncommercial educational FM stations may, without specific authority from the FCC, use a subcarrier frequency for remote control telemetry in accordance with the technical provisions of § 73.319 and upon installation of suitable equipment for measuring the modulation of the FM subcarrier transmissions.

9. It is proposed to revise § 73.597 in its entirety to read as follows:

§ 73.597 Stereophonic broadcasting.

The provisions of § 73.297 apply to noncommercial educational FM broadcast stations, except that Class D stations authorized to operate with 10 watts or less transmitter output power are not required to make equipment performance measurements.

10. It is proposed to revise § 73.691 in its entirety to read as follows:

§ 73.691 Modulation monitors.

See § 73.1585.

§ 73.692 [Removed]

11. It is proposed to remove § 73.692 in its entirety.

§ 73.694 [Removed]

12. It is proposed to remove § 73.694 in its entirety.

13. It is proposed to add new § 73.1585 to read as follows:

§ 73.1585 Aural modulation monitoring equipment.

(a) Each AM, FM and TV station is required to have a means to measure the total aural modulation level to comply with the individual modulation limitation for its service. The licensee shall decide the method or procedure for determining modulation. Except for stations that are operating with an automatic transmission system the indications of the peak modulation level must be continuously available to the operator on duty responsible for the operation of the transmitting system.

(b) FM stations engaged in stereophonic broadcasting must have a means for accurately determining the modulation level of the pilot carrier, and the stereophonic subchannel to determine conformance with the provisions of § 73.322.

(c) FM and TV stations using subcarriers must have a means for measuring the injection and modulation level of the SCA subcarrier in accordance with the provisions of §§ 73.319 or 73.682.

[FR Doc. 81-30981 Filed 10-26-81; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 90

[PR Docket No. 81-703; FCC 81-460]

Amendment of the Commission's Rules To Allow Transmission of Non-Voice Signals at a Certain Frequency

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This notice proposes to amend the Commission's Rules to allow systems operating in a certain MHz band to transmit non-voice signals on a secondary non-interference basis. When the band was first allocated for land mobile use, non-voice signals were prohibited, except on frequencies which are used exclusively, in order to prevent possible frequency congestion. The Commission's experience with non-voice transmissions now favors extending this mode of transmission into this MHz band, to provide greater flexibility in land mobile system design in the band.

DATES: Comments by November 16, 1981. Reply comments by December 1, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Keith Plourd or Emmett Haines Pritchard, Private Radio Bureau, (202) 632-6497.

SUPPLEMENTARY INFORMATION:

Adopted: October 1, 1981.

Released: October 14, 1981.

1. We have before us a proposal to amend § 90.385(c) of the Commission's rules to allow systems operating in the 806–821 MHz and 851–866 MHz bands (800 MHz band) to transmit non-voice signalling and fixed tone and alarm signals on a secondary, non-interference basis.

2. Presently, under § 90.385(b) of the rules, radio systems licensed in the 800 MHz band may be used for voice communications (telephony) only.[1] However, Section 90.385(c) also provides that a radio system that otherwise could only transmit voice communications may be employed for any purpose or operated in any manner including the use of F2, F4, F9 and F9Y emissions,[2] provided that "the loading standard which applies to the system is met and the channel or channels are assigned to that person or entity for its exclusive use." See 47 CFR § 90.385(c). This section was first introduced in the rules as § 89.655. See *Land Mobile Radio Service, Second Report and Order*, Docket No. 18262, 46 FCC 2d 752 (1974). The underlying purpose of this rule was that, in providing for the allocation of spectrum at 800 MHz, we wanted to protect co-channel users on shared frequencies from interference. This rule also precluded SMRS (Specialized Mobile Radio Systems) from transmitting non-voice communications because we interpreted an SMRS as being a shared system under § 90.385(b) and not a single user system.[3]

3. Upon further consideration of this matter in light of the experience we have gained with 800 MHz systems since the adoption of Docket No. 18262, we believe non-voice techniques can be permitted on shared channels without any serious impact. We are cognizant of trends in the land mobile community reflected both in equipment development and increased user interest for licensing non-voice radio operations. It has been our experience that these techniques can be useful in diminishing congestion problems since non-voice techniques make relatively little demand upon the spectrum and promise significant advantages in communications efficiency and accuracy.

4. In advancing rule changes for expanded non-voice operations, however, we believe it is necessary to give proper consideration to minimizing possible harmful impact upon regular voice communications. The Commission therefore proposes to maintain the priority of voice operations by permitting non-voice systems to operate on these frequencies only on a secondary, non-interference basis to radiotelephony systems. Further, we would also propose to reduce interference by limiting the length of a non-voice transmission together with automatic repeats to not more than a two second duration. Finally, questions concerning monitoring and enforcement of rules pertaining to digital type communications will be addressed in Docket 80–416. Therefore, the Commission will take into consideration information gathered in Private Radio Docket 80–416 before adopting final rules in this proceeding.

5. Accordingly, we propose to amend § 90.385 by the elimination of paragraphs (b) and (c). This would have the effect of permitting 800 MHz utilization for non-voice signalling as provided in Subpart J of Part 90. Paragraph 90.233(e) would be added to permit entities that establish exclusive use on the basis of loading to use their system for tone paging, telemetry, AVM, radioteleprinter, and radiofacsimile operations, and other non-voice operations.

6. For purposes of this non-restricted notice and comment rule making proceeding, members of the public are advised that *ex parte* contacts are permitted from the time the Commission adopts a Notice of Proposed Rule Making until the time a public notice is issued stating that a substantive disposition of the matter is to be considered at a forthcoming meeting or until a final order disposing of the matter is adopted by the Commission, whichever is earlier. In general, an *ex parte* presentation is any written or oral communication (other than formal written comments/pleadings and formal oral arguments) between a person outside the Commission and a Commissioner or a member of the Commission's staff which addresses the merits of the proceeding. Any person who submits a written *ex parte* presentation must serve a copy of that presentation on the Secretary for inclusion in the public file. Any person who initiates an oral *ex parte* presentation addressing matters not fully covered in any previously filed written comments for the proceeding must prepare a written summary of that presentation; on the day of oral presentation, that written summary must be served on the Commission's Secretary for inclusion in the public file, with a copy to the Commission official receiving the oral presentation. Each *ex parte* presentation described above must state on its face that the Secretary has been served, and must also state by docket number the proceeding to which it relates. See generally, 1.1231 of the Commission's rules, 47 CFR § 1.1231.

7. Authority for issuance of this Notice is contained in Sections 4(i) and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 1541(i) and 303(r). Pursuant to applicable procedures set forth in § 1.415 of the Commission's rules, interested persons may file comments on or before November 16, 1981, and reply comments on or before December 1, 1981, and any timely comments will be considered by the Commission before final action is taken in this proceeding. In reaching its

[1] I.e., A3, F3 emission and in the Police and Fire Radio Services only F3Y emission.

[2] And in the Police and Fire Radio Services only, F3Y emission.

[3] Except in situations in which the SMRS served only a single user. We would also note, in passing, that there may have been some uncertainty as to the applicability of § 90.233 (secondary base/mobile non-voice signaling operations) and § 90.235 (secondary fixed tone signaling and alarm operations) in the 800 MHz land mobile bands. Our proposal here would eliminate any confusion in interpretation which might have existed and clarify our rules in this respect.

decision, the Commission may take into consideration information and ideas not contained in the comments, provided that such information or a writing indicating the natured and source of such information is placed in the public file, and provided that the fact of the Commission's reliance on such information is noted in the Report and Order. A summary of the Commission's procedures governing *ex parte* contacts in informal rule makings is available from the Commission's Consumer Assistance Office, Federal Communications Commission, Washington, D.C. 20554, (202) 632–7000.

8. In accordance with the provisions of § 1.419 of the Commission's rules, an original and five copies of all statements, briefs or comments filed shall be furnished the Commission. Responses will be available for public inspection during business hours in the Commission's Public Reference Room in its headquarters in Washington, D.C.

9. The Commission has determined that sections 603 and 604 of the Regulatory Flexibility Act of 1980 (Pub. L. 96–354) do not apply to this rule making proceeding, because the rule will not, if promulgated have a significant economic impact on a substantial number of small entities. The majority of licensees in the affected services are not small businesses and in our estimation, the economic impact caused by this proposed rule would be minor, if any. The proposed rule, if adopted, imposes no new recordkeeping, reporting or other requirements upon license applicants or holders. Accordingly, the Commission certifies that sections 603 and 604 of the Regulatory Flexibility Act do not apply to these proceedings.

10. For further information concerning procedures to follow with respect to this rule making proceeding, contact Emmett Haines Pritchard or Keith Plourd, (202) 632–6497.

(Secs. 4, 303, 307, 48 Stat., as amended 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

Federal Communications Commission.
William J. Tricarico,
Secretary.

Appendix

PART 90—PRIVATE LAND MOBILE RADIO SERVICES

It is proposed that 47 CFR, Part 90 be amended as follows:

1. Section 90.385 is amended by the deletion of paragraphs (b) and (c) and the substitution of (reserved) to read as follows:

§ 90.385 Restriction and limitations on permissible communications, on use, and on mode of operation.

(b) [Reserved]

(c) [Reserved]

2. Section 90.233 is amended to add new paragraph (e) to read as follows:

§ 90.233 Secondary base/mobile non-voice signalling operations.

* * * * *

(e) Notwithstanding paragraph (d) of this section, systems licensed on frequencies above 806 MHz on an exclusive basis (i.e., the loading standard which applies for exclusive assignment is met) are exempt from the conditions of paragraphs (b) and (d).

[FR Doc. 81-31045 Filed 10-26-81; 8:45 am]
BILLING CODE 6712-01-M

Notices

Federal Register
Vol. 46, No. 207
Tuesday, October 27, 1981

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.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

Micronesia; Report

Pursuant to Section 202(a)(1) of the National Historic Preservation Act, the Advisory Council on Historic Preservation on August 25, 1981, adopted a report to the President and Congress entitled: "Comments of the Advisory Council on Historic Preservation on Termination of the United States Trusteeship of the Islands of Micronesia." This report analyzes the potential effects of terminating the Trust Territory of the Pacific Islands on the preservation of Micronesian historic properties, and offers recommendations for reducing adverse effects to such properties.

This notice is to advise interested parties that copies of this report are available upon request from the Executive Director, Advisory Council on Historic Preservation, 1522 K Street NW., Washington, D.C. 20005, 202–254–3974. Attention: Thomas F. King.

Robert R. Garvey, Jr.,
Executive Director.

[FR Doc. 81-31038 Filed 10-26-81; 8:45 am]
BILLING CODE 4310-10-M

DEPARTMENT OF AGRICULTURE

Forest Service

Apache National Forest Grazing Advisory Board; Meeting

The Apache National Forest Grazing Advisory Board will meet at 10:00 a.m., November 24, 1981, Supervisor's Office, Springerville, AZ. The purpose of this meeting is to discuss Rules and Bylaws, Range Managment Plans, Range Betterment Funding, and other National Forest matters of interest.

The meeting will be open to the public. Persons who wish to attend should notify Forest Supervisor, P.O. Box 640, Springerville, Arizona 85938 (602) 333–4301. Written statements may be filed with the board before or after the meeting.

The board has established the following rules for public participation: Public may speak up at any time by a simple show of hand.

Dated: October 19, 1981.

Nick W. McDonough,
Forest Supervisor.

[FR Doc. 81-30985 Filed 10-26-81; 8:45 am]
BILLING CODE 3410-11-M

Sitgreaves National Forest Grazing Advisory Board; Meeting

The Sitgreaves National Forest Grazing Advisory Board will meet at 10:00 A.M., November 24, 1981, Supervisor's Office, Springerville, Arizona. The purpose of this meeting is to discuss Rules and Bylaws, Range Management Plans, Range Betterment Funding, and other National Forest matters of interest.

The meeting will be open to the public. Persons who wish to attend should notify Forest Supervisor, P.O. Box 640, Springerville, Arizona 85938 (602) 333–4301. Written statements may be filed with the board before or after the meeting.

The board has established the following rules for public participation: Public may speak up at any time by a simple show of hand.

Dated: October 19, 1981.

Nick W. McDonough,
Forest Supervisor.

[FR Doc. 81-30984 Filed 10-26-81; 8:45 am]
BILLING CODE 3410-11-M

Gospel-Hump Advisory Committee; Meeting

The Gospel-Hump Advisory Committee will meet at 9 a.m., November 28, 1981, at the Nezperce National Forest Smokejumper Barracks conference room, Grangeville, Idaho. Purpose of this meeting will be to review management alternatives for the Gospel-Hump Advisory multipurpose development area.

The meeting will be open to the public. Persons who wish to attend should notify Ed Laven, 319 East Main, Grangeville, Idaho 83530; telephone 208/983–1950. Written statements may be filed with the committee before or after the meeting.

Don Biddison,
Forest Supervisor.
October 20, 1981.

[FR Doc. 81-31044 Filed 10-26-81; 8:45 am]
BILLING CODE 3410-11-M

Rocky Mountain Region Land and Resource Management Plan; Revised Notice of Intent to Prepare an Environmental Impact Statement

A notice of intent to prepare an environmental impact statement for the Rocky Mountain Region Land and Resource Management Plan was published in the **Federal Register**, Volume 45, No. 45, p. 14237, March 5, 1980. A revised notice of intent to prepare an environmental impact statement was published in the **Federal Register**, Volume 45, No. 198, p. 67115, October 9, 1980.

The draft environmental impact statement was transmitted to the Environmental Protection Agency on September 15, 1981. The estimated date for transmitting the final environmental impact statement is April 1, 1982.

Dated: Oct. 16, 1981.

S. H. Hanks,
Acting Regional Forester.

[FR Doc. 81-31040 Filed 10-26-81; 8:45 am]
BILLING CODE 3410-11-M

Office of the Secretary

Members of Performance Review Boards

AGENCY: Department of Agriculture.

ACTION: Notice.

SUMMARY: This document amends the list of Performance Review Board members published April 20, 1981, 46 FR 22629 and 22630, as amended July 15, 1981, 46 FR 36723.

EFFECTIVE DATE: October 27, 1981.

FOR FURTHER INFORMATION CONTACT: Earl C. Hadlock, Chief, Executive Resources, Performance Appraisal, and Merit Pay Staff, Office of Personnel, Department of Agriculture, 14th Street

and Independence Avenue, SW, Washington, D.C. 20250 (202–447–2830).

John R. Block,

Secretary of Agriculture.

October 21, 1981.

The membership of the Department of Agriculture's Performance Review Boards is amended by deleting the names of Kenneth R. Farrell, Barry R. Flamm, Ray Pugh, Quentin M. West, and Edward Hastey and adding the following names:

1. William E. Kibler.
2. John E. Lee, Jr.
3. Terry Barr.
4. Allan S. Johnson.
5. Terry B. Kinney.
6. Mary Nell Greenwood.
7. Walter I. Thomas.
8. Richard A. Farley.
9. Robert Drummond.
10. Claude W. Gifford.
11. Harold V. Hunter.
12. Charles W. Shuman.
13. Douglas W. MacCleery.
14. Melvin Syms.
15. Andrew Hornsby.

[FR Doc. 81-30967 Filed 10-26-81; 8:45 am]

BILLING CODE 3410-01-M

Rural Electrification Administration

Plains Electric Generation and Transmission Cooperative, Inc.; Intent To Prepare a Supplemental Draft Environmental Impact Statement

Notice is hereby given that the Rural Electrification Administration (REA) intends to prepare a Supplemental Draft Environmental Impact Statement (SDEIS) in connection with proposed changes to the water sources for the Plains Generation and Tramission Cooperative, Inc., (Plains) Escalante Generating Station located in McKinley County, New Mexico.

The SDEIS will address the need for, alternatives to and environmental impacts of proposed changes from the plans detailed in the Final Environmental Impact Statement (FEIS) completed for the Plains-Escalante Generating Station and issued in January 1980. Proposed major changes would include the drilling of wells in the State Well Field instead of the Cooper's Ranch Field, and an extension of the previously approved 22 km (14 mi) pipeline corridor by approximately 10 km (6 mi) to connect the State Well Field. It is REA's judgment that these changes from the FEIS can be evaluated through the Supplemental Environmental Impact Statement process and that interagency and public scoping meetings, held in conjunction with the preparation of environmental impact statements, need not be conducted again for this project.

Interested persons are invited to submit comments, which may be helpful to REA in the preparation of the SDEIS, to the Assistant Administrator—Electric, REA, U.S. Department of Agriculture, Washington, D.C. 20250.

Final REA action, concerning this project, including any release of funds for construction, will be taken only after REA has reached a satisfactory conclusion with respect to the project's environmental effects and compliance with the National Environmental Policy Act of 1969, and with other environmentally related statutes, regulations, Executive Orders and Secretary's Memoranda.

This Program is listed in the Catalog of Federal Domestic Assistance as 10.850—Rural Electrification Loans and Loan Guarantees.

Dated at Washington, D.C., this 19th day of October, 1981.

Harold V. Hunter,

Administrator.

[FR Doc. 81-31074 Filed 10-26-81; 8:45 am]

BILLING CODE 3410-15-M

CIVIL AERONAUTICS BOARD

Chalk's International Airline, Inc.; Fitness Determination

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Commuter Air Carrier Fitness Determination—Order 81–10–135, Order to Show Cause.

SUMMARY: The Board is proposing to find that Chalk's International Airline, Inc. is fit, willing, and able to provide commuter air carrier service under section 419(c)(2) of the Federal Aviation Act, as amended, and that the aircraft used in this service conform to applicable safety standards. The complete text of this order is available, as noted below.

DATE: Responses: All interested persons wishing to respond to the Board's tentative fitness determination shall serve their responses on all persons listed below no later than November 10, 1981, together with a summary of the testimony, statistical data, and other material relied upon to support the allegations.

ADDRESSES: Responses or additional data should be filed with Special Authorities Division, Room 915, Civil Aeronautics Board, Washington, D.C. 20428, and with all persons listed in Attachment A of Order 81–10–135.

FOR FURTHER INFORMATION CONTACT: Mr. James Lawyer, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428 (202) 673–5088.

SUPPLEMENTARY INFORMATION: The complete text of Order 81–10–135 is available from the Distribution Section, Room 100, 1825 Connecticut Avenue, N.W., Washington, D.C. Persons outside the metropolitan area may send a postcard request for Order 81–10–135 to the Distribution Section, Civil Aeronautics Board, Washington, D.C. 20428.

By the Civil Aeronautics Board: October 22, 1981.

Phyllis T. Kaylor,

Secretary

[FR Doc. 81-31132 Filed 10-26-81; 8:45 am]

BILLING CODE 6320-01-M

Jetwest International Airways, Inc.; Application for Certificate of Public Convenience and Necessity

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Order to Show Cause, 81–10–122, Docket 40105 and Fitness Investigation of Jetwest International Airways, Inc., Docket 40161.

SUMMARY: The Board is issuing an order in which it tentatively finds and concludes that it is consistent with the public convenience and necessity to grant the application of Jetwest International for a certificate authorizing the air transportation of persons, property and mail between and among 19 points. Certification is subject to a favorable determination of the applicant's fitness in the Jetwest International Fitness Investigation (Docket 40161), instituted concurrently.

DATES: All interested persons having objections to the Board issuing an order making final the tentative findings and conclusions shall file by November 9, 1981, a statement of objections together with a summary of testimony, statistical data and other material expected to be relied upon to support the stated objections. Such filings shall be served upon all parties listed below.

Persons wishing to file petitions to intervene in the Jetwest International Fitness Investigation shall file their petitions in Docket 40161 by November 2, 1981, and serve such filings on all persons listed below.

ADDRESSES: Objections to the issuance of a final order should be filed in the Dockets Section, Civil Aeronautics Board, Washington, D.C. 20428, in Docket 40105, Application of Jetwest International, Airways Inc. for a certificate of public convenience and necessity.

In addition, copies of such filings should be served on Jetwest International Airways, Inc.; the Mayors of San Francisco, Burbank, Los Angeles, Monterey, Oakland, Ontario and San Jose, CA; Austin, Houston and San Antonio, TX; Denver, CO; Las Vegas and Reno, NV; Oklahoma City and Tulsa, OK; Kansas City, MO; Albuquerque, NM; and Phoenix and Tucson, AZ; the managers of these cities' airports; the State Department of Transportation or Aeronautics Commission of Texas, New Mexico, Arizona, Oklahoma, Missouri, Colorado, Nevada and California; and the Federal Aviation Administration.

Service will also be required on any other person filing objections.

FOR FURTHER INFORMATION CONTACT: Peter M. Bloch, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue NW., Washington, D.C. 20428; (202) 673-5333.

SUPPLEMENTARY INFORMATION: The complete text of Order 81-10-122 is available from our Distribution Section, Room 516, 1825 Connecticut Avenue NW., Washington, D.C. Persons outside the metropolitan area may send a postcard request.

By the Civil Aeronautics Board: October 21, 1981.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-31131 Filed 10-26-81; 8:45 am]

BILLING CODE 6320-01-M

New York Helicopter Corp.; Fitness Determination

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Commuter Air Carrier Fitness Determination—Order 81-136, Order to Show Cause.

SUMMARY: The Board is proposing to find that New York Helicopter Corporation is fit, willing, and able to provide commuter air carrier service under section 419(c)(2) of the Federal Aviation Act, as amended, and that the aircraft used in this service conform to applicable safety standards. The complete text of this order is available, as noted below.

DATES: Responses: All interested persons wishing to respond to the Board's tentative fitness determination shall serve their responses on all persons listed below no later than November 10, 1981, together with a summary of the testimony, statistical data, and other material relied upon to support the allegations.

ADDRESSES: Responses or additional data should be filed with Special Authorities Division, Room 915, Civil Aeronautics Board, Washington, D.C. 20428, and with all persons listed in Attachment A of Order 81-10-136.

FOR FURTHER INFORMATION CONTACT: Mr. J. Kevin Kennedy, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue NW., Washington, D.C. 20428, (202) 673-5918.

SUPPLEMENTARY INFORMATION: The complete text of Order 81-10-136 is available from the Distribution Section, Room 100, 1825 Connecticut Avenue NW., Washington, D.C. Persons outside the metropolitan area may send a postcard request for Order 81-10-136 to the Distribution Section, Civil Aeronautics Board, Washington, D.C. 20428.

By the Civil Aeronautics Board: October 22, 1981.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-31133 Filed 10-26-81; 8:45 am]

BILLING CODE 6320-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

Barley From France; Preliminary Results of Administrative Review of Countervailing Duty Order

AGENCY: International Trade Administration, Department of Commerce.

ACTION: Notice of Preliminary Results of Administrative Review of Countervailing Duty Order.

SUMMARY: The Department of Commerce has conducted an administrative review of the countervailing duty order on barley from France. The review covers the period January 1, 1980 through June 30, 1981. As a result of this review, the Department has preliminarily determined to instruct the Customs Service to collect an estimated countervailing duty deposit of $0.04 per bushel. Interested parties are invited to comment on these preliminary results.

EFFECTIVE DATE: October 27, 1981.

FOR FURTHER INFORMATION CONTACT: Josephine Russo, Office of Compliance, Room 2802, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202-377-1168).

SUPPLEMENTARY INFORMATION:

Procedural Background

On May 5, 1971, a notice of "Final Countervailing Duty Determination" on barley from France, T.D. 71-117, was published in the **Federal Register** (36 FR 8365). The notice stated that the Department of the Treasury had determined that exports of barley from France received bounties or grants within the meaning of section 303 of the Tariff Act of 1930 (19 U.S.C. 1303) ("the Tariff Act"). Accordingly, imports into the United States of barley from France were subject to countervailing duties.

On January 1, 1980, the provisions of title I of the Trade Agreements Act of 1979 ("the TAA") became effective. On January 2, 1980, the authority for administering the countervailing duty law was transferred from the Department of the Treasury to the Department of Commerce ("the Department"). On April 3, 1980, the International Trade Commission ("the ITC") notified the Department that the European Communities ("the EC") has requested an injury determination for the order under section 104(b) of the TAA. Therefore, following the requirements of that section, liquidation was suspended on April 3, 1980, on all shipments of barley from France entered, or withdrawn from warehouse, for consumption on or after that date. The Department published in the **Federal Register** of May 13, 1980 (45 Fr 32455) a notice of intent to conduct administrative reviews of all countervailing duty orders. As required by section 751 of the Tariff Act, the Department has conducted an administrative review of the order on barley from France.

Scope of the Review

Imports covered by this review are barley imported directly or indirectly from France. These imports are currently classifiable under item numbers 130.08 and 130.11 of the Tariff Schedules of the United States (TSUS). The review covers the period January 1, 1980 through June 30, 1981, and is limited to the program of restitution payments made through the Guidance and Guarantee Fund operated under the Common Agricultural Policy of the EC. France is a member state of the EC. This was the only program found countervailable in the final determination.

Analysis of the Program

The restitution payments are fixed on a monthly basis and are granted only when the world price of barley as established in markets is lower than the EC "threshold" price. For shipments to countries including the United States, the restitution payment has been zero during the period of review except for the months of May and June, 1981. In

those months, the EC published rates for restitution payments on the export of barley from France to such countries. The average rate for the period of review was $0.04 per bushel of 48 pounds.

We verified this information, submitted by the Delegation of the Commission of the European Communities, through a review of public documents published by the EC.

Preliminary Results of the Review

As a result of our administrative review, we preliminarily conclude that barley from France benefitted from net subsidies of $0.04 per bushel provided by the EC for the period January 1, 1980 through June 30, 1981.

There are no known unliquidated entries of this merchandise entered, or withdrawn from warehouse, prior to June 30, 1981.

Because of the restitution payments in 1981, the Department intends to instruct the Customs Service to collect a cash deposit of estimated countervailing duties of $0.04 per bushel on any shipments entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this review. This requirement shall remain in effect until publication of the final results of the next administrative review.

Pending publication of the final results of the present review, the existing deposit of estimated duties shall continue to be required, at the rates set forth in T.D. 71-117, on each entry, or withdrawal from warehouse, for consumption of this merchandise, and liquidation shall continue to be suspended on entries until the Department is notified of a determination by the ITC.

Interested parties may submit written comments on these preliminary results on or before November 27, 1981 and may request disclosure and/or a hearing on or before November 12, 1981. The Department will publish the final results of this administrative review including the results of its analysis of any such comments or hearing.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and § 355.41 of the Commerce Regulations (19 CFR 355.41).

Gary N. Horlick,

Deputy Assistant Secretary for Import Administrative.

October 21, 1981.

[FR Doc. 81-30988 Filed 10-26-81; 8:45 am]

BILLING CODE 3510-25-M

Cap Screws From Italy; Revocation of Countervailing Duty Order

AGENCY: International Trade Administration, Department of Commerce.

ACTION: Notice of Revocation of Countervailing Duty Order.

SUMMARY: The Department of Commerce is revoking the countervailing duty order on cap screws from Italy because of the termination of an injury investigation by the International Trade Commission. All entries of this merchandise made on or after April 3, 1980, shall be liquidated without regard to countervailing duties.

EFFECTIVE DATE: October 27, 1981.

FOR FURTHER INFORMATION CONTACT: Paul J. McGarr, Office of Compliance, Room 2802, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202-377-1167).

SUPPLEMENTARY INFORMATION: On August 13, 1976, a final countervailing duty determination on cap screws from Italy, T.D. 76-225, was published in the **Federal Register** (41 FR 34250).

On April 3, 1980, the International Trade Commission ("the ITC") notified the Department of Commerce ("the Department") that an injury determination for this order had been requested under section 104(b) of the Trade Agreements Act of 1979 ("the TAA"). Therefore, following the requirements of that section, liquidation was suspended on April 3, 1980 on all shipments of cap screws from Italy entered, or withdrawn from warehouse, for consumption on or after that date.

On August 7, 1981, the Department published the final results of its administrative review of this order as required by section 751 of the Tariff Act of 1930 (46 FR 40242). The Department determined that a net subsidy on cap screws from Italy of 15 lire per kilogram of this merchandise was being conferred during the period of review and reported that rate to the ITC.

On October 7, 1981, the ITC published its termination of the countervailing duty investigation under section 104(b) of the TAA due to the original petitioner's withdrawal of its petition. The termination of this investigation has the same effect as a determination that an industry in the United States would not be materially injured, or threatened with material injury, by reason of imports from Italy of cap screws covered by the countervailing duty order if the order were revoked (46 FR 49677). As a result, the Department is revoking the countervailing duty order concerning cap screws from Italy (T.D. 76-225) with respect to all merchandise entered, or withdrawn from warehouse, for consumption on or after April 3, 1980, the date the Department received notification of the request for an injury determination.

The Department will instruct Customs officers to proceed with liquidation of all unliquidated entires of this merchandise made on or after April 3, 1980 without regard to countervailing duties and to refund any estimated countervailing duties collected with respect to these entries. Entries, or withdrawals from warehouse, for consumption made prior to April 3, 1980, are subject to countervailing duties as set forth in the final results of the administrative review.

This revocation is in accordance with section 104(b)(4)(B) of the TAA (19 U.S.C. 1671 note).

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

October 21, 1981.

[FR Doc. 81-30986 Filed 10-26-81; 8:45 am]

BILLING CODE 3510-25-M

Steel Welded Wire Mesh From Italy; Revocation of Countervailing Duty Order

AGENCY: International Trade Administration, Department of Commerce.

ACTION: Notice of revocation of countervailing duty order.

SUMMARY: The Department of Commerce is revoking the countervailing duty order on steel welded wire mesh from Italy because of the termination of an injury investigation by the International Trade Commission. All entries of this merchandise made on or after April 3, 1980, shall be liquidated without regard to countervailing duties.

EFFECTIVE DATE: October 27, 1981.

FOR FURTHER INFORMATION CONTACT: Paul J. McGarr, Office of Compliance, Room 2802, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202-377-1167).

SUPPLEMENTARY INFORMATION: On June 1, 1968, a final countervailing duty determination on steel welded wire mesh from Italy, T.D. 68-149, was published in the **Federal Register** (33 FR 8224).

On April 3, 1980, the International Trade Commission ("the ITC") notified the Department of Commerce ("the Department") that an injury determination for this order had been

requested under section 104(b) of the Trade Agreements Act of 1979 (the "TAA"). Therefore, following the requirements of that section, liquidation was suspended on April 3, 1980 on all shipments of steel welded wire mesh from Italy entered, or withdrawn from warehouse, for consumption on or after that date.

On July 27, 1981, the Department published the final results of its administrative review of this order as required by section 751 of the Tariff Act of 1930 (46 FR 38397). The Department determined that a net subsidy on steel welded wire mesh from Italy of 20 lire per kilogram of this merchandise was being conferred during the period of review and reported that rate to the ITC.

On October 7, 1981, the ITC published its termination of the countervailing duty investigation under section 104(b) of the TAA due to the original petitioner's withdrawal of its petition. The termination of this investigation has the same effect as a determination that an industry in the United States would not be materially injured, or threatened with material injury, by reason of imports from Italy of steel welded wire mesh covered by the countervailing duty order if the order were revoked (46 FR 49677). As a result, the Department is revoking the countervailing duty order concerning steel welded wire mesh from Italy (T.D. 68–149) with respect to all merchandise entered, or withdrawn from warehouse, for consumption on or after April 3, 1980, the date the Department received notification of the request for an injury determination.

The Department will instruct Customs officers to proceed with liquidation of all unliquidated entries of this merchandise made on or after April 3, 1980 without regard to countervailing duties and to refund any estimated countervailing duties collected with respect to these entries. Entries, or withdrawals from warehouse, for consumption made prior to April 3, 1980, are subject to countervailing duties as set forth in the final results of the administrative review.

This revocation is in accordance with section 104(b)(4)(B) of the TAA (19 U.S.C. 1671 note).

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

October 21, 1981.

[FR Doc. 81-30087 Filed 10-26-81; 8:45 am]

BILLING CODE 3510-25-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

New Hampshire Coastal Management Program; Intent To Prepare Environmental Impact Statement

AGENCY: Office of Coastal Zone Management (OCZM), NOAA, Commerce.

ACTION: Notice.

SUMMARY: The Office of Coastal Zone Management (OCZM) in the National Oceanic and Atmospheric Administration (NOAA) intends to prepare a Draft Environmental Impact Statement (DEIS) on the proposed approval of the Atlantic Ocean/Harbor Segment of the New Hampshire Coastal Management Program (NHCMP) under the provisions of Section 306 of the Federal Coastal Zone Management Act of 1972 (Pub. L. 92–583, as amended) and distribute it in December, 1981.

Federal approval of this segment of the new Hampshire Coastal Management Program would allow program administrative grants to be awarded to the State and require that Federal actions be consistent with the Program.

The program consists of numerous policies on diverse management issues which will be implemented through various existing state laws. It is the culmination of five years of program development.

Approval and implementation of the program will enhance governance of the State's coastal land and water areas and uses according to the coastal policies and standards contained in existing statutes, authorities and rules. The effect of these policies is to condition, restrict or prohibit various uses in parts of the coastal zone, which encouraging development and other uses in other parts. This program will improve decision-making processes for determining appropriate coastal land and water uses in light of resource considerations and increased public awareness of coastal resource. The program may result in some short-term economic impacts on coastal users but will lead to increased long-term protection of the state's coastal resources and improve the responsiveness of state programs.

Federal alternatives include delaying or denying approval, if certain requirements of the Coastal Zone Management Act have not been met. The state could modify parts of the program or withdraw their application for federal approval if either of the above alternatives result from circulation of this document.

In order to determine the scope and significance of issues to be addressed in the DEIS, OCZM would like to solicit comments on the proposed action, particularly with respect to the following issues:

(1) The adequacy of the scope and geographic coverage of the program's laws and regulations to manage impacts on wetlands and other vulnerable natural resources;

(2) The adequacy of the mechanisms for administrative review and enforcement of compliance of agency decisions;

(3) The adequacy of the mechanisms for State agency coordination and consultation in order to effectively implement this segment of the NHCMP;

(4) The adequacy of the scope and specificity of policies related to land use activities occuring in the coastal zone.

Persons or organizations wishing to submit comments on these or other issues should do so by November 25, 1981. Any comments received after that time will be considered in the response to comments received on the DEIS. Please submit all comments to:

Kathryn Cousins, North Atlantic Regional Manager, Office of Coastal Zone Management, 3300 Whitehaven Street NW., Washington, D.C. 20235. 202/634–4126.

(Federal Domestic Assistance Catalog No. 11.420 Coastal Zone Management Program Development)

Dated: October 22, 1981.

William Matuszeski,

Acting Assistant Administrator, Coastal Zone Management.

[FR Doc. 81-31148 Filed 10-26-81; 8:45 am]

BILLING CODE 3510-28-M

Fishermen's Contingency Fund; Recommendation of Payment of Claim(s)

AGENCY: National Oceanic and Atmospheric Administration, Commerce.

ACTION: Notice of agency recommendation on claims filed under Title IV, Outer Continental Shelf Lands Act Amendments of 1978 (Title IV).

SUMMARY: Notice is given that the Agency intends to recommend to theNOAA Office of Administrative Law Judges, which will decide the cases, that the following claims be approved for payment from the Fishermen's Contingency Fund:

Claim Numbers and Approved Amounts

FCF-01-79—$22,949.49 (Actual damage: $8,017.25; economic loss: $13,932.24) plus reasonable attorneys fees to be decided by an Administrative Law Judge ($3,500 requested);

FCF-05-80—$1,348.52 (Economic loss: $1,148.52; expenses: $200) plus reasonable attorneys fees to be decided by an Administrative Law Judge ($350 requested);

FCF-21-79—$38.35 (Actual damage: $31.18; economic loss: $7.17);

FCF-75-79—$2,248.10 (Actual damage: $1,789.01; economic loss: $459.09); and

FCF-31-80—$11,172.90 (Actual damage: $7,016.55; economic loss: $4,156.35).

Interested persons have 15 days to request that the Administrative Law Judge (ALJ) conduct an oral hearing concerning the claims, or to request to be admitted as parties to any hearing on a claim.

DATE: Requests for oral hearing or to be admitted as a party must be received by November 12, 1981.

ADDRESS: Send requests to: NOAA Office of General Counsel (GCEL), Room 275, Page 1 Building, 2001 Wisconsin Avenue, NW., Washington, D.C. 20235.

FOR FURTHER INFORMATION CONTACT: Stephen J. Powell or Harry Feehan (address above). Telephone: (202) 254-8350.

SUPPLEMENTARY INFORMATION: Title IV, 43 USC 1841, established the Fishermen's Contingency Fund (Fund) to compensate commercial fishermen for gear damage and lost profits caused by items associated with oil and gas activities on the Outer Continental Shelf.

Claim No. FCF-01-79 was filed on January 9, 1979, and seeks compensation in the amount of $22,949.49, (of which $8,017.25 is for damage to fishing gear and $14,922.24 is for economic loss), and additionally seeks $3,500 for attorneys fees, on account of claimant's having hung his gear on an underwater obstruction on December 17, 1978, at coordinates 29°14.6' North and 88°56.2' West.

Claim No. FCF-21-79 was filed on February 26, 1980, and seeks compensation in the amount of $38.35 (of which $31.18 is for damage to fishing gear and $7.17 is for economic loss), on account of claimant's having hung his gear on an underwater obstruction on February 15, 1979, at coordinates 28°45.0' North and 90°45.0' West.

Claim No. FCF-75-79 was filed on February 26, 1980 (and subsequently refiled on February 2, 1981, pursuant to Pub. L. 96-561, December 22, 1980) and seeks compensation in the amount of $2,248.10 (of which $1,789.01 is for damage to fishing gear and $459.09 is for economic loss) on account of claimant's having hung his gear on an underwater obstruction on August 26, 1979 at coordinates 28°33.5' North and 90°36.0' West.

Claim No. FCF-05-80 was filed on December 11, 1979, and seeks compensation in the amount of $4,321.80 (economic loss: $3,771.80; attorneys fees: $350; and other expenses: $200.00) on account of claimant's having hung his gear on an underwater obstruction on December 2, 1979, at coordinates 29°06.4' North and 91°40.3' West.

Claim No. FCF-31-80 was filed on May 28, 1980, and seeks compensation in the amount of $11,172.90 (of which $7,016.55 is for damage to fishing gear and $4,165.35 is for economic loss) on account of claimant's having hung his gear on an underwater obstruction on March 30, 1980, at coordinates 28°17.8' North and 91°12.1' West.

As required by the 50 CFR Part 296 regulations implementing Title IV, notice of claim FCF-01-79 was published in the **Federal Register** on April 28, 1980 (45 FR 28180).

Notice of Claim FCF-21-79 was published in the **Federal Register** on June 16, 1980 (45 FR 40631).

Notice of Claim FCF-75-79 was published in the **Federal Register** on June 4, 1981 (46 FR 29980).

Notice of Claim FCF-05-80 was published in the **Federal Register** on September 2, 1980 (46 FR 58179).

Notice on Claim FCF-31-80 was published in the **Federal Register** on February 20, 1981 (45 FR 13253).

These notices gave interested persons, as defined in 50 CFR 296.2, 30 days to advise the Chief of the National Marine Fisheries Service (FSD) that they wished to submit evidence concerning the claims or be admitted as parties to any hearings held in respect to the claims. The Shell Oil Company stated that it wished to be admitted as a party with regard to Claim No. FCF-01-79. No other response was received. However, the claimant whose claim is No. FCF-05-80 has rejected the recommended payment; and his rejection of it has been treated as a request for an oral hearing.

These notices also advised that FSD may negotiate with the claimants proposed settlements of their claims. As indicated in the "Approved Amounts" column set out earlier in this notice, FSD has either approved the claims as submitted or negotiated settlements except for Claim No. FCF-05-80.

As provided by 50 CFR 296.8(d)(3), notice is given that NOAA General Counsel has determined that the approved amounts set out above will be the official agency recommendations in these cases. Any interested person or a claimant who objects to any of these recommendations may request that the ALJ who will be assigned to a case conduct an oral hearing concerning the claim. Any interested person may also request to be admitted as a party to any hearing concerning any claim. In either event, the request must be in writing and must be filed with General Counsel at the address and by the date set out above. If the request is to be admitted as a party, the request must state why it was not filed in a timely manner under 50 CFR 296.8(a)(3)(v). The ALJ will rule on all such requests under 50 CFR 296.10(a)(3). Any interested person may obtain a copy of such portions of the claim as are disclosable by law by writing to the General Counsel at the above address.

No sooner than the close of the 15-day period referred to at the beginning of this notice (November 12, 1981), the General Counsel will refer the claims, together with the agency recommendations and any requests received in response to this notice, to the NOAA Office of Administrative Law Judges for adjudication. It is the present intention of the General Counsel to request the ALJ to decide these claims without oral hearing, except in the case of Claim No. FCF-05-80.

Final regulations governing the Title IV Program were published on January 24, 1980 (45 FR 6062), and July 2, 1980 (45 FR 44912).

Signed at Washington, D.C. this 21st day of October, 1981.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

[FR Doc. 81-31128 Filed 10-26-81; 8:45 am]

BILLING CODE 3510-22-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Changes in the Textile Category System

October 22, 1981.

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Changes in the Textile Category System.

SUMMARY: The CORRELATION: Textile and Apparel Categories with the Tariff Schedules of the United States, Annotated, provides for placement of Tariff Schedules of the United States,

Annotated, (T.S.U.S.A.) numbers in the Textile Category System. Additional amendments to Schedule 3 of the T.S.U.S.A. under Presidential Proclamation 4707 of December 11, 1979 (3 CFR 87 (1979), reprinted in 19 U.S.C. 2111 nt. (Supp. III 1979)) which were not included in changes to the CORRELATION cited in the Federal Register of October 5, 1981 (46 FR 4893) and additional administrative changes require further amendment to the CORRELATION. These changes are cited in the list which follows this notice.

EFFECTIVE DATE: January 1, 1982.

FOR FURTHER INFORMATION CONTACT: Claire McDermott, Office of Textiles and Apparel, U.S. Department of Commerce, Washington, D.C. 20230 (202/377–4212).

Paul T. O'Day,

Chairman, Committee for the Implementation of Textile Agreements.

January 1, 1982—Additional Changes to the CORRELATION

Category and Type of Change

605 Change 316.6010 to 316.5500, 316.6020 to 316.5800

410 Change 336.6041 to 336.6241 and 336.6441, 336.6043 to 336.6243 and 336.6443, 336.6047 to 336.6247 and 336.6447, 336.6049 to 336.6249 and 336.6449, 336.6051 to 336.6251 and 336.6451, 336.6053 to 336.6253 and 336.6453, 336.6055 to 336.6255 and 336.6455, 336.6057 to 336.6257 and 336.6457

610 Change 338.3003 to 338.4003, 338.3006 to 338.5006, 338.3007 to 338.5007

611 Change 338.3034 to 338.5034, 338.3047 to 338.5047, 338.3048 to 338.5048, 338.3064 to 338.5064

612 Change 338.3004 to 338.4004, 338.3005 to 338.4005, 338.3008 to 338.5008, 338.3009 to 338.5009, 338.3010 to 338.5010, 338.3011 to 338.5011, 338.3012 to 338.5012, 338.3013 to 338.5013, 338.3015 to 338.5015, 338.3017 to 338.5017, 338.3018 to 338.5018, 338.3019 to 338.5019, 338.3020 to 338.5020, 338.3021 to 338.5021

613 Change 338.3035 to 338.5035, 338.3036 to 338.5036, 338.3039 to 338.5039, 338.3041 to 338.5041, 338.3042 to 338.5042, 338.3043 to 338.5043, 338.3044 to 338.5044, 338.3045 to 338.5045, 338.3046 to 338.5046, 338.3049 to 338.5049, 338.3050 to 338.5050, 338.3053 to 338.5053, 338.3054 to 338.5054, 338.3055 to 338.5055, 338.3059 to 338.5059, 338.3065 to 338.5065, 338.3066 to 338.5066, 338.3069 to 338.5069

January 1, 1982—Further Change to the CORRELATION

Category and Type of Change

614 Change 338.3001 to 338.5001, 338.3002 to 338.5002, 338.3024 to 338.5024, 338.3025 to 338.5025, 338.3026 to 338.5026, 338.3029 to 338.5029, 338.3032 to 338.5032, 338.3033 to 338.5033

333 Change 380.1265 to 379.4640 *not* 319.3925, 380.3941 to 379.6215

334 Change 380.0002 to 379.0215 *not* 379.3915

335 Delete 383.5005

336 Change 382.7208 to 383.7808 *not* 383.7708

337 Change 380.0015 to 379.0415 *not* 379.0405

340 Change 382.3368 to 383.4720 *not* 383.4715, 382.3370 to 383.4721 *not* 383.4718

345 Change 380.0030 to 379.0250 *not* 379.0233

348 Change 382.3333 to 383.4730 *not* 383.4720

351 Change 380.2405 to 379.5210 *and* 379.5211, 380.2410 to 379.5220 *and* 379.5221

359 Change 380.0696 to 379.4140 *and* 379.3950, 382.0696 to 383.3060, 382.0697 to 383.3090 *and* 383.2850, 380.0080 to 379.0840 *and* 379.0660

Delete 383.0640

Change 380.3989 to 379.6470 *and* 379.6280

440 Change 382.6310 to 383.7000 *not* 383.6800

446 Change 382.0219 *not* 382.0129, to 383.1320

459 Change 380.0225 to 379.1300 *and* 379.1530 *not* 379.3520, 382.0240 to 383.1340 *and* 383.1200, 382.5445 to 383.5845 *and* 383.5700

636 Change 382.0414 to 383.2016 *not* 383.2014, 382.0416 to 383.2014 *not* 382.2016, 382.7833 to 383.8622 *not* 383.8621, 382.7834 to 383.8621 *not* 383.8622, 382.0467 to 383.2315 *not* 383.2310, 382.0469 to 383.2310 *not* 383.2315

638 Fold 380.8133 and 380.8135 into 379.9020

669 Add 706.2045

[FR Doc. 81-31072 Filed 10-26-81; 8:45 am]

BILLING CODE 3510-25-M

COMMISSION OF FINE ARTS

Meeting

The Commission of Fine Arts will next meet in open session on Tuesday, November 10, 1981 at 10:00 a.m. in the Commission's offices at 708 Jackson Place, NW., Washington, D.C. 20006 to discuss various projects affecting the appearance of Washington, D.C.

Inquiries regarding the agenda and requests to submit written or oral statements should be addressed to Mr. Charles H. Atherton, Secretary, Commission of Fine Arts, at the above address.

Dated in Washington, D.C., October 15, 1981.

Charles H. Atherton,

Secretary.

[FR Doc. 81-30975 Filed 10-26-81; 8:45 am]

BILLING CODE 6330-01-M

DEPARTMENT OF DEFENSE

Department of the Air Force

Advisory Committee on the Air Force Historical Program; Meeting

October 15, 1981.

The Advisory Committee on the Air Force Historical Program will hold a meeting on November 16–17, 1981 from 8:30 a.m. to 4:00 p.m. at Bolling Air Force Base (AFB), D.C., Building 5681, 3rd Floor Conference Room. The purpose of the meeting is to examine the mission, scope, progress, and productivity of the Air Force Historical Program and make recommendations thereon for the consideration of the Secretary of the Air Force.

The meeting will be open to the public. Topics to be discussed include: organization and personnel, current status of historical projects, and status of the field history program.

For further information contact Lieutenant Colonel John A. Phillips, Executive, Office of Air Force History, Bolling AFB, D.C., telephone (202) 767–5764.

Carol M. Rose,

Air Force Federal Register Liaison Officer.

[FR Doc. 81-31082 Filed 10-26-81; 8:45 am]

BILLING CODE 3910-01-M

USAF Scientific Advisory Board; Meeting

October 5, 1981.

The USAF Scientific Advisory Board Electronic Systems Division Advisory Group will hold meetings on November 19, 1981, from 8:30 a.m. to 5:00 p.m.; and on November 20, 1981, from 8:30 a.m. to 12:00 p.m., at Hanscom Air Force Base, Massachusetts, in the Command Management Center, Building 1606.

The Group will receive classified briefings and hold classified discussions on selected Air Force Command, Control and Communications Programs. The meetings concern matters listed in section 522(b) of Title 5, United States Code, specifically subparagraph (1) thereof and, accordingly, the meetings will be closed to the public.

For further information, contact the USAF Scientific Advisory Board Secretariat at (202) 697–8404.

Carol M. Rose,

Air Force Federal Register Liaison Officer.

[FR Doc. 81-31080 Filed 10-26-81; 8:45 am]

BILLING CODE 3910-01-M

Office of the Secretary

Schedule for Awarding Bonuses to SES Members

AGENCY: Office of the Secretary of Defense (OSD).

ACTION: Notice of Schedule for Awarding Bonuses to SES Members.

SUMMARY: The Office of the Secretary of Defense (for itself, OSD Field Activities, Organization of the Joint Chiefs of Staff, the North Atlantic Treaty Organization, the U.S. Court of Military Appeals,

Defense Audit Service, Defense Communications Agency, Defense Contract Audit Agency, Defense Investigative Service, Defense Logistics Agency, Defense Mapping Agency, and Defense Nuclear Agency) plans to grant performance awards to SES members on or about December 1, 1981.

EFFECTIVE DATE: November 1, 1981.

FOR FURTHER INFORMATION CONTACT: Mrs. Sharon B. Brown, Chief, Senior Executive Service Division, Directorate for Personnel & Security, WHS, Office of the Secretary of Defense, Department of Defense, The Pentagon, telephone 202-695-4573.

M. S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarters Services, Department of Defense.

October 22, 1981.

[FR Doc. 81-31070 Filed 10-26-81; 8:45 am]

BILLING CODE 3810-01-M

Defense Intelligence Agency Advisory Committee; Closed Meeting

Pursuant to the provisions of subsection (d) of section 10 of Pub. L. 92-463, as amended by section 5 of Pub. L. 94-409, notice is hereby given that a closed meeting of a Panel of the DIA Advisory Committee has been scheduled as follows:

Thursday & Friday, 19-20 November 1981, Plaza West, Rosslyn, Virginia. The entire meeting, commencing at 0900 hours each day is devoted to the discussion of classified information as defined in section 552b(c)(1), Title 5 of the U.S. Code and therefore will be closed to the public. Subject matter will be used in a study on the REIS program.

M. S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarters Services, Department of Defense.

October 22, 1981.

[FR Doc. 81-31071 Filed 10-26-81; 8:45 am]

BILLING CODE 3810-01-M

DEPARTMENT OF ENERGY

Designation of Los Alamos Laboratory Site as Off-Limits Area

AGENCY: Department of Energy.

ACTION: Designation of Los Alamos Laboratory Site as off-limits area in accordance with 10 CFR Part 860.

SUMMARY: The Department of Energy (DOE) hereby designates the Los Alamos National Laboratory site an off-limits area in accordance with 10 CFR Part 860, making it a federal crime under 42 U.S.C. 2278a for unauthorized persons to enter into or upon the Los Alamos National Laboratory site. If unauthorized entry into or upon the Laboratory site is into an area enclosed by a fence, wall, roof, or other standard barrier, conviction for such unauthorized entry may result in a fine of not more that $5,000 or imprisonment for not more than one year or both. If unauthorized entry into or upon the Laboratory site is into an area not enclosed by a fence, wall, roof, or other standard barrier, conviction for such unauthorized entry may result in a fine of not more than $1,000.

On April 23, 1980, DOE published in the **Federal Register** (45 FR 27464-27466, corrected June 9, 1980, 45 FR 38433) a final notice which designated certain described areas, structures and facilities at the Los Alamos National Laboratory site as off-limits. Pursuant to 10 CFR 860.7, this Notice took effect on the date of its publication. No prior notice or period for public comment was provided for before the effective date of the final notice.

On January 5, 1981, the United States Court of Appeals for the Tenth Circuit in *United States* v. *Jonathan Seward*, et. al. Nos. 79-1711 through 79-1726, 79-1745, 79-1749, 79-1750, 79-1754, 79-1757, 79-177 through 79-1790, 79-1795, 79-1800, 79-1802 through 79-1804, 79-1809, 79-1811, 79-1812, 79-1815 through 79-1817, 79-1822 through 79-1835, 79-1848 through 79-1855, 79-1857, 79-1858, 79-1860, 79-1861, 79-1931, 79-1932, 79-1934, 79-1936 through 79-1945, and 79-2037, issued a decison invalidating eighty-six trespass convictions on the ground that DOE's similar designation of boundaries of off-limits areas at the Rocky Flats Plant site published in the **Federal Register** on April 13, 1979 did not comply with the provisions of the Administrative Procedure Act, 5 U.S.C. 551, et. seq., and Title V of the Department of Energy Organization Act, 42 U.S.C. 7191, et. seq. Pending any review of the decision of the Court, DOE in deference to the Court, is publishing this proposed designation in accordance with the procedural requirements of 5 U.S.C. 551, et. seq., and 42 U.S.C. 7191, et. seq.

FOR FURTHER INFORMATION CONTACT: Jo Ann Williams (202) 252-6975.

EFFECTIVE: October 27, 1981.

SUPPLEMENTARY INFORMATION: On June 8, 1981, the Department of Energy published in the **Federal Register** (46 FR 30385) a proposed designation of the Los Alamos Laboratory Site as an off-limits area. Interested persons were invited to submit written comments. No comments were received.

In accordance with section 501(c)(1) of the Department of Energy Organization Act, DOE has determined that this action presents no substantial issue of fact or law, and is unlikely to have a substantial impact on the Nation's economy or large numbers of individuals or businesses. Accordingly, this rule is being promulgated in accordance with 5 U.S.C. 553.

DOE has determined that this is not a "major rule" as defined in Section 1(b) of Executive Order 12291 because it is not likely to result in (1) an annual effect on the economy of $100 million or more, (2) a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies or geographic regions or, (3) a significant adverse impact on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

DOE has determined that initial and final regulatory flexibility analyses required by sections 603 and 604 of the Regulatory Flexibility Act need not be prepared for these regulations because they would not exert, if promulgated, a significant economic impact on a substantial number of small entities.

DOE has determined that this designation is required to assure the protection of a facility vital to the national security and that "good cause" within the meaning of 5 U.S.C. 553(d)(3) exists, therefore, for making it effective upon publication.

Notice is hereby given that the Department of Energy, pursuant to Section 229 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2278a), Section 104 of the Energy Reorganization Act of 1974 (42 U.S.C. 5814), as implemented by 10 CFR Part 860 published in the **Federal Register** on July 9, 1975 (40 FR 28789, 28790) and Section 301 of the Department of Energy Organization Act (42 U.S.C. 7151), designates the Los Alamos National Laboratory site as an off-limits area to prohibit the unauthorized entry and the unauthorized introduction of weapons or dangerous materials, as provided in 10 CFR 860.3 and 860.4 into or upon the Los Alamos National Laboratory site consisting of the following described areas, structures, and facilities being located in Los Alamos County or Santa Fe County in the State of New Mexico and being more particularly identified as follows:

1. A certain parcel of land containing approximately 12,600 acres, more or less, situated entirely within Los Alamos

County, being more particularly described as follows:

Beginning at a point where the south right-of-way line of west Jemez Road intersects the west right-of-way line of Diamond Drive, said point lies within section 17, T. 19N., R. 6E.

N.M.P.M.; thence on a southerly direction along the west right-of-way line of Diamond Drive approximately 3,100 feet to a point of intersection with the south right-of-way line of Pajarito Road, thence southeasterly along said south right-of-way line of Pajarito Road an approximate distance of 35,000 feet to a point of intersection with the northwesterly right-of-way line of New Mexico State Road 4; thence meandering along said right-of-way line of New Mexico State Road 4 in a southwesterly direction a distance of approximately 32,500 feet; thence northwesterly along the right-of-way line of New Mexico State Road 4 a distance of approximately 38,500 feet to a point of intersection with the east right-of-way of West Jemez Road; thence meandering northeasterly along the right-of-way of West Jemez Road an approximately distance of 23,000 feet to the point and place of beginning.

2. A certain parcel of land situated entirely within Los Alamos County, more particularly described as follows:

Beginning at the intersection of the north right-of-way line of East Jemez Road and the east boundary of Los Alamos County; then northerly along the east boundary of Los Alamos County to the southerly boundary of the plat of Eastern Area No. 1, filed for record with the clerk of Los Alamos County as document No. 3924, plat book 1, page 55 on April 13, 1965; thence westerly along said plat boundary to a point where it meets the boundary of the plat of Eastern Area No. 2, filed for record with the clerk of Los Alamos County as No. 4505, in plat book 1, page 57, on August 6, 1965; thence southerly and meandering along the boundary of the plat of Eastern Area No. 2; thence continuing in a westerly direction along said plat boundary to a point where it meets the boundary of the plat of Eastern Area No. 3, filed for record with the clerk of Los Alamos County as document No. 5988 in plat book 1, page 74, on February 21, 1968; thence westerly along the southerly boundary of the plat of Eastern Area No. 3 to a point where it meets Diamond Drive; thence southerly along the east right-of-way line of Diamond Drive (projected to the bottom of the canyon) to the north right-of-way line of East Jemez Road; thence meandering along the right-of-way line of Jemez Road in a southeasterly direction to the point of beginning.

3. A certain parcel of land situated entirely within Los Alamos County, more particularly described as follows:

Beginning at the intersection of the south right-of-way line of East Jemez Road and the east boundary of Los Alamos County; thence southerly, westerly, and southeasterly along the Los Alamos County line to its intersection with the right-of-way line of New Mexico State Road 4; thence southwesterly along said right-of-way line to its intersection with the northesterly right-of-way line of Pajarito Road; thence meandering in a northwesterly direction along the north right-of-way line of Pajarito Road to its intersection with the east right-of-way line of Diamond Drive; thence northerly along the east right-of-way line of Diamond Drive to its intersection with the south right-of-way line of East Jemez Road; thence meandering along the south right-of-way line of East Jemez Road in a southeasterly direction to the point of beginning excepting:

(a) The Los Alamos County sanitary landfill; and

(b) The East Jemez Road Trailer Park as shown on the plat thereof filed for record with the clerk of Los Alamos County in plat book 1, page 80, on April 25, 1966.

4. Fire Station No. 1, Structure No. TA–3–41, Los Alamos County, Section 17, New Mexico Principal Meridian, Township and Range 19N, 6E.

5. Fire Station No. 2, located on Tract DD, plat of Eastern Area No. 1, Los Alamos County, recorded as hereinabove stated.

6. Fire Station No. 3, located on Tract JA, Survey of White Rock, Los Alamos County, filed for record with the clerk of Los Alamos County as document No. 4710 in plat book 1, page 62, on September 3, 1965.

7. Fire Station No. 4, located on Tract G, plat of North Community No. 2, Los Alamos County, filed for record with the clerk of Los Alamos County as document No. 4999 in plat book 1, page 69, on November 1, 1965.

8. Tank farm, located on Tract AA, plat of Eastern Area No. 1, Los Alamos County, recorded as hereinabove stated.

9. "Los Alamos Scientific Laboratory Records Center" and warehouse, located on "Tract WA–2, Eastern Area No. 2, Los Alamos County", as shown on the plat thereof filed for record with the clerk of Los Alamos County in plat book 1, page 95, on November 1, 1966.

10. The Los Alamos Area Office Headquarters Building located on Tract E, plat of Eastern Area No. 3, Los Alamos County, recorded as hereinabove stated.

11. The Health Research Laboratory located on Tract A, plat of Eastern Area No. 3, Los Alamos County, recorded as hereinabove stated.

12. A certain parcel of land containing approximately 1,010 acres, more or less, situated entirely within Los Alamos County, and more particularly described as follows:

Beginning at the northeast corner of Bandelier National Monument (Latitude 35° 47' 27" Longitude 106° 16' 1"0, thence ina southerly direction along the common boundary of Bandelier National Monument and U.S. Department of Energy property to the north rim of the Rio Grande Canyon (also known as White Rock Canyon); thence in a northeasterly direction along the rim of the Rio Grande Canyon approximately 16,000 feet to its confluence with the south rim of Ancho Canyon; thence in a northwesterly direction along the rim of Ancho Canyon to New Mexico State Road 4; thence along the right-of-way line of New Mexico State Road 4 to the point of beginning. This area is further identified as Technical Area (TA)–33 and/or Hot Point (H-P) Site.

13. Structures, or other facilities, identified as indicated below with appropriate identification numbers or titles being posted as each such structure or other facility:

Structure or other facility	Country	Section	New Mexico principal meridian, township and range
Los Alamos water well No. 1.	Sante Fe	13	19 N., 7E.
Los Alamos well No. 1-B.	do	13	Do.
Los Alamos well No. 2.	do	14	Do.
Los Alamos well No. 3.	do	14	Do.
Los Alamos booster No. 1.	do	14	Do.
Los Alamos well No. 6.	do	15	Do.
Los Alamos well No. 5.	do	22	Do.
Los Alamos booster No. 2.	do	22	Do.
Los Alamos well No. 4.	do	20	Do.
Los Alamos booster No. 3.	Los Alamos	13	19 N., 6E.
Los Alamos booster No. 4.	Sante Fe	10	19 N., 7E.
Guaje well No. 1.	do	4	Do.
Guaje well No. 1-a.	do	4	Do.
Guaje well No. 2.	do	4	Do.
Guaje well No. 3.	do	5	Do.
Guaje well No. 4.	do	5	Do.
Guaje well No. 5.	do	6	Do.
Guaje well No. 6.	do	5	Do.
Guaje booster No. 1.	Los Alamos	1	19 N., 6E.
Guaje booster No. 2.			

Structure or other facility	Country	Section	New Mexico principal meridian, township and range
Guaje booster No. 3.	do	3	Do.
Los Alamos sand trap.	Sante Fe	14	19 N., 7E.
Guaje sand trap.	do	5	Do.
Valve and pump house.	Los Alamos	17	19 N., 6E.
Fill Pump station.	do	8	Do.
Guaje filter station.	do	4	Do.
Western pump plant.	do	16	Do.
Western pump station.	do	17	Do.
Barranca tank No. 1 pump station.	do	3	Do.
East Rd. gas metering station No. 2.	do	14	Do.
Pueblo Canyon natural high pressure gas line suspension bridge.	do	9	Do.
Pajarito TA-0-173.	Los Alamos	17	19 N., 6E.
Pajarito Chlorinator.	Sante Fe	20	19 N., 7E.
Twin tanks	Los Alamos	17	19 N., 6E.
Sycamore task	do	8	Do.
Group No. 11 tank.	do	8	Do.
Group No. 12 tank.	do	5	Do.
Community tank and pump.	do	17	Do.
Western tank	do	17	Do.
Barranca tank and pump No. 2.	do	2	Do.
TA-16-171, TA-16-404, TA-16 tank and microstrainer.	Los Alamos	(1)	19 N., 6E.
TA-3 tank TA-0-6.	do	17	Do.
Trailer court booster pump.	do	16	Do.
Backflow preventer (old trailer court).	do	15	Do.
Water Canyon gallery.	do	25	19 N., 5E.
Tech area gas metering station (TA-0-192).	do	17	19 N., 5E.
South Sites gas metering station (TA-0-193).	do	17	Do.
Pajarito Rd gas metering station TA-3.	do	21	Do.
8-in. takeoff (valve station) from 12-in. line.	do	8	Do.
Trailer court meeting station.	do	16	Do.
Gas meter to park service.	do	(1)	18 N., 6E.
DOE building sewage.	do	16	19 N., 6E.

[1] Roman Vigil grant.

Notices stating the prohibitions of 10 CFR 860.3 and 860.4 and the penalties of 10 CFR 860.5 will be posted at all entrances of said areas, structures, and other facilities and at intervals along the perimeters thereof as provided in 10 CFR 860.6.

Dated in Washington, D.C. this 13 day of October 1981.

Troy E. Wade,

Acting Assistant Secretary for Defense Programs.

[FR Doc. 81-31078 Filed 10-26-81; 8:45 am]

BILLING CODE 6450-01-M

Economic Regulatory Administration

Enserch Corp.; Proposed Consent Order

AGENCY: Economic Regulatory Administration, Energy.

ACTION: Notice of proposed consent order and opportunity for comment.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces a proposed Consent Order and provides an opportunity for public comment on the proposed Consent Order.

DATE COMMENTS BY: November 27, 1981.

ADDRESS: Send comments to: Wayne I. Tucker, District Manager for Enforcement, Southwest District Office, Department of Energy, P.O. Box 35228, Dallas, Texas 75235.

FOR FURTHER INFORMATION CONTACT: Wayne I. Tucker, District Manager for Enforcement, Southwest District Office, Department of Energy, P.O. Box 35228, Dallas, Texas 75235 [phone] (214) 767-7745.

SUPPLEMENTARY INFORMATION: On September 30, 1981, the Office of Enforcement of the ERA executed a proposed Consent Order with Enserch Corporation of Dallas, Texas. Under 10 CFR 205.199J(b), a proposed Consent Order which involves a sum of $500,000 or more, excluding interest and penalties, becomes effective no sooner than thirty days after publication in the **Federal Register** requesting comments concerning the proposed Consent Order. Although the ERA has signed and tentatively accepted the proposed Consent Order, the ERA may, after consideration of the comments it receives, withdraw its acceptance and, if appropriate, attempt to negotiate an alternative Consent Order.

I. The Consent Order

Enserch Corporation, with its home office located in Dallas, Texas, is a firm engaged in the processing of natural gas and sale of natural gas liquids, natural gas liquid products and plant condensate, and was subject to the Mandatory Petroleum Price and Allocation Regulations at 10 CFR Parts 210, 211, 212 during the period covered by this Consent Order ("settlement period"). To resolve certain potential civil liability arising out of the Mandatory Petroleum Allocation and Price Regulations and related regulations, 10 CFR Parts 205, 210, 211, 212, in connection with Enserch Corporation's transactions involving natural gas liquids, natural gas liquid products and plant condensate during the period September 1973 through July 1975, the Office of Enforcement, ERA, and Enserch Corporation entered into a Consent Order, the significant terms of which are as follows:

A. Enserch Corporation did not apply in a manner acceptable to the DOE the provisions of 6 CFR Part 150, Subpart L, and 10 CFR Part 212, Subparts D, E and K, when determining the prices to be charged for its natural gas liquids, natural gas liquid products and plant condensate and, as a consequence, charged prices in excess of the maximum lawful sales prices resulting in overcharges to its customers.

B. The period covered by the Consent Order was September 1973 through July 31, 1975 and it included all sales of natural gas liquids, natural gas liquid products and plant condensate which were made during that period.

C. This Consent Order constitutes neither an admission by Enserch Corporation that ERA regulations have been violated nor a finding by the ERA that Enserch Corporation has violated ERA regulations.

D. The provisions of 10 CFR 205.199J, including those regarding the publication of this Notice, are applicable to the Consent Order.

II. Refunds and Civil Penalty

A. Disposition of Refunded Overcharges

In this Consent Order, Enserch Corporation will refund the sum of $2,997,500 including interest on or before 30 days after the effective date of this Consent Order. Upon full satisfaction of the terms and conditions of this Consent Order by Enserch Corporation, the DOE releases Enserch Corporation from any civil claims that the DOE may have arising out of the specified transactions during the settlement period. The Director, Office of Enforcement, ERA, shall direct that these monies be deposited in a suitable account for ultimate disposition by DOE.

B. Civil Penalty

Enserch Corporation agrees to pay the sum of $2,500 in compromise of civil penalties relating to the above-described

transactions during the settlement period.

III. Submission of Written Comments

The ERA invites interested persons to comment on the terms, conditions, or procedural aspects of this Consent Order.

You should send your comments to Wayne I. Tucker, District Manager for Enforcement, Southwest District Office, Department of Energy, P.O. Box 35228, Dallas, Texas 75235. You may obtain a free copy of this Consent Order by writing to the same address or by calling (214) 767-7745.

You should identify your comments on the outside of your envelope and on the documents you submit with the designation, "Comments on Enserch Corporation Consent Order." We will consider all comments we receive by 4:30 p.m., local time on November 27, 1981. You should identify any information or data which, in your opinion, is confidential and submit it in accordance with the procedures in 10 CFR 205.9(f).

Issued in Dallas, Texas on the 2nd day of October 1981.

Wayne I. Tucker,

Southwest District Manager, Economic Regulatory Administration.

[FR Doc. 81-30833 Filed 10-26-81; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[OPTS-51318; TSH-FRL-1937-7]

Certain Chemicals; Premanufacture Notice

Correction

In FR Doc. 81-27640 appearing on page 47005 in the issue of Wednesday, September 23, 1981, third column, above the eighteenth line from the bottom, insert the following line:

"PMN-81-450"

BILLING CODE 1505-01-M

[AMS-FRL-1966-1]

Fuel Economy Retrofit Devices; Announcement of Fuel Economy Retrofit Device Evaluation for "Glynn-50"

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of fuel economy retrofit device evaluation.

SUMMARY: This document announces the conclusions of the EPA evaluation of the "Glynn-50" device under provisions of Section 511 of the Motor Vehicle Information and Cost Savings Act.

Background Information

Section 511(b)(1) and Section 511(c) of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 2011(b)) requires that:

(b)(1) "Upon application of any manufacturer of a retrofit device (or prototype thereof), upon the request of the Federal Trade Commission pursuant to subsection (a), or upon his own motion, the EPA Administrator shall evaluate, in accordance with rules prescribed under subsection (d), any retrofit device to determine whether the retrofit device increases fuel economy and to determine whether the representations (if any) made with respect to such retrofit devices are accurate."

(c) "The EPA Administrator shall publish in the **Federal Register** a summary of the results of all tests conducted under this section, together with the EPA Administrator's conclusions as to—

(1) The effect of any retrofit device on fuel economy;

(2) The effect of any such device on emissions of air pollutants; and

(3) Any other information which the Administrator determines to be relevant in evaluating such device."

EPA published final regulations establishing procedures for conducting fuel economy retrofit device evaluations on March 23, 1979 (44 FR 17946).

Origin of Request for Evaluation

On June 2, 1981, the EPA received a request from the Hopkins-Glynn Corp. for evaluation of a fuel saving device known as the "Glynn-50". This device is claimed to reduce exhaust emissions and save fuel.

Availability of Evaluation Report

An evaluation has been made and the results are described completely in a report entitled: "EPA Evaluation of the Glynn-50 Device Under Section 511 of the Motor Vehicle Information and Cost Savings Act," report number EPA-AA-TEB-511-81-28 consisting of 22 pages including all attachments.

Copies of this report may be obtained from the National Technical Information Service by using the above report number. Address requests to: National Technical Information Service, U.S. Department of Commerce, Springfield, VA 22161, Phone: Federal Telecommunications System (FTS) 737-4650; Commercial 703-487-4650.

Summary of Evaluation

EPA fully considered all of the information submitted by the device manufacturer in his application. The device description and supporting text indicated that the device should improve combustion efficiency. However, no test data was submitted with the application.

While thorough mixing of fuel and air and even distribution will enhance the combustion process, there is no evidence that the use of the Glynn-50 device will result in any improvements over an unmodified induction system. The use of smaller jets in the carburetor will tend to enlean the mixture but may cause driveability problems in some vehicles. Based on EPA's experience with similar devices, there is no reason to support any claims for improvements in fuel economy or exhaust emissions due to the use of the Glynn-50.

FOR FURTHER INFORMATION CONTACT: Merrill W. Korth, Emission Control Technology Division, Office of Mobile Source Air Pollution Control, Environmental Protection Agency, 2565 Plymouth Road, Ann Arbor, Michigan 48105, (313) 668-4299.

Dated: October 16, 1981.

Kathleen M. Bennett,

Assistant Administrator for Air, Noise, and Radiation.

[FR Doc. 81-30952 Filed 10-26-81; 8:45 am]

BILLING CODE 6560-26-M

[AMS-FRL-1966-2]

Fuel Economy Retrofit Devices; Announcement of Fuel Economy Retrofit Device Evaluation for "IDALERT™"

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of fuel economy retrofit device evaluation.

SUMMARY: This document announces the conclusions of the EPA evaluation of the "IDALERT™" device under provisions of Section 511 of the Motor Vehicle Information and Cost Savings Act.

Background Information

Section 511(b)(1) and Section 511(c) of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 2011(b)) requires that:

(b)(1) "Upon application of any manufacturer of a retrofit device (or prototype thereof), upon the request of the Federal Trade Commission pursuant to subsection (a), or upon his own motion, the EPA Administrator shall evaluate, in accordance with rules

prescribed under subsection (d), any retrofit device to determine whether the retrofit device increases fuel economy and to determine whether the representations (if any) made with respect to such retrofit devices are accurate."

(c) "The EPA Administrator shall publish in the **Federal Register** a summary of the results of all tests conducted under this section, together with the EPA Administrator's conclusions as to—

(1) The effect of any retrofit device on fuel economy;

(2) The effect of any such device on emissions of air pollutants; and

(3) Any other information which the Administrator determines to be relevant in evaluating such device."

EPA published final regulations establishing procedures for conducting fuel economy retrofit device evaluations on March 23, 1979 (44 FR 17946).

Origin of Request for Evaluation

On September 19, 1980, the EPA received a request from Con-Serv, Inc. for evaluation of a fuel saving device termed "IDALERT™". This Device is designed to give audible and visual warnings to the vehicle operator that the vehicle engine has been idling for an excessive time period. The objective is to have the operator turn the engine off.

Availability of Evaluation Report

An evaluation has been made and the results are described completely in a report entitled: "EPA Evaluation of the IDALERT™ Device Under Section 511 of the Motor Vehicle Information and Cost Savings Act," report number EPA–AA–TEB–511–81–6 consisting of 33 pages including all attachments.

Copies of this report may be obtained from the National Technical Infomation Service by using the above report numbers. Address requests to: National Technical Information Service, U.S. Department of Commerce, Springfield, VA 22161, Phone: Federal Telecommunications System (FTS) 737–4650, Commercial 703–487–4650.

Summary of Evaluation

EPA fully considered all of the information submitted by the device manufacturer in the application. The evaluation of IDALERT™ was based on that information and other information obtained by EPA.

As part of the evaluation, EPA obtained data and reports from DOT which analyzed the potential fuel savings to be gained by reducing unnecessary idling time of heavy duty engines. Although the government data/reports showed that there is a *potential* for fuel economy savings for heavy duty vehicles, the limited data from long haul fleets submitted by the applicant did not demonstrate an improvement in fuel economy when using IDALERT™. The applicant did not provide test data for IDALERT™ in either short-haul or local trucking service.

The test data supplied with the application was inconclusive or insufficient. However, IDALERT™ could be effective under certain conditions although any savings which caould be realized are based on a number of factors. The most significant of these is the amount of "excess" idle time experienced. Another consideration is the possibility that the operator will not heed the signals and will simply reset the timer by moving the vehicle or turning it off and on again. Ultimately, a potential customer must evaluate his own situation to determine whether the use of an idle-limiting device, such as IDALERT™, is warranted.

FOR FURTHER INFORMATION CONTACT: Merrill W. Korth, Emission Control Technology Division, Office of Mobile Source Air Pollution Control, Environmental Protection Agency, 2565 Plymouth Road, Ann Arbor, Michigan 48105, 313–668–4299.

Dated: October 9, 1981.

Kathleen M. Bennett,

Assistant Administrator for Air, Noise, and Radiation.

[FR Doc. 81–30054 Filed 10–26–81; 8:45 am]

BILLING CODE 6560–26–M

[PF–247; PH–FRL–1968–5]

Albany International; Filing of Pesticide Petition

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces the filing of a pesticide petition by Albany International to establish an exemption from the requirement of a tolerance for (*Z*)-11-hexadecenal when used as sex attractant to control the artichoke plume moth.

ADDRESS: Written comments to: Franklin D. R. Gee, Product Manager (PM) 17, Registration Division (TS–767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

Written comments may be submitted while the petition is pending before the agency. The comments are to be identified by the document control number "[PF–247]" and the petition number (1F2552). Written comments filed pursuant to this notice will be available for public inspection in the product manager's office from 8:00 a.m. to 4:00 p.m., Monday through Friday, excluding legal holidays.

FOR FURTHER INFORMATION CONTACT: Franklin D. R. Gee (703–557–2600).

SUPPLEMENTARY INFORMATION: Albany International, 110 A St., Needham Heights, MA 02194, has submitted pesticide petition 1F2552 to the EPA. The petition proposes that 40 CFR Part 180 be amended by establishing an exemption from the requirement of a tolerance for the insecticide (*Z*)-11-hexadecenal when used as sex attractant to control the artichoke plume moth

(Sec. 408(d)(1), 68 Stat. 512, (7 U.S.C. 136))

Dated: October 19, 1981.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 81–31060 Filed 10–26–81; 8:45 am]

BILLING CODE 6560–32–M

[OPTS–51336; TSH–FRI–1967–7]

Certain Chemicals; Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Statutory requirements for section 5(a)(1) premanufacture notices are discussed in EPA statements of interim policy published in the **Federal Register** of May 15, 1979 (44 FR 28558) and November 7, 1980 (45 FR 74378). This notice announces receipt of four PMNs and provides a summary of each.

DATES: Written comments by: PMN 81–527, and 81–528, December 14, 1981. PMN 81–529, and 81–530, December 15, 1981.

ADDRESS: Written comments, identified by the document control number "[OPTS–51336]" and the specific PMN number should be sent to: Document Control Officer (TS–793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E–409, 401 M St., SW., Washington, DC 20460, (202–755–5687).

FOR FURTHER INFORMATION CONTACT: David Dull, Acting Chief, Notice Review Branch, Chemical Control Division (TS–794), Office of Toxic Substances,

Environmental Protection Agency, Rm. E-216, 401 M St., SW., Washington, DC 20460, (202-426-2601).

SUPPLEMENTARY INFORMATION: The following are summaries of information provided by the manufacturer on the PMNs received by EPA:

PMN 81-527

Close of Review Period. January 14, 1982.
Manufacturer's Identity. Claimed confidential business information.
Specific Chemical Identity. Claimed confidential business information. Generic name provided:
Trisubstitutedheteropolycyclic salt
Use. Claimed confidential business information. Generic use information provided: The manufacturer states that the PMN substance will be used as a site-limited chemical intermediate.

PRODUCTION ESTIMATES

	Kilograms per year	
	Minimum	Maximum
1st year	5	10
2d year	0	15
3d year	0	30

Physical/Chemical Properties

Melting point—283°C followed by decomposition.
Solubiltiy:
water—0.1-1.0%
octanol—<0.1%

Toxicity Data

Acute oral toxicity LD_{50} (rat)—3,000 mg/kg.
Acute dermal toxicity LD_{50} (rat)—1,000 mg/kg.
Skin irritation (rabbit)—Slight.
Exposure. The manufacturer states that during manufacture and use up to 5 workers may experience dermal and inhalation exposure up to 0.5 hr/day, up to 5 days/yr during manual transfer operations.
Environmental Release/Disposal. The manufacturer states that no release to the environment is anticipated.

PMN 81-528

Close of Review Period. January 14, 1982.
Manufacturer's Identity. Claimed confidential business information.
Specific Chemical Identity. Claimed confidential business information. Generic name provided:
Trisubstitutedheteropolycyclic salt.
Use. Claimed confidential business information. Generic use information provided: The manufacturer states that the PMN substance will be used as a minor constituent of an article for commercial use.

PRODUCTION ESTIMATES

	Kilograms per year	
	Minimum	Maximum
1st year	1	4
2d year	0	6
3d year	0	6

Physical/Chemical Properties

Melting point—314°C followed by decomposition.
Solubility:
water—<0.1%
octanol—<0.1%

Toxicity Data

Acute oral toxicity LD_{50} (rat)—>3,000 mg/kg.
Acute dermal toxicity LD_{50} (rat)—>1,000 mg/kg.
Skin irritation (rabbit)—Slight.
Exposure. The manufacturer states that during manufacture and use up to 15 workers may experience dermal and inhalation exposure up to 0.5 hr/day, up to 5 days/yr during manual transfer operations.
Environmental Release/Disposal. The manufacturer states that 0-0.15 kg/day, 6 days/yr will be released to water. Disposal is by biological treatment system.

PMN 81-529

Close of Review Period. January 15, 1982.
Manufacturer's Identity. E.I. du Pont de Nemours & Company, Inc., 1007 Market Street, Wilmington, DE 19898.
Specific Chemcial Identity. Claimed confidential business information. Generic name provided: Polymer of alkyl and polyfluoroalkyl acrylates.
Use. The manufacturer states that the PMN substance will be used as a synthetic fiber finish.
Production Estimates. Claimed confidential business information.

Physical/Chemical Properties

Appearance—Solid.
Solubility—Negligible.
Volatility—Negligible.

Toxicity Data

Acute oral toxicity LD_{50} (rat)—25,000 mg/kg.
Skin irritation (rabbit)—Slight.
Eye irritation (rabbit)—Slight.
Exposure. The manufacturer states that during manufacture workers may experience dermal, inhalation and ingestion exposure during sampling and transfer to drums.
Environmental Release/Disposal. The manufacturer states that 100-1,000 kg/yr will be released to land. Disposal is to an approved landfill.

PMN 81-530

Close of Review Period. January 15, 1982.
Manufacturer's Identity. Claimed confidential business information.
Specific Chemical Identity. Claimed confidential business information. Generic name provided: Substitutedthiol salt.
Use. The manufacturer states that the PMN substance will be used as a site-limited intermediate.

PRODUCTION ESTIMATES

	Kilograms per year maximum
1st year	200
2d year	400
3d year	1,000

Physical/Chemical Properties

Melting point—153°C with decomposition.
Solubility:
water—0.1-1%
octanol—0.1-1%

Toxicity Data

Acute oral toxicity LD_{50} (rat)—1,900 to 2,300 mg/kg.
Acute dermal toxicity LD_{50} (rat)—>1,000 mg/kg.
Skin irritation (rabbit)—Slight.
Exposure. The manufacturer states that during manufacture and use up to 10 workers may experience dermal and inhalation exposure up to 1.5 hrs/day, up to 40 days/yr during manual transfer operations.
Environmental Release/Disposal. The manufacturer states that there will be no release to the land or water and essentially none to the air.

Dated: October 20, 1981.

Woodson W. Bercaw,

Acting Director, Management Support Division.

[FR Doc. 81-31006 Filed 10-26-81; 8:45 am]

BILLING CODE 6560-31-M

[PF-242; PH-FRL-1968-6]

Certain Companies; Pesticide and Food Additive Petitions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces that certain companies have filed petitions proposing a food additive regulation and establishing tolerances for certain pesticide chemicals in or on certain agricultural commodities.

ADDRESS: Written comments to the product manager (PM) cited in each specific petition at the address below: Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460.

Written comments may be submitted while the petitions are pending before the agency. The comments are to be identified by the document control number "[PF-242]" and the specific petition number. All written comments filed in response to this notice will be available for public inspection in the product manager's office from 8 a.m. to 4 p.m., Monday through Friday, except legal holidays.

FOR FURTHER INFORMATION CONTACT: The product manager cited in each petition at the telephone number provided.

SUPPLEMENTARY INFORMATION: EPA gives notice that the following food additive and pesticide petitions have been submitted to the agency requesting

establishment of a food additive regulation and tolerances for certain pesticide chemicals in or on certain raw agricultural commodities in accordance with the Federal Food, Drug, and Cosmetic Act. The analytical method for determining residues, where required, is given in each petition.

FAP 1H5320. E. I. du Pont de Nemours & Company, Wilmington, DE 19898. Proposes amending 21 CFR 193 by establishing a regulation permitting residues of the insecticide methomyl [*S*-methyl-*N*-[(methylcarbamoyl)oxy]-thioacetimidate] on the commodity tea at 0.5 part per million (ppm). (PM-12, Jay Ellenberger, 703-557-2386).

PP 1F2544. Dow Chemical Co., PO Box 1706, Midland, MI 48640. Proposes amending 40 CFR 180.342 by increasing the established tolerances for the combined residues of the insecticide chlorpyrifos [*O,O*-diethyl *O*-(3,5,6-trichloro-2-pyridyl)-phosphorothioate] and its metabolite 3,5,6-trichloro-2-pyridinol in or on the raw agricultural commodities corn forage and corn fodder from 0.1 ppm to 10.0 ppm. The proposed analytical method for determining residues is by gas chromatography equipped with a hydrogen flame ionization detector. (PM-12, Jay Ellenberger, 703-557-2387).

(Sec. 408(d)(1), 68 Stat. 512, (7 U.S.C. 136); 409(b)(5), 72 Stat. 1786, (21 U.S.C. 348))

Dated: October 19, 1981.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 81-31059 Filed 10-26-81; 8:45 am]

BILLING CODE 6560-32-M

[PF-244; PH-FRL-1968-7]

Certain Companies; Pesticide and Food Additive Petitions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces that certain companies have filed petitions proposing a food additive regulation and establishing tolerances for certain pesticide chemicals in or on certain agricultural commodities.

ADDRESS: Written comments to the product manager (PM) cited in each specific petition at the address below: Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460.

Written comments may be submitted while the petitions are pending before the agency. The comments are to be identified by the document control number "[PF-244]" and the specific petition number. All written comments filed in response to this notice will be available for public inspection in the product manager's office from 8:00 a.m. to 4:00 p.m., Monday through Friday, except legal holidays.

FOR FURTHER INFORMATION CONTACT: The product manager cited in each petition at the telephone number provided.

SUPPLEMENTARY INFORMATION: EPA gives notice that the following food additive and pesticide petitions have been submitted to the agency requesting establishment of a food additive regulation and tolerances for certain pesticide chemicals in or on certain raw agricultural commodities in accordance with the Federal Food, Drug, and Cosmetic Act. The analytical method for determining residues, where required, is given in each petition.

PP 1F2569. Velsicol Chemical Corp., 341 East Ohio St., Chicago, IL 60611. Proposes amending 40 CFR 180.227 by establishing tolerances for the combined residues of the herbicide dicamba (3,6-dichloro-*o*-anisic acid) and its sugarcane metabolite 3,6-dichloro-5-hydroxy-*o*-anisic acid in or on the raw agricultural commodity sugarcane at 0.05 part per million (ppm). The proposed analytical method for determining residues is gas chromatography with an electron capture detector. (PM-25, Robert Taylor, 703-557-1800).

PP 1F2569. Velsicol Chemical Corp., proposes amending 40 CFR 180.227 by establishing tolerances for the combined residues of the herbicide dicamba (3,6-dichloro-*o*-anisic acid) and its dimethylated metabolite 3,6-dichloro-2-hydroxybenzoic acid in or on the raw agricultural commodities meat, fat, and meat byproducts at 0.03 ppm and kidneys at 0.2 ppm. The proposed analytical method for determining residues is gas chromatography with an electron capture detector. (PM-25, Robert Taylor, 703-557-1800).

FAP 1H5321. Velsicol Chemical Corp., proposes amending 21 CFR 193 by establishing a regulation permitting residues of the herbicide dicamba (3,6-dichloro-*o*-anisic acid) and its sugarcane metabolite 3,6-dichloro-5-hydroxy-*o*-anisic acid in or on the agricultural commodity sugarcane molasses at 0.5 ppm. (PM-25, Robert Taylor, 703-557-1800).

PP 1F2551. Monsanto Co., 1101 17th St., NW., Washington, D.C. 20036. Proposes amending 40 CFR 180.249 by increasing the tolerance for the combined residues of the herbicide alachlor [2-chloro-2',6'-diethyl-*N*-(methoxymethyl) acetanilide) and its metabolites (calculated as alachlor) in or on the raw agricultural commodity potatoes from 0.1 to 1.0 ppm. The proposed analytical method for determining residues is gas chromatography using a nitrogen specific detector. (PM-25, Robert Taylor, 703-557-1800).

PP 1F2567. American Cyanimid Co., P.O. Box 400, Princeton, N.J. 08540. Proposes amending 40 CFR 180.361 by establishing tolerances for the combined residues of the herbicide pendimethalin [*N*-(1-ethylpropyl)-3,4-dimethyl-2,6-dinitrobenzenamine) and its metabolite 4-[(1-ethyl)amino]-2-methyl-3,5-dinitrobenzyl alcohol] in or on the raw agricultural commodities beans (dry, lima, snap), bean foliage and bean straw at 0.1 ppm. The proposed analytical method for determining residues is gas chromatography. (PM-25, Robert Taylor, 703-557-1800).

(Sec. 408(d)(1), 68 Stat. 512, (7 U.S.C. 136) 409(b)(5), 72 Stat. 1786, (21 U.S.C. 348))

Dated: October 19, 1981.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 81-31067 Filed 10-26-81; 8:45 am]

BILLING CODE 6560-32-M

[OPTS-51337; TSH-FRL-1967-8]

Dialkylated Polyalkylene Polyamine; Premanufacture Notice

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Statutory requirements for section 5(a)(1) premanufacture notices are discussed in EPA statements of interim policy published in the **Federal Register** of May 15, 1979 (44 FR 28558) and November 7, 1980 (45 FR 74378). This notice announces receipt of one PMN and provides a summary.

DATE: Written comments by PMN 81-531—December 18, 1981.

ADDRESS: Written comments, identified by the document control number "[OPTS-51337]" and the specific PMN number should be sent to: Document Control Officer (TS-793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-409, 401 M Street, SW, Washington, DC 20460 (202-755-5687).

FOR FURTHER INFORMATION CONTACT: David Dull, Acting Chief, Notice Review Branch, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-216, 401 M St., SW., Washington, DC 20460 (202-426-2601).

SUPPLEMENTARY INFORMATION: The following is a summary of information provided by the manufacturer on the PMN received by EPA:

PMN 81-531

Close of Review Period. January 17, 1982.

Manufacturer's Identity. Claimed confidential business information.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Dialkylated polyalkylene polyamine.

Use. The manufacturer states that the PMN substance will be used as an epoxy crosslinking agent.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties

Specific gravity @ 25° C—0.84 g/ml.
Boiling point —> 260° C.
Viscosity @ 25° C—5-6 cps.
Solubility: water—Very slightly soluble; alcohol—Very soluble; hydrocarbons—Very soluble.
Vapor pressure @ 38° C—34 Torr.

Toxicity Data

Acute oral toxicity LD_{50} (rat)—0.3-0.6 g/kg.
Acute dermal toxicity LD_{50} (rabbit)—0.66 g/kg.
Primary skin irritation (rabbit)—Extremely irritating.
Primary eye irritation (rabbit)—Extremely irritating.
Skin sensitization (guinea pig)—Strongly sensitive.
Skin corrosivity—Not corrosive.

Environmental Test Data

Inhalation toxicity LC_{50} (rat)—Males—between 11.4-12.0 mg/l of air; Females—between 7.9-9.1 mg/l of air.

Exposure. The manufacturer states that during manufacture 2 workers may experience dermal and inhalation exposure up to 8 hrs/day, up to 20 days/yr.

Environmental Release/Disposal. The manufacturer states that disposal is by landfill, water, or destruction.

Dated: October 20, 1981.

Woodson W. Bercaw,

Acting Director, Management Support Division.

[FR Doc. 81-31065 Filed 10-26-81; 8:45 am]

BILLING CODE 6560-31-M

[PF-160A; PH-FRL-1968-3]

Dow Chemical Co.; Amendments to Pesticide Petition

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This gives notice that a pesticide petition proposing the establishment of tolerances for the combined residues of chlorpyrifos and its metabolite in or on certain raw agricultural commodities has been amended.

ADDRESS: Written comments to: Jay S. Ellenberger, Product Manager (PM) 12, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

Written comments may be submitted while the petition is pending before the agency. The comments are to be identified by the document control number "[PF-160A]" and the petition number. All written comments filed in response to this notice will be available for public inspection in the product manager's office from 8:00 a.m. to 4:00 p.m., Monday through Friday, except legal holidays.

FOR FURTHER INFORMATION CONTACT: Jay S. Ellenberger (703-557-2386).

SUPPLEMENTARY INFORMATION: EPA issued a notice of filing in the **Federal Register** of December 12, 1979 (44 FR 71895) that Dow Chemical Co., PO Box 1706, Midland, MI 48640, had submitted a pesticide petition (PP 0F2281) to EPA. The petition proposed that 40 CFR 180.342 be amended by establishing tolerances for the combined residues of the insecticide chlorpyrifos [*O,O*-diethyl *O*-(3,5,6-trichloro-2-pyridyl)phosphorothioate] and its metabolite 3,5,6-trichloro-2-pyridinol in or on the raw agricultural commodities alfalfa green forage at 4.0 parts per million (ppm) and alfalfa hay at 15.0 ppm.

Dow Chemical Co. has submitted amendments to the petition by increasing the established tolerances for the following:

Commodities	Part per million	
	From	To
Eggs	0.01	0.1
Fat, meat, and meat byproducts of poultry	0.01	0.5
Fat, meat and meat byproducts of turkey	0.2	0.5
Fat, meat, and meat byproducts of hogs	0.1	0.5
Fat, meat, and meat byproducts of sheep, goats, and horses	0.1	1.0

The proposed analytical method for determining residues is by gas chromatography equipped with a hydrogen flame ionization detector.

(Sec. 408(d); 21 U.S.C. 346(a))

Dated: October 19, 1981.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 81-31062 Filed 10-26-81; 8:45 am]

BILLING CODE 6560-32-M

[PF-240; PH-FRL-1968-4]

Herculite Products, Inc.; Pesticide Petition

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces that Herculite Products, Inc., has submitted a pesticide petition to EPA requesting that 40 CFR 180.1043 be amended to exempt from the requirements of a tolerance the pheromone gossyplure.

ADDRESS: Written comments to: Frank D. R. Gee, Product Manager (PM) 17, Registration Division (TS-767C), Office of Pesticide Programs Environmental Protection Agency, 401 M St., SW, Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Frank D. R. Gee at 703-557-2690.

SUPPLEMENTARY INFORMATION: Herculite Products, Inc., 1107 Broadway, New York, NY 10010, has submitted a pesticide petition (PP 7F2472) requesting that 40 CFR 180.1043 be amended to exempt from the requirements of a tolerance the pheromone gossyplure, a 1:1 mixture of (*Z,Z*)-7,11 and (*Z,E*)-hexadecadien-1-ol acetate when applied to cotton and cottonseed from laminated, multilayered plastic dispensers at 1:4 mixture.

(Sec. 408 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a(d)))

Dated: October 19, 1981.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 81-31061 Filed 10-26-81; 8:45 am]

BILLING CODE 6560-32-M

[PF-243; PH-FRL-1968-2]

Merck & Co., Inc.; Pesticide and Feed Additive Petitions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces that Merck & Co., Inc. has filed petitions proposing the establishment of a feed additive regulation and a tolerance for thiabendazole in or on certain agricultural commodities.

ADDRESS: Written comments to the product manager (PM) cited in each specific petition at the address below: Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

Written comments may be submitted while the petitions are pending before the agency. The comments are to be identified by the document control number "[PF-243]" and the specific petition number. All written comments filed in response to this notice will be available for public inspection in the product manager's office from 8:00 a.m. to 4:00 p.m., Monday through Friday, except legal holidays.

FOR FURTHER INFORMATION CONTACT: The product manager cited in each petition at the telephone number provided.

SUPPLEMENTARY INFORMATION: EPA gives notice that the following feed additive and pesticide petitions have been submitted to the agency proposing the establishment of a food additive regulation and tolerances for certain pesticide chemicals in or on certain agricultural commodities in accordance with the Federal Food, Drug, and Cosmetic Act. The analytical method for determining residues, where required, is given in each petition.

PP 1E2542. Merck & Co., Inc. PO box 2000, Rahway, NJ 07065. Proposes amending 40 CFR 180.242(a) by establishing a tolerance for residues of the fungicide thiabendazole [2-(4-thiazolyl)-benzimidazole] in or on the raw agricultural commodity grapes at 10.0 parts per million (ppm). The proposed analytical method for determining residues is spectrophotofluorometry analysis. (PM-21, Henry Jacoby, 703-557-1900).

FAP 1H5313. Merck & Co., Inc. Proposes amending 21 CFR 561.380(a) by establishing a regulation permitting residues of the fungicide thiabendazole [2-(4-thiazolyl)-benzimidazole] in or on the agricultural commodity grape pomace, wet, at 50.0 ppm. (PM-21, Henry Jacoby, 703-557-1900).

(Sec. 408(d)(1), 68 Stat. 512, (7 U.S.C. 136); 409(b)(5), 72 Stat. 1786, (21 U.S.C. 348))

Dated: October 19, 1981.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 81-31083 Filed 10-26-81; 8:45 am]

BILLING CODE 6560-32-M

FEDERAL COMMUNICATIONS COMMISSION

Common Carrier Bureau Cancel Cost Allocation Working Session; Meeting

October 16, 1981.

At the request of the sponsoring parties, the Common Carrier Bureau is cancelling the Cost Allocation Manual Working Session scheduling for October 23, 1981.

The next sessions will take place November 19, 1981 in Room 856 at 1919 M Street, NW. Presentations will be offered by GTE at 9:30 a.m. and by ETI at 2:00 p.m. on behalf of the Ad Hoc Telecommunications Users Committee. A public notice informing interested parties of the subjects of these sessions will be issued upon receipt from the sponsors.

For further information, interested persons may contact David Nicoll or Steve Zecola at (202) 632-9342.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 81-31046 Filed 10-26-81; 8:45 am]

BILLING CODE 6717-01-M

[Report No. I-1023]

Common Carrier Bureau Schedules Fifth Datel Interconnection Meeting

October 16, 1981.

The Commission's staff has scheduled the fifth meeting on Datel Interconnection for Wednesday, November 4, 1981 at 10:00 am in room A-110, 1229 20th Street, NW (the Annex).

For further information contact: Stuart Chiron, (202) 632-7265, or William F. Adler, (202) 632-7265.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 81-31047 Filed 10-26-81; 8:45 am]

BILLING CODE 6712-01-M

Advisory Committee on Preparations for the ITU 1983 Region 2 Broadcasting Satellite Service Planning Conference; Rescheduled Working Group Meeting

October 16, 1981.

Advisory Committee—1983 BSS Conference

Working Group 1A Conventional Television Service Requirements
Chairman: Thomas R. Keller (202) 488-5380
Meeting: November 4, 1981, 1:30 P.M.; vice October 19, 1981, 1:30 P.M.;
Public Broadcasting Service, 475 L'Enfant Plaza W, SW., 6th Floor Conference Room, Washington, D.C.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 81-31048 Filed 10-26-81; 8:45 am]

BILLING CODE 6712-01-M

[BC Docket No. 81-733, et al.]

Whitco Broadcasters Inc., et al.; Hearing for Construction Perimt

Adopted: October 13, 1981.
Released: October 23, 1981.

In re Applications of Whitco Broadcasters, Inc., Hollywood, Florida, BC Docket No. 81-733, File No. BPCT-800815KG; Family Television 69, Inc., Hollywood, Florida, BC Docket No. 81-734, File No. BPCT-801121KH; Golden East Broadcasters, Inc., Hollywood, Florida, BC Docket No. 81-735, File No. BPCT-801121KI; Christian Media of Florida, Inc., Hollywood, Florida, BC Docket No. 81-736, File No. BPCT-801121K].

1. The Commission, by the Chief, Broadcast Bureau, acting pursuant to delegated authority, has before it the above-captioned mutually exclusive applications of Whitco Broadcasters, Inc. (Whitco), Family Television 69, Inc. (Family), Golden East Broadcasters, Inc. (Golden) and Christian Media of Florida, Inc. (Christian) for authority to construct a new commerical television broadcast station on Channel 69, Hollywood, Florida; a motion for leave to accept an amendment filed by Family; and related pleadings.

Family Television 69, Inc.

2. Family filed an amendment to its application and a motion to accept the amendment. This amendment was received on February 20, 1981, one day after the last date for filing amendments as of right. Counsel for Family delivered the amendment to an air freight carrier on February 18, 1981, one day prior to the cut-off date and, according to affidavits from employees of the carrier, the carrier acknowledged receipt of the package and guaranteed next day delivery at Commission offices in Washington. Due to weather conditions, the aircraft was unable to maintain its schedule and filing of the amendment was delayed until February 20, 1981. In opposition to acceptance of the amendment, Whitco argued that Family had not shown good cause as required by Section 73.3522(a)(2) of the Commission's Rules based on the

following grounds: Family, by taking the risk of a "last-day long distance filing," did not act with due diligence, the amendment would prejudice competing applicants by improving Family's comparative qualifications and the changes included in the amendment are solely the result of voluntary action by Family. Christian also opposed the acceptance of those portions of the amendment which might improve Family's comparative status.

3. Section 73.3522(a)(2) of the Commission's rules provides that amendments of applications made after the cut-off date, but prior to designation for hearing, will be considered only on a showing of good cause for late filing. The other parties do not dispute that Family acted in good faith and that it did not attempt to subvert the protections afforded to both the public and to competing applicants by the cut-off rule. This case, therefore, is different from *American Broadcasting Cos., Inc.*, 45 RR 2d 1671 (1979), in which a petitioner alleged that its petition to deny a renewal application had been sent to the Commission by "Express Mail" at 8:00 p.m., P.S.T. and therefore should have been delivered the next day. The petitioner's reliance on "Express Mail" was misplaced, the Commission stated, because "Express Mail" does not guarantee next day delivery unless the item is posted before 5:00 p.m. local time. The Commission held that the petition was late filed and considered it as an informal objection. Family has documented that its reliance on the carrier's guarantee was not misplaced and that the delay was due to circumstances beyond the control of both the applicant and the carrier. Therefore, Family has shown good cause for late filing pursuant to § 73.3522(a)(2) of the Commission's rules. Whitco cites *Erwin O'Conner Broadcasting Co.*, 22 FCC 2d 140 (Rev. Bd. 1972), and other cases, for the applicable good cause standard. In those cases, however, the Commission was concerned with the rule restricting post-designation amendments which is based on different policy considerations than the rule restricting pre-designation amendments.

4. The amendment changes portions of Family's application which might improve its comparative qualifications. The issue presented is whether a pre-designation amendment which was not received by the Commission by the cut-off date due to circumstances beyond the applicant's control should be accepted nunc pro tunc, as timely filed as a matter of right, thereby allowing the applicant to possibly improve its comparative position. Generally, applicants are not "allowed to amend their applications in a manner which will improve their comparative positions after the pre-hearing period allowed for filing amendments as a matter of right has expired." *Mid-Florida Television Corp.*, 76 FCC 2d 158, 163 (1980). This policy against pre-designation amendments which may alter an applicant's comparative status is based, in part, on the need for "an early stabilization of the comparative factual situation which must ultimately go to hearing." *Revised Procedures for the Processing of Contested Broadcast Applications*, 72 FCC 2d 202, 209 (1979).

5. Prior Commission decisions support the acceptance of the amendment. In *Baker-Smith Communications Co.*, 67 FCC 2d 258 (1978), *recons. denied sub nom, George E. Cameron Jr. Communications*, 71 FCC 2d 460, 462–63 (1979), an application was challenged as not substantially complete when filed. The applicant documented that the airline transporting the application from California to Washington inadvertently lost the original application in transit. An incomplete version was filed on the last day for filing but omitted significant portions and a complete application was filed seven days after the cut-off date. The Commission stated, "We therefore, will not hold the applicant responsible for a delivery error by the airline," and held that the applicant "did submit a substantially complete application" by the cut-off date. *Id.* at 552. In *Gareth F. Garlund and Anna White Garlund*, 68 FCC 1382, *recons. denied*, 69 FCC 2d 2006 (1978), a petition to deny was challenged as not complete because, when filed on the cut-off date, it lacked the requisite supporting affidavit. The affidavit was filed one day late; the delay was caused by a printer who lost the affidavit on the cut-off date. Under these circumstances and because the late filing did not prevent the applicant from responding to the petition, the Commission, citing *Baker-Smith Communications*, stated, "[W]e will not hold the applicant responsible for a delay that was beyond its control." *Id.* at 1383. Family's reasonable reliance on the carrier's guarantee of next day delivery and the documentation of the carrier's inability to deliver, shows that it, like the applicant in *Baker-Smith Communications*, was not responsible for the delay.

6. Whitco relies on *Pacific Broadcasting Corp.*, 68 FCC 2d 845 (1978), in which a petition for reconsideration was received by the Commission after the close of business on the last day for filing, due to a delay at the Washington airport. In accordance with Commission Rules, the petition was not accepted until the following day and was dismissed because "the filing was not timely under the statutory mandate of section 405 of the Act," *id.* at 847, which establishes the time within which petitions for reconsideration must be filed. The Commission continued, "Parties waiting until the last day to effect delivery of pleadings from out-of-town by common carrier run a considerable risk that unforeseen delay will render their pleadings untimely." *Id. Pacific Broadcasting* can be distinguished because the pleading in that case was received after the expiration of the filing period established by statute. Thus, the Commission was without jurisdiction to entertain the late filed petition for reconsideration. In the instant case, the amendment was received after the expiration of the filing period set by § 73.3522(a)(2) of the Commission's Rules which, unlike the statute, provides for the acceptance of amendments received after the deadline date on a showing of good cause. Since Family, like the applicant in *Baker-Smith Communications* and the petitioner in *Gareth F. Garland*, did not contravenue or subvert the policies which support the cut-off rule and did not nullify the protections afforded by the rule, we accept Family's entire amendment nunc pro tunc and will consider it a timely filed amendment.

Whitco Broadcasting, Inc.

7. Whitco estimates that it will require $856,265 to construct the proposed facility and operate for three months, itemized as follows:

Equipment (down payment and three months payment)	$145,612
Land	158,749
Building	25,000
Other costs	127,700
Operating costs (3 months)	399,204
Total	856,265

To meet these expenses, applicant relies on existing capital of $1,000 and a bank loan for $950,000 from Central National Bank. The letter submitted from the bank does not comply with section III, page 3, item 4(e), FCC Form 301 in that it does not indicate the terms of repayment. Further, the letter states that it shall not serve as a loan commitment. Although the Commission does not require a legally binding commitment, it does require more than an expression of interest in pursuing the matter. Therefore, Whitco may not depend upon the bank loan to meet its expenses. In that the applicant has demonstrated the availability of only $1,000, financial issues will be specified to determine the

availability of an additional $855,265 to construct and operate the proposed facility.

Golden East Broadcasters, Inc.

8. Applicant estimates that it will require $345,938 to construct the proposed station and operate for three months, itemized as follows:

Equipment (interest only)	302,938
Land and Building	(1)
Other costs	73,000
Operating costs (3 months)	250,000
Total	345,938

[1] Lease.

To meet these expenses, applicant relies on existing capital of $3,500 and for $400,000. Golden states that loans totaling $400,000 will be provided by stockholders on an "as needed basis." However, Golden has not submitted a copy of the financial agreement pursuant to Section III, page 3, item 4, FCC Form 301. Additionally, since the stockholders have not submitted current balance sheets (dated within 90 days of the filing of the application), we are unable to determine if the stockholders could meet their commitments. Since Golden has shown the availability of only $3,500, financial issues will be specified to determine whether it has an additional $342,438 available.

Conclusion and Order

9. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed.[1] However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

10. Accordingly, it is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, to be held before an Administrative Law Judge at a time and place to be specified in a subsequent Order, upon the following issues:

(1) To determine with respect to Whitco Broadcasting, Inc.:

(a) whether applicant has an additional $855,265 available;

(b) whether, in light of the evidence adduced pursuant to (a), applicant is financially qualified.

(2) To determine with respect to Golden East Broadcasters, Inc.

(a) whether, applicant has an additional $342,438 available;

(b) whether, in light of the evidence adduced pursuant to (a), applicant is financially qualified.

(3) To determine which of the proposals would, on a comparative basis, best serve the public interest.

(4) To determine, in light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

11. It is further ordered, That Family's motion to accept its amendment is granted.

12. It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants herein shall, pursuant to § 1.221(a) of the Commission's rules, in person or by attorney, within 20 days of the mailing of this Order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this Order.

13. It is further ordered, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 73.3594 of the Commission's rules, and shall advise the Commission of the publication of such notice as required by § 73.3594(g) of the rules.

Federal Communications Commission.

Larry D. Eads,

Acting Chief, Broadcast Facilities Division, Broadcast Bureau.

[FR Doc. 81-31049 Filed 10-26-81; 8:45 am]

BILLING CODE 6712-01-M

[BC Docket Nos. 81-729 and 81-730; File Nos. BPCT-810428KF and BPCT-810720KG]

Broadcast Production and Management Corp. and Ellen Ann Thiessen; Hearing Designation Order

Adopted: October 13, 1981.

Released: October 20, 1981.

In re application of Broadcast Production and Management Corp., Melbourne, Florida, BC Docket No. 81-729, File No. BPCT-810428KF; Ellen Ann Thiessen, Melbourne, Florida, BC Docket No. 81-730, File No. BPCT-810720KG; for construction permit; designating applications for consolidated hearing on stated issues.

1. The Commission, by the Chief, Broadcast Bureau, acting pursuant to delegated authority, has before it the above-captioned mutually exclusive applications for authority to construct a new commercial television broadcast station on Channel 56, Melbourne, Florida.

Broadcast Production and Management Corporation

2. Since no determination has been reached that the tower height and location proposed would not constitute a hazard to air navigation, an issue regarding this matter is required.

Ellen Ann Thiessen

3. Applicant has estimated expenditures as follows:

Equipment [1]	$202,294
Land	(2)
Buildings	2,800
Legal costs	10,000
Engineering and installation costs	(3)
Miscellaneous	(3)
Operating costs	67,000
Total	282,094

[1] This figure represents total equipment costs. Applicant states that a lease agreement is anticipated, but to date, it has not been submitted.
[2] To be leased.
[3] Included in equipment.

The estimate of operating costs for the first three months appears to be unrealistically low. For example, the applicant proposes a full-time staff of 23, consisting of 13 full-time employees and 10 part-time employees, to operate the station 126 hours per week. A total of $5,360 has been allocated for technical expenses which is said to include the salaries of three full-time employees and five part-time employees, repair and maintenance costs, power, engineering, tubes and supplies. Even if the $5,360 were for full-time salaries alone, the salaries would average $7,146.72 per year. If part-time employees salaries are considered, each technical employee would receive less than the legal minimum wage. Other expenses appear to be equally underestimated. In addition, apparently no provision has been made for payments under the land lease. An appropriate issue will be specified to determine the basis for the cost estimates and whether they are realistic.

4. To finance its proposal, applicant relies upon $1,000 in cash and a $150,000 line of credit from City Bank and Trust, Chattanooga, Tennessee. The bank letter, however, is only a statement of intention to enter into negotiations. Therefore, only $1,000 is cash appears to be available to finance the proposal. Accordingly, an appropriate financial issue will be specified.

5. The proposed antenna is to be mounted on the existing AM station WMMB tower. Therefore, in order to insure that the AM pattern will not be adversely affected, a grant of this application will be appropriately conditioned.

[1] Our Antenna Survey Branch has no record of an existing structure at the coordinates specified by Family, Golden or Christian. The applicants will be required to file the proper coordinates with the presiding Administrative Law Judge on or before November 16, 1981.

Conclusion and Order

6. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

7. Accordingly, it is ordered, That, pursuant to Section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding to be held before an Administrative Law Judge at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine, with respect to Broadcast Production and Management Corporation, whether there is a reasonable possibility that the tower height and location proposed would constitute a hazard to air navigation.

2. To determine, with respect to Ellen Ann Thiessen:

(a) The basis for the applicant's estimates of costs and whether the estimates are realistic;

(b) The costs of leasing the proposed tower site for five months;

(c) The source and availability of funds over and above the $1,000 indicated;

(d) Whether, in light of the evidence adduced pursuant to (a), (b) and (c) above, applicant is financially qualified.

3. To determine which of the proposals would, on a comparative basis, better serve the public interest.

4. To determine, in light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

8. It is further ordered, That the Federal Aviation Administration is made a party to the proceeding with respect to issue 1.

9. It is further ordered, That, should a construction permit be granted to Ellen Ann Thiessen, such grant will be subject to the following condition:

During installation of the TV antenna, AM station WMMB shall determine operating power by the indirect method. Upon completion of the installation, antenna impedence measurements of the AM antenna shall be made. The results shall be submitted to the Commission, along with a tower sketch of the installation, in an application for the AM station to return to the direct method of power determination. Thereafter, the TV station may commence *Limited Program Tests.*

10. It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants and the party respondent herein, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this Order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

11. It is further ordered, That the applicants herein, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 73.3594 of the Commission's Rules, shall give notice of the hearing within the time and in the manner prescribed in such Rule, and shall advise the Commission of the publication of such notice as required by § 73.3594(g) of the rules.

Federal Communications Commission.

Larry D. Eads,

Acting Chief, Broadcast Facilities Division, Broadcast Bureau.

[FR Doc. 81-31050 Filed 10-26-81; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL MARITIME COMMISSION

[Independent Ocean Freight Forwarder License No. 2017]

Guy Bruce Michelson d.b.a. Seven Seas Co.; Order of Revocation

Section 44(c), Shipping Act, 1916, provided that no independent ocean freight forwarder license shall remain in force unless a valid bond is in effect and on file with the Commission. Rule 510.15(d) of Federal Maritime Commission General Order 4 further provides that a license shall be automatically revoked for failure of a licensee to maintain a valid bond on file.

The bond issued in favor of Guy Bruce Michelson d.b.a. Seven Seas Company, 746 S. Central Avenue, Los Angeles, CA 90021 was cancelled effective October 12, 1981.

By letter dated September 30, 1981, Guy Bruce Michelson d.b.a. Seven Seas Company was advised by the Federal Maritime Commission that Independent Ocean Freight Forwarder No. 2017 would be automatically revoked unless a valid surety bond was filed with the Commission.

Guy Bruce Michelson d.b.a. Seven Seas Company has failed to furnish a valid bond.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 201.1 (Revised), section 5.01(d) dated August 8, 1977;

Notice is hereby given, That Independent Ocean Freight Forwarder License No. 2017 be and is hereby revoked effective October 12, 1981.

It is ordered, That Independent Ocean Freight Forwarder License No. 2017 issued to Guy Bruce Michelson d.b.a. Seven Seas Company be returned to the Commission for cancellation.

It is further ordered, That a copy of this Order be published in the Federal Register and served upon Guy Bruce Michelson d.b.a. Seven Seas Company.

Albert J. Klingel, Jr.,

Director, Bureau of Certification Licensing.

[FR Doc. 81-31036 Filed 10-26-81; 8:45 am]

BILLING CODE 6730-01-M

[Agreements Nos. 10126-4, 2846-49, 9891-8 and Section 35 Exemption Application No. 27]

Availability of Findings of No Significant Impact

Upon completion of environmental assessments, the Federal Maritime Commission's Office of Energy and Environmental Impact has determined that the Commission's decision on the proposed actions listed below will not constitute major Federal actions significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. 4321 *et seq.*, and that preparation of environmental impact statements is not required.

Agreement No. 10126-4 is a rate agreement among Pan American Mail Line, Inc. d/b/a Pan Atlantic Lines, Nopal-Star Line, Ltd. and Concord Overseas Corp. d/b/a/ Concorde Line. The amendment clarifies certain aspects of the agreement including discussing and agreeing upon types of service offered, credit policy, voting and filing of self-policing reports.

Agreement No. 2846-49 amends the scope of the West Coast of Italy, Sicilian an Adriatic Ports/North Atlantic Range Conference agreement by renewing the authority to serve interior points in continental Europe through ports in Italy and Yugoslavia, and initiating the authority to serve U.S. inland points through ports in the Hampton Road/ Portland Range.

Agreement No. 9891-8 is between Armement Deppe, S.A. (Deppe) and Ozean/Stinnes Lines to Continental European ports including inland points. The instant amendment to the agreement proposes to extend the term of the agreement to January 1, 1985.

Section 35 Exemption Application No. 27 involves Puget Sound Tug and Barge Company's (PSTB) proposed extension of exemption from the provisions of the Shipping Act, 1916, and Intercoastal Shipping Act, 1933, for carriage of

general cargo between ports in the U.S. and Prudhoe Bay, Alaska.

The Findings of No Significant Impact (FONSI) will become final within 20 days of publication of this Notice in the Federal Register unless petitions for review are filed pursuant to 46 CFR 547.6(b).

The FONSI and related environmental assessments are available for inspection on request from the Office of the Secretary, Room 11101, Federal Maritime Commission, Washington, D.C. 20573, telephone (202) 523-5725.

Francis C. Hurney,

Secretary.

[FR Doc. 81-31130 Filed 10-26-81; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Allied Bancshares, Inc.; Acquisition of Bank

Allied Bancshares, Inc., Houston, Texas, has applied for the Board's approval under Section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares of Allied Mesquite Bancshares, Inc., Houston, Texas, the successor by merger to Mesquite Bancshares, Inc., Mesquite, Texas, and, indirectly, 100 percent of the voting shares of First National Bank of Mesquite, Mesquite, Texas. The factors that are considered in acting on the application are set forth in 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than November 21, 1981. 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, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, October 20, 1981.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 81-30970 Filed 10-26-81; 8:45 am]

BILLING CODE 6210-01-M

Allied Bancshares, Inc.; Acquisition of Bank

Allied Bancshares, Inc., Houston, Texas, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares of Allied Vidor Bancshares, Inc., Houston, Texas, the successor by merger to Vidor Bancshares, Inc., Vidor, Texas, and, indirectly, 100 percent of the voting shares of Vidor State Bank, Vidor, Texas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than November 19, 1981. 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, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, October 20, 1981.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 81-31017 Filed 10-26-81; 8:45 am]

BILLING CODE 6210-01-M

Allied Bancshares, Inc.; Acquisition of Bank

Allied Bancshares, Inc., Houston, Texas, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares of Live Oak State Bank, Fulton, Texas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than November 19, 1981. 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, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, October 20, 1981.

Thedore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 81-31018 Filed 10-26-81; 8:45 am]

BILLING CODE 6210-01-M

Allied Mesquite Bancshares, Inc.; Formation of Bank Holding Company

Allied Mesquite Bancshares, Inc., Houston, Texas, the successor by merger to Mesquite Bancshares, Inc., Mesquite, Texas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 percent of the voting shares of First National Bank of Mesquite, Mesquite, Texas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than November 19, 1981. 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, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, October 20, 1981.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 81-31019 Filed 10-26-81; 8:45 am]

BILLING CODE 6210-01-M

Allied Vidor Bancshares, Inc.; Formation of Bank Holding Company

Allied Vidor Bancshares, Inc., Houston, Texas, the successor by merger to Vidor Bancshares, Inc., Vidor, Texas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 percent of the voting shares of Vidor State Bank, Vidor, Texas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in

writing to the Reserve Bank, to be received not later than November 19, 1981. 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, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, October 20, 1981.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 81-31020 Filed 10-26-81; 8:45 am]

BILLING CODE 6210-01-M

Barnett Banks of Florida, Inc.; Acquisition of Bank

Barnett Banks of Florida, Inc., Jacksonville, Florida, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares of First Marine Banks, Inc., Riviera Beach, Florida, and, indirectly, 98 percent or more of its subsidiary, First Marine Bank and Trust Company of the Palm Beaches, Riviera Beach, Florida. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Secretaary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than November 19, 1981. 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, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, October 20, 1981.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 81-31021 Filed 10-26-81; 8:45 am]

BILLING CODE 6210-01-M

Ellis Banking Corp.; Acquisition of Bank

Ellis Banking Corporation, Bradenton, Florida, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares of the Peoples Bank, Gainesville, Florida. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than November 19, 1981. 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, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, October 20, 1981.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 81-31022 Filed 10-26-81; 8:45 am]

BILLING CODE 6210-01-M

Equitable Bancorp.; Proposed Issuance of Travelers Checks

Equitable Bancorporation, Baltimore, Maryland, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and section 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to issue *de novo* travelers checks. These activities would be performed from offices of Applicant's bank subsidiary in Baltimore, Maryland and possibly from banks located in Washington, D.C., Virginia, Delaware, Pennsylvania, Maryland, and West Virginia, serving these states.

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Richmond. Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than November 19, 1981.

Board of Governors of the Federal Reserve System, October 20, 1981.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 81-31023 Filed 10-26-81; 8:45 am]

BILLING CODE 6210-01-M

Pacific Bancorp.; Proposed Retention of Pacific Bancorporation Data Systems, Inc.

Pacific Bancorporation, Bakersfield, California, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. section 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to retain voting shares of Pacific Bancorporation Data Systems, Inc., Bakersfield, California.

Applicant states that the proposed subsidiary would engage in the activities of data processing services. These activities would be performed from offices of Applicant's subsidiary in Bakersfield, California, and the geographic areas to be served are Southern San Joaquin Valley, California. Such activities have been specified by the Board in section 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of section 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of San Francisco.

Any views or requests for hearing should be submitted in writing and

received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than November 19, 1981.

Board of Governors of the Federal Reserve System, October 20, 1981.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 81-31031 Filed 10-26-81; 8:45 am]

BILLING CODE 6210-01-M

Exchange Bancorp., Inc.; Acquisition of Bank

Exchange Bancorporation, Inc., Tampa, Florida, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 99 percent or more of the voting shares of Century Bank of Orange County, Apopka, Florida. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than November 19, 1981. 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, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, October 20, 1981.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 81-31024 Filed 10-26-81; 8:45 am]

BILLING CODE 6210-01-M

First Holmes Corp., Formation of Bank Holding Company

First Holmes Corporation, Lexington, Mississippi, has applied for the Board's approval under section 8(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 per cent or more of the voting shares of First National Bank of Holmes County, Lexington, Mississippi. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of St. Louis. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than November 19, 1981. 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, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, October 20, 1981.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 81-31025 Filed 10-26-81; 8:45 am]

BILLING CODE 6210-01-M

First Pikeville Bancshares, Inc.; Formation of Bank Holding Company

First Pikeville Bancshares, Inc., Pikeville, Tennessee, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 percent of the voting shares of the successor by merger to The First National Bank of Pikeville, Pikeville, Tennessee. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than November 19, 1981. 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, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, October 20, 1981.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 81-31026 Filed 10-26-81; 8:45 am]

BILLING CODE 6210-01-M

First Security Corp.; Proposed Acquisition of First Security Cheque Corp.

First Security Corporation, Salt Lake City, Utah, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. sections 1843(c)(8)) and 225.4(b)(2) of the Board's Regulation Y (12 CFR section 225.4(b)(2)), for permission to acquire voting shares of First Security Cheque Corporation, Salt Lake City, Utah.

Applicant states that the proposed subsidiary would engage in the activity of issuing travelers checks. These activities would be performed from offices of Applicant's subsidiary in Salt Lake City, Utah, and geographic areas to be served are Utah, Idaho, Wyoming, Colorado, Arizona, New Mexico, and Montana. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of San Francisco.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than November 19, 1981.

Board of Governors of the Federal Reserve System, October 20, 1981.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 81-31027 Filed 10-26-81; 8:45 am]

BILLING CODE 6210-01-M

Marlin Financial Corp., Formation of Bank Holding Company

Marlin Financial Corporation, Marlin, Texas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 per cent or more of the voting shares of Marlin National Bank, Marlin, Texas. The

factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than November 19, 1981. 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, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, October 20, 1981.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 81-31028 Filed 10-26-81; 8:45 am]

BILLING CODE 6210-01-M

International Bancshares of Oklahoma, Inc.; Formation of Bank Holding Company

International Bancshares of Oklahoma, Inc., Yukon, Oklahoma, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 per cent or more of the voting shares of The Yukon National Bank, Yukon, Oklahoma. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than November 18, 1981. 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, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, October 20, 1981.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 81-31029 Filed 10-26-81; 8:45 am]

BILLING CODE 6210-01-M

Orbanco Financial Services Corp., Inc.; Proposed New Activity

Orbanco Financial Services Corporation, Inc., Portland, Oregon, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act ("Act") (12 U.S.C. sections 1843(c)(8)) and 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to engage in offering an investment note tied to a transaction account at its subsidiary bank. This activity is not expressly included in 225.4 of Regulation Y as permissible for bank holding companies.

Applicant states that the proposed subsidiary would engage in the activity of offering to Oregon residents only a note, in minimum denominations of $5,000, bearing an interest rate computed daily on the basis of current market rates and paid monthly. Note purchasers would be required to hold each note for a minimum of eight days, after which the note would have a one-day maturity and would be automatically renewed daily. Note purchasers would be required to maintain a no-charge checking account at Applicant's subsidiary bank, through which note purchases and redemptions would be effected. Proceeds of note sales would be used to fund Applicant's nonbanking activities and no proceeds would be channeled to Applicant's subsidiary banks. This activity would be performed from offices of Applicant in Portland, Oregon, and the geographic area to be served is the State of Oregon.

Section 4(c)(8) of the Bank Holding Company Act provides that a bank holding company may, with Board approval, engage in any activity "which the Board after due notice and opportunity for hearing has determined (by order or regulation) to be so closely related to banking or managing or controlling banks as to be a proper incident thereto." 12 U.S.C. 1843(c)(8). Although the proposed activity is not expressly included in Regulation Y as among the activities the Board has determined to be permissible for bank holding companies, Applicant asserts that the activity is nevertheless implicitly permissible under that section. In the alternative, Applicant asserts that if this activity is not permissible under Regulation Y at present, the activity is nevertheless closely related to banking within the meaning of section 4(c)(8) of the Act. The Board believes the Application raises significant issues that would be of interest to the public.

Interested persons are invited to express their views on the questions of whether the proposed activity is closely related to banking and whether consummation of the proposal can "reasonably be expeced to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." The Board views the proposal as raising significant questions concerning monetary control and competitive balance among financial institutions and also requests comments on these issues. Any request for a hearing on these questions must be accompanied by a statement of the reasons why a written presenation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal. By requesting comments on the proposal, the Board does not indicate any predisposition on its merits.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of San Francisco.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than November 19, 1981.

Board of Governors of the Federal Reserve System, October 20, 1981.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 81-31030 Filed 10-26-81; 8:45 am]

BILLING CODE 6210-01-M

Rosedale Bancshares, Inc.; Formation of Bank Holding Company

Rosedale Bancshares, Inc., Kansas City, Kansas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of Rosedale State Bank & Trust Company, Kansas City, Kansas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be

received no later than November 19, 1981. 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, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, October 20, 1981.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 81-31032 Filed 10-26-81; 8:45 am]

BILLING CODE 6210-01-M

Valley Bancshares, Inc., Formation of Bank Holding Company

Valley Bancshares, Inc., Valley Park, Missouri, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of Meramec Valley Bank, Valley Park, Missouri. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of St. Louis. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than November 19, 1981. 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, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, October 20, 1981.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 81-31033 Filed 10-26-81; 8:45 am]

BILLING CODE 6210-01-M

Central of Georgia Bancshares, Inc.; Formation of Bank Holding Company

Central of Georgia Banchares, Inc., Macon, Georgia, has applied for the board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 percent of the voting shares of Central Bank of Georgia, Macon, Georgia. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than November 19, 1981. 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, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, October 20, 1981.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 81-30991 Filed 10-26-81; 8:45 am]

BILLING CODE 6210-01-M

Citizens Bancorporation of Milaca, Inc.; Formation of Bank Holding Company

Citizens Bancorporation of Milaca, Inc., Ogilvie, Minnesota has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 93.7 percent or more of the voting shares of Ogilvie State Bank, Ogilvie, Minnesota. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Minneapolis. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than November 19, 1981. 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, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, October 20, 1981.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 81-30992 Filed 10-26-81; 8:45 am]

BILLING CODE 6210-01-M

Clare Bancorporation; Formation of Bank Holding Company

Clare Bancorporation, Platteville, Wisconsin, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of State National Bank of Platteville, Platteville, Wisconsin and 80 percent or more of the voting shares of The First National Bank of Boscobel, Boscobel, Wisconsin. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than November 19, 1981. 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, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, October 20, 1981.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 81-30993 Filed 10-26-81; 8:45 am]

BILLING CODE 6210-01-M

Kilgore First Bancorp, Inc.; Formation of Bank Holding Company

Kilgore First Bancorp, Inc., Kilgore, Texas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 per cent or more of the voting shares of the successor by consolidation to Kilgore First National Bank, Kilgore, Texas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than November 19, 1981. 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, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, October 20, 1981.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 81-30994 Filed 10-26-81; 8:45 am]

BILLING CODE 6210-01-M

Orange Bancorp; Formation of Bank Holding Company

Orange Bancorp, Fountain Valley, California, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 per cent of the voting shares of The Bank of Orange County, Fountain Valley, California. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of San Francisco. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than November 19, 1981. 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, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, October 20, 1981.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 81-30995 Filed 10-26-81; 8:45 am]

BILLING CODE 6210-01-M

Pan American Banks, Inc.; Acquisition of Bank

Pan American Banks, Inc., Miami, Florida, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 99 per cent or more of the voting shares of Manufacturers National Bank, Hialeah, Florida. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than November 18, 1981. 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, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, October 20, 1981.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 81-30996 Filed 10-26-81; 8:45 am]

BILLING CODE 6210-01-M

Peoples Bancorp of Sandy Hook, Inc.; Formation of Bank Holding Company

Peoples Bancorp of Sandy Hook, Inc., Sandy Hook, Kentucky, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 51 per cent or more of the voting shares of Peoples Bank, Sandy Hook, Kentucky. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Cleveland. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than November 13, 1981. 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, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, October 20, 1981.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 81-30997 Filed 10-26-81; 8:45 am]

BILLING CODE 6210-01-M

Summit Bancshares, Inc.; Formation of Bank Holding Company

Summit Bancshares, Inc., Oakland, California, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 US.C. 1842(a)(1)) to become a bank holding company by acquiring 100 per cent of the voting shares of Summit Bank, Oakland, California, a proposed new bank. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of San Francisco. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than November 17, 1981. 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, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, October 20, 1981.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 81-30998 Filed 10-26-81; 8:45 am]

BILLING CODE 6210-01-M

FEDERAL TRADE COMMISSION

Early Termination of the Waiting Period of the Premerger Notification Rules; Vereniging AGO

AGENCY: Federal Trade Commission.

ACTION: Granting of request for early termination of the waiting period of the premerger notification rules.

SUMMARY: Vereniging AGO is granted early termination of the waiting period provided by law and the premerger notification rules with respect to the proposed acquisition of voting securities of Life Investors Inc. The grant was made by the Federal Trade Commission and the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice in response to a request for early termination submitted by Vereniging AGO. Neither agency intends to take any action with respect to this acquisition during the waiting period.

EFFECTIVE DATE: October 6, 1981.

FOR FURTHER INFORMATION CONTACT: Roberta Baruch, Senior Attorney, Premerger Notification Office, Bureau of Competition, Room 301, Federal Trade Commission, Washington, D.C. 20580 (202) 523-3894.

SUPPLEMENTARY INFORMATION: Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Commission and Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the Federal Register.

By direction of the Commission.

Carol M. Thomas,

Secretary.

[FR Doc. 81-30979 Filed 10-26-81; 8:45 am]

BILLING CODE 6750-01-M

Early Termination of the Waiting Period of the Premerger Notification Rules; Donaldson, Lufkin & Jenrette, Inc.

AGENCY: Federal Trade Commission.

ACTION: Granting of request for early termination of the waiting period of the premerger notification rules.

SUMMARY: Donaldson, Lufkin & Jenrette, Inc. is granted early termination of the waiting period provided by law and the premerger notification rules with respect to the proposed acquisition of all voting securities of ACLI International, Inc. The grant was made by the Federal Trade Commission and the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice in response to a request for early termination submitted by both parties. Neither agency intends to take any action with respect to this acquisition during the waiting period.

EFFECTIVE DATE: October 15, 1981.

FOR FURTHER INFORMATION CONTACT: Roberta Baruch, Senior Attorney, Premerger Notification Office, Bureau of Competition, Room 301, Federal Trade Commission, Washington, D.C. 20580 (202) 523-3894.

SUPPLEMENTARY INFORMATION: Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Commission and Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the **Federal Register.**

By direction of the Commission.

Carol M. Thomas,

Secretary.

[FR Doc. 81-30980 Filed 10-26-81; 8:45 am]

BILLING CODE 6750-01-M

Early Termination of the Waiting Period of the Premerger Notification Rules; S. K. Johnston, Jr.

AGENCY: Federal Trade Commission.

ACTION: Granting of request for early termination of the waiting period of the premerger notification rules.

SUMMARY: S. K. Johnston, Jr. is granted early termination of the waiting period provided by law and the premerger notification rules with respect to the proposed acquisition of all voting securities of Coca-Cola Bottling Midwest Inc. The grant was made by the Federal Trade Commission and the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice in response to a request for early termination submitted by both parties. Neither agency intends to take any action with respect to this acquisition during the waiting period.

EFFECTIVE DATE: October 7, 1981.

FOR FURTHER INFORMATION CONTACT: Roberta Baruch, Senior Attorney, Premerger Notification Office, Bureau of Competition, Room 301, Federal Trade Commission, Washington, D.C. 20580, (202) 523-3894.

SUPPLEMENTARY INFORMATION: Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Commission and Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the **Federal Register.**

By direction of the Commission.

Carol M. Thomas,

Secretary.

[FR Doc. 81-30982 Filed 10-26-81; 8:45 am]

BILLING CODE 6750-01-M

Early Termination of the Waiting Period of the Premerger Notification Rules; Bernard R. Garrett

AGENCY: Federal Trade Commission.

ACTION: Granting of request for early termination of the waiting period of the premerger notification rules.

SUMMARY: Bernard R. Garrett is granted early termination of the waiting period provided by law and the premerger notification rules with respect to the proposed acquisition of certain assets of Borden, Inc. The grant was made by the Federal Trade Commission and the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice in response to a request for early termination submitted by Borden, Inc. Neither agency intends to take any action with respect to this acquisition during the waiting period.

EFFECTIVE DATE: October 8, 1981.

FOR FURTHER INFORMATION CONTACT: Roberta Baruch, Senior Attorney, Premerger Notification Office, Bureau of Competition, Room 301, Federal Trade Commission, Washington, D.C. 20580, (202) 523-3894.

SUPPLEMENTARY INFORMATION: Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Commission and Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the **Federal Register.**

By direction of the Commission.

Carol M. Thomas,

Secretary.

[FR Doc. 81-30983 Filed 10-26-81; 8:45 am]

BILLING CODE 6750-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

Diamond Shamrock Corp.; 3-Nitro-4-Hydroxyphenyl Arsonic Acid Custom Mix ANB; Withdrawal of Approval of NADA

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is withdrawing approval of a new animal drug application (NADA) sponsored by Diamond Shamrock Corp., providing for use of 3-Nitro-4-Hydroxyphenyl Arsonic Acid Custom Mix ANB containing 2 percent 3-nitro-4-hydroxyphenyl arsonic acid in making complete poultry feeds. The firm requested the withdrawal of approval.

EFFECTIVE DATE: December 7, 1981.

FOR FURTHER INFORMATION CONTACT: Howard Meyers, Bureau of Veterinary Medicine (HFV-218), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4093.

SUPPLEMENTARY INFORMATION: Diamond Shamrock Corp., 1100 Superior Ave., Cleveland, OH 44114, is sponsor of NADA 8-890 which provides for use of 3-Nitro-4-Hydroxyphenyl Arsonic Acid

Custom Mix ANB to manufacture an experimental poultry feed.

The application originally became effective March 25, 1953. In a letter dated August 14, 1981, the sponsor requested withdrawal of approval of the NADA because the product is no longer being manufactured or marketed.

Therfore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(e), 82 Stat. 345–347 (21 U.S.C. 360b(e))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10 (formerly 5.1; see 46 FR 26052; May 11, 1981)) and redelegated to the Director of the Bureau of Veterinary Medicine (21 CFR 5.84), and in accordance with § 514.115 *Withdrawal of approval of applications* (21 CFR 514.115), notice is given that approval of NADA 8–890 and all supplements for 3-Nitro-4-Hydroxyphenyl Arsonic Acid Custom Mix ANB is hereby withdrawn, effective December 7, 1981.

Dated: October 20, 1981.

Gerald B. Guest,

Acting Director, Bureau of Veterinary Medicine.

[FR Doc. 81-30822 Filed 10-26-81; 8:45 am]
BILLING CODE 4110-03-M

Merck Sharp & Dohme Research Laboratories; Top Form Foal Wormer; Withdrawal of Approval of NADA

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is withdrawing approval of a new animal drug application (NADA) sponsored by Merck Sharp & Dohme Research Laboratories providing for use of Top Form Foal Wormer (thiabendazole/piperazine phosphate granules) in weanling foals over 4 months of age. The firm requested the withdrawal of approval.

EFFECTIVE DATE: November 7, 1981.

FOR FURTHER INFORMATION CONTACT: David N. Scarr, Bureau of Veterinary Medicine (HFV–214), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–1846.

SUPPLEMENTARY INFORMATION: Merck Sharp & Dohme Research Laboratories, Division of Merck & Co., Inc., Rahway, NJ 07065, is sponsor of NADA 39–436 which provides for use of thiabendazole/piperazine phosphate granules for treating weanling foals over 4 months of age for infections of large and small strongyles, pinworms, treadworms, and ascarids.

The application originally became effective February 6, 1969. In a letter dated July 29, 1981, the sponsor requested withdrawal of approval of the NADA because the product is no longer being manufactured or marketed.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(e), 82 Stat. 345–347 (21 U.S.C. 360b(e))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10 (formerly 5.1; see 46 FR 26052; May 11, 1981)) and redelegated to the Director of the Bureau of Veterinary Medicine (21 CFR 5.84), and in accordance with § 514.115 *Withdrawal of approval of applications* (21 CFR 514.115), notice is given that approval of NADA 39–436 and all supplements for Top Form Foal Wormer (thiabendazole/piperazine phosphate granules) is hereby withdrawn, effective November 7, 1981.)

Dated: October 20, 1981.

Gerald B. Guest,

Acting Director, Bureau of Veterinary Medicine.

[FR Doc. 81-30821 Filed 10-26-81; 8:45 am]
BILLING CODE 4110-03-M

[Docket No. 81D–0319]

Collection of Platelets, Pheresis Prepared by Mechanical Pheresis; Availability of Guidelines

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability of guidelines for the collection of Platelets, Pheresis prepared by mechanical pheresis using a currently approved instrument. The guidelines are intended for use by blood collecting facilities that prepare platelets by this method.

ADDRESSES: The guidelines may be seen at and comments submitted to the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857. Single copies of the guidelines are available from the Bureau of Biologics (HFB–200), Food and Drug Administration, 8800 Rockville Pike, Bethesda, MD 20205.

FOR FURTHER INFORMATION CONTACT: Joseph Fratantoni, Bureau of Biologics (HFB–200), Food and Drug Administration, 8800 Rockville Pike, Bethesda, MD 20205, 301–496–2577.

SUPPLEMENTARY INFORMATION: Certain blood collecting facilities prepare a platelet product by centrifugation of whole blood, with a continuous or intermittent return of platelet-poor red blood cells and plasma to the donor using automated equipment. This product is known as Platelets, Pheresis. The FDA is announcing the availability of guidelines for preparing Platelets, Pheresis by mechanical pheresis using a currently approved instrument.

The guidelines, prepared by the agency's Bureau of Biologics (the Bureau), are intended to recommend criteria for donor safety and to ensure a satisfactory final platelet product. They are organized into the following section: Donor Selection, Informed Consent, Procedural Protocols, and Labeling Instructions.

This notice is issued under § 10.90(b) (21 CFR 10.90(b)), which provides for the use of guidelines to outline procedures or standards of general applicability that are acceptable to FDA for a subject matter that falls within the laws administered by FDA. Although these guidelines are not a legal requirement, a person may be assured that in following an agency guideline the procedures followed and standards used will be acceptable to FDA. A person may also choose to use alternative procedures or standards for which there is scientific rationale even though they are not provided for in a guideline. A person who chooses to use procedures or standards not in a guideline may discuss the matter further with the agency to prevent an expenditure of resources for work that FDA may later determine to be unacceptable.

Copies of the guidelines have been distributed to blood bank establishments and plasma centers that have pending license applications to prepare Platelets, Pheresis by a pheresis instrument for which the Bureau has acceptable data. Additional copies may be obtained from the Bureau of Biologics (HFB–200) (address above). A copy of the guidelines is on file in the Dockets Management Branch (HFA–305) (address above).

Interested persons may submit written comments on the guidelines to the Dockets Management Branch (preferably two copies, identified with the docket number found in brackets in the heading of this document). The comments will be considered in determining whether new amendments or revisions to the guidelines are warranted. Received comments will be incorporated into the public file on the guidelines and may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: October 20, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-30824 Filed 10-26-81; 8:45 am]

BILLING CODE 4110-03-M

Health Services Administration

Health Education Assistance Loan Program; "Maximum Interest Rates for Quarter Ending December 31, 1981"

Section 727 of the Public Health Service Act (42 CFR Part 60, previously 45 CFR Part 126) authorizes the Secretary to establish a Federal program of student loan insurance for graduate students in health professions schools. Section 60.13(a)(4) of the program's implementing regulations provides that the Secretary will announce the interest rate in effect on a quarterly basis.

The Secretary announces that for the period ending December 31, 1981, two interest rates are in effect for loans executed through the HEAL Program.

1. For loans made before January 27, 1981, the variable interest rate is 11⅛ percent. Using the regulatory formula (45 CFR 126.13(a)(2)(3)), in effect prior to January 27, 1981, the Secretary would normally compute the variable rate for this quarter by finding the sum of the fixed annual rate (7 percent) and a variable component calculated by subtracting 3.50 percent from the average bond equivalent rate of 91-day U.S. Treasury Bills for the preceding calendar quarter (15.94 percent), and rounding the result (12.44 percent) upward to the nearest ⅛ percent (12.50 percent). Thus, the variable rate for this 3-month period would normally be at the annual rate of 19½ percent (12½ percent plus 7 percent). However, the regulatory formula also provides that the annual rate of the variable interest rate for a 3-month period shall be reduced to the highest one-eighth of 1 percent which would result in an average annual rate not in excess of 12 percent for the 12-month period concluded by those 3 months. For the previous 3 quarters the variable interest at the annual rate was as follows: 12⅝ percent for the quarter ending March 31, 1981; 13¼ percent for the quarter ending June 30, 1981; and 11 percent for the quarter ending September 30, 1981. Therefore, in order to maintain an average annual rate of 12 percent for the 12-month period ending December 31, 1981, the variable interest rate for the quarter ending December 31, 1981, would be at an annual rate of 11⅛ percent.

2. For fixed rate loans executed during the period of October 1 through December 31, 1981, and for variable rate loans executed after January 27, 1981, the interest rate is 19½ percent. Using the regulatory formula (42 CFR 60.13(a)(3)), in effect since January 27, 1981, the Secretary computes the maximum interest rate at the beginning of each calendar quarter by determining the average bond equivalent rate for the 91-day U.S. Treasury Bills during the preceding quarter (15.94 percent); adding 3.50 percent (19.44 percent); and rounding that figure to the next higher one-eighth of 1 percent (19½ percent).

(Catalog of Federal Domestic Assistance No. 13.108, Health Professions Educational Assistance Act Insured Loans)

Dated: October 19, 1981.

John H. Kelso,

Acting Administrator.

[FR Doc. 81-31085 Filed 10-26-81; 8:45 am]

BILLING CODE 4110-84-M

Public Health Service

Health Maintenance Organizations; Community Health Plan of Suffolk, Inc.

AGENCY: Public Health Service, HHS.

ACTION: Notice, continued regulation of health maintenance organizations: determination of noncompliance and revocation of Federal qualification.

SUMMARY: On November 30, 1979, the Office of Health Maintenance Organizations (OHMO) determined that Community Health Plan of Suffolk, Inc., (CHPS), 3001 Express Drive North, Hauppauge, New York 11787, a federally qualified health maintenance organization (HMO), was not in compliance with the assurances it had provided to the Secretary that it would (1) maintain a fiscally sound operation and (2) include in its policymaking body at least one-third HMO members. On August 24, 1981, the Acting Director of OHMO notified CHPS that he was revoking CHPS's Federal qualification and this revocation became effective on August 31, 1981. Accordingly, CHPS is no longer a federally qualified HMO.

FOR FURTHER INFORMATION CONTACT: Frank H. Seubold, Ph. D., Acting Director, Office of Health Maintenance Organizations, Park Building, 3rd Floor, 12420 Parklawn Drive, Rockville, Maryland 20857, 301/443-4106.

SUPPLEMENTARY INFORMATION: Under Section 1312(b)(1) of the Public Health Service Act (the Act) (42 U.S.C. 300e-11(b)(1)), if the Secretary makes a determination under section 1312(a) that a qualified HMO is not organized or operated in the manner prescribed by section 1301(c), then the HMO shall be (1) notified in writing of the determination and (2) directed to initiate corrective action to bring it into compliance with the assurances it provided to the Secretary under section 1310(d)(1). The notice of November 30, 1979, gave CHPS an opportunity to initiate corrective action to bring it into compliance with the assurances that it would (1) maintain a fiscally sound operation and (2) include in its policymaking body at least one-third HMO members. The basis for the revocation of Federal qualification was OHMO's determination that CHPS had not carried out and would not carry out the corrective action necessary to return to compliance.

The effect of the revocation of CHPS's Federal qualification is as follows: (1) CHPS may not seek inclusion in employees' health benefits plans under section 1310 of the Act; (2) with respect to employers including CHPS in the health benefits plan offered their employees, CHPS is not a qualified HMO for purposes of section 1310 of the Act; (3) the inclusion of CHPS in an employees' health benefits plan will be disregarded for purposes of determining whether, and to what extent, the employer is subject to 42 CFR Part 110, Subpart H, and will not constitute compliance with the requirements of that subpart; and (4) CHPS is not a qualified HMO for purposes of the financial assistance programs under 42 CFR Part 110.

Section 1312(b)(1) of the Act requires that a notice of the determination of noncompliance and of the revocation of Federal qualification of an HMO be published in the **Federal Register.**

Dated: October 16, 1981.

Frank H. Seubold,

Acting Director, Office of Health Maintenance Organizations.

[FR Doc. 81-31042 Filed 10-26-81; 8:45 am]

BILLING CODE 4110-85-M

Health Maintenance Organizations; Health Maintenance Organization of Baton Rouge Inc.

AGENCY: Public Health Service, HHS.

ACTION: Notice, continued regulation of health maintenance organizations: determination of noncompliance and revocation of Federal qualification.

SUMMARY: On June 12, 1980, the Office of Health Maintenance Organizations (OHMO) determined that Health Maintenance Organization of Baton Rouge, Inc. (HMOBR) 9151 Interline Avenue, Baton Rouge, Louisiana 70809, a

federally qualified health maintenance organization (HMO), was not in compliance with the assurances it had provided to the Secretary that it would (1) maintain a fiscally sound operation and (2) maintain satisfactory administrative and managerial arrangements. On August 13, 1981, the Acting Director of OHMO notified HMOBR that he was revoking HMOBR's Federal qualification and this revocation became effective on August 31, 1981. Accordingly, HMOBR is no longer a federally qualified HMO.

FOR FURTHER INFORMATION CONTACT:

Frank H. Seubold, Ph. D., Acting Director, Office of Health Maintenance Organizations, Park Building, 3rd Floor, 12420 Parklawn Drive, Rockville, Maryland 20857, 301/443–4106

SUPPLEMENTARY INFORMATION: Under Section 1312(b)(1) of the Public Health Service Act (the Act) (42 U.S.C. 300e–11(b)(1)), if the Secretary makes a determination under section 1312(a) that a qualified HMO is not organized or operated in the manner prescribed by section 1301(c), then the HMO shall be (1) notified in writing of the determination and (2) directed to initiate corrective action to bring it into compliance with the assurances it provided to the Secretary under section 1310(d)(1). The notice of August 13, 1981, gave HMOBR an opportunity to initiate corrective action to bring it into compliance with the assurances that it would (1) maintain a fiscally sound operation and (2) maintain satisfactory administrative and managerial arrangements. The basis for the revocation of Federal qualification was OHMO's determination that HMOBR had not carried out and would not carry out the corrective action necessary to return to compliance. HMOBR is now in liquidation pursuant to Louisiana State statute and is no longer providing health care services as required by Title XIII.

The effect of the revocation of HMOBR's Federal qualification is as follows: (1) HMOBR may not seek inclusion in employees' health benefits plans under section 1310 of the Act; (2) with respect to employers including HMOBR in the health benefits plan offered their employees, HMOBR is not a qualified HMO for purposes of section 1310 of the Act; (3) the inclusion of HMOBR in an employees' health benefits plan will be disregarded for purposes of determining whether, and to what extent, the employer is subject to 42 CFR Part 110, Subpart H, and will not constitute compliance with the requirements of that subpart; and (4) HMOBR is not a qualified HMO for purposes of the financial assistance programs under 42 CFR Part 110.

Section 1312(b)(1) of the Act requires that a notice of the determination of noncompliance and of the revocation of Federal qualification of an HMO be published in the **Federal Register**.

Dated: October 16, 1981.

Frank H. Seubold,

Acting Director, Office of Health Maintenance Organizations.

[FR Doc. 81-31043 Filed 10-26-81; 8:45 am]

BILLING CODE 4110-85-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Environmental Quality

[Docket No. NI-41]

Foxfire, Ann Arbor, Mich.; Withdrawal of Notice

Notice was published in the **Federal Register** Volume 46, No. 24 on February 5, 1981 that the Department of Housing and Urban Development proposed to prepare an EIS on Foxfire Apartments, Ann Arbor, Michigan, a Title X Mortgage Insurance proposal for Land Development.

This Notice advises that processing of the application has been terminated and therefore the EIS preparation will be terminated.

Further information may be obtained from the Acting Area Manager, Mr. William J. Harris, Detroit Area HUD Office, 477 Michigan Avenue, Detroit, Michigan 48226, or by calling commercial (313) 226–7900 or FTS 226–7900.

Issued at Washington, D.C. October 19, 1981.

Francis G. Haas,

Deputy Director, Office of Environmental Quality.

[FR Doc. 81-31057 Filed 10-26-81; 8:45 am]

BILLING CODE 4210-01-M

[Docket No. NI-79]

Grand Junction, Colo., Urban Growth Area; Intended Environmental Impact Statement

The Department of Housing and Urban Development gives notice that an Areawide Environmental Impact Statement (EIS) is intended to be prepared for the following area under HUD programs as described in the appendix to this Notice: Grand Junction, Colorado, Urban Growth Area. This Notice is required by the Council on Environmental Quality under its rules (40 CFR 1500).

Interested individuals, governmental agencies, and private organizations are invited to submit information and comments concerning the area to the specific person or address indicated in the appropriate part of the appendix.

Particularly solicited is information on reports or other environmental studies planned or completed in the area, issues and data which the EIS should consider, recommended mitigating measures and alternatives, and major issues associated with the proposed area. Federal agencies having jurisdication by law, special expertise or other special interests should report their interest and indicate their readiness to aid the EIS effort as a "cooperating agency."

Each Notice shall be effective for one year. If one year after the publication of a Notice in the **Federal Register** a Draft EIS has not been filed on a project, then the Notice for that project shall be cancelled. If a Draft EIS is expected more than one year after the publication of the Notice in the **Federal Register**, then a new and updated Notice of Intent will be published.

Issued at Washington, D.C., October 19, 1981.

Francis G. Haas,

Deputy Director, Office of Environmental Quality.

Appendix—EIS on the Grand Junction, Colorado Urban Growth Area

The U.S. Department of Housing and Urban Development (HUD) intends to prepare an areawide Environmental Impact Statement (EIS) for the Grand Junction, Colorado, Urban growth area. The Department hereby solicits comments and information for consideration in this EIS.

Description. This EIS will analyze the impacts of growth for the year 2005, for the Grand Junction, Colorado, urban growth area.

Need. HUD anticipates a large volume of applications for housing assistance from this rapidly growing area. Some of these applications will likely exceed HUD's automatic threshold and require the preparation of the project level EIS. This areawide EIS will eliminate the need for many of the project level EISs, reduce processing time for individual proposals, provide a uniform data base for site specific environmental assessments, and permit a cumulative evaluation of impacts resulting from residential development.

Alternative Perceived. The Department can continue conducting environmental analysis on a project-by-project basis. This procedure may delay some proposals. The department can issue an areawide EIS for this growth area and expedite the conduct of environmental review of applications for housing assistance.

Scoping. A public scoping meeting will not be held. HUD will request information from appropriate government agencies and service organizations. Also, an Advisory Committee

representing state and local entities will provide scoping information to HUD.

Comments. Comments should be forwarded on or before November 17, 1981 to: Mr. Carroll F. Goodwin, Area Environmental Officer, U.S. Department of Housing and Urban Development, 1405 Curtis Street, Denver, Colorado 80202, or telephone (303) 837-4513, FTS 327-3103.

[FR Doc. 81-31055 Filed 10-26-81; 8:45 am]

BILLING CODE 4210-01-M

[Docket No. NI-78]

Soul City New Community, Warren County, N.C.; Intended Supplemental Environmental Impact Statement

The Department of Housing and Urban Development gives notice that a Supplement to the Environmental Impact Statement is intended to be prepared by the New Community Development Corporation of HUD for the following project under HUD programs as described in the appendix to this Notice: Soul City New Community, Warren County, North Carolina.

Interested parties, individuals, governmental agencies, and private organizations are invited to submit information and comments concerning the project to the specific person or address indicated in the appropriate part of the appendix.

Particularly solicited is information on reports or other environmental studies planned or completed in the project area, issues and data which the Supplemental Environmental Impact Statement (SEIS) should consider, recommended mitigating measures and alternatives, and major issues associated with the proposed project. Federal agencies having jurisdiction by law, special expertise or other special interests should report their interests and indicate their readiness to aid the SEIS effort as a "cooperating agency".

This Notice shall be effective for one year. If one year after the publication of the Notice in the **Federal Register** a Draft SEIS has not been filed on the Project, when the Notice for that Project shall be cancelled. If a Draft SEIS is expected more than one year after the publication of the Notice in the **Federal Register**, then a new and updated Notice of Intent will be published.

Issued at Washington, D.C. October 19, 1981.

Francis G. Haas,

Deputy Director, Office of Environmental Quality.

Appendix—SEIS on Soul City New Community, Warren County, N.C.

The New Community Development Corporation of the U.S. Department of Housing and Urban Development intends to prepare a Supplement to the Environmental Impact Statement on the project described below and solicits information and comments for consideration in the SEIS.

Description: Soul City is located in Warren County, North Carolina about 10 miles from Henderson, 50 miles from Raleigh and 100 miles south of Richmond, Virginia. The Project was planned in 1974 to consist of 5,287 acres to be developed over a 30 year period. A total of 13,326 dwelling units were proposed to house approximately 46,000 people at project completion. In 1978, a revised development plan was adopted which projected an ultimate poplulation of 22,000 people in 7,348 dwelling units on about 3,000 acres. To date, the following have been developed: 168 lots for single-family homes on about 40 acres, 14 acres of multi-family land, 37 acres of industrial land, and 6.5 acres of commercial land. This Supplement will evaluate the impacts of actions HUD is contemplating with respect to a proposed formal termination of Title VII assistance, HUD withdrawal, and implementation of an overall disposition plan for the project land to private and public bodies.

Need: The New Communities Development Corporation decided to prepare a Supplement to the Final Environmental Impact Statement dated October 19, 1971 since the termination of HUD participation is a major federal action being proposed and it has been more than 5 years since the Final or a Supplement to the Final Environmental Impact Statement was issued (24 CFR 50.52).

Alternatives: The perceived alternatives include: (1) Negotiate a restructured relationship between NCDC and the developer, and; (2) Hold for future disposition.

Scoping: Responses to this Notice will assist in identifying data sources and significant environmental issues which the SEIS should address, and will help to identify cooperating agencies.

Comments: Comments, information, and inquiries should be directed to Daryl Ray, Environmental Clearance Officer (alternate), New Community Development Corporation, Room 5186, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C. 20410 or by telephone at (202) 755-6170. Comments should be received no later than November 27, 1981.

[FR Doc. 81-31056 Filed 10-26-81; 8:45 am]

BILLING CODE 4210-01-M

[Docket No. NI-80]

Salt Lake, Weber, Davis and Utah Counties, Utah, Urban Growth Areas; Intended Environmental Impact Statements

The Department of Housing and Urban Development gives notice that an Areawide Environmental Impact Statement (EIS) is intended to be prepared for each of the following areas under HUD programs as described in the appendices of the Notice: Salt Lake County, Utah, Urban Growth Area; Weber County, Utah, Urban Growth Area; Davis County, Utah, Urban Growth Area and Utah County, Utah, Urban Growth Area. This Notice is required by the Council on Environmental Quality under its rules (40 CFR 1500).

Interested individuals, governmental agencies and private organizations are invited to submit information and comments concerning a particular area to the specific person or address indicated in the appropriate part of the appendices.

Particularly solicited is information on reports or other environmental studies planned or completed in the area, issues and data which the EIS should consider, recommended mitigating measures and alternaties, and major issues associated with the proposed area. Federal agencies having jurisdiction by law, special expertise or other special interests should report their interests and indicate their readiness to aid the EIS effort as a "cooperating agency."

Each Notice shall be effective for one year. If one year after the publication of a Notice in the **Federal Register** a Draft EIS has not been filed on a project, then the Notice for that project shall be cancelled. If a Draft EIS is expected more than one year after the publication of the Notice in the **Federal Register**, then a new and updated Notice of Intent will be published.

Issued at Washington, D.C. October 19, 1981.

Francis G. Haas,

Deputy Director, Office of Environmental Quality.

Appendix—EIS's on Salt Lake, Weber, Davis and Utah County Contiguous Growth Areas

The U.S. Department of Housing and Urban Development (HUD) intends to prepare an areawide Environmental Impact Statement (EIS) for each of the following: (1) Salt Lake County, Utah, Urban Growth Area, (2) Weber County Utah, Urban Growth Area, (3) Davis County, Utah, Urban Growth Area, (4) Utah County, Utah, Urban Growth Area.

Description. These EISs will analyze the impacts of growth for the year 2005, for the urban growth areas listed above.

Need. HUD anticipates a large volume of applications for housing assistance from these rapidly growing areas. Some of these applications will likely exceed HUD's automatic threshold and require the preparation of a project level EIS. These areawide EISs will eliminate the need for many of the project level EISs, reduce processing time for individual proposals, provide a uniform data base for site specific environmental assessments, and permit a cumulative evaluation of impacts resulting from residential development.

Alternative Perceived. The Department can continue conducting environmental analysis on a project-by-project basis. This procedure may delay some proposals. The Department

can issue an areawide EIS for this growth area and expedite the conduct of environmental review of applications for housing assistance.

Scoping. A public scoping meeting will not be held. HUD will request information from appropriate government agencies and service organizations. Also, an Advisory Committee representing state and local entities will provide scoping information to HUD.

Comments. Comments should be forwarded on or before November 17, 1981 to: Mr. Walter O. Kelm, Regional Environmental Officer, U.S. Department of Housing and Urban Development, 1405 Curtis Street, Denver, Colorado 80202, or telephone (303) 837–4513, FTS 327–3103.

[FR Doc. 81–31054 Filed 10–26–81; 8:45 am]

BILLING CODE 4210–01–M

[Docket No. NI–77]

Tacoma Center, Tacoma, Wash.; Intended Environmental Impact Statement

The Department of Housing and Urban Development gives notice that an Environmental Impact Statement (EIS) is intended to be prepared for the following project under HUD programs as described in the appendix to this Notice: Tacoma Center, Tacoma, Washington. This Notice is required by the Council on Environmental Quality under its rules (40 CFR 1500).

Interested individuals, governmental agencies, and private organizations are invited to submit information and comments concerning the project to the specific person or address indicated in the appropriate part of the appendix.

Particularly solicited is information on reports or other environmental studies planned or completed in the project area, issues and data which the EIS should consider, recommended mitigating measures and alternatives, and major issues associated with the proposed project. Federal agencies having jurisdiction by law, special expertise or other special interests should report their interests and indicate their readiness to aid the EIS effort as a "cooperating agency."

Each Notice shall be effective for one year. If one year after the publication of a Notice in the **Federal Register** a Draft EIS has not been filed on a project, then the Notice for that project shall be cancelled. If a Draft EIS is expected more than one year after the publication of the Notice in the **Federal Register**, then a new and updated Notice of Intent will be published.

Issued at Washington, D.C. October 19, 1981.

Francis G. Haas,

Deputy Director, Office of Environmental Quality.

Appendix—EIS on Tacoma Center, Tacoma, Wash.

The City of Tacoma, Washington, intends to prepare an Environmental Impact Statement on the below described project and solicits comments and information for consideration in the EIS.

Description: A proposal for an Urban Development Action Grant is under consideration for financing portions of the proposed project. An environmental analysis of the cumulative impacts of acquiring, developing, rehabilitating, and restoring certain vacant properties and buildings in the City of Tacoma's central business district will be conducted. General boundaries of the proposed project are South 9th Street to South 15th Street and Commerce Street to Court D. The proposed project is to be treated as one development by the Cornerstone Development Company. Uses and reuses of the properties under consideration include department stores, a hotel, athletic facilities, a public market, commercial and office spaces. Construction is scheduled to begin in 1982 and projected to continue for several years.

Need: An EIS is proposed due to probable significant environmental impacts related to transportation, air quality and economics.

Alternatives: The alternatives perceived to be available are as follows: (1) the general boundaries will remain the same, however, the location of different uses could be changed and the mix of uses at each specific site could be changed; (2) the scale of the project could be larger or smaller dependent upon market analysis, transportation study and other environmental considerations not yet identified; (3) the uses proposed could be changed, with some uses deleted or added which may be allowed within the "B" Business District or "C–3" district of the project boundaries; (4) no action.

Scoping: This Notice is part of the process used for scoping the EIS. Responses will be used to help (1) determine significant environmental issues; (2) identify data which the EIS should address; and (3) identify cooperating agencies.

Comments: Comments and information should be received on or before November 17, 1981 and should be sent to: City of Tacoma Planning Department, 900 Tacoma Municipal Building, 740 St. Helens Avenue, Tacoma, Washington, 98402, Attn: Ms. Katie Mills, Phone: (206) 593–4170.

[FR Doc. 81–31058 Filed 10–26–81; 8:45 am]

BILLING CODE 4210–01–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

California Desert District; Palen Dry Lake Area of Critical Environmental Concern

AGENCY: Bureau of Land Management.

ACTION: Closure of ACEC to off-road vehicle use.

SUMMARY: The closure has been developed to protect sensitive and significant cultural resources from inadvertant damage caused by off-road vehicle activity. The authorities for the management plan's vehicle use designations are 43 CFR Section 8000.0–6, 8340, 8341, 8342, 8364, 36 CFR 800, the Federal Land Policy and Management Act of 1976, the National Historic Preservation Act of 1966, the National Environmental Policy Act of 1969, the Archaeological Resources Protection Act of 1979, and E.O. 11593 The area affected by this designation is the Palen Dry Lake Area of Critical Environmental Concern in Riverside County, California. The ACEC contains 3,386 square acres all of which is managed by BLM. This designation is a result of a management plan for the ACEC with associated public involvement. The management plan was developed following guidelines set forth in the California Desert Conservation Area Plan.

DATE: Effective November 15, 1981.

ADDRESS: Send inquiries to Area Manager, Indio Resource Area, 3623 H101 Canyon Crest Drive, Riverside, California 92507. Public comments received and copies of the ACEC Management Plan containing maps which show vehicle use designations will be available for public review at the above address from 8:00 a.m.–4:15 p.m. on regular work days.

FOR FURTHER INFORMATION CONTACT: Judyth E. Reed, (714) 787–1650 or (714) 787–1630.

Under the authority provided in the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.), EO 11644 (Use of Off Road Vehicles on the Public Lands), the National Historic Preservation Act of 1966, and the Archaeological Resources Protection Act of 1979.

Vehicle Use

1. Vehicles may be used only on those existing roads posted as "open" for such use within and bounding the ACEC.

2. No off-road vehicle use will be allowed within the boundaries of the ACEC.

3. All closed areas will be clearly signed and maps will be available upon request.

The purpose of these regulations is to minimuze conflicts between vehicle use in the area and protection and preservation of highly sensitive and significant cultural resources. The public lands wthin the ACEC will remain open to other resource uses not in conflict

with the objectives of the ACEC management plan. Administrative access by vehicle into areas closed to vehicular use for BLM and BLM contractors, licensees, permittees, lessees, and all other Federal, State, and County employees is allowed when on offical cuty and when cleared before hand by the authorized officer. Permission to enter areas closed to vehicular use by other people is subject to approval by the authorized officer.

Violators of 43 CFR 8364.1 shall be fined not more than $1,000.00 or imprisoned not more than twelve (12) months, or both. Damage to archaeological resources or their excavation or removal from public lands without a permit is punishable by a fine of not more than $10,000.00 or imprisonment for not more than one year, or both, providing it is a first violation and the value of the archaeological resources involved and cost of restoration and repair does not exceed $5,000.00.

Effective Date: November 15, 1981.

Signed at Riverside, California on October 9, 1981.

Gerald E. Hillier,

District Manager, California Desert District, Bureau of Land Management.

[FR Doc. 81-30971 Filed 10-26-81; 8:45 am]

BILLING CODE 4310-84-M

Outer Continental Shelf Advisory Board; Alaska Regional Technical Working Group Committee; Meeting

This notice is issued in accordance with the provisions of the Federal Advisory Committee Act, Pub. L. 92-643.

The Alaska Regional Technical Working Group Committee of the National Advisory Board will hold a meeting on November 18, 1981, beginning at 9 a.m. in the Mountainview Conference Room, Alaska OCS Office, 620 East 10th Avenue, Anchorage, Alaska.

The meeting will cover the following principal subjects:

—Sale 60 (lower Cook Inlet) phase I status report.

—Proposed mitigating measures, sale 70 (St. George Basin).

—Discussion of a Beaufort Sea regional transportation management plan.

The meeting is open to the public. Public attendance may be limited by the space available. Summary minutes of the meeting will be available at the Alaska OCS Office for public inspection and copying 3 weeks after the meeting.

For further information, contact Gordy Euler at the Alaska OCS Office, (907) 276-2955.

Dated: October 16, 1981.

Robert J. Brock,

Acting Manager, Alaska OCS Office.

[FR Doc. 81-30977 Filed 10-26-81; 8:45 am]

BILLING CODE 4310-84-M

[Great Falls 085927]

Montana; Order Providing for Opening of Public Lands Clarification—Correction

October 16, 1981.

The following clarification and correction are made to the Notice which appeared as FR Doc. 81-29720 on page 50614 of the October 14, 1981, issue of the **Federal Register**:

Clarification: In paragraph 3 the wording "prior to" in sentence 2 is intended to cover the period beginning October 1, 1981, and ending at 8 a.m. on November 15, 1981.

Correction: The description for Sec. 31, T. 7 N., R. 1 E., P.M.M., in paragraph 1 is corrected to read Sec. 31, Lots 1, 2, 3, NE¼, E½W½, and W½SE¼.

Roland F. Lee,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 81-30976 Filed 10-26-81; 8:45 am]

BILLING CODE 4310-84-M

[U-48904]

Realty Action Modified Exchange of Public and Private Lands in Daggett and Uintah Counties, Utah for Surface Estate Only

This notice modifies the Notice of Realty Action published in the **Federal Register**, Volume 46, No 156, Thursday, August 13, 1981. This modification provides the following:

The Federal lands that have been identified to be suitable for disposal by exchange are:

Salt Lake Meridian, Utah

T. 4 S., R. 23 E.,
Sec. 34, Lots 5, 6, 7.
T. 5 S., R. 23 E.,
Sec. 3, Lots 1, 2, 3, S½NE¼, SE¼Nw¼, SE¼;
Sec. 4, Lot 6;
Sec. 10, NE¼SW¼, NW¼SE¼;
Sec. 15, N½NE¼NE¼, SW¼NE¼NE¼, NE¼SE¼NE¼NE¼, W½SE¼NE¼NE¼, NW¼NE¼SE¼NE¼, W½SE¼NE¼.

Comprising 666.52 acres.

In exchange for these Federal lands, the United States will acquire the surface estate of the following non-Federal lands from the Chase Belmont Properties:

Salt Lake Meridian, Utah

T. 2 N., R. 24 E.,
Sec. 23, Lot 3.

Comprising 35.38 acres.

Upon publication of this notice the Federal lands are hereby segregated from appropriation under the public land laws, including the mining laws.

Lands to be transferred from the United States will be subject to the following reservations:

1. A reservation of a right-of-way for ditches and canals constructed by the authority of the United States in accordance with 43 U.S.C. 945.

2. All minerals with the right to prospect for, mine and remove the same under applicable laws and such regulations as the Secretary may prescribe.

On or before December 11, 1981, interested parties may submit comments to the District Manager, Vernal District, 170 South 500 East, Vernal, Utah 84078.

Lloyd H. Ferguson,

District Manager.

[FR Doc. 81-30010 Filed 10-26-81; 8:45 am]

BILLING CODE 4310-84-M

[W-39457]

Wyoming; Proposed Continuation of Withdrawal

October 16, 1981.

The Bureau of Land Management, U.S. Department of the Interior proposes to continue the existing withdrawal of the following public lands made by Public Land Order 5408 of February 6, 1974, for a 10-year period pursuant to Section 204 of the Federal Land Policy and Management Act of October 21, 1976, (90 Stat. 2751; 43 U.S.C. 1714):

Sixth Principal Meridian, Wyoming

T. 31 N., R. 81 W.,
Sec. 6, lots 4, 5, SW¼NE¼, SE¼NW¼, and SE¼.
T. 32N., R. 81 W.,
Sec. 9, SW¼;
Sec. 15, SW¼SW¼;
Sec. 17, NE¼NW¼, S½N½, and S½;
Sec. 20, N½,N½SW¼, and NW¼SE¼;
Sec. 21, N½, E½SW¼, and SE¼;
Sec. 22, W½NW¼, and NW¼SW¼;
T. 30 N., R. 82 W.,
Sec. 8, lots 1 through 6;
Sec. 9, lots 5 through 8.
T. 31 N., R. 82 W.,
Sec. 1, lot 1, SE¼NE¼;
Sec. 11, lots 1 through 4, SW¼NW¼, and W½SW¼;
Sec. 14, lots 1 through 4, SW¼NE¼, and NE¼NW¼;
Sec. 23, N½SE¼, and, N½SE¼SE¼;
Sec. 24, SW¼NW¼SW¼ and S½SE¼;
Sec. 25, lots 1 through 4, E½SE¼.
T 32 N., R82 W.,
Sec. 25, lots 1 through 6, SW¼NE¼, and NW¼SW¼.

The area described contains approximately 3,264.21 acres in Natrona County Wyoming.

The purpose of the withdrawal is for the North Platte River Recreation Areas. The withdrawal closed the described lands to all forms of appropriation under the Public Land Laws, including the mining laws, but not to leasing under the Mineral Leasing Laws. No change in the segregative effect or use of the land is proposed by the continuation.

Comments, suggestions, or objections to this proposed withdrawal continuation must be submitted in writing to the undersigned authorized officer of the Bureau of Land Management, on or before February 9, 1982.

Notice is hereby given that an opportunity for a public hearing is afforded in connection with the proposed withdrawal continuation. All interested persons who desire to be heard on the proposal must submit a written request for a hearing to the undersigned before February 9, 1982. Upon determination by the State Director, Bureau of Land Management, that a public hearing will be held, a notice will be published in the **Federal Register** giving the time and place of such hearing. Public hearings are scheduled and conducted in accordance with BLM Manual, section 2351.16B.

The authorized officer of the Bureau of Land Management will make necessary investigations to determine the existing and potential demands for the land and its resources and review the withdrawal rejustification to insure that continuation would be consistent with the statutory objectives of the programs for which the land is dedicated. He will also prepare a report for consideration by the Secretary of the Interior, the President, and Congress, who will determine whether or not the withdrawal will be continued and, if so, for how long. The final determination on the continuation of the withdrawal will be published in the **Federal Register.** The existing withdrawal will continue until such final determination is made.

James H. O'Connor,

Acting State Director.

[FR Doc. 81-31037 Filed 10-26-81; 8:45 am]

BILLING CODE 4310-84-M

INTERSTATE COMMERCE COMMISSION

[Ex Parte No. MC 43]

Motor Carriers; Lease and Interchange of Vehicles

Decided: October 6, 1981.

National Freight, Inc. (MC–2860 and MC–148941) and Crown Motor Lines, Inc., (MC–96925) (commonly controlled) have filed a petition for waiver of Subpart B or §§ 1057.11 (except for paragraph (b)), 1057.12 and paragraph (d) of § 1057.22 of Subpart C of the Lease and Interchange of Vehicles Regulations (49 CFR Part 1057) with respect to equipment augmented between them.

Findings

1. Petitioners are commonly controlled and jointly administer a common safety program.

2. Petitioners have acceptable fitness records.

3. Greater efficiency and economy would result from the waiver.

4. Energy conservation could be effected.

It is ordered

1. The petition of National Freight, Inc., and Crown Motor Lines, Inc., for waiver of Subpart B, of § 1057.11 (except paragraph (b)) and § 1057.12, and paragraph (d) of § 1057.22 of Subpart C is partially granted with respect to equipment leased between them, provided petitioners comply with paragraph (c) of § 1057.11 and petitioners or their authorized representatives agree in writing that control and responsibility for operating the equipment shall be that of the lessee from the time the lessee acquires the equipment, and a receipt as required by paragraph (b) of § 1057.11 is furnished to the lessor until possession is returned to lessor or the equipment is interchanged with another authorized carrier, and that a copy of the agreement is carried on the vehicle while in the lessee's possession, and, further provided that petitioners remain under common control.

2. The waiver granted in this decision does not affect the application of the leasing regulations in a lease between an owner-operator and the lessor carrier.

By the Motor Carrier Leasing Board, Board Members J. Warren McFarland, Robert S. Turkington, and John H. O'Brien.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-31006 Filed 10-26-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Decision-Notice; Finance Applications

The following applications, filed on or after July 3, 1980, seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control of motor carriers pursuant to 49 U.S.C. 11343 or 11344. Also, applications directly related to these motor finance applications (such as conversions, gateway eliminations, and securities issuances) may be involved.

The applications are governed by Special Rule 240 of the Commission's Rules of Practice (49 CFR 1100.240). See Ex Parte 55 (Sub-No. 44), *Rules Governing Applications Filed By Motor Carriers Under 49 U.S.C. 11344 and 11349,* 363 I.C.C. 740 (1981). These rules provide among other things, that opposition to the granting of an application must be filed with the Commission in the form of verified statements within 45 days after the date of notice of filing of the application is published in the **Federal Register.** Failure seasonably to oppose will be construed as a waiver of opposition and participation in the proceeding. If the protest includes a request for oral hearing, the request shall meet the requirements of Rule 242 of the special rules and shall include the certification required.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.241. A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00, in accordance with 49 CFR 1100.241(d).

Amendments to the request for authority will not be accepted after the date of this publication. However, the Commission may modify the operating authority involved in the application to conform to the Commission's policy of simplifying grants of operating authority.

We find, with the exception of those applications involving impediments (e.g., jurisdictional problems, unresolved fitness questions, questions involving possible unlawful control, or improper divisions of operating rights) that each applicant has demonstrated, in accordance with the applicable provisions of 49 U.S.C. 11301, 11302, 11343, 11344, and 11349, and with the Commission's rules and regulations, that the proposed transaction should be authorized as stated below. Except where specifically noted this decision is neither a major Federal action significantly affecting the quality of the human environment nor does it appear to qualify as a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests as to the finance application *or* to any application directly related thereto filed within 45 days of publication (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (unless the application involves impediments) upon compliance

with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. To the extent that the authority sought below may duplicate an applicant's existing authority, the duplication shall not be construed as confering more than a single operating right.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice of effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

Dated: October 20, 1981.

By the Commission, Review Board Number 3, Members Krock, Joyce, and Dowell.

Agatha L. Mergenovich,

Secretary.

MC-F-14703, filed September 25, 1981 (as supplemented). MICHAEL S. STARNES (STARNES) (1797 Florida Street, Memphis, TN 38109)—Continuance in Control—TCX, INC. (TCX) (205 S. Parkway W., Memphis, TN 38109). Representative: A. Doyle Cloud Jr., Esq., 2008 Clark Tower, 5100 Poplar Avenue, Memphis, TN 38137. Starnes controlling a motor common carrier, M.S. Carriers, Inc. (MS), of Memphis, TN, and a noncarrier, TCX, seeks to continue in control of TCX upon approval of its current application for certificated authority. MS holds (a) certificates No. MC-145072 and subnumbers to transport general and specified commodities throughout the United States including CA, NM, TX and TN, and (b) permit No. MC-142020 to transport specified commodities between shipper facilities in LA, MS and AL. TCX has received a summary grant of authority in No. MC-153381 to transport general commodities (except classes A and B explosives) over irregular routes radially between Memphis, TN and points in Davidson County, TN and points in CA, WA, OR, AZ, NM, and TX. Pursuant to this authority, TCX proposes to participate in TOFC intermodal service with rail carriers. A complete description of the operating authorities indicated above are on file with the application at the Commission's office in Washington, DC and at its Regional Office in Atlanta, GA. *Condition:* The authorities currently held by MS and the certificate awaiting issuance to TCX in No. MC-153381 to the extent of duplication shall not be serverable from common ownership by sale or otherwise.

MC-F-14706, filed September 25, 1981. RYDER COMMERCIAL TRANSPORT, INC., (RCT) (3600 N.W. 82nd Avenue, Miami, FL 33166)—Control—COMMERCIAL CARRIERS, INC. (CCI) (20300 Civic Center Drive, P.O. CS5027, Southfield, MI 48037). Representative: Walter N. Bieneman, 100 West Long Lake Road, Suite 102, Bloomfield Hills, MI 48013. RCT, a non-carrier controlled by Ryder System, Inc. (RSI), seeks authority to acquire control of the interstate operating rights and property of CCI through the purchase by RCT of all the issued and outstanding capital stock of CCI. RSI is a non-carrier and publicly held corporation and the sole stockholder of RCT. RSI also seeks to acquire control of CCI through the transaction. CCI is authorized to operate as a motor common carrier, pursuant to certificates issued in MC-40838 through MC-43038 (Sub-No. 497) which authorize unrestricted transportation of motor vehicles between all points in the United States. MC-43038 (Sub-No. 498) also grants a contract carrier permit for the transportation of motor vehicles for Mazda Motors of America (Central), Inc. between all points in the United States. RSI is in control of the following motor carriers: (1) Complete Auto Transit, Inc., a motor contract carrier transporting motor vehicles, over irregular routes, in both initial and secondary movements pursuant to permits issued in MC-49368 and subnumbers thereunder; (2) Janesville Auto Transport Company, a motor contract carrier, transporting motor vehicles, in both initial and secondary movements, pursuant to permits issued in MC-119642 and sub-numbers thereunder; (3) M & G Convoy, Inc., a motor common carrier transporting motor vehicles, over irregular routes, in both initial and secondary movements, pursuant to certificates issued in MC-20722 and sub-numbers thereunder; (4) Customized Parts Distribution, Inc., a motor contract carrier transporting motor vehicle parts and accessories, liquid argon, nitrogen and oxygen, pursuant to permits issued in MC-136291 and sub-numbers thereunder; (5) The Sentinel Star Express Company, d.b.a. Jack Rabbit Express, a motor common carrier transporting general commodities, with the usual exceptions, in limited weight shipments pursuant to certificates issued in MC-125674 and sub-numbers thereunder; (6) RDR, Inc., a motor contract carrier transporting such commodities as are dealt in by grocery houses and drug stores pursuant to permits issued in MC-149011 and sub-numbers thereunder; (7) RPD, Inc. a motor contract carrier transporting motor vehicle parts, pursuant to permits issued in MC-136051 and sub-numbers thereunder; (8) DPD, Inc., a motor contract carrier, transporting a variety of specified commodities pursuant to permits issued in MC-140902 and sub-numbers thereunder; (9) F.J. Boutell Driveaway Co., Inc., a motor common carrier transporting motor vehicles over irregular routes, in both initial and secondary movements, pursuant to certificates in MC-3468 and sub-numbers thereunder.

[FR Doc. 81-31004 Filed 10-26-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of implifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and that it is fit, willing, and able to perform the service proposed, and to conform to the requirements ot Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full

effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

By the Commission, Review Board No. 2, Members Carleton, Fisher and Williams.

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Please direct status inquiries to the Ombudsman's Office, (202) 275–7326.

Volume No. OPY–4–409

Decided: October 19, 1981.

MC 61396 (Sub-395), filed October 5, 1981. Applicant: HERMAN BROS., INC., P.O. Box 189, Omaha, NE 68101. Representative: Jack L. Shultz, P.O. Box 82028, Lincoln, NE 68501 (402) 475–6761. Transporting *cement*, between the facilities of General Portland, Inc., in the U.S., on the one hand, and, on the other, points in the U.S.

MC 103926 (Sub-108), filed October 6, 1981. Applicant: W. T. MAYFIELD SONS TRUCKING CO., INC., P.O. Box 947, Mableton, GA 30059. Representative: Kim G. Meyer, 235 Peachtree St., N.E., Suite 1200, Altanta, GA 30303 (404) 522–2322. Transporting *Mercer commodities*, between points in CT, DE, FL, GA, IA, ME, MI, MD, MA, MO, MN, NH, NJ, NY, NC, RI, SC, VA, AL, AR, CO, IL, IN, KS, KY, LA, MS, NM, OH, OK, PA, TX, TN, UT, WV, WY, and WI.

MC 113676 (Sub-1), filed October 6, 1981. Applicant: ROTHERY STORAGE & VAN CO., 1525 Chase Ave., P.O. Box 987, Elk Grove Village, IL 60007. Representative: Donald B. Levine, 39 South LaSalle St., Chicago, IL 60603 (312) 236–9375. Transporting *household goods*, between points in AL, AZ, AR, CA, CO, CT, DE, FL, GA, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, NE, NH, NJ, NM, NY, NC, ND, OH, OK, PA, RI, SC, SD, TN, TX, VA, VT, WV, WI, and DC.

MC 118776 (Sub-76), filed October 5, 1981. Applicant: GULLY TRANSPORTATION, INC., 3820 Wisman Lane, Quincy, IL 62301. Representative: L. F. Blackstun (same address as applicant) (217) 224–2685. Transporting *liquid corn syrup and blends of liquid corn syrup*, between points in Lee County, IA, on the one hand, and, on the other, points in the U.S.

MC 134866 (Sub-4), filed October 8, 1981. Applicant: COURY MOTOR FREIGHT, 580 Ottawa Ave., St. Paul, MN 55107. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118 (612) 457–6889. Transporting *general commodities* (except classes A and B explosives), between points in St. Croix, Dunn, Barron, Burnett, Washburn and Pierce Counties, WI, on the one hand, and, on the other, points in Washington, Dakota, Hennepin, Anoka, Scott, Ramsey and Carver Counties, MN.

MC 145086 (Sub-4), filed October 8, 1981. Applicant: C. HENDERSON TRUCKING, INC., 8 Ruth St., East Brunswick, NJ 08816. Representative: A. Dayton Schell, 6 Eileen Way, Edison, NJ 08837 (201) 494–8765. Transporting *malt beverages, wine and sodas*, between points in the U.S., under continuing contract(s) with Kruger Distributing Co., Inc., of Dover, NJ, and Lake Beer and Soda Distributors, Inc., of Rockaway, NJ.

MC 145966 (Sub-7), filed October 5, 1981. Applicant: NELSEN BROS., INC., P.O. Box 613, Nebraska City, NE 68410. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501, (402) 475–6761. Transporting *general commodities* (except classes A and B explosives), between points in Otoe County, NE, on the one hand, and, on the other, points in the U.S.

MC 152576 (Sub-1), filed October 5, 1981. Applicant: TERMINAL & TRANSPORT SYSTEM INC., 130 Freight St., Waterbury, CT 06714. Representative: Edward M. Taber, 64 Nottingham Terr., Waterbury, CT 06704, (203) 753–0939. Transporting *general commodities* (except classes A and B explosives), between points in ME, NH, VT, MA, RI, CT, NY, NJ, and PA.

MC 158626, filed October 2, 1981. Applicant: LIL GARY'S TRUCKING AND LEASING, INC., 83 Creighton Ave., Ronkonkoma, NY 11779. Representative: George Carl Pezold, 120 Main St., P.O. Box Z, Huntington, NY 11743, (516) 427–0100. Transporting (1) *alcoholic beverages*, between points in GA, MD, IL, IN, NJ, NY, PA, RI, and NC, and (2) *premium and gift merchandise*, between points in AL, FL, GA, NC, and NY.

MC 158636, filed October 5, 1981. Applicant: INTERSTATE TRUCKERS, INC., Route 2, Box 351, Sarasota, FL 33582. Representative: James E. Wharton, Suite 811, Metcalf Bldg., 100 South Orange Ave., Orlando, FL 32801, (305) 425–2213. Transporting *motor vehicles and heavy equipment*, in drive-away operations, between those points on the International Boundary Line between the U.S. and Canada and points in OH, IN, and OK, on the one hand, and, on the other, points in FL.

MC 158706, filed October 9, 1981. Applicant: ANTHONY COPPOLA, 495 Woodward Ave., New Haven, CT 06512. Representative: Sidney L. Goldstein, 109 Church St., New Haven, CT 06510, (203) 787–1288. Transporting *hospital and medical supplies and equipment*, between points in the U.S., under continuing contract(s) with Data Packaging Corporation, of Cambridge, MA, Findley Research, Inc., of Berkley, MA, Surgicot, Inc., of South Windsor, CT, and Hermitage Hospital Products, Inc., of Niantic, CT.

MC 158716, filed October 9, 1981. Applicant: FULMONT TOURS & TRAVEL, INC., 11 Church St., Gloversville, NY 12078. Representative: J. G. Dail, Jr., P.O. Box LL McLean, VA 22101 (701) 893–3050. To operate as a *broker* at Gloversville and Schenectady, NY, in arranging for the transportation of *passengers and their baggage*, between points in the U.S.

Vol. No. OPY–4–411

Decided: October 21, 1981.

MC 21866 (Sub-197), filed October 14, 1981. Applicant: WEST MOTOR FREIGHT, INC., 740 S. Reading Ave., Boyertown, PA 19512. Representative: Robert R. Harris, 1730 M St., NW., Suite 501, Washington, DC 20036–4579, (202) 296–2900. Transporting *rubber and plastic products*, between points in the U.S. (except AK and HI).

MC 37896 (Sub-51), filed October 9, 1981. Applicant: YOUNGBLOOD TRUCK LINES, INC., P.O. Box 1048, Fletcher, NC 28732. Representative: Charles Ephraim, 406 World Center Bldg., 918 16th St., NW., Washington, DC 20006, (202) 833–1170. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Waterbed Wholesalers, Inc., of Cincinnati, OH.

MC 108676 (Sub-172), filed October 7, 1981. Applicant: A. J. METLER HAULING & RIGGING, INC., 117

Chicamauga Ave., Knoxville, TN 37917. Representative: H. E. Miller, Jr., 806 Nashville Bank & Trust Bldg., 815 Union St., Nashville, TN 37201, (615) 244–2926. Transporting *metal products*, between those points in the U.S. in and east of MN, IA, NE, KS, OK, and TX.

MC 108679 (Sub-173), filed October 13, 1981. Applicant: A. J. METLER HAULING & RIGGING, INC., 117 Chicamauga Ave. Knoxville, TN 37917. Representative: H. E. Miller, Jr., 806 Nashville Bank & Trust Bldg., 315 Union St., Nashville, TN 37201, (615) 244–2926. Transporting *machinery*, between those points in the U.S. in and east of MN, IA, NE, KS, OK, and TX (except VT, NH, MA, CT, RI, and ME).

MC 125686 (Sub-5), filed October 9, 1981. Applicant: EAST COAST TRANSPORT CO., INC., P.O. Box 1296, Goldsboro, NC 27530. Representative: Ralph McDonald, P.O. Box 2246, Raleigh, NC 27602, (919) 735–3477. Transporting *chemicals and related products*, and *petroleum, natural gas and their proucts*, between points in AL, DE, FL, GA, KY, MD, NJ, NC, PA, SC, TN, VA, and WV.

MC 133506 (Sub-2), filed October 9, 1981. Applicant: J & B TRANSPORTATION CO., INC., 2553 Gravel St., P.O. Box 18629, Ft. Worth, TX 76118. Representative: Paul D. Angenend, 1806 Rio Grande, Austin, TX 78768, (512) 476–6391. Transporting *metal articles and concrete pipe*, between points in TX, on the one hand, and, on the other, points in AR, CO, KS, LA, MT, ND, NE, NM, OK, SD, UT, and WY.

MC 139006 (Sub-3), filed October 14, 1981. Applicant: RAPIER SMITH, Rural Route 5, Loretto Rd., Bardstown, KY 40004. Representative: William P. Whitney, Jr., (same address as applicant), (502) 348–5159. Transporting *general commodities* (except classes A and B explosives), between those points in the U.S. in and east of ND, SD, NE, KS, OK, and TX.

MC 139156 (Sub-12), filed October 9, 1981. Applicant: FAITH TRUCK LINES, INC., 14326 S. Wood St., Dixmoor, IL 60426. Representative: James R. Madler, 120 W. Madison St., Chicago, IL 60602, (312) 726–6525. Transporting *commodities in bulk*, between Chicago, IL, points in Cook, DuPage, Lake, and Will Counties, IL, on the one hand, and, on the other, points in the U.S. on and east of U.S. Hwy 85.

MC 140086 (Sub-13), filed October 7, 1981. Applicant: DELARIA TRANSPORT, INC., 327 8th Avenue NW., New Brighton, MN 55112. Representative: James M. Christenson, 4444 IDS Center, 80 S. Eighth St., Minneapolis, MN 55402, (612) 339–4546. Transporting *commodities in bulk*, between points in MN, on the one hand, and, on the other, points in AL, CT, DE, ME, MD, MT, NH, NY, RI, and VT.

MC 140986 (Sub-19), filed October 8, 1981. Applicant: GREAT NORTHERN TRUCK LINES, INC., Love Lane, P.O. Box 112, Netcong, NJ 07857. Representative: Robert B. Pepper, 168 Woodbridge Ave., Highland Park, NJ 08904, (201) 572–5551. Transporting (1) *minerals*, (2) *metals*, (3) *chemicals*, and (4) *foodstuffs*, between points in the U.S. under continuing contract(s) with Pittsburgh Pacific Processing Co., of Pittsburgh, PA.

MC 142546 (Sub-4), filed October 9, 1981. Applicant: MER–LOU TRANSPORTATION, INC., P.O. Box 247, Millsboro, DE 19966. Representative: James H. Sweeney, P.O. Box 9023, Lester, PA 19113, (215) 365–5141. Transporting *food and related products*, between points in Macomb County, MI, on the one hand, and on the other, points in CT, DE, IA, IL, IN, KY, MA, MD, NJ, NY, OH, PA, RI, VA, WV, and DC.

MC 146516 (Sub-9), filed October 2, 1981. Applicant: ALEXANDER TRUCKING, INC., 1209 S. Woodland Dr., Dothan, AL 36301. Representative: Daniel O. Hands, 205 W. Touhy Ave., Suite 200–A, Park Ridge, IL 60068, (312) 698–2235. Transporting *petroleum, natural gas and their products*, between Houston, TX, on the one hand, and, on the other points in AL, AR, GA, LA, MS, and TN.

MC 151036 (Sub-5), filed October 15, 1981. Applicant: DECATUR TRANSIT, INC., 161 1st Ave., N.E., Decatur, AL 35601. Representative: Eric G. Hancock (same address as applicant), (205) 353–9601. Transporting *petroleum products*, between points in Calhoun County, AL, on the one hand, and, on the other, points in GA.

MC 151556 (Sub-10), filed October 7, 1981. Applicant: PERRY TRANSPORT, INC., 14375—172nd Ave., Grand Haven, MI 49417. Representative: Richard O. Peel (same address as applicant), (616) 842–3550. Transporting *furniture*, between points in the U.S., under continuing contract(s) with Worden Company, of Holland, MI.

MC 151566 (Sub-11), filed October 9, 1981. Applicant: PERRY TRANSPORT, INC., 14375—172nd Ave., Grand Haven, MI 49417. Representative: Richard O. Peel (same address as applicant), (616) 842–3550. Transporting *building materials, steel and aluminum gas vents, and fuel chimneys*, between points in the U.S., under continuing contract(s) with Hart & Cooley Manufacturing Co., of Holland, MI.

MC 155676, filed October 13, 1981. Applicant: G & P TRANSPORT, INC., 130 Maple Street, Hendersonville, TN 37075. Representative: Roland M. Lowell, 618 United American Bank Bldg., Nashville, TN 37219, (615) 255–6576. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of frames, doors, windows and shelving, between points in TN and WV, on the one hand, and, on the other, points in the U.S.

MC 157606,, filed October 9, 1981. Applicant: PAUL POSTMAN, d.b.a. P & P DOZER SERVICE, Box 281, Maud, OK 74854. Representative: C. L. Phillips, Rm. 248—Classen Terrace Bldg., 1411 N. Classen, Oklahoma City, OK 73106, (405) 528–3884. Transporting *machinery*, between points in CA, CO, IL, KS, LA, NM, ND, MS, MO, OK, SD, TX, WI, and WY.

MC 158326 (Sub-1), filed October 6, 1981. Applicant: RAINBOW CHARTER SERVICE, 504 Cabot Drive, Hockessin, DE 19707. Representative: Lynn A. Gehouskey (same address as applicant), (302) 239–7795. Transporting *passengers and their baggage* in special and charter operations beginning and ending at Wilmington, DE, and extending to points in PA, NJ, NY, VT, NH, MD, VA, and DC.

MC 158746, filed October 13, 1981. Applicant: RICHLAND HANDLE CO., INC., P.O. Box 56, Wesley, AR 72773. Representative: James H. Berry, P.O. Box 32, Wesley, AR 72773, (501) 456–2453. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Allen Canning Company, of Siloam Springs, AR, and Warren Tool Corporation, of Fayetteville, AR.

[FR Doc. 81-31008 Filed 10-26-81; 8:45 am]
BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the Federal Register on December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the Federal Register issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Applications may be protested *only* on the grounds that

applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later become unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

By the Commission, Review Board No. 2. Members Carleton, Fisher, and Williams.

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Please direct status inquiries to the Ombudsman's Office, (202) 275–7326.

Volume No. OPY–3–198

Decided: October 21, 1981.

MC 156504, filed October 1, 1981. Applicant: JESS CERVANTES, INC., d.b.a. J. C. TRUCKING, 1207 S. Aurora, Stockton, CA 95203. Representative: Jaime A. Alcabes, 1939 Harrison St., Suite 555, Oakland, CA 94612, (415) 893–6682. Transporting, for or on behalf of the United States Government, *general commodities* (except household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 158794, filed October 13, 1981. Applicant: MASTER JOBBERS, INC., 240 112th St., Hammond, IN 46320. Representative: Joseph Winter, 29 S. LaSalle St., Chicago, IL 60603 (312) 263–2306. As a *broker of general commodities* (except household goods), between points in the U.S.

MC 158805, filed October 13, 1981. Applicant: EDWIN S. HIBBARD, d.b.a. HIBBARD TRUCKING, 1246 Homesite Drive, Stow, OH 44224. Representative: Edwin S. Hibbard (same address as applicant) (216) 688–4474. (1) Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S. (2) Transporting *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S. (3) Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners,* by the owner of the motor vehicle in such vehicle, between points in the U.S. (4) Transporting *used household goods,* for the account of the United States Government incidental to the performance of a pack-and-crate service on behalf of the Department of Defense, between points in the U.S. (5) As a *broker of general commodities* (except household goods), between points in the U.S.

MC 158814, filed October 16, 1981. Applicant: MARVIN R. MILLS, 4016 Crestwood Dr., Valrico, FL 33594. Representative: Blair P. Wakefield, Suite 1001, First and Merchants National Bank Bldg., Norfolk, VA 23510 (804) 627–0070. Transporting *food and other edible products and byproducts intended for human consumption,* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners,* by the owner of the motor vehicle in such vehicle, between points in the U.S.

Volume No. OPY–4–410

Decided: October 21, 1981.

MC 149546 (Sub-26), filed October 5, 1981. Applicant: D & T TRUCKING CO., INC., P.O. Box 12505, New Brighton, MN 55112. Representative: Samuel Rubenstein, P.O. Box 5, Minneapolis, MN 55440 (612) 542–1121. Transporting, for or on behalf of the United States Government *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 158766, filed October 13, 1981. Applicant: BILLY D. MILLER, P.O. Box 165, Gordon, TX 76453. Representative: Billy D. Miller (same address as applicant) (817) 693–5663. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners,* by the owner of the motor vehicle in such vehicle, between points in the U.S.

[FR Doc. 81-31009 Filed 10-26-81; 8:45 am]

BILLING CODE 7035-01-M

[Volume No. 186]

Motor Carriers; Permanent Authority Decisions; Restriction Removals; Decision-Notice

Decided: October 21, 1981.

The following restriction removal applications, filed after December 28, 1980, are governed by 49 CFR 1137. Part 1137 was published in the Federal Register of December 31, 1980, at 45 FR 86747.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1137.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the restriction removal applications are not allowed. Some of the applications may have been

modified prior to publication to conform to the special provisions applicable to restriction removal.

Findings

We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent with 49 U.S.C. 10922(h).

In the absence of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal statutory and regulatory requirements for common and contract carriers.

By the Commission, Restriction Removal board, Members Sporn, Ewing, and Shaffer.

Agatha L. Mergenovich,

Secretary.

MC 58923 (Sub-72)X, filed May 29, 1981 and noticed in the Federal Register of June 25, 1981 and republished as corrected in this issue. Applicant: GEORGIA HIGHWAY EXPRESS, INC., 2090 Jonesboro Road, S.E., Atlanta, GA 30315. Representative: William W. West (same as applicant). Applicant seeks to remove the requirement to observe the Albany, GA gateway restriction in its Sub-No. 31 certificate. The purposes of this republication is to correct the Federal Register publication of June 25, 1981.

MC 98938 (Sub-7)X, filed October 9, 1981. Applicant: SEVERANCE TRUCKING CO., INC., 7 Walnut Hill Rd., Woburn, MA 08101. Representative: Mary E. Kelly, 22 Stearns Ave., Medford, MA 02155. Subs 2 and 5F: remove exceptions to general commodities (except A & B explosives); remove a requirement that RI traffic move through Boston, MA, and points within 10 miles thereof in Subs 2.

MC 119908 (Sub-53)X, filed October 8, 1981. Applicant: WESTERN LINES, INC. P.O. Box 1145, Houston, TX 77001. Representative: John P. McMahon, 100 E. Broad St., Columbus, OH 43215. MC-110814 permit: (1) Broaden from (a) dry manufactured fertilizer, urea, dry fertilizer, manufactured fertilizer, industrial urea, and dry ammonium nitrate to "chemicals and related products"; (b) petroleum products to "petroleum natural gas and their products"; and (c) animal feed supplements to "food and related products"; (2) broaden to between points in the U.S. under continuing contracts with named shippers; and (3) remove the "in bags", "in bulk" or "in containers" restrictions.

MC 121082 (Sub-25)X, filed October 9, 1981. Applicant: ALLIED DELIVERY SYSTEM, INC., 2201 Fenkell, Detroit, MI 48238. Representative: Robert E. McFarland, 2855 Coolidge, Suite 201A, Troy, MI 48084. Sub-18: broaden to radial authority.

MC 124951 (Sub-45)X, filed October 13, 1981. Applicant: WATHEN TRANSPORT, INC., P.O. Box 237, Henderson, KY 42420. Representative: Louis J. Amato, P.O. Box E, Bowling Green, KY 42101. Sub 42: (1) Eliminate ex-rail and ex-water and originating at and destined to restrictions and facilities limitation in Henderson County, KY.

MC 141379 (Sub-7)X, filed October 7, 1981. Applicant: CALVIN C. HARTSFIELD d.b.a. SOUTHSIDE AUTO, Highway 25 South, P.O. Box 161, Route 1, Malden, MO 63863. Representative: Joseph E. Rebman, 314 N. Broadway, Suite 1300, St. Louis, MO 63102. Subs 3 and 5: (1) broaden wrecked, damaged and used automobiles to "transportation equipment" (Subs 3 and 5); (2) replace one-way with radial authority (Sub 3); (3) remove the following restrictions; "in truckaway service" (Subs 3 and 5), and against the use of wrecker equipment (Sub 3); and (4) authorize county-wide for city-wide authority; Craighead County, AR (Caraway, AR), Dunklin County, MO (Kennett, MO), Sacramento County, CA (Sacramento, CA), Pope and Pulaski Counties, AR (Russellville and Little Rock, AR), and Winnebago County, IL (Rockford, IL), Sub 3.

MC 142279 (Sub-10)X, filed October 9, 1981. Applicant: RAY REICH d.b.a. REICH TRUCKING COMPANY, Route 1, Box 133F, Forest Hill, LA 71430. Representative: Paul D. Angenend, P.O. Box 2207, Austin, TX 78768-2207. Sub 3 permit: Broaden to between points in the U.S., under continuing contract(s) with a named shipper.

MC 147337 (Sub-3)X, filed October 13, 1981. Applicant: RYAN EXPEDITING SERVICE, INC., P.O. Box 6, Farmington, MI 48024. Representative: Robert E. McFarland, 2855 Coolidge Rd., Ste. 201A, Troy, MI 48084. Lead: remove all exceptions in the general commodities description, except classes A and B explosives.

MC 148193 (Sub-3)X, filed October 9, 1981. Applicant: S & B TRUCKING, INC., P.O. Box 993, Washington, GA 30673. Representative: James Robert Evans, 145 W. Wisconsin Ave., Neenah, WI 54956. Sub 2F permit: Broaden (1) from plastic film and plastic sheeting to "rubber and plastic products" and (2) to between points in the U.S., under continuing contract(s) with a named shipper.

MC 149020 (Sub-4)X, filed October 9, 1981. Applicant: MYERS, MEN, INC., 4429 Hamilton Blvd., Allentown, PA 18103. Representative: Robert B. Einhorn, 3220 P.S.F.S. Bldg., Philadelphia, PA 19107. Sub-No. 1F permit: broaden (1) used trucks, in driveaway and truckaway service to "transportation equipment" and (2) broaden to all points in the U.S., under continuing contract(s) with a named shipper.

[FR Doc. 81-31007 Filed 10-26-81; 8:45 am]

BILLING CODE 7035-01-M

Rail Carriers; Castle Valley Railroad Line Construction

AGENCY: Interstate Commerce Commission, Office of Policy and Analysis, Energy and Environment Branch.

ACTION: Notice of intent to prepare an environmental impact statement for the above-described proceeding.

SUMMARY: The Denver and Rio Grande Western Railroad Company (Rio Grande) has indicated that it will file an application with the Interstate Commerce Commission for authority to construct a 65-mile railroad branchline in the Castle Valley between Emery, UT and a connection with Rio Grande's main line at Wellington, UT. The line would be principally used for hauling coal from coal fields on the west side of Castle Valley and coal fields near Emery. Though precise traffic projections are not available at this time it is expected that maximum average traffic on the line within five years of completion would be approximately six loaded and six empty trains per day.

The Interstate Commerce Commission (ICC), acting as lead Federal agency, intends to prepare an environmental impact statement (EIS) which will assess the relative environmental merits of Rio Grande's proposal and reasonable alternatives to that proposal.

Staff from the ICC's Energy and Environment Branch are now in the process of determining what the scope of the EIS should be. To this end a scoping meeting will be held at 7:00 p.m. on November 17, 1981 at the Emery County Courthouse. Interested members of the public are invited to attend this session, whose purpose is to determine which environmental issues and alternatives require detailed study in the EIS. Public comment on these subjects will be invited.

FOR FURTHER INFORMATION CONTACT: Mr. Paul Mushovic, Room 5380, Energy and Environment Branch, Interstate

Commerce Commission, 12th & Constitution Avenue, NW, Washington, DC 20423, Tel. (202) 275-6873.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-31006 Filed 10-26-81; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-57 (Sub-No. 7)]

Soo Line Railroad Co.; Abandonment Between Baraga (Baraga County) and Calumet and Lake Linden (Houghton County), Michigan; Findings

Notice is hereby given pursuant to 49 U.S.C. 10903 that the Commission has found that the public convenience and necessity permit Soo Line Railroad Company to abandon the rail line between Baraga (milepost 23.0) and a point 500 feet north of the Portage Lake Bridge in the city of Hancock, MI, in Baraga and Houghton Counties, MI, a total distance of approximately 29 miles, subject to the imposition of employee protective conditions as discussed in *Oregon Short Line R. Co.—Abandonment—Goshen*, 360 ICC 91(1979). A certificate will be issued authorizing this abandonment unless within 15 days from the date of this publication, the Commission also finds that:

(1) A financially responsible person (or government entity) has offered financial assistance (through subsidy or purchase) to enable the rail service to be continued; and

(2) It is likely that:

(a) If a subsidy, the assistance would cover the difference between the revenues attributable to the line and the avoidable cost of providing rail freight service on the line, together with a reasonable return on the value of the line, or

(b) If a purchase, the assistance would cover the acquisition cost of all or any portion of the line.

Any financial assistance offer must be filed with the Commission and served concurrently on the applicant, with copies to Ms. Ellen Hanson, Room 5417, Interstate Commerce Commission, Washington, DC 20423, no later than 10 days from publication of this Notice.

If the Commission makes the findings described above, the issurance of the abandonment certificate will be postponed. An offeror may request the Commission to set conditions and amounts of compensation within 30 days after an offer is made. If no agreement is reached within 30 days of an offer, and no request is made for the Commission to set conditions or amount of compensation, the abandonment certificate will be issued. Information and procedures regarding financial assistance for continued rail service are contained in 49 U.S.C. 10905 (as amended by the Staggers Rail Act of 1980, Pub. L. 96-448) and 49 CFR 1121.38.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-31178 Filed 10-26-81; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF LABOR

Employment and Training Administration

Migrant and Seasonal Farmworker Programs Designation of Potential Grantees, Conditional Designations, Deferred Designations and Nonselection of Applicants for Fiscal Year 1982

AGENCY: Employment and Training Administration, Labor.

ACTION: Notice.

SUMMARY: This document announces the designation of certain applicants as potential Fiscal Year (FY) 1982 grantees under Section 303 of the Comprehensive Employment and Training Act (Table 1), the designation of certain applicants on a conditional basis (Table 2), the deferral of designation of certain applicants with a 60 day extension of funding to operate in currently designated areas pending management and compliance reviews (Table 3), the non-selection of certain applicants (Table 4) and a 60 day extension of funding for certain other non-selected applicants pending invitation by the Department for submission of other proposals in the States or areas in question (Table 5). All designations are subject to Congressional appropriations and availability of funds for FY 1982.

FOR FURTHER INFORMATION CONTACT: Margaret H. Crosby, Acting Director, Office of Farmworker and Rural Employment Programs, Employment and Training Administration, U.S. Department of Labor, 601 D Street, N.W., Room 6308, Washington, D.C. 20213, Telephone (202) 376-6128.

SUPPLEMENTARY INFORMATION: Pursuant to the regulations 20 CFR 689.202 for Migrant and Seasonal Farmworkers Programs under Section 303 of the Comprehensive Employment and Training Act, on May 5, 1981, State Planning Estimates for FY 1982 were published and applicants were invited to submit Preapplications by June 15, 1981, and Funding Requests by July 15, 1981. (46 FR 25161). A list of organizations which submitted Preapplications was published on July 17, 1981, (46 FR 37100).

Pursuant to the eligibility criteria and procedures at 20 CFR 689.105, 689.201, 689.204, 689.206, and 689.207, the Funding Requests were reviewed and evaluated by the Department and various designations and non-selection decisions were made, as set forth below. All designations are subject to Congressional appropriations and the availability of funds for FY 1982, the successful completion of negotiations pursuant to 20 CFR 689.208 and, where applicable, the satisfactory meeting of other conditions specified by the Department.

Designation of Potential Grantees. Certain applicants listed in Table 1 below are designated as potential Section 303 grantees to provide services to migrant and seasonal farmworkers in all or part of the States set forth in Table 1. Pursuant to § 689.207(a)(1), each applicant so designated will be notified in writing of the amount of funds which may be granted, the target areas to be served, the items to be negotiated and the time and place of the negotiations.

In accordance with § 689.207(a)(1), designation as a potential grantee is an invitation to negotiate the final terms and conditions of the grant and does not commit the Department of Labor to award funds to the designee. If the Department terminates negotiations on the grounds that award of a grant to the organization in question is not in the best interests of the government or the Section 303 program, including but not limited to serious management problems or various types of fraud of program abuse set forth in the CETA regulations at 20 CFR Part 676, Subpart E (45 FR 33861, May 20, 1981) discovered through assessment, audit or other investigation by the Department, the procedures at 20 CFR 689.207(b) will be followed for selection of a grantee for the State or area in question.

Designation of Potential Grantees on a Conditional Basis. Certain applicants listed in Table 2 below are designated as potential Section 303 grantees on a conditional basis, to provide services to migrant and seasonal farmworkers in all or part of the States set forth in Table 2. Each applicant designated on a conditional basis will be notified in writing prior to entering into negotiations of the conditions which the Department will impose for award of the grant. If the conditions are acceptable, the other terms in § 689.207(a)(1) which are applicable to the potential grantees listed in Table 1 shall also apply to

applicants designated on a conditional basis.

Deferred Designations. In the course of reviewing Funding Requests, certain applicants were found to have had serious problems in the past, as reflected in audits, General Accounting Office (GAO) reports or otherwise. With respect to each of these applicants, who are listed in Table 3 below, the Department has determined to defer designations and to extend the grantee's funding for 60 days from October 30, 1981, in order to provide services to farmworkers in the currently designated area, pending special Departmental review and assessment of the applicant's *current* managerial and fiscal capability.

Upon completion of this special review, the Department may designate one or more of these applicants which have submitted Funding Requests for the States or areas in question or, in the case of applicants who are determined not to have the current managerial and/or fiscal capability to operate a Section 303 program and to protect Federal funds, the Department will make non-selection determinations pursuant to 20 CFR 689.207(c) and will then invite one or more other organizations to submit proposals to operate programs in the States or areas, in accordance with 20 CFR 689.207(b).

Non-Selection of Applicants. Certain applicants listed in Table 4 below were not selected for Section 303 funding for FY 1982. In accordance with 20 CFR 689.207(c), the Department has notified each of these applicants by telegram of their non-selection and has also submitted a copy of the telegram to each applicant by certified mail.

The procedures for appealing such non-selection are set forth at 20 CFR 689.503. Section 689.503(b)(1) requires that Petitions for Reconsideration, which are the first steps in the appeal process, be filed within 14 days of notification of the Department's decision not to award a grant. For purposes of §689.503(b)(1), the Department's written notification of non-selection is deemed to be the certified copy of the telegram referred to above. Accordingly, the Petition for Reconsideration must actually be received by the Employment and Training Administration by the close of business on the 14th calendar day after the applicant received the certified mail.

Non-Selection of Applicants with 60 Day Extensions of Funding. Certain applicants listed in Table 5 below also were not selectged for FY 1982 funding. In the case of these applicants, however, no other organization submitted Funding Requests for the States or areas in question. Accordingly, to provide continuing services to farmworkers in these areas, the current grantees' funding is extended for 60 days from October 30, 1981, while the Secretary invites one or more other organizations to submit proposals for the affected States or areas pursuant to 20 CFR 689.207(b). In all other respects, the information as to notification and appeal rights applicable to the applicants listed in Table 4 shall also apply to the applicants listed in Table 5.

Table 1—Designation of Potential Grantees

REGION I

Maine: Penobscot Consortium Prime sponsor, P.O. Box 1136, Bangor, Maine 04401
Vermont: Central Vermont Community Action Council, Inc., 15 Ayers Street, Barre, Vermont 05641

REGION II

New York: Rural New York Farmworker Opportunities, Inc., 339 East Avenue, Suite 305, Rochester, New York 14604

REGION III

Pennsylvania: Rural New York Farmworker Opportunities, Inc., 339 East Avenue, Suite 305, Rochester, New York 14604

REGION IV

Alabama: Alabama Migrant and Seasonal Farmworkers Council, Inc., 335 Dexter Avenue, Montgomery, Alabama 36104
Kentucky: Tennessee Opportunity Programs for Seasonal Farmworkers, Inc., 2803 Foster Avenue, Nashville, Tennessee 37210
Mississippi: Mississippi Delta Council for Farmworkers Opportunities, Inc., 1005 State Street, Clarksdale, Mississippi 38614
South Carolina: Office of the Governor, 1800 Julian Place, Columbia, South Carolina 29304
Florida: Florida Department of Education, Knott Building, Tallahassee, Florida 23304

REGION V

Indiana: Indiana Office of Occupational Development 150 West Market Street, 7th Floor, Indianapolis, Indiana 46204
Michigan: Michigan Economics for Human Development, 908 West Jefferson Street, Grand Ledge, Michigan 48837
Minnesota: Minnesota Migrant Council, P.O. Box 1231, St. Cloud, Minnesota 56302
Ohio: LaRaza Unida de Ohio, P.O. Box 1048, Bowling Green, Ohio 43402
Wisconsin: United Migrant Opportunity Services, Inc., 809 West Greenfield Avenue, Milwaukee, Wisconsin 53204

REGION VI

Louisiana: Southern Mutual Help Association, Inc., P.O. Box 850, Jeanerette, Louisiana 70544
Eight parishes as follows: Lafayette, St. Mary, Iberia, St. Martin, Terre Bonne, LaFourche, Assumption and Ascenbion
Motivation Education and Training of Louisiana, P.O. Box 781, Jennings, Louisiana 70545
For: Balance of the State, excluding the eight parishes listed above
Texas: Motivation Education and Training, Inc., P.O. Box 1749, Cleveland, Texas 77327

REGION VII

Kansas: SER/Jobs for Progress, Inc., 709 East 21st Street, Wichita, Kansas 67214
Missouri: Rural Missiouri, Inc., 1108 Missouri Boulevard, Jefferson City, Missouri 65101

REGION VIII

Montana: Montana Farmworker Council, Inc., P.O. Box 831, Helena, Montana 59601
North Dakota: North Dakota Rural Development Corporation, P.O. Box 1930, Grand Forks, North Dakota 58201
South Dakota: South Dakota—Balance of State, South Dakota Department of Labor, Pierre, South Dakota 57501
Wyoming: Northwestern Community Action Program of Wyoming, Inc., P.O. Box 431, Worland, Wyoming 82401

REGION IX

Arizona: Portable Practical Education Prep, Inc., 806 East 46th Street, Tucson, Arizona 85713
California: Central Valley Opportunity Center, Inc., P.O. Box 2307, Merced, California 95344
For: Counties of Madera, Merced, and Stanislaus
County of Kern, 1415 Truxton Avenue, Bakersfield, California 93301
For: The County of Kern

REGION X

Idaho: Idaho Migrant Council, Inc., 715 South Capitol Boulevard, Suite 405, Boise, Idaho 83702

Table 2—Designation of Potential Grantees on a Conditional Basis

REGION I

Connecticut: New England Farmworker's Council, 6 Frost Street, Springfield, Massachusetts 01103
Massachusetts: New England Farmworker's Council, 6 Frost Street, Springfield, Massachusetts 01103
New Hampshire: New England Farmworker's Council, 6 Frost Street, Springfield, Massachusetts 01103
Rhode Island: New England Farmworker's Council, 6 Frost Street, Springfield, Massachusetts 01103

REGION IV

Tennessee: Tennessee Opportunity Programs for Seasonal Farmworkers, Inc., 2803 Foster Avenue, Nashville, Tennessee 37210

REGION V

Illinois: Illinois Migrant Council, 202 South State Street, Chicago, Illinois 60604

REGION VI

New Mexico: Home Education Livelihood Programs, 3423 Central, N.E., Albuquerque, New Mexico 87106
Oklahoma: ORO Development Corporation, 1104 Classen Drive, Oklahoma City, Oklahoma 73103

Table 3—Deferred Designations

REGION III

Delaware: Migrant and Seasonal Farmworkers Association, Inc., P.O. Box 33315, Raleigh, North Carolina 27606
Maryland: Migrant and Seasonal Farmworkers Association, Inc., P.O. Box 33315, Raleigh, North Carolina 27606
Virginia: Migrant and Seasonal Farmworkers Association, Inc., P.O. Box 33315, Raleigh, North Carolina 27606
West Virginia: Migrant and Seasonal Farmworkers Association, Inc., P.O. Box 33315, Raleigh, North Carolina 27606

REGION IV

North Carolina: Migrant and Seasonal Farmworkers Association, Inc., P.O. Box 33315, Raleigh, North Carolina 27606
Georgia: Migrant and Seasonal Farmworkers Association, Inc., P.O. Box 33315, Raleigh, North Carolina 27606
Iowa: Proteus Adult Training, Inc., P.O. Box 727, Visalia, California 93279

REGION IX

Center for Employment training, 425 South Market Street, San Jose, California 95113
California Human Development Corporation, P.O. Box 10, Windsor, California 95492
Proteus Adult Training, Inc., P.O. Box 727, Visalia, California 93279 (Except in Kern County)
Campesinos Unidos, Inc., P.O. Box 203, Brawley, California 92227
Nevada: Center for Employment Training, 807 North Main Street, Las Vegas, Nevada 89101

REGION X

Oregon: California Human Development Corporation, P.O. Box 10, Windsor, California 95492
Washington: Northwest Rural Opportunities, Inc., 804 Decatur Avenue, Sunnyside, Washington 98944

Table 4—Nonselected Applicants

REGION I

Maine: Tribal Governor's, Inc., 93 Main Street, Orono, Maine 04473
New Hampshire: Southwestern Community Services, Inc., 40 Mechanic Street, Keene, New Hampshire 03431
Vermont: New England Farmworker's Council, 6 Frost Street, Springfield, Massachusetts 01103

REGION II

New York: County of Suffolk Consortium, Veterans Memorial Highway, Hauppauge, New York 11788

REGION III

Delaware: Delmarva Rural Ministry, 2nd Floor, Blue Hen Mall, Dover, Delaware 19901
West Virginia: Intercounty Health, Inc., 126 East Martin Street, Martinsburg, West Virginia 25041

REGION IV

Alabama: Alabama Council of Farmworkers and Human Resources Development, 214 North Main Street, Tuskegee, Alabama 36803
Mississippi and Georgia: Consortium for the Development of the Rural Southeast, Inc., 40 Marietta Street, N.W., Suite 1300, Atlanta, Georgia 30303
Florida:
National Council of LaRaza, 1725 I Street, N.W., Suite 200, Washington, D.C. 20006
Consortium for the Development of the Rural Southeast, Inc., 40 Marietta Street, N.W., Suite 1300, Atlanta, Georgia 30303
Tennessee: Upper Cumberland Human Resources Agency, P.O. Box 2669, Cookeville, Tennessee 38501

REGION V

Indiana: PDP, Inc., 2511 East 46th Street, Suite T-4, Indianapolis, Indiana 46205

REGION VI

Louisiana: Evangeline Community Action, Inc., 403 West Magnolia, Ville Platte, Louisiana 70586
Texas: Colonias Del Valle, Inc., P.O. Box 907, San Juan, Texas 78589

REGION VII

Kansas: Harvest America Corporation, 2 Gateway Center, Suite 215, Kansas City, Kansas 66101

REGION VIII

South Dakota: Minnesota Migrant Council, P.O. Box 1231, St. Cloud, Minnesota 56302

REGION IX

Arizona:
Mopportunities, Inc., 302 South 23rd Avenue, Phoenix, Arizona 85009
Center for Employment Training, 425 South Market Street, San Jose, California 95113
California:
Pilipino Bayanihan Agricultural Education Project, Inc., 7 South California Street, Stockton, California 95202
Council for the Spanish Speaking, 142 South Aurora Street, Stockton, California 95202

Table 5—Nonselected Applicants Whose Funding Will be Extended for 60 Days

REGION II

Puerto Rico: Commonwealth of Puerto Rico, 505 Munoz Rivera Avenue, Hato Rey, Puerto Rico 00918
New Jersey: Farmworkers Corporation, Inc., 36 West Landis Avenue, Vineland, New Jersey 08360

REGION VI

Arkansas Council of Farmworkers, Inc., P.O. Box 4241, Asher Station, Little Rock, Arkansas 72214

REGION VII

Nebraska: Nebraska Association of Farmworkers, P.O. Box 1459, North Platte, Nebraska 69101

REGION VIII

Colorado: Colorado Council on Migrant and Seasonal Agricultural Workers and their Families, Inc., 7905 West 44th Avenue, Wheatridge, Colorado 80033
Utah: Utah Migrant Council, 12 East Center Street, Midvale, Utah 84047

REGION IX

Hawaii: State of Hawaii, 825 Mililani Street, Honolulu, Hawaii 96813

Signed at Washington, D.C. this 21st day of October 1981.

William J. Kacvinsky,

Acting Administrator, Office of National Programs.

[FR Doc. 81-31129 Filed 10-26-81; 8:45 am]
BILLING CODE 4510-30-M

Mine Safety and Health Administration

[Docket No. M-81-202-C]

Consolidation Coal Co.; Petition for Modification of Application of Mandatory Safety Standard

Consolidation Coal Company, Consol Plaza, Pittsburgh, Pennsylvania 15241 has filed a petition to modify the application of 30 CFR 75.326 (aircourses and belt haulage entries) to its Pursglove No. 15 Mine located in Monongalia County, West Virginia. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that belt entries not be used to ventilate active working places.

2. Petitioner is now mining in virgin coal in the "C" panel sections and is developing this area for future longwall mining. The main section has been completed and mining equipment removed. The area is being ventilated on two splits of air. Methane has been detected and is a problem in this area as well as in the face areas and in the virgin coal ribs in the return and belt entry to such an extent that the volume of air necessary to ventilate the belt entry on these sections cannot be wasted to the return and is necessary to ventilate the working faces.

3. As an alternative method, petitioner proposes to use the air in the belt entry

to ventilate active working places in the "C" panel sections.

4. In support of this proposed alternative method, petitioner states that:

a. The belt conveyor entry for each section will be examined by the pre-shift examiner prior to each coal producing shift;

b. Fire protection requirements will be strictly followed especially as they pertain to water lines, fire houses, fire suppression systems, warning devices and flame-resistant belting; and

c. If the average air velocity along the belt haulage entry exceeds 100 feet per minute, the provisions of 30 CFR 75.1103–10 shall apply.

5. Petitioner states that the proposed alternative method will provide the same degree of safety for the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before November 27, 1981. Copies of the petition are available for inspection at that address.

Dated: October 16, 1981.

Patricia W. Silvey,

Acting Director, Office of Standards, Regulations and Variances.

[FR Doc. 81-31104 Filed 10-26-81; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-81-46-M]

Copper Range Co.; Petition for Modification of Application of Mandatory Safety Standard

Copper Range Company, White Pine Copper Division, P.O. Box 100, White Pine, Michigan 49971 has filed a petition to modify the application of 30 CFR 57.4–61A (ventilation doors) to its White Pine Mine located in Ontonagon County, Michigan. The petition is filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the installation of ventilation doors to prevent the spread of smoke or gas in the event of a fire.

2. The petitioner's mine is a single level mine with ten major ventilation openings. The mine has a negative ventilation system using four main surface fans.

3. The petitioner believes that application of the standard to its mine would result in a dimunution of safety for the following reasons:

a. Control of air flow is lost when all intake air openings are closed.

b. Slow or belated closure of a ventilation door on one shaft (an escapeway) would permit toxic gases to accumulate at the shaft station or in the shaft.

c. With all intake openings closed, the four main surface fans could stall and possibly cease to function.

4. As an alternative method the petitioner proposes to reverse the main surface fans on two shafts and maintain the flow of fans on the other two shafts in the event of a fire. This method would:

a. Create fresh air bases at the bottom of each shaft;

b. Create additional parallel intake air courses which will provide clean air and good visibility; and

c. Provide control of the air flow.

5. The petitioner's alternative method involves detailed evacuation procedures for various color-coded zones in the mine.

6. For these reasons, the petitioner requests modification of the application of the standard to its mine.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before November 27, 1981. Copies of the petition are available for inspection at that address.

Dated: October 16, 1981.

Patricia W. Silvey,

Acting Director, Office of Standards, Regulations and Variances.

[FR Doc. 81-31105 Filed 10-26-81; 8:45 am]

BILING CODE 4510-43-M

[Docket No. M-81-40-M]

Missouri Rock, Inc.; Petition for Modification of Application of Mandatory Safety Standard

Missouri Rock, Inc., Route 3, Box 200, Liberty, Missouri 64068 has filed a petition to modify the application of 30 CFR 56.9–88 (Roll-over protective structures, ROPS) to its Plant No. 3 located in Jackson County, Missouri. The petition is filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that rollover protective structures (ROPS) be installed on the mine's loader.

2. Petitioner is seeking a modification of the standard to allow a CL–20 Ford Skid Steer loader to be used for cleanup operations under conveyor belts without ROPS. Petitioner states that the ground area under the conveyor belts is level and no chance of rollover exists.

3. For this reason, petitioner requests a modification of the standard.

Request for Comments

Persons interested in this petitioner may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before November 27, 1981. Copies of the petition are available for inspection at that address.

Dated: October 20, 1981.

Patricia W. Silvey,

Acting Director, Office of Standards, Regulations and Variances.

[FR Doc. 81-31107 Filed 10-26-81; 8:45 am]

BILLING CODE 4510-43-M

[Docket Nos. M-81-44-M and M-81-45-M]

Ozark-Mahoning Co.; Petition for Modification of Application of Mandatory Safety Standard

Ozark-Mahoning Company, P.O. Box 57, Rosiclare, Illinois 62982 has filed petitions to modify the application of 30 CFR 57.4–61A (ventilation doors) to its Denton Mine located in Hardin County, Illinois (M–81–44–M) and its Henson Mine located in Pope County, Illinois (M–81–45–M). The petitions are filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petitions concern the installation of ventilation doors to prevent the spread of smoke or gas in the event of a fire.

2. The petitioner's mines are non-gassy, single-level mines with high humidity; they are "hardrock" mines composed of non-combustible rock stratum.

3. The mines have fully equipped refuge chambers with compressed air.

4. The main shafts are partially lined with concrete and are extremely wet.

5. In the event of a fire, a "stench warning system" will alert miners to don self-rescue devices and evacuate the mine by the main shaft or barricade themselves in the rescue chamber. The hoist personnel will reverse the main shaft fan at the surface and alert the mine rescue office.

6. Miners will be trained in these emergency procedures on a yearly basis.

7. The petitioner states that its alternative method will guarantee the miners affected no less the same degree of protection given them by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before November 27, 1981. Copies of the petition are available for inspection at that address.

Dated: October 16, 1981.

Patricia W. Silvey,

Acting Director, Office of Standards, Regulations and Variances.

[FR Doc. 81-31101 Filed 10-26-81; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-81-39-M]

Ozark-Mahoning Co.; Petition for Modification of Application of Mandatory Safety Standard

Ozark-Mahoning Company, Rosiclare, Illinois 62982 has filed a petition to modify the application of 30 CFR 57.4-61A (ventilation doors) to its Knight Mine located in Hardin County, Illinois. The petition is filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the installation of ventilation doors to prevent the spread of smoke or gas in the event of a fire.

2. The petitioner's mine is scheduled to cease production and be abandoned within three months.

3. During these final days of production, miners will work on a single level and no further than one thousand feet from the shaft or a fully equipped refuge chamber.

4. In the event of a fire, a "stench warning system" alerts miners to don self-rescue devices and evacuate the mine by the main shaft or barricade themselves in the refuge chamber. Miners receive training in these procedures through instruction and fire drills.

5. The petitioner states that its alternative method will guarantee the miners affected no less than the same measure of protection given them by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before November 27, 1981. Copies of the petition are available for inspection at that address.

Dated: October 16, 1981.

Patricia W. Silvey,

Acting Director, Office of Standards, Regulations and Variances.

[FR Doc. 81-31103 Filed 10-26-81; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-81-187-C]

Peabody Coal Co.; Petition for Modification of Application of Mandatory Safety Standard

Peabody Coal Company, 301 North Memorial Drive, P.O. Box 235, St. Louis, Missouri 63166 has filed a petition to modify the application of 30 CFR 75.1710 (cabs and canopies) to its Ken No. 4 Mine located in Ohio County, Kentucky. The petition is filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that cabs or canopies be installed on the mine's self-propelled electric shuttle cars and roofbolters.

2. The mining height ranges from 40 to 50 inches.

3. Petitioner states that application of the standard would result in a diminution of safety for the miners affected because:

a. The cab canopy reduces the equipment operator's field of vision, which increases the chances of an accident;

b. The cab or canopy reduces operator space, severely restricting leg and/or arm movement. This increases operator fatigue and the likelihood of an accident;

c. The installation of a cab or canopy increases the chances of disturbing the roofbolts and the roof control system as well as pulling down or destroying line curtains, adversely affecting mine ventilation. In addition, face equipment cables could be pulled down and/or subjected to increased wear and tear, resulting in the possibility of shock and/or electrocution.

4. For these reasons, petitioner requests a modification of the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before November 27, 1981. Copies of the petition are available for inspection at that address.

Dated: October 16, 1981.

Patricia W. Silvey,

Acting Director, Office of Standards, Regulations and Variances.

[FR Doc. 81-31102 Filed 10-26-81; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-81-207-C]

Peabody Coal Co.; Petition for Modification of Application of Mandatory Safety Standard

Peabody Coal Company, R.R. No. 2, Box 150, Marissa, Illinois 62257 has filed a petition to modify the application of 30 CFR 75.503 (permissible electric face equipment; maintenance) to its Baldwin Mine located in Randolph County, Illinois. The petition is filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the use of a locked padlock to secure screw caps in place on plugs of a battery operated S & S Scoop tractor.

2. Petitioner states that there is an element of danger in having plugs locked together in the event of a short circuit occurring in the Scoop's electrical components.

3. As an alternative method, petitioner proposes that a modified bolt and nut locking device be used, in lieu of a padlock. This modified locking device will serve the same purpose as a padlock; the plug could not be pulled apart without removing the bolt and nut.

4. Petitioner states that the proposed alternative method will provide the

same measure of safety for the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before November 27, 1981. Copies of the petition are available for inspection at that address.

Dated: October 20, 1981.

Patricia W. Silvey,

Acting Director, Office of Standards, Regulations and Variances.

[FR Doc. 81-31108 Filed 10-26-81; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-81-205-C]

United States Steel Corp.; Petition for Modification of Application of Mandatory Safety Standard

United States Steel Corporation, 600 Grant Street, Pittsburgh, Pennsylvania 15230 has filed a petition to modify the application of 30 CFR 75.1707 (escapeways; intake air; separation from belt and trolley haulage entries) to its Gurnee Mine located in Shelby County, Alabama. The petition is filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that an intake escapeway be installed and maintained separate from any belt and trolley haulage system, continuous from the surface to each working section, and that permanent stoppings be used to separate the intake escapeway from any belt and trolley haulage system in all main and cross entries.

2. Petitioner states that installation of a completely separate intake escapeway entry will negate the planned use of double split ventilation during mining of the left side main slope entries, and result in a diminution of safety.

3. Utilization of the completely separate intake escapeway entry will be highly improbable with the availability of egress via the special mantrip conveyor belt which would be operative under almost any eventuality since it will be driven from the surface.

4. A specially engineered spring-mounted carrier will be stored at the inby end of the special mantrip conveyor belt for handling an injured person on a stretcher to provide transport to the surface. This will eliminate the necessity for a stretcher to be hand carried up the steep slope of the separate intake escapeway if it were provided.

5. For these reasons, petitioner requests a modification of the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before November 27, 1981. Copies of the petition are available for inspection at that address.

Dated: October 20, 1981.

Patricia W. Silvey,

Acting Director, Office of Standards, Regulations and Variances.

[FR Doc. 81-31106 Filed 10-26-81; 8:45 am]

BILLING CODE 4510-43-M

Occupational Safety and Health Administration

Nevada State Standards; Approval

1. *Background.* Part 1953 of Title 29, Code of Federal Regulations prescribes procedures under section 18 of the Occupational Safety and Health Act of 1970 (hereinafter called the Act) by which the Regional Administrator for Occupational Safety and Health (hereinafter called the Regional Administrator—OSHA) under a delegation of authority from the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter called the Assistant Secretary), (29 CFR 1953.4) will review and approve standards promulgated pursuant to a State plan which has been approved in accordance with section 18(c) of the Act and 29 CFR Part 1902. On January 4, 1974 notice was published in the **Federal Register** (39 FR 1008) of the approval of the Nevada plan and the adoption of Subpart W to Part 1952 of Title 29 containing the decision. The Nevada plan provides for the adoption of Federal standards as State standards by reference. The Nevada State plan submitted on December 5, 1975 and designated as Subpart W sets forth the State's schedule for the adoption of Federal standards. By letter dated July 6, 1981 from Alan R. Traenkner to Hamilton Fairburn and incorporated as part of the plan, the State submitted State standard revisions identical to 29 CFR Part 1910, 29 CFR Part 1926 and 29 CFR Part 1928. The incorporation of these standards include all Federal standard changes from January 19, 1977 through April 1, 1981. These standards, which are contained in Department of Occupational Safety and Health, Standards for General Industry and Occupational Safety and Health Standards for the Construction Industry, were promulgated by resolution adopted by Department of Occupational Safety and Health between January 19, 1977 and April 1, 1981 pursuant to Nevada Occupational Safety and Health Act.

2. *Decision.* Having reviewed the State submission in comparison with the Federal standards it has been determined that the State standards are identical to the Federal standards and accordingly should be approved.

3. *Location of supplement for inspection and copying.* A copy of the standards supplement, along with the approved plan, may be inspected and copied during normal business hours at the following locations: Office of the Regional Administrator OSHA, 450 Golden Gate Avenue, Room 11349, San Francisco, California 94102; Director, Department of Occupational Safety and Health, 515 East Musser Street, Carson City, Nevada 89714; and Office of the Directorate of Federal Compliance and State Programs, Occupational Safety and Health Administration, Room N3613, 200 Constitution Avenue, Washington, D.C. 20210.

4. *Public participation.* Under 29 CFR 1953.2(c), the Assistant Secretary may prescribe alternative procedures to expedite the review process or for other good cause which may be consistent with applicable laws. The Assistant Secretary finds that good cause exists for not publishing the supplement to the Nevada State plan as a proposed change and making the Regional Administrator OSHA's approval effective upon publication for the following reasons:

1. The standards are identical to the Federal standards which were promulgated in accordance with Federal law including meeting requirements for public participation.

2. The standards were adopted in accordance with the procedural requirements of State law and further participation would be unnecessary.

This decision is effective October 27, 1981.

(Sec. 18, Pub. L. 91-596, 84 Stat. 1608 (29 U.S.C. 667))

Signed at San Francisco, California this 17th day of July, 1981.

Gabriel J. Gillotti,

Regional Administrator—OSHA.

[FR Doc. 81-31127 Filed 10-26-81; 8:45 am]

BILLING CODE 4510-26-M

North Carolina Standards; Approval

1. *Background.* Part 1953 of Title 29, Code of Federal Regulations prescribes procedures under section 18 of the Occupational Safety and Health Act of 1970 (hereinafter called the Act) by which the Regional Administrator for Occupational Safety and Health (hereinafter called the Regional Administrator) under a delegation of authority from the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter called the Assistant Secretary) (29 CFR 1953.4) will review and approve standards promulgated pursuant to a State plan which has been approved in accordance with section 18(c) of the Act and 29 CFR Part 1902. On February 1, 1973, notice was published in the **Federal Register** (38 FR 3041) of the approval of the North Carolina plan and the adoption of Subpart I to Part 1952 containing the decision.

The North Carolina Plan provides for the adoption of Federal standards as State standards by reference. Section 1953.20 of 29 CFR provides that "where an alteration in the Federal program could have an adverse impact on the 'at least as effective as' status of the State program, a program change supplement to a State Plan shall be required." In response to Federal standard changes, the State has submitted by letter, dated June 6, 1980 from John C. Brooks, Commissioner, North Carolina Department of Labor, to Robert A. Wendell, Regional Administrator, and incorporated as a part of the State plan. State standards comparable to the following Federal standards: § 1903.4 Objection to Inspections, dated December 22, 1978; § 1910.1000 Toxic and Hazardous Substances, dated March 13, 1979; § 1910.1025 Lead, dated March 13, 1979; § 1910.1025 Lead Corrections, dated January 26, 1979; § 1910.1025 Lead Corrections, dated April 6, 1979; § 1910.1025 Lead Corrections, dated August 28, 1979; § 1910.1025 Lead Corrections, dated October 23, 1979; § 1910.1025 Lead Corrections, dated November 30, 1979; Part 1990 Identification, Classification and Regulation of Carcinogens, dated January 22, 1980; § 1910.177 Multi-Piece Rim Wheels, dated January 29, 1980; § 1910.217 Correction Power Presses, dated February 8, 1980; § 1910.1043 Cotton Dust Corrections, dated February 26, 1980; Part 1990 Identification, Classification and Regulation Carcinogens, Corrections, dated March 11, 1980; § 1910.1000 Chlorine Corrections, dated July 17, 1979.

These standards were promulgated by filing with the North Carolina Attorney General on January 9, 1979, March 20, 1979, April 20, 1979, May 3, 1979, September 10, 1979, November 26, 1979, January 21, 1980, February 4, 1980, February 28, 1980, and March 26, 1980, respectively, pursuant to the North Carolina Occupational Safety and Health Act of 1973 (Chapter 295, General Statutes).

2. *Decision.* Having reviewed the State submission in comparison with Federal standards, it has been determined that the State standards are identical to the Federal standards and are hereby approved.

3. *Location of supplement for inspection and copying.* A copy of the standards supplement along with the approved plan, may be inspected and copied during normal business hours at the following locations: Office of the Commissioner of Labor, North Carolina Department of Labor, 11 West Edenton, Raleigh, North Carolina 27611; Office of the Regional Administrator, Suite 587, 1375 Peachtree Street, N.E., Atlanta, Georgia 30367, and Office of the Director of Federal Compliance and State Programs, Room N3112, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

4. *Public participation.* Under 29 CFR 1953.2(c), the Assistant Secretary may prescribe alternative procedures to expedite the review process or for other good cause which may be consistent with applicable laws. The Assistant Secretary finds good cause exists for not publishing the supplement to the North Carolina State Plan as a proposed change and making the Regional Administrator's approval effective upon publication for the following reasons:

1. The standards are identical to the Federal standards and are therefore deemed to be at least as effective.

2. The standards were adopted in accordance with procedural requirements of State law and further participation would be unnecessary.

This decision is effective October 27, 1981.

(Sec. 18, Pub. L. 91-596, 84 Stat. 1608 (29 U.S.C. 667))

Signed at Atlanta, Georgia, this 14th day of July 1980.

R. A. Wendell,

Regional Administrator.

[FR Doc. 81-31126 Filed 10-26-81; 8:45 am]

BILLING CODE 4510-26-M

Pension and Welfare Benefit Programs

[Application No. D-2584]

Proposed Exemption for Certain Transactions Involving American Medical Association Members Retirement Plan

AGENCY: Department of Labor.

ACTION: Notice of proposed exemption.

SUMMARY: This document contains a notice of pendency before the Department of Labor (the Department) of a proposed exemption from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and the Internal Revenue Code of 1954 (the Code). The proposed exemption would exempt the proposed provision of services by the American Medical Association (the AMA) to the American Medical Association Members Retirement Plan (the Plan), Chicago, Ill. The proposed exemption, if granted, would affect the Plan and its participants and beneficiaries, the AMA and the Bank of New York (BONY), which serves as the Plan trustee (the Trustee).

DATE: Written comments and requests for a public hearing must be received by the Department on or before December 14, 1981.

ADDRESSES: All written comments and requests for a hearing (at least three copies) should be sent to the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20216, Attention: Application No. D-2584. The application for exemption and the comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N-4677, 200 Constitution Avenue, N.W., Washington, D.C. 20216.

FOR FURTHER INFORMATION CONTACT: Mr. Robert N. Sandler of the Department, telephone (202) 523-8195. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Notice is hereby given of the pendency before the Department of an application for exemption from the restrictions of section 406 (b)(1) and (b)(2) of the Act and from the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(E) of the Code. The proposed exemption was requested in an application filed by the AMA, pursuant to section 408(a) of the Act and section 4975(c)(2) of the

Code, and in accordance with procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1974). Effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of Labor. Therefore, this notice of pendency is issued solely by the Department.

Summary of Facts and Representations

The application contains representations with regard to the proposed exemption which are summarized below. Interested persons are referred to the application on file with the Department for the complete representations of the applicant.

1. The Plan is a master defined contribution Keogh plan established by the AMA in 1963 for its self-employed members. Approximately 3,500 AMA members have adopted the Plan. The adopting members may choose to have their contributions invested in one or both of two investment vehicles: the Equity Fund, which is invested mainly in common stocks; or the Fixed Income Fund, which is invested in the general investment accounts of selected insurance companies. Pursuant to the Plan document, an independent trustee, currently BONY, has been retained by the AMA. BONY and the AMA share the duties and responsibilities of managing and operating the Plan. However, with regard to all matters relating to the transaction proposed herein, BONY will have the sole and exclusive authority to act on behalf of the Plan.

2. The AMA and BONY, as Trustee, propose to enter into a management contract (the Contract) for administrative services to be provided by the AMA. The services would include maintenance of appropriate records, determination of eligibility and benefits and general responsibility for the operation of the Plan. Both the AMA and BONY, on the Plan's behalf, would have the right to terminate the Contract on 60 days' notice to the other party. The applicant is not requesting relief from section 406(a) of the Act. The applicant represents that the proposed transaction is exempted from section 406(a) of the Act by the statutory exemption provided by section 408(b)(2) of the Act. Notwithstanding the above, the AMA represents that it may be deemed to be a fiduciary as defined in section 3(21)(A) of the Act with respect to the Plan and therefore may require relief from section 406(b) of the Act.

3. The fee for the AMA's services would be equal to .85% per annum of the average net asset value of the Equity Fund and .60% of the average net asset value of the Fixed Income Fund. Both BONY and Mr. Charles Custer of the law firm of Vedder, Price, Kaufman & Kammholg (Vedder Price), which is independent of all parties to the proposed transaction, have examined the Contract and have determined that the Contract and the fees to be paid thereunder are reasonable and comparable to management contracts and fees charged by independent third parties performing similar services.

4. Furthermore, BONY states that, based upon its experience as Trustee, it believes that the AMA is in a unique position because of its access to AMA records, to provide the above-described services to the Plan and that the proposed provision of services by the AMA would be in the best interests of the Plan and its participants and beneficiaries.

5. BONY also states that it will monitor the Contract on the Plan's behalf, to ensure compliance with all terms and conditions contained therein and to ensure that the AMA's fees continue to be reasonable.

6. In summary, the applicant represents that the proposed transaction meets the statutory criteria of section 408(a) due to the following:

(a) two independent parties, BONY and Mr. Charles Custer of Vedder Price, have stated that the Contract and AMA's fees are reasonable;

(b) BONY has stated the AMA's proposed provision of services would be in the Plan's best interests; and

(c) BONY would monitor the terms and conditions of the Contract, including the fee, on the Plan's behalf.

Notice to Interested Parties

Notice of the proposed exemption will be provided to all interested parties including the participants and beneficiaries of the Plan, by first class mail within 15 days of the publication of the proposed exemption in the Federal Register. The notice will contain a copy of the proposed exemption and will inform each recipient of his right to comment or request a hearing regarding the proposed exemption.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act which, among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) The proposed exemption, if granted, will not extend to transactions prohibited under section 406(a) and 406(b)(3) of the Act and section 4975(c)(1) (A), (B), (C), (D) and (F) of the Code;

(3) Before an exemption may be granted under section 408(a) of the Act and section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries, and protective of the rights of participants and beneficiaries of the plan; and

(4) The proposed exemption, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

Written Comments and Hearing Requests

All interested persons are invited to submit written comments or requests for a hearing on the pending exemption to the address above, within the time period set forth above. All comments will be made a part of the record. Comments and requests for a hearing should state the reasons for the writer's interest in the pending exemption. Comments received will be available for public inspection with the application for exemption at the address set forth above.

Proposed Exemption

Based on the facts and representations set forth in the application, the Department is considering granting the requested exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). If the

exemption is granted, the restrictions of section 406 (b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(E) of the Code, shall not apply to the proposed provision of services by the AMA to the Plan, provided that the terms and conditions of the AMA's provision of services remain at least as favorable to the Plan as those the Plan could secure from an unrelated party.

The proposed exemption, if granted, will be subject to the express condition that the material facts and representations contained in this application are true and complete, and that the application accurately describes all material terms of the transaction to be consummated pursuant to the exemption.

Signed at Washington, D.C. this 22nd day of October 1981.

Ian D. Lanoff,

Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 81-31113 Filed 10-26-81; 8:45 am]

BILLING CODE 4510-29-M

[Application No. D-2577]

Proposed Exemption for Certain Transactions Involving the Chaimson Brokerage Co., Inc. Pension Trust

AGENCY: Department of Labor.

ACTION: Notice of proposed exemption.

SUMMARY: This document contains a notice of pendency before the Department of Labor (the Department) of a proposed exemption from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1954 (the Act) and the Internal Revenue Code of 1954 (the Code). The proposed temporary exemption would exempt (1) for a period of five years the proposed loans (the Loans) of money by the Chaimson Brokerage Co., Inc. Pension Trust (the Plan), Baltimore, Md., to the Chaimson Brokerage Co., Inc. (the Employer), the sponsor of the Plan; and (2) the personal guarantee of the obigation of the Employer in such Loans by Hanan Sibel (Sibel), the president of the Employer. The proposed exemption, if granted, would affect the Plan, the Employer and other persons participating in the proposed transactions.

DATE: Written comments and requests for a public hearing must be received by the Department on or before December 7, 1981.

ADDRESSES: All written comments and requests for a hearing (at least three copies) should be sent to the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20216, Attention: Application No. D-2577. The application for exemption and the comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N-4677, 200 Constitution Avenue, NW., Washington, D.C. 20216.

FOR FURTHER INFORMATION CONTACT: Richard Small of the Department, telephone (202) 523-8881. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Notice is hereby given of the pendency before the Department of an application for exemption from the restrictions of sections 406(a), 406(b)(1) and 406(b)(2) of the Act and from the sactions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code. The proposed exemption was requested in an application filed by the Employer, pursuant to section 408(a) of the Act and section 4975(c)(2) of the Code, and in accordance with procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). Effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of Labor. Therefore, this notice of pendency is issued solely by the Department.

Summary of Facts and Representations

The application contains representations with regard to the proposed exemption which are summarized below. Interested persons are referred to the application on file with the Department for the complete representations of the applicant.

1. The Plan is a pension plan which as of December 30, 1980 had 49 participants and assets of approximately $350,000. The trustees (the Trustees) of the Plan are Sibel, Percy M. Chaimson and Carolyn Chaimson. The Employer maintains a fleet of vehicles (the Vehicles) which are used in its food brokerage business. Presently, the Vehicles are financed through the Union Trust Company (the Bank), at an interest rate of 1½% over the prime rate of the Bank.

2. The Employer is requesting an exemption to allow the Plan, for a period of five years, to make Loans on a recurring basis to the Employer. The five-year period will begin on the date the exemption for the proposed transaction is published in the **Federal Register.** The proceeds from the Loans will be used by the Employer to purchase the Vehicles. Each Loan will be subject to the following conditions:

(1) Each Vehicle purchased will be a new Vehicle;

(2) Each Loan will be collateralized by a promissory note and a security agreement;

(3) Each Loan will have a first lien on the Vehicle financed, and in addition will be collateralized by other Vehicles which are owned by the Employer and the accounts receivable of the Employer such that at all times the Loans will be collateralized by an amount at least equal to 150% of the outstanding balance of such Loan. No accounts receivable will be pledged unless the company owing the money to the Employer is rated at least AAA by Dunn & Bradstreet;

(4) No Loan will exceed 80% of the purchase price of the Vehicle financed excluding the tax, title and license costs;

(5) The interest rate on the Loans will be fixed at a rate 1½% above the prevailing prime rate set by the Bank;

(6) The maximum length of any Loan will be 36 months with each Loan having equal monthly payments of principal and interest;

(7) At the time of its making no Loan together with the outstanding balances on other Loans will exceed 25% of the dollar value of the assets of the Plan; and

(8) Each Loan will be personally guaranteed by Sibel. The applicant represents that Sibel and his wife have a net worth in excess of $500,000.

3. Prior to the Plan entering into any Loan, an independent fiduciary, Mr. J. Richard Block (Block) will certify that such Loan will be an appropriate investment for the Plan and that the terms and conditions of such Loan are at least equal to those which the Plan could receive in a similar transaction with an unrelated party. Block will also be responsible for monitoring the fair market value of the collateral used in securing the Loans; for monitoring the payments on the Loans; and for enforcing the rights of the Plan in the Loans. Block is a practicing certified public accountant with the firm of Alan Berkowitz, P.A. in Baltimore, Maryland. The applicant represents that Block has had experience with transactions involving retirement plans and commercial lending. In addition, the Trustees represent that the Loans will be in the best interests of the Plan.

4. In summary, the applicant represents that the proposed transactions will meet the statutory criteria of section 408(a) of the Act because: (1) The Trustees of the Plan represent that the Loans will be in the best interests of the Plan; (2) the Loans will be approved and monitored by an independent fiduciary; (3) the Plan will receive a high rate of return on the investments; and (4) the Loans will be secured at all times by an amount at least equal to 150 percent of the outstanding balance of the Loans and by the personal guarantee of Sibel.

Notice to Interested Persons

Within ten days of its publication in the **Federal Register** a copy of the notice of pendency and a statement advising participants and beneficiaries of the Plan of their right to comment or request a hearing will be mailed to all participants and beneficiaries of the Plan.

General Information

The attention of interested persons is directed to the following: (1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) The proposed exemption, if granted, will not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code;

(3) Before an exemption may be granted under section 408(a) of the Act and section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries and protective of the rights of participants and beneficiaries of the plan; and

(4) The proposed exemption, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

Written Comments and Hearing Requests

All interested persons are invited to submit written comments or requests for a hearing on the pending exemption to the address above, within the time period set forth above. All comments will be made a part of the record. Comments and requests for a hearing should state the reasons for the writer's interest in the pending exemption. Comments received will be available for public inspection with the application for exemption at the address set forth above.

Proposed Exemption

Based on the facts and representations set forth in the applicatin, the Department is considering granting the requested exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). If the exemption is granted, the restrictions of section 406(a), 406(b)(1) and 406(b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code shall not apply: (1) for a period of five years to the Loans by the Plan to the Employer provided that the terms and conditions of such Loans are at least equal to those which the Plan could receive in a similar transaction with an unrelated party; and (2) to the guarantee of the obligation of the Employer in such Loans by Sibel.

The proposed exemption, if granted, will be subject to the express conditions that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction to be consummated pursuant to the exemption.

Signed at Washington, D.C., this 22nd day of October 1981.

Ian D. Lanoff,

Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 81-31114 Filed 10-26-81; 8:45 am]

BILLING CODE 4510-29-M

[Application No. 1619]

Proposed Exemption for Certain Transactions Involving the Durham Clinic, P.A. Profit Sharing Plan and Trust

AGENCY: Department of Labor.

ACTION: Notice of proposed exemption.

SUMMARY: This document contains a notice of pendency before the Department of Labor (the Department) of a proposed exemption from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and from certain taxes imposed by the Internal Revenue Code of 1954 (the Code). The proposed exemption would exempt both the sale of certain real property with improvements by the Hillandale Corporation (the Corporation) to Durham Clinic, P.A. Profit Sharing Plan and Trust (the Trust), Durham, N.C., and the proposed lease of the same real property by the Trust to the Durham Clinic, P.A. (the Employer). The proposed exemption if granted, would affect the Trust and its participants and beneficiaries, the Corporation, the Employer, and other persons who would be parties in the two transactions.

DATE: Written comments and requests for a public hearing must be received by the Department on or before December 3, 1981.

ADDRESSES: All written comments and requests for a hearing (at least three copies) should be sent to the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20216, Attention: Application No. D-1619. The application for exemption and the comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N-4677, 200 Constitution Avenue, N.W, Washington, D.C. 20216.

FOR FURTHER INFORMATION CONTACT: C. E. Beaver of the Department of Labor, telephone (202) 523-8671. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Notice is hereby given of the pendency before the Department of an application for exemption from the restrictions of sections 406(a), 406 (b)(1) and (b)(2), and 407(a) of the Act and from the taxes imposed by section 4975 (a) and (b) of Code, by reason of section 4975(c)(1) (A) through (E) of the Code. The proposed exemption was requested in an application filed by the Employer,

pursuant to section 408(a) of the Act and section 4975(c)(2) of the Code, and in accordance with procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975). Effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 44713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of Labor. Therefore, this notice of pendency is issued solely by the Department.

Summary of Facts and Representations

The application contains representations with regard to the proposed exemption which are summarized below. Interested persons are referred to the application on file with the Department for the complete representations of the applicant.

1. The Employer, a North Carolina professional corporation, organized primarily to provide surgical services in Durham, North Carolina, was incorporated on November 1, 1971, as a successor to smaller surgical group which had been organized in 1953. Currently, the Employer is one of the largest medical clinics in Durham with approximately 16 physicians and 40 additional staff members. There are 1600 shares of stock of the Employer issued and outstanding with each physician on the staff the owner of 100 shares. According to the financial statements prepared on a cash basis by an independent accounting firm, for the year ended October 31, 1979, the Employer had an income of $2,199,677, with assests of $89,248 and liabilities of $66,638. For the year ended October 31, 1980, the Employer's income was $2,558,905, with assets of $129,886 and liabilities of $100,610. The Employer leased from the Corporation all its operating equipment and its medical office building for $120,960 for the year ended October 31, 1980.

2. The Corporation is a North Carolina corporation established on September 10, 1953, for the purpose of owning and leasing to the Employer's predecessor, and subsequently to the Employer, all the personal and real property required by the physicians and staff of the Employer. It was originally intended that upon joining the Employer each physician would purchase 60 shares of Class A stock issued by the Corporation along with the purchase of one share of Class B stock. Currently, only 463 shares of Class A stock have been purchased. Most of these shares Class A of stock have been acquired in varying amounts by 13 of the physicians, some of whom are nearing retirement. The Class A stock currently has a per share value of $1,063. Consequently, the younger physicians who have recently joined the Employer or who are contemplating joining the Employer are unable to raise the $63,780 required to purchase 60 shares of Class A stock. This lack of equal participation in the ownership of the Corporation creates personal problems among the physicians as well as resulting in insufficient capital for providing adequate facilities for all the staff members of the Employer. The real property (the property) owned by the Corporation consists of 1.686 acres with improvements and is located at 1830 Hillandale Road, Durham, North Carolina. This location of the Property is three miles from the central business district of Durham in an area zoned for commercial and institutional use. The improvements on the Property are a medical office building consisting of two floors and a basement with steel frame and masonary construction, plus a separate metal storage building and a finished parking lot. The Property has been appraised twice by a qualified, independent appraiser who determined the Property to have a current fair market value of $745,000 as of July 14, 1978, and a current fair market value of $800,00 and annual fair market rental of $73,479 as of November 17, 1980.

3. The Trust is a deferred profit sharing plan which was established by the Employer on October 30, 1971. The most recent favorable determination letter for qualification of the Trust under section 401(a) of the Code was issued on June 20, 1980. All employees of the Employer who have attained 21 years of age are eligible for coverage under the Trust on the first day of the Trust year (November 1 through October 31) in which they have completed one year of service with the Employer. As of October 31, 1980 there were 54 participants in the Trust. A trust agreement was executed by the Employer with the North Carolina National Bank, a North Carolina corporation, (the Trustee) giving to the Trustee discretionary authority to invest and reinvest the assets of the Trust. Funding Contributions to the Trust during the year ended October 31, 1979, totaled $162,629 and during the year ended October 31, 1980, totaled $200,158. As of October 31, 1980, total assets of the Trust were $1,041,095 which was an increase of $275,443 over the total assets of the previous year.

4. The proposed transactions for which the exemption is requested would involve both the sale of the Property by the Corporation to the Trust and the lease of the Property by the Trust to the Employer. The sale price for the Property would be the higher of either the then current fair market value of the Property as determined at the time of the sale by a qualified, independent appraiser or the sum of $800,000. This sale price would be paid by the Trust with (a) a cash down payment of approximately $236,000; (b) plus a 10 percent note and mortgage for approximately $181,000 for the term of 12 years with no prepayment penalty; and (c) subject to a 9 percent note and mortgage for approximately $383,000, which is to be fully satisfied by November 1, 1990. Initially, the monthly payments on the 10 percent note and mortgage would annually total $24,789 and on the 9 percent note and mortgage would annually total $60,381. Although the Trust would not assume this existing 9 percent note and mortgage owing by the Corporation to the Wachovia Bank and Trust Company, Durham, North Carolina (Wachovia), the Trust would make payments on this note directly to Wachovia to amortize the obligation. This direct payment procedure by the Trust and the absence of a prepayment penalty imposed by Wachovia would assure performance of the Corporation on its obligation to Wachovia. The sale would not include the personal property owned by the Corporation and leased to the Employer, instead it would be sold to the Employer.

5. The proposed lease of the Property by the Trust to the Employer would be on a "triple net" basis for a term of 12 years with an initial annual rental of $95,161 which would be adjusted every three years to reflect an increase in the Consumer Price Index. At no time would the rentals be lower than the initial amount. The Employer would pay all expenses relating to the Property, including maintenance, utilities, taxes, and insurance. The rentals would be sufficient to cover payments due on the notes of the Trust and the Corporation and any taxes due from unrelated business taxable income. Based on a cash investment of $236,000 by the Trust, the net expected pretax return to the Trust for the first year of the lease is 4.2 percent from cash flow and 14.75 percent from equity buildup in the Property. This determination does not include any appreciation in value of the Property. The unrelated business income tax on the Property would be $5,078 for the first year and would leave the Trust a net cash flow of $4,913. In event of default by the Employer in payment of the rentals, the lease would provide that the Trust at its discretion could either (a) sell the Property to a third person and pay off the note obligations, (b) relet the Property to another party and

continue to pay the sale price obligations, or (c) void the lease and return the Property to the Corporation without any further liabilities for the outstanding balances owing under the sale or lease agreements.

6. The discretionary Trustee expressed its opinion that the proposed transactions for which the exemption is requested are in the interest of the Trust, its participants and beneficiaries, and protective of the rights of the participants and beneficiaries of the Trust. Furthermore, the Trustee believes that the proposed investment by the Trust will provide a fair return and an opportunity to realize appreciation on the value of the Property plus provide a hedge against inflation. The Trustee also finds that the rentals under the proposed lease would be fair and reasonable and above the prevailing market rate. The Trustee also believes that other safeguards in the proposed lease, including the three options in event of default by the Employer would protect the Trust. The creditworthiness of the Employer and the location and quality of the Property substantiate the opinion of the Trustee that the proposed transaction represent a prudent investment for the Trust under the circumstances presented in the application for an exemption.

7. In summary the applicant represents that the proposed sale of the Property by the Corporation to the Trust and the proposed lease of the Property by the Trust to the Employer meets the statutory criteria for an exemption under section 408(a) of the Act because (1) the transactions offer diversification to the investment portfolio of the Trust, a hedge against inflation and a shift away from more volatile investments, (2) the Trust will be insulated from loss if the Employer defaults on the lease rentals, (3) the rentals will fully amortize the unpaid balance of the price and pay all of the expenses of the Property, using none of the future funding contributions to the Trust, (4) no brokerage commissions will be paid, (5) the current market value of the Property and its fair rentals are being determined by a qualified, independent appraiser, (6) the terms and conditions of the sale and lease have been judged to be fair and reasonable by an independent, discretionary Trustee, which will also monitor the lease, and (7) the favorable and continuing rate of return to the Trust on its investment in the Property and the potential appreciation in value of the Property will be beneficial to the Trust and its participants and beneficiaries.

Notice to Interested Persons

Within ten days of publication of the proposed exemption in the **Federal Register** all participants, beneficiaries, and other persons with a vested interest in the Trust will receive a copy of the notice of the proposed exemption as published in the **Federal Register** and a statement informing them of their right to comment or request a hearing within the period specified in the notice. A copy of the notice and the accompanying statement will be posted at locations customarily used by the Employer for notices to its employees and will be mailed by first class mail to all retirees, beneficiaries and terminated employees with vested interests in the Trust. Copies of all notices to persons interested in the Trust will be provided to the Department.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) The proposed exemption, if granted, will not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code;

(3) Before an exemption may be granted under section 408(a) of the Act and section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries and protective of the rights of participants and beneficiaries of the plan; and

(4) The proposed exemption if granted, will be supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

Written Comments and Hearing Requests

All interested persons are invited to submit written comments or requests for a hearing on the pending exemption to the address above, within the time period set forth above. All comments will be made a part of the record. Comments and requests for a hearing should state the reasons for the writer's interest in the pending exemption. Comments received will be available for public inspection with the application for exemption at the address set forth above.

Proposed Exemption

Based on the facts and representations set forth in the application, the Department is considering granting the requested exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975). If the exemption is granted, the restrictions of sections 406(a) and 406 (b)(1) and (b)(2) and 407(a) of the Act and the taxes imposed by section 4975 (a) and (b) of the Code, by reason of section 4975(a)(1) (A) through (E) of the Code shall not apply to both the proposed sale of real property at 1830 Hillandale Road, Durham, North Carolina by the Corporation to the Trust, and to the proposed lease of that same real property by the Trust to the Employer, if such sale and lease are according to the terms set forth in the application for exemption.

The proposed exemption, if granted, will be subject to the express conditions that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction to be consummated pursuant to the exemption.

Signed at Washington, D.C. this 22nd day of October 1981.

Ian D. Lanoff,

Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 81-31115 Filed 10-26-81; 8:45 am]

BILLING CODE 4510-29-M

[Application No. D-2705]

Proposed Exemption for Certain Transactions Involving the Farnsworth Realty and Development Co. Profit Sharing Thrift Plan

AGENCY: Department of Labor.

ACTION: Notice of proposed exemption.

SUMMARY: This document contains a notice of pendency before the Department of Labor (the Department) of a proposed exemption from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and the Internal Revenue Code of 1954 (the Code). The proposed exemption would exempt the cash sale of certain unimproved real property (the Property) by the Farnsworth Realty and Development Company Profit Sharing Thrift Plan (the Plan), Mesa, Ariz., to Farnsworth Realty and Development Company (the Employer). The proposed exemption, if granted, would affect the Plan, the participants and beneficiaries of the Plan, the Plan trustees, and other persons participating in the transaction.

DATES: Written comments and requests for a public hearing must be received by the Department of Labor on or before December 17, 1981.

ADDRESS: All written comments and requests for a hearing (at least three copies) should be sent to the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20216, Attention: Application No. D-2705. The application for exemption and the comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N-4677, 200 Constitution Avenue, N.W., Washington, D.C. 20216.

FOR FURTHER INFORMATION CONTACT: Ms. Jan Broady of the Department of Labor, telephone (202) 523-7222. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Notice is hereby given of the pendency before the Department of an application for exemption from the restrictions of section 406(a), 406 (b)(1) and (b)(2) of the Act and from the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code. The proposed exemption was requested in an application filed on behalf of the Employer, pursuant to section 408(a) of the Act and section 4975(c)(2) of the Code, and in accordance with procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). Effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of Labor. Therefore, this notice of pendency is issued solely by the Department.

Summary of Facts and Representations

The application contains representations with regard to the proposed exemption which are summarized below. Interested persons are referred to the application on file with the Department for the complete representations of the applicant.

1. The Plan is a defined contribution plan, established by the Employer on July 1, 1967. As of June 30, 1980, the Plan had total assets of $1,541,598. On August 24, 1981, the Plan had 165 participants, 119 of whom were affiliated with the Employer. The remaining 46 participants were affiliated with Farnsworth Construction Company, a wholly-owned subsidiary (the Subsidiary) of the Employer.

2. The Plan trustees (the Trustees) are Messrs. Ross N. Farnsworth, Kemp Turley, and David Palmer. These individuals also serve as officers of the Employer and its Subsidiary. The Trustees make investment decisions for the Plan through the Profit Sharing Plan Committee.

3. The Employer and Subsidiary are corporations organized under the laws of the State of Arizona. The Employer is engaged in the sale of homes, real estate management and in performing financial and accounting activities in connection with such sales. The Subsidiary constructs commercial projects for sale to third parties and residential homes and condominiums for sale to the Employer.

4. Among the assets of the Plan is the Property which consists of 29.232 acres of unimproved land. The Property is located on the northeast corner of Bush Highway and Brown Road near Mesa, Arizona. The Property was conveyed to the Plan on March 15, 1977 by the Employer. The conveyance represented an in kind contribution by the Employer.[1]

5. On June 7, 1977, the Property was initially appraised by Mr. R. Veldon Naylor (Mr. Naylor) of Mesa, Arizona. Mr. Naylor is an independent MAI appraiser with considerable experience in the business of conducting real estate sales and appraisals. He has performed annual appraisals of the Property since it was acquired by the Plan. At the time of the initial appraisal, Mr. Naylor placed the fair market value of the Property at $190,000. According to the most recent appraisal report prepared by Mr. Naylor, the Property had a fair market value of $306,950 as of August 24, 1981.

6. The Plan wishes to improve its liquidity position and to diversify its investment portfolio. Therefore, the Plan proposes to sell the Property to the Employer for cash within ninety days of the granting of this exemption. The sale will be evidenced by a sales contract to be executed by the parties upon the granting of the exemption. It is the intent of the parties to base the sales price on either the current market valuation of $306,950 or a higher valuation determined by an independent appraisal at the time of sale. The Plan will not incur any real estate commissions or fees in connection with the sale.

7. In summary, the applicant represents that the proposed transaction meets the statutory criteria for an exemption under section 408(a) of the Act because: (a) The sale will be a one-time transaction for cash; (b) the sales price of the Property was determined by an independent appraisal; (c) the terms of the sale will permit the Plan to receive cash proceeds equivalent to the current fair market valuation of the Property or a greater value as determined by an independent appraisal at the time of the sale; (d) the sale will enable the Plan to divest itself of an asset producing no income; (e) the Plan will incur no real estate commissions or fees in connection with the sale; (f) the sale will allow the Plan to improve its liquidity position and enable diversification of Plan investments into income-producing assets; and (g) the Trustees have determined that the proposed transaction is in the best interests of the Plan and its participants and beneficiaries.

Notice to Interested Persons

Notice of the pending exemption will be given to all employees who are participants of the Plan, all former participants who have vested interests in the Plan, and beneficiaries of those participants or former participants who are not presently employed but have vested interests in the Plan. Such notice will be given to interested persons within twenty-one (21) days of the

[1] This proposed exemption is limited to the sale of the Property by the Plan to the Employer. Documentation in support of this exemption indicates the Employer has made five contributions of real property to the Plan between January 15, 1975 and March 14, 1980. This proposed exemption does not exempt any of the contributions of real property by the Employer to the Plan to the extent such contributions constituted prohibited transactions.

publication of the notice of pendency in the **Federal Register**. Such notice shall contain a copy of the notice of pendency as proposed in the **Federal Register** and shall inform interested persons of their right to comment on and/or request a hearing regarding the proposed exemption. Notice will be provided to interested persons by: posting the required information in the Employer's offices at places regularly revised by all Plan members; including a copy of the required information within the paycheck envelope of each employee-participant; and mailing a copy of the required information to all former participants and/or the beneficiaries of a former participant.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) The proposed exemption, if granted, will not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code;

(3) Before an exemption may be granted under section 408(a) of the Act and section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries and protective of the rights of participants and beneficiaries of the plan; and

(4) The proposed exemption, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

Written Comments and Hearing Requests

All interested persons are invited to submit written comments or requests for a hearing on the pending exemption to the address above, within the time period set forth above. All comments will be made a part of the record. Comments and requests for a hearing should state the reasons for the writer's interest in the pending exemption. Comments received will be available for public inspection with the application for exemption at the address set forth above.

Proposed Exemption

Based on the facts and representations set forth in the application, the Department is considering granting the requested exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code in accordance with the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975). If the exemption is granted, the restrictions of section 406(a), 406 (b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code shall not apply to the proposed cash sale of the Property by the Plan to the Employer for the greater of $306,950 or the fair market value of the Property at the time of the sale.

The proposed exemption, if granted, will be subject to the express conditions that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction to be consummated pursuant to the exemption.

Signed at Washington, D.C., this 22nd day of October 1981.

Ian D. Lanoff,

Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 81-31116 Filed 10-26-81; 8:45 am]

BILLING CODE 4570-29-M

[Application No. D-2505]

Proposed Exemption for Certain Transactions Involving the Retirement Plan for Employees of First-Wichita Bancshares, Inc. and Its Subsidiaries

AGENCY: Department of Labor.

ACTION: Notice of proposed exemption.

SUMMARY: This document contains a notice of pendency before the Department of Labor (the Department) of a proposed exemption from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and the Internal Revenue Code of 1954 (the Code). The proposed exemption would exempt the contribution of certain mineral and royalty interests (the Property) to the Retirement Plan for Employees of First-Wichita Bancshares, Inc. and its Subsidiaries (the Plan), Wichita Falls, Tex., by The First-Wichita National Bank of Wichita Falls (the Employer), the sponsor of the Plan. The proposed exemption, if granted, would affect the Plan, the Employer and other persons participating in the proposed transaction.

DATE: Written comments and requests for a public hearing must be received by the Department on or before December 7, 1981.

ADDRESSES: All written comments and requests for a hearing (at least three copies) should be sent to the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C–4526, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20216, Attention: Application No. D–2505. The application for exemption and the comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N–4677, 200 Constitution Avenue, N.W., Washington, D.C. 20216.

FOR FURTHER INFORMATION CONTACT: Richard Small of the Department, telephone (202) 523–8881. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Notice is hereby given of the pendency before the Department of an application for exemption from the restrictions of sections 406(a), 406(b)(1) and 406(b)(2) of the Act and from the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code. The proposed exemption was requested in an application filed by the Employer, pursuant to section 408(a) of the Act and section 4975(c)(2) of the Code, and in accordance with procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975). Effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of Labor. Therefore, this

notice of pendency is issued solely by the Department.

Summary of Facts and Representations

The application contains representations with regard to the proposed exemption which are summarized below. Interested persons are referred to the application on file with the Department for the complete representations of the applicant.

1. The Plan is a defined benefit plan which as of December 31, 1980 had 392 participants and assets of $3,050,226. The Employer is the trustee of the Plan and is responsible for the investment decisions of the Plan. The Employer is a national banking association and is a wholly owned subsidiary of First-Wichita Bancshares, Inc. (Bancshares).

2. Bancshares owns the Property which consists of 11 mineral and royalty interests situated in various counties within the state of Texas. The Property was acquired by Bancshares on May 30, 1979 from the Employer pursuant to the direction of the Regional Administrator of National Banks who ordered the Bank to divest itself of the Property. The Office of the Comptroller of the Currency and the Federal Reserve Bank of Dallas have ordered that Bancshares divest itself of the Property.

3. The Employer is requesting an exemption that will permit the Employer to contribute the Property at its fair market value to the Plan after the Employer has purchased the Property from Bancshares. An independent appraisal of the Property was performed on January 1, 1981 by the Lance Engineering Company (Lance) located in Wichita Falls, Texas. Lance represents that as of January 1, 1981, the Property had a fair market value of $72,377. The Employer represents that the contribution of the Property will be in the best interests and protective of the Plan because the Plan will receive an asset with potential capital appreciation in a year when no contribution to the Plan is planned or actuarily required.

4. An independent party, Mr. Charles L. Black (Black), will examine the proposed transaction. Prior to the contribution of the Property being made, Black must certify that the transaction is in the best interests of the Plan and that the Employer's federal tax deduction for the contribution of the Property is not greater than the fair market value of the Property at the time it is contributed to the Plan. Black is a senior vice president and trust officer of the First National Bank in Mount Pleasant, Texas.

5. In summary, the applicant represents that the proposed transaction meets the statutory criteria of section 408(a) of the Act as follows: (1) The trustee of the Plan represents that it is in the best interests of the participants and beneficiaries of the Plan; (2) an independent party will approve the transaction; (3) it is a one time transaction; and (4) the Plan will receive a contribution in a year in which no contribution is planned or actuarily required.

Notice to Interested Persons

Within ten days of its publication in the **Federal Register** a copy of the notice of pendency and a statement advising participants and beneficiaries of the Plan of their right to comment or request a hearing will be mailed to all participants and beneficiaries of the Plan.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) The proposed exemption, if granted, will not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code;

(3) Before an exemption may be granted under section 408(a) of the act and section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries and protective of the rights of participants and beneficiaries of the plan; and

(4) The proposed exemption, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

Written Comments and Hearing Requests

All interested persons are invited to submit written comments or requests for a hearing on the pending exemption to the address above, within the time period set forth above. All comments will be made a part of the record. Comments and requests for a hearing should state the reasons for the writer's interest in the pending exemption. Comments received will be available for public inspection with the application for exemption at the address set forth above.

Proposed Exemption

Based on the facts and representations set forth in the application, the Department is considering granting the requested exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). If the exemption is granted, the restrictions of section 406(a), 406(b)(1) and 406(b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code shall not apply to the contribution of the Property by the Employer to the Plan provided that the Employer's federal tax deduction for the contribution of the Property is not greater than the value of the Property at the time it is contributed to the Plan.

The proposed exemption, if granted, will be subject to the express conditions that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction to be consummated pursuant to the exemption.

Signed at Washington, D.C. this 22nd day of October 1981.

Ian D. Lanoff,

Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 81-31217 Filed 10-26-81; 8:45 am]

BILLING CODE 4510-29-M

[Application No. D-2576]

Proposed Exemption for a Certain Transaction Involving the J. E. Morgan Knitting Mills, Inc. Profit Sharing Plan

AGENCY: Department of Labor.

ACTION: Notice of proposed exemption.

SUMMARY: This document contains a notice of pendency before the Department of Labor (the Department) of a proposed exemption from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and the Internal Revenue Code of 1954 (the Code). The proposed exemption would exempt the loan of $300,000 by the J. E. Morgan Knitting Mills, Inc. Profit Sharing Plan (the Plan), Pottsville, Pa., to J. E. Morgan Knitting Mills, Inc. (the Employer) for a five year period. The proposed exemption, if granted, would affect the Employer, the American Bank Trust Company of Pennsylvania, and the Plan and its participants and beneficiaries.

DATE: Written comments and requests for a public hearing must be received by the Department of Labor on or before December 11, 1981.

ADDRESS: All written comments and requests for a hearing (at least three copies) should be sent to the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, D.C. 20216, Attention: Application No. D-2576. The application for exemption and the comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N-4677, 200 Constitution Avenue NW., Washington, D.C. 20216.

FOR FURTHER INFORMATION CONTACT: Ms. Linda Hamilton of the Department of Labor, telephone (202) 523-7462. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Notice is hereby given of the pendency before the Department of an application for exemption from the restrictions of section 406(a), 406(b) (1) and (2) of the Act and from the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code. The proposed exemption was requested in an application filed on behalf of the Employer, pursuant to section 408(a) of the Act and section 4975(c)(2) of the Code, and in accordance with procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). Effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of Labor. Therefore, this notice of pendency is issued solely by the Department.

Summary of Facts and Representations

The application contains representations with regard to the proposed exemption which are summarized below. Interested persons are referred to the application on file with the Department for the complete representations of the applicant.

1. The Plan is a profit sharing plan with 690 participants. It had total assets of $1,221,314 as of May 16, 1980.

2. The trustee of the Plan is the American Bank and Trust Company (the Trustee). The Trustee is a lender to the Employer. Total loans to the Employer amount to two tenths of 1 percent of the total loans outstanding of the Trustee as of December 30, 1980. John E. Morgan, the principal shareholder of the Employer, is a minority shareholder of the Trustee owning less than 1 percent of its outstanding common stock.

3. The Employer is a Pennsylvania corporation engaged in the textile manufacturing business.

4. The Employer proposes to borrow the sum of $300,000 (the Loan) from the Plan in order to purchase certain equipment and to improve its plant facilities. The Loan would bear an interest at the current prime lending rate charges by the Trustee, plus 1½%. The interest rate will be adjusted as the prime rate changes. The principal and interest will be amortized monthly over a five-year period. The Loan will be collateralized by a specific pledge of unencumbered manufacturing equipment currently owned by the Employer. The Trustee represents that this rate would be acceptable to the Trustee if it were making a similar loan to the Employer.

5. The Loan will be secured by unencumbered manufacturing equipment through a chattel note under the Uniform Commercial Code. The fair market value of the collateral will remain at least 150% of the outstanding balance of the Loan. The Factory Mutual Engineering Company, an independent appraiser, values the equipment to be used as collateral at $501,150.

6. The Trustee will monitor the repayment of the Loan to see that it remains current. The Trustee will analyze the financial position of the Employer on an ongoing basis to see that it remains financially strong. The Trustee will assure that the value of the collateral will remain 150% of the outstanding balance of the Loan. If the collateral should fall below this ratio, the Trustee will require the Employer to either accelerate payments or to pledge additional collateral.

7. The Trustee represents that the Loan is in the interests of and protective of the Plan and its participants and beneficiaries.

8. In summary, the applicant represents that the proposed Loan satisfies the criteria section 408(a) of the Act because:

(1) The duration of the Loan would be for five years;

(2) The Loan would be certified by the recorded in public records, subject to previously set amortization schedules, and evidenced by all necessary contractual documentation;

(3) The Loan will be fully collateralized by equipment whose value will remain at least 150% of the outstanding balance of the Loan;

(4) The Loan represents less that 25% of the total assets of the Plan;

(5) The Plan will receive a much greater annualized rate of return that it is now receiving on its current investments;

(6) The Trustee will monitor the repayment of the Loan and the collateral; and

(7) The Trustee represents that the Loan is in the interests of and protective of the Plan and its participants and beneficiaries.

Notice To Interested Persons

Notice of the pending exemption as published in the **Federal Register** will be mailed to all present and former employees and beneficiaries who are covered by the Plan. Such notice will include a copy of the notice of pendency as published in the **Federal Register** and a statement that interested persons have the right to comment on and/or request that a hearing be held with regard to the proposed exemption. Notice will be provided within 15 days following publication in the **Federal Register.** Such notice will also be posted on appropriate employee bulletin boards within such 15-day period.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his or her duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in

accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) The proposed exemption, if granted, will not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code;

(3) Before an exemption may be granted under section 408(a) of the Act and section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries and protective of the rights of participants and beneficiaries of the plan; and

(4) The proposed exemption, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

Written Comments and Hearing Requests

All interested persons are invited to submit written comments or requests for a hearing on the pending exemption to the address above, within the time period set forth above. All comments will be made a part of the record. Comments and requests for a hearing should state the reasons for the writer's interest in the pending exemption. Comments received will be available for public inspection with the application for exemption at the address set forth above.

Proposed Exemption

Based on the facts and representations set forth in the application, the Department is considering granting the requested exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975). If the exemption is granted, the restrictions of section 406(a) and 406(b) (1) and (2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code shall not apply to the loan of $300,000 by the Plan to the Employer, provided the terms of the loan are not less favorable to the Plan than those obtainable in an arm's length transaction with an unrelated party.

The proposed exemption, if granted, will be subject to the express conditions that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction to be consummated pursuant to the exemption.

Signed at Washington, D.C., this 22nd day of October 1981.

Ian D. Lanoff,

Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 81-31118 Filed 10-26-81; 8:45 am]

BILLING CODE 4510-29-M

[Application Nos. D-2323 and D-2324]

Proposed Exemption for Certain Transactions Involving Nathan Shlim, M.D., P.C. Amended and Restated Money Purchase Pension Plan and Nathan Shlim, M.D., P.C. Defined Benefit Pension Plan

AGENCY: Department of Labor.

ACTION: Notice of proposed exemption.

SUMMARY: This document contains a notice of pendency before the Department of Labor (the Department) of a proposed exemption from certain sanctions imposed by the Internal Revenue Code of 1954 (the Code). The proposed exemption would exempt the proposed sale of an interest in a joint venture by the Nathan Shlim, M.D., P.C. Amended and Restated Money Purchase Pension Plan and Nathan Shlim, M.D., P.C. Defined Benefit Pension Plan (the Plans), Portland, Ore., to Dr. Nathan Shlim (Dr. Shlim), the administrator and trustee of the Plans and therefore a disqualified person with respect to the Plans. The proposed exemption, if granted, would affect Dr. Shlim, the Plans and other persons participating in the proposed transaction.

Since Dr. Shlim is the sole stockholder and employee of Nathan Shlim, M.D., P.C. (the Employer) and the only participant in the Plans, there is no jurisdiction under Title I of the Employee Retirement Income Security Act of 1974 (the Act) pursuant to 29 CFR 2510.3-3(c)(1). However, there is jurisdiction under Title II of the Act under section 4975 of the Code.

DATE: Written comments and requests for a public hearing must be received by the Department of Labor on or before November 27, 1981.

ADDRESS: All written comments and requests for a hearing (at least three copies) should be sent to the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20216, Attention: Application Nos. D-2323 and D-2324. The application for exemption and the comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N-4677, 200 Constitution Avenue, N.W., Washington, D.C. 20216.

FOR FURTHER INFORMATION CONTACT: Alan H. Levitas of the Department of Labor, telephone (202) 523-8884. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Notice is hereby given of the pendency before the Department of an application for exemption from the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code. The proposed exemption was requested in an application filed by legal counsel for the Employer, pursuant to section 4975(c)(2) of the Code, and in accordance with procedures set forth in Rev. Proc. 75-26, 1975-1 C.B., 722. Effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of Labor. Therefore, this notice of pendency is issued solely by the Department.

Summary of Facts and Representations

The application contains representations with regard to the proposed exemption which are summarized below. Interested persons are referred to the application on file with the Department for the complete representations of the applicant.

1. Nathan Shlim, M.D., P.C., an Oregon Corporation was incorporated on October 9, 1970. Dr. Shlim is the owner of 100% of the stock of the Employer. The Employer established the Money Purchase Pension Plan on October 15, 1970 and the Defined Benefit Pension Plan on March 1, 1976. Dr. Shlim is the administrator and trustee of both Plans.

2. On June 5, 1978, Dr. Shlim, as trustee for the Plans, invested $150,000 of the Plans' assets in exchange for a 50% interest in a joint venture. The joint venture, which is engaged in real estate development, is sponsored by Lee Zumwalt-Builder, Inc. (Zumwalt). The real estate development consists of the purchase of lots, construction of residential housing on each lot, and the

sale of each housing unit. The Plans are limited investors in the joint venture and have no voice in its active management. Lee Zumwalt,[1] managing partner of Zumwalt, is the managing partner of the joint venture. As such, Mr. Zumwalt was responsible for all decisions relating to the construction and sale of housing.

3. Since the joint venture was entered into, it has lost money and has created liability for the Plans. Due to high interest rates and a "soft" real estate market a considerable amount of indebtedness has been added to the cost of the homes, which are the subject of the joint venture. As of July 1, 1981, the joint venture had a book value of $199,200.03, but its market value was minus $44,998.05 and the joint venture had suffered a net operating loss of $50,799.97 this year. The market value of the joint venture is based upon valuations of the fair market value of the real estate owned by the joint venture which were provided by the Benjamin Franklin Savings and Loan Association. The joint venture is obligated to make payments of interest and other expenses totally $20,867.65 a month and interest payments are currently several months in arrears. Despite the fact that two real estate firms have aggressively attempted to market homes constructed by the joint venture, no immediate sales appear imminent.

4. For purposes of diversification and liquidity, the Plans propose to sell their ½ interest in the joint venture to Dr. Shlim for $99,600 in cash, its current book value. No sales commission will be paid by the Plans.

5. By selling the joint venture the Plans will be able to dispose of a non-profitable, non-income producing investment for an amount which is at least equal to the fair market value of the Plans' interest. Also, the Plans will be able to increase their liquidity and to seek more profitable investments.

6. In summary, the applicant represents that the proposed transaction meets the criteria for an exemption under section 4975(c)(2) of the Code because (a) it will be a one time transaction for cash; (b) no sales commission will be charged to the Plans; (c) the Plans will be able to dispose of a nonincome producing assets; (d) the sale will permit the Plans to diversify its investments and provide increased liquidity; and (e) Dr. Shlim, who is the sole participant in the Plans and therefore the only participant affected by the transaction, has approved the transaction and desires that the transaction be consummated.

[1] Zumwalt and the Employer are not members of a controlled group of corporations within the meaning of Section 414 of the Code nor are any of the shareholders of the above mentioned corporations related parties within the meaning of Section 267(b) of the Code.

Notice to Interested Persons

Since Dr. Shlim is the only participant in the Plans and 100 percent stockholder of the Employer, it has been determined that there is no need to distribute the notice of pendency to interested persons.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 4975(c)(2) of the Code does not relieve a fiduciary or disqualified person from certain other provisions of the Code, including any prohibited transaction provisions to which the exemption does not apply; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) The proposed exemption, if granted, will not extend to transactions prohibited under section 4975(c)(1)(F) of the Code;

(3) Before an exemption may be granted under section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries and protective of the rights of participants and beneficiaries of the plan; and

(4) The proposed exemption, if granted, will be supplemental to, and not in derogation of, any other provisions of the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an adminstrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

Written Comments and Hearing Requests

All interested persons are invited to submit written comments or requests for a hearing on the pending exemption to the address above, within the time period set forth above. All comments will be made a part of the record. Comments and requests for a hearing should state the reasons for the writer's interest in the pending exemption. Comments received will be available for public inspection with the application for exemption at the address set forth above.

Proposed Exemption

Based on the facts and representations set forth in the application, the Department is considering granting the requested exemption under the authority of section 4975(c)(2) of the Code and in accordance with the procedures set forth in Rev. Proc. 75–26, 1975–1, C.B., 722. If the exemption is granted, the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code shall not apply to the cash sale of the Plans' interest in the joint venture to Dr. Shlim for $99,600, provided that the terms of sale are not less favorable to the Plans than those obtainable in an arm's length transaction with an unrelated party on the date of sale.

The proposed exemption, if granted will be subject to the express conditions that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction to be consummated pursuant to the exemption.

Signed at Washington, D.C., this 22nd day of October 1981.

Ian D. Lanoff,

Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 81–31119 Filed 10–26–81; 8:45 am]

BILLING CODE 4510–29–M

NATIONAL ADVISORY COMMITTEE ON OCEANS AND ATMOSPHERE

Marine Transportation Panel; Meeting Addendum

October 22, 1981.

A change has been made to the Agenda for the November 2–4 meeting of the National Advisory Committee on Oceans and Atmosphere (NACOA), published in the **Federal Register** of October 22, 1981 (Page 51824). The Marine Transportation Panel will not meet on Wednesday, November 4, 1981 from 8:30 a.m.–4:00 p.m. as previously scheduled.

Additional information concerning this portion of the meeting may be otained through the Committee's Executive Director, Steven N. Anastasion, whose mailing address is: National Advisory Committee on Oceans and Atmosphere, 3300 Whitehaven Street NW., (Page Building No. 1, Room 438), Washington, DC 20235. The telephone number is 202/653–7818.

Dated: October 22, 1981.

Steven N. Anastasion,

Executive Director.

[FR Doc. 81-31077 Filed 10-26-81; 8:45 am]

BILLING CODE 3510-12-M

NATIONAL FOUNDATION FOR THE ARTS AND THE HUMANITIES

Design Arts Panel; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given that a meeting of the Design Arts Panel of the National Council on the Arts will be held on November 12, 1981, from 9:00 a.m.-5:30 p.m., in Room 1422 of the Columbia Plaza Office Complex, 2401 E Street, NW, Washington, D.C. 20506.

This meeting will be open to the public on a space available basis. The topic for discussion will be policy and guidelines.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634-6070.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

[FR Doc. 81-30972 Filed 10-26-81; 8:45 am]

BILLING CODE 7537-01-M

Visual Arts Panel; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended notice is hereby given that a meeting of the Visual Arts Panel (Print/Drawing/Artists Books) to the National Council on the Arts will be held on November 9-10, 1981, from 9:00 a.m.-5:30 p.m., in Room 1422 of the Columbia Plaza Office Complex, 2401 E Street NW., Washington, D.C. 20506.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the **Federal Register** of February 13, 1980, these sessions will be closed to the public pursuant to subsections (c)(4), (6) and 9(b) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634-6070.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

[FR Doc. 81-31003 Filed 10-26-81; 8:45 am]

BILLING CODE 7537-01-M

Humanities Panel; Meeting

AGENCY: National Endowment for the Humanities.

ACTION: Notice of meeting.

SUMMARY: Pursuant to the provision of the Federal Advisory Committee Act (Pub. L. 92-463, as amended), notice is hereby given that the following meeting of the Humanities Panel will be held at 806 15th Street, NW., Washington, DC 20506:

Date: November 18-19, 1981
Time: 9:00 a.m. to 5:30 p.m.
Room: 1134
Program: This meeting will review applications submitted for Research Resources Program: Cultural Studies Panel, Division of Research Programs, for projects beginning after April 1, 1982.

The proposed meeting is for the purpose of Panel review, discussion, evaluation and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended including discussion of information given in confidence to the agency by grant applicants. Because the proposed meeting will consider information that is likely to disclose:

(1) trade secrets and commercial or financial information obtained from a person and priviledge or confidential;

(2) information of a personal nature the disclosure of which would constitute a clearly unwarranted invasion of personal privacy; and

(3) information the diclosure of which would significantly frustrate implementation of proposed agency action;

pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated January 15, 1978, I have determined that this meeting will be closed to the public pursuant to subsections (c)(4), (6) and (9)(B) of section 552b of Title 5, United States Code.

Further information about this meeting can be obtained from Mr. Stephen J. McClearly, Advisory Committee Management Officer, National Endowment for the Humanities, Washington, DC 20506, or call (202) 724-0367.

Stephen J. McCleary,

Advisory Committee Management Officer.

[FR Doc. 81-31076 Filed 10-26-81; 8:45 am]

BILLING CODE 7536-01-M

National Council on the Humanities Advisory Committee; Meeting

October 22, 1981.

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, as amended) notice is hereby given that a meeting of the National Council on the Humanities will be held in Washington, D.C. on November 12-13, 1981.

The purpose of the meeting is to advise the Chairman of the National Endowment for the Humanities with respect to policies, programs, and procedures for carrying out his functions, and to review applications for financial support and gifts offered to the Endowment and to make recommendations thereon to the Chairman.

The meeting will be held in the Shoreham Building, 806 15th Street, N.W., Washington, D.C. A portion of the morning and afternoon sessions on November 12 and the afternoon session on November 13, 1981 will not be open to the public pursuant to subsections (c)(4), (6) and (9)(B) of section 552b of Title 5, United States Code because the Council will consider information that may disclose: Trade secrets and commercial or financial information obtained from a person and privileged or confidential; information of a personal nature the disclosure of which will constitute a clearly unwarranted invasion of personal privacy; and information the disclosure of which would significantly frustrate implementation of proposed agency action. I have made this determination under the authority granted me by the Chairman's Delegation of Authority dated January 15, 1978.

The agenda for the sessions on November 12, 1981 follows:

(Open to the public)

8:30-9:00—Coffee for Council Members in Chairman's Office
9:00-10:30—Committee Meetings—Policy Discussion
Education Programs—Room 807
Fellowship Programs—Room 314
Planning and Special Programs—Room 1025
Public Programs and State Programs—1st Floor
Research Programs—Room 1134

10:30 to Adjourn—Consideration of specific applications, (closed to the public for the reasons stated above).

The morning session on November 13, 1981 will convene at 8:30 a.m. in the 1st Floor Conference Room and will be open to the public. The agenda for the morning session will be as follows: (Coffee for Staff and Council Attending Meeting will be served from 8:30 a.m.–9:00 a.m.).

Minutes of the Previous Meeting

Reports

A. Introductory Remarks
B. Introduction of New Staff
C. Chairman's Grants and Grants Departing from Council Recommendation
D. Application Report (Final fiscal year 1981 Report)
E. Gifts and Matching Report (Final fiscal year 1981 Report)
F. Fiscal year 1981 Program Funding
G. Fiscal year 1982 Appropriations
H. Fiscal year 1983 Budget Request
I. Dates of November 1982 Council Meeting
J. Jefferson Lecture—Selection Procedures
K. Supplemental Report on "Technical Assistance and Minority Access"
L. Committee Reports on Policy and General Matters
a. Education Programs
b. Public Programs
c. State Programs
d. Fellowship Programs
e. Planning and Assessment Programs
f. Special Programs
g. Research Programs
M. Recognition of Retiring Council Members

The remainder of the proposed meeting will be given to the consideration of specific applications (closed to the public for the reasons stated above).

Further information about this meeting can be obtained from Mr. Stephen J. McCleary, Advisory Committee Management Officer, Washington, D.C. 20506, or call area code 202–724–0367.

Stephen J. McCleary,

Advisory Committee Management Officer.

[FR Doc. 81–31075 Filed 10–26–81; 8:45 am]

BILLING CODE 7536–01–M

NATIONAL SCIENCE FOUNDATION

Advisory Council; Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92–463, the National Science Foundation announces the following meeting:

Name: NSF Advisory Council
Place: Room 540, National Science Foundation, 1800 G Street, NW., Washington, D.C. 20550
Date: Monday, November 23 and Tuesday, November 24
Time: 9:00 a.m. till 5:00 p.m. both days
Type of meeting: Open
Contact person: Ms. Jeanne Hudson, Executive Secretary, NSF Advisory Council, National Science Foundation, Rm. 516, 1800 G Street, NW., Washington, D.C. 20550. Telephone: 202/357–9419

Purpose of advisory council: The purpose of the NSF Advisory Council is to provide advice and counsel to the NSF Director and principal members of his staff on Foundation-wide issues which require the expertise of the many and varied disciplines and program interests represented in the Foundation.

Summary minutes: May be obtained from the contact person at above stated address.

Agenda: To review progress by the three task groups of the NSF Advisory Council and to meet with the Director and Deputy Director and NSF Staff.

M. Rebecca Winkler,

Committee Management Coordinator.

October 22, 1981.

[FR Doc. 81–30959 Filed 10–26–81; 8:45 am]

BILLING CODE 7555–01–M

Advisory Committee on Special Research Equipment (Chemistry Subcommittee); Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92–463, as amended, the National Science Foundation announces the following meeting:

Name: Advisory Committee on Special Research Equipment (2-year and 4-year colleges) (Chemistry Subcommittee)
Date/time: November 19–20, 1981—9:30 a.m. to 5:00 p.m.
Place: Room 421, National Science Foundation, 1800 G Street, NW, Washington, D.C.
Type of meeting: Closed
Contact person: Dr. Howard H. Hines, Program Director, Room 428, National Science Foundation, Washington, D.C. 20550 Telephone (202) 357–7456
Purpose of committee: To evaluate research equipment proposals

Agenda: To review and evaluate research equipment proposals as part of the selection process for awards.

Reason for closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and pesonal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b (c), Government in the Sunshine Act.

Authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of section 10(d) of Pub. L. 92–463. The Committee Management Officer was delegated the authority to make such determinations by the Director, NSF on July 6, 1979.

M. Rebecca Winkler,

Committee Management Coordinator.

October 22, 1981.

[FR Doc. 81–30960 Filed 10–26–81; 8:45 am]

BILLING CODE 7555–01–M

Subcommittee For Sociology; Meeting

In accordance with the Federal Advisory Committee Act, as amended, Pub. L. 92–463, the National Science Foundation announces the following meeting:

Name: Subcommittee for Sociology of the Advisory Committee for Social and Economic Science.
Date/time: November 19 and 20, 1981; Thursday—9:00 a.m. to 5:30 p.m., Friday—9:00 am to 4:00 pm
Place: Room 642, National Science Foundation, 18th and G Street NW., Washington, D.C. 20550
Type of meeting: Closed
Contact person: James J. Zuiches, Program Director for Sociology, Room 316, National Science Foundation, Washington, D.C. 20550 Telephone (202) 357–7802
Purpose of subcommittee: To provide advice and recommendations concerning support for research in the Sociology Program.

Agenda: To review and evaluate research proposals as part of the selection process for awards.

Reason for closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of section 10(d) of Pub. L. 92–463. The Committee Management Officer was delegated the authority to make such determinations by the Director, NSF on July 6, 1979.

M. Rebecca Winkler,

Committee Management Coordinator.

October 22, 1981.

[FR Doc. 81–30961 Filed 10–26–81; 8:45 am]

BILLING CODE 7555–01–M

Subcommittee For Economics; Meeting

In accordance with the Federal Advisory Committee Act, as amended, Pub. L. 92–463, The National Science Foundation announces the following meeting:

Name: Subcommittee for Economics of the Advisory Committee for Social and Economic Science.

Date and time: Novenber 13 & 14 1981; Friday–9:00 am to 5:30 pm; Saturday–9:00 am to 4:00 pm
Place: Room 643, National Science Foundation, 18th and G Street, NW, Washington, D.C. 20550
Type of meeting: Closed
Contact person: Daniel H. Newlon, Program Director for Economics, Room 312, National Science Foundation, Washington, D.C. 20550, Telephone (202) 357–9674
Purpose of subcommittee: To provide advice and recommendations concerning support for research in the Economics Program.
Agenda: To review and evaluate research proposals as part of the selection process for awards.

Reason for closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552(c), Government in the Sunshine Act.

Authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of Pub. L. 92–463. The Committee Management Officer was delegated the authority to make such determinations by the Director, NSF, of July 6, 1979.

M. Rebecca Winkler,

Committee Management Coordinator.

October 22, 1981.

[FR Doc. 81-30982 Filed 10-26-81; 8:45 am]

BILLING CODE 7555-01-M

Advisory Committee for Physiology, Cellular and Molecular Biology Subcommittee on Biological Instrumentation; Meeting

In accordance with the Federal Advisory Committee Act, as amended, Pub. L. 92–463, the National Science Foundation announces the following meeting:

Name: Subcommittee on *Biological Instrumentation* of the Advisory Committee for *PCM.*
Date and time: Thursday, & Friday November 12, & 13, 1981 from 8:30 am to 5:00 pm.
Place: Room *338,* National Science Foundation, 1800 G Street, NW, Washington D.C. 20550.
Type of meeting: Closed.
Contact person: *Dr. R.W. Newburgh,* Acting Program Director, *Biological Instrumentation* Program, Room 325A National Science Foundation, Washington, D.C. 20550. Telephone (202) 357–7652.
Purpose of subcommittee: To provide advice and recommendations concerning support for research *Instrumentation.*
Agenda: To review and evaluate research proposals as part of the selection process for awards.

Reason for closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of Pub. L. 92–463. The Committee Management Officer was delegated the authority to make such determinations by the Director, NSF, on July 6, 1979.

October 22, 1981.

M. Rebecca Winkler,

Committee Management Coordinator.

[FR Doc. 81-30983 Filed 10-26-81; 8:45 am]

BILLING CODE 7555-01-M

Civil And Environmental Engineering Subcommittee; Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92–463, as amended, the National Science Foundation announces the following meeting:

Name: Subcommittee for Civil and Environmental Engineering (CEE) of the Advisory Committee for Engineering
Date and time: November 12, 1981—9:30 a.m. to 5:00 p.m.; November 13, 1981—9:00 a.m. to 4:00 p.m.
Place: Room 1141, National Science Foundation, 1800 G Street, NW, Washington, D.C. 20550
Type of meeting: 11/12/81—9:30 a.m. to 12:30 p.m. Open; 2:00 p.m. to 5:00 p.m. Closed; 11/13/81—9:00 a.m. to 4:00 p.m. Open
Contact person: Dr. William S. Butcher, Director, Division of Civil and Environmental Engineering, Room 1132, National Science Foundation, Washington, D.C. 20550. Telephone (202) 357–9545
Summary minutes: May be obtained from the Contact Person

Agenda

Thursday, November 12—Open—9:30 a.m. to 12:30 p.m.

9:30—Opening and General Report by Division Director
10:00—Questions and Answers
10:30—Briefing of Subcommittee on Programs of the Division
(a) Geotechnical Engineering
(b) Structural Mechanics
(c) Water Resources and Environmental Engineering
(d) Earthquake Engineering
(e) Societal Response to Hazards
12:30—Recess

Thursday, November 12—Closed—2:00 p.m. to 5:00 p.m.

2:00—Individual program panel meetings to consider awarded and declined proposals, including review of peer review and other privileged material; drafting of panel report, including consideration of program balance and needed research.
5:00—Adjourn

Friday, November 13—Open—9:00 a.m. to 4:00 p.m.

9:00—Report by program panels, including discussion of research priorities in:
(a) Geotechnical Engineering
(b) Structural Mechanics
(c) Water Resources and Environmental Engineering
(d) Earthquake Engineering
(e) Research on Societal Response to Hazards
12:00—Recess
1:30—General discussion of Division-wide concerns, including growth of the Division, needed research, role of major facilities, manpower problems, etc.
4:00—Adjourn

Reason for closing: The Subcommittee will be reviewing grants and/or declination jackets which contain the names of applicant institutions and principal investigators and privileged information contained in declined proposals. These sessions will also include a review of the peer review of documentation pertaining to applicants. These matters are within exemptions (4) and (6) of the 5 U.S.C. 552b(c), Government in the Sunshine Act.

Authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of Pub. L. 92–463. The Committee Management Officer was delegated the authority to make such determinations by the Director, NSF on July 6, 1979.

M. Rebecca Winkler,

Committee Management Coordinator.

October 22, 1981.

[FR Doc. 81-30985 Filed 10-26-81; 8:45 am]

BILLING CODE 7555-01-M

Advisory Committee for Earth Sciences; Geology, Geophysics, Geochemistry and Petrology Subcommittees; Meeting

In accordance with the Federal Advisory Committee Act, as amended, Pub. L. 92–463, the National Science Foundation announces the following meeting.

Name: Advisory Committee for Earth Sciences (Geology, Geophysics, Geochemistry and Petrology Subcommittees).
Date and Time: November 19 and 20, 1981: 8:30 a.m. to 5 p.m. each day.
Place: The National Science Foundation, Room 643, 1800 G Street, NW., Washington, D.C. 20550.
Type of Meeting: Closed.
Contact Person: Dr. Robin Brett, Division Director, Earth Sciences, Room 602, National Science Foundation, Washington, D.C. 20550; Telephone: (202) 357–7958.
Purpose of Committee: To provide advice and recommendations concerning support for research in Earth Sciences.
Agenda: To review and evaluate research proposals and projects as part of the selection process for awards.
Reason for Closing: The proposals being reviewed include information of

proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 522b(c), Government in the Sunshine Act.

Authority: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of Pub. L. 92-463. The Committee Management Officer was delegated the authority to make such determinations by the Director, NSF, on July 6, 1979.

M. Rebecca Winkler,

Committee Management Coordinator.

October 22, 1981.

[FR Doc. 81-30964 Filed 10-26-81; 8:45 am]

BILLING CODE 7555-01-M

Permit Applications Received Under the Antarctic Conservation Act of 1978

AGENCY: National Science Foundation.

ACTION: Notice of Permit Applications Received Under Antarctic Conservation Act of 1978, Pub. L. 95-541.

SUMMARY: The National Science Foundation (NSF) is required to publish notice of permit applications received to conduct activities regulated under the Antarctic Conservation Act of 1978. NSF has published regulations under the Antartic Conservation Act of 1978 at Title 45 Part 670 of the Code of Federal Regulations. This is the required notice of permit applications received.

DATE: Interested parties are invited to submit written data, comments, or views with respect to these permit applications by November 23, 1981. Permit applications may be inspected by interested parties at the Permit Office, address below.

ADDRESS: Comments should be addressed to Permit Office, Room 627, Division of Polar Programs, National Science Foundation, Washington, D.C. 20550.

FOR FURTHER INFORMATION CONTACT: Charles E. Myers at the above address or (202) 357-7934.

SUPPLEMENTAL INFORMATION: The National Science Foundation, as directed by the Antartic Conservation Act of 1978 (Pub. L. 95-541), has developed regulations that implement the "Agreed Measures for the Conservation of Antartic Fauna and Flora" for all United States citizens. The Agreed Measures, developed in 1964 by the Antartic Treaty Consultative Parties, recommended established of a permit system for various activities in Antarctica and designation of certain animals and certain geographic areas as requiring special protection. The regulations establish such a permit system to designate Specially Protected Areas and Sites of Special Scientific Interest. The regulations appeared in final form in the June 7, 1979 **Federal Register**. Additional information was published in the August 13, 1981 **Federal Register**, page 40951.

The applications received are:

1. *Applicant:* David G. Ainley, Point Reyes Bird Observatory, Stinson Beach, California 94970.

A. Activities for Which Permit Requested

Enter Specially Protected Area (Cape Hallett).

Enter Site of Special Scientific Interest (Cape Royds).

In the course of a research project for which an Antarctic Conservation Act Permit has already been awarded (see **Federal Register** August 13, 1981, page 40952) the applicant may need to enter Cape Royds or Hallett. Entry would be on foot for the purpose of bird observations.

B. Location

Cape Hallett, Victoria Land, Antarctica.

Cape Royds on Ross Island, Antarctica.

C. Dates

December 15, 1981 to March 1, 1982.

2. *Applicant:* John G. Baust, Department of Biology, University of Houston, Houston, Texas 77004.

A. Activity for Which Permit Requested

Taking; Importing into U.S.A.; Enter Specially Protected Area; Enter Site of Special Scientific Interest.

The applicant proposes to continue to collect and analyze terrestrial insect and lower plant life for natural antifreeze compounds. Some plant material may be removed from the protected area. The applicant also proposed to collect and analyze blood samples from four (4) Adelie penguins.

B. Location

Litchfield Island and Antarctic Peninsula area.

C. Dates

October 30, 1981 to April 30, 1982.

Authority to publish this notice has been delegated by the Director, NSF to the Director, Division of Polar Programs.

Edward P. Todd,

Division Director, Division of Polar Programs.

[FR Doc. 81-31086 Filed 10-26-81; 8:45 am]

BILLING CODE 7555-01-M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-295]

Commonwealth Edison Co.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 70 to Facility Operating License No. DPR-39, issued to the Commonwealth Edison Company (the licensee), which revised Technical Specifications for operation of Zion Station, Unit No. 1 (the facility), located in Zion, Illinois. The amendment is effective as of the date of issuance.

This amendment extends to October 14, 1981 a temporary change to the Technical Specifications authorized by Amendment 68 to permit reserve offsite power to be backfed through the station's main transformer in the event Unit No. 1 must be shutdown while the Unit No. 2 system auxiliary transformer is being repaired.

The application for the 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 rule and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amemdment does not involve significant hazards consideration.

The Commission has determined that the issuance of the amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with the issuance of the amendment.

For further details with respect to this action, see (1) the application for amendment dated October 1, 1981, (2) Amendment No. 70 to License No. DPR-39, (3) the Commission's related Safety Evaluation issued by letter dated September 25, 1981 which transmitted the Amendment No. 68 approving the temporary change to the Technical Specification, and (4) the Commission's letter dated. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Zion-Benton Public Library District, 2600 Emmaus Avenue, Zion, Illinois 60099. A copy of items (2), (3) and (4) may be obtained upon request addressed to the U.S. Nuclear

Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 2nd of October 1981.

For the Nuclear Regulatory Commission.

Steven A. Varga,

Chief Operating Reactors Branch No. 1 Division of Licensing.

[FR Doc. 81-31121 Filed 10-26-81; 8:45 am]

BILLING CODE 7590-01-M

[Dockets Nos. 50-269, 50-270 and 50-287]

Duke Power Co.; Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendments Nos. 101, 101, and 98 to Facility Operating Licenses Nos. DPR-38, DPR-47 and DPR-55, respectively, issued to Duke Power Company, which revised the Technical Specifications (TSs) for operation of the Oconee Nuclear Station, Units Nos. 1, 2 and 3, located in Oconee County, South Carolina. The amendments become effective thirty (30) days following the date of issuance.

These amendments revise the common TSs to incorporate operability and surveillance requirements for mechanical snubbers and upgrade these requirements for hydraulic snubbers.

The application for the amendments 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 amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with the issuance of these amendments.

For further details with respect to this action, see (1) the application for amendments dated June 3, 1981, (2) Amendments Nos. 101, 101, and 98 to Licenses Nos. DPR-38, DPR-47, and DPR-55, respectively, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street N.W., Washington, D.C. and at the Oconee County Library, 501 West Southbroad Street, Walhalla, South Carolina. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 19th day of October 1981.

For the Nuclear Regulatory Commission.

John F. Stolz,

Chief, Operating Reactors Branch No. 4, Division of Licensing.

[FR Doc. 81-31122 Filed 10-26-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-275 OL; 50-323 OL]

Pacific Gas & Electric Co. (Diablo Canyon Nuclear Power Plant, Units 1 and 2); Notice of Oral Argument

Notice is hereby given that, in accordance with the Appeal Board's order of October 21, 1981, oral argument on the appeals of Governor Brown and the Joint intervenors from the July 17, 1981 partial initial decision of the Licensing Board will be heard at *9:30 a.m. on Friday, November 13, 1981,* in the NRC Public Hearing Room, Fifth Floor, East-West Towers Building, 4350 East-West Highway, Bethesda, Maryland.

For the Appeal Board.

Dated: October 21, 1981.

C. Jean Bishop,

Secretary to the Appeal Board.

[FR Doc. 81-31123 Filed 10-26-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-286]

Power Authority of the State of New York; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 38 to Facility Operating License No. DPR-64, issued to the Power Authority of the State of New York (the licensee), which revised the license and the Technical Specifications for operation of the Indian Point Nuclear Generating Unit No. 3 (the facility) located in Buchanan, Westchester County, New York. The amendment is effective as of the date of issuance.

The amendment revises the license and the Technical Specifications to incorporate certain of the TMI-2 Lessons Learned Category "A" requirements.

The application for the 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. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated December 30, 1980, (2) Amendment No. 38 to License No. DPR-64, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room 1717 H. Street, N.W., Washington, D.C. and at the White Plains Public Library, 100 Maritine Avenue, White Plains, New York. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 7th day of October 1981.

For the Nuclear Regulatory Commission.

Steven A. Varga,

Chief, Operating Reactors Branch No. 1, Division of Licensing.

[FR Doc. 81-31124 Filed 10-26-81; 8:45 am]

BILLING CODE 7590-01-M

Regulatory Guide; Issuance and Availability

The Nuclear Regulatory Commission has issued a revision to a guide in its Regulatory Guide Series. This series has been developed to describe and make available to the public methods acceptable to the NRC staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

Regulatory Guide 10.1, Revision 4, "Compilation of Reporting Requirements

for Persons Subject to NRC Regulations," provides a compilation of NRC reporting requirements applicable to various types of NRC licensees and other persons subject to NRC regulations. The guide does not impose or implement the reporting requirements but provides a current, convenient list of the requirements that appear in various parts of the Commission's regulations. The purpose of this revision is to reflect any changes that have been made to the reporting requirements since the previous revision.

Comments and suggestions in connection with (1) items for inclusion in guides currently being developed or (2) improvements in all published guides are encouraged at any time. Comments should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch.

Regulatory guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Copies of active guides may be purchased at the current Government Printing Office price. A subscription service for future guides in specific divisions is available through the Government Printing Office. Information on the subscription service and current prices may be obtained by writing to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Publications Sales Manager.

(5 U.S.C. 552(a))

Dated at Silver Spring, Maryland this 20th day of October 1981.

For the Nuclear Regulatory Commission.

Robert B. Minogue,

Director, Office of Nuclear Regulatory Research.

[FR Doc. 81-31127 Filed 10-26-81; 8:45 am]

BILLING CODE 7590-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 11998; 812-4932]

Boston Financial Apartments Associates, L. P., BFTG Residential Properties, Inc., and Franklin Housing Associates; Filing of Application for an Order Exempting Applicants From All Provisions of the Act

October 21, 1981.

Notice is hereby given That Boston Financial Apartments Associates, L. P. ("Partnership"), 70 Federal Street, Boston, Massachusetts 02110, a Delaware limited partnership, and its general partners, BFTG Residential Properties, Inc. ("BFTG"), and Franklin Housing Associates ("Franklin") ("General Partners" and, together with the Partnership, collectively referred to hereinafter as "Applicants"), filed an application on July 30, 1981, and an amendment thereto on October 15, 1981, for an order pursuant to section 6(c) of the Investment Company Act of 1940 ("Act"), exempting the Partnership from all provisions of the Act and rules thereunder. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicants state that the Partnership was formed under the Delaware Uniform Limited Partnership Act on July 21, 1981, as a vehicle for equity investment in apartment complexes which are assisted by federal, state or local government agencies in accordance with the policies and objectives of Title IX of the Housing and Urban Development Act of 1968 ("Title IX"). Applicants state that the Partnership will operate as a "two-tier" entity, i.e., the Partnership, as a limited partner, will invest in other limited partnerships ("Local Limited Partnerships"), that in turn, will engage in the development, rehabilitation, ownership and operation of housing for low and moderate income persons. Applicants state that the Partnership is organized as a limited partnership because that form of organization is the only one that provides an investor with both liability limited to his capital investment and the ability to claim on his individual tax return the deduction, losses, credits, and other tax items that originate from the housing projects in which the limited partnership invests. Applicants represent that the Partnership is requesting a private ruling from the Internal Revenue Service that the Partnership will be classified as a partnership and not as an association taxable as a corporation.

Applicants also state that the Partnership's investment objectives are to preserve and protect the Partnership's capital, provide capital appreciation through appreciation in value of the projects of the Local Limited Partnerships, provide "tax losses" during the early years of the Partnership's operations that the Limited Partners may use to offset income from other sources, provide annual cash distributions which are not expected (during the early years of Partnership operations) to constitute taxable income and which may increase over time, and build additional equity through amortization of mortage loans of the Local Limited Partnerships.

Applicants state that on July 30, 1981, the Partnership filed a registration statement under the Securities Act of 1933 (the "Securities Act"), and an amendment thereto on October 15, 1981, pursuant to which the Partnership intends to offer publicly 20,000 units of limited partnership interest ("Units") at $1,000 per Unit with a minimum of $5,000 per investor. Purchasers of Units will become limited partners ("Limited Partners") of the Partnership. In the event that the subscriptions for more than 20,000 Units are received, the Partnership has registered a total of 22,000 Units and has granted to Paine Webber, Jackson & Curtis Incorporated ("Selling Agent"), a right, to sell up to 2,000 additional units. It is estimated that the Partnership will have as net proceeds of its public offering, a minimum of $4,350,000 and a maximum of $17,900,000 ($19,690,000 if the Selling Agent exercises its right to sell an additional 2,000 Units) available for investment after deduction for sales commissions, anticipated offering expenses, acquisition fees and expenses, and the establishment of a contingency reserve.

Applicants state that subscriptions for Units must be approved by BFTG (the "Managing General Partner"), and that such approval will be made conditional upon representations as to suitability of the investment for each subscriber. Applicants further state that the partnership agreement pursuant to which the Partnership is formed ("Partnership Agreement") will require that, at least for the first five years of the Partnership's operation, transfers of Units will be permitted only if the transferee meets the same suitability standards as had been imposed upon the transferor Limited Partner.

Applicants state that the Partnership will be controlled by the General Partners, and the Limited Partners, consistent with their limited liability status, will not be entitled to participate in the control of the business of the Partnership. Limited Partners owning a majority of Partnership interests will have the right to amend the Partnership Agreement, remove any General Partner and elect a replacement therefor, and to dissolve the Partnership. Any amendment to the Partnership Agreement, however, may not allow the Limited Partners to take part in the control of the Partnership's business or otherwise affect their limited liability.

Applicants state that the General Partners have entered into a consulting agreement with Paine Webber, Jackson & Curtis Incorporated ("Paine Webber"), subject to receipt of approval from the

National Association of Securities Dealers, Inc., under which Paine Webber has furnished, and will furnish if purchasers of the Units are admitted as Limited Partners, the General Partners with consulting services and advice in connection with certain matters relating to the Partnership, including its marketing material, investor subscriptions, compliance under applicable laws and the selection of investments by the Partnership. For such services, Paine Webber will receive, as compensation from the General Partners (and not from the Partnership), an amount not to exceed 25% of any net cash receipts of the General Partners from the Partnership out of the proceeds of any Sale or Refinancing Transaction.

According to the application, the Partnership will receive an opinion of counsel to the effect that, with certain exceptions under the Delaware Uniform Partnership Act, the Partnership's liability in respect of each Local Limited Partnership will be limited to the Partnership's capital contribution to the Local Limited Partnership. Applicants represent, in addition, that under the Partnership Agreement, each Limited Partner is entitled to review all books and records of the Partnership at any and all reasonable times.

Applicants state that the Partnership intends to invest only in Local Limited Partnerships in which an experienced real estate developer will agree to serve as the managing general partner for a period of time acceptable to the Partnership. It will generally be the policy of the Partnership that an affiliate of the General Partners ("BFTG Affiliate") become a special limited partner, with the right to become a general partner under specified circumstances.

Applicants state that the Selling Agent will receive commissions equal to 8% of the offering proceeds ("Gross Proceeds"), of Units sold by the Selling Agent. It is assumed that 95% of the Units will be sold by the Selling Agent and 5% of the Units will be sold by other members of the National Association of Securities Dealers, Inc. ("NASD") authorized by the Selling Agent to sell Units ("Soliciting Dealers"). The Selling Agent will pay a commission to each Soliciting Dealer of 8% of the Gross Proceeds of all sales of Units by such Soliciting Dealer. Applicants assert that selling commissions based on 8% of the gross offering proceeds are customarily charged in securities offerings of this type and are consistent with the guidelines of the NASD. In addition, (a) the Partnership will reimburse the Selling Agent for the travel, hotel, meal and related expenses incurred by representatives of the Selling Agent and any Soliciting Dealers in attending certain conferences concerning the Partnership and the offering, provided that such compensation will not exceed 0.4% of the Gross Proceeds, (b) the Managing General Partner will pay the Selling Agent additional fees up to a total of 0.3% of the Gross Proceeds based on the number of Units sold.

Applicants further state that during the offering and organizational stage, the Managing General Partner and the Local Limited Partnerships will receive from the Partnership non-recurring fees equal in the aggregate to 10% of the Gross Proceeds.

Applicants represent that organizational stage fees payable to the Managing General Partner and its Affiliates and any other fees payable to all General Partners and BFTG Affiliates in connection with the acquisition of interests in Local Limited Partnerships, will not exceed the least of: (1) the compensation customarily charged in arm's length transactions by others rendering similar services as an on-going public activity in the same geographical location and for comparable investments, (2) an amount equal to 18% of the allocable portion of Gross Proceeds invested or committed for investment in each Local Limited Partnership, or (3) 6% of the sum of (a) the amount of the Partnership's total investment in each Local Limited Partnership, plus, (b) the Partnership's allocable share of all liens and mortgages secured by the project of the Local Limited Partnerships.

During the Partnership's operating stage, Applicants state that Fund Service Corporation ("Fund Service"), a BFTG Affiliate, will receive an annual management fee from the Partnership equal to 10% of the Partnership's share of cash flow from Local Limited Partnerships, provided that in no event shall such compensation for any year exceed 0.5% of the sum of (a) the amount of the Partnership's aggregate total investment in all Local Limited Partnerships, plus (b) the Partnership's allocable share of all liens and mortgages secured by the projects of all Local Limited Partnerships. Any such compensation shall be non-cumulative and shall be payable only out of available funds. Applicants state that compensation to the General Partners during the liquidating stage will be in the form of distributions of the proceeds of the sale or refinancing of Local Limited Partnership projects or interests, or of real or personal property of the Partnership. The General Partners will receive 15% of such sales or refinancing proceeds after the Limited Partners have received sale or refinancing proceeds equal to the amount of their capital contributions, plus a 6% cumulative annual return. Applicants state that, in addition to the foregoing fees and interests, the General Partners and their affiliates will be compensated through a 5% interest in Partnership profits and losses. They will also receive not less than 1% of profits (for tax purposes) resulting from a sale or refinancing of Partnership assets.

Applicants state that the substantial fees and other forms of compensation that will be paid to the General Partners and their affiliates will not have been negotiated through arm's length negotiations. They represent, however, that the terms of all such compensation will be fair and not less favorable to the Partnership than would be the case if such terms had been negotiated with independent third parties. In addition, compensation in various forms will be paid to the local general partner of each Local Limited Partnership.

Applicants state that all proceeds on the public offering of Units initially will be placed in an escrow account with The First National Bank of Boston ("Escrow Agent"). Pending release of offering proceeds to the Partnership, the Escrow Agent will have the right, at the direction of the Partnership, to invest escrowed funds in United States government securities, securities issued or fully guaranteed by United States government agencies, certificates of deposit and time or demand deposits in commercial banks having a net worth of at least $25,000,000 and in commercial paper rated P-1 by Moody's Investors Service, Inc. ("Moody's"), and securities of public investment companies registered with the Securities Exchange Commission with assets in excess of $50,000,000, a substantial portion of which is invested in investments comparable to the foregoing, including, without limitation, Transamerica Cash Reserve, Inc., Fidelity Daily Income Trust and Scudder Cash Investment Trust. Applicants state that when a prescribed minimum number of subscriptions has been received, funds in escrow will be released to the Partnership and held in trust pending investment in Local Limited Partnerships.

Applicants state that after the Partnership has made an initial capital contribution to a Local Limited Partnership, other funds allocated for subsequent investment in that Local Limited Partnership will be temporarily

invested by the Partnership in investments referred to in the preceding paragraph or in tax-exempt securities. It is represented that all such tax-exempt investments made by the Partnership will be rated MIG–2 or better by Moody's and have maturities not exceeding one year.

Applicants state that the Partnership expects to file with the Commission, pursuant to section 15(d) of the Securities Exchange Act of 1934 ("Exchange Act"), all required annual reports, quarterly reports and current reports on Forms 10–K, 10–Q and 8–K, respectively, as well as any other reports required by that act. In addition to the Exchange Act reporting requirements, Applicants state that the Partnership will, under the terms of the Partnership Agreement, be required to provide comprehensive reports to Limited Partners on a periodic basis. Applicants further state that if the Units are not registered pursuant to Section 12 of the Exchange Act, the Partnership will distribute unaudited six-month financial statements to the Limited Partners for the first two complete quarters of the Partnership's operations and for the first six months of each year of the Partnership's operations thereafter, together with a report of the Partnership's activities during such period. Applicants state if the Units are registered under the Exchange Act, the Partnership will distribute to the Limited Partners unaudited quarterly financial statements for each of the first three quarters of each year of the Partnership, together with a report of the Partnership's activities during each quarter. Applicants also state that until the net proceeds of the Partnership's public offering have been fully invested or returned to the Limited Partners, the Partnership will furnish each Limited Partner, at least quarterly with a report concerning the investments of the Partnership.

Applicants state that the Partnership Agreement provides that the Partnership shall indemnify the General Partners for losses sustained by them or their affiliates in connection with the business of the Partnership. Applicants further state, however, that insofar as indemnification for liabilities under the Securities Act may be permitted to the General Partners, the Partnership has been advised that in the opinion of the Commission, such indemnification is contrary to public policy as expressed in said Act and is therefore unenforceable. Therefore, the Partnership Agreement further provides that there shall be no indemnification in connection with any claim or settlement involving the Securities Act unless (a) the persons seeking indemnification are successful in defending such action and (b) such indemnification is specifically approved by a court action that has been advised as to the current position of the Commission regarding such indemnification.

Without conceding that the Partnership is an investment company as defined in the Act, Applicants request that the Partnership be exempted from the provisions of the Act pursuant to section 6(c). Section 6(c) of the Act provides that the Commission may exempt any person, security, or transaction from any provision of the Act and rule thereunder if, and to the extent that, such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Applicants contend that the exemption of the Partnership from all provisions of the Act is both necessary and appropriate in the public interest.

They assert that investment in low and moderate income housing in accordance with the national policy expressed in Title IX is not economically suitable for private investors without the tax and organizational advantages of the limited partnership form. Applicants assert that the limited partnership structure provides the only means of bringing private equity capital into government-assisted housing, particularly because public investors typically consider investment in low and moderate income housing programs as involving greater risk than real estate investment generally. Applicants state that the limited partnership form insulates each Limited Partner from personal liability and limits financial risk incurred by the Limited Partner to the amount he has invested in the program while also allowing the Limited Partner to claim on his individual tax return his proportionate share of the income and losses from the investment.

Applicants assert that despite the advantages it affords investors in government-assisted housing, the limited partnership form of organization is incompatible with fundamental provisions of the Act, such as the requirement that all shares of management investment company stock be voting securities; that disinterested persons be on the board of directors; and that the company's directors, its advisors, auditors and underwriters be chosen, and its policies be changed, only by vote of shareholders. In addition, real estate limited partnerships such as the Partnership generally cannot comply with the asset coverage limitations imposed by Section 18 of the Act.

Thus, an exemption from these basic provisions is necessary, and, Applicants contend, it is appropriate that such exemption be granted so as not to discourage use of the two-tier limited partnership entity. To do so, Applicants assert, would frustrate the public policy established by the housing laws.

Applicants further state that interests in the Partnership will be sold only to relatively sophisticated investors who must meet specified suitability standards which the Partnership believes are consistent with the securities laws of all states where the Units will be sold, and these investors will receive extensive reports concerning the Partnership's business and operations. Applicants also cite the extensive periodic reports providing additional protection for Limited Partners.

Applicants further state that, although the interests of the General Partners and their affiliates may conflict in various ways with the interests of Limited Partners, the Limited Partners are adequately protected through disclosure in the Prospectus.

Further protection for the interests of Limited Partners is provided, Applicants assert, by the numerous provisions of the Partnership Agreement designed to prevent overreaching by the General Partners and to assure fair dealing by the General Partners vis-a-vis the Limited Partners.

Notice is further given that any interested person may, not later than November 16, 1981, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his or her interest, the reason for such request, and the issues, if any, or fact or law proposed to be controverted or he or she may request that he or she be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicants at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request

or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponement thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-31000 Filed 10-27-81; 8:45 am]

BILLING CODE 8010-01-M

[File No. 22-11324]

International Harvester Credit Corp.; Application and Opportunity for Hearing

Notice is hereby given that International Harvester Credit Corporation (the "Company") has filed an application under clause (ii) of Section 310(b)(1) of the Trust Indenture Act of 1939 (the "Act") for a finding by the Securities and Exchange Commission that the successor trusteeship of Comerce Union Bank under seven existing indentures of the Company which are qualified under the Act is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify Commerce Union Bank from acting as trustee under any of such indentures.

I

The Company alleges that:

1. The Company has outstanding on October 13, 1981 the following described securities issued under the following indentures between the Company and Manufacturers Hanover Trust Company ("Manufacturers Hanover"), each of which was qualified under the Act in connection with the registration under the Securities Act of 1933 of the securities issued thereunder, the file number of each such Registration Statement being set forth in parentheses below:

(a) $75,000,000 7½% Debentures Due 1994, under indenture dated as of January 15, 1973 between the Company and Manufacturers Hanover Trust, Trustee (File No. 2-46636); and

(b) $100,000,000 13½% Notes Due August 1, 1988 under Indenture dated as of August 1, 1980 between the Company and Manufacuturers Hanover Trust, Trustee (File No. 2-68588).

II

By Order dated June 23, 1981, the Commission granted the application of the Company for Commerce Union Bank to succeed as Trustee to the five existing indentures of the Company each of which was qualified under the Trust Indenture Act of 1939 in connection with the registration under the Securities Act of 1933 of the Securities issued thereunder, the file number of each Registration Statement being set forth in parentheses below:

1. $50,000,000 4¾% Debentures Series B Due 1981, under Indenture dated as of November 1, 1958 between the Company and Continental Illinois National Bank and Trust Company of Chicago, Trustee, as supplemented by Supplemental Indenture dated August 1, 1960 (File No. 2-16795) (redeemed on date of maturity, August 1, 1981);

2. $50,000,000 8⅝% Debentures Due 1991, under Indenture dated as of August 1, 1971 between the Company and The Chase Manhattan Bank (National Association), Trustee (File No. 2-41096);

3. $60,000,000 7⅝% Debentures Due 1993, under Indenture dated as of February 1, 1972 between the Company and The Northern Trust Company, Trustee (File No. 2-42830);

4. $75,000,000 9% Notes Due April 1, 1984, under Indenture dated as of April 1, 1976 between the Company and Bank of America National Trust and Savings Association, Trustee (File No. 2-55565); and

5. $100,000,000 8.35% Notes Due December 15, 1986, under Indenture dated as of December 15, 1976 between the Company and Continental Illinois National Bank and Trust Company of Chicago, Trustee (File No. 2-57773).

As has been publicly reported, the Company and its parent, International Harvester Company ("IH"), are each negotiating for a new loan agreement to replace current short-term borrowings of the Company and IH. The indebtedness of the Company under its new loan agreement will be secured. As a result of its involvement in such negotiations or its anticipated roles in the restructuring of the indebtedness of the Company or for other reasons, Manufacturers Hanover has notified the Company of its resignation as Trustee under the two Indentures under which it serves as Trustee, each such resignation to become effective upon acceptance by the successor Trustee of appointment under each such Indenture. The Company therefore intends to appoint Commerce Union Bank, One Commerce Place, Nashville, Tennessee 37219, as successor Trustee under each such Indenture.

Each of the Indentures referred to in Parts I and II above contains the provisions required by Section 310(b) of the Trust Indenture Act of 1939.

The securities issued under each of the Indentures listed in Parts I and II above are wholly unsecured. All of such securities constitute senior indebtedness of the Company; the securities issued under each such Indenture rank equally with the securities issued under each other such Indenture.

Each of the Indentures referred to in Parts I and II above provides that, with certain exceptions, the Company will not subject to lien any of its property or assets without securing the payment of the principal of and premium, if any, and the interest on the securities issued under such Idenure equally and ratably with any and all other obligations and indebtedness secured by such lien, so long as any such other obligations and indebtedness are so secured. Because the indebtedness of the Company under its new loan agreement referred to in paragraph 1 above will be secured, the securities outstanding under each of the Indentures referred to in Parts I and II will, when the Company enters into the new loan agreement, become equally and ratably secured, and will remain so secured so long as any indebtedness of the Company under its new loan agreement is secured; thereafter such securities will again become wholly unsecured.

At such time as the indebtedness of the Company under its new loan agreement becomes secured, the issuer of securities outstanding under each of the Indentures referred to in Parts I and II above will become and be secured by the same pool of collateral, equally and ratably with the indebtedness of the Company under the new loan agreement and with the issue of securities outstanding under each other such Indenture, as well as with all other indebtedness of the Company to be secured by such collateral.

In order to secure the indebtedness referred to above (the "Second Debt"), the Company expects to enter into certain agreements (the "Security Arrangements") with a bank (which will not be commerce Union Bank) to be appointed trustee with respect to the collateral (the "Collateral Trustee"). The Security Arrangements will provide, *inter alia*, that if circumstances occur under which the Collateral Trustee takes action to realize on the collateral, all amounts so realized will be held in trust by the Collateral Trustee and distributed, equally and ratably, to all holders of Secured Debt (including for the purposes of any such distribution the trustees under each indenture of the Company under which Secured Debt is outstanding). If the indebtedness outstanding under any of the Indentures

referred to in Parts I and II above is not paid when due, or if such indebtedness has been declared payable prior to its stated maturity pursuant to the terms of any such Indenture, the Trustee under any such Indenture will be entitled to give notice to the Collateral Trustee requiring the Collateral Trustee to take action to realize on the collateral.

The effect of the Security Arrangements will be to insure that if any holder of group of holders of Secured Debt becomes entitled to cause the collateral Trustee to realize on the collateral, all holders of Secured Debt, including the indebtedness outstanding under each of the Indentures listed in Parts I and II above, will benefit ratably.

For the foregoing reasons, the Company believes that serving as Trustee under any one of the Indentures listed in Parts I and II above, and continuing such trusteeship during such time as the indebtedness outstanding under each such Indenture is secured and thereafter, when such indebtedness again becomes wholly unsecured, should in no way inhibit, discourage or otherwise influence Commerce Union Bank's actions as Trustee under any one or more of other Indentures. Consequently, its trusteeship under all of such Indentures is not so likely to involve a materal conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify Commerce Union Bank from acting as Trustee under any of such Indentures.

The Company waives notice of hearing and waives hearing and waives any and all rights to specify procedures under rule 8(b) of he Commission's rules of practice with respect to the application.

For a more detailed account of the matters of fact and law asserted, all persons are referred to the application, which is a public document on file in the offices of the Commission at the Public Reference Room 1100, L Street, N.W., Washington, D.C.

Notice is further given that any interested person may, not later than November 15, 1981, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of law or fact raised by such application which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. At any time after said date, the Commission may issue an order granting the application, upon such terms and conditions as the Commission may deem necessary or appropriate in the public interest and the interest of investors, unless a hearing is ordered by the Commission.

For the Commisison, by the Division of Corporation Finance, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-31073 Filed 10-26-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-18198; File No. SR-MSE-81-8]

Self-Regulatory Organization; Midwest Stock Exchange, Inc.; Proposed Rule Change Relating to Specialists and Market Maker Financing

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78(s)(b)(1), notice is hereby given that on September 29, 1981, the Midwest Stock Exchange, Incorporated filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, such Items having been prepared by the self-regulatory organization. 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

The fee for MSE to act as Lenders' agent in regard to specialists and market makers to finance transactions as an MSE specialist or market maker shall be 1½% of the outstanding daily balance of such loans. The Midwest Stock Exchange as an agent for lenders will monitor collateral held by the Midwest Stock Exchange for the Lender and upon default if the collateral is insufficient to repay the loan, the Midwest Stock Exchange will advance an amount to the Lender to repay the loan. The fee shall be calculated daily on a 360 day-year basis and shall be charged against the specialist's or market maker's account monthly.

The Midwest Stock Exchange, Incorporated believes that the fee established in the preceding paragraph will not have any direct effect, or significant indirect effect, on the application of any rule of the Exchange.

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

The proposed rule change will supersede SR-MSE-81-4 because the nature of the Midwest Stock Exchange's obligation has changed from that of a guarantor to an agent. The Midwest Stock Exchange, Incorporated has established a fee for acting as the agent of lenders who make loans to specialists and market makers. This MSE service will enable specialists and market makers to obtain needed financing. This MSE service is also designed to bring new participants onto the Midwest Floor and to encourage smaller size market makers and specialists. The fees collected will be used to offset the costs of administering MSE's responsibilities as the agent of lenders.

The statutory basis for the adoption of this fee is found in Sections 6(b)(4) and 6(b)(5) of the Act. The Midwest Stock Exchange believes that the fee is reasonably and equitably allocated among the members and the services for which it is rendered will contribute to the maintenance of fair, free, open and orderly markets.

(B) Self-Regulatory Organization's Statement on Burden on Competition

The Midwest Stock Exchange, Incorporated does not consent to an extension of the time periods specified in Section 19(b)(2) of the Act.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants or Others

Comments have neither been solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3) of the Securities Exchange Act of 1934 and subparagraph (e) of Securities Exchange Act Rule 19b-4. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is

necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Copies of the submission, all subsequent written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating the 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, 1100 L Street, NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted by November 17, 1981.

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

Dated: October 21, 1981.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-31138 Filed 10-26-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 18199; file No. SR-NYSE-81-21]

Self-Regulatory Organizations; New York Stock Exchange, Inc.; Proposed Rule Change

In the matter of requiring the Chairman of the Board of Directors to consult with and report annually to the Exchange's Nominating Committee and clarifying the ability of the Nominating Committee to solicit the views of the Chairman and other members of the Board of Directors.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78(s)(b)(1), notice is hereby given that on October 21, 1981, the New York Stock Exchange, Inc. filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II and III below, which Items have been prepared by the self-regulatory organization. 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

The Exchange is amending its Constitution to require that the Chairman of the Board of Directors consult with and report annually to the Exchange's Nominating Committee and to clarify the ability of the Nominating Committee to solicit the views of the Chairman and other members of the Board of Directors.

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 place set forth 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

The purpose of this change is to make clear that the Nominating Committee may solicit the views of the Chairman and other Directors and to require the Chairman to report to the Nominating Committee at least once a year.

B. Self-Regulatory Organization's Statement on Burden on Competition

The amendments are solely concerned with the administration of the Exchange and therefore will not create a burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants and Others

The Exchange has not received any comments on this proposed change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3) of the Securities Exchange Act of 1934 and subparagraph (c) of Securities Exchange Act Rule 19b-4. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such action if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors or otherwise in furtherance of the purpose of the Securities Exchange Act of 1934.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 500 North Capitol Street, 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, 1100 L Street, Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted by November 17, 1981.

For the Commission by the Office of the Secretary, pursuant to delegated authority.

Dated: October 21, 1981.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-31139 Filed 10-26-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-18195, File No. S7-911]

Request for Comments on Issues To Be Addressed by Advisory Committee on Shareholder Communications

AGENCY: Securities and Exchange Commission.

ACTION: Request for comments by advisory committee.

SUMMARY: The Advisory Committee on Shareholder Communications, through the facilities of the Commission, is soliciting public comment on several specific issues to be addressed by the Committee in connection with its consideration of ways to improve the process by which issuers communicate with the beneficial owners of securities registered in the name of a broker-

dealer ("street name"), bank or other nominee.

DATE: Comments should be received by the Commission on or before December 5, 1981.

ADDRESSES: All comments should be submitted in triplicate to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Comment letters should refer to File No. S7-911. All comments received will be available for public inspection and copying at the Commission's Public Reference Room, 1100 L Street, N.W., Washington, D.C. 20549.

FOR FURTHER INFORMATION CONTACT: Gregory H. Mathews, Office of Disclosure Policy, Division of Corporation Finance, Securities Exchange Commission, Washington, D.C. 20549, (202) 272-2589.

SUPPLEMENTARY INFORMATION: At the request of the Advisory Committee on Shareholder Communications (the "Committee"), the Securities and Exchange Commission today published the Committee's request for public comments on several issues it is addressing. The Commission wishes to note that this solicitation is being made solely by the Committee and that the Commission merely is providing its facilities to assist the Committee in soliciting public comment from the widest possible public audience.

On April 10, 1981, the Securities and Exchange Commission announced the appointment of the Committee whose charter is to consider: (1) Delays in proxy distribution and voting with respect to securities held by a participant in a depository on behalf of non-participants; (2) delays in proxy distribution and voting with respect to securities held in the name of broker-dealers ("street name") or in the name of a bank nominee; (3) the feasibility of providing a means for issuers to identify the beneficial owners of street or other nominee name securities; and (4) inconsistent practices relating to the dissemination of non-proxy corporate communications to the beneficial owners of nominee held securities. The Committee believes it is important that it be apprised of the viewpoints on these subjects of all persons and entities associated with, and effected by, the shareholder communications process, including members of the general public, individual shareholders whose stock is held in street or nominee name, issuers, banks, broker-dealers and transfer agents.

This release describes, among other things, a number of specific suggestions for improving the processes by which issuers communicate with their beneficial owners. The Committee is raising these suggestions for public discussion and is not, at this time, endorsing any of them. In view of the nature of these suggestions, the Committee strongly encourages persons and organizations with practical experience and expertise in these matters to comment upon the technical feasibility and costs of the proposals and to present alternatives which might better accomplish the same objectives. Comments should include, to the extent feasible, detailed empirical and experiential material in support of any conclusions, opinions or positions. Accordingly, the Committee hereby invites all interested parties to submit their views, in writing, on any or all of the issues set forth below or on any other matter relating to the process by which issuers and beneficial security owners of street or nominee held stock communicate.

Issues to be Addressed

I. Improving Existing Procedures Relating to Distribution of Proxy Materials and Annual Reports

A. What aspects of the existing process for disseminating proxy material and annual reports (hereinafter referred to as proxy material) to the beneficial owners of street and nominee held securities cause the greatest problems for: (1) beneficial owners, (2) issuers, and (3) broker-dealers, banks, voting trustees or other nominees? In order to place any such problems in their proper context, please indicate, if possible, the percent of the securities of public corporations which is registered in street or other nominee name.

B. How can broker-dealers, banks and other nominees respond more promptly to issuer inquiries about the number of their customers who beneficially own street or nominee held securities?

C. How can issuers shorten the time currently taken to provide broker-dealers, banks or other nominees with the sets of proxy material they have requested?

D. How can broker-dealers, banks and other nominees shorten the time currently taken to mail the sets of proxy material they have received from issuers?

E. Existing Rule 14a-3(d) requires that if the issuer knows that securities of a class entitled to vote at a meeting are held of record by broker-dealers, banks, or other nominees, the issuer shall inquire of such record holders ten days prior to the record date for the shareholders' meeting in order to determine the number of sets of proxy material needed for such nominees to distribute the materials to their customers who beneficially own the securities registered in street or nominee name. Issuers currently must supply the requested sets of proxy material "in a timely manner."

Existing Rule 14b-1 requires brokers to respond promptly to issuer inquiries made pursuant to Rule 14a-3(d). Upon receipt of the proxy material and assurance that its reasonable expenses will be paid by the issuer, the broker must forward such materials prompty to customers with securities held of record by the broker or its nominee.

The Committee has under study the following preliminary proposals to improve the operation of existing Rule 14a-3(d) and Rule 14b-1:

1. A requirement that issuers make the inquiry of nominee record owners twenty or thirty days (or some other appropriate number of days) in advance of the record date for the shareholders' meeting instead of the present ten day advance notice standard;

2. A requirement that issuers send proxy materials to broker-dealers, banks, voting trustees or other nominees no less than thirty days (or some other appropriate number of days) prior to the meeting of shareholders;

3. Assuming issuers have sent proxy materials to nominees at least thirty days (or some other appropriate number of days) prior to the meeting date, a requirement that broker-dealers mail the proxy materials to beneficial owners twenty days (or some other appropriate number of days) prior to the shareholders' meeting;

4. A requirement that broker-dealers send proxy material to beneficial owners by first class mail;

5. A requirement, pursuant to Section 17A of the Securities Exchange Act or otherwise, that depositories require banks, as a condition for their participation in the depository system, to agree to disclose to issuers, upon their request, the identities of correspondent banks for whom they hold securities in nominee name, so that issuers will have the same level of information that they had prior to the advent of the layering of bank nominee ownership through depositories. Are these proposals practical, what are their advantages and disadvantages, and would they expedite the distribution of proxy materials?

What should the penalty be for failure to comply with such existing or amended rules?

F. What additional steps can the stock exchanges and the National Association of Securities Dealers ("NASD") take to improve the way in which issuers and/

or broker-dealers disseminate proxy materials?

G. The great majority of nominee held securities are held by banks. The Committee believes that a significant amount of such holdings represent securities placed in custody (safekeeping) accounts by correspondent banks and other bank customers. Banks do not vote the uninstructed shares of their custody account holders. Moreover, banks are not currently subject to any regulatory requirements regarding the dissemination of issuer proxy material to beneficial owners. Presently initiatives are being undertaken within the banking community to improve their proxy soliciting performance. If such efforts do not succeed, should legislation be recommended in order to require that bank nominees report to issuers the number of bank customers beneficially owning the issuer's securities and, upon receipt of the requisite number of sets of proxy material, to disseminate proxy material to all beneficial owners of securities held in the name of bank nominees?

H. Should internal bank procedures be revised in order that the following records be kept with respect to proxy handling procedures:

1. Search card mailing dates;
2. Receipt dates of proxy materials, and
3. Mailing dates to beneficial owners?

I. It has been suggested that a major reason why annual meetings are held between March and June is the existing requirement that proxy material relating to an annual meeting at which directors are to be elected must be accompanied or preceded by an annual report containing certified financical statements. If this requirement were amended to permit distribution of such an annual report along with interim unaudited quarterly reports covering the period since the end of the last fiscal year, would issuers prefer to hold their shareholders' meeting at some time other than during the period between March and June? Would such changes in the dates of annual meetings improve the process of distributing proxy materials?

II. Improving Existing Proxy Voting Procedures

A. Existing rules of the stock exchanges permit member organizations to vote the nominee-held securities of their customers without instructions on any matter which is uncontested, adequately disclosed and does not involve authorization for a merger, consolidation or any other matter which may substantially affect the rights or privileges of shareholders. The rules provide that if the proxy material is transmitted to beneficial owners at least twenty-five days before the meeting the broker can vote the uninstructed shares fifteen days before the meeting. If the proxy material is transmitted at least fifteen days prior to the meeting, then the broker can vote uninstructed shares ten days before the meeting. If the proxy material is mailed less than fifteen days in advance of the meeting, then member organizations are not permitted to vote on any matter without instructions from the beneficial owners. The Rules of Fair Practice of the NASD permit its members to vote customer shares if they comply with the pertinent rules of one of the exchanges. These self-regulatory rules permitting broker-dealer voting collectively are referred to as "the ten-day rules." Under the present system, when broker-dealers exercise their right to vote shares without instructions, they vote "for" the issuer's nominees and positions.

1. Should the uninstructed shares of beneficial owners be voted for quorum purposes only?

2. Should the existing restrictions as to the matters on which broker-dealers are permitted to vote uninstructed customer proxies be eliminated or relaxed?

3. Should broker-dealers establish procedures whereby the beneficial owners of securities held in the name of such broker-dealers can more readily avail themselves of the opportunity to designate their broker-dealer to be their voting fiduciary? Such Fiduciaries would have responsibility for voting shares in a manner that serves the interests of the beneficial owners when proxy materials have been distributed, but voting instructions from the beneficial owners have not been received, by a specified number of days in advance of the shareholders' meeting?

4. The Committee has under study a preliminary proposal to recommend amendment of the proxy rules of the stock exchanges. It is proposed that in order for issuers to obtain the requisite yes or no vote on various substantive business matters, such as recapitalizations, mergers and stock options, which at present often fail for lack of the required number of voted shares, member organizations be required to vote the uninstructed shares of beneficial owners proportionately. Unvoted shares of beneficial owners would be voted only in the same percentages on various questions as the vote of certain other proxies that had been recorded.

a. Under this proposal, should broker-dealers be required to give a proxy to the issuer which states that the uninstructed shares of their customers shall be voted in the same proportion as the votes cast by all other security holders voting either by proxy or at the meeting of security holders? or

b. Should broker-dealers be required to give a proxy to the issuer which states that the uninstructed shares portion as the votes cast by all beneficial owners providing instructions to nominees? or

c. Should each broker-dealer be required to vote uninstructed shares in the same proportion as the votes cast by his customers who provide voting instructions?

d. Under this proposal should there be restrictions on the type of voting questions or issues (e.g., proxy contests, shareholders proposals) for which this procedure should be permitted?

e. Should banks revise their standard custody account agreements in a manner which gives bank nominees authority to vote uninstructed shares proportionately, as outlined above, where the bank has mailed proxy material to account holders at least twenty days in advance of the meeting date and has received no voting instructions by the tenth day before the meeting date?

5. Should the present or expanded ten-day rules, and related proxy voting mechanisms, be more explicitly explained to beneficial owners at the time they make the decision not to be the record owner of the securities? If so, how should this be accomplished in the case of broker-dealers and in the case of other nominees?

B. What is the experience of issuers in recent years with respect to: (1) the percent of shares voted for quorum purposes and (2) the percent of shares voting on substantive matters for which broker-dealers are not permitted to vote, pursuant to the ten-day rules, without customer instructions?

C. Are foreign shareholders in American corporations reluctant to vote? If so, does this pose a problem for (1) quorum purposes, and (2) routine or substantive matters to be acted on at shareholders' meetings?

III. Improving Existing Procedures Relating to Distribution of Non-Proxy Corporate Communications (i.e. interim reports, letters, surveys)

A. The existing rules of the stock exchanges require listed companies to publish interim financial statements, but do not require that such information be distributed to shareholders, although such distribution is encouraged. However, the rules of the stock

exchanges require that such information be distributed to beneficial owners by member organizations upon request from the issuer and assurance that their reasonable expenses will be reimbursed.

1. Do some issuers disseminate certain non-proxy corporate communications only to record security holders and not to beneficial owners of street or other nominee held securities? Should issuers be required to disclose their procedures in this regard?

2. Should issuers be required to send the same non-proxy communications to beneficial owners that they send to other security holders of record?

3. Should issuers be required to disseminate interim reports to shareholders pursuant to a rule similar to Rule 14a–3(d)?

4. Should there be a distinction between larger and smaller companies in connection with any requirements for the dissemination of non-proxy corporate communications? If so, what should be the basis for any such distinction?

B. Are issuers aware that beneficial owners of street or nominee held securities normally will not receive the issuer's interim reports and other non-proxy corporate communications unless the issuer makes an inquiry of all nominees in a manner similar to the inquiry issuers undertake in connection with the dissemination of proxy materials?

C. What other aspects of the existing system for conveying non-proxy communications from issuers to beneficial owners of street or nominee held securities cause the greatest problems for: (1) beneficial owners, (2) issuers, and (3) broker-dealers, banks, voting trustees or other nominees?

IV. Feasibility of a Direct Communication System

In response to a number of comments and complaints from shareholders and issuers, the Committee has under study a preliminary proposal which would recommend that broker-dealers, banks, voting trustees and other nominees be required to provide the identities and ownership positions of their non-objecting beneficial owners to the issuers of such stock, or their designated agent, at least once per year as of the record date for the issuer's shareholders' meeting. There are a variety of views within the committee itself as to the ultimate feasibility and cost-effectiveness of any such system of direct communication. The presentation of this preliminary proposal is not to be taken as an endorsement by the Committee, at this time, of any such system.

Under this system, nominees would be required to inquire of their beneficial owners as to whether they would object to the release of their identities to issuers for the specific purpose of direct communication between the issuer and the beneficial owner. Inquiry of new accounts would be made by including a statement authorizing release of ownership information in the agreement the customer signs as part of the account opening procedures. Inquiry of existing accounts would be made by mail. The inquiry of existing accounts would provide for a yes or no response and would indicate that unless a no response was received by the intermediate record owner, identity and ownership position information would be provided to the issuer for so long as the beneficial owner continued to not object. All inquiries would include a representation of confidentiality which would preclude the use, by the issuers or their agents, of this information for any purpose other than corporate communications.

Nominees would be required to maintain a list of all beneficial owners coded or separated into objecting and non-objecting groups and to make the list of non-objecting beneficial owners available to issuers at the appropriate time.

Prior to the record date for their shareholders' meeting, issuers would be able, by use of a search card similar to the one presently used (see Rule 14a–3(d) of the Securities Exchange Act), to request from such nominees a list of the identities of their non-objecting beneficial owners and their share balances. The search card would set forth the issuer's responsibility for communicating with the non-objecting beneficial owners and its obligation to otherwise safeguard the confidentiality of the information received. The search card would indicate the record and meeting dates and to whom the information should be delivered. The search card also would request information as to the number of sets of material the nominee required in order to distribute proxy material to the objecting beneficial owners. The nominee would be required to respond by providing, within five business days after the record date, the required information in at least two uniform formats—one hard copy and one set of labels. Issuers wishing to receive the information by other means, or in other formats, could make such arrangements with individual nominees, where possible.

Where an intermediary maintains other intermediate record owners, such as correspondent banks, on its list of beneficial owners, the first intermediary would be responsible for forwarding the issuer's search card to the other intermediary, so that the latter could provide a list of its beneficial owners directly to the issuer.

Issuers, or their agents, would receive the lists and labels of the beneficial owners from the various intermediaries beginning approximately five days after their record date. The issuers would be responsible for collecting, collating and maintaining these lists in the manner best suited to their efficient use for the purpose of direct communication with shareholders. Each issuer would then mail its proxy material directly to beneficial owners who would return their marked proxies directly to the issuer, or its agent. In some cases, such as those involving objecting beneficial owners or other exceptions to the rules, proxy communications would continue to be handled in the present manner.

In connection with this proposal, commentators are urged to consider the following questions:

A. Are the two formats for response (hard copy and labels) described above technically practicable? Would the means of transmitting beneficial owner information have to be standardized and, if so, in what manner? If not, could issuers adequately assimilate into their computer systems the variety of formats (tape, paper, etc.) in which the information might be received from hundreds of nominees? Would some issuers have to process these lists by hand? Would it be practical to require that each nomiee supply a printout of names and shareholdings and, if so, could this format be more easily assimilated?

B. In analyzing costs, the Committee believes it would be useful to take the following factors into account:

1. The availabliity of existing automated systems for transmission of beneficial owner data;

2. The amount of work required to restructure existing automated systems;

3. Cost calculations should assume certain cost-benefits resulting from electronic media transmission of beneficial owner data, even though the proposal suggests only labels and hard copy as a requirement;

4. To the extent automated transmission systems from nominees are not available, the cost of conversion of labels and hard copy to a form which can be utilized by large issuers.

Taking into account these factors, what would be the increased or decreased cost of developing and operating the system described above to all participants, including issuers,

transfer agents, banks, broker-dealers and other nominees?

C. If adopted, should the direct communication system be mandatory on all issuers or voluntary? What increased costs, if any, would be incurred on account of some issuers opting out? Should only issuers of a certain size be allowed to opt out?

D. How should the burden of any increase in costs, or the savings of any decrease in costs, resulting from the system be allocated?

E. What sort of "omnibus proxy" would have to be provided to issuers by the nominees in order to correctly match received proxies with record ownership so that the proxies will be voted in the proper record account?

F. Is it practical to expect all the lists from first and lower tier nominees to be timely received by issuers so that a timely mailing can be made?

G. What steps could be taken to avoid, and what actions could be taken to solve, "double counting" and votes in excess of 100%, which could occur if nominees inadvertently also made mailings to one or more persons who were non-objecting beneficial owner?

H. What reprogramming and list maintenance steps will have to be taken by transfer agents in order to permit their computer system to tabulate the additional individual proxies? Would the names have to be entered into such systems for mailing and tabulation purposes?

I: Are there any state or federal laws or regulations which would preclude a broker-dealer, bank, voting trustee or other nominee from providing the identity of the beneficial owner to the issuer? If so, please identify. If so, would they apply if beneficial owners had been given an opportunity to object to the release of their identities to the issuer and had failed to respond in writing within a specified period of time; or would it be necessary to have an affirmative written consent?

J. Should issuers be permitted to utilize an intermediary entity to collect from broker-dealers, banks, voting trustees or other nominees, the identities of non-objecting beneficial owners and to compile a list of such beneficial owners as of the issuer's record date for the purpose of disseminating proxy materials?

K. Should the list of beneficial owners be available, at the request of the issuer, on a more frequent basis than annually? If so, should the issuer bear the cost? Should the list be updated by making additions and or deletions from time to time?

L. Should the system be used only for distribution of proxy material or should it be available to be used for all corporate-shareholder communications (i.e. interims, shareholder surveys, etc.)?

M. If there are other possible ways to structure a direct communication system, what specific structure would be best?

N. In view of the possible problems associated with a dual mailing system for objecting and non-objecting beneficial owners, should such lists of non-objecting beneficial owners only be made available to issuers for shareholder identification purposes and communications not related to proxy solicitation?

Would the furnishing of such lists of only non-objecting beneficial owners for only this purpose be of practical value to issuers?

By the Commission.

George A. Fitzsimmons,

Secretary.

October 21, 1981.

[FR Doc. 81-31140 Filed 10-26-81; 8:45 am]

BILLING CODE 8010-01-M

SUSQUEHANNA RIVER BASIN COMMISSION

Public Hearing; Modification of Cowanesque Lake Project

The Baltimore District, Corps of Engineers, is nearing completion of a study to determine the feasibility of modifying the existing Federally-constructed Cowanesque Lake project in Tioga County, Pa. to include water supply as a project purpose together with the present purposes of flood control and recreation. The study is being conducted under the authority of the Flood Control Act of 1958 which authorized construction of the existing project and in accordance with the provisions of the Water Supply Act of 1958. If implemented, the cost to modify the project to include water supply storage, along with a share of the project's original cost, would be largely repaid by non-Federal users.

All interested parties are invited to attend a public hearing concerning this Cowanesque Lake Reformulation Study. The hearing, which is jointly sponsored by the SRBC and the Corps of Engineers, will be held on Tuesday, November 17, 1981, at 7:30 p.m. in the Williamson Junior/Senior High School Auditorium at Tioga Junction, Pa.

The SRBC is participating in the hearing to gather data and solicit public comments to decide if the modification to the project should be made part of the Commission's Comprehensive Plan. Under Article 12.1 of the Susquehanna River Basin Compact, no Federal project or modification thereto will be deemed approved unless it has first been included by the Commission in its Comprehensive Plan.

The Corps of Engineers is participating in this public hearing to present the tentative recommendations of the study to the public and to solicit their views and comments on the proposed recommendations.

Copies of the draft report which include the tentative recommendations, the Environmental Impact Statement, and the technical appendices will be available about October 27, 1981 for public review at the following locations: Susquehanna River Basin Commission, 1721 N. Front St., Harrisburg, Pa.; Tioga County Commission's Office, Court House Annex, 118 Main St., Wellsboro, Pa.; Southern Tier Central Regional Planning & Development Board, 53½ Bridge St., Corning, N.Y.; Cowanesque Lake Visitors Center, Bliss Rd., Cowanesque Lake, Lawrenceville, Pa.; Park Manager's Office, Ives Run Administration Bldg., Tioga-Hammond Lakes, Tioga, Pa.; Steele Memorial Library, Lake & Church Sts., Elmira, N.Y.; Southern Tier Library System, Corning Public Library, Tioga Ave., Corning, N.Y.; Big Flats Library, Canal St., Big Flats, N.Y.; and Chemung County Planning Board, 210 Lake St., Elmira, N.Y.

The hearing will begin with a presentation of the findings of the study. Oral statements will then be heard, but for accuracy of record, a written copy of statements and important facts should be submitted to the presiding officer at the hearing or mailed beforehand to: U.S. Army Corps of Engineers, Baltimore District, P.O. Box 1715, Baltimore, Md. 21203.

Mailed statements should indicate that they are in response to this announcement. All statements, both oral and written, will become part of the official record of this study and will be made available for public examination. Full consideration will be given to the views expressed both in writing and orally at the public hearing. Written comments submitted within four weeks following the hearing (December 15, 1981) will also be included in the record of the hearing.

Following the public hearing, the Corps of Engineers will review the data presented at the hearing, the comments received in response to the draft report and the draft Environmental Impact Statement, and the findings and recommendations of the SRBC. A final report will then be prepared by the Baltimore District and forwarded through the Division Engineer in New

York to the Chief of Engineers in Washington.

The SRBC will separately review the Corps of Engineers proposal and the testimony received through the public hearing process. Its findings and recommendations regarding the project will be included in the Corps of Engineers final report concerning any intended modification of the project.

Questions or requests for additional information should be directed to either Mr. J. William Haines at (301) 962–2547 or Mr. Richard Koeppel at (717) 835–5230, or by writing to the District Engineer at the address furnished in a previous paragraph.

Please bring this announcement to the attention of anyone who may not have received a copy or anyone you know who would be interested in this matter.

Dated: October 20, 1981.

Robert J. Bielo,

Executive Director.

[FR Doc. 81-31039 Filed 10-26-81; 8:45 am]

BILLING CODE 7040-01-M

VETERANS ADMINISTRATION

[317/213]

Station Committee on Educational Allowances; Meeting

October 7, 1981.

Notice is hereby given pursuant to Section V, Review Procedure and Hearing Rules, Station Committee on Educational Allowances that on October 28 at 8:00 a.m. the Veterans Administration Regional Office, St. Petersburg, Florida, Station Committee on Educational Allowances, shall, at the Federal Building, Room 621, 144 1st Avenue South, St. Petersburg, Florida, conduct a hearing to determine whether Veterans Administration benefits to all eligible persons enrolled in Upholsterer Apprenticeship Program, Siesta Custom Mattress and Upholstery, Inc., 836 Carswell Avenue, Holly Hill, Florida 32017, should be discontinued, as provided in 38 CFR 21.4134, because a requirement of law is not being met or a provision of the law has been violated.

All interested persons shall be permitted to attend, appear before, or file statements with the Committee at that time and place.

Dated: October 7, 1981.

Carlos L. Rainwater,

Director.

[FR Doc. 81-31081 Filed 10-26-81; 8:45 am]

BILLING CODE 8320-01-M

Revised Schedule of Cost Reviews; Department of Veterans Benefits

AGENCY: Veterans Administration.

ACTION: Notice.

SUMMARY: In accordance with OMB Circular A–76, Policies for Acquiring Commercial or Industrial Products and Services Needed by the Government, the Veterans Administration will be conducting cost comparison reviews at various field stations within the Department of Veterans Benefits to determine the feasibility of contracting out specific tasks to private contractors. In this notice, revisions concerning the stations involved, functional areas to be reviewed, and schedule of review dates are published for the notification of all interested parties.

Revisions of the Automated Mail Inserting Functional Area are due to test programs currently being administered at some regional offices. The completion and analysis of these procedures require a temporary delay in the initiation of the cost comparison study actions.

A study of the Centralized Transcription Activity located in the VA Central Office was inadvertently omitted from the previously published information. That omission is being corrected at this time.

The stations listed under the keypunch and microfilm categories have submitted new information which must be reviewed and considered prior to the initiation of cost comparison studies.

Only those functional activities, stations, and review dates specified in this submission reflect any change. All other information published on page 41869 of the Federal Register of August 18, 1981, remains accurate as previously printed.

FOR FURTHER INFORMATION CONTACT: Robert A. Jones, Chief, Records Management and Supply Liaison Division, Department of Veterans Benefits (232B), VA Central Office, 810 Vermont Avenue, NW., Washington, D.C. 20420, (202) 389–2972.

Dated: October 20, 1981.

Robert P. Nimmo,

Administrator.

FUNCTIONAL AREA: AUTOMATED MAIL INSERTING

Field station	Previously indicated date of review	Revised date of review
Los Angeles, CA.	Dec. 15, 1981	Aug. 31, 1982.
Philadelphia, PA.	do	Do.
St. Paul, MN	do	Do.
Milwaukee, WI	May 31, 1981	Do.

FUNCTIONAL AREA: CENTRALIZED TRANSCRIPTION ACTIVITIES

Field station	Date of review
VA Central Office	Aug. 31, 1981.

FUNCTIONAL AREA: KEYPUNCH

Field station	Previously indicated date of review	Revised date of review
Milwaukee, WI.	Dec. 15, 1981	Aug. 31, 1982.
Cleveland, OH.	do	Do.
Montgomery, AL.	do	Do.
Nashville, TN	do	Do.
New Orleans, LA.	do	Do.
St. Petersburg, FL.	do	Do.
New York, NY.	do	Do.
San Juan, PR	do	Do.

FUNCTIONAL AREA: MICROFILMING

Field station	Previously indicated date of review	Revised date of review
Cleveland, OH.	Mar. 1, 1982	Aug. 31, 1982.

[FR Doc. 81-31079 Filed 10-26-81; 8:45 am]

BILLING CODE 8320-01-M

Sunshine Act Meetings

Federal Register
Vol. 46, No. 207
Tuesday, October 27, 1981

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

CONTENTS

	Items
Federal Mine Safety and Health Review Commission	1
Federal Home Bank Board	2
Federal Reserve System	3
Parole Commission	4
Postal Service	5
Securities and Exchange Commission	6

1

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

October 21, 1981.

TIME AND DATE: 10 a.m., Wednesday, October 28, 1981.

PLACE: Room 600, 1730 K Street NW., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED: The Commission will consider and act upon the following:

1. Penn Allegh Coal Company, PENN 81-6-R. (Issues include interpretation and application of 30 CFR 75.316).
2. Lone Star Industries, Inc., VA 80-67-M. (Issues include interpretation and application of 30 CFR 56.9-41).

CONTACT PERSON FOR MORE INFORMATION: Jean Ellen, 202-653-5632.

[S-1623-81 Filed 10-23-81; 2:57 pm]

BILLING CODE 6820-12-M

2

FEDERAL HOME LOAN BANK BOARD

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 46 FR 51850, October 22, 1981.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10 a.m., Thursday, October 29, 1981.

PLACE: 1700 G Street, N.W., board room, sixth floor, Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Marshall (202-377-6679).

CHANGES IN THE MEETING: The following items listed below have been changed:

Proxy Solicitations regarding MCCs to Procedure for Adoption of Charter Amendment Authorizing the Issuance of Mutual Capital Certificates
Holding Company Delegations to Delegations of Authority under the Savings and Loan Holding Company Act
Election of FHLB Directors to Internal Processing—Filing Applications Relating to Management Official Interlocks
Merger Policy Guidelines to Amendments Regarding Merger Policy

The following item has been added to the open meeting scheduled for Thursday, October 29, 1981 Bank Board meeting.

Amendments to Conversion Regulations. No. 552, October 23, 1981.

[S-1620-81 Filed 10-23-81; 11:35 am]

BILLING CODE 6720-01-M

3

FEDERAL RESERVE SYSTEM

(Board of Governors)

TIME AND DATE: 10 a.m., Monday, November 2, 1981.

PLACE: 20th Street and Constitution Avenue NW., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Proposed acquisition of computer equipment within the Federal Reserve System.
2. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.
3. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board (202) 452-3204.

Dated: October 23, 1981.

James McAfee,

Assistant Secretary of the Board.

[S-1624-81 Filed 10-23-81; 3:30 pm]

BILLING CODE 6210-01-M

4

PAROLE COMMISSION

TIME AND DATE: 9:30 a.m., Wednesday, October 28, 1981.

PLACE: Room 420-F, One North Park Building, 5550 Friendship Boulevard, Bethesda, Maryland 20015.

STATUS: Closed pursuant to a vote to be taken at the beginning of the meeting.

MATTERS TO BE CONSIDERED: Referrals from Regional Commissioners of approximately 18 cases in which inmates of Federal prisons have applied for parole or are contesting revocation of parole or mandatory release.

CONTACT PERSON FOR MORE INFORMATION: Linda Wines Marble, Chief Case Analyst, National Appeals Board, United States Parole Commission (301) 492-5926.

[S-1622-81 Filed 10-23-81; 2:50 pm]

BILLING CODE 4410-01-M

5

POSTAL SERVICE

The Board of Governors of the United States Postal Service, pursuant to its Bylaws (39 CFR 7.5) and the Government in the Sunshine Act (5 U.S.C. 552b), hereby gives notice that it intends to hold meetings at 3:00 p.m. on Thursday, November 5, in Chicago, Illinois, and at 8:00 a.m. on Friday, November 6, 1981, in Room 2, Second Floor, MSC North Suburban, 8999 West Palmer Street, River Grove, Illinois. As indicated in the following paragraphs, the Thursday afternoon session is closed to the public. The Board expects to discuss the matters stated in the agenda which is set forth below. Requests for information about the meeting should be addressed to the Secretary of the Board, Louis A. Cox, at (202) 245-4632.

At its meeting on September 29, 1981, the Board of Governors of the United States Postal Service voted to close to public observation its meeting scheduled for November 5, 1981, which is expected to be attended by the following persons: Governors Hardesty, Babcock, Camp, Ching, Hughes, Hyde, Jenkins, and Sullivan; Postmaster General Bolger; Deputy Postmaster General Benson; Secretary of the Board Cox; and Counsel to the Governors Califano.

The meeting to be closed will consist of a discussion among the members of a number of postal officials who are regarded by the Postal Service management as probable candidates for promotion to senior positions within the Postal Service, consistent with the Postal Service's equal employment opportunity policy as reaffirmed by Board Resolution No. 81-11 of August 4, 1981.

Agenda

1. Minutes of the Previous Meeting.
2. Remarks of the Postmaster General.

(In keeping with its consistent practice, the Board's agenda provides this opportunity

for the Postmaster General to inform the members of miscellaneous current developments concerning the Postal Service. He might report, for example, the appointment or assignment of a key official, or the effect on postal operations of unusual weather or a major strike in the transportation industry. Nothing that requires a decision by the Board is brought up under this item.)

3. Report on Postal Service Planning.
(Mr. Cummings, Assistant Postmaster General for Planning, will present a report on the development of a Postal Service Business Plan.)
4. Format for Quarterly EEO Report to the Board.
(The Board will consider the appropriate format for the Quarterly Report on Equal Employment Opportunity Program, which is required by Resolution No. 81–11.)
5. Report on Employee and Labor Relations.
(Mr. Ulsaker, Senior Assistant Postmaster General, will report to the Board on developments in the E&LR area.)
6. Adjustment of certain preferential postage rates.
(The Governors will consider an adjustment under 39 U.S.C. 3627 to the rates for nonprofit and other subclasses of mail in view of the reduction in Congressional appropriations for these subclasses.)
7. 1982 Meeting Dates and Places.
(The Board will consider a schedule of dates and locations for Board meetings during 1982.)
8. Annual Agenda Calendar for Board Meetings.
(The Board will discuss possible revisions to its Annual Agenda Calendar to provide for more efficient ways of periodically furnishing informatin to the Board.)
9. Quarterly Report on Financial Performance.
(The Board will consider the Quarterly Summary of Financial Performance.)
10. Quarterly Report on Service Performance.
(The Board will consider the Quarterly Summary of Service Performance.)
11. Proposed filing with the Postal Rate Commission on Express Mail flexible acceptance times.
(The Board will consider a proposal to amend the Domestic Mail Classification Schedule to allow the acceptance of Express Mail at times that differ from the current 5 P.M. cut-off time.)
12. Express Mail Insurance
(The Board will consider the Recommended Decision of the Postal Rate Commission, issued October 16, 1981, on changes to the Domestic Mail Classification Schedule concerning insurance and indemnity for Express Mail (Commission Docket MC81–4).)

Louis A Cox,

Secretary.

[S–1621–81 Filed 10–23–81; 1:51 pm]

BILLING CODE 7710–12–M

6

SECURITIES AND EXCHANGE COMMISSION

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94–409, that the Securities and Exchange Commission will hold the following meetings during the week of October 26, 1981, in Room 825, 500 North Capitol Street, Washington, D.C.

An open meeting will be held on Tuesday, October 27, 1981, at 10:00 a.m., followed by a closed meeting.

The Commissioners, their legal assistants, the Secretary of the Commission, and recording secretaries will attend the closed meeting. Certain staff members who are responsible for the calendared matters may be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, the items to be considered at the closed meeting may be considered pursuant to one or more of the exemptions set forth in 5 U.S.C. 552b(c)(4)(8)(9)(A) and (10) and 17 CFR 200.402(a)(4)(8)(9)(i) and (10).

Commissioners Loomis, Evans, and Thomas voted to consider the items listed for the closed meeting in closed session.

The subject matter of the open meeting scheduled for Tuesday, October 27, 1981, at 10:00 a.m., will be:

Consideration of whether to adopt amendments to Regulation S–X which would significantly change the circumstances under which separate financial statements of parent company only and unconsolidated subsidiaries and 50 percent of less owned persons accounted for the equity method are included in filings with the Commission. Amendments will also be considered which would eliminate requirements to provide separate financial statements of consolidated subsidiaries engaged in diverse financial activities. The amendments reduce the number of instances where separate financial statements are required and are designed to, among other things, place greater reliance on summarized and condensed financial information. For further information, please contact Marc D. Oken at (202) 272–2130.

The subject matter of the closed meeting scheduled for Tuesday, October 27, following the 10:00 a.m. open meeting, will be:

Settlement of administrative proceeding of an enforcement nature.
Freedom of Information Act appeals.
Institution of injunctive actions.
Institution of administrative proceeding of an enforcement nature.
Regulatory matters regarding financial institutions.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Diane Klinke at (202) 272–2178.

October 22, 1981.

[S–1619–81 Filed 10–23–81; 10:39 am]

BILLING CODE 8010–01–M

federal register

Tuesday
October 27, 1981

Part II

Department of Agriculture

Office of the Secretary

Semi-Annual Regulatory Agenda: Major Regulations Pending and Planned for October 1981 Through April 1982

DEPARTMENT OF AGRICULTURE

Office of the Secretary

7 CFR Subtitle A, Chs. I–VII, IX–XII, XIV–XVIII, XXI, XXIV–XXIX

9 CFR Chs. I–IV

36 CFR Ch. II

41 CFR Ch. 4

Semi-Annual Regulatory Agenda: Major Regulations Pending and Planned for October 1981 Through April 1982

AGENCY: Department of Agriculture, Office of the Secretary.

ACTION: Semi-Annual Regulatory Agenda.

SUMMARY: This agenda provides summary descriptions of major regulations being developed in agencies of the U.S. Department of Agriculture in conformance with Executive Order 12291, Federal Regulation. The agenda also describes regulations affecting small entities as required by section 602 of the "Regulatory Flexibility Act," Pub. L. 96–354. The purpose of the agenda is to inform the public, small entities, and other government agencies of major actions and regulation review activities as early as possible so interested parties may get background information and comment on these decisions while they are being developed.

FOR FURTHER INFORMATION CONTACT: For further information on any specific decision shown in this agenda, please contact the person listed for that decision.

Requests for copies of this agenda should be directed to: Regulatory Agenda, OBPA, Office of the Secretary, Room 147–E, U.S. Department of Agriculture, Washington, D.C. 20250, (202) 382–1270. If you requested a copy of a previous Regulatory Agenda or Decision Calendar, we have placed you on our mailing list for the Regulatory Agenda. You will receive a copy as soon as they are available.

SUPPLEMENTARY INFORMATION:

Purpose of This Agenda

The purpose of publication of the Agenda is to provide the public and other government agencies early notice of pending major actions under consideration by USDA. The projected schedules shown for each major action make it possible for interested individuals or groups to plan ahead, acquire background information, and prepare to provide information and comments at appropriate steps in the decisionmaking process (i.e., when proposals are published for comment, or when pre-notices are published).

This Agenda is an update of the Regulatory Agenda published in the Federal Register on April 28, 1981.

Agenda Organization

The Agenda includes 3 sections:

- A list of the titles of actions formerly reported which have been completed, designated as "non-major", or withdrawn from consideration since publication of the last Regulatory Agenda;
- A list of major regulatory actions planned or under development between October of 1981 and April of 1982. Actions are organized under headings identifying the USDA agency responsible and include descriptions, legal authority, projected schedules, and information contacts; and
- A list of regulations scheduled for review, for which review is ongoing or will be intiated between now and April 1982.

Be sure to review each of these sections to identify decisions on which you may want to comment. If additional information is desired on an entry, contact the person identified in that entry.

How to Identify New Items on the Agenda

The Regulatory Agenda number shows the month and year that the item was identified as major and placed on the Regulatory Agenda. The first 2 digits after the agency abbreviation identify the month, and the third digit provides the year. Thus, ASCS 031–4 indicates that it was identified as major in March (i.e., "03") of 1981 (i.e., "1"). Any entry with a number indicating a date later than April 1981 is new on the Regulatory Agenda.

Background of Regulatory Agenda

The Regulatory Agenda is published and updated in April and October of each year as part of USDA's response to Executive Order 12291 and the "Regulatory Flexibility Act," Pub. L. 96–354.

This Administration is committed to reducing the burden of Federal regulation on the American economy. To this end, procedures have been established to concentrate greater effort on analyzing major regualtory actions to ensure that government action is needed, that it is clearly within delegated legal authority, and that the effects of taking the action are as well understood as possible.

Also, USDA is focusing added attention on regulatory actions which affect small entities. "Small entities" include small businesses, small not-for-profit organizations, and small governmental jurisdictions. Any time an agency cannot certify that a rule (as defined in the Regulatory Flexibility Act) will not have a significant economic impact on a substantial number of small entities, a Regulatory Flexibility Analysis (RFA) must be completed. The RFA will identify and analyze less burdensome alternative regulatory strategies consistent with the law. Entries in the Agenda for which the Regulatory Flexibility Analysis will be carried out are identified by the symbol "(RFA)" found at the end of the action's "Description." This symbol is shown both in the list of ongoing actions and in the "List of Regulations Scheduled for Review."

Criteria for Major Actions

For a regulatory action to warrant publication in this Agenda, and to receive intensive review and analysis, it must meet one or more of the following criteria:

- An annual effect on the economy of $100 million or more; or
- A major increase in costs or prices for:

—Consumers;
—Individual industries;
—Government agencies (federal, state, or local);
—Geographic regions; or

- Significant adverse effects on:

—Competition;
—Employment;
—Investment;
—Productivity;
—Innovation; or
—The ability of U.S.-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The criteria used to determine whether actions are "major" are significantly more stringent than those previously used to determine whether actions were "significant." As a result, fewer actions are listed on this agenda than were listed on previous calendars. The lesser number of actions will allow more intensive analyses to be conducted, so as to more accurately assess the impacts of these important actions.

In this Agenda, we have attempted to list all major actions pending at the time of the agenda, but some may have been inadvertently missed. There is no legal significance to the omission of an item from this listing.

The dates shown for the steps of each action are estimated and are not commitments to act on, or by the date shown. The "pre-notice" date, when given, is an indication the agency intends to seek public input prior to the "notice of proposed rulemaking."

How to Influence Decisions

The purpose of comment periods and other forms of public participation is to get information and varying points of view which may not be otherwise available to decisionmakers at USDA. All comments are useful in the decisionmaking process. However, the more substantive, well-reasoned, and well-documented a comment is, the more likely it is that it will have a strong influence on the decision.

Comments on the following topics are of particular value:

(1) Alternatives that have been overlooked;

(2) Redefinition of the problem being addressed or assumptions as to what the basis of the problem is;

(3) Suggested changes in the Department's goals in dealing with the problem; and

(4) Other inadequacies in the Department's analysis.

If comments are supported with any of the following types of information, they will be particularly effective:

(1) Identification of major factors that should be considered in the decision;

(2) Costs or benefits or other positive or negative impacts on specific groups, sectors of the economy or parts of the country, etc.—whether direct or indirect, quantifiable or not;

(3) Validity or reliability problems with data or information used, if any;

(4) Data not considered;

(5) Problems with the analytical technique employed, if any;

(6) New analytical techniques;

(7) Different interpretations of the intent of the law, citing the documents on which such interpretations are based;

(8) Case law which USDA may not have considered and explanations of how it bears on the decision;

(9) Other governmental directives or regulations which may overlap or be in conflict with the decision; and

(10) Attitudes, opinions and other comments relevant to the decision.

In view of the above, it is clearly an advantage to have a good understanding of what is behind a "pre-notice" or "proposal." This Regulatory Agenda not only describes the decisions so you can select the ones of interest to you, it provides the projected schedules so you can plan to review any background material in time to comment.

Getting Background Information

Even before a "pre-notice" or "proposal" is published, there are often articles, studies, or preambles to earlier versions of the regulations or decisions, etc., which are helpful in understanding the contemplated action. The "contact" listed for the decision can provide these. When any major action is proposed, a Preliminary Regulatory Impact Analysis is available, usually from this same contact. The analysis describes the options considered in developing the proposal and the costs and benefits of implementing each option.

Review of Existing Regulations

USDA is conducting a comprehensive review of all its existing regulations. Executive Order 12291 requires that reviews be carried out on all currently effective rules and that Regulatory Impact Analyses be performed on all such major rules.

The regulation review list contained in this Agenda is a planning and public information activity which precedes and/or accompanies more substantive review activity. Each item is listed on the "List of Regulations Scheduled for Review," with "major" actions appearing in the body of the agenda as well. Substantive review normally begins in the subsequent six-month period.

This "List of Regulations Scheduled for Review" also identifies those regulations with a significant economic impact on a substantial number of small entities, thereby indicating that the required Regulatory Flexibility Analysis will be carried out.

Dated: October 22, 1981.

John R. Block,

Secretary.

Summary of Actions Completed, Withdrawn, or Redesignated Not Significant Since the Last Calendar

ASCS 031–4; Redesignated; Revise Emergency Feed Program Regulations

ASCS 041–7; Completed; Price Support Level for Milk, 1981–82 Marketing Year

ASCS 041–9; Redesignated; Flue-Cured Tobacco—1982 Quota

FmHA 099–67; Withdrawn; Implementation of the President's Water Policy Message to Congress

FmHA 099–77; Withdrawn; Issuance of Revised Insured and Guaranteed EE Loan Regulations To Implement Major Policies Pertaining to New Legislation

FmHA 040–34; Withdrawn; Business and Industry Loan Program Proposes to Broaden Applicant Eligibility for Loan Assistance

FmHA 080–46; Withdrawn; Business and Industry Loan Program Proposes to Revise the List of Ineligible Loan Purposes (Instruction 1980–E)

FmHA 090–52; Withdrawn; Insured Farm Ownership and Operating Loan Policies, Procedures, and Authorization

FmHA 021–6; Withdrawn; Amend Guaranteed Farm Program Regulations

FmHA 051–13; Completed; Implement Corrective Actions To Bring Fiscal Control to the Insured EM Programs

FSQS 108–3; Withdrawn; Voluntary Quality Control Regulations—Sanitation and Carcass Cleanliness

FSQS 108–4; Withdrawn; Poultry Chiller Water Regulation

FSQS 108–7; Withdrawn; Pending Review; Regulatory Plan for Cured Pork Products

FSQS 108–8; Withdrawn; Work Week Regulations

FSQS 108–12; Withdrawn; Studies on Uniform Grade Nomenclature

FSQS 108–18; Withdrawn; Microbiological Criteria for Heat Processed Meat and Poultry Products

FSQS 108–32; Withdrawn; Mechanically Deboned Poultry

FSQS 108–37; Withdrawn; U.S. Ungraded Proposal

FSQS 108–45; Withdrawn; Pending Review; Net Weight Regulation

FSQS 029–4; Withdrawn; U.S. Standards for Grades of Major Canned Fruits

FSQS 079–27; Redesignated; Sale, Transportation and Marketing of Products

FSQS 089–32; Withdrawn Pending Review; Standards for Cooked Poultry Sausage

FSQS 089–33; Redesignated; Standards for Cooked Poultry Sausage

FSQS 119–40; Withdrawn; Review of Regulations—Standards of Composition and Identity

FSQS 119–43; Withdrawn; Food Labeling

FSQS 010–5; Withdrawn; Standards of Composition

FSQS 030–17; Withdrawn; Bacon Made with Dry Curing Materials

FSQS 040–19; Withdrawn; Order of Predominance

FSQS 040–20; Withdrawn; Prohibition of PCB-Containing Equipment or Machinery and Liquid Polychlorinated Biphenyls (PCBs) in Federally Inspected Meat Establishments, Poultry Product Establishments, and Egg Product Plants

FSQS 050–23; Withdrawn; Quantitative Ingredient Labeling

FSQS 050–24; Withdrawn; Open Date Labeling

FSQS 060–33; Withdrawn; Review of Regulations—Slaughter Inspection Standards and Procedures, Meat and Poultry Inspection Regulations

FSQS 100–40; Withdrawn; Labeling Meat and Poultry Products Containing Cheese-Like Ingredients and Pizza Standard

FSQS 011–1; Redesignated; Removal of Kidneys of Mature Poultry

REA 049–2; Withdrawn; Endangered Species Procedures

REA 049–4; Withdrawn; Protection of Historic and Cultural Properties

REA 108–3; Redesignated; Part 2 to Exhibit A of Bulleting 20–21; 320–21: Floodplain and Wetlands Procedures

REA 060–23; Redesignated; Review and Possible Revision of the Regulations

Regarding Loan Terms and Conditions (Bulletin 20-14)
SCS 040-6; Redesignated; Review of Regulation—Great Plains Conservation Program

AGRICULTURAL MARKETING SERVICE

AMS 081-91

STANDARDS FOR GRADES OF CARCASS BEEF AND STANDARDS FOR GRADES OF SLAUGHTER CATTLE

DESCRIPTION: The Department has received numerous recommendations concerning the present beef grade standards. It has been recommended that the standards be modified in order that producers may respond to a growing demand for more lean beef. The changes which would be proposed should allow the production of leaner beef with no significant reduction in the palatability of either Prime or Choice. The new requirements should provide livestock feeders more marketing flexibility and provide an opportunity for decreasing feed costs. The related standards for grades of slaughter cattle which are based on the carcass grade standards would be revised to reflect the changes proposed for grades of carcass beef. No changes would be proposed in the yield grade standards.

AUTHORITY: Agricultural Marketing Act of 1946, Sections 203, 205, as amended; 60 Stat. 1087, 1090, as amended; 7 U.S.C. 1622, 1624.

PROJECTED SCHEDULE:
a. Date of pre-notice: None.
b. Date of proposal: 11/81.
c. Hearings: 12/81-1/82.
d. Final Decision: 8/82.

FOR FURTHER INFORMATION ON THIS DECISION, CONTACT: Paul Fuller, (202) 447-4727, USDA, AMS, Room 2 Mezzanine, Annex Building, Washington, D.C. 20250.

AMS 101-97

REVIEW OF MARKETING ORDERS FOR FRUITS, VEGETABLES, AND SPECIALTY CROPS:

DESCRIPTION: Marketing orders were developed to raise farmers' prices toward parity levels and to achieve price stability. Concerns about the effects of marketing orders on resource allocation and efficiency motivate this review.

AUTHORITY: 7 CFR 900-999.

PROJECTED SCHEDULE:
a. Date of pre-notice: None.
b. Date of proposal: None.
c. Final Decision: Indefinite.

FOR FURTHER INFORMATION ON THIS DECISION, CONTACT: Richard G. Heifner, (202) 382-8134, AMS, USDA, Room 2647S, Washington, D.C. 20250.

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

Until the new farm legislation is enacted, it is not known what types of programs will be conducted or when they might begin. The following programs are under consideration:

ASCS 101-19

PRICE SUPPORT PROGRAM FOR 1982-CROP U.S. SUGAR BEET AND SUGAR CANE THROUGH PURCHASES OR OTHER OPERATIONS

ASCS 101-32

1982-CROP RICE PROGRAM

ASCS 101-33

NATIONAL AVERAGE LOAN RATES FOR 1982-CROP QUOTA AND ADDITIONAL PEANUTS AND CCC SALES POLICY FOR PEANUTS

ASCS 101-34

1982 UPLAND COTTON PROGRAM

ASCS 101-39

1982 CROP OF WHEAT—DETERMINATION OF NATIONAL PROGRAM ACREAGE, VOLUNTARY REDUCTION PERCENTAGE, ACREAGE ADJUSTMENT, ESTABLISHED TARGET PRICE, LOAN RATES AND SPECIAL GRAZING AND HAY PROGRAM PROVISIONS

ASCS 101-42

1982 FEED GRAIN AND SOYBEAN PROGRAM

FEDERAL GRAIN INSPECTION SERVICE

FGIS 108-6

PROPOSED AMENDMENT TO THE OFFICIAL U.S. STANDARDS FOR GRAIN (WEEVILY)

DESCRIPTION: Presently, the standards for various grains require varying sizes of samples used for determining insect infestation and different tolerances for insects between grains. We are evaluating the need for providing uniform requirements as to sample size and procedures used in order to reflect actual grain quality in a more uniform and useful manner.

AUTHORITY: Section 4 of U.S. Grain Standards Act. (7 U.S.C. 76)

PROJECTED SCHEDULE:
a. Date of pre-notice: 12/28/79 (45 FR 76835).
b. Date of proposal: 1/31/82.
c. Final Decision: 6/1/82.

FOR FURTHER INFORMATION ON THIS DECISION, CONTACT: James L. Driscoll, (816) 348-2861, FTS 753-6861 Richard-Gebaur AFB, Bldg. 221, Grandview, Mo. 64030.

FARMERS HOME ADMINISTRATION

FmHA 020-25

REVISION OF DEFINITION OF LOW INCOME FOR SECTION 502, 504, AND 515 AS REQUIRED BY PUB. L. 96-153

DESCRIPTION: Will review low-income limits of eligibility under Sections 502, 504, 515. Alternative procedures, including establishment of low-income limit as a proportion of area median income as adjusted for housing costs, will be considered. The existing moderate and above moderate income limits will have to be adjusted to reflect the required change to low-income limits.

AUTHORITY: Housing and Community Development Amendments of 1979, Pub. L. 96-153, Section 502(a), 93 Stat. 1101, Amending Section 501(b) of the Housing Act of 1949, 42 U.S.C. 1471.

PROJECTED SCHEDULE:
a. Date of pre-notice: Indefinite.
b. Date of proposal: Indefinite.
c. Final Decision: Indefinite.

FOR FURTHER INFORMATION ON THIS DECISION, CONTACT:
M. J. Felber, (202) 382-1484, USDA, FmHA, Room 5349S Washington, D.C. 20250.

FmHA 080-47

MOBILE HOME LOAN PROCEDURES

DESCRIPTION: Invite public input for draft regulations for mobile home loans to implement Section 527 of Title V of the Housing Act of 1949.

AUTHORITY: Section 510(j) of the Housing Act of 1949, 42 U.S.C. 1480(j); section 527 of the Housing Act of 1949, 42 U.S.C. 1490g.

PROJECTED SCHEDULE:
a. Date of pre-notice: 10/21/80 (45 FR 69469).
b. Date of proposal: 1/82.
c. Final Decision: 7/82.

FOR FURTHER INFORMATION ON THIS DECISION, CONTACT:
James W. Craun, (202) 382-1489, USDA, FmHA, Room 5351S, Washington, D.C. 20250.

FmHA 080-48

INTEREST CREDITS (SUBSIDY) TO MODERATE INCOME BORROWERS (INSTRUCTION 444.1)

DESCRIPTION: The moderate income housing program will be reviewed to determine if families at the lower end of the moderate income range are able to participate in the program without

interest credit subsidy. Such families may not participate since they may be unable to repay loans at current interest rates. Families defined as having low incomes, however, are able to receive loans with interest credit subsidy which reduces the rate of interest on their loan to as low as one percent. Various alternatives will be reviewed for reducing any gaps in participation between low-income households and households at the lower end of the moderate income range.

AUTHORITY: Section 521(a)(1)(B) of the Housing Act of 1949, 42 U.S.C. 1490a (a)(1)(B); Section 510(j) of the Housing Act of 1949, 42 U.S.C. 1480(j).

PROJECTED SCHEDULE:

a. Date of pre-notice: None.
b. Date of proposal: Indefinite.
c. Final Decision: Indefinite.

FOR FURTHER INFORMATION ON THIS DECISION, CONTACT: Mathias J. Felber (202) 382-1484, USDA, FmHA, Room 5349S, Washington, D.C. 20250.

FmHA 041-12

RESTRICTING LOAN GUARANTEES WITH TAX-FREE OBLIGATIONS

DESCRIPTION: To amend the "General" Regulations (7 CFR Part 1980, Subpart A, and Part 1990, Subpart A) dealing with all FmHA guarantee programs to add a new section to prohibit guaranteeing of loans when tax-free obligations are also part of the financing arrangements.

AUTHORITY: The Consolidated Farm and Rural Development Act, Section 339, 7 U.S.C. 1989; the Emergency Agricultural Credit Adjustment Act of 1978, Section 209(c), 7 U.S.C. note preceding 1961; the Biomass Energy and Alcohol Fuels Act of 1980, Section 212(e)(2), 42 U.S.C. 8812(e)(2); Housing Act of 1949, Section 517, 42 U.S.C. 1487.

PROJECTED SCHEDULE:

a. Date of pre-notice: None.
b. Date of proposal: 1/82.
c. Final Decision: 5/82.

FOR FURTHER INFORMATION ON THIS DECISION, CONTACT: Wilton L. Ward, (202) 447-2288, USDA, FmHA, Room 5314S, Washington, D.C. 20250.

FOOD AND NUTRITION SERVICE

FNS 081-31

FOOD STAMP PROGRAM: HOUSEHOLD COMPOSITION, INCOME STANDARDS, INITIAL MONTH BENEFITS, ADJUSTMENTS, DEDUCTIONS, AND OUTREACH

DESCRIPTION: This rule changes the current Food Stamp Program in accordance with the 1981 Omnibus Reconciliation Act. As required by that law, changes are made in the definition of a household, which households are eligible for food stamps, what benefits a household will receive when it first applies and in subsequent months, when USDA will update the income eligibility standards, benefits levels and allowable deduction amounts to account for changes in the cost of living, and other parts of the Program.

AUTHORITY: 1981 Omnibus Reconciliation Act, Pub. L. 97-35, 95 Stat. 357.

PROJECTED SCHEDULE:

a. Date of pre-notice: None.
b. Date of proposal: 9/4/81 (46 FR 44712).
c. Final Decision: 5/82.

FOR FURTHER INFORMATION ON THIS DECISION, CONTACT: Thomas O'Connor, (202) 447-9075, FNS, USDA, Room 678, GHI, Washington, D.C. 20250.

FNS 101-53

PUERTO RICO NUTRITIONAL ASSISTANCE BLOCK GRANT

DESCRIPTION: This rule implements Section 116 of the 1981 Omnibus Reconciliation Act which converts the Federal Food Stamp Program to a nutritional assistance block grant in the Commonwealth of Puerto Rico.

AUTHORITY: 1981 Omnibus Reconciliation Act, Pub. L. 97-35, 95 Stat. 357.

PROJECTED SCHEDULE:

a. Date of pre-notice: None.
b. Date of proposal: 12/1/81.
c. Final Decision: 5/1/82.

FOR FURTHER INFORMATION ON THIS DECISION, CONTACT: Thomas O'Connor, (202) 447-9075, FNS, USDA, Room 678 GHI, Washington, D.C. 20250.

FNS 101-54

FOOD STAMP PROGRAM—MONTHLY REPORTING AND RETROSPECTIVE BUDGETING (MRRB)

DESCRIPTION: This rule implements Sections 107 and 108 of the Omnibus Reconciliation Act of 1982 (Pub. L. 97-35). The rule will impose a national accounting system on almost all households, and will base benefits on circumstances from a previous month.

AUTHORITY: 1981 Omnibus Reconciliation Act, Pub. L. 97-35, 95 Stat. 357.

PROJECTED SCHEDULE:

a. Date of pre-notice: None.
b. Date of proposal: 12/81.
c. Final Decision: 6/82.

FOR FURTHER INFORMATION ON THIS DECISION, CONTACT: Thomas O'Connor, (202) 447-9075, FNS, USDA, Room 678 GHI, Washington, D.C. 20250.

FOREST SERVICE

FS 041-1

REVIEW OF REGULATIONS—REGULATIONS FOR NATIONAL FOREST SYSTEM LAND AND RESOURCE MANAGEMENT PLANNING

DESCRIPTION: The regulation prescribes how land and resource management planning is to be conducted for National Forest System lands. It sets forth a process for developing, adopting and revising land and resource management plans to meet the requirements of the Forest and Rangeland Renewable Resources Planning Act.

AUTHORITY: 36 CFR 219, Subpart A.

PROJECTED SCHEDULE:

a. Date of pre-notice: None.
b. Date of proposal: 1/82.
c. Final Decision: 7/82.

FOR FURTHER INFORMATION ON THIS DECISION, CONTACT: Raymond M. Housley, (202) 447-3523, USDA, FS, Room 3018S, Washington, D.C. 20250.

FOOD SAFETY AND INSPECTION SERVICE

FSIS 041-2

MECHANICALLY PROCESSED (SPECIES) PRODUCT

DESCRIPTION: In response to a joint petition from the Pacific Coast Meat Association and the American Meat Institute, the Agency published a proposed rule to modify the standards for and expand the uses of Mechanically Processed (Species) Product. This proposed rule would also change the name of that product to Mechanically Processed (Species) or another more appropriate term.

AUTHORITY: 21 U.S.C. 601 *et seq.*, 9 CFR 317, 318, 319.

PROJECTED SCHEDULE:

a. Date of pre-notice: None.
b. Date of proposal: 7/31/81 (46 FR 39274).
c. Final Decision: 1982.

FOR FURTHER INFORMATION ON THIS DECISION, CONTACT: M. A. Nelson, (202) 447-2709, FSIS, USDA, Room 341-E, Administration Bldg., Washington, D.C. 20250.

BILLING CODE 3410-01-M

LIST OF REGULATIONS SCHEDULED FOR REVIEW

This list provides an overview of the USDA regulations undergoing review between October 1981 and April 1982. All "major" regulation review actions are listed first, with each entry shown under the name of the responsible USDA agency along with the CFR parts affected, a brief description, and an agency contact. Following the "major" items, all "non major" items are listed in a similar fashion. "Major" regulations are also listed in the preceding section of this agenda, which shows a projected schedule of activity.

Any action deemed to have a significant economic impact on a substantial number of small entities will be identified with the letters "RFA" (Regulatory Flexibility Act) following the description.

Regulations are reviewed and announced in the Federal Register (FR) using, basically, the same procedural rules which apply to new regulations. Each "major" item listed is to be analyzed by means of an Impact Analysis taking into account impacts on the affected publics.

If you wish to comment and influence decisionmaking, get in touch with the "contact" identified for the item of interest to you. Please note that this particular list is not a request for comments; it serves as an announcement only.

Parts Affected	Subject	Description	Contact
	Agricultural Marketing Service - Scheduled, Non Major		
7 CFR 30	Tobacco Stocks and Standards	Regulations relating to classification of Leaf Tobacco covering classes, types, and groups of grades.	Larry L. Crabtree AMS, USDA Room 521 Annex Washington, DC 20250 (202) 447-4976
7 CFR 106	Dry Bean Warehouses	These regulations are applicable to dry bean warehouses applying for license or licensed under provisions of the United States Warehouse Act. They define acceptable warehousing practices and specify basic responsibilities of licensees.	Orval Kerchner AMS, USDA Room 2720 S Washington, DC 20250 (202) 447-3616
7 CFR 1207	Regulations Under the Potato Research and Promotion Act	These regulations require certain handlers of potatoes covered by the Act to file reports and make payments to the Potato Board. They also provide for necessary expenses and administration.	C. W. Porter AMS, USDA Room 2545 S Washington, DC 20250 (202) 447-2615
7 CFR 1250.301-363	Egg Research and Promotion Order	This order provides for the conduct of research and promotion activities on behalf of eggs and egg producers.	Janice L. Lockard AMS, USDA Room 2606 S Washington, DC 20250 (202) 447-2068
7 CFR 2852.1-85	Regulations Governing Inspection and Certification of Processed Fruits and Vegetables, Processed Products Thereof, and Certain Other Processed Food Products	Regulations relating to Definitions, Inspection Service, Appeal Inspection, Sampling, Fees and Charges, Misc., and Plant Approval.	J. A. Fly AMS, USDA Room 0717 S Washington, DC 20250 (202) 447-4693
7 CFR 2852.201-210	U.S. Standards for Inspection by Variables	Regulations relating to Purpose Options, Requirements, Definitions, Records, Procedure and Sampling Allowance Chart.	J. A. Fly AMS, USDA Room 0717 S Washington, DC 20250 (202) 447-4693
7 CFR 2852.221-232	U.S. Standards for Determination of Fill Weights	Regulations relating to General Instructions, Procedures, Interpretations, and Optional Fill Weight Procedure for Small Lots.	J. A. Fly AMS, USDA Room 0717 S Washington, DC 20250 (202) 447-4693

Parts Affected	Subject	Description	Contact
	Agricultural Marketing Service - Scheduled, Non Major		
7 CFR 2852.301-6474	U.S. Standards for Grades of Processed Products (15 Individual Products.)	Regulations relating to Non-Quality and Quality Evaluations for Product.	J. A. Fly AMS, USDA Room 0717 S Washington, DC 20250 (202) 447-4693
7 CFR 2853	Meats, Prepared Meats, and Meat Products (Grading, Certification, and Standards)	Regulations relating to the grading and certification of meat and meat products. Official grade standards for Beef, Lamb, Yearling Mutton, and Mutton carcasses.	Dr. Michael May AMS, USDA Room 2-M Annex Washington, DC 20250 (202) 447-4486
7 CFR 53-B 53.201-.206 and 7 CFR 2853-B 2853.102-117	Cattle Grades and Standards	These regulations cover the classes of live animals and carcass from slaughter cattle, steers, heifers, cows, and bullocks, and application and specifications of standards for yield grades of cattle and quality grades of steers, heifers, cows, and bullocks.	Russell Knister AMS, USDA Room 2-M Annex Washington, DC 20250 (202) 447-5679) & Dr. Michael May AMS, USDA Room 2-M Annex Washington, DC 20250 (202) 447-4486
	Animal and Plant Health Inspection Service - Scheduled, Non Major		
7 CFR 301.80	Witchweed	Pursuant to the Plant Quarantine Act of 1912 and the Federal Plant Pest Act, this quarantine restricts the movement of certain regulated articles from North and South Carolina in order to prevent the spread of witchweed, a parasitic plant which causes a dangerous disease of corn, sorghum, and other crops of the grass family.	T. J. Lanier APHIS, USDA-PPQ Room 635 Federal Bldg., Hyattsville, MD 20782 (301) 436-8247
7 CFR Part 301.85	Golden Nematode	The Federal Golden Nematode Quarantine and regulations are designed to prevent the artificial spread of the golden nematode, which causes a dangerous disease of potatoes and certain other plants, across State lines. The quarantine regulates the movement of soil, various types of plants, used farm tools, used mechanized cultivating, harvesting, and soil-moving equipment from the regulated areas to other parts of the United States.	T. J. Lanier APHIS, USDA-PPQ Room 635 Federal Bldg., Hyattsville, MD 20782 (301) 436-8247
7 CFR 318.16	Sugarcane	This section quarantines Hawaii, Puerto Rico, and the U.S. Virgin Islands to prevent the spread of certain dangerous plant diseases and insect infestations of sugarcane.	T. J. Lanier APHIS, USDA-PPQ Room 635 Federal Bldg., Hyattsville, MD 20782 (301) 436-8247
7 CFR 319.59	Flag Smut	Prohibits the importation from certain countries of wheat, wheat straw, hulls and chaff, wheat products of the milling process other than wheat flour, and certain seeds. This quarantine protects the U.S. from the entry of flag smut disease of wheat, an injurious plant disease caused by a fungus.	T. J. Lanier APHIS, USDA-PPQ Room 635 Federal Bldg., Hyattsville (301) 436-8247
9 CFR Part 1	Animal Welfare Act - Definition of terms under the Animal Welfare Act	Many definitions have been taken from the AWA. Other terms have been added. These definitions may need to be revised and more added to assist in a more specific interpretation of the Act, regulations, and standards.	D. F. Schweinsman USDA, APHIS-VS Rm. 703A Federal Bldg., Hyattsville, MD 20782 (301) 436-7833
9 CFR Part 52	Dourine in Horses and Asses	Regulation provides for cooperation with States in eradicating dourine, an infectious and communicable disease of horses and asses; and for appraisal of animals and payment to owners at specified rates for animals destroyed because of dourine.	W. Bulch USDA, APHIS-VS Rm. 748 Federal Bldg., Hyattsville, MD 20782 (301) 436-8093
9 CFR 55	Cattle Destroyed Because of Anaplasmosis	Provides agreement with State of Hawaii to enforce quarantine restrictions for control and eradication of anaplasmosis. Provides 50% of expenses to purchase and dispose of affected cattle.	B. G. Johnson USDA, APHIS-VS Rm. 814 Federal Bldg., Hyattsville, MD 20782 (301) 436-8711

Parts Affected	Subject	Description	Contact
	Animal and Plant Health Inspection Service - Scheduled, Non Major		
9 CFR Part 77	Tuberculosis in Cattle	Regulation provides for requirements to be met for accredited free States, modified accredited areas; also requirements for the interstate movement of cattle from such States and areas.	R. Hoskor USDA, APHIS-VS Rm. 801 Federal Bldg., Hyattsville, MD 20782 (301) 436-8715
9 CFR Part 83	Screwworms	Regulation provides for the effective suppression and extermination of screwworm by prohibiting interstate movement of affected livestock and prescribing inspection and treatment procedures.	F. E. Smith USDA, APHIS-VS Rm. 733 Federal Bldg., Hyattsville, MD 20782 (301) 436-8233
9 CFR Part 114	Production Requirements for Biological Products	Outlines of production, storage, expiration dates, disposal rebottling, and reprocessing are specified for establishments licensed to prepare biological products. Biological products are used in the prevention, diagnosis, and treatment of animal diseases.	R. J. Price USDA, APHIS-VS Rm. 827 Federal Bldg., Hyattsville, MD 20782 (301) 436-8245
	Farmers Home Administration - Scheduled, Non Major		
7 CFR 1806-B (426.2)	National Flood Insurance	This regulation prescribes the policies and procedures regarding the financing of buildings of any type now located in or to be located in special flood or mudslide prone areas and also any machinery, equipment, fixtures, and furnishings contained or to be contained therein.	Howard Boatman FmHA, USDA Room 5305 S Washington, D. C. 20250 (202) 382-1452
7 CFR 1809-A (422.1)	Appraisals	Appraisals required of farms and leasehold interests for FmHA loan making and servicing.	John Sones FmHA, USDA Room 5328 S Washington, D. C. 20250 (202) 447-3646
7 CFR 1810-A (440.1)	Interest Rates, Amortization, Annual Charge, and Fixed Period	This regulation contains information regarding interest rates, amortization, annual charge, and fixed period.	LaVorne Isonberg FmHA, USDA Room 4118 S Washington, D. C. 20250 (202) 382-8307
7 CFR 1814 (2042-A,B)	Claims Under Federal Tort Claims Act	This regulation prescribes the procedures for the processing of claims brought against the United States by claimants for acts or omissions of employees acting in the scope of their offices or employment with the Farmers Home Administration.	Burnice Chenoweth FmHA, USDA Room 6342 S Washington, D. C. 20250 (202) 447-6205
7 CFR 1822-G (444.8)	Loan Procedures	Rural Housing Site Loan policies, procedures and authorizations	Cliff Herron FmHA, USDA Room 5337 S Washington, D. C. 20250 (202) 382-1626
7 CFR 1823-C	Planning Advances	This regulation prescribes the policies, procedures and authorizations for making planning advances for association loans or grants.	Diggs Hill FmHA, USDA Room 6314 S Washington, D. C. 20250 (202) 382-1490
7 CFR 1865 (451.6)	Analyzing Credit Needs and Graduation of Borrowers	Outline District Director's responsibilities of analysis of credit needs and graduation review for Association and Group Credit Loans	John Sones FmHA, USDA Room 5328 S Washington, D. C. 20250 (202) 447-3646
7 CFR 1901-E	Civil Rights Compliance	This regulation contains policies and procedures for implementing the regulations of the Department of Agriculture issued pursuant to Title VI of the Civil Rights Act of 1964, Title VIII of the Civil Rights Act of 1968, Executive Order 11246, and the Equal Credit Opportunity Act of 1974 as they relate to the Farmers Home Administration.	Ras L. Smith FmHA, USDA Room 5433 S Washington, D. C. 20250 (202) 447-8806

Parts Affected	Subject	Description	Contact
		Federal Grain Inspection Service - Scheduled	
FGIS has scheduled the following regulations for review for which the category was not yet determined as of the publication deadline for this regulatory agenda.			
7 CFR 800.55 through 7 CFR 800.57	Review of Regulations - Restrictions on Representations	To conduct a review of the current restrictions with respect to descriptions, marks, and other representations of grain by grade under the regulations under the U.S. Grain Standards Act.	J.T. Abshier, FGIS Room 2405 Aud. Bldg 14th & Independence Ave., S.W. Washington, DC 20250 (202) 447-8262
7 CFR 800.195 through 7 CFR 800.208	Review of Regulations - Delegations, Designations, Approvals, and Contractural Arrangements	To conduct a review of the requirements and restrictions relative to delegations, designations, approvals, and contractural arrangements for providing official services under the regulations under the U.S. Grain Standards Act.	J.T. Abshier, FGIS Room 2405 Aud. Bldg 14th & Independence Ave., S.W. Washington, DC 20250 (202) 447-8262
		Food and Nutrition Service - Scheduled, Non Major	
7 CFR 273.16, 273.18	Fraud	These regulations describe procedures for identifying and disqualifying household members who have committed fraud in the Food Stamp Program and procedures for recovering overpayments from participating households.	Thomas O'Connor FNS, USDA Room 678 GHI Bldg. 500 12th St., S.W. Washington, D. C. 20250 (202) 447-9075
		Food and Nutrition Service - Scheduled	
FNS has scheduled the following regulations for review for which the category was not yet determined as of the publication deadline for this regulatory agenda.			
7 CFR Part 240	Cash-in-lieu of commodities	This regulation sets forth procedures by which States receive cash rather than donated commodities for use in their Child Nutrition Programs.	Don McCreary FNS, USDA Room 610 GHI Bldg. 500 12th St., S.W. Washington, D. C. 20250 (202) 447-8157
7 CFR 272.4	Bilingual Services	These regulations require State agencies administering the Food Stamp Program to use appropriate bilingual personnel and printed material in those parts of political subdivisions in which a substantial number of members of low-income households do not speak English.	Thomas O'Connor FNS, USDA Room 678 GHI Bldg. 500 12th St., S.W. Washington, D. C. 20250 (202) 447-9075
7 CFR 273.2	Application Processing and Expedited Service	This regulation describes the procedures for processing food stamp applications and determining program eligibility and level of benefits. This rule also provides procedures for issuing benefits on an expedited basis to households in immediate need of assistance.	Thomas O'Connor FNS, USDA Room 678 GHI Bldg. 500 12th St., S.W. Washington, D. C. 20250 (202) 447-9075
7 CFR 273.13, 273.15	Adverse Action/Fair Hearing	This rule requires State welfare agencies to notify participating households prior to reducing or terminating their food stamp benefits. The rule also requires State agencies to provide a fair hearing to any household aggrieved by any action of the State agency which affects the household's participation in the program.	Thomas O'Connor FNS, USDA Room 678 GHI Bldg. 500 12th St., S.W. Washington, D. C. 20250 (202) 447-9075
7 CFR 275	Performance Reporting	This rule describes procedures by which USDA monitors and evaluates State agency administration of the Food Stamp Program.	Thomas O'Connor FNS, USDA Room 678 GHI Bldg. 500 12th St., S.W. Washington, D. C. 20250 (202) 447-9075

Parts Affected	Subject	Description	Contact
	Food Safety and Inspection Service - Scheduled.		
FSIS has scheduled the following regulations for review for which the category was not yet determined as of the publication deadline for this regulatory agenda.			
9 CFR 303 and 381 Subpart C	Exemptions	Sets forth exemption requirements for personal slaughtering, custom slaughtering, and retail establishments.	John McCutcheon FSIS, USDA Room 327-E Washington, DC 20250
9 CFR 317 and 381 Subpart N	Prior Label Approval	Sets forth requirements for labeling of meat, meat products, poultry, and poultry products.	John McCutcheon FSIS, USDA Room 327-E Washington, DC 20250
9 CFR 309, 310 and 381 Subparts J & K	Slaughter	Sets forth ante-mortem and post-mortem inspection requirements for meat and poultry.	John McCutcheon FSIS, USDA Room 327-E Washington, DC 20250
	Foreign Agricultural Service - Scheduled		
FAS has scheduled the following regulations for review for which the category was not yet determined as of the publication deadline of this regulatory agenda.			
7 CFR 17.1-4	Sales of agricultural commodities	Made available under Title I of the Agricultural Trade Development and Assistance Act of 1954, as amended, -- definitions, descriptions of purchase authorizations, and subauthorizations.	Leo Wallace FAS, USDA Room 4526 S Washington, D. C. 20250 (202) 447-6211
7 CFR 17.5-7	P. L. 480	Sales of agricultural commodities made available under Title I of the Agricultural Trade Development and Assistance Act of 1954, as amended -- eligible commodities, contracts and price provision.	Leo Wallace FAS, USDA Room 4526 S Washington, D. C. 20250 (202) 447-6211
7 CFR 17.9-11	P. L. 480	Sales of agricultural commodities made available under Title I of the Agricultural Trade Development and Assistance Act of 1954, as amended.	Leo Wallace FAS, USDA Room 4526 S Washington, D. C. 20250 (202) 447-6211
	Forest Service, Scheduled, Non Major		
6 CFR 271.1-8	Use of Smokey Bear Symbol	Describes the policies on use of the symbol and the granting and revoking of commercial licenses.	L. A. Amicarella FS, USDA P. O. Box 2417 Washington, D. C. 20013 (703) 235-8039
36 CFR 200.7-10	Organization, Functions and Procedures	Offices where information is available, where information may be copied, and rules governing inspections and copying appeals.	Hoyt Abney FS, USDA P. O. Box 2417 Washington, D. C. 20013 (202) 447-6101
36 CFR 211.19	Appeals from the Administrative Decisions Relating to the Administration of the National Forests or Other Lands Under the Jurisdiction of the Forest Service	Provides procedures by which the public may appeal administrative decisions. Review of Decisions of Forest Offices.	Phil Haug FS, USDA Room 1004 RPE P. O. Box 2417 Washington, D. C. 20013 (703) 235-1797
36 CFR 251.14-15	Land Uses	Sets forth conditions that must be expressed in and made part of a deed of conveyance to the U.S. where owners wish to reserve timber and/or mineral rights.	Richard D. Hull FS, USDA P. O. Box 2417 Washington, D. C. 20013 (703) 235-8212

Parts Affected	Subject	Description	Contact
	Forest Service, Scheduled, Non Major		
36 CFR 251.17-19	Rights-of-Grantors	Sets forth conditions to be included in deed of conveyance where owner desires to reserve certain rights of use and occupancy.	Richard D. Hull FS, USDA P. O. Box 2417 Washington, D. C. (703) 235-8212 (703) 235-8039
36 CFR 264.1-5	Official Forest Service Insignia	Describes insignia, standards for its use, and penalties for unauthorized use.	Charles P. Teague, Jr. FS, USDA Room 4218 S P. O. Box 2417 Washington, D. C. 20013 (202) 447-3706
36 CFR 270.1-9	Rural Community Fire Protection	Describes the program, how States may participate, how funds are allocated, and how the program is evaluated.	L. A. Amicarella FS, USDA P. O. Box 2417 Washington, D. C. 20013 (703) 235-8039
36 CFR 292.11-13	Whiskeytown-Shasta-Trinity National Recreation Area	Outlines the administration of the Shasta and Clair Engle-Lewiston units with the Central Valley Project of the Bureau of Reclamation.	Roy Feuchter FS, USDA P. O. Box 2417 Room 4241 S Washington, D. C. 20013 (202) 447-3706
36 CFR 292.14-16	Sawtooth National Recreation Area -- Private Lands	Establishes standards for the use, subdivision and development of privately-owned property within the boundaries of the NRA, in Idaho.	Roy Feuchter FS, USDA P. O. Box 2417 Washington, D. C. 20013 (202) 447-3706
36 CFR 292.17-18	Sawtooth National Recreation Area -- Federal Lands	Establishes procedures by which the mineral resources of the area may be explored, mined, or processed.	Roy Feuchter FS, USDA P. O. Box 2417 Washington, D. C. 20013 (202) 447-3706
36 CFR 294.1-2	Special Areas	Describes the policy on setting aside special recreation areas within the National Forest System and restrictions on air traffic over the Boundary Waters Canoe Area Wilderness.	Roy Feuchter FS, USDA P. O. Box 2417 Washington, D. C. 20013 (202) 447-3706
	Packers and Stockyards Administration - Scheduled, Non Major		
9 CFR 201.27-34, 201.39-42 and 203.3	Bonding and Custodial Account Regulations and Packer Point Promotion Programs	The bonding regulations establish the amount of bond to be filed by market agencies, dealers and packers. The custodial account regulations provide for market agencies to deposit uncollected funds within 7 days and use interest-bearing savings accounts to invest custodial funds. The policy statement relates to packer sales promotion programs.	John A. Sands P&SA, USDA Room 3412 S Washington, DC 20250 (202) 447-6951
9 CFR 201.35	Irrevocable Letters of Credit in Lieu of Bonds	This review of the bonding regulations is to explore whether a new regulation could be issued to provide that irrevocable letters of credit would be acceptable in lieu of a bond.	Jack Brinkmeyer P&SA, USDA Room 3413S Washington, D. C. 20250 (202) 447-4366
	Rural Electrification Administration - Scheduled, Non Major		
Bulletin 5-1:305-1	Joint Use of REA Borrowers' Facilities by Electric and Telephone Systems	Sets forth policies and procedures concerning arrangements for joint use of facilities entered into by electric and telephone borrowers.	Archie Cain USDA, REA Room 1270 Washington, D. C. 20250 (202) 447-3813
20-8	Purchase of Real Estate by Electric Borrowers	Requirements and procedures concerning the purchase of real estate by electric borrowers with REA loan funds or borrowers' general funds.	C. R. Weaver USDA, REA Room 3344 Washington, D. C. 20250 (202) 382-1900

Parts Affected	Subject	Description	Contact
	Rural Electrification Administration - Scheduled, Non Major		
40-6	Construction Methods and the Purchase of Materials and Equipment	Sets forth the policy and procedure with respect to construction of distribution, transmission, generation, and headquarters facilities and the purchase of materials and equipment by electric borrowers with loan funds or general funds.	Archie Cain USDA, REA Room 1270 Washington, D. C. 20250 (202) 447-3813
42-1	Architectural Services for Electric Borrowers	States the REA policy regarding selection of architects by REA electric borrowers, and the procedures to be followed in contracting for architectural services.	Archie Cain USDA, REA Room 1270 Washington, D. C. 20250 (202) 447-3813
60-2	Electric System Capacity	Sets forth policy with respect to the electrical capacity of the systems financed with REA loan funds.	Archie Cain USDA, REA Room 1270 Washington, D. C. 20250 (202) 447-3813
60-10	Construction Work Plans, Electric Distribution Systems	Requires that each electric borrower follow the practice of having two-year construction work plans prepared, and provides guidance in the preparation, use and approval of construction work.	Archie Cain USDA, REA Room 1270 Washington, D. C. 20250 (202) 447-3813
81-7;581-11	Changes or Corrections in Line Construction	Provides a procedure and a sample form for use for authorizing changes in contract construction (construction change order) where the cost of the change is to be borne by the borrower.	Archie Cain USDA, REA Room 1270 Washington, D. C. 20250
86-2	Pre-Construction Activities for Headquarters Facilities for Electric Systems	Sets forth REA requirements and procedures for the contract construction of borrower headquarters facilities. borrowers.	Archie Cain USDA, REA Room 1270 Washington, D. C. 20250 (202) 447-3813
86-3	Headquarters Facilities for Electric Borrowers	Sets forth REA policy and procedures under which borrowers may obtain financing for headquarters facilities.	Archie Cain USDA, REA Room 1270 Washington, D. C. 20250 (202) 447-3813
100-2	Minutes of the Meetings of Boards of Directors, Members, or Stockholders	Stresses the responsibility of borrowers for keeping adequate minutes and provides basis for submission of minutes or excerpts from minutes in designated circumstances.	C. R. Weaver USDA, REA Room 3344 Washington, D. C. 20250 (202) 382-1900
100-4	Financial Security of REA Distribution Borrowers	Sets forth REA policy and procedures for identifying and assisting distribution borrowers having conditions that may endanger their financial security.	C. R. Weaver USDA, REA Room 3344 Washington, D. C. 20250 (202) 382-1900
100-5	Financial Forecast - Electric Distribution Systems	Provides electric distribution borrowers with forms and techniques for preparing a financial forecast in response to a specific request from REA.	C. R. Weaver USDA, REA Room 3344 Washington, D. C. 20250 (202) 382-1900
107-1;407-1	Data Processing Systems	Sets forth policy regarding data processing systems used by REA borrowers.	C. R. Weaver USDA, REA Room 3344 Washington, D. C. 20250 (202) 382-1900
109-4	Selecting a Qualified Manager	Sets forth REA policy and procedures on the selection of a manager by electric borrowers.	C. R. Weaver USDA, REA Room 3344 Washington, D. C. 20250 (202) 382-1900

Parts Affected	Subject	Description	Contact
	Rural Electrification Administration - Scheduled, Non Major		
115-2	Merger and Consolidation of Electric Distribution Borrowers	Establishes REA policy concerning the merger of two or more electric borrowers.	C. R. Weaver USDA, REA Room 3344 Washington, D. C. 20250 (202) 382-1900
182-1	Evaluation and Enforcement of Internal Control of Borrowers' Enterprises	Sets forth characteristics of a satisfactory system of internal control and provides checklist for management to use in reviewing and determining the adequacy of internal control arrangements.	Sheldon Chazin USDA, REA Room 4063 Washington, D. C. 20250 (202) 447-3105
320-2:20-5	Extensions of Payments of Principal and Interest	Sets forth the conditions under which time of payment of principal and interest may be extended and to outline the procedure for borrowers to use in applying for such extensions.	John N. Rose USDA, REA Room 2913 Washington, D. C. 20250 (202) 382-8532
322-2	Rural Area Coverage - Telephone Loans	Sets forth REA policy covering the provisions of telephone service to rural users on an area coverage basis.	John N. Rose USDA, REA Room 2913 Washington, D. C. 20250 (202) 382-8532
403-3	Minutes of Meetings of Directors, Stockholders, or Members	Stresses the responsibility of borrowers for keeping adequate minutes and provides basis for submission of minutes or excerpts from minutes in designated circumstances.	John N. Rose USDA, REA Room 2913 Washington, D. C. 20250 (202) 382-8532
409-1	Selection of a Manager by Telephone Borrowers	Sets forth policies and considerations regarding the selection of a manager by telephone borrowers.	John N. Rose USDA, REA Room 2913 Washington, D. C. 20250 (202) 382-8532
	Soil Conservation Service - Scheduled, Non Major		
7 CFR 621	River Basin Investigation and Surveys	To provide a program of technical assistance and cooperation with other Federal, State, and local in developing flood hazard analysis. Rules are published for this program to inform the public of: 1) the types of activities and assistance that it includes; 2) who may obtain assistance; 3) how to request assistance; and 4) conditions for approval.	Edgar H. Nelson SCS, USDA Room 5234 S P.O. Box 2890 Washington, DC 20013 (202) 447-2847
7 CFR 624	Emergency Watershed and Protection	To authorize emergency Watershed Protection in both technical and financial assistance to be provided to the extent funds and manpower are available when an emergency exists. 1) make assistance available rapidly and consistently in emergencies; 2) address the definition of the Federal role in emergencies; 3) preclude the use of Federal assistance as a substitute for available nonfederal public and private resources and responsibilities; and 4) restrict assistance to actions that are acceptable on economic and environmental grounds.	Joseph W. Haas SCS, USDA Room 5252 S P.O. Box 2890 Washington, DC 20013 (202) 447-3527
7 CFR 650	Protection of Wetlands	To establish policy relating to the protection of wetlands in assistance programs administered by SCS. Rules are published for this program in order to: 1) implement Executive Order 11990, Protection of Wetlands; 2) to provide the margin of flexibility needed in existing rules to adequately address erosion reduction, water quality protection, and human safety.	Paul M. Howard SCS, USDA Room 5207 S P.O. Box 2890 Washington, DC 20013 (202) 447-4630

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October 27, 1981

Part III

Department of Health and Human Services

Public Health Service

Qualification of Health Maintenance Organizations

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Public Health Service

42 CFR Part 110

Qualification of Health Maintenance Organizations

AGENCY: Public Health Service, HHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to amend the Public Health Service regulations on the qualification of health maintenance organizations (HMOs). These amendments are proposed as a result of the HMO Amendments of 1978 (Pub. L. 95–559) and the Secretary's experience with the interim regulations published on June 8, 1977. The proposed changes would(1) modify the appeal procedures followed by the Secretary when an entity is denied qualification, (2) revise the requirements for the signing of assurances by qualified HMOs, (3) clarify how the Secretary treats information submitted by an applicant for qualification which may be requested under the Freedom of Information Act, and (4) make other clarifying and technical revisions regarding the qualification of HMOs.

DATE: Comments must be received on or before December 28, 1981.

ADDRESSES: Written comments should be sent to the Director, Office of Health Maintenance Organizations, Office of the Assistant Secretary for Health, Park Building, 3rd Floor, 12420 Parklawn Drive, Rockville, Maryland 20857. The comments will be available for public inspection between the hours of 8:30 a.m., and 5:00 p.m., Monday through Friday except for Federal holidays.

FOR FURTHER INFORMATION CONTACT: Frank H. Seubold, Acting Director, Office of Health Maintenance Organizations, Park Building, Rm. 3–10, 12420 Parklawn Drive, Rockville, Maryland 20857; 301/443–4106.

SUPPLEMENTARY INFORMATION: On June 8, 1977, interim regulations were published in the **Federal Register** (42 FR 29414–6) to amend 42 CFR Part 110, Subpart F, issued under Title XIII of the Public Health Service Act (the Act). As a result of questions that have arisen during the implementation of these regulations, and to clarify the impact of the HMO Amendments of 1978 (Pub. L. 95–559) on this subpart, the Secretary proposes to amend certain provisions of the regulations. Additionally, the Secretary proposes to codify in this subpart certain provisions relating to qualification review procedures that were previously described in a Notice in the **Federal Register** (45 FR 19053) on March 24, 1980. Finally the Secretary proposes to revoke that portion of a notice of proposed rulemaking (41 FR 40292, September 17, 1976), regarding Subpart F. That notice proposed to amend this subpart to conform to proposed regulations on reconsiderations and hearings. The changes now proposed by the Secretary obviate the need for conforming Subpart F to those earlier proposals.

The proposed changes are summarized below.

1. Section 110.605(f) currently provides that an entity which has been denied qualification has the right to request a fair hearing. For the following reasons, the Secretary proposes to delete this provision and the references made to this hearing in § 110.605 (d) and (e).

The Department has adopted predetermination procedures (described below) which give applicants adequate opportunity to present their applications and revise them as necessary to correct deficiencies. Only two hearings have ever been requested under § 110.605(f), and none has been requested since these predetermination procedures were adopted. The Secretary believes that the procedures currently followed in making an initial determination and reconsidered determination regarding the qualification of an HMO are adequate. Prior to an initial denial of qualification, an applicant is provided an opportunity to remedy any defects in its application. An applicant that appears not to meet the requirements for qualification, but may be able to meet them within 60 days, is provided (1) notification, by the Secretary that he intends to deny qualification and (2) an opportunity to respond in writing within 60 days to those issues which are the basis of the Secretary's notification. (See the **Federal Register** Notice published on March 24, 1980, at 45 FR 19053, summarizing these qualification review procedures.) The Secretary proposes to include this predetermination procedure in the regulations at § 110.605(b). Upon the denial of an application for qualification, the Secretary also is required under current § 110.605(d) to provide an applicant a reasonable opportunity for a reconsideration of the denial in accordance with procedures set forth in § 110.605(e). Taken together, the predetermination procedure described in proposed § 110.605(b) and the post-determination reconsideration described in current § 110.605(d) afford an applicant sufficient opportunity to be heard and to provide the Secretary with an adequate factual basis for his final determination.

2. Section 110.603 of the interim regulations requires an entity which the Secretary finds meets the requirements of Subpart A of this part to sign and provide to the Secretary written assurances that it will continue to comply with these requirements. Some applicants for qualification as HMOs have inquired whether these assurances must be signed within a certain period of time following the Secretary's notice to the entity that it meets requirements for qualification. Because a decision by the Secretary to qualify an entity is based upon the evaluation of information that is subject to change over time, the Secretary believes that an applicant should sign and return its assurances within a short period of time following the Secretary's decision. Therefore, the Secretary proposes to amend § 110.603 (a) and (b) to require that the assurances of preoperational, operational and transitionally qualified HMOs be signed and returned within 30 days from the date of the Secretary's notice. In addition, the Secretary proposes that § 110.603(d) provide that the Secretary will notify in writing an applicant that does not sign its assurances within the 30 day period that its application is considered withdrawn without prejudice and that it is not a qualified HMO. The Secretary also proposes to amend the requirements for preoperational qualification at § 110.603(c).

Currently, a preoperational qualified HMO is required to become operational within 30 days of the Secretary's determination and meet the requirements of Subpart A of this part when it becomes operational. This notice proposes that a preoperational HMO be allowed 60 days to become operational in order to allow for factors, such as State licensure, which are not within the HMO's control and which may delay the HMO becoming operational and meeting the requirements of Subpart A.

The Secretary proposes to delete § 110.603(b)(4), which addresses the timing for the execution of assurances by a transitionally qualified HMO. This provision is no longer necessary because § 110.603(b), as proposed, would require the HMO to provide written assurances to the Secretary within 30 days of the Secretary's determination that it is a transitionally qualified HMO.

Section 110.603(b)(3) now requires each regional component of an HMO to sign its assurances within one year from the date of the signing by the first

component. The Secretary proposes to delete this provision because the Secretary now believes that the one-year limitation unnecessarily restricts an HMO's growth.

3. The Secretary does not propose to revise § 110.603(b)(2)(ii), which addresses the organizational and operational requirements for transitionally qualified HMOs and the exceptions from those requirements that apply to contracts in effect at the time of transitional qualification. However, because several persons have requested clarification of the exception from the community rating requirement in light of the 1978 amendments to section 1301 of the Act, the Secretary offers the following guidance about these provisions: Section 1301(b)(1) of the Act and § 110.105(c)(1) of this part permit an entity which has provided comprehensive health services on a prepaid basis prior to qualification to defer the community rating of the payment for basic health services for 48 months following the month in which it was qualified. The Secretary notes that, while an HMO may meet the requirements for transitional qualification by having one or more existing contracts for comprehensive health services, as defined in Subpart A of this part, it will not be entitled to postpone the community rating requirement unless it provides evidence to the Secretary which indicates that it was a bona fide provider of comprehensive health services prior to qualification. (See "Information Regarding Requirements for Health Maintenance Organizations," 45 FR 28662, April 29, 1980). A transitionally qualified HMO which does not meet the requirements for the 48 month delay therefore must fix payments for contracts entered into subsequent to qualification (except for those contracts specified in § 110.105(b)(3)(ii) and § 110.105(c)(2)) under a community rating system and must phase-in community rating for those contracts which were in effect prior to qualification within three years of qualification. On the other hand, an HMO which does meet the requirements for the 48 month delay need nor fix payments under a community rating system for any of its contracts during that 48 month period. In addition, the proposed rule clarifies that this phase-in should occur on a contract-by-contract basis, when each contract is renewed.

4. Footnote 1 to § 110.604 of the interim regulations currently describes a procedure which is inconsistent with the Secretary's normal practices under the Freedom of Information Act (FOIA) (5 U.S.C. 552) and the Secretary's implementing regulations (45 CFR 5.71). As it now reads, that footnote incorrectly states that the Secretary will make a determination as to the applicability of the FOIA exemption provisions upon receipt of any document submitted in connection with a qualification application which has been marked "privileged" by the applicant. In addition, the footnote states that the Secretary allows the applicant to withdraw its application if it does not concur with the Secretary's determination regarding the FOIA. In fact, the Secretary does not make a determination as to whether material in a qualification application is considered privileged under the FOIA until a request for that material is made by the public. Therefore, the Secretary proposes to amend this footnote 1 (to be re-numbered as footnote 2) so that it conforms with actual Department policy and practices.

While applicants for qualification may continue to indicate to the Secretary their claims of privilege as to documents submitted during the qualification process, the Secretary will review all materials on a case-by-case basis when a request from the public is made, and an applicant's claim will not obligate the Secretary to find that these materials are in fact privileged under the FOIA. Because it would be inconsistent with the FOIA to permit an applicant to withdraw materials from the Secretary's records once a request for those materials has been made under the FOIA, the Secretary has deleted the provision permitting applicants to do so.

5. Section 110.604(b) currently requires an applicant for qualification to list certain financial, proprietary and managerial relationships with its contractors who provide professional health services or administrative services to the applicant. The Secretary proposes to modify this provision so that it is consistent with Section 1318 of the Act (added by the HMO Amendments of 1978), which requires an HMO to disclose its transactions with "a party in interest," including any sales, exchange, or leasing of property; any furnishing of goods, certain services, or facilities; and any lending of money or other extension of credit.

6. Section 110.605(b) currently requires the Secretary to publish information regarding newly qualified HMOs in the **Federal Register** on a monthly basis and to publish a cumulative list of all qualified HMOs on an annual basis. The Secretary proposes to delete the requirement for an annual listing, since the Secretary now includes this information in the Secretary's Annual Report to Congress, as required by section 1315 of the Act. In addition, a cumulative list of HMOs and descriptions of their service areas can be obtained from the Document Room, Office of Health Maintenance Organizations by making a written request or by visiting that Office between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday. See proposed § 110.605(f). Proposed § 110.605(f) specifies that interested persons may contact the Document Room, Office of Health Maintenance Organizations between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, to schedule a time when information other than these lists and descriptions may be inspected.

7. The Secretary proposes to add at § 110.605(e) a new provision which provides that an applicant which has been denied qualification upon reconsideration may not reapply until at least four months have lapsed. This period is intended to assure that the qualification process is not unduly burdened with the necessity for review of applications submitted solely for the purpose of remaining in the qualification process.

8. The Department is required to submit to the Office of Management Budget (OMB) for review and approval, the application form referred to in § 110.604. The Department has submitted the application form to OMB requesting this review and approval. This subpart contains no other reporting or recordkeeping requirements.

9. Other minor technical and editorial changes are also proposed.

The Assistant Secretary for Health for the Department of Health and Human Services, with the approval of the Secretary of Health and Human Services, hereby proposes to amend 42 CFR Part 110, Subpart F, to read as set forth below.

Dated: August 4, 1981.

Edward N. Brandt, Jr.,

Assistant Secretary for Health.

Approved: October 5, 1981.

Richard S. Schweiker,

Secretary.

PART 110—HEALTH MAINTENANCE ORGANIZATIONS

It is proposed to revise Subpart F to read as follows:

Subpart F—Qualification of Health Maintenance Organizations

Sec.

110.601 Applicability.
110.602 Definitions.

Sec.
110.603 Requirements for qualification.
110.604 Application requirements.
110.605 Evaluation and determination of qualification.

Authority: Sec. 215 of the Public Health Service Act, 58 Stat. 690 (42 U.S.C. 216); secs. 1301–1318 of the Public Health Service Act, as amended, 92 Stat. 2131–2141 (42 U.S.C. 300e–300e–17).

Subpart F—Qualification of Health Maintenance Organizations

§ 110.601 Applicability.

The regulations of this subpart apply to any entity seeking a determination by the Secretary under section 1310(d) of the Act that it is a qualified health maintenance organization (HMO).

§ 110.602 Definitions.

In addition to the terms defined in § 110.101 of this part, as used in this subpart:

(a) "Operational qualified HMO" means an HMO which the Secretary has determined provides basic and supplemental health services to all of its members in accordance with Subpart A of this part and is organized and operated in accordance with Subpart A of this part.

(b) "Transitionally qualified HMO" means an entity which operates a prepaid health care delivery system and which the Secretary has determined meets the requirements of § 110.603(b). A transitionally qualified HMO is considered a "qualified HMO" for the purpose of compliance by an employer with the requirements of section 1310 of the and Subpart H of this part. Under these requirements, the employer must include the HMO in its health benefits plan so long as the HMO's qualification has not been revoked under section 1312(b) of the Act and § 110.904(d) of this part.

(c) "Preoperational qualified HMO" means an entity which the Secretary has determined will, when it becomes operational, be a qualified HMO.

§ 110.603 Requirements for qualification.

Upon the basis of an application submitted in accordance with this subpart and any additional information and investigation (including site visits) the Secretary may require:

(a) The Secretary will determine that the applicant is an operational qualified HMO upon finding that it meets the requirements of Subpart A of this part and if it provides written assurances satisfactory to the Secretary, within 30 days of the date of the Secretary's determination, that it:

(1) Provides and will provide basic health services, (and any contracted for supplemental health services) to its members;

(2) Provides and will provide these services in the manner prescribed by section 1301(b) of the Act and Subpart A of this part;

(3) Is organized and operated, and will continue to be organized and operated, in the manner prescribed by section 1301(c) of the Act and Subpart A of this part;

(4) Under arrangements which will safeguard the confidentiality of patient information and records, will provide access to the Secretary and the Comptroller General or any of their duly authorized representatives for the purpose of audit, examination or evaluation to any books, documents, papers, and records of the entity relating to its operations as an HMO, and to any facilities operated by the entity; and

(5) Will continue to comply with any other assurances which the entity has given to the Secretary under §§ 110.203(b), 110.303(h), and 110.403(b).

(b) The Secretary may determine that an applicant is a transitionally qualified HMO upon finding that it currently is organized and is providing prepaid health services as described in this paragraph and if it provides written assurances satisfactory to the Secretary, within 30 days of the date of the Secretary's determination, that it will:

(1) With respect to all new group and individual (non-group) contracts which it enters into after the date of the Secretary's determination, provide basic health services (and any contracted for supplemental health services) to members enrolled under these contracts and will provide these services in the manner prescribed by Subpart A of this part, and with respect to these members, will be organized and operated in accordance with § 110.108 of this part.

(2) With respect to its group and individual contracts which are in effect on the date of the Secretary's determination and which are renewed or renegotiated during the period approved by the Secretary under paragraph (b)(2)(iii) of this section in accordance with the plan as approved:

(i) Provide at least those services specified in the following sections of this part (except that these services may be limited as to time and cost):
§ 110.102(a)(1) (physician services);
§ 110.102(a)(2) (outpatient services and inpatient hospital services);
§ 110.102(a)(3) (medically necessary emergency health services); and
§ 110.102(a)(6) (diagnostic laboratory and diagnostic and therapeutic radiologic services);

(ii) Be organized and operated in accordance with § 110.108 (except that it need not assume full financial risk for the provision of basic health services as required by § 110.108(b), and need not abide by the limitations on insurance of § 110.108(b) (1) and (3)) and provide that payment for basic health services shall be in accordance with § 110.105 (except that it need not comply with (A) the requirement for a community rating system of § 110.105(a)(3), (B) the limitations on copayments of § 110.105(a)(4), and (C) the requirement of § 110.106(b) that supplemental health services payments which are fixed on a prepayment basis be fixed under a community rating system);

(iii) Implement a time-phased plan acceptable to the Secretary which specifies definite steps for meeting, at the time of renewal of each group or individual contract, but not to exceed 3 years from the date of the Secretary's determination, all the requirements of Subpart A of this part; and

(iv) Upon completion of the time-phased plan, (A) provide basic and supplemental health services to all of its members, (B) provides these services to all of its members in the manner prescribed by Subpart A of this part, and (C) be organized and operated in the manner prescribed by Subpart A of this part.

(c) The Secretary may determine that an applicant is a preoperational qualified HMO if it provides, within 30 days of the Secretary's determination, satisfactory assurances that it will become operational within 60 days following that determination and will, when it becomes operational, meet the requirements of Subpart A of this part. Upon notification by the applicant to the Secretary that it has become operational, the Secretary will, within 30 days of this notification, make a determination whether the applicant is an operational qualified HMO. In the absence of this determination, the organization is not an operational qualified HMO even though it becomes operational.

(d) The Secretary will notify in writing an applicant which the Secretary has determined meets the requirements for qualification but which fails to sign its assurances within 30 days following the date of the determination that its application is considered withdrawn and that it is not a qualified HMO.

§ 110.604 Application requirements.

(a) An applicant seeking a determination that it is a qualified HMO under this subpart shall apply to the Secretary in the form and manner which

the Secretary prescribes.[1] The application must be executed by an individual authorized to act for the applicant and to assume on behalf of the applicant the obligations imposed by the statute and the regulations of this part. The applicant must provide a complete description of how the applicant meets or will meet the requirements of Subpart A of this part and applicable sections of the Act.[2]

(b) In addition, each application must contain a description of the following significant business transactions between the applicant and a party in interest and a justification that the costs of these transactions do not exceed the costs which would be incurred if these transactions were to be with someone who is not a party in interest, as defined in § 110.101 of this part (or if they do, a justification that the higher costs are consistent with prudent management and the fiscal soundness requirements of § 110.108(a)(1) of this part):

(1) Sale, exchange, or leasing of property;

(2) Furnishing for consideration of goods, services (including management services, but excluding health services provided to members by staff, medical groups, IPAs, or any combination thereof and services provided by employees of the applicant in the normal course of their employment), or facilities; and

(3) Lending of money or other extension of credit.

§ 110.605 Evaluation and determination of qualification.

(a) The Secretary will evaluate applications submitted under this subpart and will obtain any additional necessary information, employing site visits, public hearings or any other appropriate procedures. If an application is incomplete, the Secretary will notify the applicant and provide it with an opportunity to furnish the missing information within 60 days of the date of the notice. Following the evaluation of all relevant information, the Secretary will determine whether the applicant meets the appropriate requirements of §§ 110.603 and 110.604, section 1301 of the Act, and Subpart A of this part.

(b) Upon finding that an applicant (1) does not appear to meet the requirements for qualification and (2) appears to be able to meet the requirements within 60 days, the Secretary will issue to the applicant a notice of intent to deny qualification and a summary of the basis for this preliminary finding. Within 60 days of the date of this notice, the applicant may respond in writing to the issues or other matters which were the basis for the Secretary's preliminary finding, and may revise its application to remedy any defects identified by the Secretary.

(c) The Secretary will notify each applicant for qualification under this subpart of the determination and the basis for the determination.

(d) Upon the denial of an application for qualification under this subpart, the Secretary will notify the applicant in writing and provide the applicant an opportunity to request a reconsideration of the determination. A request for reconsideration must be submitted in writing, within 60 days following the date of the notification of denial, addressed to the officer or employee of the Department of Health and Human Services who has denied the application, and set forth the grounds upon which the reconsideration is requested, specifying the material issues of fact and of law upon which the applicant relies. Reconsideration will be based upon the record compiled during the qualification review proceedings, materials submitted in support of the request for reconsideration, and other relevant materials available to the Secretary. The Secretary will provide written notice of the reconsidered determination to the applicant. The notice will set forth the basis for the determination.

(e) An applicant receiving a reconsideration denial may not submit a new application for qualification until at least four months after the date of the notice of that determination.

(f) The Secretary will publish on a monthly basis in the **Federal Register** the names, addresses, and descriptions of the service areas of the newly qualified HMOs. A cumulative list of qualified HMOs may be obtained by writing the Document Control Unit, Office of Health Maintenance Organizations, Park Building, 3rd Floor, 12420 Parklawn Drive, Rockville, Maryland 20857, or by visiting that Office between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday. Interested persons should contact that Office between 8:00 a.m. and 4:30 p.m., Monday through Friday, to make an appointment to obtain additional information regarding qualified HMOs.

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[1] Application forms and instructions may be obtained by writing the Office of Health Maintenance Organizations, Division of Qualification, Park Building—3rd Floor, 12420 Parklawn Drive, Rockville, Maryland 20857, or the Regional Health Administrator in the appropriate Regional Office of the Department of Health and Human Services at the addresses set forth at 45 CFR 5.31(b).

[2] Applicants should be aware that provisions of the Freedom of Information Act, 5 U.S.C. 552, may require disclosure of certain official Government records. Regulations of the Department of Health and Human Services, 45 CFR Part 5, provide exceptions to disclosure. Applicants submitting material which they feel is covered by these exceptions should label the material "privileged" and include a concise explanation of the applicability of 45 CFR Part 5. Upon receipt of a request for information under the Freedom of Information Act, the Secretary will examine the information and determine whether it is subject to disclosure or is exempt from disclosure because of any privilege or other basis for exemption.

federal register

Tuesday
October 27, 1981

Part IV

Civil Aeronautics Board

Aircraft Accident Liability Insurance

CIVIL AERONAUTICS BOARD

14 CFR Part 205

[Regulation ER-1253; Dockets 37531, 37532, 22771]

Aircraft Accident Liability Insurance

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: The CAB sets standards for minimum insurance coverage for damages to passengers and third parties because of aircraft accident liability. Coverage may be by self-insurance plan or by aircraft accident liability insurance. The rules apply to all U.S. and foreign direct air carriers, except on-demand air taxi operators and certain commuter carriers. The rule provides a safety-net source of compensation when an air carrier is liable for damages in an aircraft accident. A guaranteed source of compensation is needed in the deregulatory and pro-competitive environment of air transportation today.

DATES: Effective: February 23, 1982. Adopted: October 13, 1981.

FOR FURTHER INFORMATION CONTACT: For U.S. air carriers, J. Kevin Kennedy, Special Authorities Division (202-673-5918); for foreign air carriers, Richard M. Loughlin, Chief, Regulatory Affairs Division (202-673-5878); or for general information, Joseph A. Brooks, Office of the General Counsel (202-673-5442); Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428.

SUPPLEMENTARY INFORMATION: The Board is establishing rules to ensure that carriers are able to compensate passengers and third parties for damages that result from liability for an aircraft accident. The rule requires that U.S. and foreign direct air carriers, except for on-demand air taxi operators and certain commuter carriers, provide evidence to the Board that they meet the standards set forth in this rule. The carrier insurance requirements may be met by either commercial insurance or by self-insurance. Because of the special burdens that would be placed on on-demand air taxi operators by the scheme in this rule, most of which are small businesses, the Board is proposing in EDR-395B, issued contemporaneously, several alternatives, including exemption, for these small carriers. In connection with EDR-395B, the Board is considering treatment of all carriers, U.S. and foreign, that operate small aircraft on an on-demand basis, the same as on-demand air taxi operators for purposes of insurance requirements. Canadian charter air taxi operators registered under Part 294 would be treated the same as U.S. on-demand air taxis in EDR-395B and in the final rule.

In brief, the requirements of the rule are that:

—U.S. and foreign direct air carriers provide evidence to the Board that they are able to pay damages for which they are liable to passengers for aircraft accidents in the amount of $300,000 for each passenger and $300,000 x 75 percent of the aircraft seat capacity per occurrence.

—These carriers provide evidence that they can pay similar damages to non-passengers in the amount of $300,000 per person and $20,000,000 or $2,000,000, depending on the size of the aircraft, per aircraft per occurrence.

—Certificates of insurance or summaries of self-insurance plans be available for public inspection at the carrier's principal place of business.

—The insurance policy or self-insurance plan must cover liability resulting from waiver of liability limitations under the Warsaw Convention approved by the Board, and may not exclude coverage because of violation of any safety-related requirement.

—Carriers must disclose to shippers the existence or absence of cargo liability insurance, and the limits that they have imposed on their liability, if any.

The details of these requirements were developed through Notice of Proposed Rulemaking EDR-395 (45 FR 7566, February 4, 1980). Numerous well-reasoned and helpful comments were received from the insurance industry, U.S. and foreign air carriers, many air taxi operators, Congressmen, other parts of the Federal government, and several State government agencies. A list of the commenters is in Appendix B to this preamble. The commenters made many detailed suggestions to improve the proposal, most of which the Board has adopted. They discussed five major issues basic to the rule: (1) whether the minimum amounts set by the rule are excessive, especially for on-demand air taxi operators; (2) whether safety-related exclusions from coverage, as are now allowed in the insurance requirements for air taxi operators, should be retained; (3) whether the rule should be applied to foreign air carriers; (4) whether liability insurance policies should be disclosed to the public; and (5) whether any insurance requirements are needed, again especially for on-demand air taxi operators.

These issues will be discussed in the context of explaining the changes to the proposal. Since there have been substantial revisions in the rule as proposed, the final rule will be explained on a section-by-section basis.

General Requirements

The purpose of the rule is explained in § 205.1. It is adopted to make clear that new Part 205 establishes these rules under sections 401(q), 419(e), 416(b)(4), and 402 of the Federal Aviation Act for U.S. and foreign air carriers, and sets up minimum insurance requirements to enable carriers found liable to pay damages to passengers and others resulting from aircraft accidents. At the request of United and others, the Board has changed the title of the part to refer to "aircraft accident" liability insurance, and has used this term throughout the rule. The change is made to distinguish the requirements under this part from other types of liability insurance that the airlines may carry.

In § 205.2, the Board applies the rules in this part to all U.S. and foreign direct air carriers, and to certain commuter carriers. The part does not apply to on-demand air taxi operators, or to carriers that are designated as commuters only because they carry mail. Such "mail" commuters operate primarily in Alaska. Rules for those carriers are being proposed in a separate notice of proposed rulemaking, issued with this rule. As requested by several carriers, the part only applies to a carrier's own operations in air transportation, that is, as a common carrier in interstate, overseas, and foreign commerce. It does not require a carrier to insure aircraft leased to another carrier.

The foreign carriers argued that the proposed rule should not apply to them, and that the requirements of the rule violate international comity and the Federal Aviation Act. They argued that Congress, in adopting section 401(q) of the Act, giving the Board a mandate to issue insurance regulations, specifically did not include foreign air carriers in the provision. While it is true that section 401(q) does not apply to foreign air carriers' permit authority received from the Board, this does not affect the Board's powers under section 402(e) of the Act to impose permit conditions on foreign air carriers as the public interest may require. The scheme established in Part 205 has a broad purpose. It is to establish a system, whether by commercial insurance or by other means, to ensure that there is some minimum source of compensation for damages to passengers and nonpassengers from possible aircraft

accidents for which the carrier is liable. For the reasons set forth in EDR-395, the Board concludes that the public interest requires that foreign air carriers be included under this system.

The Board finds that the rule, especially as changed from the proposal, does not violate international comity. The Board has for a number of years included insurance requirements in the permits of most foreign air carriers. Requiring foreign air carriers to show evidence of ability to meet minimum liability insurance standards is not a change of policy by the Board.

In the rule's statement of basic requirements (§ 205.3), the Board has made numerous changes at the request of the commenters. These changes generally clarify the requirements and reduce the burdens on the carriers. Many commenters asked that the carriers' insurance policies and amount and the self-insurance plans not be publicly disclosed. The Board accedes to this request. There is a need, however, for the public to have access to documentation that shows the carrier is in compliance with these rules. The rule now requires only that the certificate of insurance or a summary of the self-insurance plan, rather than the entire policy or plan, be available for public inspection. These documents are to be on file at the Board and at the carrier's principal place of business. Where self-insurance is used, the full plan must be filed with the Board's Bureau of Carrier Accounts and Audits as evidence of meeting the requirements of Part 205. This change satisfies the public's need for the information while retaining confidentiality for the insurance policy and premiums and/or the details of a self-insurance plan, especially to the extent that they may exceed the required minimums of the Board. The full policy or plan is to be available, however, for Board inspection.

At the request of insurance industry commenters, the rule has been changed from the proposal to clarify that reinsurers need not be listed on the certificate of insurance. It has also been changed to permit brokers to sign the certificate of insurance and to permit insurance policies to be issued for fleet coverage of all aircraft of the carrier. Allowing brokers to sign the certificate is a technical change to reflect the day-to-day operation of the insurance market, as is allowing fleet coverage insurance for carriers.

One of the main objections by foreign carriers to the proposed rule was the requirement that insurance be obtained from U.S. insurers. The exclusion of foreign insurers was unintentional. In the rule as adopted, insurance may be obtained from any insurer licensed or approved in the United States or by a foreign government. The Board has added a provision that explicitly allows the licensing and approval requirement to be waived if in the public interest.

Changes from the proposal have been made in the requirements for the filing of certificates of insurance, endorsements, and plans for self-insurance. As proposed, carriers would have had to file their full plans for self-insurance with two different bureaus of the Board. This has been changed so that carriers need file the complete plan only with the Board's Bureau of Carrier Accounts and Audits. A summary of the plan must be filed with the appropriate operating bureau of the Board. So that carriers will be able to plan their operations with better predictability, the Board will notify each carrier, normally within 20 days of receipt of the filing, if it does not satisfy the Board's rules.

Because there was some confusion about the relationship between the requirement in § 205.4 to file endorsements reflecting the addition or deletion of aircraft from a policy, and the requirement in § 205.8 for prior notice of any change reducing the coverage of the policy, the Board has changed these two sections. The requirement for the filing of endorsements is clarified to show that it only applies to coverage by specific aircraft or types of classes of aircraft. Section 205.8 is changed to state that prior notice need not be filed for this type of change in the carrier's coverage.

Two further changes from the proposal are made in § 205.4. Commuter carriers operating in Alaska must file certificates and endorsements with the Board's Alaska Field Office. This follows the present policy of the Board and greatly simplifies and expedites the handling of this paperwork by the Board and the carriers. The paragraph in proposed § 205.6 concerning coverage of replacement aircraft has been moved to § 205.4 to improve the organization of the part. The title of § 205.4 has thus been changed to show that its subject is the required filing of evidence of insurance.

Extent and Amount of Coverage

The Board has decided to adopt the minimum amounts and the standards for insurance coverage generally as proposed. There are two objectives of the Board in establishing minimum protection under this rule: (1) that each carrier has sufficient coverage to meet minimum standards for compensation of its passengers and third parties in the case of liability; and (2) that such minimum required coverage not seriously deter entry or impair the continued availability of air service. In this rule, the Board has attempted to maintain a balance between public protection and the availability of affordable air service. The primary objection to the amounts proposed as minimums came from on-demand air taxi operators. Their objections are being discussed in a supplemental notice of proposed rulemaking.

We have decided that the amounts proposed as minimums for liability coverage should be adopted in the final rule. Those amounts will have little effect on the availability of air service provided by carriers under this rule. Most U.S. and foreign air carriers, with the exception of on-demand air taxis, maintain liability coverage in amounts exceeding those adopted, and with good reason. The FAA's comments state that settlements in tort litigation involving aircraft accidents average $250,000 per person, with judgment averages running even higher.

The Board disagrees with those commenters who argued that no such required coverage is needed at all in most cases. The issue of minimum financial ability to meet accident liability claims may not have been as serious a concern prior to domestic deregulation and the more pro-competitive atmosphere in international transportation. Barriers to entry, other than for air taxi operators and commuter carriers, were substantial. The granting of operating authority by the Board was itself evidence of a carrier's capability to fulfill liability claims in the event of a catastrophic loss. The more liberalized international regulation and domestic deregulation have increased the risk that carriers that might be financially able to conduct operations might lack sufficient financial depth to pay even minimum amounts on claims if liability is found for a serious aircraft accident. Requiring carriers to maintain sufficient ability to meet reasonably anticipated liability claims is the most efficient and effective method of achieving this goal under the existing relaxed entry requirements.

Further, passengers, in dealing with most carriers other than on-demand air taxi operators, are remote from the actual make-up of the air travel contract. Because of lack of information and bargaining power, they are not sufficiently knowledgeable about carrier insurance and do not have adequate bargaining power to negotiate insurance coverage with the carriers. For this reason, required minimum insurance coverage for these carriers is needed.

Two paragraphs from proposed § 205.6 concerning deductibles and application of the limits of coverage have been moved to § 205.5 for better organization of the part. Proposed § 205.6 has been eliminated for the same reason. In the proposal, the form and the rule differed about which coverage, passenger or third-party, would apply to nonemployee cargo attendants. The Board's intent is that such persons be covered by third-party insurance. The rule in § 205.5(b) and (c) has been changed to reflect this intent, which was correct on the proposed form.

Contemporaneous with this rule, the Board is adopting rules in a new Part 294 governing the operations of Canadian charter air taxi operators. Those rules contain an insurance requirement to comply with new Part 205, as adopted here. Since the Board is exempting U.S. on-demand air taxi operators from the requirements of Part 205 pending the Board's action on its proposals in EDR–395B affecting the insurance requirements of those carriers, the present insurance requirements in Part 298 continue for them. Those requirements, among other things, set the per person coverage amount at $75,000 for both passenger and third-party liability. The Board is therefore setting the per person coverage amounts for Canadian charter air taxi operators at that same level, pending the outcome in EDR–395B.

Exclusions

One of the most difficult issues faced by the Board is what to do about exclusions from the required liability coverage. Exclusions in present rules remove the liability coverage in cases where the airline has been negligent in following safety requirements, has operated its aircraft illegally, or has violated any geographic restrictions on operations in the coverage. Such exclusions have the effect of denying an injured person a recovery if the airline's assets are not sufficient to pay the damages, in precisely the cases where the risk to passengers is greatest, and hence insurance is most needed. The Board's proposal would remove such authorized exclusions.

The only reason to require a minimum source of compensation for potential liability is to be sure that air travelers have at least one source from which they may recover if injured in airline accidents. This need is not less in situations where the airline has violated a safety requirement—quite the contrary. To the extent that the Board requires an insurance scheme whereby the public appears to be protected but really is not, the rule is probably doing more harm than good. Travelers are paying for this protection through the airline ticket price. They are entitled to a scheme that offers a real source of compensation, not merely the appearance of one.

In the comments, there were two primary arguments against elimination of such exclusions. The first is that insurance that covered all airline negligence liability, even where a safety standard was violated, would be too costly. The cost of insurance, however, is determined mainly by claims experience. If eliminating the exclusions for safety-related violations would make the insurance much more costly, then it appears to mean that there are many persons who today are being injured by air carriers' negligence, but who are being denied recovery from the insurer because of the exclusions. Such a result is untenable. If the presumption is not true, then the argument appears to fail. The cost of insurance would not be significantly increased if the claims experience remained the same.

The second and related argument used by commenters against elimination of the exclusions is that such insurance could induce an airline to cut corners and take greater risks, thus creating difficulties for insurance companies in assessing potential airline claims. This argument, of course, implies that such corner-cutting would be intentional and not be random. The insurers argue that it would thus be difficult to offer coverage to some classes of carriers. Considering the industry as a whole, however, it is highly questionable whether this presumed inducement is a significant problem. Airlines have many good reasons for operating within the safety standards. Nevertheless, new carriers and some small carriers, which do not have established "track records," may find it difficult and expensive to obtain commercial insurance that fully meets the requirements of the Board's rule.

The Board's rule, however, is not intended to require that only commercial insurance may satisfy it. Deductibles and creative combinations of self-insurance and commercial insurance to provide "catastrophic coverage" are encouraged to reduce cost and to meet the rule's standards. Section 205.5 has been clarified to make clear that deductibles are permissible, as many commenters asked. This section has also been changed to state that the requirements for the terms and conditions of coverage do not limit the right of the insurer to recover from the carrier any amounts paid.

An example of catastrophic loss coverage to meet the requirements of this part would be where an insurer provides insurance meeting the Board's standards, including the prohibition of safety-related exclusions, but such insurance would be paid only as a last resort. It would be paid only when any other insurance of the airline, or the assets of the airline, are insufficient to pay the damages. In effect, this type of insurance plan meets the Board's rules, but allows a deductible equal to the full financial resources of the airline for any claims that would be otherwise excluded. By making the airline itself financially responsible for its damage liabilities up to the full value of its unmortgaged assets, this type of plan would remove the incentive, claimed by some commenters, to short-cut safety requirements, and by limiting the risk exposure of the insurers, keep down the costs of mandatory coverage under the Board's rules. Further, where it is in the public interest, the Board may approve exemptions from the policy standards to allow increased flexibility.

In addition, the rules adopted here, eliminating safety-related exclusions, will be a change of Board policy only for commuter air carriers, which now are required to have insurance in the form directed by our rules for all air taxi operators, which allow such exclusions (14 CFR Part 298). Board insurance requirements for charter and all-cargo air carriers (14 CFR Parts 208, 291) do not allow these exclusions. The Board is not aware of any problems that these air carriers have had in obtaining this insurance, or that its cost is excessive.

Several carriers in their comments argued that some States and foreign countries in effect require exclusions for intentional, willful, or reckless violations of safety-related laws or regulations, by their laws against insuring against intentional acts or criminal violations. The Board agrees that the insurance in question in this rulemaking is for carrier liability for the broad class of acts known in the law as negligent torts; it is not for intentional torts, such as deliberately flying below government altitude standards and thereby interfering with people's use of their property.

Beyond that basic distinction, however, the position that laws against insurance for intentional acts somehow require exclusions for any tort that is *preceded* by an intentional violation of law is clearly wrong. The public policy behind the laws against insurance for intentional acts is to preclude insurance becoming an incentive to commit, or reducing the sanctions against

committing, an intentional tort or a crime. Under such laws, for an insurer to be liable to pay damages on behalf of an insured, the actual injury must be unintentional on the part of the tortfeasor. But to extend this principle to events leading up to the injurious event would defeat the main purpose of liability insurance, and lead to absurd results; and it clearly is not the law. The most familiar form of liability insurance, closely related to the aircraft liability insurance at issue here, is automobile personal injury liability insurance, and that contains no such exclusions. An automobile insurer, writing policies that are required and whose language is closely regulated in most States, cannot escape payment on a policy by showing that the insured was violating the speed limit when an accident occurred. Similarly, a building liability insurer cannot escape payment by showing that a landlord's failure adequately to maintain the building was "deliberate." The same basic principles should and will apply to air carriers' liability insurance under this rule.

The other prohibited exclusion is for potential liability assumed by the carrier through a Board-approved agreement to raise the Warsaw Convention liability limits. It is one that is now not allowed by the Board's insurance regulations for air taxi operators and for charter carriers. Under some insurance policies, coverage is excluded for any liability assumed voluntarily by the airline if it could not have been otherwise liable under the policy. The Board's rule states that such an exclusion may not cover carrier agreements approved by the Board, such as the Montreal Agreement that increases the allowed liability limit for death or injury to passengers in the Warsaw Convention to $75,000 per passenger.

In the final rule, the Board has rewritten § 205.6 to state only those exclusions that are not permitted, rather than providing a list of exclusions that may be included. This type of regulation gives the airlines and the insurance companies a flexible performance standard, instead of having the policy designed in detail by regulation. Bargaining can thus take place to fashion policies to meet airlines' needs at the least possible cost.

Other Issues

Several changes have been made in proposed § 205.8 (now § 205.7), requiring notice of change or cancellation in coverage, in response to commenters' suggestions. The section has been made explicitly applicable to self-insurance plans. Changes in the plan that would cancel it or reduce the extent of coverage below the minimum standards may not take effect until 10 days after the Board has been notified. Another change made is that either the insurer, its representative, or the carrier may notify the Board of changes under this section. If the policy or plan is not for fleet coverage, prior notice need not be given for additions or deletions of specific aircraft or types, since endorsements for such changes are to be filed not more than 30 days after the change in accordance with § 205.4. An additional paragraph has been added to § 205.7 to state that the requirements of the section do not apply if the policy is cancelled based on a war-risk exclusion with a shorter notification period. If a shorter time period in a war-risk exclusion is invoked by the insurer, the insurer or its representative must notify the Board immediately. Wording changes have also been made to clarify parts of the section and to state explicitly that the Board may grant waivers of the section when in the public interest.

Several commenters asked for a meeting or a hearing on this rulemaking before the rule is made final. The Board does not believe that either a meeting or a hearing would further consideration of the rulemaking at this time. There have been two rounds of extensive written comments, from which the Board has received sufficient information to make its decision. Those comments in general have been distributed by the commenters to other persons listed on the Service List. There appears to be no issue of fact or law that cannot be decided on the basis of the two rounds of written comments. If in the future, either in review of the rule or in consideration of the supplemental notice of proposed rulemaking, the Board finds that a meeting or hearing would be useful in providing additional information or in resolving in this rulemaking, it will call one at that time.

Section 105 of the Federal Aviation Act preempts States from enforcing any law or regulation relating to rates, routes, or services of any air carrier having authority under Title IV of the Act. The Board, in PS–83 (44 FR 9948, February 15, 1979) stated that until the Board enacts insurance requirements of its own, the requirements of the States would apply. Of course, where the Board has enacted insurance rules, such as for cargo carriers, charter carriers, and air taxi operators, including a decision to exempt carriers from such rules, State requirements are preempted. With the adoption of this rule, the States will be preempted from regulating this area, as explained in PS–83.

As stated in section 105, States in their capacity as airport proprietors are not preempted under that section from exercising their proprietary powers and rights with respect to airport operations. Of course, the exercise of such powers may not hinder the Federal purpose, and must be reasonable, nondiscriminatory, and not unduly burdensome to interstate commerce. In the Board's opinion, an airport proprietor may require insurance of air carriers to protect its own property and personnel, and to indemnify the proprietor for any costs or damages arising from the air carrier's action.

In EDR–395, the Board asked for comment on what standards, if any, should be set for surplus line insurers. Although some commenters suggested that a trust fund be required or that a standard list of approved insurers be established, the Board finds upon consideration that this is an area better suited to the insurance commissioners of the various States, who have more expertise on such matters than the Board. There is no basis in this proceeding for an informed decision on what standards should be applied to surplus line insurers. In such a case, it is preferable to keep the rule as proposed, that is, allowing the coverage required by the rule to be provided by surplus line insurers listed by the insurance authority of the individual States.

A few commenters also asked that the Board set standards for self-insurance plans. The Board finds such a course unnecessary, and that to do so would reduce the flexibility of airline management, financial institutions, and insurance companies in designing plans that best meet the individual needs of a particular airline. The only fixed requirement of the plans is that they meet the requirements of this new Part 205. This will allow the airlines flexibility in meeting the required coverage with minimum cost.

In EDR–395, the Board proposed several forms for use of carriers in complying with this rule. One was a Standard Endorsement to be attached to the carrier's insurance policy. This form now appears to be unnecessarily restrictive of insurers and carriers. The carriers have the responsibility to ensure that their policies are in conformance with Part 205. Rather than designing endorsements to insurance policies, the Board prefers to rely on a performance standard instead. The carrier will merely file a Certificate of Insurance (as proposed), in which the insurer certifies that the insurance coverage meets the requirements of this part. The certificate form, for both U.S.

carriers and for foreign air carriers is attached as Appendix A to this rule.

Foreign Air Carriers

Many of the comments by foreign air carriers discussed various general issues about the proposed rule. The foreign carriers argued that the Board may not act to modify the terms of their permits without a hearing. The Board disagrees. It is legal and proper to use informal rulemaking procedures to impose rules of general applicability on all carriers for operation in air transportation. No distinction is made between rules for U.S. or for foreign air carriers. The carriers have had full opportunity to comment on the proposal. Only in those cases where there is a controverted issue of fact that cannot be resolved without an evidentiary type of hearing might a full-scale hearing be needed. There are no such issues in this case, and no dispute about a material fact. Nor is the rule adopted here an adjudication of operating authority that may require a formal hearing. The Board in the past has used informal rulemaking procedures to amend foreign air carriers' permits when adopting a rule of general applicability. The Board thus has the authority to use rulemaking procedures to adopt this rule and to apply it to foreign air carriers.

Several foreign carriers also argued that the proper way to make this change is through the bilateral process. While bilateral agreements do not contemplate unilateral alterations in air transport rights bargained for and agreed upon, they do contemplate that such rights be exercised in accordance with non-discriminatory law and rules applicable to all air carriers, whether foreign or domestic. In this case the rules adopted here apply equally to both U.S. and foreign air carriers. For this reason, the Board does not believe that the rule alters any bilateral agreement or that the bilateral process is required to be used in this case.

The two remaining issues discussed by the foreign carrier commenters concerned the relationship of the rule to the Warsaw Convention limits on liability and whether the show cause order (Order 80-1-176, dated January 28, 1980) adopted contemporaneously with EDR-395 applied to all foreign air carrier permits even if a permit does not now contain an insurance condition. The foreign carriers commented that the proposed rule is unneeded because the Warsaw Convention, as modified by the 1966 Montreal Agreement among carriers, sets maximum liability of carriers at $75,000, much lower than the proposed $300,000 minimum coverage. As the Board stated in EDR-395, the Warsaw Convention does not preclude the United States from providing assurance of a minimum source of compensation through insurance for payment of amounts where carriers are found liable, even if such liability is limited by the Convention, or for situations where recoveries are not barred by the Convention. There are many situations where the liability limits of the Warsaw Convention do not apply such as willful misconduct (Art. 25), nondelivery of a ticket or the omission of required notices in the ticket (Art. 3), or transportation to a country not party to the Convention (regardless of the nationality of the carrier). The Convention limits are of doubtful applicability often enough that the average settlements in U.S. Warsaw cases are substantially above the $75,000 limit provided for under the Montreal Agreement. Moreover, certain carriers have agreed to passenger liability limits higher than provided for under the Montreal Agreement, and under Article 22(1) any air carrier may agree to higher limits at any time.

This rule does not override the Convention, but rather complements it by providing a source of compensation that will be available for recoveries or settlements that come within the Convention limit or that exceed the limits applicable under the Montreal Agreement. Therefore, the Board is not persuaded that this rule would be inconsistent with the Warsaw Convention as modified by the Montreal Agreement, or that the Convention and Agreement obviate the need for the rule.

The foreign carriers further argued that the Guatemala Protocol, which would amend the Warsaw Convention, prohibits this type of required insurance coverage. The Protocol states that no system to supplement the compensation payable to claimants under the Convention may be established, unless among other things it imposes no financial or administrative burden, other than collecting passenger contributions, on the carriers. The foreign carrier commenters argued that the proposed rule would violate this provision. As the commenters mentioned, the United States has signed the Guatemala Protocol, but has not ratified it. It therefore is not yet in effect for United States traffic. In any event this rule does not provide for compensation supplemental to that provided for in the Convention, but rather merely gives an assurance of minimum funds available for payment of recoveries permitted under the convention or otherwise.

The Senate Foreign Relations Committee currently is considering ratification of Montreal Protocol No. 3 (which incorporates the Guatemala Protocol). Further, there is pending before the Board in Docket 28713 a Supplemental Compensation Plan that would supplement the $116,000 limit on carrier liability under the Protocol to approximately $316,000. If this Plan did ultimately come into force, the current insurance requirements above the $116,000 carrier liability might be duplicative of the additional $200,000 coverage provided under the Supplemental Compensation Plan. However, the entry into force of the Protocols, as well as the Supplemental Compensation Plan, requires ratification by some 29 countries in addition to the United States. Thus, even if the Senate does ratify the Protocols and the Board does approve the Supplemental Compensation Plan, it might be several years before this program becomes effective. The Board could then reconsider the required insurance coverage in view of the amended Warsaw Convention and the added Supplemental Compensation Plan.

Some foreign carriers argued that Order 80-1-176, proposing to add a new insurance condition to their permits consistent with this rule, does not by its terms apply to those permits that do not now have any insurance condition attached to them. We disagree. The rule clearly applies to all foreign carriers for their operations to and from the United States, as authorized by foreign air carrier permits. The show cause order implements this rule. A reading of the order in its entirety makes clear that the addition of a new condition to a foreign air carrier permit to implement the Board's rule is meant to apply whether the "new" condition would be an entirely new condition or a revision of an existing condition. The Board is therefore making final its proposal in Order 80-1-76, and will ensure that all foreign air carrier permits contain an insurance condition consistent with the rule adopted today.

Cargo Liability Insurance

The main objections to our proposed cargo liability disclosure requirement were that it required the amount of insurance to be disclosed and that it was required on too many documents. The Board has changed its rule accordingly. Only the existence or absence of cargo liability insurance need be disclosed, instead of the amounts of insurance. The carrier still has to disclose any limit on its liability, such as a per-pound amount, that it imposes on the shipper. Disclosure is only required on airwaybills and rate

sheets, which are the documents most looked at by the shipper either before the shipping decision is made or when the shipment is given to the carrier. The Board believes that these modifications meet the objections of the carriers, preserving confidential information and lessening the number of documents on which the notice is needed, while still giving the shipper information critical to making an informed decision on whether to ship on a certain carrier and whether to purchase additional insurance. The need for requiring disclosure of this information is heightened by the fact that cargo carriers are not required by the Board to have cargo insurance.

Other Rule Amendments

Contemporaneously with adoption of this rule, conforming amendments are being made in Parts 208, 291, and 298. On a related matter, we plan to issue in the near future a notice of proposed rulemaking to require all U.S. certificated carriers to become signatories to the 1966 Montreal Agreement, increasing the Warsaw Convention liability limits from $10,000 to $75,000. All foreign air carriers and the older U.S. certificated carriers are already signatories, but some of the more recently certificated U.S. carriers are not.

Accordingly, the Board amends 14 CFR Chapter II by adding a new Part 205 to read:

PART 205—AIRCRAFT ACCIDENT LIABILITY INSURANCE

Sec.

205.1 Purpose.
205.2 Applicability.
205.3 Basic requirements.
205.4 Filing of evidence of insurance.
205.5 Minimum coverage.
205.6 Prohibited exclusions of coverage.
205.7 Cancellation, withdrawal, modification, expiration, or replacement of insurance coverage.
205.8 Cargo liability disclosure statement.

Authority: Secs. 204, 401, 403, 416, 418, 419, Pub. L. 85-726, as amended, 72 Stat. 743, 757, 771; 92 Stat. 1284; 1732; 49 U.S.C. 1324, 1371, 1372, 1386, 1388, 1389.

§ 205.1 Purpose.

This part contains the rules for aircraft accident liability insurance coverage needed by certain U.S. direct air carriers to obtain or to exercise authority from the Board to operate in interstate, overseas, or foreign air transportation, and by foreign air carriers to operate under permit or other authority in foreign air transportation. It further requires a disclosure statement to shippers about cargo liability limits and insurance coverage for U.S. and foreign direct air carriers.

§ 205.2 Applicability.

These rules apply to all U.S. and foreign direct air carriers, except for air taxi operators that are not commuter carriers, and those that are commuter carriers only by virtue of carrying mail under § 298.2(f)(1) of this chapter.

§ 205.3 Basic requirements.

(a) A U.S. or foreign direct air carrier shall not engage in air transportation unless it has in effect aircraft accident liability insurance coverage that meets the requirements of this part for its air carrier or foreign air carrier operations. The minimum amounts of coverage required by this part may be provided either by insurance policies or by self-insurance plans. The currently effective policy of insurance or self-insurance plan shall be available for inspection by the Board at the carrier's principal place of business. The current certificate of insurance or summary of self-insurance plan on file with the Board, as required by § 205.4, shall be available for public inspection at the carrier's principal place of business.

(b) For purposes of this part, a certificate of insurance is one or more certificates showing insurance by one or more insurers (excluding reinsurers) of currently effective and properly endorsed policies of aircraft accident liability insurance in compliance with this part. When more than one such insurer is providing coverage, the limits and types of liability assumed by each insurer (excluding reinsurers) shall be clearly stated in the certificate of insurance. Insurance policies and self-insurance plans named in a certificate of insurance that accompanies an application for initial registration or for operating authority shall become effective not later than the proposed starting date for air carrier operations as shown in the application.

(c) The certificate of insurance shall list the types or classes of aircraft, or the specific aircraft by FAA or foreign government registration number, with respect to which the policy of insurance applies, or shall state that the policy applies to all aircraft owned or operated by the carrier in its air transportation operations. With respect to certificates of insurance that list aircraft by government registration number, the policy or self-insurance plan shall state that, while an aircraft owned or leased by the carrier and declared in the policy is withdrawn from normal use because of its breakdown, repair, or servicing, such insurance as is provided by the policy or plan for that aircraft shall apply also to another aircraft of similar type, horsepower, and seating capacity, whether or not owned by the insured, while temporarily used as a substitute aircraft.

(d) Each certificate of insurance shall be signed by an authorized officer, agent, or other representative of the insurer or the insurance broker.

(e) Insurance coverage to meet the requirements of this part shall be obtained from one or more of the following: (1) an insurer licensed to issue aircraft accident liability policies in any State, Commonwealth, or Territory of the United States, or in the District of Columbia; (2) surplus line insurers named on a current list of such insurers issued and approved by the insurance regulatory authority of any State, Commonwealth, or Territory of the United States or of the District of Columbia; or (3) insurers licensed or approved by a foreign government. This requirement may be waived by the Board in the public interest.

§ 205.4 Filing of evidence of insurance.

(a) A U.S. air carrier shall file a certificate of insurance or summary of a plan for self-insurance with the Board's Special Authorities Division, Bureau of Domestic Aviation. A foreign air carrier shall file such a certificate or summary with the Board's Regulatory Affairs Division, Bureau of International Aviation. If this requirement is met by a self-insurance plan, the carrier shall file the complete self-insurance plan with the Board's Bureau of Carrier Accounts and Audits. Each carrier shall ensure that the evidence filed with the Board of aircraft accident liability coverage is correct at all times. The Board will normally notify the carrier within 20 days of receipt if the coverage or plan does not meet the requirements of this part. The Certificate of Insurance, CAB Form 205-A, for U.S. air carriers and for foreign air carriers, is available from the Board's Publications Services Division, Washington, D.C. 20428. The Board may return the certificate or self-insurance plan to the carrier, if it finds for good cause that such plan or certificate does not show adequate evidence of insurance coverage under this part.

(b) If the coverage is by type or class of aircraft or by specific aircraft, endorsements that add previously unlisted aircraft or aircraft types or classes to coverage, or that delete listed aircraft, types, or classes from coverage, shall be filed with the Board's Special Authorities Division, Bureau of Domestic Aviation, when the insured is a U.S. air carrier, or with the Board's Regulatory Affairs Division, Bureau of

International Aviation when the insured is a foreign air carrier, not more than 30 days after the effective date of the endorsements. Aircraft shall not be listed in the carrier's operations specifications with the FAA and shall not be operated unless liability insurance coverage is in force.

(c) When the insured air carrier is a commuter carrier operating in the State of Alaska, certificates and endorsements shall be filed with the Board's Alaska Field Office, 701 C Street, Box 27, Anchorage, Alaska 99513.

§ 205.5 Minimum coverage.

(a) Insurance contracts and self-insurance plans shall provide for payment on behalf of the carrier, within the specific limits of liability in this section, of all sums that the carrier shall become legally obligated to pay as damages, excluding any deductible in the policy, for bodily injury to or death of a person, or for damage to property of others, resulting from the carrier's operation or maintenance of aircraft in air transportation provided under its authority from the Board.

(b) Insurance meeting the requirements of this part for all U.S. or foreign direct air carriers shall be third-party aircraft accident liability coverage for bodily injury to or death of persons, including nonemployee cargo attendants, other than passengers, and for damage to property, with minimum limits of $300,000 for any one person in any one occurrence, and a total of $20,000,000 per involved aircraft for each occurrence, except that for aircraft of not more than 60 seats or 18,000 pounds maximum payload capacity, carriers need only maintain coverage of $2,000,000 per involved aircraft for each occurrence.

(c) All U.S. or foreign direct air carriers carrying passengers in air transportation shall in addition to the coverage required in paragraph (a) of this section maintain aircraft accident liability insurance coverage for bodily injury to or death of aircraft passengers, with minimum limits of $300,000 for any one passenger, and a total per involved aircraft for each occurrence of $300,000 times 75 percent of the number of passenger seats installed in the aircraft.

(d) Notwithstanding paragraphs (a) and (b) of this section, the carrier may be insured for a combined single limit of liability for each occurrence. The combined single-limit coverage must be not less than the combined required minimums for bodily injury and property damage coverage under paragraph (a), plus the total passenger coverages required under paragraph (b), for each occurrence. The single-limit liability policy for the required aircraft accident liability coverage may be provided by a single policy or by a combination of primary and excess policies.

(e) The liability coverage shall not be contingent upon the financial condition, solvency, or freedom from bankruptcy of the carrier. The limits of the liability for the amounts required by this part shall apply separately to each occurrence. Any payment made under the policy or plan because of any one occurrence shall not reduce the coverage for payment of other damages resulting from any other occurrence.

(f) Notwithstanding paragraphs (b) and (c) of this section, Canadian charter air taxi operators registered under Part 294 shall maintain the following coverage:

(1) Canadian charter air taxi operators engaging in charter air service under Part 294 shall maintain third-party aircraft accident liability coverage for bodily injury to or death of persons, including nonemployee cargo attendants, other than passengers, and for damage to property, with a minimum coverage of $75,000 for any one person in any one occurrence, and a total of $2,000,000 per involved aircraft for each occurrence, except that Canadian charter air taxi operators operating aircraft of more than 60 seats or 18,000 pounds maximum cargo payload capacity shall maintain coverage for those aircraft of $20,000,000 per involved in aircraft for each occurrence.

(2) Canadian charter air taxi operators engaging in charter air service under Part 294 shall in addition to the coverage required in paragraph (f)(1) of this section maintain aircraft accident liability coverage for bodily injury to or death of aircraft passengers, with a minimum coverage of $75,000 for any one passenger and a total per involved aircraft for each occurrence of $75,000 times 75 percent of the total number of passenger seats installed in the aircraft.

(3) Coverage under this paragraph may be obtained with a combined single limit as specified in paragraph (d) of this section, applying the amounts of coverage stated in this paragraph.

§ 205.6 Prohibited exclusions of coverage.

(a) No warranty or exclusion in the policy or plan or in any endorsement or amendment to the policy or plan, nor any violation of the policy or plan by the carrier, shall remove the liability coverage required by this part, except as specifically approved by the Board. This requirement shall not limit the right of insurers to recover from the carrier for amounts paid.

(b) A policy of insurance or a self-insurance plan required by this part shall not contain the following exclusions:

(1) Violation of any safety-related requirement imposed by statute or by rule of a government agency.

(2) Liability assumed by the carrier under an agreement to raise the liability limitations of the Warsaw Convention by signing a counterpart to the agreement of carriers (such as the Montreal Agreement, CAB 18900, as approved by Board Order E-23680, May 13, 1966, agreeing to a limit on the carrier's liability for injury or death of passengers of $75,000 per passenger), or any amendment to such agreement that may be approved by the Board and to which the carrier becomes a party.

§ 205.7 Cancellation, withdrawal, modification, expiration, or replacement of insurance coverage.

(a) Each policy of aircraft accident liability insurance and plan for self insurance shall specify that it shall remain in force, and may not be replaced, canceled, withdrawn, or in any way modified to reduce the minimum standards set forth in this part, or to change the extent of coverage, by the insurer or the carrier, nor expire by its own terms, in regard to coverage for the carrier in its common carrier operations in air transportation, until 10 days after written notice by the insurer (in the event of replacement, by the retiring insurer), or by the insurer's representative, or by the carrier, describing the change, to the Board's Special Authorities Division, Bureau of Domestic Aviation, when the insured is a U.S. air carrier, or to the Board's Regulatory Affairs Division, Bureau of International Aviation when the insured is a foreign air carrier, or when the insured is a commuter carrier operating in Alaska, to the Board's Alaska Field Office (Box 27, 701 C Street, Anchorage, Alaska 99513), which 10-day notice period shall start to run from the date such notice is actually received at the Board. For purposes of this part, a policy will not be considered to have expired if the same insurer renews its coverage without reduction in the extent of coverage or amounts of coverage, and without a break in coverage, whether or not a new policy is issued, and notice to the Board is not required in that event. If the coverage being changed is by type or class of aircraft or by specific aircraft, endorsements adding or deleting specific aircraft or types or classes of aircraft, for which prior notice would be required by this paragraph, shall be filed in accordance with § 205.4(b), and prior notice of the change need not be given

under this paragraph.

(b) The requirements of this section shall not apply if the policy contains a lesser time period for cancellation in a war risk exclusion. If the war risk exclusion is activated by the insurer, the insurer or its representative shall immediately notify the Board.

§ 205.8 Cargo liability disclosure statement.

Every direct U.S. or foreign air carrier providing air cargo service in air transportation shall give notice in writing to the shipper, when a shipment is accepted, of the existence or absence of cargo liability accident insurance, and of the limits on the extent of its liability, if any. The notice shall be clearly and conspicuously included on or attached to all of its rate sheets and airwaybills.

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

BILLING CODE 6320-01-M

APPENDIX A

Proposed CAB Form 205-A

CERTIFICATE OF INSURANCE

POLICIES OF INSURANCE FOR AIRCRAFT ACCIDENT BODILY INJURY AND PROPERTY DAMAGE LIABILITY

THIS CERTIFIES THAT:

_____ (Insurer)

(Name and address of Insurer)

has issued a policy or policies of Aircraft Liability Insurance to _____

_____ (Name of Insured)

(Name and address of Insured U.S. or Foreign Air Carrier)

effective from _____ until ten (10) days after written notice from the Insurer or carrier of the intent to terminate coverage is received by the Civil Aeronautics Board.

1. The Insurer (Check One):

☐ is licensed to issue aircraft insurance policies in the United States;

☐ is licensed or approved by a foreign government to issue aircraft insurance policies; or

☐ is an approved surplus line insurer in the State(s) of _____

2. The Insurer assumes, under the policy or policies listed below, aircraft accident liability insured to minimums at least equal to the following during operation, maintenance, or use of aircraft in "air transportation" as that term is defined in the Federal Aviation Act of 1958 (complete either section A or B below):

_____

A. The aircraft covered by this policy are SMALL AIRCRAFT (i.e., with 60 or fewer seats or with a maximum payload capacity of 18,000 pounds or less). (Check separate or combined coverage as appropriate):

☐ Separate coverages:

Policy No.	Type of Liability	Minimum Limit Each Person	Minimum Limit Each Occurrence
	Combined Bodily Injury (Excluding Passengers other than cargo attendants) and Property Damage Liability	$300,000	$2,000,000
	Passenger Bodily Injury Liability	$300,000	$ 300,000 X 75% of total number of passenger seats installed in the aircraft.

☐ Combined coverage:

This combined coverage is a single limit of liability for each occurrence at least equal to the required minimums stated above for bodily injury excluding passengers, passenger bodily injury, and property damage.

Policy No. _____ Amount of Coverage _____

☐ This policy covers CARGO operations only and excludes passenger liability insurance.

APPENDIX A

B. The aircraft covered by this policy are LARGE AIRCRAFT (i.e., with more than 60 seats or with a maximum payload capacity of more than 18,000 pounds) (Check separate or combined coverage as appropriate):

☐ Separate coverages:

Policy No.	Type of Liability	Minimum Limit Each Person	Minimum Limit Each Occurrence
	Combined Bodily Injury (Excluding Passengers other than cargo attendants) and Property Damage Liability	$300,000	$20,000,000
	Passenger Bodily Injury Liability	$300,000	$ 300,000 x 75% of total number of passenger seats installed in the aircraft

☐ Combined coverage:

This combined coverage is a single limit of liability for each occurrence at least equal to the required minimums stated above for bodily injury excluding passengers, passenger bodily injury, and property damage.

Policy No. _____ Amount of Coverage _____

This policy covers CARGO operations only and excludes passenger liability insurance.

3. The policy or policies listed in this certificate insure (Check one):

☐ Operations conducted with aircraft operated by the Insured

☐ Operations conducted with the following types of aircraft:

☐ Operations with the following aircraft:

FAA or Foreign Flag Registration No.	Manufacturer's Type	FAA or Foreign Flag Registration No.	Manufacturer's Type

4. Each policy listed in this certificate meets or exceeds the requirements in 14 CFR Part 205.

_____
(Name of Insurer)

_____
(Name of Broker, if applicable)

_____
(Address of Broker)

Date: _____ By: _____
(Officer or authorized representative of insurer or broker)

FILING INSTRUCTIONS: An original of this form is to be filed with the Civil Aeronautics Board, Washington, D.C. 20428. For U.S. air carriers, the form should be submitted to the attention of the Special Authorities Division; for foreign air carriers, the form should be submitted to the attention of the Regulatory Affairs Division.

BILLING CODE 6320-01-C

Appendix B—Commenters

D. 37531

Flight Line, Inc.
Horgus Aviation
Tri-State Flite Services
Pacific Air Services
Antlers Aviation
Central Utah Aviation
Prime Computer, Inc.
Waite & Company
Finley Flying Service
Martin Flying Service
Montana Aviation Trades Association
National Aviation Underwriters
Sandpoint Aviation
North Dakota Aeronautics Commission
Aviation Consumer Action Project
Cayman Airways, Ltd.
Merritt Island Air Service, Inc.
Noland Decote Flying Service, Inc.
Association of Trail Lawyers of America
Castle Aero Club, Inc.
Pro Air Services
American Flag Airlines, Inc.
Colorado City Aero, Inc.
Pirate One, Inc.
Frank E. Soldwedel
State of Montana Aeronautics Board
Wien Air Alaska, Inc.
Gregory F. Hill
Lloyd's Insurance Brokers' Committee
Pro Aviation
National Air Transportation Association
U.S. General Counsel for the Underwriters at Lloyds', London
Aero Charter Corporation
CP Air
U.S. Department of Justice
International Air Transport Association on behalf of: Air France, Air New Zealand, British Caledonian Airways, Ltd., CP Air, Czechoslovak Airlines, Deutsche Lufthansa, Finnair, KLM Royal Dutch Airlines, Olympic Airways, Pakistan International Airlines, Qantas Airways, Ltd., SABENA Belgian World Airlines, Saudi Arabian Airlines, Swissair, TAP–Air Portugal, Union de Transports Aeriens, VARIG Brazilian Airlines, Aerlinte, El Al Israel Airlines, Air Afrique, Air Canada, Iberia, AVIANCA, and Nigeria Airways
Lake Mead Air
TACA International Airlines, S.A.
Joint Comments of: Transportes Aereos Nacionales, S.A., Servicios Aereos de Honduras, S.A., Empresa Guatemalteca de Aviacion, Internacional de Aviacion, S.A., LIAT (1974) Ltd., and Lloyd Aero Boliviana
Joint comments of: VARIG, S.A., and Scandinavian Airlines System SABENA Belgian World Airlines
Air India
Joint comments of: Aerolineas Argentinas and Veneazolana Internacional de Aviacion, S.A.
Alitalia
American Airlines, Inc.
Association of Independent Aviation Insurers
Aviation Insurance Ofices' Association
Braniff International
Commuter Airline Association of America
Compagne Nationale Air France
Royal Air Maroc
Crum & Foster Insurance Companies
Frontier Airlines
Japan Air Lines Company, Ltd.
Lufthansa German Airlines
Luftransport Unternehmen KG
Montana Flugbetriebsgesellschaft M.b.h.
National Industrial Traffic League
Ozark Air Lines
Pakistan International Airlines
Pan American World Airways, Inc.
Philippine Airlines, Inc.
Reinsurance Association of America
Scandinavian Airlines System
Seaboard World Airlines
Singapore Air Lines
Majors Aviation Service, Inc.
SerVair Accessories, Inc.
McCausland Aviation, Inc.
Dr. Charles P. Nicholson, Jr.
H. W. Timmons
National Aviation Underwriters
Albright's Flying Service, Inc.
Falcon Flight
Dillon Flying Service
Michael S. Kobos
Obie Flying Service
Yellowstone Air Service, Inc.
Lynch Flying Service, Inc.
Robert Nuolker
Norman E. Locher
Joe Kennedy
H. Horgers
Jack T. Terschy
Bob Thomas
Joe A. Teyok
Hamilton Aviation
Chillicothe Flying Service
Eastern North Carolina Air Taxi, Inc.
Mendel Flying Service
Sawtooth Realty Consultants
Carpet Capital Aviation, Inc.
Mercy Flights, Inc.
Action Air
Kearney Air Charter, Inc.
Skymac, Inc.
Harmon R. Helmericks
Associated Aviation Underwriters
North Dakota Aviation Association
Guy J. Terill
Edward C. Nordy
Sunbird Aviation
Russaero Flying Service, Inc.
AVEMCO Insurance Company
Marsh & McLennan
Blue Sky, Inc.
Showalter Flying Service, Inc.
Air Charter Systems
Charles W. Stenholm, M.C. (17th-Texas)
Brown Bros.
Aero Aviation, Inc.
Davidson Air Service & Helicopter
Moody Aviation
Maahs Flying Service
Inland Aviation, Inc.
Crystal Shamrock
United Beechcraft, Inc.
ALFA Aviation
Northern Air
Ozark Skyways, Inc.
Coastal Air Service, Inc.
Cross Country Aviation Corp.
Seattle Flight Service, Inc.
State Airlines, Inc.
Engels Aircraft, Inc.
Cascade Helicopter, Inc.
Rusk Aviation, Inc.
Chico Aviation, Inc.
Tony Coelho, M.C. (15th-Cal.)
Max Baucus, United States Senate
Warren E. Hystable
J. K. Crawford
Buswell Flying Service
Southern Oregon Skyways, Inc.
Southeastern Ohio Air Service, Inc.
Robert A. Foutch
Southwest Airlines, Co.
Swissair
Trans World Airlines
USAir
United Air Lines
VARIG, S.A.
Worldwide Facilities, Inc.
British Airways
El Al Israel Airlines, Ltd.
Qantas Airways, Ltd.
British Caledonian Airways, Ltd.
KLM Royal Dutch Airlines
Ed Marshall Insurance, Ltd.
Zouic Airlines, Inc.
Christopher C. Jones
The Flying Tiger Line, Inc.
Joint Reply comments of: Transportes Aereos Nacionales, S.A. Servicios Aeros de Honduras, S.A Empresa Guatemalteca de Aviacion, International de Aviacion, S.A., LIAT (1974) Ltd., Lloyd Aereo Boliviana, S.A., and Air Jamaica
Joint Reply comments of: Aerolineas Argentinas, Compania Mexicana de Aviacion, S.A., Empresa Ecuatoriana de Aviacion, Lineas Aereas Costarriceuses, S.A., and Venezolana Internactional de Aviacion, S.A.
Transamerica Airlines, Inc.
Federal Aviation Administration
Seagreen Air Transport, Ltd.
International Union of Aviation Insurers
U.S. Department of State
Ministry of Foreign Affairs, Government of Pakistan

[FR Doc. 81-31012 Filed 10-26-81; 8:45 am]
BILLING CODE 6320-01-M

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14 CFR Part 208

[Regulation ER-1254; Docket 37531; Amdt. No. 33]

Terms, Conditions, and Limitations of Certificates To Engage in Charter Air Transportation

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: The CAB set standards, in a rule adopted contemporaneously, for minimum insurance coverage for U.S. and foreign air carriers for damages to passengers and third parties because of aircraft accidents. This amendment makes conforming amendments to the rules for charter carriers, requiring them to comply with the CAB's rule for all air carriers.

DATES: Effective: February 23, 1982; Adopted: October 13, 1981.

FOR FURTHER INFORMATION CONTACT:

For specific information on compliance, J. Kevin Kennedy, Special Authorities Division; (202–673–5918); for general information, Joseph A. Brooks, Attorney-Advisor, Office of the General Counsel; (202–673–5442), Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428.

SUPPLEMENTARY INFORMATION: A full discussion of this action is in ER–1253, adopted today.

PART 208—TERMS, CONDITIONS, AND LIMITATIONS OF CERTIFICATES TO ENGAGE IN CHARTER AIR TRANSPORTATION

Accordingly, the Civil Aeronautics Board amends 14 CFR Part 208, *Terms, Conditions, and Limitations of Certificates To Engage in Charter Air Transportation*, as follows:

1. The authority for Part 208 is:

Authority: Secs. 101(3), 102, 204, 401, 403, 404, 407, 411, 416, 417, 1002, Pub. L. 85–726, as amended, 72 Stat. 737, 740, 743, 754, 758, 760, 766, 769, 771, 788; 76 Stat. 145; 49 U.S.C. 1301, 1302, 1324, 1371, 1374, 1377, 1381, 1386, 1387, 1482.

2. All other authority citations are removed.

3. Section 208.10 is amended by removing paragraphs (a) and (b), and revising the section to read:

§ 208.10 Applicability of liability insurance requirements.

No charter air carrier shall engage in air transportation unless such carrier has and maintains in effect aircraft accident liability coverage that meets the requirements of Part 205 of this chapter.

§§ 208.11—208.15 [Reserved]

4. Sections 208.11, 208.12, 208.13, 208.14, and 208.15 are removed and reserved.

5. Subpart A of the Table of Contents is amended to read:

Subpart A—General Provisions

Sec.

* * * * *

208.11 [Reserved]
208.12 [Reserved]
208.13 [Reserved]
208.14 [Reserved]
208.15 [Reserved]

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-31013 Filed 10-26-81; 8:45 am]

BILLING CODE 6320-01-M

14 CFR Part 291

[Docket 37531; Regulation ER–1255; Amdt. No. 7]

Domestic Cargo Transportation

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: The CAB set standards, in a rule adopted contemporaneously, for minimum insurance coverage for U.S. and foreign air carriers for damages to passengers and third parties because of aircraft accidents. This amendment makes conforming changes to the rules for carriers providing cargo service in domestic air transportation, requiring them to comply with the CAB's rule for all air carriers.

DATES: Effective: February 23, 1982. Adopted: October 13, 1981.

FOR FURTHER INFORMATION CONTACT:

For specific information on compliance, J. Kevin Kennedy, Special Authorities Division (202–673–5918); for general information, Joseph A. Brooks, Attorney-Advisor, Office of the General Counsel (202–673–5442), Civil Aeronautics Board, 1825 Connecticut Avenue NW., Washington, D.C. 20428.

SUPPLEMENTARY INFORMATION: A full discussion of this action is in ER–1253, adopted today.

PART 291—DOMESTIC CARGO TRANSPORTATION

Accordingly, the Civil Aeronautics Board amends 14 CFR Part 291, *Domestic Cargo Transportation*, as follows:

1. The authority for Part 291 is:

Authority: Secs. 102, 204, 401, 407, 408, 416, and 418, Pub. L. 85–726, as amended, 72 Stat. 740, 743, 754, 766, 767, 771; 91 Stat. 1284; 49 U.S.C. 1302, 1324, 1371, 1377, 1378, 1386, and 1388.

2. All other authority citations are removed.

§ 291.11 [Amended]

3. Paragraph (c) of § 291.11 is removed and reserved.

§ 291.21 [Reserved]

4. Section 291.21 is removed and reserved.

5. Section 291.22 is re-titled and amended by removing paragraphs (a) and (b), and by revising the section to read:

§ 291.22 Aircraft accident liability insurance requirement.

No air carrier shall operate all-cargo aircraft or provide all-cargo air service in domestic cargo transportation unless such carrier has and maintains in effect aircraft accident liability coverage that meets the requirements of Part 205 of this chapter.

6. Subpart C of the Table of Contents is amended to read:

Subpart C—General Rules for Domestic Cargo Transportation

Sec.

* * * * *

291.21 [Reserved]
291.22 Aircraft accident liability insurance requirement.

* * * * *

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-31014 Filed 10-26-81; 8:45 am]

BILLING CODE 6320-01-M

14 CFR Part 298

[Docket 37531; Regulation ER–1256; Amdt. No. 19]

Classification and Exemption of Air Taxi Operators

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: The CAB set standards, in a rule adopted contemporaneously, for minimum insurance coverage by U.S. and foreign air carriers for damages to passengers and third parties because of aircraft accidents. This amendment makes conforming changes to the rules for air taxi operators operating as commuters, requiring certain commuter carriers to comply with the CAB's rules for all air carriers. The insurance rules for other air taxi operators are not changed by this rule.

DATES: Effective: February 23, 1982. Adopted: October 13, 1981.

FOR FURTHER INFORMATION CONTACT:

For specific information on compliance, J. Kevin Kennedy, Special Authorities Division (202–673–5918); for general information, Joseph A. Brooks, Attorney-Advisor, Office of the General Counsel (202–673–5442), Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428.

SUPPLEMENTARY INFORMATION: A full discussion of this action is in ER–1253, adopted today.

PART 298—CLASSIFICATION AND EXEMPTION OF AIR TAXI OPERATORS

Accordingly, the Civil Aeronautics Board amends 14 CFR Part 298, *Classification and Exemption of Air Taxi Operators*, as follows:

1. The authority for Part 298 is:

Authority: Secs. 204, 401, 407, 416, 418, Pub. L. 85-726, as amended, 72 Stat. 743, 754, 766, 771, 91 Stat. 1284; 49 U.S.C. 1324, 1371, 1377, 1386, 1388.

2. All other authority citations are removed.

3. Paragraph (a) of § 298.41 is revised to read:

§ 298.41 Basic requirements.

(a) Each air taxi operator, other than one classified as a commuter air carrier by virtue of its scheduled service under § 298.2(f)(1), engaging in air transportation, shall maintain in effect aircraft accident liability insurance coverage that complies with the requirements of this subpart and that is evidenced by a currently effective policy of insurance, with an attached standard endorsement available for inspection by the Board and the public at its principal place of business. Each commuter air carrier, so classified by virtue of its scheduled service under § 298.2(f)(1), engaging in air transportation shall maintain in effect aircraft accident liability insurance coverage that meets the requirements of Part 205 of this chapter. Evidence of such insurance coverage in the form of a certificate of insurance shall be maintained on file at the Board at all times.

* * * * *

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-31015 Filed 10-26-81; 8:45 am]

BILLING CODE 6320-01-M

CIVIL AERONAUTICS BOARD

14 CFR Parts 205, 294, and 298

[Docket 37531; EDR-395B]

Aircraft Accident Liability Insurance; Canadian Charter Air Taxi Operators; Classification and Exemption of Air Taxi Operators

Dated: October 13, 1981.

AGENCY: Civil Aeronautics Board.

ACTION: Supplemental notice of proposed rulemaking.

SUMMARY: The CAB is proposing to revise its insurance requirements for on-demand air taxi operators and for Canadian charter air taxi operators. The present per-person minimum amounts would be increased to $150,000. In the alternative, the CAB is proposing either to eliminate all present insurance requirements for such carriers and to require a disclosure notice in their place, or to keep the present limits as they are now, eliminating the safety-related exclusions. These proposals are a revision of an earlier proposal for U.S. air taxi operators that would have increased the minimum amount of $300,000, and are at the suggestion of commenters to the previous notice of proposed rulemaking. This supplemental proposal is intended to reduce the burden and compliance costs for on-demand air taxi operators and for Canadian charter air taxi operators.

DATES: Comments by: December 28, 1981. Reply comments by: January 18, 1982.

Comments and other relevant information received after this date will be considered by the Board only to the extent practicable.

Requests to be put on the Service List by: November 10, 1981.

The Docket Section prepares the Service List and sends it to each person listed, who then serves comments on others on the list.

ADDRESSES: Twenty copies of comments should be sent to Docket 37531, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428. Individuals may submit their views as consumers without filing multiple copies. Comments may be examined in Room 711, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. as soon as they are received.

FOR FURTHER INFORMATION CONTACT: For specific information on compliance, for U.S. air taxi operators, J. Kevin Kennedy, Special Authorities Division (202-673-5918), or for Canadian charter air taxi operators, Richard Loughlin, Chief, Regulatory Affairs Division (202-673-5828); for general information, Joseph A. Brooks, Attorney-Advisor, Office of the General Counsel (202-673-5442), Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428.

SUPPLEMENTARY INFORMATION: In Notice of Proposed Rulemaking EDR-395 (45 FR 7566, February 4, 1980), the Board proposed to revise and update its insurance requirements for all direct U.S. and foreign air carriers, and to put them in a new consolidated part of its regulations (14 CFR Part 205). The proposal would have made the present insurance requirements for on-demand air taxi operators (14 CFR Part 298) the same as those proposed for all U.S. air carriers. There would have been no exception for Canadian charter air taxi operators registered under new Part 294. It would thus have increased the minimum required per-person amounts for U.S. air taxi operators from $75,000 to $300,000 for both passenger and third-party coverage. The minimum per-occurrence amounts would have been changed. The requirements would have prohibited most of the coverage exclusions now permitted in U.S. air taxi operator policies, primarily those that are safety related. The rule, with many technical revisions, was adopted contemporaneously with this proposal (ER-1253) essentially as proposed, except that it does not apply to on-demand air taxi operators. Canadian charter air taxi operators must maintain the same per-person amounts of coverage as U.S. on-demand air taxi operators. U.S. air taxi operators that are commuters by virtue of their scheduled service, however, must comply with the new rule. The Board received many comments about its proposal, especially from on-demand U.S. air taxi operators. A list of the commenters is attached to the preamble of the rule adopted today.

In their comments, on-demand U.S. air taxis objected to being required to have the same minimum amounts and to follow the same rules for liability coverage as larger, scheduled airlines. They argued that their service is distinguishable from the others based on the type of service, the type and number of passengers served, and the type of equipment operated. On-demand air taxis argued that while larger, scheduled airlines must accept passengers and cargo under the terms of their schedules or tariffs, on-demand air taxis negotiate a separate contract with each passenger for each flight and settle on mutually agreeable terms and conditions. These contracts can, and often do, include liability coverage additional to that now required by the Board. Further, on-demand air taxis tend to use small, single-engine aircraft as compared to the multi-engine and turbo-prop aircraft operated by commuter and certificated carriers. Therefore, they contend, while damage awards and settlements well in excess of the current minimum requirements may be the rule with regard to cases involving large carriers, claims, awards and settlements in those accidents involving on-demand air taxis average approximately $100,000, based on a recent National Air Transportation Association study. Those arguments would apply as well to Canadian charter air taxi operators.

While a few of these commenters conceded that some increase in required amounts might be justifiable, even those commenters stated that the amount of the proposed increase is unreasonable. On the whole, the on-demand air taxi commenters stated that the proposed increase in the minimum amounts of coverage and changes in the exclusions would impose a severe economic burden on them and would result in a decrease in readily available on-demand air transportation, especially in rural areas because they could not afford to continiue operations with the added costs of such coverage. According to those commenters, the cost of insurance is second only to that of fuel in an on-demand air taxi operator's fixed costs. If the proposed changes in the Board's rules were adopted, the on-demand air taxis estimate that the cost of their insurance coverage would increase from 14 to 200 percent. This cost increase, they content, would force many small carriers out of business, affecting primarily service to small communities.

In view of such comments, the Board is proposing to require that on-demand air taxi operators and Canadian charter air taxi operators follow the same liability coverage rules as other carriers, except that the minimum amount would be set at $150,000 per-person for bodily injury. All other amounts and coverage would be the same as for those carriers now covered by Part 205. As with coverage required for other carriers, safety-related exclusions from coverage would be excluded. In considering liability coverage rules for all carriers, one of the most difficult issues faced by the Board is what to do about exclusions from coverage. The present exclusions allowed for U.S. air taxi operators remove the liability coverage in cases where the air taxi has violated safety requirements, has operated aircraft illegally, or has violated any geographic restrictions on its operations. There are no similar exclusions allowed in new

Part 294 for Canadian charter air taxi operators. Nor were they allowed for charter and all-cargo carriers before Part 205 was adopted. Such exclusions have the effect of denying an injured person a recovery if the airline's assets are not sufficient to pay the damages. Under today's pro-competitive and deregulatory policy, the only reason to require such a minimum source of compensation for damages is to provide a sure source for possible compensation if the air taxi is found liable in an aircraft accident. In the case of on-demand air taxi operators, if this source of compensation is removed for such a reason whenever an air taxi violates a safety requirement that results in an accident, the insurance requirement is not adequately protecting the public.

As the Board stated in adopting such a rule for other air carriers, the cost of such coverage could be reduced by negotiating with an insurer to provide catastrophic coverage, where the insurance would only pay if the net assets of the air taxi have been expended. We would particularly like to have cost estimates from the supporters of continued required coverage at this level, with the conditions set forth in Part 205 of the Board's regulations.

If insurance regulation is continued for on-demand air taxi operators, the filing of certificates or other evidence of coverage would be the same as proposed in EDR-395, but as changed and adopted in Part 205. All other terms and conditions and requirements would also be the same as in Part 205.

In the context of on-demand air taxi service, those commenters stated that a deregulated, free-market environment assumes that carriers and passengers are fully capable of negotiating conditions of carriage, including insurance coverage, to meet their respective needs. The carrier and the passenger are better able to assess the amount of insurance necessary to protect their interests than is the government.

For U.S. air taxi operators and their counterparts, registered Canadian charter air taxi operators, providing only on-demand service, the Board is therefore further asking for comments on eliminating all insurance requirements. A simple requirement for disclosure of the existence or absence of insurance, as now required for domestic cargo carriers in 14 CFR 205.8, would be required for on-demand U.S. air taxi operators and for Canadian charter air taxi operators instead of required standard coverage.

As the commenters stated, on-demand air taxi service appears to be different from other forms of air transportation. The customer and the operator deal on an equal basis, each knowing the risks and the costs, unlike the somewhat remote relationship between passenger and carrier in larger, scheduled operations. For this reason, insurance regulation of these small carriers might no longer serve a purpose sufficient to warrant a governmental presence.

The Board also requests comment on whether the present standards, except for safety-related exclusions, should be retained for on-demand air taxis and for Canadian air taxi operators. That is, the minimum amounts of per person coverage would remain at $75,000, and other amounts would remain as now in Part 298.

Essential Air Service

If the Board adopts the second alternative proposed, to eliminate insurance requirements for on-demand air taxis, then those air taxis that are not commuters and that provide essential air service would not be required by the government to carry a specific amount of insurance. The Board would like to have comments on whether all carriers, regardless of type or size should be required to carry some amount of aircraft accident liability insurance. If they are so required, the Board would like comments on the amount of coverage that would be necessary as a minimum source of compensation if the carrier is found liable.

Initial Regulatory Flexibility Analysis

The Regulatory Flexibility Act, Pub. L. 96-534, took effect on January 1, 1981. The Act is designed to ensure that agencies consider flexible approaches to the regulation of small businesses and other small entities defined in the Act. It requires regulatory flexibility analyses for rules that, if adopted will have a "significant economic impact on a substantial number of small entities." Such analyses are only required to be done for notices of proposed rulemaking issued after January 1, 1981. EDR-395 was issued before that date. No analysis was included in that notice of proposed rulemaking. This case, because of the effect of its supplemental proposal on on-demand air taxi operators, most of which are small businesses, and the possible secondary effects on the many small businesses and communities that reply on these air carriers, requires an initial regulatory flexibility analysis.

The analysis is required to describe the need, objectives, legal basis for, and flexible alternatives to the action proposed here. The first three requirements are met by the discussion in this supplemental notice of proposed rulemaking and in EDR-395. The impact of this proposal would be to decrease insurance costs and to remove standard insurance protection for passengers and third parties. The proposal attempts to minimize the cost to small air taxi operators by reducing the required minimum amount of coverage from the earlier proposal in EDR-295. Since the first alternative to the existing rules is designed to eliminate completely the accident liability insurance requirements for on-demand air taxi operators and substitute a simple disclosure statement, there are no alternatives to that change that would "minimize any significant impact of the proposed rule on small entities." The last alternative would retain much of the status quo, and thus keep the impact on small entities low. There are no Federal rules that duplicate, overlap, or conflict with the proposed rule.

Proposed Rule

The Civil Aeronautics Board proposes to amend 14 CFR Part 298, *Classification and Exemption of Air Taxi Operators*, and 14 CFR Part 205, *Aircraft Accident Liability Insurance*, and 14 CFR Part 294, *Canadian Charter Air Taxi Operators*, alternatively, as follows:

1. Section 298.41 of Part 298 would be amended by removing paragraphs (a), (b), (c), and (d), and by revising the section to read:

§ 298.41 Basic Requirements.

No air taxi operator shall engage in air transportation unless such carrier has and maintains in effect aircraft accident liability coverage that meets the requirements of Part 205 of this chapter.

§§ 298.37, 298.42, 292.43, 298.44, and 298.45 [Reserved]

§ 298.3 [Amended]

2. Sections 298.37, 298.42, 292.43, 298.44, and 298.45, and subparagraph (4) of § 298.3(a), would be removed and reserved.

3. Section 205.2 would be revised to read:

§ 205.2 Applicability.

These rules apply to all U.S. and foreign direct air carriers that provide air transportation.

4. Section 205.5 would be amended by revising paragraph (f) to read:

§ 205.5 Minimum coverage.

* * * * *

(f) Notwithstanding paragraphs (b) and (c) of this section, air taxi operators providing air transportation under Part 298 of this chapter that are not commuters by virtue of their schedule

service, and Canadian charter operators registered under Part 294, shall maintain the following coverage:

(1) Air taxi operators and Canadian charter air taxi operators in air transportation under this paragraph shall maintain third-party aircraft accident liability coverage for bodily injury to or death of persons, including nonemployee cargo attendants, other than passengers, and for damage to property, with a minimum coverage of $150,000 for any one person in any one occurrence, and a total of $2,000,000 per involved aircraft for each occurrance, except that such carriers operating aircraft of more than 60 seats or 18,000 pounds maximum payload capacity shall maintain coverage for those aircraft of $20,000,000 per involved aircraft for each occurrance.

(2) Air taxi operators and Canadian charter air taxi operators in air transportation under this paragraph shall in addition to the coverage required in paragraph (f)(1) of this section maintain aircraft accident liability coverage for bodily injury to or death of aircraft passengers, with a minimum coverage of $150,000 for any one passenger and a total per involved aircraft for each occurrence of $150,000 times 75 percent of the number of passengers seats installed in the aircraft.

(3) Coverage under this paragraph may be obtained with a combined single limit as specified in paragraph (d) of this section, applying the amounts of coverage stated in this paragraph.

Alternative A

§§ 298.41 through 298.45 (Subpart E) [Reserved]

§ 298.3 [Amended]

1. Part 298 would be amended by removing and reserving Subpart E—Liability Insurance Requirements, and subparagraph (4) of § 298.3(a).

2. Section 298.37 would be revised to read:

§ 298.37 Prohibition of services not covered by insurance.

No air taxi operator classifed as a commuter by virtue of its scheduled service under § 298.2(f)(1) shall engage in air transportation unless such commuter has and maintains in effect aircraft accident liability coverage that meets the requirements of Part 205 of this chapter.

3. The Table of Contents of Part 298 would be amended accordingly.

§ 294.40 (Subpart E) [Reserved]

§ 294.3 [Amended]

4. Part 294 would be amended by removing and reserving Subpart E—Insurance Requirements, and paragraph (c) of § 294.3.

5. Section 205.5 would be amended by revising paragraph (f) to read:

§ 205.5 Minimum coverage.

* * * * *

(f) Notwithstanding paragraphs (b) and (c) of this section, air taxi operators providing air transportation under Part 298 of this chapter that are not commuters by virtue of their scheduled service, and Canadian charter air taxi operators under Part 294, shall give notice in writing to any passenger of the existence or absence of bodily injury liability accident insurance. The notice shall be clearly and conspicuously included on or attached to all fare listings and passenger contracts.

Alternative B

§ 205.5 Minimum coverage.

* * * * *

(f) Notwithstanding paragraphs (b) and (c) of this section, air taxi operators providing air transportation under Part 298 of this chapter that are not commuters by virtue of their scheduled service, and Canadian charter air taxi operators registered under Part 294, shall maintain the following coverage:

(1) Air taxi operators and Canadian charter air taxi operators in air transportation under this paragraph shall maintain third-party aircraft accident liability coverage for bodily injury to or death of persons other than passengers, and for damage to property, with a minimum coverage of $75,000 for any one person in any one occurrence, and a total of $300,000 per involved aircraft for bodily injury, and $100,000 for property damage each occurrence.

(2) Air taxi operators and Canadian charter air taxi operators in air transportation under this paragraph shall in addition to the coverage required in paragraph (f)(1) of this section maintain aircraft accident liability coverage for bodily injury to or death of aircraft passengers or nonemployee cargo attendants with a minimum coverage of $75,000 for any one passenger or attendant, and a total per involved aircraft for each occurrence of $75,000 times 75 percent of the number of passengers seats installed in the aircraft.

(3) Coverage under this paragraph may be obtained with a combined single limit as specified paragraph (d) of this section, applying the amounts of coverage stated in this paragraph.

(Sec. 204, 401, 402, 407, 416, 418, Pub. L. 85-726, as amended, 743, 754, 757, 768, 771, 91 Stat. 1284; 49 U.S.C. 1324, 1371, 1372, 1377, 1386, 1388.)

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-31016 Filed 10-26-81; 8:45 am]

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federal register

Tuesday
October 27, 1981

Part V

Civil Aeronautics Board

Canadian Charter Air Taxi Operator Provisions

CIVIL AERONAUTICS BOARD

14 CFR Part 294

[Docket No. 39000; Regulation ER-1257]

Canadian Charter Air Taxi Operators; Classification and Exemption

AGENCY: Civil Aeronautics Board.
ACTION: Final rule.

SUMMARY: The Board is adopting a simple registration procedure to grant operating authority to Canadian charter air taxi operators. This action is being taken on the Board's own initiative, in order to expedite procedures and lessen administrative burdens for those carriers. In addition, in order to conform to the new rule, the Economic, Organization, and Special Regulations are being modified, and a Policy Statement is being eliminated.

DATES: Adopted: October 13, 1981. Effective: November 25, 1981, except for § 294.20, which requires OMB review. The Board will publish a notice of OMB's decision.

FOR FURTHER INFORMATION CONTACT: Ira Leibowitz, Bureau of International Aviation, Legal Division, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428, (202) 673-5035, or Nancy Pitzer Trowbridge, Bureau of International Aviation, Regulatory Affairs Division, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428, (202) 673-5134.

SUPPLEMENTARY INFORMATION: On November 26, 1980, the Board proposed to adopt a new Part 294 of its Economic Regulations to govern operations by Canadian charter air taxi operators (EDR-414, ODR-23, SPDR-80, PSDR-69, 45 FR 80117, December 3, 1980). The proposed regulation included a simple registration procedure in place of certain of the requirements of the Federal Aviation Act of 1958 ("Act"). Registered carriers covered by the rule would be exempted from the requirements to apply for and receive a foreign air carrier permit; from the duty to observe reasonable rates; and from the anti-discrimination and anti-prejudice clauses contained in the Act (sections 402, 404(a)(2), and 404(b) of the Act, respectively).

The carriers covered by this rule are typically small, in terms of both system operations and organizations. Seen in this context, the regulatory framework historically imposed on them has been burdensome. Under the Board's present regulations, these operators must apply for a section 402 permit, which ordinarily takes 4 to 6 months to complete, even through expedited procedures (see subpart Q of the Board's Rules of Practice, 14 CFR Part 302). The expense and delay entailed is disproportionate to the size of these carriers and to the scope of their operations and hampers competition in the relevant markets. Furthermore, we believe as a general matter that the U.S. and Canadian traveling and shipping public would benefit if the regulatory burdens on both sides could be reduced to an absolute minimum. In this connection, we have previously decreased the information that must be submitted in support of permit applications by these operators, and the action we are taking here is a further step toward that goal.[1]

Moreover, this rule will considerably reduce the regulatory workload of the Board. This is appropriate in view of the minimal benefits accomplished by the present form of oversight. Canadian small charter carrier applications comprise about 20 percent of all filings under section 402. In recent years, these applications have been processed routinely and no objections have been filed regarding requests for this authority.

This action is similar to that taken in ER-1159, 44 FR 69633, December 4, 1979, where the Board adopted a new Part 297 to govern operations by foreign indirect air carriers, and to that pending in EDR-398, 45 FR 26084, April 17, 1980, which involves a similar initiative respecting foreign tour operators.

Comments were filed by the Air Transport Association of Canada (ATAC), the National Air Transportation Association (NATA), the Aero Service Division of the Western Geographical Company of America (Aero Service), and Superior Airways, Ltd. (Superior).

ATAC supports the proposed rule and states that the simplified procedures are a welcomed initiative which will be of considerable benefit to Canadian air taxi operators.

NATA objects to the proposed rule because it believes that easing of administrative procedures should be achieved jointly by the appropriate authorities in the United States and Canada. It feels that U.S. authorities should not assume that Canada will reciprocate at some future date.

Nothing presented by NATA undermines our basic findings that the existing licensing procedures impose undue burdens on Canadian air taxi operators, create significant barriers to entry, impede competition and entail administrative costs without producing compensating public benefits. In these circumstances, we adhere to our earlier conclusion that the time has come to reduce the administrative burdens of the regulation of Canadian air taxi operators. Since the filing procedures of our proposed rule are patterned after our rules for U.S. air taxi operators (see 14 CFR Part 298), the rule merely puts Canadian operators on an equal footing with U.S. air carriers in applying for similar U.S. operating authority, as is the case in Canada. Moreover, Canadian procedures have been simpler than ours. This action will now make the U.S. procedure simpler, and we believe it will encourage Canada to consider a similar course of action.

Aero Service, an American aerial survey operator, claims that Canada grants Canadian aerial survey companies first refusal rights with regard to new business opportunities, and desires that we defer action on the rulemaking until Canada eliminates this policy. The current proceeding is not the proper forum in which to address Aero Service's concern. The rule specifically excludes aerial survey operations from its reach. Such operations must be authorized under Part 375 of the Board's rules (see 14 CFR Part 375). Aero Service should make its views known when Canadian carriers apply for Part 375 authority.

Superior, a Canadian charter air taxi operator, commented on the insurance requirements as they relate to cargo handlers. Its comments indicate that it believes cargo handlers to be ground personnel. It should be understood that cargo handlers, in this and other CAB matters, are persons who actually accompany cargo on flights and not persons who handle cargo on the ground.

The Federal Aviation Administration (FAA) has advised us that Canadian carriers, who must apply for appropriate FAA authority under the new § 294.33, will have to apply at mailing addresses which may be different than those delineated in the proposed rule. We will amend § 294.33 to reflect this technical change. We will also place the heading "FOR USE BY CANADIAN CARRIERS ONLY" at the top of proposed Form 294-A, since some U.S. air taxis have mistakenly believed that the form was applicable to them.

In considering insurance requirements for these carriers, the Board has decided that per person amounts for passenger and third-party liability are to be the same as for U.S. on-demand air taxi operators, that is, $75,000. In all other

[1] The rule does not reduce the regulatory oversight regarding the operational fitness of these carriers.

respects, the Canadian charter operators are to comply with the insurance requirements in Part 205. Part 205 sets insurance rules for all U.S. and foreign air carriers, except for U.S. on-demand air taxi operators. In a separate proceeding, the Board is proposing to eliminate all insurance requirements for U.S. on-demand and Canadian air taxi operators, or in the alternative, to set the per person amounts at $150,000.

We are adopting the rule as proposed, except for the mentioned minor changes. These rules are being made effective 30 days after publication, except for § 294.20 (Applying for Registration), which will be submitted to the Office of Management and Budget (OMB) for review under the Federal Reports Act (44 U.S.C. 3512). OMB will conduct its clearance review to ensure that a minimal burden is imposed upon registrants, and that the information requested is otherwise consistent with the Federal Reports Act. However, carriers may submit registration applications immediately upon the effectiveness of this rule, pending OMB approval. The procedures leading to issuance of a registration, described in § 294.21 of the rule, will begin running on the date of receipt of a properly completed registration form, unless OMB subsequently requires substantial change in the registration procedure. In that case, re-registration may be required. OMB's approval and the expiration date of that approval will be indicated by a notation on the upper right-hand corner of Form 294–A.

Final Regulatory Flexibility Analysis

The Regulatory Flexibility Act, Pub. L. 96–534, requires that agencies consider flexible approaches to the regulation of small business and other small entities. It requires regulatory analysis for rules that, if adopted, will have a "significant economic impact on a substantial number of small entities." This analysis is equally applicable to rules that effectively reduce regulatory restrictions.

The analysis requirements apply to rulemaking proceedings for which the Board issues a Notice of Proposed Rulemaking on or after January 1, 1981. The Notice in this proceeding was issued before that date. Moreover, it may well be that the requirements of the Regulatory Flexibility Act do not apply to foreign small businesses or entities. However, we will comply with the spirit of the Act here and discuss its impact on small business.

As we have noted in detail in the discussion above, Part 294 significantly reduces the regulatory burden we impose on the small businesses covered by the rule. We further discern no significant alternatives to the rule which accomplish the Board's objectives as stated in this discussion and in the Notice of Proposed Rulemaking, and which are consistent with and advance the Board's aviation policies.

The discussion above constitutes the Board's final regulatory flexibility analysis of this rule, pursuant to 5 U.S.C. 604.[2] Copies of this document can be obtained from the Distribution Section, Civil Aeronautics Board, Washington, D.C. 20428, (202) 673–5432, by referring to the "ER" number at the top of the document.

Termination of Existing Permit Authority

Important Note: The Board plans to issue an order terminating the existing section 402 permit authority of Canadian charter air taxi operators as they are defined in this rule, subject to Presidential review under section 801 of the Federal Aviation Act. The order would also cancel the effectiveness of Orders 74–5–37 and 79–6–83 insofar as they apply to carriers covered by this rule.[3] The order will be issued not sooner than 120 days after effectiveness of the rule, in order to allow existing Canadian charter air taxi operators to register under its provisions. If not disapproved by the President, it would become effective no later than 60 days after that. Canadian charter air taxi operators holding foreign air carrier permits or interim exemptions should therefore apply for registration under this rule by March 25, 1982, in order to avoid a disruption of their authority and to allow sufficient time for Board processing of their applications.

Accordingly, a new Part 294 is added to the Board's Economic Regulations (14 CFR Part 294) to read as follows:

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[2] A final regulatory flexibility analysis must also contain:

1. A succinct statement of the need for, and the objectives of, the rule;

2. A summary of the issues raised by the public comments in response to the initial regulatory flexibility analysis, a summary of the assessment of the agency of such issues, and a statement of any changes made in the proposed rule as a result of such comments.

See 5 U.S.C. 604(a)(1) and (a)(2). The above discussion satisfies these criteria.

[3] Order 74–5–37, adopted May 8, 1974, mandated certain reporting requirements for Canadian air carriers. These requirements are superseded by this rule for carriers covered by the rule. *See* Docket 29679. Order 79–6–83, effective April 26, 1979, adopted the so-called Northwest Ontario restriction for Canadian carriers holding Board authority. This limitation has been made a part of the present rule (section 294.88) and it would therefore be duplicative to apply it to carriers covered by the rule. However, it will continue to be effective, through Order 79–6–83, for all other Canadian carriers holding Board authority.

PART 294—CANADIAN CHARTER AIR TAXI OPERATORS

Subpart A—General

Sec.

294.1 Applicability and purpose.
294.2 Definitions.
294.3 General requirements for Canadian charter air taxi operators.

Subpart B—Exemption

294.10 Exemption authority.

Subpart C—Registration for Exemption

294.20 Applying for registration.
294.21 Procedure on receipt of registration form.
294.22 Notification to the Board of change in operations or identifying information.

Subpart D—General Rules for Registrants

294.30 Scope of service and equipment authorized.
294.31 Use of business name.
294.32 Security arrangements for operating Public Charters.
294.33 Compliance with the Regulations of the Federal Aviation Administration.
294.34 Advance approval by the Board.

Subpart E—Insurance Requirements

294.40 Aircraft accident liability insurance requirements.

Subpart F—Cancellation of Registration and Presidential Review

294.50 Cancellation, revocation, or suspension of registration.
294.51 Presidential Review.

Subpart G—Authorizations and Waivers

294.60 Applications for authorization to conduct individual operations or programs not otherwise permitted by this part.
294.61 Waivers.

Subpart H—Violations

294.70 Enforcement.

Subpart I—Terms, Conditions, and Limitations of this Part

294.80 Waiver of sovereign immunity.
294.81 Local traffic prohibited.
294.82 Third-country traffic prohibited.
294.83 Compliance with certain international agreements.
294.84 Air competency requirements.
294.85 Charterworthiness standards.
294.86 Industrial/agricultural/other nontransport air operations prohibited.
294.87 Compliance with Canadian licenses.
294.88 Northwest Ontario restriction.
294.89 Uplift ratio.

Authority: Sec. 204, 416 Pub. L. 85–726, as amended, 72 Stat. 743, 771, as amended by Stat. 1731, 1732 (49 U.S.C. 1324, 1386).

Subpart A—General

§ 294.1 Applicability and purpose.

This part establishes a classification of foreign air carriers known as "Canadian charter air taxi operators," and establishes registration procedures

for these carriers operating or seeking to operate transborder services between Canada and the United States. This part also exempts Canadian charter air taxi operators from certain provisions of the Federal Aviation Act, and establishes rules applicable to their operations in the United States. This part does not provide exemption from the safety regulatory provisions of the Act that are administered by the U.S. Department of Transportation through the Federal Aviation Administration (FAA), and Canadian charter air taxi operators in the conduct of their operations must observe all applicable safety standards and requirements.

§ 294.2 Definitions.

As used in this part:

(a) "Act" means the Federal Aviation Act of 1958, as amended.

(b) "Agreement" means the U.S.—Canada Nonscheduled Air Services Agreement signed May 8, 1974, and any amendments, supplements, reservations, or supersessions to it.

(c) "Canadian charter air taxi operator" means a foreign air carrier that is substantially owned and effectively controlled by Canadian citizens, the Government of Canada, or both, whose foreign air transportation operations are limited to charter air service between points in Canada and points in the United States, and that does not use large aircraft in those operations.

(d) "Charter air service" means nonscheduled commercial air transportation of persons and their accompanied baggage, and of property, on a time, mileage, or trip basis where the entire planeload capacity of one or more aircraft has been engaged, or the transportation of mail by aircraft.

(e) "Large aircraft" means any aircraft that are not "small aircraft" as defined in this section.

(f) "Maximum authorized take-off weight" has the meaning assigned to it in regulations of the Canadian Transport Commission.

(g) "Maximum certificated takeoff weight" means the maximum takeoff weight authorized by the terms of the aircraft airworthiness certificate. This weight may be found in the airplane operating record or in the airplane flight manual that is incorporated by regulation into the airworthiness certificate.

(h) "Maximum passenger capacity" means the maximum number of passenger seats for which an aircraft is configured.

(i) "Maximum payload capacity" means the maximum certificated takeoff weight of an aircraft less the empty weight as defined in section 03 of Part 241 of this chapter, less all justifiable aircraft equipment, and less the operating load (consisting of minimum fuel load, oil, flight crew, steward's supplies, etc.). For purposes of this part, the allowance for weight of the crew, oil and fuel is as follows: (1) crew—200 pounds per crew member required under FAA regulations, (2) oil—350 pounds, (3) fuel—the minimum weight of fuel required under FAA regulations for a flight between domestic points 200 miles apart, assuming VFR weather conditions and flights not involving extended overwater operations. However, in the case of aircraft for which a maximum zero fuel weight is prescribed by the FAA, maximum payload capacity means the maximum zero fuel weight less the empty weight, less all justifiable aircraft equipment, and less the operating load (consisting of minimum flight crew, steward's supplies, etc., but not including disposable fuel or oil).

(j) "Small aircraft" means any aircraft designed to have both: (1) a maximum passenger capacity of not more than 30 seats or a maximum payload capacity of not more than 7,500 pounds, and (2) a maximum authorized takeoff weight on wheels not greater than 35,000 pounds.

§ 294.3 General requirements for Canadian charter air taxi operators.

A Canadian charter air taxi operator shall conduct charter air service between the United States and Canada only if it—

(a) Has been registered by the Board under this part;

(b) Does not directly or indirectly utilize large aircraft in charter air services;

(c) Has and maintains in effect liability insurance coverage that complies with the requirements set forth in Subpart E of this part and has and maintains a current certificate of insurance evidencing such coverage on file with the Board;

(d) Has and maintains in effect and on file with the Board a signed counterpart of CAB Agreement 18900 (CAB Form 263);

(e) Has been designated by the Canadian Government under the Agreement;

(f) Has been granted Federal Aviation Administration operations specifications required under Part 129 of the Federal Aviation Regulations;

(g) Is substantially owned and effectively controlled by Canadian citizens, or the Government of Canada, or a combination of both; and

(h) Complies with the terms, conditions, and limitations of this part.

Subpart B—Exemption

§ 294.10 Exemption authority.

Canadian charter air taxi operators registered under this part are exempt from the following provisions of the Act to the extent necessary to perform charter air service between the United States and Canada, and as long as they comply with the terms, conditions, and limitations of this part:

(a) Section 402 (permits).

(b) Subsection 404(a)(2) (carrier's duty to observe reasonable rates).

(c) Subsection 404(b) (discrimination).

Subpart C—Registration for Exemption

§ 294.20 Applying for registration.

To apply for registration under this part, a Canadian charter air taxi operator shall file with the Board's Bureau of International Aviation, Regulatory Affairs Division, the following:

(a) A currently effective certificate of insurance as described in § 294.40(b); and

(b) Three copies of CAB Forms 263 and 294–A, which may be obtained from the Board's Publications Services Division, Washington, D.C. 20428. All the information required by Form 294–A shall be filled in, and it shall be certified by a responsible officer of the applicant Canadian charter air taxi operator.

§ 294.21 Procedure on receipt of registration form.

(a) The Board will list the names and addresses of all persons applying for registration under this part in its Weekly Summary of Filings.

(b) Any person objecting to the registration of a Canadian charter air taxi operator shall file an objection with the Bureau of International Aviation, Regulatory Affairs Division and serve a copy on the registrant within 28 days after the Board receives the properly completed registration application. Objections shall include any facts and arguments upon which the person relies to support its objection.

(c) Any answers to objections shall be filed within 14 days after the date that the objections were due.

(d) After receipt of CAB Form 294–A, the Board may request additional information.

(e) After the period for objections and answers has expired, the Board will take one of the following actions:

(1) Issue the registration by stamping its effective date on CAB Form 294–A and sending a copy of it to the carrier and to the FAA as evidence of registration under this part. The FAA

will return its copy of Form 294–A to the Regulatory Affairs Division, Bureau of International Aviation, after the carrier has been granted FAA operations specifications under Part 129 of the Federal Aviation Regulations;

(2) Reject the application for failure to comply with this part;

(3) Issue the registration subject to such terms, conditions, or limitations as may be consistent with the public interest; or

(4) Institute evidentiary proceedings to consider whether the registration should be issued.

(f) An action described in paragraph (e) of this section will normally be taken within 60 days after the registration application is received. The Board will consider requests for faster action that include a full explanation of the need for expedited action.

(g) A registration will not become effective until the United States Government receives from the Canadian Government written designation of the registrant under the Agreement.

(h) Rejection of an application for registration will not preclude the filing of a new application by the same carrier.

§ 294.22 Notification to the Board of change in operations or identifying information.

Each Canadian charter air taxi operator shall refile three copies of CAB Form 294–A with the Board's Bureau of International Aviation, Regulatory Affairs Division, upon any of the following events. The refilings shall be mailed, or otherwise delivered, so as to be received by the Board not later than 30 days after the reported event has occurred.

(a) The carrier changes its name. When a carrier refiles Form 294–A to indicate a change of name—

(1) The registration becomes ineffective unless the Canadian Government amends the carrier's designation under the Agreement to reflect the carrier's new name within 60 days of its name change;

(2) The registrant must also refile three copies of CAB Agreement 18900 (CAB Form 263) under its new name;

(3) The registrant must also refile its certificate of insurance under its new name; and

(4) The registrant must also advise the appropriate FAA office referred to in § 294.33 of the carrier's new name;

(b) The carrier changes its designated agent.

(c) A change occurs in the carrier's ownership and control resulting in a person acquiring a beneficial or voting interest in the registrant of 10 percent or more. The name(s), address(es), citizenship(s), and percentages of ownership of the new owners shall be indicated on the form. Acquisition of ownership interest by persons who are not citizens of the country of citizenship of the registrant may invalidate the registration.

(d) The carrier temporarily or permanently ceases operations.

Subpart D—General Rules for Registrants

§ 294.30 Scope of service and equipment authorized.

(a) Upon fulfillment of the requirements of § 294.3 of this part, the registrant will have Board authority to engage in charter air services between any point or points in Canada and any point or points in the United States using small aircraft.

(b) Nothing in this part shall be construed as authorizing the operation of large aircraft in charter air service, and the exemption provided by this part to Canadian charter air taxi operators that register with the Board extends only to the direct operations of charter air service in accordance with the limitations and conditions of this part using aircraft designed to have both: (1) a passenger capacity of no more than 30 seats or a payload capacity of no more than 7,500 pounds, and (2) an authorized takeoff weight on wheels of no more than 35,000 pounds.

(c) A Canadian charter air taxi operator shall not use large aircraft for charter air service until it has been granted a permit by the Board under section 402 of the Act or granted an exemption under section 416 of the Act. Its application for such a permit or exemption should refer to the registration under this part. Registration under this part will be canceled when a section 402 permit has been granted by the Board for the use of large aircraft in foreign charter air service.

§ 294.31 Use of business name.

(a) A Canadian charter air taxi operator, in holding out charter air service to the public and performing its charter operations, shall do so only in the names in which its registration is issued under this part. The Board may require a Canadian charter air taxi operator to change such names where they appear to be inconsistent with the public interest.

(b) Minor variations in the use of a registered name, including abbreviations, contractions, initials, letters, or other variations of the name which are readily identifiable with it, are permitted.

§ 294.32 Security arrangements for operating Public Charters.

When a Canadian charter air taxi operator performs a Public Charter under Part 380 of this chapter, either—

(a) The Canadian charter air taxi operator shall meet the bonding or escrow requirements applicable to foreign air carriers as set forth in § 212.12 of this chapter; or

(b) The Canadian charter air taxi operator shall ensure that it does not receive any payments for the charter until after the charter has been completed. In this case, its contracts with the charter operator and the charter operator's depository bank, if any, shall state that the charter operator or bank, as applicable, shall retain control of and responsibility for all participant funds intended for payment for charter air service until after the charter has been completed, notwithstanding any provision of Part 380.

§ 294.33 Compliance with the regulations of the Federal Aviation Administration.

Registrants under this part shall obtain FAA operations specifications required under Part 129 or other applicable rules of the Federal Aviation Regulations prior to beginning operations into the United States. Registrants should write to the FAA office at one of the following addresses to obtain instructions on how to apply for FAA authority.

If the registrant's business address is located on or east of 76 degrees West Longitude (in or east of Ottawa, Ontario) it should write to: Federal Aviation Administration, General Aviation District Office #1, Albany County Airport, Albany, New York 12211.

If the registrant's business address is located on or east of 100 degrees West Longitude (in or east of Winnipeg, Manitoba) and west of 76 degrees West Longitude (west of, but not including, Ottawa, Ontario) it should write to: Federal Aviation Administration, Rochester General Aviation District Office, Rochester-Monroe County Airport, Rochester, New York 14624.

If the registrant's business address is west of Winnipeg, Manitoba, it should write to: Chief, Flight Standards, Federal Aviation Administration, District Office #61, FAA Building, King County International Airport, Seattle, Washington 98108.

§ 294.34 Advance approval by the Board.

The Board, by order or regulation and without hearing, may require advance approval of individual charter trips

conducted by the registrant under the authority granted by this part, if it finds such action to be consistent with the public interest.

Subpart E—Insurance Requirements

§ 294.40 Aircraft accident liability insurance requirements.

No Canadian charter air taxi operator shall engage in charter air service unless such carrier has and maintains in effect aircraft accident liability coverage that meets the requirements of Part 205 of this chapter. Evidence of such insurance coverage, in the form of a certificate of insurance, as required in Part 205 of this chapter, shall be maintained on file with the Board's Bureau of International Aviation, Regulatory Affairs Division, at all times.

Subpart F—Cancellation of Registration and Presidential Review

§ 294.50 Cancellation, revocation, or suspension of registration.

The registration of a carrier subject to this part may be revoked, canceled, suspended, modified, or otherwise subjected to additional terms and conditions by the Board if:

(a) The carrier files with the Board a written notice that it is discontinuing operations;

(b) The carrier is the holder of a section 402 permit to perform large aircraft charters under the Agreement;

(c) Substantial ownership or effective control is acquired by persons who are not (1) citizens of Canada, (2) the Government of Canada, or (3) a combination of both;

(d) The Canadian Government withdraws the registrant's designation under the Agreement;

(e) The Agreement between the two countries is terminated;

(f) The registrant fails to have proper insurance coverage, or fails to file or keep a current insurance certificate on file with the Board;

(g) The registrant fails to comply with the terms, conditions, or limitations of this part;

(h) The carrier's operations specifications issued by the FAA are suspended or terminated;

(i) The Board finds that it is in the public interest to do so.

§ 294.51 Presidential review.

A Board order under § 294.50 (e), (g) or (i) shall be subject to stay or disapproval by the President within 60 days.

Subpart G—Authorizations and Waivers

§ 294.60 Applications for authorization to conduct individual operations or programs not otherwise permitted by this part.

(a) Where the terms, conditions, or limitations of this part, particularly §§ 294.81, 294.82, 294.88, and 294.89, require prior approval of individual flights or charter programs, the registrant shall apply for such approval by filing three copies of CAB Form 433 with the Bureau of International Aviation, Regulatory Affairs Division. CAB Form 433 may be obtained from the Board's Publications Services Division, Washington, D.C. 20428.

(b) Action on the application for authorization filed under paragraph (a) of this section will normally be taken within 30 days after the application is filed. The Board will consider requests for faster action that include a full explanation of the need for expedited action.

§ 294.61 Waivers.

The Board upon application or on its own initiative may waive any of the provisions of this part if it finds such action to be in the public interest.

Subpart H—Violations

§ 294.70 Enforcement.

In case of any violation of any of the provisions of the Act, or this part, or any other rule, regulation, or order issued under the Act, the violator may be subject to a proceeding under sections 1002 and 1007 of the Act before the Board or a U.S. District Court, as the case may be, to compel compliance; or to impose civil penalties under the provisions of section 901(a) of the Act; or in the case of a willful violation, to impose criminal penalties under the provisions of section 902(a) of the Act; or to impose other lawful sanctions, including revocation of registration.

Subpart I—Terms, Conditions, and Limitations of this Part

§ 294.80 Waiver of sovereign immunity.

By accepting an approved registration under this part, a registrant waives any right it may possess to assert any defense of sovereign immunity in any action or proceeding instituted against it in any court or other tribunal in the United States based upon any claim arising out of its operations under this part.

§ 294.81 Local traffic prohibited.

(a) Except as set forth in paragraph (b) of this section or § 294.60, a registrant shall not carry passengers, cargo, or mail between two or more United States points for compensation or hire.

(b) A registrant may grant stopover privileges at any point or points in the United States to passengers and their accompanied baggage on a flight that originates in Canada, if:

(1) The flight is operated under a contract for round-trip charter transportation that is to be provided solely by the registrant; and

(2) The same aircraft stays with the passengers throughout the journey.

§ 294.82 Third-country traffic prohibited.

Except as set forth in § 294.60, a registrant shall not engage in foreign air transportation between the United States and any point that is not in Canada, or transport any property or persons whose journey includes a prior, subsequent, or intervening movement by air to or from a point not in the United States or Canada. This prohibition does not apply to passengers who are not moving as part of any group.

§ 294.83 Compliance with certain international agreements.

A registrant shall not operate any aircraft under this part unless it—

(a) Complies with operational safety requirements at least equivalent to Annex 6 of the Chicago Convention;

(b) Complies with all applicable provisions of the Agreement; and

(c) Complies with all applicable provisions of any treaty, convention, or agreement affecting international air transportation to which the United States and Canada are parties.

§ 294.84 Air competency requirements.

Registrants shall conform to the airworthiness and airman competency requirements prescribed by the Government of Canada for Canadian international air service.

§ 294.85 Charterworthiness standards.

(a) Registrants may perform U.S.-originating charters authorized under Annex B (III)(A) of the Agreement as follows: commercial air transportation of passengers and their accompanied baggage, and of property, on a time, mileage, or trip basis, where the entire planeload capacity of one or more aircraft has been engaged by a person for his own use or by a person for the transportation of a group of persons and/or their property, as agent or representative of such group, or other small aircraft operations as may be authorized under any amendments, supplements, reservations, or supersessions of the Agreement.

(b) Registrants may perform Canadian-originating charters

authorized by Annex B (III)(B) of the Agreement and any amendments, supplements, reservations or supersessions of it. Such charters may be performed only to the extent authorized by the Air Carrier Regulations of the Canadian Transport Commission applicable to operations by small aircraft.

§ 294.86 Industrial/agricultural/other nontransport air operations prohibited.

A registrant shall not engage in flights for the purpose of industrial or agricultural operations (e.g., crop dusting, pest control, pipeline patrol, mapping, surveying, banner towing, skywriting, aerial photography) within the United States unless it has obtained a permit from the Board under Part 375 of this chapter.

§ 294.87 Compliance with Canadian licenses.

A registrant shall not, in the performance of operations authorized by this part, use any aircraft or conduct any operations except in accordance with the authority and conditions contained in the registrant's applicable Canadian licenses.

§ 294.88 Northwest Ontario restriction.

(a) Except as set forth in § 294.60 or paragraph (b) of this section, registrants shall not engage in the carriage of persons in foreign air transportation between the United States and Canada to or from a point in Ontario, west of a line drawn due north from Blind River, Ontario (46° 11′ North Latitude, 82° 58′ West Longitude) and extending to the border between Ontario and Manitoba, unless:

(1) The point is a resort, camp, or outpost operated by a person duly licensed for such purpose by the Government of the Province of Ontario, or the licensed base of a Canadian charter air carrier, or a Canadian Customs port of entry;

(2) The registrant is required on each flight out of the restricted area to make a stop at a Canadian Customs port of entry or at the licensed base of a Canadian charter air carrier where officers of the Ontario Ministry of Natural Resources may be available to make such inspection as they consider desirable; and

(3) The registrant has available on its aircraft for inspection by the U.S. authorities satisfactory evidence that it has complied with these conditions.

(b) The prohibition set forth in paragraph (a) of this section does not apply to flights performed for medical evacuation or similar emergencies.

(c) A registrant shall clearly notify in writing all persons who contract for the registrant's service, and are affected by the restrictions of this section, of the limitations set forth in paragraph (a) of this section.

§ 294.89 Uplift ratio.

Except as set forth in § 294.60, the aggregate number of all United States-originating charter flights performed by a registrant on or after May 8, 1974, shall not, at the end of any calendar quarter, exceed by more than one-third the aggregate number of all Canadian-originating charter flights performed by the registrant on or after May 8, 1974. For the purpose of making such computation, the following shall apply:

(a) A charter shall be considered to originate in the United States (or Canada) if the passengers or property are first taken on board in that country, and shall be considered as one flight whether the charter is one-way, round trip, circle tour, or open jaw, even if a separate contract is entered into for a return portion of the charter trip from Canada (or the United States).

(b) The computation shall be made separately for (1) "small aircraft" flights of persons; and (2) "small aircraft" flights of property.

(c) In the case of a lease of aircraft with crew for the performance of a charter flight on behalf and under the authority of another carrier, the flight shall be included in the computation if the registrant is the lessee, and shall not be included if the registrant is the lessor.

(d) There shall be excluded from the computation:

(1) Flights with aircraft having a maximum authorized takeoff weight on wheels (as determined by Canadian Transport Commission Regulations) not greater than 18,000 pounds; and

(2) Flights originating at a United States terminal point on a route listed in the Air Transport Services Agreement between the United States and Canada, signed January 17, 1966, as amended, or any agreement which may supersede it, or any supplementary agreement thereto which establishes obligations or privileges thereunder. These flights may be excluded from the computation only if, pursuant to any such agreement, the registrant also holds a foreign air carrier permit authorizing individually ticketed or individually waybilled service over that route, and provides some scheduled service on any route pursuant to any such agreement, and such flights serve either (i) a Canadian terminal point on such route, or (ii) any Canadian intermediate point authorized for service on the route by the foreign air carrier permit.

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

BILLING CODE 6320-01-M

FOR USE BY CANADIAN CARRIERS ONLY

CAB Form 294-A (10-80) CIVIL AERONAUTICS BOARD

REGISTRATION/AMENDMENTS UNDER PART 294 OF THE ECONOMIC REGULATIONS OF THE CIVIL AERONAUTICS BOARD

FOR USE BY CAB ONLY

Effective date of registration/amendments

INSTRUCTIONS: This form must be filed in triplicate with the Board in accordance with the procedures outlined in §294.20 of the Board's rules. The date of filing for the purposes of the Board's rules is deemed to be the date that the properly completed forms are received by the Board.

1. Name and Mailing Address of Registrant:

Note: Name should include any other names under which business will be conducted. If registering a name change, show new name(s) here and previously registered name(s) in block 10(a)

2. Address and principal place of business (if different from above), and registrant's Area Code and Telephone Number:

3. Name and address of designated agent for service of process:

5. Is this filing registrant's

☐ Initial Registration

☐ Amendment to reflect changes since previous filing

Note: Carriers already holding permit or exemption authority should check "Initial Registration."

6. If this is an initial registration, give proposed date of commencement of operations:

4. Indicate country of citizenship. List below the names of each person, their country of citizenship, and the percentage of their ownership or voting interest of 10% or more of the registrant's stock:

Registrant's Country of Citizenship

Name	Citizenship	% of Holdings
Name	Citizenship	% of Holdings
Name	Citizenship	% of Holdings
Name	Citizenship	% of Holdings
Name	Citizenship	% of Holdings
Name	Citizenship	% of Holdings

14 CFR Part 211

[Docket No. 39000; Amdt. 10; Regulation ER-1258]

Applications for Permits to Foreign Air Carriers; Canadian Charter Air Taxi Operators

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: In ER-1257, also issued today, the Board adopted a simple registration procedure to grant operating authority to Canadian charter air taxi operators. The reasons for this change are explained therein. Part 211, relating to applications for permits to foreign air carriers, is being amended to conform with the new rule.

DATES: Adopted: October 13, 1981. Effective: November 25, 1981.

FOR FURTHER INFORMATION CONTACT: Ira Leibowitz, Legal Division, Bureau of International Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428, (202) 673-5203, or Nancy Pitzer Trowbridge, Regulatory Affairs Division, Bureau of International Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428, (202) 673-5134.

PART 211—APPLICATIONS FOR PERMITS TO FOREIGN CARRIERS

Accordingly, the Board amends 14 CFR Part 211, *Applications for Permits to Foreign Air Carriers*, as follows:

1. The authority for Part 211 is:

Authority: Secs. 204, 402, 416, 1001, and 1002, Pub. L. 85-726, as amended, 72 Stat. 743, 757, 771, 788 (49 U.S.C. 1324, 1372, 1386, 1481, 1482).

2. Section 211.1 is revised to read:

§ 211.1 Formal requirements.

(a) Applications for permits to engage in foreign air transportation under the terms of section 402 of the Act (called foreign air carrier permits in this part) shall meet the requirements set forth in § 302.3 of this chapter as to execution, number of copies, and formal specifications of papers. Applications shall be verified, and the verifications shall be subscribed and sworn to before a notary public or other officer authorized to administer oaths in the jurisdiction in which such application is executed. Notwithstanding the laws of the country of applicant's citizenship, an application verified before a United States consular officer will be deemed to have met the requirements of this section. All pages of an application shall be consecutively numbered, and the application shall clearly describe and identify each exhibit by a separate number or symbol. All exhibits shall be deemed to constitute a part of the application to which they are attached.

(b) Neither foreign indirect air carriers of property under Part 297 of this chapter nor Canadian charter air taxi operators as defined in Part 294 of this chapter are required to submit applications under this part.

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-31089 Filed 10-26-81; 8:45 am]

BILLING CODE 6320-01-M

14 CFR Part 215

[Docket No. 39000; Amdt. 3; Regulation ER-1259]

Names of Air Carriers and Foreign Air Carriers; Canadian Charter Air Taxi Operators

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: In ER-1257, also issued today, the Board adopted a simple registration procedure to grant operating authority to Canadian charter air taxi operators. The reasons for this change are explained therein. Part 215, relating to names of air carriers and foreign air carriers, is being amended to conform with the new rule.

DATES: Adopted: October 13, 1981. Effective: November 25, 1981.

FOR FURTHER INFORMATION CONTACT: Ira Leibowitz, Legal Division, Bureau of International Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428, (202) 673-5203, or Nancy Pitzer Trowbridge, Regulatory Affairs Division, Bureau of International Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428, (202) 673-5134.

PART 215—NAMES OF AIR CARRIERS AND FOREIGN AIR CARRIERS

Accordingly, the Board amends 14 CFR 215.1, *Applicability*, to read as follows:

1. The authority for § 215.1 is:

Authority: Secs. 101(3), 204, 402, 411, 416, 417, Pub. L. 85-726, as amended, 72 Stat. 737, 743, 757, 769, 771; 76 Stat. 145 (49 U.S.C. 1301, 1324, 1372, 1381, 1386, 1387).

2. Section 215.1 is revised to read:

§ 215.1 Applicability.

This part applies to all direct air carriers and foreign air carriers except air taxi operators registered under Part 298 of this chapter, indirect foreign air carriers of property, and Canadian charter air taxi operators registered under Part 294 of this chapter.

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-31090 Filed 10-26-81; 8:45 am]

BILLING CODE 6320-01-M

14 CFR Part 218

[Docket No. 39000, Amdt. 2; Regulation ER-1260]

Lease by Foreign Air Carrier or Other Foreign Person of Aircraft With Crew; Canadian Charter Air Taxi Operators

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: In ER-1257, also issued today, the Board adopted a simple registration procedure to grant operating authority to Canadian charter air taxi operators. The reasons for this change are explained therein. Part 218, relating to lease by foreign air carrier or other foreign person of aircraft with crew, is being amended to conform with the new rule.

DATES: Adopted: October 13, 1981. Effective: November 25, 1981.

FOR FURTHER INFORMATION CONTACT: Ira Leibowitz, Legal Division, Bureau of International Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428, (202) 673-5203, or Nancy Pitzer Trowbridge, Regulatory Affairs Division, Bureau of International Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428, (202) 673-5134.

SUPPLEMENTARY INFORMATION: The Board is amending 14 CFR Part 218. That part applies to leases of aircraft with crew by foreign air carriers and other noncitizens to other foreign carriers for use in foreign air transportation. These are known as a wet lease. It establishes a presumption that the lessor is engaged in foreign air transportation, and a procedure by which the lessor may rebut the presumption and obtain from the Board a disclaimer of jurisdiction. Under § 218.3, the aircraft must not be leased unless the lessor either has authority from the Board under section 402 of the Act or has obtained a disclaimer of jurisdiction. This notice adds authority under Part 294 (14 CFR Part 294) as an additional basis for a wet lease. Part 294 applies to Canadian charter air taxis. It replaces section 402

authority with a simple registration procedure for these carriers.

This rule differs from the proposal (EDR-414, 45 FR 80117, December 3, 1980) to reflect changes made by the recent rule liberalizing regulations of wet lease agreements, ER-1250, 46 FR 47770, September 30, 1981, effective November 23, 1981.

PART 218—LEASE BY FOREIGN AIR CARRIER OR OTHER FOREIGN PERSON OF AIRCRAFT WITH CREW

Accordingly, the Civil Aeronautics Board amends 14 CFR Part 218, *Lease by Foreign Air Carrier or Other Foreign Person of Aircraft with Crew*, as follows:

1. The authority for Part 218 is:

Authority: Secs. 204(a), 402, Pub. L. 85-726, as amended, 72 Stat. 743, 757 (49 U.S.C. 1324, 1372).

2. Paragraph (a)(1) of § 218.3 is revised to read:

§ 218.3 Prohibition against unauthorized operations employing aircraft leased with crew.

(a) * * *

(1) The lessor holds a foreign air carrier permit issued under section 402 of the Act or an approved registration issued under Part 294 of this chapter, and any statement of authorization required by Part 212 of this chapter; or

* * * * *

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-31091 Filed 10-26-81; 8:45 am]

BILLING CODE 6320-01-M

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14 CFR Part 380

[Docket No. 39000; Amdt. 12; Regulation SPR-178]

Public Charters; Canadian Charter Air Taxi Operators

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: In ER-1257, also issued today, the Board adopted a simple registration procedure to grant operating authority to Canadian charter air taxi operators. The reasons for this change are explained therein. Part 380, relating to public charters, is being amended to conform with the new rule.

DATES: Adopted: October 13, 1981. Effective: November 25, 1981.

FOR FURTHER INFORMATION CONTACT: Ira Leibowitz, Legal Division, Bureau of International Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428, (202) 673-5203, or Nancy Pitzer Trowbridge, Regulatory Affairs Division, Bureau of International Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428, (202) 673-5134.

PART 380—PUBLIC CHARTERS

Accordingly, the Board amends 14 CFR 380.10, *Public Charter general requirements*, to read as follows:

1. The authority for § 380.10 is:

Authority: Secs. 101(3), 204, 401, 402, 404, 407, 411, 416, 1102, Pub. L. 85-726, as amended, 72 Stat. 743, 757, 771, 788; 49 U.S.C. 1324, 1372, 1386, 1481, 1482.

2. Paragraph (d) of § 380.10 is revised to read:

§ 380.10 Public Charter general requirements.

Public Charters under this part shall meet the following requirements:

* * * * *

(d) The air transportation portion of the charter must be performed by direct air carriers that hold a certificate of public convenience and necessity under section 401 of the Act or a permit under section 402, or are operating under Part 294 or Part 298 of this chapter.

* * * * *

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-31092 Filed 10-26-81; 8:45 am]

BILLING CODE 6320-01-M

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14 CFR Part 385

[Docket No. 39000; Amdt. 115; Regulation OR-186]

Delegations and Review of Action Under Delegation, Nonhearing Matters; Canadian Charter Air Taxi Operators

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: In ER-1257, also issued today, the Board adopted a simple registration procedure to grant operating authority to Canadian charter air taxi operators. The reasons for this change are explained therein. Part 385 is being amended to permit the Director, Bureau of International Aviation, to take certain actions in connection with the registration process which are essentially ministerial or in which Board policy and precedent is clear.

DATES: Adopted: October 13, 1981; Effective: November 25, 1981

FOR FURTHER INFORMATION CONTACT: Ira Leibowitz, Legal Division, Bureau of International Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428, (202) 673-5203, or Nancy Pitzer Trowbridge, Regulatory Affairs Division, Bureau of International Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428, (202) 673-5134.

* * * * *

PART 385—DELEGATIONS AND REVIEW OF ACTION UNDER DELEGATION; NONHEARING MATTERS

Accordingly, the Board amends 14 CFR 385.26, *Delegation to the Director, Bureau of International Aviation*, to read as follows:

1. The authority for Part 385 is:

Authority: Secs. 102, 204, 401, 402, 403, 407, 416, Pub. L. 85-726, as amended, 72 Stat. 743, 757, 771, 788 (49 U.S.C. 1324, 1372, 1386, 1481, 1482).

2. Section 385.26(w) is revised to read:

§ 385.26 Delegation to the Director, Bureau of International Aviation.

The Board delegates to the Director, Bureau of International Aviation, authority to:

(w)(1) Approve (with or without condition) or reject applications for registration filed under Part 294 of this chapter, or require that an applicant under Part 294 submit additional information.

(2) Cancel, revoke, or suspend the registration of any Canadian charter air taxi operator using small aircraft registered under Part 294 of this chapter that:

(i) Filed with the Board a written notice that it is discontinuing operations;

(ii) No longer is designated by its home government to operate the services contemplated by its registration;

(iii) Holds a foreign air carrier permit under section 402 to operate large aircraft charters between the United States and Canada;

(iv) Fails to keep its filed certificate of insurance current;

(v) No longer is substantially owned or effectively controlled by persons who are (A) citizens of Canada, (B) the Government of Canada, or (C) a combination of both; or

(vi) No longer holds current effective operational specifications issued by the FAA.

(3) Grant or deny requests for a waiver of Part 294 of this chapter, where grant or denial of the request is in accordance with current Board policy.

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-31093 Filed 10-26-81; 8:45 am]

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14 CFR Part 399

[Docket No. 39000; Amdt. 81; Regulation PS-105]

Statements of General Policy; Canadian Charter Air Taxi Operators

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: In ER-1257, also issued today, the Board adopted a simple registration procedure to grant operating authority to Canadian charter air taxi operators. The reasons for this change are explained therein. A section in the Board's policy statements is being removed and reserved to conform with the new rule.

DATE: Adopted: October 13, 1981. Effective: November 25, 1981.

FOR FURTHER INFORMATION CONTACT: Ira Leibowitz, Legal Division, Bureau of International Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428, (202) 673-5203, or Nancy Pitzer Trowbridge, Regulatory Affairs Division, Bureau of International Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428, (202) 673-5134.

PART 399—STATEMENTS OF GENERAL POLICY

Accordingly, the Board revises 14 CFR Part 399, *Statements of General Policy*, as follows:

1. The authority for Part 399 is:

Authority: Secs. 101, 102, 105, 204, 401, 402, 403, 404, 405, 406, 407, 408, 409, 411, 412, 416, 801, 1001, 1002, 1102, 1104, Pub. L. 85-726, as amended, 72 Stat. 743, 757, 771, 788; (49 U.S.C. 1324, 1372, 1386, 1481, 1482).

§ 399.14 [Removed and reserved]

2. Section 399.14 is removed and reserved.

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-31094 Filed 10-26-81; 8:45 am]

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Reader Aids

Federal Register

Vol. 46, No. 207

Tuesday, October 27, 1981

INFORMATION AND ASSISTANCE

PUBLICATIONS

Code of Federal Regulations

CFR Unit	202-523-3419 523-3517
General information, index, and finding aids	523-5227
Incorporation by reference	523-4534
Printing schedules and pricing information	523-3419

Federal Register

Corrections	523-5237
Daily Issue Unit	523-5237
General information, index, and finding aids	523-5227
Public Inspection Desk	523-4986
Scheduling of documents	523-3187

Laws

Indexes	523-5282
Law numbers and dates	523-5282 523-5266
Slip law orders (GPO)	275-3030

Presidential Documents

Executive orders and proclamations	523-5233
Public Papers of the President	523-5235
Weekly Compilation of Presidential Documents	523-5235
Privacy Act Compilation	523-3517
United States Government Manual	523-5230

SERVICES

Agency services	523-3408
Automation	523-3408
Dial-a-Reg	
Chicago, Ill.	312-663-0884
Los Angeles, Calif.	213-688-6694
Washington, D.C.	202-523-5022
Magnetic tapes of FR issues and CFR volumes (GPO)	275-2867
Public Inspection Desk	523-4986
Regulations Writing Seminar	523-5240
Special Projects	523-4534
Subscription orders (GPO)	783-3238
Subscription problems (GPO)	275-3054
TTY for the deaf	523-5229

FEDERAL REGISTER PAGES AND DATES, OCTOBER

48097-48616 1
48617-48886 2
48887-49098 5
49099-49566 6
49567-49822 7
49823-50040 8
50041-50356 9
50357-50504 13
50505-50778 14
50779-50916 15
50917-51232 16
51233-51362 19
51363-51590 20
51591-51704 21
51705-51890 22
51891-52084 23
52085-52322 26
52323-53020 27

CFR PARTS AFFECTED DURING OCTOBER

At the end of each month, the Office of the Federal Register publishes separately a list of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

3 CFR

Administrative Orders

Presidential Determination:

No. 81-13 of September 28, 1981 48887

Proclamations:

4860 48097
4861 48099
4862 48101
4863 48103
4864 48105
4865 48107
4866 48895
4867 48897
4868 49099
4869 49567
4870 49823
4871 49825
4872 50041
4873 50505
4874 50507
4875 50917
4876 51707
4877 52085

Executive Orders:

January 30, 1904 (Revoked by PLO 6000) 48675
March 26, 1901 (Revoked by PLO 6047) 49876
July 2, 1910 (Revoked in part by PLO's 5999, 6027, and 6029) 49872, 49873, 48674
December 1, 1911 (See PLO 6025) 49869
October 18, 1912 (See PLO 6025) 49869
November 27, 1912 (See PLO 6025) 49869
May 27, 1913 (See PLO 6025) 49869
August 1, 1913 (See PLO 6025) 49869
January 21, 1914 (Revoked in part by PLO 6031) 49873
April 3, 1914 (See PLO 6025) 49869
January 13, 1915 (Revoked in part by PLO 6008) 48670
March 16, 1915 (See PLO 6025) 49869
October 17, 1916 (Revoked by PLO 6014) 48673
April 14,1917 (Revoked by PLO 6041) 49868
June 5, 1919 (Revoked in part by PLO 6045) 49874
August 15, 1919 (Revoked in part by PLO 6021) 48666
June 2, 1920 (Revised in part by PLO 6039) 49875
November 27, 1922 (Revoked by PLO 6016) 48668
April 17, 1926 (Revoked in part by PLO's 6004, 6011, 6012, 6018, and 6042) 48667, 48669, 48670, 48672, 49871
1922 (Revoked in part by PLO 6032) 49875
5438 (Revoked by PLO 6037) 49868
6116 (Revoked by PLO 6013) 48670
6815 (Revoked in part by PLO 6019) 48667
6819 of August 11, 1934 (Revoked by PLO 6043) 50541
8647 (See PLO 6044) 49869
9526 (See PLO 6040) 49871
12248 (Superseded by EO 12330) 50921
12249 (Superseded by EO 12330) 50921
12308 (Amended EO by 12325) 48617
12324 48109
12325 48617
12326 48889
12327 48893
12328 50357
12329 50919
12330 ..... 50921, 51591
12331 51705

5 CFR

1201 48619
2430 48623

7 CFR

1 50359
27 ..... 48111, 51363
28 ..... 48111, 48113, 51593
29 48899
47 51593
61 48111
210 ..... 51363, 51366
215 51363

220 ..... 50927, 51363, 51366
235 51363
245 ..... 51363, 51366
272 ..... 50270, 50277
273 ..... 50270, 50277
274 ..... 50270, 50277
278 50270
301 ..... 48626, 48627, 51709
319 51594
406 51594
409 51594
418 51233
419 51233
719 48629
722 51554
724 51891
905 50359
906 49101
908 ..... 48630, 49827, 50779, 51711
910 ..... 48631, 49101, 50043, 50926, 51891
917 ..... 48115, 49101
926 ..... 49101, 50043
927 49101
928 51368
929 49101
931 49101
932 49101
944 50359
948 52323
958 50044
966 ..... 49101, 50046
981 51602
982 52087
1004 49102
1006 51234
1012 51234
1013 51234
1079 50779
1207 48116
1421 ..... 49103, 51712-51714, 52324, 52325
1427 51546
1430 50363
1434 51714
1446 48117
1464 48900
1701 51892
2853 50509
2855 49569
2856 49569
2859 49569
2870 49569

Proposed Rules:

Subtitle A 52552
Chs. I-VII 52552
Chs. IX-XII 52552
Chs. XIV-XVIII 52552
Ch. XXI 52552
Chs. XXIV-XXIX 52552
68 ..... 49066, 50802, 51415
210 48688
220 48688
226 48688
331 52117
360 48688
650 52119
800 48217
989 52377
1006 49131
1012 49131
1013 49131
1093 50804
1139 49908
1421 50378
1701 48692
1861 48693
1910 50080
1924 50080
1941 50080
1943 50080
1960 49908
1965 48693
2852 48710

8 CFR

100 51369
238 51369

9 CFR

51 50928
92 ..... 49572, 50930, 52088, 52089
201 ..... 50510, 51370, 51715
203 51370
318 48901
381 48901

Proposed Rules:

Chs. I-IV 52552
145 50965
147 50965

10 CFR

Ch. II 48118
Ch. XV 51726
0 51715
2 51718
50 51718
70 51718
73 51718
150 50781
170 49573
570 52326
600 51371

Proposed Rules:

2 51776
19 51776
20 51776
21 51776
30 51776
40 51776
50 ..... 49134, 50804
51 51776
61 51776
70 51776
73 51776
170 51776
205 49909
290 49909
430 50544
1040 49546

12 CFR

21 49104
201 ..... 48120, 50782
207 49577
216 49104
220 ..... 49577, 49827
221 49577
224 49577
226 50288
265 51892
303 ..... 51235, 51236
304 51236
309 51236
326 49104
329 48631
521 49105
523 ..... 50363, 51729
524 49104
525 49105
545 51893
561 50048
563 50048
563a 49104
563c 50048
614 ..... 51876, 51882
615 51876
701 ..... 49107, 51238
747 48120
1204 ..... 50782, 51897, 51898

Proposed Rules:

Ch. I 50890
Ch. II 48217
211 50975
213 50380
226 51920
327 51256
541 49135
545 49135
561 49135
701 ..... 48940, 50084
702 50367
1204 ..... 49137, 50804

14 CFR

21 51729
39 ..... 48126, 48127, 48619, 48905, 49829-49832, 50363, 51239, 51240, 51733, 51734, 52089-52093
45 48600
71 ..... 48128, 48132, 48905, 49833-49837, 50784, 51736, 52094-52096
73 ..... 48132, 50785
75 48133
91 ..... 48906, 51737, 52097
93 52100
95 52100
97 ..... 48134, 51241
159 52100
205 52572
208 52582
211 52597
215 52597
218 52597
291 52583
294 52590
298 ..... 51371, 51603, 52583
373 51375
380 52598
385 ..... 51380, 52326, 52598
399 52599
1207 51380

Proposed Rules:

Ch. I 48422
Ch. V 50392
39 ..... 48223-48225, 48941, 49909
43 52278
71 ..... 48226, 50806, 51257, 51777, 52121-52125
73 50807
91 ..... 51866, 52278
121 52278
125 52278
135 52278
202 50551
205 52585
213 50551
294 52585
298 ..... 51390, 52585

15 CFR

15 51200
15a 51200, 51900
371 ..... 49108, 50937
372 ..... 49108, 50937
376 ..... 49108, 50937
377 ..... 49108, 50937
379 50054
399 ..... 49108, 50937
911 48634
930 50937
970 50937
981 48637

Proposed Rules:

923 51393
927 51393
928 51393
930 50976
931 51393

16 CFR

1 48910
3 48910
13 ..... 48913, 49579, 51243, 51900, 52105
436 52327
461 48710

Proposed Rules:

13 ..... 48226, 49590, 49910, 50393, 50977
1306 49140

17 CFR

1 ..... 48915, 50938
3 48915
140 48915
200 49837
210 ..... 48136, 48943
211 50946
230 48137
231 ..... 48637, 48640
239 48137
240 ..... 48943, 49114
241 ..... 48147, 48637
249 ..... 48943, 49114
261 48637
270 49580
271 ..... 48637, 48640
285 48178
286 48178
287 48178

Proposed Rules:

201 48233
210 50553
230 52378
231 50553
239 52378
240 ..... 49594, 52382
249 ..... 50553, 52382

18 CFR

8 50055
34 50511
35 50517
131 50511
141 50055
157 51381
260 51381
270 51381
271 ..... 50059, 50785
274 48179
282 ..... 50060, 50064, 50539

Proposed Rules:

2 49141

35 49141
271 ..... 48234, 48235, 49141, 50085, 50563, 50564, 51617-51618, 52126, 52127, 52389, 52390

19 CFR

4 ..... 48180, 49837
132 49838
134 51243
141 49838
142 49838
177 51382

Proposed Rules:

Ch. I 50893
10 ..... 48235, 51619
18 ..... 48235, 51619
19 48238
24 50393
111 50393
114 ..... 48235, 51619
141 50393
143 ..... 48235, 51619

20 CFR

10 49542
233 50786
416 50947
676 51218
679 51216
684 49542

Proposed Rules:

404 50756
416 ..... 50756, 51778
655 ..... 50981, 50982
901 51258

21 CFR

Ch. II 50068
5 50064
103 51382
172 ..... 50065, 50947
178 51902
510 ..... 48641, 50066, 50365
520 ..... 48641, 50066, 50948, 50949, 51382, 52329, 52330
522 ..... 48641, 48642
548 48641
556 50949
558 ..... 50067, 50949, 52330
561 50365
573 ..... 49114, 49115
584 52332
610 51903
1306 48918
1308 ..... 51603, 52333

Proposed Rules:

145 51923
148 51926
158 51402
436 48714
452 48714
455 48714
555 48714

22 CFR

22 48884
210 50068

Proposed Rules:

Ch. 1 51258

23 CFR

Ch. I 49842

Proposed Rules:

Ch. I 48422
Ch. II 48422

24 CFR

203 51244
213 51244
234 51244
241 51383
300 48644
888 51903

Proposed Rules:

43e 50565

26 CFR

5c 51584, 51907
15A 48920
51 52334

Proposed Rules:

Ch. I 50897
1 ..... 50014, 50015, 50808, 51588
31 52391

27 CFR

55 ..... 50787, 52105
290 48644

Proposed Rules:

Ch. I 50909
9 ..... 49597-49600, 50568, 51619
19 ..... 51929, 52129
195 52129
211 51929
213 51929
251 51929

28 CFR

Ch. I 52339
24 48921
40 ..... 48181, 49584
41 50366
512 48574

29 CFR

2 49542
56 ..... 48606, 48644
530 50348
1601 ..... 48189, 50366
1602 50950
1613 51383
1625 48654
1906 49542
1910 ..... 48654, 50068
1952 ..... 49116, 49119, 52360, 52361
2618 49842
2619 50788

Proposed Rules:

Ch. XII 51621
Ch. XIV 48717, 48720
4 ..... 50397, 51405
2200 51933

30 CFR

Ch. VII 48925
211 48656
222 48656
231 48656
241 48658
731 50018
732 50018
936 49846

Proposed Rules:

250 ..... 48951, 48952, 49554
251 48952
252 48952
801 52287
806 52287
926 50984
934 49141
936 49143
950 48720

31 CFR

316 49260
342 49518
351 49496
352 49506

Proposed Rules:

Ch. II 50916
Subtitle A 50915

32 CFR

1-39 50680
185 48189
706 49121

33 CFR

100 50368
110 ..... 48193, 48194, 49647, 50368
117 ..... 48195, 49851, 50368
162 49847
165 ..... 48925, 51740
204 48657

Proposed Rules:

Ch. I 48422
Ch. IV 48422
101 51779
117 ..... 48239, 48954, 49910, 49913
161 ..... 51779, 52131

34 CFR

19 48926
637 51204
703 49584

Proposed Rules:

75 50809
76 50809
78 50809
104 50809
205 51870
211 50809
215 50809
223 50809
230 50809
231 50809
300 50809
305 50809
307 50809
309 50809
315 50809
318 50809
322 50809
324 50809
332 50809
338 50809
361 50809
365 50809
366 50809
369 50809
370 50809
371 50809
372 50809
373 50809
374 50809
375 50809
378 50809
379 50809
385 50809
386 50809
387 50809
388 50809
389 50809
390 50809
408 50809
525 50809
526 50809
527 50809
624 ..... 50809, 51621
643 50809
644 50809
645 50809
646 50809
649 50809
655 50809
656 50809
658 50809
660 50809
667 50809
668 51184
726 50809
735 50809
740 50809
753 50809
757 50809
776 50809
778 50809

35 CFR

9 48658
10 48658

36 CFR

7 50370
701 48660
702 48660
703 48660

Proposed Rules:

Ch. II 52552
73 51558

37 CFR

1 52362

Proposed Rules:

2 49602
202 49145

38 CFR

3 ..... 51245, 51246
21 ..... 48195, 48664
36 ..... 51384, 51740

Proposed Rules:

Ch. I 51935
3 51406

39 CFR

111 ..... 51940, 52105
601 48196

Proposed Rules:

111 52136

40 CFR

51 50766
52 ..... 49122-49125, 49587, 50069, 349852, 50370, 50766, 51386, 51604-51607, 51741, 51742, 51914
60 49853
61 49853
62 52107
80 50464

81 ..... 48927, 48929, 49857, 51607, 51743, 51744, 51915
86 50464
125 50502
162 51745
180 ..... 48196, 48665, 48929, 48931, 50371, 51614
264 48197
265 48197
403 50502
600 50464

Proposed Rules:

Ch. I 49604
51 49814
52 ..... 48240, 50086, 52138–52140
65 49604
86 49611
122 ..... 48243, 48254
123 48955
125 50503
146 ..... 48243, 48254
180 ..... 48720, 51622, 52141, 52395–52398
228 50986
256 50810
264 51407
403 50503

41 CFR

Ch. 14 49863
Ch. 16 51466
1–16 49858
5B–1 51746
5B–2 51746
5B–16 51746
7–1 51915
7–7 51915
7–12 51915
7–15 51915
9–9 51371
101 51615
101–2 50950
101–41 50951
101–43 51388
101–49 51388
114 52364

Proposed Rules:

Ch. 4 52552
Ch. 8 51935
Ch. 12 48422
Ch. 25 52142
3–1 51410
3–7 51410

42 CFR

32 51918
50 ..... 48592, 48593
51 ..... 48592, 48593
51a 48592, 48593
51b 48592, 48593
51e 48593
51g 48592
54 ..... 48592, 48593
54a 48592, 48593
54b 48592, 48593
56a 48592, 48593
59 ..... 48592, 48593
91 ..... 48592, 48593
110 51246
405 ..... 48544, 48550, 49126
430 48556
431 ..... 48524, 48532, 48564
432 48564
433 ..... 48556, 48564
435 ..... 48532, 49556
440 ..... 48524, 48532
441 ..... 48532, 48550, 48556
447 48556
456 ..... 48556, 48564
462 48564
463 48564
466 48564
473 48564
478 48564
480 48564

Proposed Rules:

110 ..... 50394, 52566

43 CFR

Public Land Order:

80 (See PLO 6040) 49871
559 (See PLO 6044) 49869
611 (See PLO 6040) 49871
814 (Revoked by PLO 6013) 48670
1131 (Revoked in part by PLO 6048) 51246
1272 (Amended by PLO 5161 and PLO 6002) 48671
1450 (Amended by PLO 6010) 48672
1581 (Revoked by PLO 6017) 48668
2278 (Amended by PLO 4788, and revoked in part by PLO 5996) 48669
3026 (Amended by PLO 6001) 48675
3917 (Revoked by PLO 6022) 48674
3938 (See PLO 6033) 49872
4788 (Revoked by PLO 5996) 48669
5161 (Amended by PLO 6002) 48671
5844 (Amended by PLO 6020) 48666
5861 (Amended by PLO 6009) 48674
5996 48669
5997 48675
5998 48669
5999 48674
6000 48675
6001 48675
6002 48671
6003 48673
6004 48672
6005 48667
6006 48676
6007 48672
6008 48670
6009 48674
6010 48672
6011 48667
6012 48670
6013 48670
6014 48673
6015 48671
6016 48668
6017 48668
6018 48669
6019 48667
6020 48666
6021 48666
6022 48674
6023 48669
6024 48676
6025 49869
6026 49876
6027 49872
6028 49872
6029 49873
6030 49873
6031 49873
6032 49875
6033 49872
6034 49868
6035 49876
6036 49877
6037 49868
6038 49874
6039 49875
6040 49871
6041 49868
6042 49871
6043 50541
6044 49869
6045 49874
6046 49875
6047 49876
6048 51246

Proposed Rules:

8350 51258

44 CFR

9 51749
64 ..... 48685, 49126, 51756, 52108–52112
65 ..... 48676, 51756
67 ..... 48931, 50789, 51756, 52114
70 51759–51774

Proposed Rules:

67 ..... 48255–48257, 48722–48730, 48956, 49149, 49150, 49612, 51780–51783, 51940–51942, 52143

45 CFR

16 48582
74 48582
96 48582
205 ..... 50372, 50797
206 50372
224 ..... 48600, 48644
233 50372
234 50372
235 50372
238 50372
239 50372
260 48593
1391 48593
1393 48593
1395 48593
1396 48593

Proposed Rules:

Ch. VI 52142
Ch. XI 49913

46 CFR

2 49877
26 49877
35 49877
78 49877
97 49877
109 49877
167 49877
185 49877
196 49877
281 48198
510 48199
520 51246
524 48199

Proposed Rules:

Ch. I 48422
Ch III 48422
33 49914
50 49078
66 49078
75 49914
94 49914
106 49078
110 49078
160 49914
180 49914
192 49914

47 CFR

0 51248
1 52364
2 ..... 50372, 51249, 52365, 52367
22 50372
31 ..... 50952, 52374
33 52374
34 52374
35 52374
73 ..... 48200–48206, 50372, 50541, 50542, 50797, 50959, 51651
74 50372
81 49588
83 51615
87 51784
90 ..... 52364, 52367
97 50799
99 52367

Proposed Rules:

Ch. I 49617, 50568, 51259
2 ..... 49617, 51784
15 50569
22 49621
63 48733
68 48733
73 ..... 48258, 49624, 50569–50571, 50810, 50988–50990, 51260, 52145–52152, 52398
81 ..... 49621, 50573
83 ..... 49621, 50573, 51784
90 52402
97 ..... 49617, 50991–50996

48 CFR

Proposed Rules:

15 50997
37 50997

49 CFR

Ch. X 50070
6 49878
172 ..... 49883, 49889, 50800
173 ..... 49883, 49889
175 49889
178 49889
179 ..... 49883, 49889, 51775
571 51252
801 48206
826 48206
1033 ..... 48212, 48213, 49127, 50961
1034 48936
1039 48215

1100 ..... 48216, 51253
1102 ..... 48938, 51255
1108 48216
1111 48216
1121 48216
1300 48215

Proposed Rules:

Subtitle A 48422
Ch. II 49925
Ch. I–VI 48422
Ch. X 50088, 51413
71 51786
107 51261
171 51261
173 51261
571 ..... 48260, 48261, 50394, 50396, 51777, 51788, 51793
581 ..... 48262, 48958
1047 50088
1057 49151
1109 51261
1125 50998

50 CFR

23 50774
258 49127
611 49128
651 49589
652 49907
653 50963

Proposed Rules:

Ch. VI 50999
22 49925

AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday).

This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
DOT/COAST GUARD	USDA/FNS		DOT/COAST GUARD	USDA/FNS
DOT/FAA	USDA/REA		DOT/FAA	USDA/REA
DOT/FHWA	USDA/SCS*		DOT/FHWA	USDA/SCS*
DOT/FRA	MSPB/OPM		DOT/FRA	MSPB/OPM
DOT/MA	LABOR		DOT/MA	LABOR
DOT/NHTSA	HHS/FDA		DOT/NHTSA	HHS/FDA
DOT/RSPA			DOT/RSPA	
DOT/SLSDC			DOT/SLSDC	
DOT/UMTA			DOT/UMTA	

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday. Comments on this program are still invited.

Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

*Note: The Soil Conservation Service will begin Tues/Fri. publication as of Nov. 3, 1981.

List of Public Laws

Last Listing October 23, 1981

This is a continuing list of public bills from the current session of Congress which have become Federal laws. The text of laws is not published in the **Federal Register** but may be ordered in individual pamphlet form (referred to as "slip laws") from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 (telephone 202–275–3030).

10–27–81
Vol. 46 No. 207
BOOK 2:
Pages 52601–53020

federal register

Book 2 of 2 Books
Tuesday
October 27, 1981

Part VI

Department of Health and Human Services

Privacy Act of 1974; Annual Publication of Systems of Records

10-27-81
Vol. 46 No. 207
BOOK 2:
Pages 52601-53020

federal register

Book 2 of 2 Books
Tuesday
October 27, 1981

Part VI

Department of Health and Human Services

Privacy Act of 1974; Annual Publication of Systems of Records

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

Privacy Act of 1974; Systems of Records, Annual Republication

AGENCY: Department of Health and Human Services (HHS), Office of the Secretary, Office of the Assistant Secretary for Public Affairs (OASPA).

ACTION: Annual republication of notices of systems of records.

SUMMARY: The Office of the Secretary publishes this document to meet the requirements of 5 U.S.C. 552a(e)(4). This is the annual republication for the HHS organizations listed below. This listing does not include any material which would require a new or altered system report as described in OMB circular A–108. The notices do not contain any new routine uses. Nevertheless, the notices do include modifications for the purposes of completeness, clarity, timeliness, and correctness.

SUPPLEMENTARY INFORMATION: Notices included are for the following organizations of the Office of the Secretary and HHS Regional Offices:

1. Office of the Assistant Secretary for Management and Budget (OASMB).
2. Office of Inspector General (OIG).
3. Office of the Assistant Secretary for Legislation (OASL).
4. Office of the Assistant Secretary for Public Affairs (OASPA).
5. Executive Secretariat (ES).
6. Office of Consumer Affairs (OCA).
7. Office for Civil Rights (OCR).
8. Office of General Counsel (OGC).
9. Office of Child Support Enforcement (OCSE).
10. Office of Assistant Secretary for Planning and Evaluation (OASP&E).
11. Region 1, Administrative Support Center (ASC).

We made the following deletion from last year's publication:

System 09–90–0056, New Orleans Louisiana Review, **Federal Register**, Volume 45, Number 247, December 22, 1980, Publication 84425, deleted because the names of individuals in this system are not retrieved by individual identifiers. Information is found and retrieved under the names of New Orleans Hospitals only.

If any errors appear because of an oversight, we will publish additional modifications, additions, and deletions in later issues of the **Federal Register** to correct the errors.

In order to inform the public of the Privacy Act restrictions on the release of records contained in systems of records, we have set forth the "Conditions of Disclosure" section of the Privacy Act before the notices.

In addition we have set forth the following sections of the Department's Privacy Act Regulation 45 CFR Part 5b:

- 5b.5 Notification of or access to records
- 5b.6 Special procedures for notification of or access to medical records
- 5b.7 Procedures for correction or amendment of records, and
- 5b.10 Parents and Guardians

This will assist an individual by giving him or her the following information:

- How to find out if HHS has a record about him or her, and how to get a copy of that record.
- Special procedures for finding out about medical records.
- Special procedures for finding out about his or her child's medical records.
- Correcting mistakes in his or her record.
- Special procedures pertaining to parents and guardians of minors and incompetent persons.

HHS also publishes additional notices of systems of records for the following organizations with separate preambles:

- Office of Assistant Secretary for Personnel Administration (OASPER)
- Office of Human Development Services (OHDS)
- Health Care Financing Administration (HCFA)
- Office of the Assistant Secretary for Health (OASH)
- Food and Drug Administration (FDA)
- Health Resources Administration (HRA)
- Alcohol, Drug Abuse, and Mental Health Administration (ADAMHA)
- National Institutes of Health (NIH)
- Center for Disease Control (CDC)
- Health Services Administration (HSA)
- Social Security Administration (SSA)

In order to assist the public, the Department will publish a consolidated list of the names, systems numbers, and specific page numbers in the **Federal Register** of its notices of systems of records in a forthcoming issue of the **Federal Register**.

Dated: September 10, 1981.

Pamela G. Bailey,

Assistant Secretary for Public Affairs.

Excerpts From the Department's Privacy Act Regulation, 45 CFR Part 5b

§ 5b.5 Notification of or access to records.

(a) *Times, places, and manner of requesting notification of or access to a record.*

(1) Subject to the provisions governing medical records in § 5b.6 of this part, any individual may request notification of a record. He may at the same time request access to any record pertaining to him. An individual may be accompanied by another individual of his choice when he requests access to a record in person; *Provided,* That he affirmatively authorizes the presence of such other individual during any discussion of a record to which access is requested.

(2) An individual making a request for notification of or access to a record shall address his request to the responsible Department official and shall verify his identity when required in accordance with paragraph (b)(2) of this section. At the time the request is made, the individual shall specify which systems of records he wishes to have searched and the records to which he wishes to have access. He may also request that copies be made of all or any such records. An individual shall also provide the responsible Department official with sufficient particulars to enable such official to distinguish between records on subject individuals with the same name. The necessary particulars are set forth in the notices of systems of records.

(3) An individual who makes a request in person may leave with any responsible Department official a request for notification of or access to a record under the control of another responsible Department official; *Provided,* That the request is addressed in writing to the appropriate responsible Department official.

(b) *Verification of identity*—(1) *When required.* Unless an individual, who is making a request for notification of or access to a record in person, is personally known to the responsible Department official, he shall be required to verify his identify in accordance with paragraph (b)(2) of this section if:

(i) he makes a request for notification of a record and the responsible Department official determines that the mere disclosure of the existence of the record would be a clearly unwarranted invasion of privacy if disclosed to someone other than the subject individual; or,

(ii) he makes a request for access to a record which is not required to be disclosed

to the general public under the Freedom of Information Act, 5 U.S.C. 552, and Part 5 of this title.

(2) *Manner of verifying identity.*

(i) An individual who makes a request in person shall provide to the responsible Department official at least one piece of tangible identification such as a driver's license, passport, alien or voter registration card, or union card to verify his identity. If an individual does not have identification papers to verify his identity, he shall certify in writing that he is the individual who he claims to be and that he understands that the knowing and willful request for or acquisition of a record pertaining to an individual under false pretense is a criminal offense under the Act subject to a $5,000 fine.

(ii) Except as provided in paragraph (b)(2)(v) of this section, an individual who does not make a request in person shall submit a notarized request to the responsible Department official to verify his identity or shall certify in his request that he is the individual who he claims to be and that he understands that the knowing and willful request for or acquisition of a record pertaining to an individual under false pretenses is a criminal offense under the Act subject to a $5,000 fine.

(iii) An individual who makes a request on behalf of a minor or legal incompetent as authorized under § 5b.10 of this Part shall verify his relationship to the minor or legal incompetent, in addition to verifying his own identity, by providing a copy of the minor's birth certificate, a court order, or other competent evidence of guardianship to the responsible Department official; *except that,* an individual is not required to verify his relationship to the minor or legal incompetent when he is not required to verify his own identity or when evidence of his relationship to the minor or legal incompetent has been previously given to the responsible Department official.

(iv) An individual shall further verify his identity if he is requesting notification of or access to sensitive records such as medical records. Any further verification shall parallel the record to which notification or access is being sought. Such further verification may include such particulars as the individual's years of attendance at a particular educational institution, rank attained in the uniformed services, date or place of birth, names of parents, an occupation or the specific times the individual received medical treatment.

(v) An individual who makes a request by telephone shall verify his identity by providing to the responsible Department official identifying particulars which parallel the record to which notification or access is being sought. If the responsible Department official determines that the particulars provided by telephone are insufficient, the requester will be required to submit the request in writing or in person. Telephone requests will not be accepted where an individual is requesting notification of or access to sensitive records such as medical records.

(c) *Granting notification of or access to a record.*

(1) Subject to the provisions governing medical records in § 5b.6 of this part and the provisions governing exempt systems in § 5b.11 of this part, a responsible Department official, who receives a request for notification of or access to a record and, if required, verification of an individual's identity, will review the request and grant notification or access to a record, if the individual requesting access to the record is the subject individual.

(2) If the responsible Department official determines that there will be a delay in responding to a request because of the number of requests being processed, a breakdown of equipment, shortage of personnel, storage of records in other locations, etc., he will so inform the individual and indicate when notification or access will be granted.

(3) Prior to granting notification of or access to a record, the responsible Department official may at his discretion require an individual making a request in person to reduce his request to writing if the individual has not already done so at the time the request is made.

§ 56.6 Special procedures for notification of or access to medical records.

(a) *General.* An individual in general has a right to notification of or access to his medical records, including psychological records, as well as to other records pertaining to him maintained by the Department. This section sets forth special procedures as permitted by the Act for notification of or access to medical records, including a special procedure for notification of or access to medical records of minors. The special procedures set forth in paragraph (b) of this section may not be suitable for use by every component of the Department. Therefore, components may follow the paragraph (b) procedure for notification of or access to medical records, or may issue regulations establishing special procedures for such purposes. The special procedure set forth in paragraph (c) of this section relating to medical records of minors is mandatory.

(b) *Medical records procedures*—(1) *Notification of or access to medical records.*

(i) Any individual may request notification of or access to a medical record pertaining to him. Unless the individual is a parent or guardian requesting notification of or access to a minor's medical record, an individual shall make a request for a medical record in accordance with this section and the procedures in § 5b.5 of this Part.

(ii) An individual who requests notification of or access to a medical record shall, at the time the request is made, designate a representative in writing. The representative may be a physician, other health professional, or other responsible individual, who would be willing to review the record and inform the subject individual of its contents at the representative's discretion.

(2) *Utilization of the designated representative.* A subject individual will be granted direct access to a medical record if the responsible official determines that direct access is not likely to have an adverse effect on the subject individual. If the responsible Department official believes that he is not qualified to determine, or if he does determine, that direct access to the subject individual is likely to have an adverse effect on the subject individual, the record will be sent to the designated representive. The subject individual will be informed in writing that the record has been sent.

(c) *Medical records of minors.*—(1) *Requests by minors; notification of or access to medical records to minors.* A minor may request notification of or access to a medical record pertaining to him in accordance with paragraph (b) of this section.

(2) *Requests on a minor's behalf; notification of or access to medical records to an individual on a minor's behalf.*

(i) In order to protect the privacy of a minor, a parent or guardian, authorized to act on a minor's behalf as provided in § 5b.10 of this part, who makes a request for notification of or access to a minor's medical record will not be given direct notification of or access to such record.

(ii) A parent or guardian shall make all requests for notification of or access to a minor's medical record in accordance with this paragraph and the procedures in § 5b.5 of this part. A parent or guardian shall at the time he makes a request designate a family physician or other health professional (other than a family member) to whom the record, if any, will be sent.

(iii) Where a medical record on the minor exists, it will be sent to the physician or health professional designated by the parent or guardian in all cases. If disclosure of the record would constitute an invasion of the minor's privacy, that fact will be brought to the attention of the physician or health professional to whom the record is sent. The physician or health professional will be asked to consider the effect that disclosure of the record to the parent or guardian would have on the minor in determining whether the minor's medical record should be made available to the parent or guardian. Response to the parent or guardian making the request will be made in substantially the following form:

We have completed processing your request for notification of or access to

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Name of minor

medical records. Please be informed that if any medical records were found pertaining to that individual, they have now been sent to your designated physician or health professional.

In each case where a minor's medical records is sent to a physician or health professional, reasonable efforts will be made to so inform the minor.

§ 5b.7 Procedures for correction or amendment of records.

(a) Any subject individual may request that his record be corrected or amended if he believes that the record is not accurate, timely, complete, or relevant or necessary to accomplish a Department function. A subject individual making a request to amend or correct his record shall address his request to the responsible Department official in writing; *except that,* the request need not be in writing if the subject individual makes his request in person and the responsible

Department official corrects or amends the record at that time. The subject individual shall specify in each request:

(1) The system of records from which the record is retrieved;

(2) The particular record which he is seeking to correct or amend;

(3) Whether he is seeking an addition to or a deletion or substitution of the record; and,

(4) His reasons for requesting correction or amendment of the record.

(b) A request for correction or amendment of a record will be acknowledged within 10 working days of its receipt unless the request can be processed and the subject individual informed of the responsible Department official's decision on the request within that 10 day period.

(c) If the responsible Department official agrees that the record is not accurate, timely, or complete based on a preponderance of the evidence, the record will be corrected or amended. The record will be deleted without regard to its accuracy, if the record is not relevant or necessary to accomplish the Department function for which the record was provided or is maintained. In either case, the subject individual will be informed in writing of the correction, amendment, or deletion and, if accounting was made of prior disclosures of the record, all previous recipients of the record will be informed of the corrective action taken.

(d) If the responsible Department official does not agree that the record should be corrected or amended, the subject individual will be informed in writing of the refusal to correct or amend the record. He will also be informed that he may appeal the refusal to correct or amend his record to the appropriate appeal authority listed in § 5b.8 of this Part. The appropriate appeal authority will be identified to the subject individual by name, title, and business address.

(3) Requests to correct or amend a record governed by the regulation of another government agency, *e.g.*, Civil Service Commission, Federal Bureau of Investigation, will be forwarded to such government agency for processing and the subject individual will be informed in writing of the referral.

§ 5b.10 Parents and guardians.

For the purpose of this part, a parent or guardian of any minor or the legal guardian or any individual who has been declared imcompetent due to physical or mental incapacity or age by a court of competent jurisdiction is authorized to act on behalf of an individual or a subject individual. Except as provided in paragraph (b)(2) of § 5b.5 of this Part governing procedures for verifying an individual's indentity, and paragraph (c)(2) of § 5b.6 of this part governing special procedures for notification of or access to a minor's medical records, an individual authorized to act on behalf of a minor or legal incompetent will be viewed as if he were the individual or subject individual.

Conditions of Disclosure Section of the Privacy Act, 5 USC 552a(b)

"(b) Conditions of Disclosure—No agency shall disclose any record which is contained in a system of records by any means of communication to any person, or another agency, except pursuant to a written request by, or with the prior written consent of, the individual to whom the record pertains, unless disclosure of the record would be—

"(1) to those officers and employees of the agency which maintains the record who have a need for the record in the performance of their duties;

"(2) required under section 552 of this title [the Freedom of Information Act];

"(3) for a routine use as defined in . . . [The Privacy Act and described in the routine use section of the specific notices of systems of records published in the **Federal Register**];

"(4) to the Bureau of the Census for purposes of planning or carrying out a census or survey or related activity pursuant to the provisions of title 13;

"(5) to a recipient who has provided the agency with advance adequate written assurance that the record will be used solely as a statistical research or reporting record, and the record is to be transferred in a form that is not individually identifiable;

"(6) to the National Archives of the United States as a record which has sufficient historical or other value to warrant is continued preservation by the United States Government, or for evaluation by the Administrator or General Services or his designee to determine whether the record has such value;

"(7) to another agency or to an instrumentality of any governmental jurisdiction within or under the control of the United States for a civil or criminal law enforcement activity if the activity is authorized by law, and if the head of the agency or instrumentality has made a written request to the agency which maintains the record specifying the particular portion desired and the law enforcement activity for which the record is sought;

"(8) to a person pursuant to a showing of compelling circumstances affecting the health or safety of an individual if upon such disclosure notification is transmitted to the last known address of such individual;

"(9) to either House of Congress, or, to the extent of matter within its jurisdiction, any committee or subcommittee thereof, any joint committee of Congress or subcommittee of any such joint committee;

"(10) to the Comptroller General, or any of his authorized representatives in the course of the performance of the duties of the General Accounting Office; or

"(11) pursuant to the order of a court of competent jurisdiction.

System Number and Name

Office of the Assistant Secretary for Management and Budget (OASMB)

*09-90-0001 Telephone Directory/Locator System, HHS/OS/ASMB/OMAS.

*09-90-0005 Safety Management Information System (HHS Accident, Injury, and Illness Reporting System), HHS/OS/ASMB/Office of Safety and Occupational Health.

*09-90-0023 Department Parking Control Policy, HHS/OS/ASMB/FE.

*09-90-0024 Accounting Records of Payments to Individuals From Agency and Regional Financial Management and Disbursing Office, HHS/OS/ASMB 1.

09-90-0025 Central Registry of Individuals Doing Business with, HHS/OS/ASMB 2.

Office of the Inspector General (OIG)

09-90-003 Investigative Files of the Inspector General, HHS/OS/OIG.

09-90-0078 Temporary Matching File, HHS/OS/OIG

09-90-0079 Welfare Fraud Detection File, HHS/OS/OIG.

Office of the Assistant Secretary for Legislation (OASL)

09-90-0027 Congressional Correspondence Unit, HHS/OS/ASL.

09-90-0072 Congressional Grants Notification Unit, HHS/OS/ASL.

Office of the Assistant Secretary for Public Affairs (OASPA)

*09-90-0028 Biographics and Photographs of HHS Officials, HHS/OS/ASPA.

*90-0058 Freedom of Information Case File and Correspondence Control Index, HHS/OS/ASPA/FOIA

09-90-0085 Demonstration Project: Application for Assistance in Order to Comment on Proposed Regulations (HHS/OS/OASPA)

Executive Secretariat (ES)

09-90-0037 Secretary's Correspondence Control System, HHS/OS/ES

09-90-0038 Secretary's Official Files, HHS/OS/ES.

09-90-0080 The Secretary's Advisory Committee Candidate Files, HHS/OS/ES.

Office of Consumer Affairs (OCA)

09-90-0041 Consumer Mailing List HHS/OS/OCA.

09-90-0046 Consumer, Complaint Correspondence System, HHS/OS/OCA.

Office for Civil Rights (OCR)

09-90-0050 Case Information Management System, HHS/OS/OCR.

09-90-0051 Complaint Files and Log, Office of Management and Administration, HHS/OS/OCR/OMA.

*Systems are Department wide with Office of the Secretary policy guidance, but with local operational control.

*Systems are Department wide with Office of the Secretary policy guidance, but with local operational control.

Office of General Counsel (OGC)

09-90-0062 Administrative Claims, HHS/OS/OGC.
09-90-0064 Litigation Files, Administrative Complaints, and Adverse Personnel Actions, HHS/OS/OGC.
09-90-0065 Conflict of Interest—Standards of Conduct Records, HHS/OS/OGC.
09-90-0066 OGC Attorney Applicant Files, HHS/OS/OGC.
09-90-0067 Invention Reports Submitted to the Department of Health, and Human Services by its Employees, Grantees and Fellowship Recipients, and Contractors, HHS/OS/OGC.
09-90-0068 Federal Private Relief Legislation, HHS/OS/OGC.
09-90-0071 Social Security Code Cards, HHS/OS/OGC.

Office of Child Support Enforcement (OCSE)

09-90-0074 Federal Parent Locator System, HHS/OCSE.

Office of Assistant Secretary for Planning and Evaluation (OASP&E)

09-90-0081 Michigan Longitudinal Study. Also called The Panel Study of Income Dynamics, HHS/OS/OASPE.
09-90-0082 Pennhurst Longitudinal. Also called Court ordered deinstitutionalization of Pennhurst, HHS/OS/OASPE.
09-90-0086 Medicare Mental Health Demonstration Evaluation (MMHDE), HHS/OS/ASPE.
09-90-0087 Recipient Survey for the Monthly Reporting and Retrospective Accounting Study, HHS/OS/ASPE.

Region I, Administration Support Center (ASC)

09-90-0075 MBTA Prepaid Pass Program Participants, HHS/ROL/ARD.

Office of the Assistant Secretary for Management and Budget (OASMB)

09-90-0001

SYSTEM NAME:

Telephone Directory/Locator System HHS-OS-ASMB-OMAS

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Operating offices and Facility Complexes of the Department—Employee Locators and Offices of Administrative or Management Services.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current employees of the Department and vendor or other Federal employees located in Department operating offices and facility complexes.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, title, agency office address, agency mailing address telephone number, standard administrative code, and social security number.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, 40 U.S.C. 486(c).

PURPOSE(S):

The records are used to develop and maintain current employee locator and directory listings. The locator listings are used by the HHS information centers, mailrooms, and others specifically for the purpose of locating employees and for routing mail. The directory listings are used to produce departmental telephone directories on an as needed basis.

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

In the event of litigation where the defendent is (a) the Department, any component of the Department, or any employee of the department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department of any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

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

STORAGE:

Variously stored in card files, computer printouts, paper forms, magnetic tape.

RETRIEVABILITY:

Alphabetically by employee name in certain instances also be agency and/or title. Some large systems use the SSN as control to update, change or delete information on individuals no longer within this system of Records.

SAFEGUARDS:

Only authorized personnel have access to master lists which contain social security numbers.

RETENTION AND DISPOSAL:

Retained as long as individual is employed by or associated with the Department, then information deleted from files by appropriate method.

SYSTEM MANAGER(S) AND ADDRESS:

Telecommunications management officials of the Department—See Appendix.

NOTIFICATION PROCEDURE:

Direct inquiries to appropriate systems manager indentified in Appendix.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.).

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.).

RECORD SOURCE CATEGORIES:

Individual employee.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

Appendix

Department policy coordinator:

Telecommunications Management Officer, Department of Health, and Human Services, Office of the Assistant Secretary for Management and Budget, Office of Management Analysis and Systems, 200 Independence Avenue, S.W., Washington, DC 20201.

Operating System Managers:

Office of the Secretary, Deputy Director, Division of Administrative Services, Office of Management Services, 330 Independence Ave., S.W., Room 1739, Washington, DC 20201.

Human Development Services, Director, Division of Administrative Services, 200 Independence Ave., S.W., Room 309B, Washington, DC 20201.

Public Health Service, Chief, Communications Section, Administrative Services Center, 5600 Fishers Lane, Rockville, MD 20857.

Public Health Service, Center for Disease Control, Chief, Management Services Branch, Altanta, GA 30333.

Public Health Service, Food and Drug Administration, Chief, Services Management Section, Division of Management Services, 5600 Fishers Lane, Rockville, MD 20857.

Public Health Service, Chief, General Services Branch, Bureau of Medical Services,

6525 Belcrest Road-FCB 3, Rm. 1100, Hyattsville, MD 20782.

Public Health Service, Chief, General Services Branch, USPHS Hospital, 3100 Wyman Park Drive, Baltimore, MD 21211.

Public Health Service, Chief, General Services Branch, USPHS Hospital, 77 Warren Street, Boston (Brighton), MA 02135.

Public Health Service, Chief, General Services Branch, USPHS Hospital, Carville, LA 70721.

Public Health Service, Chief, General Services Branch, USPHS Hospital, 2050 Space Park Dr., Nassau Bay, TX 77058.

Public Health Service, Chief, General Services Branch, USPHS Hospital, 210 State Street, New Orleans, LA 70118.

Public Health Service, Chief, General Services Branch, USPHS Hospital, 6500 Hampton Blvd., Larchmont, Norfolk, VA 23508.

Public Health Service, Chief, General Services Branch, USPHS Hospital, 15th Avenue and Lake Street, San Francisco, CA 94118.

Public Health Service, Chief, General Services Branch, USPHS Hospital, 1131 4th Avenue South Seattle, WA 98144.

Public Health Service, Chief, General Services Branch, USPHS Hospital, Bay Street and Vanderbilt Avenue, Staten Island, NY 10304.

Public Health Service, Director, USPHS Outpatient Clinic, 1600 Clifton Road, N.E., Atlanta, GA 30333.

Public Health Service, Director, USPHS Outpatient Clinic, Mary E. Switzer Building, 4th and C Streets, S.W., Washington, DC 20201.

Health Care Financing Administration, Chief, Facilities Management Branch, 1710 Gwynn Oak Ave., Baltimore, MD 21207.

Social Security Administration, Communications Systems Branch, 6401 Security Boulevard Room 1-N-9—Annex, Baltimore, MD 21235.

Region I, HHS Director, Division of Administrative Services, JFK Federal Building, Boston, MA 02203.

Region II, HHS Director, Division of Administrative Services, 26 Federal Plaza, New York, NY 10007.

Region III, HHS Director, Division of Administrative Services, 3535 Market Street, Philadelphia, PA 19101.

Region IV, HHS Director, Division of Administrative Services, 101 Marietta Tower Suite 1502, Atlanta, GA 30323.

Region V, HHS Director, Division of Administrative Services, 300 South Wacker Drive, Chicago, IL 60606.

Region VI, HHS Director, Division of Administrative Services, 1200 Main Tower, Dallas, TX 75202.

Region VII, HHS Director, Division of Administrative Services, 601 East 12th Street, Kansas City, MO 64106.

Region VIII, HHS Director, Division of Administrative Services, 1961 Stout Street, Denver, CO 80294.

Region IX, HHS Director, Division of Administrative Services, 50 United Nations Plaza, San Francisco, CA 94102.

Region X, HHS Director, Division of Administrative Services, 1321 Second Avenue, Seattle, WA 98101.

09-90-0005

SYSTEM NAME:

Safety Management Information System (HHS Accident, Injury and Illness Reporting System). HHS/OS/ASMB/OFE/OSOH

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

At Departmental Regional and Headquarters facilites (see Appendix

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

1. HHS Employees, including both civilian and commissioned corps personnel, who are involved in an accident which arises out and in the course of their employment whether occurring on HHS premises or not and results in:

a. A fatality.

b. Lost workdays beyond the day in which the accident occurred.

c. Nonfatal injuries which result in transfer to another job, termination of employment, medical treatment other than first aid, loss of consciousness or restriction of work or motion.

d. A possible tort claim.

e. A claim for compensation.

f. Property damage in excess of 50.00.

g. Interrupts or interferes with the orderly progress of work of other employees.

h. Radiation over exposure.

i. Biological exposure resulting in lost time of accidental release of biologicals where the public may be over-exposed.

2. Visiting scientists, contractor personnel, hospitalized patients, out-patients, employees of other Federal agencies, state or local governments or members of the public who suffer injury, illness or property damage on or in HHS premises or as a result of HHS activities.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system consists of a variety of information and supporting documentations resulting from the reporting and investigation of accidents which have resulted in injury, illness, property damage or the interruption of interference with the orderly progress of work. The records contain information about individuals involved in or experiencing accidents including but not limited to the severity of the injury, whether consciousness was lost, the type of injury, culmination of any injury, days lost from work if any, the nature of the injury, illness or disease, the body part affected, causal factors, weather factors, agency of accident, whether unsafe mechanical, physical, or personal acts or factors were involved, the accidents area of origin and if fire was involved, the type and form of materials involved. Property damage (both public and private) is noted through the property sequence number, who owned the property involved, property damage and actual or estimated monetary loss, the HHS installation number if appropriate and the year of manufacture or construction if appropriate. Identifiers relating to a particular accident include the organization, case number assigned, date and time of occurrence, state or territory, site, type and classification of accident, estimated amount of tort claims if appropriate, name of individual(s) involved, the social security number, sex, age, grade series and level, CSC series, address, other Departments notified of accident, duty status, activity at time of accident and time on duty before accident. Management's evaluation and corrective action taken or proposed is also noted.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 19 of the Occupational Safety and Health Act of 1970 (PL 91-596); U.S.C. 7902; 29 CFR Part 1960; Executive Order No. 12196.

PURPOSE(S):

The purpose of the system is to comply with the reporting and statistical analyses requirements of section 19 of the Occupational Safety and Health Act of 1970 (PL 91-596) as amended (29 U.S.C. 668); U.S.C. 7902; 29 CFR Part 1960; Executive Order 12196 and such other purposes as are described under routine uses of this system notice. The Safety Management Information System is a Department-wide system utilized by all organizational components of the Department. Thus in addition to the routine uses subsequently noted in this system notice there may be other ad hoc disclosures within the Department on an official business "need to know" basis.

a. Establish a written record of the causes of accidents.

b. Provide information to initiate and support corrective or preventive action.

c. Provide statistical information relating to accidents resulting in occupational injuries, illnesses, and/or property damage.

d. Provide management with information with which to evaluate the effectiveness of safety management programs.

e. Provide the means for complying with the reporting requirements of Section 19 of the Occupational Safety and Health Act of 1970 and such other reporting requirements as may be required by legislative or regulative requirements.

f. Provide such other summary descriptive statistics and analytical studies as necessary in support of the function for which the records are collected and maintained including general requests for statistical information without personal identification of individuals.

g. Information in these records is used by or may be disclosed to: a. The Office of Safety and Occupational Health, Office of the Secretary, HHS in the review of accident experience data to determine the adequacy of corrective actions, the effect of codes, standards and guides, the consolidation, summarization and dissemination of accident experience data throughout HHS and other Government Departments and agencies as needed or required. b. The supervisor, administrative officer or other official initiating and accident report, including each succeeding reviewing official in the chain of command through which the report passes to insure that corrective action, as needed and appropriate, is taken. c. Appropriately appointed Safety Directors, Officers, or others with safety responsibilities within the Department in the verifying, assembling, analyzing, summarizing and disseminating data concerning the accident experience in their areas of responsibility and the initiation of appropriate corrective action.

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

A. To request from a Federal, state, local agency or private sources information relevant to the investigation of an accident and/or corrective action.

B. To respond to an inquiry from a member of Congress made on behalf of a constituent.

C. In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim if successful, is likely to directly affect the operations of the Department of any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected. Disclosure may be made to 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.

D. In the event that a system of records maintained by this agency to carry out its functions indicates 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, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether federal, 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.

E. In the event that a system of records maintained by this agency to carry out its function indicates 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, the relevant records in the system of records may be referred, as a routine use to the appropriate agency, whether state or local 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.

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

STORAGE:

Records are or may be maintained or magnetic tapes, punchcards, lists, forms, discs, computer storage, in file folders, binders and index cards.

RETRIEVABILITY:

1. At the Department level, the system is completely computerized with no other records normally maintained or retained in the Office of Safety and Occupational Health. Since individual indentifiers such as name, case number, and social security number are not within the computer storage banks, special programming would be required to extract individual records based on case number. Normal output consists of statistical reports and surveys including those required by the Department of Labor and Statistical Analysis in support of the Department occupational safety and health program for dissemination to the Principal Operating Components, Regions and Staff Offices.

2. The Principal Operating Components of the Department, their sub-components, Regional Offices and Staff Offices may maintain original or copies of the accident reports and supporting documentation by name, social security number, case number or cross reference.

SAFEGUARDS:

Access to and use of those records is made available to those personnel having a legitimate need for the information (those whose duties require review or access) including inspecting or evaluating personnel. Records, which under the law, may not be disclosed such as information pertinent to national security or trade secrets are maintained separately, adequately safeguarded and released only in accordance with the law. When there is doubt regarding the release of information, the matter will be referred, in advance of release, to the Office of the General Counsel, HHS.

RETENTION AND DISPOSAL:

All accident reports, records, logs, and other information relating to an accident are retained by the Principal Operating Components and their agencies, the Regional Offices and the Office of the Secretary for at least five years following the end of the calendar year in which the accident occurred. Specific occupational safety and health standards (such as the standards, covering the handing of carcinogenic chemicals) may be required to be kept for up to twenty years. Records may be retained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Safety and Occupational Health, Department of Health and Human Services, 330 Independence Avenue, S.W., Washington, D.C. 20201.

NOTIFICATION PROCEDURE:

Individuals wishing to inquire whether this system of records contains information about them should address their inquiries to one of the following as appropriate:

1. If employed or formerly employed in a HHS Regional Office, the Regional Occupational Safety and Health Manager of the Region involved (see list and addresses under appendix).

2. If employed or formerly employed in a HHS Principal Operating Component or sub-agency, a staff office or the Office of the Secretary, the

Occupational Safety and Health Manager of the component where employed with the exception of the Food and Drug Administration (see list and addresses under appendix). The contact for the Food and Drug Administration is:

Privacy Act Coordinator, Food and Drug Administration, 5600 Fishers Lane, Rockville, Maryland 20857.

Individuals requesting information about this system of records should provide their full name, social security number, name and address of office and agency in which currently or formerly employed and the accident(s) case number if known.

RECORD ACCESS PROCEDURES:

Individuals wishing to gain access to or contest their records should contact the following in person or writing as appropriate; with the exception of Food and Drug Administration. See "Notification" above. 1. If employed or formerly employed in an HHS Regional Office, the Regional Occupational and Health Manager of the Region involved (see list and addresses under appendix). 2. If employed or formerly employed in an HHS Principal Operating Component or sub-agency, a staff office or the Office of the Secretary, the Occupational Safety and Health Manager of the component where employed. (See list and addresses under appendix). Individuals requesting information in this system of records should provide their full name, social security number (on a purely voluntary basis), case number if known, time and brief description of the accident in which they were involved and the name and address of office in which employed. (Access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) **Federal Register**, October 8, 1975, page 47410.).

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) **Federal Register**, October 8, 1975, page 47411.).

RECORD SOURCE CATEGORIES:

The information in this system is obtained from the following sources: 1) the individual to whom the record pertains; 2) witnesses to the accident; 3) investigation officials (Federal, state, local); 4) medical personnel seeing the individual as a result of the accident; 5) supervisory personnel; 6) reviewing officials; 7) personnel offices; 8) investigative material furnished by Federal, state, or local agencies; 9) on site observations.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

Appendix

Region I, HHS Regional Safety and Occupational Health Manager, John F. Kennedy Federal Building—Room 1503, Government Center, Boston, Massachusetts 02203.

Region II, HHS Regional Safety and Occupational Health Manager, Federal Building—Room 3835, 26 Federal Plaza, New York, New York 10007.

Region III, HHS Regional Safety and Occupational Health Manager, 3535 Market Street, Philadelphia, Pennsylvania 19101.

Region IV, HHS Regional Safety and Occupational Health Manager, Suite 1503—101 Marietta Tower, Atlanta, Georgia 30323.

Region V, HHS Regional Safety and Occupational Health Manager, 300 South Wacker Drive—35th Floor, Chicago, Illinois 60606.

Region VI, HHS Regional Safety and Occupational Health Manager, 1200 Main Tower Bldg., Dallas, Texas 75202.

Region VII, HHS Regional Safety and Occupational Health Manager, 601 East 12th Street—Room 566, Kansas City, Missouri 64106.

Region VIII, HHS Regional Safety and Occupational Health Manager, 1961 Stout Street—Room 11037, Denver, Colorado 80202.

Region IX, HHS Regional Safety and Occupational Health Manager, Federal Office Building—Room 8, 50 United Nations Plaza, San Francisco, California 94102.

Region X, HHS Regional Safety and Occupational Health Manager, Arcade Plaza—Room 6003, 1321 Second Avenue, Seattle, Washington 98101.

Health Care Financing Administration: Safety Officer, A–1 Gwynn Oak Building, 1710 Gwynn Oak Avenue, Woodlawn, Md. 21207.

Social Security Administration: Director, Ocupational Health Management, Rm. 8, Second Floor, Link Bldg., 6401 Security Boulevard, Baltimore, Maryland 21235.

Office of the Secretary, HHS Safety Officer, 1073 HHS–N, Department of Health and Human Services, 330 Independence Avenue SW., Washington, D.C. 20201.

Public Health Service: Director, Division of Health Facilities Planning, Room 18–42—Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857.

Alcohol, Drug Abuse, and Mental Health Administration: Safety Officer, Room 12C26—Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857.

Center for Disease Control: Chief, Office of Biosafety, Bldg. 4—Room 232, 1600 Clifton Road NE., Atlanta, Georgia 30333.

Food and Drug Administration: Privacy Act Coordinator, Rockville, Maryland 20857.

Health Resources Administration: Safety Officer, Rm. 129, Federal Center Bldg. 2, 3700 East-West Highway, Hyattsville, Md. 20782.

National Institutes of Health: Associate Director, Environmental Health and Safety, Division of Research Sciences, Room 4051—Building 12A, 9000 Rockville Pike, Bethesda, Maryland 20014.

09–90–0023

SYSTEM NAME:

Departmental Parking Control Policy, HHS/OS/ASMB OFE.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Director, Office of Facilities Engineering, Room 4700 North Building, HHS/Office of the Secretary, 330 Independence Ave., S.W., Washington, D.C. 20201. Offices of Manager for Parking Control at HHS facilities where parking is provided.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All HHS employees as well as any carpool member utilizing DHHS parking facilities.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system includes the following information on all persons applying for a parking permit: Name, office room number, office phone number, agency, home address, and automobile license number.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

63 Stat. 377; 41 CFR 101–20.111.

PURPOSE(S):

To establish policy governing the acquisition and allocation of Federal parking facilities and the establishment and determination of charges to be paid for the use of such parking by Federal employees, contractor employees and other facility tenants.

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

Disclosure may be made to 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. In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly

affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

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

STORAGE:

Records are stored in binders in file cabinets.

At FDA Records are stored on magnetic tapes and discs.

RETRIEVABILITY:

Records are filed alphabetically. The purpose of the Departmental Parking Policy is to provide standards for apportionment and assignment of parking spaces on Department-managed and Department-controlled property and on property assigned to the Department by GSA or any other Agency and to allocate and check parking spaces assigned to government vehicles, visitors, handicapped personnel, key personnel, car-pools, and others.

SAFEGUARDS:

Access to and use of these records are limited to personnel whose official duties require such access at FDA Security Safeguards meet the requirements of Part 6, ADP System Security, of HHS's ADP System Manual A mini computer is maintained in a secured area with access limited to authorized personnel. Tapes and disc's are stored in locked cabinets.

RETENTION AND DISPOSAL:

Superseded policy materials are maintained by the Director, Office of Facilities Engineering of historical purposes; Records at other HHS locations are maintained until the Parking Control purpose has been met and the records are then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Facilities Engineering, Room 4700 North Building, HHS/Office of the Secretary, 330 Independence Avenue, S.W., Washington, D.C. 20201.

NOTIFICATION PROCEDURE:

Access to these records may be obtained by request in writing to: Office of Manager for Parking Control at HHS facility where the HHS parking is provided.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. [These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) **Federal Register**, October 8, 1975, page 47410.)

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) **Federal Register**, October 8, 1975, page 47411.)

RECORD SOURCE CATEGORIES:

Information in this system comes from reports from OS Staff OPDIVS and Regions, GSA-Federal Management circulars and Federal Property Management Regulations.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-90-0024

SYSTEM NAME:

Accounting records of Payments to Individuals from Agency and Regional Financial Management and Disbursing Offices. HHS OS ASMB 1.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

See appendix 1.

Memoranda copy of claims submitted for reimbursement of travel and other expenditures while on official business may also be maintained at the administrative office of the HHS employee.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons authorized to travel on official HHS business; persons awarded an HHS grant, contract or loan; persons authorized emergency salary advances; and consultants furnishing administrative and miscellaneous services.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, identification number, address, purpose of payment, accounting classification and amount paid.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Budget and Accounting Act of 1950 (P.L. 81-784).

PURPOSE(S):

These records are an integral part of the accounting systems at principal operating component, agency and regional office locations. The records are used to keep track of all payments to individuals, exclusive of salaries and wages, based upon prior entry into the systems of the official commitment and obligation of government funds. In the event of an overpayment to an individual, the record is used to establish a receivable record for recovery of the amount claimed. The records are also used internally to develop reports of taxable income on certain travel related payments to the Internal Revenue Service and to state and local taxing officials. Direct access to these records is restricted to authorized persons in performance of official duties. This is a Department-wide notice covering payments made from all locations listed in Appendix 1.

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

To the Treasury Department for check preparation; to members of Congress concerning a federal financial assistance program.

In the event the Department deems it desirable or necessary, in determining whether particular records are required to be disclosed under the Freedom of Information Act, disclosure may be made to the Department of Justice for the purpose of obtaining its advice.

A record from this system of records may be disclosed as a "routine use" to a federal, state or local agency maintaining civil, criminal or other relevant enforcement records or other pertinent records, such as current licenses, if necessary to obtain a record 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.

A record from this system of records may be disclosed 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 record is relevant and necessary to the

requesting agency's decision on the matter.

Where federal agencies having the power to subpoena other federal agencies' records, such as the Internal Revenue Service or the Civil Rights Commission, issue a subpoena to the Department for records in this system of records, the Department will make such records available.

Where a contract between a component of the Department and a labor organization recognized under E.O. 11491 provides that the agency will disclose personal records relevant to the organization's mission, records in this system of records may be disclosed to such organization.

Where the appropriate official of the Department, pursuant to the Department's Freedom of Information Regulation determines that it is in the public interest to disclose a record which is otherwise exempt from mandatory disclosure, disclosure may be made from this system of records.

In the event of litigation where the defendant is (a) the Department any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department of any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effect defense provided such disclosure is compatible with the purpose for which the records were collected. Disclosure may be made to a congressional office made from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

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

STORAGE:

Hard copy documents are manually filed at agency and regional office sites; and on disc pack and magnetic tape at central computer sites.

RETRIEVABILITY:

This varies according to the particular operating accounting system within the Agency and Regional Office. Usually the hard copy document is filed by name within accounting classification. Computer records may be indexed by social security number and voucher number. Intra-departmental uses and transfers concern the validation and certification for payment, and for HHS internal audits.

SAFEGUARDS:

Minimum safeguards to insure integrity of record, and that required to provide protection against loss by accident of carelessness.

RETENTION AND DISPOSAL:

Records are purged from automated files once the accounting purpose has been served; printed copy and manual documents are retained and disposed of in accord with General Accounting Office principles and standards.

SYSTEM MANAGER(S) AND ADDRESS:

See appendix 2.

NOTIFICATION PROCEDURE:

Inquiries are to be made, either in writing or in person, to the organizations listed under "Location" in appendix 1, with the exception of Food and Drug Administration contact:

FDA Privacy Coordinator (HF–50), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD. 20857.

Given name and social security number, purpose of payment (travel, grant, etc.) and, if possible, the agency accounting classification.

RECORD ACCESS PROCEDURE:

Same as notification procedures. Requesters should also reasonable specify the record contents being sought (These access procedures are in accordance with Department Regulations (45 CFR. Sections 5b.5(a)(2)) **Federal Register**, October 8, 1975, page 47410.).

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under notification procedures above, and reasonably indentity the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) **Federal Register**, October 8, 1975, page 47411.).

RECORD SOURCE CATEGORIES:

Travel vouchers submitted by the individual; grant, contract or loan award document; consultant invoice of services rendered; and application for travel advance.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

Appendix 1

Location

Payments to Individuals records are located at the following HHS Regional Offices:

Regional Office 01, John F. Kennedy Federal Bldg., Government Center, Boston, MA 02203.

Regional Office 02, 26 Federal Plaza, New York, NY 10007.

Regional Office 03, 3535 Market Street, P.O. Box 13716, Philadelphia, PA 19101.

Regional Office 04, 101 Marietta Tower, Atlanta, GA 30323.

Regional Office 05, 300 South Wacker Drive, Chicago, IL 60606.

Regional Office 06, 1200 Main Tower, Dallas, TX 75202.

Regional Office 07, Federal Office Bldg., 601 East 12th Street, Kansas City, MO 64106.

Regional Office 08, 19th & Stout Streets, Denver, CO 80294.

Regional Office 09, Federal Office Buildings, 50 United Nations Plaza, San Francisco, CA 94102.

Regional Office 010, Arcade Plaza Bldg., 1319 Second Avenue, Seattle, WA 98101.

Payments to Individuals records are located at the following HHS Agency Headquarters and Field Offices:

Office of the Secretary (to include Office of Human Resources records), Hubert H. Humphrey Bldg., 200 Independence Ave., SW., Div. of Accounting Operations, Washington, DC 20201.

Health Services Adm., Office of Fiscal Services, Parklawn Bldg., 5600 Fishers Lane, Rockville, MD 20852.

Health Services Adm., U.S. Public Health Service Hospital, 77 Warrent Street, Brighton, Boston, MA 02135.

Health Services Adm., U.S. Public Health Service Hospital, Bay and Vanderbilt Streets—Stapleton, Staten Island, NY 10304.

Health Services Adm., U.S. Public Health Service Hospital, 3100 Wyman Park Drive, Baltimore, MD 21211.

Health Services Adm., U.S. Public Health Service Hospital, 6500 Hamption Boulevard—Larchmont, Norfolk, VA 23508.

Health Services Adm., Addiction Research Center, Leestown Pike—Box 2000, Lexington, KY 40501.

Health Services Adm., U.S. Public Health Service Hospital, Carville, LA 70721.

Health Services Adm., U.S. Public Health Service Hospital, 210 State Street, New Orleans, LA 70118.

Health Services Adm., U.S. Public Health Service Hospital, 4400 45th Avenue, North Galveston, TX 77550.

Health Services Adm., PHS Indian Health Area Office, Federal Office Bldg. and U.S. Court House, 500 Gold Avenue SW., Albuquerque, NM 87101.

Health Services Adm., PHS Indian Health Area Office, 338 Post Office and Court House Bldg., Oklahoma City, OK 73102.

Health Services Adm., Aberdeen Area Office, Indian Health Service, Federal Bldg., Aberdeen, SD 57401.

Health Services Adm., 03 at 7th West Central Avenue, Post Office Box 2143, Billings, MT 59103.

Health Services Adm., U.S. Public Health Service Hospital, 15th Avenue and Lake Street, San Francisco, CA 94118.

Health Services Adm., PHS Indian Health Area Office, 801 East Indian School Road, Phoenix, AZ 85014.

Health Services Adm., U.S. Public Health Service Hospital, 1131 14th Avenue, South, Post Office Box 3145, Seattle, WA 98114.

Health Services Adm., Alaska Area Native Health Service, Post Office Box 7–741, Anchorage, AK 99510.

Public Health Service, Nat'l Institute for Occupational Safety and Health, CDC, 532 U.S. Post Office and Courthouse Bldg., Cincinnati, OH 45202.

Food and Drug Adm., HFA–120, 5600 Fishers Lane, Rockville, MD 20857.

Food and Drug Adm., 880 W. Peachtree St., NW., Atlanta, GA 30309.

Food and Drug Adm., 585 Commercial Street, Boston, MA 02109.

Food and Drug Adm., 599 Delaware Avenue, Buffalo, NY 14202.

Food and Drug Adm., Room 700—Federal Office Bldg., 850 3rd Avenue (at 30th Street), Brooklyn, NY 11232.

Food and Drug Adm., 20 Evergreen Pl., East Orange, NJ 07018.

Food and Drug Adm., Room 1204, U.S. Customhouse, 2nd and Chestnut Streets, Philadelphia, PA 19106.

Food and Drug Adm., 900 Madison Avenue, Baltimore, MD 21201.

Food and Drug Adm., P.O. Box S–4427, San Juan, P.R. 00905.

Food and Drug Adm., Room 1222, Main Post Office Bldg., 433 West Van Buren Street, Chicago, IL 60607.

Food and Drug Adm., 1560 East Jefferson Avenue, Detroit, MI 48207.

Food and Drug Adm., 1141 Central Parkway, Cincinnati, OH 45202.

Food and Drug Adm., 240 Hennepin Avenue, Minneapolis, MN 55401.

Food and Drug Adm., 3032 Bryan Street, Dallas, TX 75204.

Food and Drug Adm., Room 222, U.S. Customhouse Building, 423 Canal Street, New Orleans, LA 70130.

Food and Drug Adm., National Center for Toxicological Research, Jefferson, AR 72079.

Food and Drug Adm., 1009 Cherry Street, Kansas City, MO 64106.

Food and Drug Adm., Room 1002, U.S. Courthouse and Courthouse Building, 1114 Market Street, St. Louis, MO 63101.

Food and Drug Adm., Room 573, New Customhouse Building, 721 19th Street, Denver, CO 80202.

Food and Drug Adm., Room 518, Federal Office Building, 50 Fulton Street, San Francisco, CA 94102.

Food and Drug Adm., 1521 West Pico Boulevard, Los Angeles, CA 90015.

Food and Drug Adm., 5003 Federal Office Bldg., 909 First Avenue, Seattle, WA 98174.

National Institutes of Health, Operations Accounting Branch, Bldg. 31, Room B1B07, 9000 Rockville Pike, Bethesda, MD 20014.

National Institutes of Health, Rocky Mountain Laboratory, Hamilton, MT 59840.

National Institutes of Health, Public Health Hospital, 15th Avenue and Lake Street, San Francisco, CA 94118.

Alcohol, Drug Abuse, and Mental Health Administration, Saint Elizabeths Hospital, Finance Office, Administration Bldg., Washington, DC 20032.

Social Security Administration, Program and Fiscal Operations Offices, Post Office Box 47, Baltimore, MD 21203.

Social Security Administration, Bureau of Supplemental Security Income, 4–M–5 Annex Bldg., Baltimore, MD 21235.

Social Security Administration, Bureau of Disability Payments, 1506 Woodlawn Drive 1J2, Baltimore, MD 21241.

Social Security Administration, Northeastern Program Center, 9605 Horace Harding Expressway, Flushing, NY 11368.

Social Security Administration, Midatlantic Program Center, 401 North Broad Street, Philadelphia, PA 19108.

Social Security Administration, Southeastern Program Center, 225 Third Avenue North, Birmingham, AL 35285.

Social Security Administration, Great Lakes Program Center, 165 North Canal Street, Chicago, IL 60606.

Social Security Administration, MidAmerica Program Center, 601 East 12th Street, Kansas City, MO 64106.

Social Security Administration, Western Program Center, Post Office Box 100, San Francisco, CA 94101.

Health Care Financing Administration, Gwynn Oak Building, 1710 Gwynn Oak Avenue, Baltimore, MD 21235.

For Payments to Individuals records at the following central payments office for grants and contracts:

Office of the Secretary, Federal Assistance Financing Branch, Box 6021, Rockville, MD 20857.

Appendix 2

System Manager, Departmental principles and standards concerning the system of records are the responsibility of:

Department of Health, and Human Services, Assistant Secretary for Management and Budget.
Office of the Secretary, Room 510A, Humphrey Building, Washington, DC 20201.

Operational responsibilities are as follows: For Payments to Individual records at Departmental and Regional Office:

HHS, Office of Secretary and Regional Offices, Office of Secretary, Deputy Assistant Secretary, Finance, Room 70D1, Humphrey Building, Washington, DC 20201.

For payments to Individual records at Principal Operating Component Offices:

Health (HSA, CDC, FDA, NIH, ADAMHA, HRA, ASH)

Public Health Service, Director, Division of Financial, Management, Room 18–17, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857.

Social Security Administration, Director, Office of Financial Management, Room 840 Annex Social Bldg., Baltimore, MD 21235.

Office of Human Development, Services Director, Office of Management Services, Room 309D, HHH Building, 200 Independence Ave., S.W., Washington D.C. 20201

Health Care Financing, Administration Director, Office of Management and Budget, Room 4406, HHS North Building, 300 Independence Ave., S.W., Washington D.C. 20201.

09–90–00225

SYSTEM NAME:

Central Registry of Individuals Doing Business With HHS, HHS OS ASMB 2.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Division of Financial Operations and Fiscal Procedures, Room 739D1, Humphrey Building, 200 Independence Avenue, S.W. Washington, DC 20201.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who are the recipients of Federal Domestic Assistance Grants, or of contracts awarded by HHS.

CATEGORIES OF RECORDS IN THE SYSTEM:

An index of names, addresses and identification number (SSN) of the individual doing business with HHS. No other personally identifiable data are maintained. The index is termed public information since data relative to Federal Domestic Assistance and Contracts are public information.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301.

PURPOSE(S):

This registry is maintained to provide a standard code to uniquely identify entities, including individuals, together with mailing address and other characteristic data to all principal operating components, agencies, regional offices and staff offices of the Department. The use of a single code per entity in all Departmental data systems enhances communication with an entity, as well diminishing the need to maintain duplicative data and files at various locations. Major categories of entities in the central file are those awarded contracts and awarded grants under Federal Domestic Assistance programs. Only those persons in the Department

with a "need to know" have access to the published registry and to the automated records.

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

a. Disclosure may be made to 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.

b. In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

c. In the event the Department deems it desirable or necessary, in determining whether particular records are required to be disclosed under the Freedom of Information Act, disclosure may be made to the Department of Justice for the purpose of obtaining its advice.

d. A record from this system of records may be disclosed as a "routine use" to a federal, state or local agency maintaining civil, criminal or other relevant enforcement records or other pertinent records, such as current licenses, if necessary to obtain a record 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.

A record from this system of records may be disclosed 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 record is relevant and necessary to the requesting agency's decision on the matter.

e. Where federal agencies having the power to subpoena other federal agencies' records, such as the Internal Revenue Service or the Civil Rights Commission, issue a subpoena to the Department for records in this system of records, the Department will make such records available.

f. Where a contract between a component of the Department and a labor organization recognized under E.O. 11491 provides that the agency will disclose personal records relevant to the organization's mission records in this system of records may be disclosed to such organization.

g. Where the appropriate official of the department, pursuant to the Department's Freedom of Information Regulation determines that it is in the public interest to disclose a record which is otherwise exempt from mandatory disclosure, disclosure may be made from this system of records.

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

STORAGE:

Hard copy code booklets are manually field at agency and regional office sites; and on disc pack and magnetic tapes at central computer sites.

RETRIEVABILITY:

Record may be found in the Code Book by either name or social security number; record in the disc pack and on magnetic tape is indexed by social security number. The Code Book provides a listing of data processing numbers for grant, contract and financial transactions. These numbers are used to access the name and address of the individual in the Automated Library (Central Registry). The information is used for check preparation, reports, mailings, etc.

SAFEGUARDS:

Minimum safeguards to insure integrity of records, and that required to provide protection against loss by accident or carelessness.

RETENTION AND DISPOSAL:

Records are purged from the automated file each two years; only persons actively dealing with HHS remain on file. Code Books are replaced each year. Inactive books are destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Assistant Secretary, Finance, Department of HHS, Office of the Secretary, Room 705D1, Humphrey Building, 330 Independence Avenue, S.W., Washington, D.C. 20201.

NOTIFICATION PROCEDURE:

Inquiries are to be made, either in writing or in person, to the organization listed under "location". Give name and social security number.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) **Federal Register**, October 8, 1975, page 47410.)

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under System Location, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) **Federal Register**, October 8, 1975, page 47411.)

RECORD SOURCE CATEGORIES:

Grant and Contract documents. Names, social security numbers and addresses are provided by the individual when applying for a grant or contract from the Department.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

Office of the Inspector General (OIG)

09-90-003

SYSTEM NAME:

Investigative Files of the Inspector General HHS/OS/OIG.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Office of the Inspector General, DHHS Room 5246 North Bldg., 330 Independence Ave., SW., Washington, D.C. 20201.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees, former employees, grantees, contractors, sub-contractors, carriers, State agencies, State employees providers and recipients under DHHS programs, providers and recipients under State programs funded by the Department and others doing business with the Department.

CATEGORIES OF RECORDS IN THE SYSTEM:

Criminal Investigation Files Authority for maintenance of the system: 28 U.S.C. 535(b), 18 U.S.C.; P.L. 94-505, Oct. 15, 1976.

PURPOSE(S):

Pursuant to P.L. 94-505, this system is maintained for the purposes of

conducting and documenting investigations conducted by OIG or other investigative agencies regarding DHHS programs and operations, documenting the outcome of OIG reviews of allegations and complaints received concerning DHHS programs operations, aiding in prosecutions brought against the subjects of OIG investigations, maintaining a record of the activities which were the subject of investigations, reporting the results of investigations to other Departmental components for their use in operating and evaluating their programs and in imposition of civil or administration sanctions, and acting as a repository and source for information necessary to fulfill the reporting requirements of 42 U.S.C. 3524.

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

a. In the event that this system of records, maintained by this Agency to carry out its functions, indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether federal, 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 where such responsibility rests outside of OIG.

b. In the event the Department deems it desirable or necessary, in determining whether particular records are required to be disclosed under the Freedom of Information Act, disclosure may be made to the Department of Justice for the purpose of obtaining its advice.

c. A record from this system of records may be disclosed as a "routine use" to a federal, state or local agency maintaining civil, criminal or other relevant enforcement records or other pertinent records, such as current licenses, if necessary to obtain a record 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.

d. A record from this system of records may be disclosed 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 record is relevant and necessary to the requesting agency's decision on the matter.

e. In the event that this system of records, maintained by this agency to carry out its function, indicates 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, the relevant records in the system of records may be referred, as a routine use to the appropriate agency, whether state or local, charged with the responsibility of investigating or prosecuting the statute, or rule regulation or order issued pursuant thereto where such responsibility rests outside OIG.

f. Where federal agencies having the power to subpoena other federal agencies' records, such as the Internal Revenue Service or the Civil Rights Commission, issue a subpoena to the Department for records in this system of records, the Department will make such records available.

g. Where the appropriate official of the Department, pursuant to the Department's Freedom of Information Regulation determines that is in the public interest to disclose a record which is otherwise exempt from mandatory disclosure, disclosure may be made from this system of records.

h. When the Department contemplates that it will contract with a private firm for the purpose of collating, analyzing,
aggregating or otherwise refining records will be disclosed to such a contractor. The contractor shall be required to maintain Privacy Act safeguards with respect to such records.

i. Disclosures may be made to organizations deemed qualified by the Secretary to carry out quality assessment.

j. There may also be disclosures in the course of employee discipline or competence determination proceedings.

k. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of the individual.

l. In event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

m. A record from this system of records may be disclosed as a "routine use" to a Federal, State, or local agency maintaining pertinent records, if necessary to obtain a record relevant to a Department 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.

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

STORAGE:

The records, which take the form of index cards, investigative reports, computer disc files, and computer printed listings are maintained under secure conditions. Written documents are maintained in security type safes or lock bar file cabinets with manipulation proof combination locks. Computer disc files are on-line in guarded man-trapped dual door combination locked computer rooms.

RETRIEVABILITY:

The records are retrieved by manual or computer search of alphabetical indices or cross-indices. Indices list names of individuals, companies and organizations.

SAFEGUARDS:

Direct access is restricted to authorized staff members of the Office of Inspector General. Access within DHHS is limited to the Secretary, Under-Secretary, Inspector General and other officials and employees on a need-to-know basis. Intra-agency transfers are made in accordance with the statement of Organization, Functions and Delegations of Authority as set out in a notice concerning the Office of Inspector General (42 FR 17531, April 1, 1977). All computer files and printed listings are safeguarded in accordance with the provisions of the National Bureau of Standards Federal Information Processing Standards 41 and 31, and the HHS, ADP Systems Manual, Part 6, "ADP Systems Security" All computer discs are password

protected, prohibiting unauthorized access.

RETENTION AND DISPOSAL:

Investigative files are retained for 5 years after completion of the investigation and/or actions based thereon. Index and cross-reference cards are retained permanently. In instances of computer matching of files, only those records which meet predetermined criteria for investigation are maintained. All records which do not meet these criteria are destroyed. All original source computer tapes are returned or destroyed once computer matching has been accomplished.

SYSTEM MANAGER(S) AND ADDRESS:

Inspector General/Deputy Inspector General, Room 5262, North Building, U.S. Department of Health And Human Services, 330 Independence Avenue, SW. Washington, D.C. 20201.

NOTIFICATION PROCEDURE:

Exempt, however consideration will be given requests addressed to the system manager. For general inquiries include the name and date of birth of the individual.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.)

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under system manager(s) and address above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.)

RECORD SOURCE CATEGORIES:

Departmental and other federal, state, and local government records; interviewers of witnesses; documents and other material furnished by nongovernment sources. Sources may include confidential sources.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

General exemption (j)(2), this system was formerly know as the Investigatory Materials compiled for Law Enforcement Purposes system. Pursuant to 45 CFR 5b.11, (b)(2)(i)(b), 40 FR 47413 (Oct 8, 1975) this system is exempt from the following subsections of the Act (c)(3), (d)(1)–(4), (e)(3), and (e)(4)(G)(h).

09–90–0078

SYSTEM NAME:

SSI/OPM Temporary Matching File, HHS/OS/OIG

SECURITY CLASSIFICATION:

None

SYSTEM LOCATION:

Office of the Inspector General DHHS, Room 2111, SSA Annex, Baltimore, Md. 21235.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All Federal employees covered under Office of Personnel Management Central Personnel Data File (CPDR) who are also included in the Supplementary Security Income (SSI) file of the Social Security Administration.

CATEGORIES OF RECORDS IN THE SYSTEM:

Office of Personnel Management Central Personnel Data File extract including name of employee, date of birth, Social Security Number, work status, pay grade and duty station, and Supplementary Security Income Record File data including names, Social Security Number, address, SSI application data, disability data, income and resource data and payment data used in the administration of the SSI program.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Pub. L. 94–505

PURPOSE:

This system of records is maintained to facilitate the comparison of records to identify those Federal employees who may also be receiving SSI benefits concurrently. This is in accordance with the statutory requirement in Pub. L. 94–505 that the Inspector General prevent and detect fraud and abuse in the Department's programs.

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

In the event that a system of records maintained by this agency to carry out its functions indicates 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, the relevant, records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, or foreign, charged with the responsibility of investigating or prosecuting such violation or 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.

A record from this system of records may be disclosed as a "routine use" to a Federal, State or local agency maintaining civil, criminal or other relevant enforcement records or other pertinent records, such as current licenses, if necessary to obtain a record 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.

A record from this system of records may be disclosed 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 record is relevant and necessary to the requesting agency's decision on the matter.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of the individual.

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

A record from this system may be disclosed as a "routine use" to a Federal, State or local agency maintaining pertinent records if necessary to obtain a record relevant to a Department decision concering the determination of initial or continuing eligibility for program benefits.

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

STORAGE:

The records are stored on computer tape files and computer printed listings.

RETRIEVABILITY:

The records are retrieved by computer using Social Security Number as the principal matching criterion. We disclose the records within the Department to the Social Security Administation for investigation and redetermination of SSI benefits.

SAFEGUARDS:

Direct access is restricted to authorized staff members of the Office of the Inspector General. Access within HHS is limited to those employees who are directly involved in the matching program on a need-to-know basis. Computer files and printed listing are maintained in security type safes or lock bar file cabinets. They are safeguarded in accordance with the provisions of the National Bureau of Standards Federal Information Processing Standards 41 and 31, and the HHS Information Processing Standards, HHS ADP System Manual Part 6, "ADP Systems Security." All computer tapes are password protected prohibiting unauthorized access.

RETENTION AND DISPOSAL:

In instances of computer matching of files, only those records which meet predetermined criteria are maintained. All records which do not meet these criteria are destroyed. All original source computer tapes will be returned within 60 days. All records obtained as a result of the matching program will be degaussed as soon as possible within 6 months except for those records which are necessary to the completion of pending law enforcement activities or administrative activities of the matching program. Paper listings will be either shredded or burned.

SYSTEM MANAGER(S) AND ADDRESS:

Inspector General/Deputy Inspector General, Room 5262, North Building, U.S. Department of Health and Human Services, 330 Independence Avenue SW., Washington, D.C. 20201.

NOTIFICATION PROCEDURE:

Contact: Privacy Act Coordinator, Department of Health and Human Services, Office of the Inspector General, Room 5267, North Building, 330 Independence Avenue SW., Washington, D.C. 20201.

RECORD ACCESS PROCEDURES:

Same as notification procedure. Requestors should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulation (45 CFR, Section 5b.5(a)(2)).

CONTESTING RECORD PROCEDURE:

Contact the official at the address specified under notification procedure above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7)).

RECORD SOURCE CATEGORIES:

Records are furnished from the Central Personnel Data File (CPDF) maintained by the U.S. Office of Personnel Management and from the Supplemental Security Income Record (SSR) maintained by the Social Security Administration, Department of Health and Human Services.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

09-90-0079

SYSTEM NAME:

Welfare Fraud Detection File, HHS/OS/OIG.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

At headquarters and regional offices of the OIG Audit Agency, Department of Health and Human Services. See Appendix.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Recipients of the Aid to Families with Department Children (AFDC) program.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system consists of the AFDC recipient records maintained by the State Welfare Agencies. Records contain information on those individuals receiving AFDC payments for themselves or as a payee for dependent children under their guardianship. Records contain information on name, address, date of birth, social security number, sex, names of dependent children, their dates of birth and sex, and monthly grant amount.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

P.L. 94-505, October 15, 1976.

PURPOSE(S):

This system of records is maintained to facilitate the development of a multiple fraud detection program for the Aid to Families with Dependent Children (AFDC) Program. The program has as its major function the identification of cases which through misrepresentation are on the welfare rolls illegally.

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

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of the individual.

The record from this system may be disclosed as a "routine use" to a Federal, State, or local agency maintaining pertinent records if necessary to obtain a record relevant to a Department decision concerning the determination of initial or continuing eligibility for program benefits.

In the event that a system of records maintained by this agency to carry out its function indicates 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, the relevant records in the system of records may be referred, as a routine use to the appropriate agency, whether state or local 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.

A record from this system of records may be disclosed as a "routine use" to a federal, state or local agency maintaining civil, criminal or other relevant enforcement records or other pertinent records, such as current

licenses, if necessary to obtain a record 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.

A record from this system of records may be disclosed 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 record is relevant and necessary to the requesting agency's decision on the matter.

In the event the Department deems it desirable or necessary, in determining whether particular records are required to be disclosed under the Freedom of Information Act, disclosure may be made to the Department of Justice for the purpose of obtaining its advice.

Where federal agencies having the power to subpoena other federal agencies' records, such as the Internal Revenue Service or the Civil Rights Commission, issue a subpoena to the Department for records in this system of records, the Department will make such records available.

Where the appropriate offical of the Department, pursuant to the Department's Freedom of Information Regulation determines that is in the public interest to disclose a record which is otherwise exempt from mandatory disclosure, disclosure may be made from this system of records.

When the Department contemplates that it will contract with a private firm for the purpose of collating, analyzing, aggregating or otherwise refining records in this system, relevant records will be disclosed to such a contractor. The contractor shall be required to maintain Privacy Act safeguards with respect to such records.

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

STORAGE:

The records are stored on computer tape files and computer printed listings.

RETRIEVABILITY:

The records in this system are retrieved by computer and manually using name or social security number.

SAFEGUARDS:

Access to and use of these records is restricted to those personnel having a legitimate need for the information including HHS Office of the Inspector General personnel and other relevant Departmental and State personnel. Access will be provided outside of the Office of the Inspector General only in those instances where additional information is needed from another agency (e.g., the Social Security Administration or the State Welfare Agency) or where referrals for investigation are warranted. All computer files and printed listings are safeguarded in accordance with the provisions of the National Bureau of Standards Federal Information Processing Standards 41 and 31, and the HHS Information Processing Standards, HHS ADP Systems Manual, Part 6, "ADP Systems Security." All computer tapes are password protected prohibiting unauthorized access. Once the program is completed, all computer tapes will be returned to their source, erased or degaussed, and printed listings destroyed.

RETENTION AND DISPOSAL:

Records will be updated periodically and source computer tapes will be either returned to the States or destroyed. All computer work tapes will be erased or degaussed, and printed listings destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Inspector General/Deputy Inspector General, Room 5262, North Building, U.S. Department of Health, and Human Services, 330 Independence Avenue, S.W., Washington, D.C. 20201.

NOTIFICATION PROCEDURE:

Individuals wishing to inquire whether this system of records contains information about them should address their inquiries providing their name and social security number to: Privacy Act Coordinator, Office of Inspector General, Department of Health, and Human Services, Room 5267, North Building, 330 Independence Avenue, S.W., Washington, D.C. 20201.

RECORD ACCESS PROCEDURES:

Same as notification procedure. Requestors should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulation (45 CFR Section 5b.5(a)(2)).)

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under notification procedure above, and reasonably indentify the record and specify the information to be contested. These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7).

RECORD SOURCE CATEGORIES:

State Welfare Agencies which maintain files of AFDC program recipients.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

Appendix

OIG Audit Agency, Room 5739, North Building, U.S. Department of Health, Education, and Welfare, 330 Independence Avenue, S.W., Washington, D.C. 20201.

Region I

OIG Audit Agency, Bulfinch Building, 15 New Chardon Street, Boston, Massachusetts 02114.

Region II

OIG Audit Agency, Federal Building, 26 Federal Plaza, New York, New York 10007.

Region III

OIG Audit Agency, 3535 Market Street, Gateway Building, Room 6100, Philadelphia, Pennsylvania 19101.

Region IV

OIG Audit Agency, 101 Marietta Tower, Suite 1402, Atlanta, Georgia 30323.

Region V

OIG Audit Agency, 300 South Wacker Drive, Chicago, Illinois 60606.

Region VI:

OIG Audit Agency, 1100 Commerce Street, Room 4–E10, Dallas, Texas 75242.

Region VII:

OIG Audit Agency, 601 East 12th Street, Kansas City, Missouri 64106.

Region VIII:

OIG Audit Agency, 1185 Federal Building, 1961 Stout Street, Denver, Colorado 80294.

Region IX:

OIG Audit Agency, Federal Office Building, Room 171, 50 United Nations Plaza, San Francisco, California 94102.

Region X:

OIG Audit Agency, Arcade Plaza Building, Room 6087, 1321 Second Avenue, Seattle, Washington 98101.

Office of the Assistant Secretary for Legislation (OASL)

09–90–0027

SYSTEM NAME:

Congressional Correspondence Unit, HHS/OS/ASL

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Room 435G Humphrey Building, 200 Independence Avenue, SW., Washington, D.C. 20201

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Members of Congress indexed by name

CATEGORIES OF RECORDS IN THE SYSTEM:

Control information recording, direct inquiries and referrals of constituents' inquiries from Members of Congress, and responses to those inquiries, regarding the Department's activities, including, but not necessarily limited to: a. general program activities of the Department; b. individual case problems of named persons, families or institutions; c. employment or appointment interests. Control slips identifying the correspondent, the constituent on whose behalf the inquiry is made, the constituent's social security number if inquiry relates to a social security case, and a summary of the subject matter of the inquiry.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301.

PURPOSE(S):

To provide response to inquiries from a member of Congress made on behalf of a constituent regarding the Department's activities, including, but not limited to general program activities of the Department.

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

Inquiries which do not pertain to HHS, but fall under the jurisdiction of another Federal Agency, are transferred to that Agency with a request that a direct response be provided to the correspondent. Disclosure may be made to 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. In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense provided such disclosure is compatible with the purpose for which the records were collected.

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

STORAGE RECORDS:

Maintained on magnetic (floppy) disks.

RETRIEVABILITY:

Records are indexed alphabetically by name of the Members of Congress. Inquiries are forwarded to the HHS Agency which has jurisdiction over the subject matter for preparation of a response.

SAFEGUARDS:

Records are kept in office with access limited to those whose official duties require access.

RETENTION AND DISPOSAL:

Records are reviewed biannually, and maintained for two years.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Congressional Liaison Office, Office of the Assistant Secretary for Legislation, Room 417 H Humphrey Bldg, 200 Independence Avenue, SW. Washington, D.C. 20201.

NOTIFICATION PROCEDURE:

System Manager; address same as above. The name of the person who corresponded with the Department with reference to the constituent and the approximate date of that correspondence must be provided.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) **Federal Register**, October 8, 1975, page 47410.)

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) **Federal Register**, October 8, 1975, page 47411.)

RECORED SOURCE CATEGORIES:

The information in CCU files is provided by the correspondent and by the agency which prepares the final response.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-90-0072

SYSTEM NAME:

Congressional Grants Notification Unit. HHS/OS/ASL

SECURITY CLASSIFICATIONS:

None.

SYSTEM LOCATIONS:

Room 417 H Humphrey Building, 200 Independence Avenue, S.W., Washington, D.C. 20201

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Members of Congress.

CATEGORIES OF RECORDS IN THE SYSTEM:

Notification form of grants or contract awards made by HHS. The form contains the name and address of the project director, the purpose of the grant or contract, and the HHS program involved.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301.

PURPOSES(S):

To provide timely notification to members of Congress of HHS grants and contract awards being made in their Districts.

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

Disclosure may be made to 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. In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity, (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

POLICIES AND PRACTICES FOR STORAGE, RECEIVING ACCESSING RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper files are maintained in standard file cabinets.

RETRIEVABILITY:

Files are indexed by States Congressional Districts with the name of the Congressional Representative of that District on the file. Records are retrieved by name. The staff uses this system for the following purposes: 1) To answer questions in the short term about amounts of HHS grant funds going into areas of the country according to congressional districts. 2) To verify that actual notification to members offices of awards has been made.

SAFEGUARDS:

These records are public information and available on request.

RETENTION AND DISPOSAL:

Grant notification files are discarded after two calendar years.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Congressional Liaison, Office of the Assistant Secretary for Legislation, Room 417 H HHH Bldg., 200 Independence Avenue, S.W., Washington, D.C. 20201.

NOTIFICATION PROCEDURE:

Same as above. The Congressional District or name of the Congressional Representative of that district and the approximate date of the award must be provided.

RECORD ACCESS PROCEDURES:

Address same as above.

CONTESTING RECORD PROCEDURES:

Address same as above.

RECORD SOURCE CATEGORIES:

Agencies within the Department making the grant/contract awards.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

Office of the Assistant Secretary for Public Affairs (OASPA)

09-90-0028

SYSTEM NAME:

Biographies and Photographs of HHS Officials HHS OS/ASPA.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Office of the Assistant Secretary for Public Affairs, News Division, Room 638E, Humphrey Building, 200 Independence Avenue, S.W., Washington, D.C. 20201 (see Appendix 1 following)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

HHS employees in key management and technical positions, such as the Secretary, Under Secretary, Assistant Secretaries, Deputy Assistant Secretaries, Commissioners, Regional Directors, Deputy Regional Directors, Agency Heads, Unit Managers.

CATEGORIES OF RECORDS IN THE SYSTEM:

Biographical files consist of approved, printed personal and professional résumés and standard portrait pictures and biographical and professional questionnaires providing name, title, office location, telephone number, date of appointment to HHS, home address, home telephone, date of birth, place of birth, marital status, spouse's name, children's names, children's date of birth, education, military service, professional career data, professional affiliations, publications and articles authored, awards, citations, prizes and honors received, civic, social and fraternal associations, outside interests, such as hobbies, sports, recreation.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM: 5 U.S.C. 301.

PURPOSE(S)

These records are maintained and made available to staff of the Department who have a need for Photographs or background information on top officials of HHS.

ROUTINE USES OF RECORD MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF EACH USES:

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request to that individual. In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense provided such disclosure is compatible with the purpose for which the records were collected.

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

STORAGE:

Records are maintained in individual and combined files and stored in standard five-drawer file cabinets in offices listed under System Location.

RETRIEVABILITY:

Records are indexed by the name in alphabetical order, of those in higher management and technical positions with the remainder combined in a 'miscellaneous' folder or folders. These records are made available to staff of the Department who have a need for photos of background information on these officials.

SAFEGUARDS:

Files are maintained in the offices of Public Affairs and requests are honored 'on a need to know' basis only.

RETENTION AND DISPOSAL:

Records are periodically updated as circumstances warrant relative to promotions, reassignment, resignations, death.

Same as in Location above and Appendix 1.

Contact System Managers in areas where individual is employed. Addresses same as above with the exception of Food and Drug Administration, contact: FDA Privacy Coordinator (HF-50), Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20857.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) **Federal Register**, October 8, 1975, page 47410.)

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) **Federal Register**, October 8, 1975, page 47411.)

RECORD SOURCE CATEGORIES:

Information contained in the biographies comes from the individuals whose biographies they form and from

other material furnished by agency public information offices. The biographies are cleared with the individuals whose biography they represent prior to release to the public and the news media.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

Appendix 1

Public Affairs Officer, Alcohol, Drug Abuse, and Mental Health Administration, Room 60–15, 5600 Fishers Lane, Rockville, Maryland 20857.

Public Affairs Officer, Center for Disease Control, Room 2067, Building 1, 1600 Clifton Road, Atlanta, Georgia 30333.

Public Affairs Officer, Food and Drug Administration, Room 15B42, 5600 Fishers Lane, Rockville, Maryland 20857.

Public Affairs Officer, Health Resources Administration, Room 1030, Center Building, 3700 East-West Highway, Rockville, Maryland 20782.

Public Affairs Officer, Health Services Administration, Room 14A55, 5600 Fishers Lane, Rockville, Maryland 20857.

Public Affairs Officer, National Institutes of Health, Room 309, Building 01, 9000 Rockville Pike, Bethesda, Maryland.

Public Affairs Officer, Health Care Financing Administration, Room 313–H, Humphrey Building, 200 Independence Ave. S.W., Washington, D.C. 20201.

Director, Public Health Services, Office of Public Affairs, Room 740G, HHH Bldg., 200 Independence Ave., S.W., Washington, D.C. 20201.

Public Affairs Officer, Social Security Administration, Rm 4200 West High Rise, 6401 Security Boulevard, Baltimore, Maryland 21235.

Public Affairs Officer, Department of Health and Human Services, John F. Kennedy Federal Building, Government Center, Boston, Massachusetts 02203.

Public Affairs Officer, Department of Health and Human Services, Federal Building, 26 Federal Plaza, New York, New York 10007.

Public Affairs Officer, Department of Health and Human Services, 3535 Market Street, Philadelphia, Pennsylvania 19101.

Public Affairs Officer, Department of Health and Human Services, 101 Marietta Towers, Suite 1403, Atlanta, Georgia 30323.

Public Affairs Officer, Department of Health and Human Services, 300 South Wacker Drive, 35th Floor, Chicago, Illinois 60606.

Public Affairs Officer, Department of Health and Human Services, 1200 Main Tower Building, 11th Floor, Dallas, Texas 75202.

Public Affairs Officer, Department of Health and Human Services, 601 East 12th Street, Kansas City, Missouri 64106.

Public Affairs Officer, Department of Health and Human Services, 19th and Stout Sts., RM10006, Fed Ofc. Bldg., Denver, Colorado 80294.

Public Affairs Officer, Department of Health and Human Services, Federal Office Building, 50 United Nations Plaza, San Francisco, California 94102.

Public Affairs Officer, Department of Health and Human Services, Arcade Plaza, 1321 Second Avenue, Seattle, Washington 98101.

09–90–0058

SYSTEM NAME:

Freedom of Information Case file and Coorespondence Control Index, HHS OS–ASPA–FOIA.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Room 118F Humphrey Building, 200 Independence Avenue SW., Washington, D.C. 20201 (See Appendix 1 following).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals or organizations requesting access to inspect and/or copy records of the department under provisions of the Freedom of Information Act.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, address, and other individually identifying information about the requestor and the records sought.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Freedom of Information Act. P.L. 93–402 (5 U.S.C. 552) HHS Public Information Regulation (45 CFR. 5).

PURPOSE(S):

Records are used by Freedom of Information staff involved in correspondence and investigative processes, including appeals officials and members of the Office of General Counsel.

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

In the event the Department deems it desirable or necessary, in determining whether particular records are required to be disclosed under the Freedom of Information Act, disclosure may be made to the Department of Justice for the purpose of obtaining its advice.

Where the appropriate official of the Department, pursuant to the Department's Freedom of Information Regulation determines that it is in the public interest to dislose a record which is otherwise exempt from mandatory disclosure, disclosure may be made from this system of records.

The Department contemplates that it will contract with a private firm for the purpose of collating, analyzing, aggregating or otherwise refining records in this system. Relevant records will be disclosed to such a contractor. The contractor shall be required to maintain Privacy Act safeguards with respect to such records.

Disclosure may be made to 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. In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

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

STORAGE:

Original or copy of incoming request and written response maintained in case file jackets and corresponding control log.

RETRIEVABILITY:

For the most part records are indexed by name of individual requestor. Records are available to FOI staff involved in correspondence and investigative processes, including appeals officials and members of the Office of General Counsel.

SAFEGUARDS:

Records are maintained in Conserva-File cabinets in the offices of the Freedom of Information Officers and public affairs officers throughout the Department with limited access.

RETENTION AND DISPOSAL:

Individual case files are maintained for two years and the disposed of.

SYSTEM MANAGER(S) AND ADDRESS:

Freedom of Information Officer, PA Room 118F, Humphrey Building, 200 Independence Avenue SW., Washington, D.C. 20201 (See Appendix I following).

NOTIFICATION PROCEDURE:

System Managers. Addresses same as above with the exception of Food and Drug Administration, contact: FDA Privacy Coordinator (HF–50), Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20857.

RECORD ACCESS PROCEDURE:

Access to these records may be obtained by request in writing or in person to FOI Officer and public affairs officers throughout the Department, addresses same as above.

CONTESTING RECORD PROCEDURES:

Same as above.

RECORD SOURCE CATEGORIES:

Individuals and organizations making requests under the Freedom of Information Act or from components of the Department reporting on the handling of such requests for inclusion in the annual report to Congress.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

Appendix I

Public Affairs Officer, Alcohol, Drug Abuse, and Mental Health Administration, Room 6C–15, 5600 Fishers Lane, Rockville, Maryland 20857.

Public Affairs Officer, Center for Disease Control Room 2067, Building B 1600 Clifton Road, Atlanta, Georgia 30333.

Public Affairs Officer, Food and Drug Administration, Rm 15B42, 5600 Fishers Lane, Rockville, Maryland 20857.

Public Affairs Officer, Health Resources Administration, Room 1030, Center Building 3700 East-West Highway, Rockville, Maryland 20782.

Public Affairs Officer, Health Services Administration, Room 14A55, 5600 Fishers Lane, Rockville, Maryland 20857.

Public Affairs Officer, National Institutes of Health, Room 309, Building 01, 9000 Rockville Pike, Bethesda, Maryland 20014.

Public Affairs Officer, Health Care Financing Administration, Room 5221, Mary E. Switzer Building, 330 C Street, S.W., Washington, D.C. 20201.

Director, Public Health Services, Office of Public Affairs, 740G HHH Bldg., 200 Independence Ave. Washington, D.C. 20201.

Public Affairs Officer, Social Security Administration, Rm 4200, West High Rise, 6401 Security Boulevard, Baltimore, Maryland 21235.

Public Affairs Officer, Department of Health and Human Services, John F. Kennedy Federal Building, Government Center, Boston, Massachusetts 02203.

Public Affairs Officer, Department of Health and Human Services, Federal Building, 26 Federal Plaza, New York, New York 10007.

Public Affairs Officer, Department of Health and Human Services, 3535 Market Street, Philadelphia, Pennsylvania 19101.

Public Affairs Officer, Department of Health and Human Services, 101 Marietta Tower, Suite 1403, Atlanta, Georgia 30323.

Public Affairs Officer, Department of Health and Human Services, 300 South Wacker Drive, 35th Floor, Chicago, Illinois 60606.

Public Affairs Officer, Department of Health and Human Services, 1200 Main Tower Building, 11th Floor, Dallas, Texas 75202.

Public Affairs Officer, Department of Health and Human Services, 601 East 12th Street, Kansas City, Missouri 64106.

Public Affairs Officer, Department of Health and Human Services, 19th and Stout Sts, Rm. 10006 Fed. Ofc. Bldg., Denver, Colorado 80202.

Public Affairs Officer, Department of Health and Human Services, Federal Office Building, 50 United Nations Plaza, San Francisco, California 94102.

Public Affairs Officer, Department of Health and Human Services, Arcade Plaza, 1321 Second Avenue, Seattle, Washington 98101.

09–90–0085

SYSTEM NAME:

Demonstration Project: Applications for Assistance in Order to Comment on Proposed Regulations (HHS/OS/OASPA).

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Office of the Assistant Secretary for Public Affairs, Room 635D, Department of Health and Human Services, 200 Independence Avenue, S.W., Washington, D.C. 20201.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

The system includes records of individuals who have applied for assistance to comment on proposed regulations.

CATEGORIES OF RECORDS IN THE SYSTEM:

The records include information needed by the Department to evaluate and act on applications for assistance to comment on proposed regulations. The information includes name, address, telephone number, organization (if applicant represents a group), issues important to the applicant, information to be supplied in applicant's comment, income of individual, number of individual's dependents, additional financial information supplied by individual, information concerning cost of providing comments on regulation.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

The system of records is authorized by Executive Order 12044 on Improving Government Regulations and Executive Order 12160 on Providing for Enhancement and Coordination of Federal Consumer Programs.

PURPOSE(S):

The records in the system must be maintained to evaluate applications for assistance, to notify applicants of the Department's decision, to provide assistance to successful applicants, and to conduct evaluations of the demonstration project. System records are disclosed to members of the Evaluation Board and other Department employees as necessary to perform these and other functions in the demonstration project.

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

To the Treasury Department in order to reimburse costs of successful applicants.

To the Special Assistant to the President for Consumer Affairs for coordination of Executive Branch consumer affairs activities.

To a congressional office from the record of an individual in response to an inquiry made at the request of that individual.

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

STORAGE:

Applications and related records are maintained in file folders.

RETRIEVABILITY:

Records are indexed and retrieved by the name of the applicant.

SAFEGUARDS:

Records are maintained in locked filing cabinets. Only individuals who perform functions necessary to conduct the demonstration project have access to system records.

RETENTION AND DISPOSAL:

Records are maintained for one year following the end of the demonstration project and then are destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Special Assistant to the Secretary for Consumer Affairs, Room 635D, Department of Health and Human Services, 200 Independence Avenue, SW., Washington, D.C. 20201.

NOTIFICATION PROCEDURE:

An individual should contact the System Manager at the address above and provide his or her name and address to find out whether the system contains his or her record. If access to the record is desired, the individual is encouraged to request access at the same time he or she requests notification of whether the system contains his or her record. The individual should also include his or her name and address for purposes of obtaining access.

RECORD ACCESS PROCEDURES:

See NOTIFICATION PROCEDURE above; the request for access should reasonably identify the records the individual wants to see.

CONTESTING RECORD PROCEDURES:

An individual should contact the System Manager at the address above if he or she wants to amend a system record because the record is not accurate, relevant, timely, or complete. The request for amendment should reasonably identify the records, specify the information to be amended, and describe the correction or amendment to be made.

RECORD SOURCE CATEGORIES:

Information in system records is obtained primarily from the individual applying for assistance. Additional information may be obtained from Department employees familiar with the applicant.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

Executive Secretariat (ES)

09-90-0037

SYSTEM NAME:

Secretariat Correspondence Control System, HHS/OS/ES

SECURITY CLASSIFICATION:

Security Classification: None.

SYSTEM LOCATION:

Room 602C, Humphrey Bldg., 200 Independence Avenue SW., Washington, D.C. 20201.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have contacted the Secretary, the Under Secretary, or other HHS officials, or who have been contacted in writing to them.

CATEGORIES OF RECORDS IN THE SYSTEM:

Control informatin from the Secretary's, Under Secretary's, or other HHS officials' correspondence to include a subject narrative, organization drafting the response, and type of action required from the Department. This information is contained on hardcopy printouts, computer magnetic tape, and computer disk units.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301.

PURPOSE(S):

To provide for the Secretary, the Assistant Secretaries, and the Operating Divisions the capability to control, track and update document records as the documents are processed within the Department.

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

Disclosure may be made to 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. In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her offical capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense provided such disclosure is compatible with the purpose for which the records were collected.

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

STORAGE:

Records are maintained as follows: hardcopy printouts are stored in standard file cabinets in a locked area; computer records are stored on either magnetic tape resident in a computer tape library, or, an on-line computer disk unit at the operational computer site."

RETRIEVABILITY:

Records are indexed chronologically by date of correspondence and also by name, subject and numerical control number. Records are available to staff responsible for preparation of responses to inquiries and to the staff of the Executive Secretariat(s). Records are used for control and reference purposes in staffing out issues and correspondence of concern to the Secretary, the Under Secretary, or principal operating component/staff office heads.

SAFEGUARDS:

Direct access is limited to the staff of the Executive Secretariat and OP DIV. staff control personnel to both hardcopy and computer resident records. Access is limited during non-working hours to the hardcopy records to these individuals with keys to both the file cabinets and rooms where the records are stored. Remote computer terminal locations are protected with individual user identification numbers and passwords to the computer system. Where possible, computer terminal locations are locked during non-working hours.

RETENTION AND DISPOSAL:

Hard Copy records are retired to the National Archives after three years. Control records are maintained indefinitely. Computer records are purged after correspondence is finalized to a history file.

SYSTEM MANAGER(S) AND ADDRESS:

Executive Secretary to the Department, Room 636G, Humphrey Bldg. 200 Independence Avenue, S.W. Washington, D.C. 20201

NOTIFICATION PROCEDURE:

Inquiries should be addressed to the System Manager. The inquirer should indicate the individual with whom the Secretary, Under Secretary, or OP DIV. staff office head corresponded, the date of the incoming correspondence and the date of the outgoing correspondence from the Secretary, the Under Secretary, of OP DIV. staff office head. Address is same as above.

RECORD ACCESS PROCEDURE:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) **Federal Register**, October 8, 1975, page 47410).

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7)

Federal Register, October 8, 1975, page 47411.).

RECORD SOURCE CATEGORIES:

Computer records are derived from the incoming correpondence for the Secretary and the Under Secretary.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-90-0038

SYSTEM NAME:

Secretary's Official Files. HHS/OS/ES

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Room 636G, Humphrey Building, 200 Independence Avenue, S.W., Washington, D.C. 20201.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have contacted the Secretary or the Under Secretary or who have been contacted in writing by them.

CATEGORIES OR RECORDS IN THE SYSTEM:

Hard copies of documents signed or initialed by the Secretary or the Under Secretary.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301.

PURPOSE(S):

The Secetary's Official Files are maintained to preserve the historical record of actions taken by the decisions made by the Secretary and the Under Secretary of the Department Health and Human Services.

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

Disclosure may be made to 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. In the event of litigation where the defendant is (a) the Department, and component of the Department, or any employee of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense provided such disclosure is compatible with the purpose for which the records were collected.

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

STORAGE:

The records ae maintained in hard copy filed in standard file cabinets.

RETRIEVABILITY:

Records are indexed by subject, name, organization, and key words. Records are available to the staff of the Executive Secretariat and The Immediate Office of the Secretary for reference purposes in staffing out issues of concern to the Secretary of the Under Secretary.

SAFEGUARDS:

Direct access is limited to the staff of the Executive Secretariat. Access is limited during non-working hours to individuals with keys to the file room.

RETENTION AND DISPOSAL:

Records are maintained for three years and are then sent to the National Archives.

SYSTEM MANAGER(S) AND ADDRESS:

Executive Secretary to the Department, Room 636G, Humphrey Building, 200 Independence Avenue, S.W., Washington, D.C. 20201.

NOTIFICATION PROCEDURE:

Inquiries should be addressed to the system manager at the above address. The inquirer should indicate the subject matter of the issue involved, the date of the subject documents, and the author and/or addresses.

RECORD ACCESS PROCEDURES:

Same as above.

CONTESTING RECORD PROCEDURES:

Same as above.

RECORD SOURCE CATEGORIES:

Records are derived from documents signed or initialed by the Secretary of the Under Secretary.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-90-0080

SYSTEM NAME:

The Secretary's Advisory Committee Candidate Files HHS-IOS

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Department of Health and Human Services, Immediate Office of the Secretary, Special Assistant to the Secretary for Advisory Committees, Room 602E, Humphrey Building, 200 Independence Avenue SW, Washington, D.C. 20201.

Computer site and location: ADP Network Services, Inc., 40 2nd Avenue, Waltham, Mass. 02154.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who are being considered for membership on advisory committees within the jurisdiction of the Department of Health and Human Services.

CATEGORIES OF RECORDS IN THE SYSTEM:

Information maintained on individuals recommended as members of Advisory Committees subject to this notice consists of one or more of the following: name, title, sex, physically disabled indicator, place and date of birth, home address, business address, organizational affiliation, ethnic background, resume, curriculum vitae, dates of term(s) on advisory committee, current status on advisory committee, reason for leaving advisory committee, previous or current membership on other advisory committees, special qualifications of the individual for the advisory committee membership, source who recommended the individual for membership on advisory committee and miscellaneous correspondence. Additionally, letters of recommendation are included in the file.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 3301.

PURPOSE(S)

To provide the Secretary with the capability to search a file of candidate resumes for positions on HHS advisory committees.

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

a. In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law. Whether civil, criminal or regulatory in nature, and whether arising by general statute of particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether federal, 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.

b. In the event the Department deems it desirable or necessary, in determining whether particular records are required to be disclosed under the Freedom of Information Act, disclosure may be made to the Department of Justice for the purpose of obtaining its advice.

c. In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

d. Disclosure may be made to 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.

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

STORAGE:

Records are maintained in hard-copy stored in file cabinets, on index cards, on magnetic tape, or in computer storage.

RETRIEVABILITY:

For the most part records are maintained in an alphabetical index by name of the individual. Certain files are based on other factors, e.g., Advisory Committee name, with a cross index based on an alphabetical listing of individuals. Certain other records are retrievable by individually identifiable computer identification codes, last name, first name, sex, handicapped indicator, professional expertise and ethnic background. All fields within the individual computer record can be accessed by the computer system language, and are available for administrative purposes via on-line, interactive terminals either in hard-copy or electronic visual dispay devices for reports. Records of candidates for Advisory Committees will be created and maintained on the data base which is accessible by on-line, interactive computer technology. Uses include special administrative reports, quarterly alphabetical listings of past, present, and recommended members of Advisory Committees, computer lists of vacancies, acceptances, separations, active members, statistical reports by sex, youth, geographical location, etc.; documentation of nominations; and other administrative needs.

SAFEGUARDS:

Direct access to records is restricted to authorized personnel through locked files, rooms, and buildings as well as building pass and security guard-sign-in systems.Certain facilities are also protected by closed circuit television systems. Computer systems are secured through locked magnetic tape libraries as well as lockword-passwork computer access systems.

RETENTION AND DISPOSAL:

Retention is variable from one year to permanent retention depending upon the type of record, e.g., names of former members of advisory committees are retained permanently. Records are disposed of as trash by the system manager or Office of Security depending on the confidentiality of the information contained on the record.

SYSTEM MANGER(S) AND ADDRESS:

Special Assistant to the Secretary for Advisory Committee, Room 602E, Humphrey Building, 200 Independence Avenue, S.W., Washington, D.C. 20201.

NOTIFICATION PROCEDURE:

Write to the Systems Manager at the above address.

Verification of identification of individuals inquiring as to information contained in this system of records will be required by the submission of full last name, first name, and address of residence.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with the Department Regulations (45 CFR, Section 5b.5(a)(2)) **Federal Register**, October 8, 1975, page 47410.)

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR Section 5b.7) **Federal Register**, October 8, 1975, page 47411.)

RECORD SOURCE CATEGORIES:

The vast majority of information contained in records on individuals is obtained directly from the individual. Other information in the form of references and recommendations is obtained from other private individuals, program personnel, biographical reference books, private organizations, former employers, regional offices of HHS, Members of Congress, and other government sources.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

Office of Consumer Affairs (OCA)

09-90-0041

SYSTEM NAME:

Consumer Mailing Lists. HHS/OS/U.S.OCA

SECURITY CLASSIFICATION.

None.

SYSTEM LOCATION:

624 Reporters Bldg., 7th and D Sts., SW., Washington, D.C. 20201.

CATAGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individual consumers media representative business and government officials

CATEGORIES OF RECORDS IN THE SYSTEM:

Names and address of individuals requesting consumer information

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Executive Order 011583 of February 24, 1971 and Reorganization Plan 01 of 1953.

PURPOSE(S):

Used by the United States Office of Consumer Affairs Consumer Information staff to distribute information on current consumer topics to consumers, business, government and the media.

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

Used by the U.S. OCA Consumer Information staff to distribute information on current consumer topics to consumers, business, government and the media. Disclosure may be made to 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. In the event of litigation the defendant, is (a) the Department, any component of the Department, or any employee of the

Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense provided such disclosure is compatible with the purpose for which the records were collected.

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

STORAGE:

Conventional file cabinets and computers.

RETRIEVABILITY.

By name.

SAFEGUARDS:

Personnel screening during working hours and secured building after working hours.

RETENTION AND DISPOSAL:

Files are updated quarterly and disposed of through normal trash and erasure of computer tapes.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Consumer Information, 624 Reporters Bldg., 7th and D Sts., SW., Washington, D.C. 20201.

NOTIFICATION PROCEDURE

Director, Office of Management and Consumer Complaints, 626 Reporters Bldg., 7th and D Sts., SW., Washington D.C. 20201.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) **Federal Register**, October 8, 1975, page 47410.)

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) **Federal Register**, October 8, 1975, page 47411.)

RECORD SOURCE CATEGORIES:

Correspondence and telephone calls from individual consumers, business and government officials.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09–90–0046

SYSTEM NAME:

Consumer Complaint Correspondence System HHS/U.S./OCA.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Room 628 Reporters Bldg., 7th and D Sts., SW., Washington, D.C. 20201.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individual Consumers.

CATEGORIES OF RECORDS IN THE SYSTEM:

Correspondence concerning consumer complaints referred to USOCA by Congressional offices or White House and other consumer complaint correspondence.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Executive Order 011583, February 24, 1981; Reorganization Plan 01 of 1953.

PURPOSE(S):

Resolution of individual citizen complaints through referral to other Federal agencies, non-Federal governments, voluntary groups and private business firms.

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

Resolution of individual citizen complaints through referral to other Federal agencies, non-Federal governments, voluntary groups and private business firms. Disclosure may be made to 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. In the event of litigation the defendant is (a) the Department, any Component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense provided such disclosure is compatible with the purpose for which the records were collected.

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

STORAGE:

Individual files in cabinets.

RETRIEVABILITY:

Correspondence referred to other Federal offices is not maintained. Correspondence referred to non-Federal parties is stored only by sequential file number. Correspondence referred from Congressional offices is retrievable by name of member of Congress and reference to a sequential file number.

Correspondence referred from White House is retrievable by control card which indicates name of staff person preparing response. Copy of response is in staff member's chronological file. Copy of incoming correspondence is returned, with response to the White House.

SAFEGUARDS:

Personnel screening during working hours and secured building after working hours.

RETENTION AND DISPOSAL:

Records are retained for not less than one or more than two years.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Management and Consumer Complaints, 626 Reporters Bldg., 7th and D Sts., SW., Washington, D.C. 20201.

NOTIFICATION PROCEDURE:

System manager. Address is same as above.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) **Federal Register**, October 8, 1975, page 47410.)

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7)

Federal Register, October 8, 1975, page 47411.)

RECORD SOURCE CATEGORIES:

Correspondence and telephone calls from individual consumers.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

Office for Civil Rights (OCR)

09-90-0050

SYSTEM NAME:

Case Information Management System HHS OS/OCR

SECURITY CLASSIFICATIONS:

None.

SYSTEM LOCATION:

See System Manager and Appendix 1.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons filing complaints with the Office for Civil Rights.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, characteristics of the complaint and critical events in OCR's processing of the complaints.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title VI of the 1964 Civil Rights Act; Sections 799A and 855 of the Public Health Service Act; Section 504 of the 1973 Rehabilitation Act; the Age Discrimination Act; The Equal Employment Opportunity Provisions of the Public Telecommunications Financing Act of 1978; Title VI and Title XVI of the Public Health Service Act (the "community services obligation" of facilities funded under the Act); Title IX of the 1972 Education Amendments; Section 407 of the Drug Abuse Office and Treatment Act; and Section 321 of the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970.

PURPOSE(S):

The system is designed to report the status of all complaints currently being investigated by OCR.

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

Disclosure may be made to 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.

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense provided such disclosure is compatible with the purpose for which the records were collected.

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

STORAGE:

Magnetic disc and tape.

RETRIEVABILITY:

Records are indexed by case or complaint number, but may be recalled by name, address, or any other recipient characteristic by OCR staff engaged in compliance activities.

SAFEGUARDS:

The physical data processing storage is controlled by DHHS which enforces appropriate security measures. This agency references data through communication terminals with access controlled by passwords. The Department's ADP Systems Manual, Part 6, ADP Systems Security, govern the control.

RETENTION AND DISPOSAL:

Indefinite retention. Disposal by electronic erasure.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Director, Office of Compliance and Enforcement, Office for Civil Rights, 330 Independence Avenue SW., Washington, D.C. 20201.

And, Regional Directors, see Appendix 1.

NOTIFICATION PROCEDURES:

Contact System Manager (above), or Regional Director (see Appendix 1). Include name and address of complainant, and name of the recipient against which the allegation was filed.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. Request should be made to the system manager in the regional office where the record is most likely to be kept (determined by location of the institution or facility against which the allegation was originally filed). When this location is in doubt request should be made to the Deputy Director, Office of Compliance and Enforcement, (see above, System Manager).

CONTESTING RECORD PROCEDURES:

Contact the official(s) at the address specified under system manager or Appendix 1, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR Section 5b.7) Federal Register, October 8, 1975, page 47411.)

RECORD SOURCE CATEGORIES:

Information in complaint investigation files.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

Appendix Number 1 System Locations

This system is located at HHS offices in the following cities.

Region I, Regional Director, OCR/DHHS, 140 Federal Street—14th Floor, Boston, MA 02110.

Region II, Regional Director, OCR/DHHS, 26 Federal Plaza—Room 3900, New York, NY 10278.

Region III, Regional Director, OCR/DHHS, 3535 Market Street—Post Office Box 13716, Philadelphia, PA 19101.

Region IV, Regional Director, OCR/DHHS, 101 Marietta Street—Suite 2806, Atlanta, GA 30323.

Region V, Regional Director, OCR/DHHS, 300 South Wacker Drive—32nd Floor, Chicago, IL 60606.

Region VI, Regional Director, OCR/DHHS, 1200 Main Tower Bldg.—Room 1900, Dallas, TX 765202.

Region VII, Regional Director, OCR/DHHS, 601 E. 12th Street—Room 248, Kansas City, MO 64106.

Region VIII, Regional Director, OCR/DHHS, Federal Office Building, 1961 Stout Street—Room 1326, Denver, CO 80294.

Region IX, Regional Director, OCR/DHHS, 1275 Market Street—14th Floor, San Francisco, CA 94103.

Region X, Regional Director, OCR/DHHS, 1321 Second Avenue—MS/723, Seattle, WA 98101.

09-90-0051

SYSTEM NAME:

Complaint Files and Log, HHS–OS–OCR.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

See Appendix 1, System 09–90–0050.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who file complaints alleging discrimination under the statutes identified below (Authority for Maintenance).

CATEGORIES OF RECORDS IN THE SYSTEM:

Complaint allegations, information gathered during the complaint investigation, findings, and results of the investigation, and correspondence relating to the investigation.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title VI of the 1964 Civil Rights Act; Sections 799 A and 855 of the Public Health Service Act; Section 504 of the 1973 Rehabilitation Act; the Age Discrimination Act; The Equal Employment Opportunity Provisions of the Public Telecommunications Financing Act of 1978; Title VI and Title XVI of the Public Health Service Act Title IX of the 1972 Education Amendments; Section 407 of the Drug Abuse Office and Treatment Act; and Section 321 of the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970.

PURPOSE(S):

This file system is designed to store the results of all OCR regional investigations, for retrieval of information on the resolutions of complaints. Files are maintained to record the results of the complaint investigations so that OCR can determine if there was discrimination as charged in the original complaint.

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

Files may be reviewed by the Department of Justice, the Equal Employment Opportuntiy Commission, or other Federal and State agencies when necessary to complete an investigation, enforce the statutes, or assure proper coordination.

OCR may contract with a private firm for the purpose of collating, analyzing, aggregating, or otherwise refining records in this system. Relevant records will be disclosed to such a contractor. The contractor shall be required to maintain Privacy Act safeguards with respect to such records.

Disclosure may be made to 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.

In the event of litigation where the defendant is (a) the Department, any component of the Department or any employee of the Department in his or her official capacity (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any its components: or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense provided such disclosure is compatible with the purpose for which the records were collected.

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

STORAGE:

File folders and file cards.

RETRIEVABILITY:

By name for use by OCR staff in complaint investigations.

SAFEGUARDS:

Printed materials are filed in lockable cabinets. The Department's ADP Systems Manual, Part 6, ADP Systems Security, govern the control. Categories of users include OCR investigators, team leaders, branch chiefs, division directors, PRMs unit staff, Office of Compliance and Enforcement staff.

RETENTION AND DISPOSAL:

2 years from date complaint is closed.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Director, Office of Compliance and Enforcement, Office for Civil Rights, 330 Independence Avenue, S.W., Washington, D.C. 20201.

And, Regional Directors, see Appendix 1 to Case Information Management System HHS OS/OCR System 09–90–0050.

NOTIFICATION PROCEDURE:

Contact system manager (above) or Regional Directors (see Appendix 1). Include name and address of complainant, a copy or summary of allegations contained in the original complaint, name of the institution against which the allegation was filed, and the date of the original allegation.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. Request should be made to the system manager in the regional office where the record is most likely to be kept (determined by location of the institution or facility against which the allegation was originally filed.) When this location is in doubt request should be made to the Deputy Director, Office of Compliance and Enforcement, Washington, D.C. (see above, System Manager).

CONTESTING RECORD PROCEDURES:

Contact the official(s) at the address specified under system manager or Appendix 1, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR section 5b.7) **Federal Register**, October 8, 1975, page 47411.)

RECORD SOURCE CATEGORIES:

Complaint and information filed with the Department by or on behalf of the individual complainant, also data provided by the alleged discriminator and other parties.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

Office of General Counsel (OGC)

09–90–0062

SYSTEM NAME:

Administrative Claims, HHS/OS/OGC.

SECURITY CLASSIFICATION:

None

SYSTEM LOCATION:

See Appendix.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

HHS employees, recipients of Federal assistance under HHS funded programs, and members of the public who have a claim against HHS or against whom HHS has a claim—Federal Torts Claims Act, Military Personnel and Civilian Employees Claims Act, Federal Claims Collection Act, Federal Medical Care Recovery Act, Act for Waiver of Overpayment of Pay.

CATEGORIES OF RECORDS IN THE SYSTEM:

Information that is pertinent to the particular claim being asserted, including accident reports, hospital records, charges for medical services, certifications of overpayment, audits of payroll accounts during periods of overpayments, earning and leave statements, claims officers memorandum, final determinations made on claims, identity of debtors and information pertaining to how debts arose.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Federal Tort Claims Act, 28 U.S.C. 2671–2680, 1346(b); Waiver of Overpayment of Pay Act, 5 U.S.C. 5584; Military Personnel and Civilian Employees Claims Act, 31 U.S.C. 240–243; Federal Claims Collection Act, 31 U.S.C. 951–953; Federal Medical Care Recovery Act, 42 U.S.C. 2651–2653.

PURPOSE(S):

The department maintains in its records only information about an individual which is relevant and necessary to the adjudication of a claim asserted against or by the Department. In accordance with the respective statute and implementing regulations, the private party or HHS employee is informed of the authority for collecting such information, the purpose(s), the routine use(s), and the effect of noncompliance. In addition, this information is also provided to the private party or HHS employee on the appropriate claim form or letter.

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

Routine uses of these records are primarily for adjudicating claims between the U.S. and private parties. Records are used in communicating with, among others, Federal, State, and local law enforcement agencies, private individuals, private and public hospitals, allegedly negligent parties, private attorneys, insurance companies, the United States Attorney and other Federal officials and agencies, individual law enforcement officers, and tribal officials. These communications are all for the purpose of investigating, settling, or denying claims and subsequent litigation action.

Disclosure may be made to 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.

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

In the event that a system of records maintained by this agency to carry out its functions indicates 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, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether federal, 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.

In the event the Department deems it desirable or necessary, in determining whether particular records are required to be disclosed under the Freedom of Information Act, disclosure may be made to the Department of Justice for the purpose of obtaining its advice.

A record from this system of records may be disclosed as a "routine use" to a federal, state or local agency maintaining civil, criminal or other pertinent records, such as current licenses, if necessary to obtain a record 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.

A record from this system of records may be disclosed 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 record is relevant and necessary to the requesting agency's decision on the matter.

In the event that a system of records maintained by this agency to carry out its function indicates 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, the relevant records in the system or records may be referred, as a routine use to the appropriate investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

Where the appropriate official of the Department, pursuant to the Department's Freedom of Information Regulation determines that it is in the public interest to disclose a record which is otherwise exempt form mandatory disclosure, disclosure may be made from this system of records.

To the Department of Justice or other appropriate federal agencies in defending claims against the United States when the claim is based upon an individual's mental or physical condition and is alleged to have arisen because of activities of the Public Health Service in connection with such individual.

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

STORAGE:

Legal size files in filing cabinets.

RETRIEVABILITY:

Retrieved by name of the non-Government party, whether claimant, plaintiff, or alleged debtor, in some instances, these records are retrievable by cross reference to index cards, containing name of the party involved and the subject matter.

SAFEGUARDS:

Office buildings in which files are kept are locked after the close of the business day. These files are only accessible to General Counsel staff.

RETENTION AND DISPOSAL:

The records are maintained for an indefinite duration.

SYSTEM MANAGER(S) AND ADDRESS:

The agency official responsible for the system policies and practices outline above is:

The General Counsel, Department of Health and Human Services, Office of the General Counsel, Room 722A, Humphrey Building, 200 Independence Avenue, S.W. Washington, D.C. 20201

NOTIFICATION:

Any inquiries regarding these systems of records should be addressed to the System Manager. An individual who requests notification of or access to a medical record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion. (These notification and access procedures are in accordance with Department Regulations (45 CFR, Section 5b.6) **Federal Register**, October 8, 1975, page 47411.)

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR Section 5b.5(a)(2)) **Federal Register**, October 8, 1975, page 47410.)

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under System Manager(s) Address above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) **Federal Register**, October 8, 1975, page 47411.)

RECORD SOURCE CATEGORIES:

The information in this system comes from a number of sources including private individuals, private and public hospitals, doctors, law enforcement agencies and officials, private attorneys, accident reports, third parties, claimants or beneficiaries and their relatives other Federal agencies, State and local governments agencies and instrumentalities.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

Appendix

Office of the General Counsel—Headquarters Offices, Department of Health and Human Services, Humphrey Building, Room 722A, 200 Independence Avenue, S.W., Washington, D.C. 20201

Office of the General Counsel, Regional Attorney—Region I, Department of Health and Human Services, John F. Kennedy Federal Building, Government Center, Boston, Massachusetts 02203.

Office of the General Counsel, Regional Attorney—Region II, Department of Health and Human Services, Room 3914, 26 Federal Plaza, New York, New York 10007.

Office of the General Counsel, Regional Attorney—Region III, Department of Health and Human Services, P.O. Box 13716, Philadelphia, Pennsylvania 19104.

Office of the General Counsel, Regional Attorney—Region IV, Department of Health and Human Services, Suite 201, 101 Marietta Tower, Atlanta, Georgia 30323.

Office of the General Counsel, Regional Attorney—Region V, Department of Health and Human Services, 300 South Wacker Drive, 18th Floor, Chicago, Illinois 60606.

Office of the General Counsel, Regional Attorney—Region VI, Department of Health and Human Services, Room 1330, 1200 Main Tower Building, Dallas, Texas 75202.

Office of the General Counsel, Regional Attorney—Region VII, Department of Health and Human Services, Room 601, 601 East 12th Street, Kansas City, Missouri 64106.

Office of the General Counsel, Regional Attorney—Region VIII, Department of Health and Human Services, Room 11443, Federal Office Building, 19th Stout Streets, Denver, Colorado 80294.

Office of the General Counsel, Regional Attorney—Region IX, Department of Health and Human Services, 50 Fulton Street, San Francisco, California 94102.

Office of the General Counsel, Regional Attorney—Region X, Department of Health and Human Services, MS 624 Arcade Plaza Building, 1321 Second Avenue, Seattle, Washington 98101.

09-90-0064

SYSTEM NAME:

Litigation Files, Administrative Complaints, and Adverse Personnel Actions. HHS/OS/OGC.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

See Appendix on the Administrative Claims system. 09900062.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

The individuals on whom records are maintained in this system are individuals who are involved in litigation with the Department or the United States (regarding matters within the jurisdiction of the Department) either as plaintiffs or as defendants in both civil and criminal matters, and individuals who either file administrative complaints with the Department or are the subjects of administrative complaints initiated by the Department, except claims which are the subjects of records maintained in the Administrative Claims System, 09900062.

CATEGORIES OF RECORDS IN THE SYSTEM:

These records contain information pertaining to the subject matter of the litigation, administrative complaint, or adverse personnel action. Such records would include complaints, litigation reports, administrative transcripts, various litigation documents, investigative materials, correspondence, briefs, court orders and judgments, and in cases where personal injury is involved, principally malpractice cases, evaluations by physician specialists (Public Health Service, Armed Forces, Institute of Pathology).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

The authority for maintaining this system are the various statutes, regulations, rules or orders pertaining to the subject matter of the litigation, administrative complaint or adverse personnel action, (e.g., Public Health Service Act, Social Security Act, Civil Rights Act, Federal Food, Drug and Cosmetic Act).

PURPOSE(S):

To represent the Department and its components in court cases and administrative proceedings.

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

Disclosure may be made to 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. In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense provided such disclosure is compatible with the purpose for which the records were collected.

In the event that a system of records maintained by this agency to carry out its functions indicates 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, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, 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.

In the event the Department deems it desirable or necessary, in determining whether particular records are required to be disclosed under the Freedom of Information Act, disclosure may be made to the Department of Justice for the purpose of obtaining its advice.

A record from this system of records may be disclosed as a "routine use" to a Federal, state or local agency maintaining civil, criminal or other relevant enforcement records or other pertinent records, such as current

licenses, if necessary to obtain a record 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.

A record from this system of records may be disclosed to a Federal agency, 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 record is relevant and necessary to the requesting agency's decision on the matter.

In the event that a system of records maintained by this agency to carry out its function indicates 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, the relevant records in the system of records may be referred, as a routine use to the appropriate agency, whether state or local 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.

Where the appropriate official of the Department, pursuant to the Department's Freedom of Information Regulation determines that it is in the public interest to disclose a record which is otherwise exempt from mandatory disclosure, disclosure may be made from this system of records.

To the Department of Justice or other appropriate Federal agencies in defending claims against the United States when the claim is based upon an individual's mental or physical condition and is alleged to have arisen because of activities of the Public Health Service in connection with such individual.

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

STORAGE:

These records consist of legal size files stored in file cabinets.

RETRIEVABILITY:

These records are retrievable by name of the plaintiff or the first plaintiff if there is more than one, or by the name of the first defendant if the plaintiff is the United States. In the case of adverse personnel actions, records are retrievable by name of the individual involved.

SAFEGUARDS:

Office buildings in which these records are maintained are locked after the close of the business day. These records are only accessible by General Counsel staff.

RETENTION AND DISPOSAL:

These records are maintained for an indefinite duration.

SYSTEM MANAGER(S) AND ADDRESS:

The agency offical responsible for the system policies and practices outlined above is:

The General Counsel, Department of Health and Human Services, Office of the General Counsel, Hubert H. Humphrey Building, Room 722A, 200 Independence Avenue, S.W., Washington, D.C. 20201.

NOTIFICATION PROCEDURE:

Any inquiries regarding these systems of records should be addressed to the System Manager. An individual who requests notification of or access to a medical record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion. (These notification and access procedures are in accordance with Department Regulations (45 CFR, Section 5b.6) Federal Register, October 8, 1975, page 47411.).

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.).

CONTESTING RECORD PROCEDURES:

Contact the official at the address System Manager(s) and Address above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.).

RECORD SOURCE CATEGORIES:

The information for this system is obtained through a number of sources including the exchange of legal pleadings, documents, formal and informal discovery, program offices and component agencies, private attorneys, State and local governments, their agencies and instrumentalities, and officers of other Federal agencies and the individuals involved.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-90-0065

SYSTEM NAME:

Conflict of Interest—Standards of Conduct Records. HHS/OS/OGC

SECURITY CLASSIFICATIONS:

None.

SYSTEM LOCATION:

See appendix on the Administrative Claims system—09900062.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Information about current and past HHS employees who are or have been the subject of conflict of interest or standards of conduct inquiries or determinations.

CATEGORIES OF RECORDS IN THE SYSTEM:

These records include information relating to acceptance or offer of gifts, entertainment and favors, outside employment; financial interests; use of government funds, property or official information; partisan political activity; or other matters relating to ethical standards of conduct.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

18 U.S.C. 202, 203, 205, 207, 208, 209; Executive Order 11222; and, 5 CFR 735.104, 45 CFR Part 73.

PURPOSE(S):

To maintain such information about employees or former employees of the Department who have been the subjects of standards of conduct or conflict of interest inquiries.

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

Disclosure may be made to 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.

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or

her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

In the event that a system of records maintained by this agency to carry out its functions indicates 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, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, 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.

In the event the Department deems it desirable or necessary, in determining whether particular records are required to be disclosed under the Freedom of Information Act, disclosure may be made to the Department of Justice for the purpose of obtaining its advice.

A record from this system of records may be disclosed as a "routine use" to a Federal, state or local agency maintaining civil, criminal or other relevant enforcement records or other pertinent records, such as current licenses, if necessary to obtain a record 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.

A record from this system of records may be disclosed 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 record is relevant and necessary to the requesting agency's decision on the matter.

In the event that a system of records maintained by this agency to carry out its function indicates 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, the relevant records in the system of records may be referred, as a routine use to the appropriate agency, whether state or local 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.

Where the appropriate official of the Department, pursuant to the Department's Freedom of Information Regulation determines that it is in the public interest to disclose a record which is otherwise exempt from mandatory disclosure, disclosure may be made from this system of records.

To the Department of Justice or other appropriate Federal agencies in defending claims against the United States when the claim is based upon an individual's mental or physical condition and is alleged to have arisen because of activities of the Public Health Service in connection with such individual.

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

STORAGE:

These records are kept in legal size files in filing cabinets.

RETRIEVABILITY:

These records are retrievable by name in most cases. In some instances, these records are retrievable by cross reference to index cards containing the name of the party involved and the subject matter.

SAFEGUARDS:

These records are only accessible to General Counsel staff. Office buildings in which these records are maintained are locked after the close of the business day.

RETENTION AND DISPOSAL:

The records are maintained for an indefinite duration.

SYSTEM MANAGER(S) AND ADDRESS:

The agency official responsible for the systems policies and practices outlined above is:

The General Counsel, Department of Health and Human Services, Office of the General Counsel, Humphrey Building, Room 722A, 200 Independence Ave., S.W., Washington, D.C. 20201.

NOTIFICATION PROCEDURE:

Any inquiries regarding these system of records should be addressed to the System Manager.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) **Federal Register**, October 8, 1975, page 47410.)

CONTESTING RECORD PROCEDURES:

Contact the official at the System Manager(s) and Address procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) **Federal Register**, October 8, 1975, page 47411.)

RECORD SOURCE CATEGORIES:

The information contained in this system comes from the individuals involved and from appropriate Department officials.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09–90–0066

SYSTEM NAME:

OGC-Attorney Applicant Files HHS-OS–OGC.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

See Appendix on the Administrative Claims System—09900062

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current Attorney Applicants for positions in the Office of the General Counsel.

CATEGORIES OF RECORDS IN THE SYSTEM:

The Attorney Applicant system consists of a variety of records relating to persons applying for attorney positions. These records contain information about an individual's birth date; home address; telephone number; social security number; educational background (e.g., law schools attended and grades); past work experience; writing samples furnished on request; recommendations from past employers and academic officials.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 3301 et seq.

PURPOSE(S):

To maintain current information concerning individuals interested in employment with the Office of General Counsel.

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

Disclosure may be made to 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. In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

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

STORAGE:

These records are maintained in file folders, alphabetized by name, and in some cases the records are separated by individual law school affiliation and by the date the application is received. In some instances records are located in lockable conserva-file cabinets and in a locked secured room with access limited to those officials whose duties require access. In other instances records are maintained in file rooms or with other Office of the General Counsel files.

RETRIEVABILITY:

These records are retrievable by name.

SAFEGUARDS:

Access is limited to those HHS officials whose duties require access.

RETENTION AND DISPOSAL:

These records are retained in a current system for one year, and in some instances two years, after which time they are discarded.

SYSTEM MANAGER(S) AND ADDRESS:

The agency official responsible for the systems policies and practices outlined above is:

The General Counsel, Department of Health and Human Services, Office of the General Counsel, Humphrey Building, Room 722A, 200 Independence Avenue, S.W., Washington, D.C. 20201.

NOTIFICATION PROCEDURE:

Any inquiries regarding these systems of records should be addressed to the System Manager.

RECORD ACCESS PROCEDURE:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410).

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under System Manager(s) and Address above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.).

RECORD SOURCE CATEGORIES:

Information is this system of records comes from the individual to whom it applies law school officials and past employers.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-90-0067

SYSTEM NAME:

Invention reports submitted to the Department of Health and Human Services by its employees, grantees, fellowship recipients, and contractors. HHS-OS-OGC.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Office of the General Counsel, Patent Branch, Westwood Building—Room 5A03, 5333 Westbard Avenue, Bethesda, Maryland 20016.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Department employees, investigators funded under HHS research grants, fellowship awardees, investigators funded under HHS research contracts.

CATEGORIES OF RECORDS IN THE SYSTEM:

Invention reports.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

45 CFR Parts 6, 7, 8, E.O. 9865 E.O. 10096

PURPOSE(S):

To maintain the information and patent records for the entire Department.

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

Department of Justice Claims Section for purpose of defending the Government in litigation.

Scientific personnel, both in this agency, and other Government agencies, and in non-Governmental organizations such as Universities, who possess the expertise to understand the invention and evaluate its importance as a scientific advance.

Contract patent counsel and their employees and foreign contract personnel retained by the Department for patent searching and prosecution in both the United States and foreign Patent Offices.

All other Government agencies whom we contact regarding possible use, interest in, or ownership rights in our inventions.

Prospective licensees or technology finders who may further make the invention available to the public through sale, use or publication.

Parties, such as supervisors of inventors, whom we contact to determine ownership rights, and those parties contacting us to determine the Government's ownership.

The United States and foreign Patent Offices for our filing of patent applications. Disclosure may be made to 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.

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, if likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

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

STORAGE:

These records are kept in individual file folders.

RETRIEVABILITY:

Indexed by both inventor's name and case identification number.

SAFEGUARDS:

During normal business hours a member of the staff of the Patent Section regulates the availability of the files. During evening and weekend hours, the building is closed, with a guard at the front entrance, and only personnel authorized to be in the building are permitted entry.

RETENTION AND DISPOSAL:

The records are maintained here for the life of any patent issued (seventeen years), for seven years for any invention which is not patented, and they are sent to the Federal Records Center for retention when they are no longer required here.

SYSTEM MANAGER(S) AND ADDRESS:

Patent Counsel, Department of Health and Human Services, Westwood Building—Room 5A03, 5333 Westbard Avenue, Bethesda, Maryland 20016.

NOTIFICATION PROCEDURE:

An individual is required to provide his own name together with that of any other individual who contributed to the making of an invention, on which the system contains a record. Any inquiries regarding these systems of records should be addressed to the System Manager.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) **Federal Register**, October 8, 1975, page 47410.)

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under System Manager(s) and Address above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) **Federal Register**, October 8, 1975, page 47411.)

RECORD SOURCE CATEGORIES:

The information comes from the inventors, their supervisors, other scientists with expertise in the particular area of the invention, scientific publications, newspapers, contract patent counsel who have searched and/or prosecuted the invention, and commercial organizations.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09–90–0068

SYSTEM NAME:

Federal Private Relief Legislation, HHS/OS/OGC.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

This system is located in the:
Division of Legislation,
Office of the General Counsel,
Office of the Secretary,
Room 427 D, Humphrey Building,
Department of Health and Human Services,
200 Independence Ave., S.W.,
Washington, D.C. 20201.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Private individuals, groups, or institutions for whom a United States Congressman or Senator has introduced a private relief bill.

CATEGORIES OF RECORDS IN THE SYSTEM:

Background which gives rise to the individual's, group's or institution's claim for private relief legislation.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; OMB Circular A–19.

PURPOSE(S):

To respond to Congressional requests for information regarding private relief legislation.

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

The information is used to prepare reports to the Congress, most commonly to the Judiciary Committees of the Senate and the House of Representatives, which reports are thereafter made available to the public under the provisions of 5 U.S.C. 552. In connection with the preparation of those reports, the information contained in this system of records will, as a routine use be disclosed to officers and employees of the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular No. A–19 at various stages of the legislative coordination and clearance process as set forth in that Circular, and may, as a routine use, be disclosed to officers or employees of agencies (as defined in 5 U.S.C. 551(i) and 552(e) other than the agency that maintains the record. Disclosure may be made to 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.

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

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

STORAGE:

Paper records in file folders kept in legal size filing cabinets.

RETRIEVABILITY:

By bill number using card systems maintained by name and by subject.

SAFEGUARDS:

Immediate access to these records are only by authorized staff. Building is locked at close of business.

RETENTION AND DISPOSAL:

Retained indefinitely either at System Location or at Federal Record Center where files are sent on a regular predetermined schedule.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Legislative Reference and Control Service,
Division of Legislation,
Office of the General Counsel,
Department of Health and Human Services,
Room 427 D, Humphrey Building, 200 Independence Avenue, S.W.,
Washington, D.C. 20201.

NOTIFICATION PROCEDURE:

Any inquiries regarding the records in question should be made to the System Manager.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.)

CONTESTING RECORD PROCEDURES:

Contact the offical at the address specified under System Managers and Address above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.)

RECORD SOURCE CATEGORIES:

The information in this system comes from the Operating Divisions of the Department, the Public Health Service Agencies, the Office of the Secretary, Congressional Committees, individual Congressmen and Senators, and, in some cases, the subject individual, group, or institution.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-90-0071

SYSTEM NAME:

Social Security Code Cards, HHS/OS/OGC.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Office of the Regional Attorney, Department of Health and Human Services, 19th and Stout Streets, Denver, Colorado 80294.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals referred to in this system are Social Security claimants or wage-earners who have been the subject of Social Security Precedent opinions.

CATEGORIES OF RECORDS IN THE SYSTEM:

The information in this system consists of the name of the individual on a 3x5 card and a code which cross references to the location of the actual opinion. These cards are separate and distinct from the digest cards which are distributed nationally by the Office of the General Counsel.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

44 U.S.C. Section 3101.

PURPOSE(S):

To enable a researcher to obtain the appropriate Social Security precedent opinion which may be cited in subsequent opinions.

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

Disclosure may be made to 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.

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

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

STORAGE:

The subject information is kept on 3x5 cards which are kept in an office locked after the close of the business day. The opinions which are cross-referenced by the cards are kept in the files in the same office.

RETRIEVABILITY:

Retrievable by name. These cards are used to enable the researcher to obtain the appropriate Social Security precedent opinion which may then be cited in subsequent opinions distributed within OGC and SSA.

SAFEGUARDS:

Office locked at the close of the business day.

RETENTION AND DISPOSAL:

Retained indefinitely either at system location or at Federal Records Center where files are sent on a regular predetermined schedule.

SYSTEM MANAGER(S) AND ADDRESS:

The agency official responsible for the system policies and practices outlined above is:

Regional Attorney, Department of HHS, 19th and Stout Streets, Denver, Colorado 80294.

NOTIFICATION PROCEDURE:

Any inquiries regarding the records in question should be made at the above address where the records are kept. Required identifying information will be in keeping with Departmental requirements.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.)

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under System Managers and Address above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.)

RECORD SOURCE CATEGORIES:

The information on the cards is gleaned from precedent opinions nationwide as well as those issued from Region VIII.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

Office of Child Support Enforcement (OCSE)

09-90-0074

SYSTEM NAME:

Federal Parent Locator System, HHS OCSE.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Office of the Child Support Enforcement, Department of Health and Human Services, 6110 Executive Blvd., Rockville, Md. 20852.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Records are maintained on parents being sought for the purpose of establishing or enforcing support obligations against such a parent, or for

locating a parent or child in cases of parental kidnapping or child custody determinations.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name of Absent Parent or Child, Social Security Number (when available), Date of Birth, Place of Birth, Mother's maiden name, Father's full name, State case identification number, local identification number (State use only), State or locality originating request, date of origination, type of case (AFDC, non-AFDC full service, non-AFDC locate only, parental kidnapping), type of military service (Army, Navy, Marines, Air Force, Coast Guard, not in service, retired military (yes or no), Federal employee (yes or no), recent employer's address, known alias (last name only), date requests sent to Federal departments (SAA, IRS, DOD, NPRC, VA, RRB), date of Federal departments' responses, and indication of the type of information received; such as last home or employer address was returned, and/or a Social Security Number was returned. The actual information returned pursuant to a request is retained in a separate file long enough to communicate that information to the State. (See Retention and Disposal section below).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Public Law 93–647.
Public Law 96–611.

PURPOSE(S):

Sections 453 and 454 of the Social Security Act require the Secretary to establish and conduct a Parent Locator Service to obtain information as to the whereabouts of any absent parent when such information is to be used for establishing or enforcing support obligations against such absent parent, establishing or enforcing child custody determinations, or in cases of parental kidnapping.

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

The Federal Parent Locator Service will use and disclose information from the records maintained in this system to:

(1) Request the most recent home and employment addresses and Social Security Numbers of absent parents from any State or Federal government department, agency or instrumentality which might have such information in its records;

(2) Provide the most recent home and employment addresses and Social Security Numbers to State agencies under agreements covered by title IV–D of the Social Security Act for the purpose of locating absent parents in connection with establishing or enforcing child support obligations.

(3) Provide the most recent home and employment addresses and Social Security Numbers to State agencies under agreements covered by Section 463 of the Social Security Act (42 U.S.C. 663) for the purpose of locating absent parents or children in connection with activities by State courts and Federal attorneys and agents charged with making or enforcing child custody determinations or conducting investigations, enforcement proceedings or prosecutions concerning the unlawful taking or restraint of children;

(4) Provide the most recent home and employment addresses and Social Security Numbers to agents and attorneys of the United States, involved in activities in States which do not have agreements under Section 463 of the Social Security Act (42 U.S.C. 663) for purposes of locating absent parents or children in connection with Federal investigations, enforcement proceedings or prosecutions involving the unlawful taking or restraint of children.

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

STORAGE:

PLS records are maintained on disk and magnetic tape, and hard copy. The record is defined as a request for address information.

RETRIEVABILITY:

System records can be accessed by either a State assigned case identification number or Social Security Number.

SAFEGUARDS:

All requests from the State IV–D Agency must certify that (1) they are being made to locate an absent parent for the purpose of establishing paternity or securing child support, or in cases involving parental kidnapping or child custody determinations and for no other purpose; (2) the State IV–D agency has in effect protective measures to safeguard the personal information being transferred and received from the Federal Parent Locator Service; and (3) the State IV–D Agency will use or disclose this information for the purposes prescribed in 45 CFR 302.70. All Federal, State personnel and contractors, are required to take a nondisclosure oath. All input documents will be inventoried and accounted for All inputs and outputs will be stored in a locked receptacle in a locked room. All outputs will be labeled "For Official Use Only" and treated accordingly. Operations control will be vested under a single system manager. Every State using the system will be verified via three levels of user ID's. All data files will be protected by unique passwords and security codes. Remote users have "read only" system access capabilities and cannot read any other function on the system. The system complies with the HHS, ADP Systems Manual Part 6, "ADP Systems Security".

RENTENTION AND DISPOSAL:

Records of address information provided in response to requests are maintained only long enough to communicate the information to the State or the Federal agent or attorney requesting it. After this time they are destroyed.

A record of the request only which includes information provided by the State, Federal agencies contacted, and an indication of the type of information so returned is stored on a history tape and hard copy. All history data will be retained for five years.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Information and Management Systems Division, Office of Child Support Enforcement, Department of Health and Human Services, 6110 Executive Blvd., Rockville, Md. 20852.

NOTIFICATION PROCEDURE:

Contact the system manager in writing at the above address and provide your name and address. Additional information, such as your Social Security Number, date of birth or mother's maiden name, may be requested by the system manager in order to distinguish between individuals having the same or similar names.

RECORD ACCESS PROCEDURES:

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

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under system manager above, and reasonably identify the record and specify the information to be contested.

RECORD SOURCE CATEGORIES:

Information is obtained from departments, agencies, or instrumentalities of the United States or any State.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

Office of Assistant Secretary for Planning and Evaluation (OASP&E)

09-90-0081

SYSTEM NAME:

Michigan Longitudinal Study (also called the Panel Study of Income Dynamics) HHS/OS/ASPE.

SECURITY CLASSIFICATIONS:

None.

SYSTEM LOCATION:

Institute for Social Research, Survey Research Center, University of Michigan, Ann Arbor, Michigan 48106.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

A national sample of approximately 6800 households containing about 18,000 individuals with information relating to all household members.

CATEGORIES OF RECORDS IN THE SYSTEM:

The contractor maintains two separate sets of iles. One contains identifiable information necessary to conduct the study. The second contains the data the study was designed to collect.

The identifiable information is a list of names, addresses, and current telephone numbers of heads of household and the names of other family members. This file also contains unique identification numbers used to link this year's non-individually identified data with similar data from past years. In addition, because we pay respondents for their participation in the study, we keep certain accounting information on the file—a record of the issuance and cancellation of check. Heretofore, access by the contractor to the identifiable data by name and address has been only to check a report by a respondent that he has not been paid.

Non-individually identifiable information includes demographic characteristics, sources and amounts of income, amount and kind of work education of household head and other family members, changes in family composition through the years, residential mobility, attitudes toward self and work and life style.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 1110 of the Social Security Act and section 232 of the community services act.

PURPOSE(S):

The Social Security Act, revised 1978, Title XI, Section 1110 provides the authority for maintenance of the system. The major purpose of this system of records is to provide for a longitudinal study of income dynamics initiated in 1968. The study traces the economic situation of families and individuals over time, particularly low-income families and individuals. Important objectives are to determine the causes of continuing dependence on financial assistance for persons in poverty and to identify factors that permit families and individuals to move out of poverty. This is the only nationally representative survey following the same families and individuals through the years and providing data suitable for analysis of income dynamics and movement on and off of income transfer programs. Results of this study are used extensively by HHS policy staffs for welfare reform issues. Further, the data are widely disseminated and have been used by many organizations including the Departments of Labor and Agriculture and the General Accounting Office.

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

Disclosure may be made:

To 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.

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

STORAGE:

Magnetic tape and disk, paper and card records.

RETRIEVABILITY:

The contractor performs linkage between the data sets through a number common to both the identified data and the non-individually identified statistical data for purposes of validating and matching the year-to-year data. Heretofore, except for checking on the payment to a respondent, linkage between data sets is always from the non-individually identified data to the identified data for purposes of validation of data and management of data collection.

SAFEGUARDS:

The contractor stores coversheets containing individual identifiers separately from the questionnaires that contain other non-individually identifiable information. Magnetic tapes that contain individually identifiable information are stored in a locked safe, and the cover sheets are stored in locked file cabinets in a limited access area. Magnetic data are further protected by special account numbers and passwords.

The contractor conforms to the Department's ADP *Systems Manual,* "Part 6, ADP Systems Security." Access to the numbers associated with the identifiable data and the non-individually identified statistical data (which could be used to link the identifiable data—a list of names, addresses, and telephone numbers—with the data collected on the questionnaires) is subject to the specific approval of the Project Director at the Institute for Social Research.

Institute for Social Research: Non-individually identifiable data are used for statistical analysis of changes in economic status through time. Additional research topics include, but are not limited to, residential mobility, family breakup, labor supply, and the effects of government programs.

Information with individual identifiers is used to validate data and to locate respondents from year to year. These uses are performed only by persons employed by the Institute for Social Research and then only on a "need to know" basis. The data without personal identifiers is available to any member of the public or to any agency of government.

Assistant Secretary for Planning and Evaluation: The Office of the Assistant Secretary for Planning and Evaluation conducts analysis of non-individually identifiable data similar to those conducted by the institute for Social Research.

The government project monitor may have access to the identifiable records only to monitor the contractor's performance of the study.

RETENTION AND DISPOSAL:

It is anticipated that the cover sheets and magnetic files that contain individually identifiable information will be destroyed by shredding or degaussing three years after field work on this study ceases or at such time as it is determined that no further validation of the data will be undertaken.

There are no plans for the destruction of the non-individually identifiable statistical data that have been collected on respondents over the life of this study.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Secretary for Planning and Evaluation, U.S. Department of Health and Human Services, 200 Independence Avenue, SW, Washington, D.C. 20201.

NOTIFICATION PROCEDURE:

Dr. James N. Morgan, Institute for Social Research, University of Michigan, Ann Arbor, Michigan 48106.

An individual requesting notice as to whether the system of records contains

information pertaining to him or her should write to the Institute for Social Research project director at the above address, indicating his or her full name, current address and other addresses used since December 31, 1967.

RECORD ACCESS PROCEDURES:

Individuals who, through the notification procedure set out above, have established that the system of records contains information pertaining to them may inspect and copy those portions of the records pertaining to them at the Institute for Social Research project officer's place of business, or the project officer will establish a date after which the record will be available at a place requested by the individual.

CONTESTING RECORD PROCEDURES:

Contact the project officer at the Institute for Social Research, reasonably identify the record, specify the information being contested, and supply the correct information.

RECORD SOURCE CATEGORIES:

Information is obtained either from telephone or face-to-face interviews each year since 1968.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-90-0082

SYSTEM NAME:

Pennhurst Longitudinal Study (also called the Longitudinal Study of the Court Ordered Deinstitutionalization of Pennhurst), HHS/OS/ASPE.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Temple University, Developmental Disabilities Center, 963 Ritter Hall Annex, Philadelphia, Pennsylvania 19122.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Approximately 1,260 respondents includir.g: 450 community residents of the Southeastern Region of Pennsylvania, family members of the retarded residents of Pennhurst State Center, and 60 retarded residents of Pennhurst State Center.

CATEGORIES OF RECORDS IN THE SYSTEM:

The contractor maintains two separate sets of files. One contains identifiable information necessary to conduct the study. The second contains the data the study was designed to collect.

The identifiable information is a list of names, addresses, and current telephone numbers of respondents where necessary. This file also contains unique identification numbers used to link this year's non-individually identified data with similar data from past years. Non-individually identified information includes: demographic characteristics, data on the communities' reactions to their new mentally retarded neighbors, the attitudes of the parents of the mentally retarded residents of Pennhurst toward the court-ordered closing of a long-term institution and the impact of the Court Order on the residents in terms of the individuals' satisfaction both in the institution and later in the alternative community living arrangement.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 232 of the Community Services Act of 1974 and Section 1110 of the Social Security Act.

PURPOSE(S):

The Social Security Act, revised 1978, Title XI, Section 1110 provides the authority for this system. The major purpose for this system of records is to provide a longitudinal study of the Court Ordered community placement of the severely retarded residents of Pennhurst Institution in Pennsylvania. Because other communities may seek legal alternatives to institutionalization of the mentally retarded and use the Pennhurst experience as a model, HHS has funded this study to measure the costs for establishing a comprehensive community service delivery system for large numbers of severely mentally retarded persons. Also studied is the impact that such a relocation has on the mentally retarded persons, their families and the community. Major users of the resulting information are HHS long-term-care programs channeling institutionalized persons into their communities and state, county and other local governments responsible for providing medical and social services to the mentally retarded as well as providers of such services and the judicial system.

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

Disclosure may be made to 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.

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

STORAGE:

Magnetic tape and disc, paper and card records.

RETRIEVABILITY:

The contractor performs linkage between the data sets through a number common to both the identified data and the non-individually identified statistical data for purposes of validating and linking the year to year data.

SAFEGUARDS:

The contractor stores cover sheets containing individual identities separately from the questionnaires that contain other non-individually identified information. Magnetic tapes that contain non-individually identified information are stored in a locked safe, and the cover sheets are stored in locked file cabinets in a limited access area. Magnetic data are further protected by special account numbers and passwords.

The contractor conforms to the Department's ADP *Systems Manual*, "Part 6, ADP System Security." Access to the numbers associated with the identifiable data and the non-individually identified statistical data (which could be used to link the identifiable data—a list of names, addresses, and telephone numbers—with the data collected on the questionnaires) is subject to the specific approval of the Project Director at Temple University.

Temple University: Non-individually identifiable data are used for analysis of the communities' reactions to their new mentally retarded neighbors, the attitudes of the parents of the mentally retarded residents of Pennsylvania toward the court-ordered closing of a long-term institution and the impact of the Order on the residents in terms of the individuals' satisfaction both in the institution and later in the alternative community living arrangement.

Temple University uses information with individual identifiers to validate data and to locate respondents from year to year. Only persons at Temple University perform these analyses and then only on a "need to know" basis. The data without personal identifiers is available to any member of the public or to any agency of government.

Assistant Secretary for Planning and Evaluation: The Office of the Assistant Secretary for Planning and Evaluation conducts analyses of non-individually identifiable data similar to those conducted by Temple University.

The government project monitor may have access to the identified data only to monitor the contractor's performance of the study.

RETENTION AND DISPOSAL:

It is anticipated that the cover sheets that contain individually identifiable information will be destroyed by shredding or erasing three years after field work on this study ceases or at such time as it is determined that no further validation of the data will be undertaken. There are no plans for the destruction of the non-individually identifiable statistical date that have been collected on respondents over the life of this study.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Secretary for Planning and Evaluation, U.S. Department of Health and Human Services, 200 Independence Avenue, S.W., Washington, D.C. 20201

NOTIFICATION PROCEDURE:

Research Director, Temple University, Developmental Disabilities Center, 963 Ritter Hall Annex, Philadelphia, Pennsylvania 19122.

An individual requesting notice as to whether the system of records contains information pertaining to him or her should write to the Temple University project director at the above address, indicating his or her full name and address.

RECORD ACCESS PROCEDURES:

Individuals who have established that the system of records contains information pertaining to them may inspect and copy those portions of the records pertaining to them at the Temple University project officer's place of business, or the project officer will establish a data after which the records will be available at a place requested by the individual.

CONTESTING RECORD PROCEDURES:

Contact the project officer at Temple, reasonably identify the resord, specify the information being contested, and supply the correct information.

RECORD SOURCE CATEGORIES

Information is obtained either from telephone or face-to-face interviews with the respondents each year.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-90-0086

SYSTEM NAME:

Medicare Mental Health Demonstration Evaluation (MMHDE), HHS/OS/ASPE.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Macro Systems, Inc., 8630 Fenton Street, Suite 300, Silver Spring, Maryland 20910.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

The system will include approximately 7,500 Medicare beneficiaries in 29 States who are receiving mental health services on an outpatient basis. A total of 75 sites include selected Community Mental Health Centers, organized amublatory clinics, and partial hospitalization programs.

Records will be included on individuals who signed an informed consent form for the demonstration and the evaluation. The Health Care Financing Administration (HCFA) requires certification from the facilities that they acquire and maintain patient consent and release statements which meet the protections of the Privacy Act as well as any additional guarantees required by State law.

CATEGORIES OF RECORDS IN THE SYSTEM:

The contractor maintains two separate sets of hard copy and magnetic tape and/or disk files. File 1 contains individually identifiable information necessary to link records in order to conduct the evaluation. File 2 contains the data the evaluation was designed to collect.

File 1 has two parts: the first part consists of the cover sheet of the Beneficiary Clinical Record Abstracting Form containing the identifiable information in the form of a list of names, addresses, and Health Insurance (HI) claim numbers of Medicare beneficiaries included in the evaluation. Each cover sheet also includes a unique identification number which links patient-specific data to File 2 described below. The second part is the magnetic tape and disk including the content of the cover sheet.

File 2 has two parts. The first part consists of the Beneficiary Clinical Record Abstracting Form including information from several sources, e.g., Medicare billing records, facility billing records, and facility clinical records. The classes of information include: demographic characteristics; entitlement; sources of income and support; treatment history; diagnosis; referral source; type of service received; type of provider; gross outcome measures; charges by specific facilities to Medicare, Medicaid, third-party payors, and the patients; and, reimbursements, disallowances, and amount not paid by various payors plus the unique individual identifier number linking File 2 to File 1. The second part is the magnetic tape or disk including the information described immediately above.

Only the unique number permits identification of the individual. File 2 is a system of records as long as File 1 is maintained.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

42 U.S.C. 1395b-1(a)(1)(B).

PURPOSE:

During 1980, the Health Care Financing Administration (HCFA) and the Alcohol, Drug Abuse, and the Mental Health Administration (ADAMHA) initiated a demonstration project to test changes in Medicare program policies in the area of mental health. Many experts believe that provision of services on an outpatient basis and in the community of the patient is less expensive, of equal medical care quality, and may provide intangible benefits to all patients in comparison to services provided on an inpatient basis in an institution. It is also widely held that current policies and statutory limitations contain discentives for outpatient delivery of mental health services to Medicare beneficiaries. The Office of the Assistant Secretary for Planning and Evaluaiton has initiated an evaluation of this demonstration designed to measure and assess the impact of changing Medicare policies through the provision of outpatient mental health services.

This new system of records will provide the demographic, utilization, and cost data necessary to evaluate the mental health services received by patients in both demonstration and comparision facilities. The evaluation will focus on the utilization, cost, and quality of outpatient mental health services, as well as operational aspects of the demonstration. The data are expected to contribute to development in Federal policy alternatives for Medicare reimbursement for outpatient mental health services as well as assist the Department of Health and Human Services and the Congress in determining whether to offer the demonstration benefits to Medicare beneficiaries nationally.

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

Disclosure may be made to a Congressional office from the record of an individual in response to an inquiry

from the Congressional office made on behalf of that individual.

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

STORAGE:

Magnetic tape and disk, and paper.

RETRIEVABILITY AND DISPOSAL:

The contractor performs linkage between the data sets through a number common to both the identified data and the non-individually identified data only for purposes of linkage, verification, and validation of data.

SAFEGUARDS:

The contractor, Macro Systems, Inc., stores cover sheets containing individual identifiers separately from the abstracting sheets that contain other non-individually identifiable information. Magnetic tapes and disks that contain individually identifiable information are stored in a locked safe, and the cover sheets are stored in a locked file cabinet in a limited access area. Computerized data are further protected by special account numbers and passwords.

The contractor conforms to the Department's ADP Systems Manual, "Part 6, ADP System Security." Access to the linkage associated with identifiable data for individuals is subject to the specific approval to the Project Director at Macro Systems, Inc. Information with individual identifiers is used for the purposes of adding and updating the system as well as to validate data and link data sets. After any linking, validation or verifying activity, the identifiers are unlinked from the merged records. These uses are performed only by persons employed by Macro Systems, Inc., and then only on a "need to know" basis.

The independent evaluator will maintain all records in secure storage areas accessible only to authorized employees and will notify all employees having access to records of criminal sanctions for unauthorized disclosure of information on individuals.

Non-individually identifiable data are used for analysis in support of the evaluation. Research topics of the evaluation include, but are not limited to the following determinations: the effect of the demonstration on utilization of services by Medicare beneficiaries; the cost to Medicare of the demonstration benefits; and the cost to Medicare if the demonstration benefits were applied nationally. The data without personal identifiers are available to any member of the public or to any agency of the government.

The Office of the Assistant Secretary for Planning and Evaluation may conduct analyses of non-individually identifiable data, as necessary.

The Government Project Officer may have access to the identifiable records only to monitor the contractor's performance of the evaluation.

The cover sheets and computerized files that contain individually identifiable information will be destroyed by shredding or degaussing no later than three years after field work on this evaluation.

There are no plans for the destruction of the non-individually identifiable data which will be delivered to ASPE when the project ends.

SYSTEMS MANAGER(S) AND ADDRESS:

Assistant Secretary for Planning and Evaluation, U.S. Department of Health and Human Services, 200 Independence Avenue, S.W., Washington, D.C. 20201.

NOTIFICATION PROCEDURE:

An individual requesting notice as to whether the system of records contains information pertaining to him/her, should write to the Government Project Officer at the address below, indicating his/her full name, current address and any other addresses since March 1981, and Health Insurance (HI) claim number. Simultaneously with requesting notification of inclusion in the system of records, the individual may request record access as described in the "Record Access Procedures" which follows. Project Officer, Medicare Mental Health Demonstration Evaluation, Office of the Assistant Secretary for Planning and Evaluation, U.S. Department of Health and Human Services, 200 Independence Avenue, S.W., Washington, D.C. 20201.

RECORD ACCESS PROCEDURES:

Individuals who, through the notification procedures set out above, have established that the system of records contains information pertaining to them may request access to those portions of the records pertaining to them by writing the Government Project Officer at the address given above. The Government Project Officer will notify the individual as to the place, for access to the record(s). If the requester prefers, photocopies of the specific material(s) may be sent by mail.

CONTESTING RECORD PROCEDURES:

Contact the Government Project Officer at the address given above, reasonably identify the record(s), specify the information being contested, provide reasons for disagreement, and propose substitute information.

RECORD SOURCE CATEGORIES:

Information which is beneficiary-specific will be abstracted from facility billing and clinical records and HCFA billing files.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-90-0087

SYSTEM NAME:

Recipient Survey for the Monthly Reporting and Retrospective Accounting Study/HHS/OS/ASPE.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Abt Associates, Inc. 55 Wheeler Street Cambridge, Massachusetts 02138.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

The system will include a sample of approximately 5,000 recipients of Aid to Families with Dependent Children (AFDC)/Food Stamp (FS) programs in three states some of whose cases are active in either the monthly or conventional reporting systems and some others, whose cases have been closed after being active at some point during the experimental period.

CATEGORIES OF RECORDS IN THE SYSTEM:

The contractor maintains two sets of files, containing the data the evaluation was designed to collect.

One file, the Respondent Information Booklets (RIB) consists of the names, addresses, telephone number of household heads and names and birthdates of household members. It also includes the record of the one-time payment to the respondent. A unique individual identifying number links this file to the other file. Only this unique number permits identification of the individual.

The other file consists of non-individually identifiable information, except for the linking number attached, that include: prior participation in the welfare system and the nature and extent of prior work experience; reporting burden in time and money, promptness and accuracy; receipt of benefits other than their regular check; recipient's understanding of rules and regulations; current circumstances of closed case respondents, and demographics. The file will be retained as magnetic tape and disk.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 1115, Social Security Act, as amended.

PURPOSE(S):

The proposed new system will provide for data on the nature and extent of the effects of the monthly reporting system on the well-being of AFDC clients. This system will determine: (1) how much time, cost, and effort recipients must expend to comply with monthly reporting rules, and the comparable response burden under the pre-existing system; (2) recipient understanding of the experimental and control groups, and recipient attitudes about the two groups; (3) the difference between the experimental and control treatments in the meeting of current need, where "current" refers to the period covered by the payment, and "need" is defined by AFDC program rules; and (4) the extent to which recipients have access to alternative resources over the short term, and are able to budget these various resources.

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

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made on behalf of that individual.

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

STORAGE:

Magnetic tape and disk, paper and card records.

RETRIEVABILITY:

The contractor performs linkage between the data sets through a number common to both the identified data and the non-individually identified data only for purposes of validation of data, and matching and management of data collection.

SAFEGUARDS:

The contractor, Abt Associates, Inc., stores the Respondent Information Booklet (RIB) containing individual identifiers separately from the interviews in locked file cabinets whose access will be restricted to authorized Abt Associates personnel only. Interviews with non-individually identifiable information are stored separately in a locked safe. Magnetic data are further protected by special account numbers and passwords.

The contractor conforms to the Department's ADP Systems Manual, "Part 6, ADP System Security." Access to the linkage associated with identifiable data for individuals is subject to the specific approval of the Project Director at Abt Associates, Inc. Information with individual identifiers is used to verify that records and personal statements are in substantial agreement and that critical data are not missing. Should there be apparent discrepancies, the correct situation could be identified through follow-ups. These uses are performed only by persons employed by Abt Associates, Inc. and then only on a "need to know" basis. At the conclusion of the data collection and cleaning period, all files containing RIBs will be destroyed.

Non-individually identifiable data are used for analysis in support of the overall demonstration evaluation. Research topics of the evaluation include: payment and caseload effects; payment accuracy; administrative outcomes and recipient effects. The aggregated data without personal identifiers are available to any member of the public or to any agency of the government.

The Office of the Assistant Secretary for Planning and Evaluation may conduct analyses of non-individually identifiable data, as necessary.

The Government Project Officer may have access to the identifiable records only to monitor the contractor's performance of the evaluation.

RETENTION AND DISPOSAL:

Magnetic files that contain individually identifiable information will be destroyed by shredding or degaussing no more than three years after field work on this evaluation or at such time as it is determined that no further validation of the data will be undertaken.

There are no plans for the destruction of the non-individually identifiable data.

SYSTEMS MANAGER(S) AND ADDRESS:

Assistant Secretary for Planning and Evaluation, U.S. Department of Health and Human Services, 200 Independence Avenue, S.W., Washington, D.C. 20201.

NOTIFICATION PROCEDURE:

An individual requesting notice as to whether the system of records contains information pertaining to him/her, should write to the Government Project Officer, at the address below, indicating his/her full name, current address and any other addresses since March 1981. Simultaneously with requesting notification of inclusion in the system of records, the individual may request record access as described in the "Record Access Procedure" Section.

Project Officer, Monthly Reporting Demonstration Project, Room 457F, Office of the Assistant Secretary For Planning and Evaluation, U.S. Department of Health and Human Services, 200 Independence Avenue, S.W., Washington, D.C. 20201.

RECORD ACCESS PROCEDURES:

Individuals who, through the notification procedures set out above, have established that the sytem of records contains information pertaining to them may request access to those records by writing to the Government Project Officer at the address given above. The Government Project Officer will notify the individual as to the place and time for access to the record(s). If the requestor prefers, and the information requested is not too voluminous, the material may be mailed.

CONTESTING RECORD PROCEDURES:

Contact the Government Project Officer at the address given above, reasonably identify the record, specify the information being contested, the rationale for the challenge and supply the information to be substituted.

RECORD SOURCE CATEGORIES:

Information will be obtained from face-to-face interviews, client information systems and recipient case files.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

Region I, Administrative Support Center (ASC)

09-90-0075

SYSTEM NAME:

MBTA Prepaid Pass Program Participants. HHS RO1-ARD.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

HHS Office of Director for Administrative Support Center, Room 2411, JFK Federal Building, Boston, Massachusetts 02203.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any HHS employee who is participating in the MBTA Pass Program.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, Department, SSN, Credit Union Account Number, Type of Plan, and signature of Employee.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Executive Order 011491.

PURPOSE(S):

To promote employee participation in the President's Energy Program.

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

(a) Disclosure may be made to 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; and

(b) In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

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

STORAGE:

3 x 5 cards in file box.

RETRIEVABILITY:

By name.

SAFEGUARDS:

Office doors locked during nonworking hours.

RETENTION AND DISPOSAL:

Kept as long as employee is a participant in the Program. Cancellation cards are kept for six months after month cancelled; then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Secretary to Director for Administrative Support Center HHS, Room 2411, JFK Federal Building, Boston, Massachusetts 02203.

NOTIFICATION PROCEDURE:

Address: Same as above. Identifying Information: Name, Social Security Number (on a purely voluntary basis).

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) **Federal Register**, October 8, 1975, page 47410.)

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR Section 5b.7) **Federal Register**, October 8, 1975, page 47411.)

RECORD SOURCE CATEGORIES:

Supplied by employee.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 81-27176 Filed 10-26-81; 8:45 am]
BILLING CODE 4110-12-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Assistant Secretary for Personnel Administration

Privacy Act of 1974; Systems of Records, Annual Publication

AGENCY: Department of Health and Human Services (HHS), Office of the Secretary (OS), Office of the Assistant Secretary for Personnel Administration (OASPER).

ACTION: Annual publication of personnel record system notices.

SUMMARY: 5 USC 552a(e)(4) requires that agencies annually publish notices in the Federal Register to indicate the existence and character of any systems of records which they maintain. The following notices are published to meet this requirement with respect to certain systems or records which HHS maintains on its past, present and prospective employees.

SUPPLEMENTARY INFORMATION: The following personnel record system notices contain no material which requires a new or altered system report or any new routine uses. Some minor modifications have been made for the purpose of completeness, clarity and correctness. Numerous changes were made to show current organizational designations and locations.

Dated: September 24, 1981.

Thomas S. McFee,

Assistant Secretary for Personnel Administration.

Table of Contents

SYSTEM NUMBER AND SYSTEM NAME:

09-90-0002—Investigatory Material Compiled for Security and Suitability Purposes, HHS/OS/ASPER
*09-90-0006—Applicants for Employment Records, HHS/OS/ASPER
*09-90-0007—Complaints and Inquiries Records—Miscellaneous, HHS/OS/ASPER
*09-90-0008—Conflict of Interest Records, HHS/OS/ASPER
*09-90-0009—Discrimination Complaints Records, HHS/OS/ASPER
*09-90-0010—Employee Alcoholism, Drug Abuse and Emotional Problem Conseling and Referral Records, HHS/OS/ASPER
*09-90-0011—Employee Appraisal Program Records, HHS/OS/ASPER
*09-90-0012—Executive Development Records, HHS/OS/ASPER
*09-90-0013—Federal Employees Occupational Health Program Records, HHS/OS/ASPER
*09-90-0014—Grievances Filed Under Part 771 of 5 C.F.R., HHS/OS/ASPER
*09-90-0015—Grievance Records Filed Under Procedures Established by Labor-Management Negotiations, HHS/OS/ASPER
*09-90-0016—HHS Motor Vehicle Operator Records, HHS/OS/ASPER
*09-90-0017—Pay, Leave, and Attendance Records, HHS/OS/ASPER
*09-90-0018—Personal Records in Operating Offices, HHS/OS/ASPER
*09-90-0019—Special Employment Program Records, HHS/OS/ASPER
*09-90-0020—Suitability for Employment Records, HHS/OS/ASPER
*09-90-0021—Training Management Information System, HHS/OS/ASPER
*09-90-0022—Volunteer EEO Support Personnel Records, HHS/OS/ASPER
*09-90-0036—Employee Suggestion Program Records, HHS/OS/ASPER
*09-90-0059—Federal Advisory Committee Membership Files, HHS/OS/ASPER
*09-90-0069—Unfair Labor Practice Records, HHS/OS/ASPER

*Systems are Department-wide with Office of the Secretary policy guidance but with local operational control.

09-90-0002

SYSTEM NAME:

Investigatory Material Compiled for Security and Suitability Purposes, HHS/OS/ASPER.

SECURITY CLASSIFICATION:

None for the system; however, a portion of the records within the system are classified at the level of Confidential and Secret.

SYSTEM LOCATION:

Division of Personnel Investigations, Room 523B, Humphrey Building, U.S. Department of Health and Human Services, 200 Independence Avenue, S.W., Washington, D.C. 20201.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Prospective, current, and, former employees and others doing business with the Department.

CATEGORIES OF RECORDS IN THE SYSTEM:

Security and suitability investigations.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Executive Orders 10450 and 11652.

PURPOSE(S):

Records in this system are maintained to assist the Secretary and other responsible officials in determining whether the appointment and retention of HHS employees is clearly consistent with the national security and whether they are otherwise suitable for employment. This system contains records of certain applicants to and employees of each Department component. See also "Retrievability" below.

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

These records may be used as follows:

(1) In the event that this system of records indicates 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, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether federal, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

(2) A record from this system of records may be disclosed as a "routine use" to a federal, state or local agency maintaining civil, criminal or other relevant enforcement records or other pertinent records, such as current licenses, if necessary to obtain a record 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.

A record from this system of records may be disclosed 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 record is relevant and necessary to the requesting agency's decision on the matter.

(3) In the event that this system of records indicates 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, the relevant records in the system of records may be referred, as a routine use to the appropriate agency, whether state or local 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.

(4) Disclosure may be made to 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.

(5) In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense provided such disclosure is compatible with the purpose for which the records were collected.

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

STORAGE:

The records are maintained in security type vaults or safes or lock bar file cabinets with manipulation proof combination locks.

RETRIEVABILITY:

The records are alphabetically indexed by name and date of birth of the individual subject of the file or by cross reference to another file. Access within HHS is limited to the Secretary, and on a need-to-know basis to other officials having program management responsibility.

SAFEGUARDS:

Direct access is restricted to authorized Division of Personnel investigation staff. Access to the safes in which the records are stored is limited to those Division of Personnel Investigation employees with appropriate security clearances and the lock combination.

RETENTION AND DISPOSAL:

Security investigative records on individuals who occupy sensitive positions are maintained during the term of their employment. Other security and suitability investigative records are maintained for ten years if subject to EO 10450. Other files may be destroyed after three years.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Division of Personnel Investigations, Room 523B, Humphrey Bldg., U.S. Department of Health and Human Services, 200 Independence Avenue, S.W., Washington, D.C. 20201.

NOTIFICATION PROCEDURE:

Contact the System Manager. Include name, date of birth, and employment or other affiliation with the Department.

RECORD ACCESS PROCEDURES:

Contact the System Manager. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR Section 5b.5(a)(2)) **Federal Register**, October 8, 1975, page 47410.)

CONTESTING RECORD PROCEDURES:

Contact the System Manager, reasonably identify the record, and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR Section 5b.7) **Federal Register**, October 8, 1975, page 47411.)

RECORD SOURCE CATEGORIES:

Federal, state or local agencies maintaining civil, criminal, suitability, or other relevant enforcement information or other pertinent information, correspondence and material or data obtained during the course of the conduct of the investigations.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Individuals will be provided information from this record system except when in accordance with the provisions of 5 U.S.C. 552a(k)(5): 1. disclosure of such information would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or 2. if the information was obtained prior to September 27, 1975, disclosure of such information would reveal the identity of a source who provided information under an implied promise that the identity of the source would be held in confidence (45 CFR 5b.11).

09-90-00066

SYSTEM NAME:

Applicants for Employment Records, HHS/OS/ASPER.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

This system is located in personnel offices and other offices of the Department authorized to receive applications for employment. See Appendix 1.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons who have applied for Federal employment or are employed in the Federal service.

CATEGORIES OF RECORDS IN THE SYSTEM:

These records contain information relating to the education and training; employment history and earnings; appraisal of past performance; convictions and offenses against the law; results of written tests; appraisal of potential; honors, awards or fellowships; military service; veterans preference, birthplace; birth date; social security number,; and home address of persons who have applied for Federal employment or are employed in the Federal service and correspondence related thereto. These records may also include information concerning the date of application, qualification status, employment consideration, priority grouping, and other information relating to the consideration of the individual for employment.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 1302, 3301, 3302, Executive Order 10577.

PURPOSE(S):

Records in this system are used to determine individuals' eligibility and evaluate their qualifications for placement in positions within the Department. These records are maintained in each component of the Department.

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

These records may be used: (1) to respond to requests for information from the Office of Personnel Management, Members of Congress, or other inquiries from outside the Department, to the extent their request is compatible with the purpose for which the records are maintained.

(2) Disclosure may be made to 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.

(3) In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the

Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense provided such disclosure is compatible with the purpose for which the records were collected.

(4) In the event that this system of records indicates 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, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether federal, 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.

(5) A record from this system of records may be disclosed as a "routine use" to a federal, state or local agency maintaining civil, criminal or other relevant enforcement records or other pertinent records, such as current licenses, if necessary to obtain a record 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.

A record from this system of records may be disclosed 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 record is relevant and necessary to the requesting agency's decision on the matter.

(6) In the event that this system of records indicates 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, the relevant records in the system of records may be referred, as a routine use to the appropriate agency, whether state or local 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) Where federal agencies having the power to subpoena other federal agencies' records, such as the Internal Revenue Service or the Civil Rights Commission, issue a subpoena to the Department for records in this system of records, the Department will make such records available.

(8) Where a contract between a component of the Department and a labor organization recognized under E.O. 11491 provides that the agency will disclose personal records relevant to the organization's mission, records in this system of records may be disclosed to such organization.

(9) The Department contemplates that it will contract with a private firm for the purpose of collating, analyzing, aggregating or otherwise refining records in this system. Relevant records will be disclosed to such a contractor. The contractor shall be required to maintain Privacy Act safeguards with respect to such records.

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

STORAGE:

Records are maintained on magnetic tapes, discs, drums, punched cards, microfiche, cards, lists, and forms.

RETRIEVABILITY:

Records are indexed by any combination of name, birth date, social security number and identification number.

SAFEGUARDS:

Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is employed to prevent unauthorized disclosure.

RETENTION AND DISPOSAL:

Records are retained until the applicant is selected for a position, or for two years. After the applicant is selected for a position, the records are filed in the Official Personnel Folder which is retained until the employee leaves the Department. If the applicant is not selected for a position within two years, the records are destroyed. (See HHS Personnel Instruction 293–1, Exhibit X293–1–1, item 15.)

SYSTEM MANAGER(S) AND ADDRESS:

Personnel Officers of the Department. See Appendix 1.

NOTIFICATION PROCEDURE:

Personnel office to which application is made (see Appendix 1). Individual should provide name, date of birth, social security number, approximate date of record and title of position for which application was made.

RECORD ACCESS PROCEDURE:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) **Federal Register**, October 8, 1975, page 47410.)

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) **Federal Register**, October 8, 1975, page 47411.)

RECORD SOURCE CATEGORIES:

Information in this system of records is provided by the individual to whom it applies, is derived from information he or she supplied; or is obtained from information supplied by others.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

Appendix 1

Personnel Offices in Department of Health and Human Services

Office of the Assistant Secretary for Personnel Administration, Department of Health and Human Services, 200 Independence Avenue, S.W., Washington, D.C. 20201

Headquarters Personnel Offices:

Personnel Officer, Division of OS Personnel, Office of the Secretary, Department of Health and Human Services, Room 4361—4th Floor, 330 Independence Avenue, SW., Washington, D.C. 20201

Director, Division of Human Resources, Health Care Financing Administration, Department of Health and Human Services, Room G–H–5, East Low Rise Building, 6325 Security Blvd., Baltimore, Maryland 21207

Personnel Officer, Office of Human Development, Department of Health and Human Services, Room 351D, Humphrey Building, 200 Independence Ave., SW., Washington, D.C. 20201

Chief, Office of the Assistant Secretary for Health Personnel Operations Office, Department of Health and Human Services, Room 17–34, Parklawn Bldg., 5600 Fishers Lane, Rockville, Maryland 20857

Director, Office of Personnel Management, Public Health Service, Department of Health and Human Services, Room 18A–55—Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857

Director, Division of Personnel Management, Alcohol, Drug Abuse, and Mental Health Administration, Department of Health and Human Services, Room 1295—Parklawn

Building, 5600 Fishers Lane, Rockville, Maryland 20857

Personnel Officer, Saint Elizabeths Hospital, ADAMHA, Department of Health and Human Services, Room 120—E Building, 2700 Martin Luther King Avenue, SE., Washington, D.C. 20032

Personnel Director, 1600 Clifton Road, NE., Atlanta, Georgia 30333

Personnel Officer, Office of the Assistant Secretary for Health, Department of Health and Human Services, Room 17–34, Parklawn Bldg., 5600 Fishers Lane, Rockville, Maryland 20857

Director, Office of Management, Budget and Personnel (OMBP), Social Security Administration, Department of Health and Human Services Room 734, Altmeyer Bldg., 6401 Security Boulevard, Baltimore, Maryland 21235

Personnel Officer, Office of Hearings and Appeals, Social Security Administration, Department of Health and Human Services, 3833 N. Fairfax Drive, Arlington, Virginia 22203

Regional Personnel Offices:

Regional Personnel Officer, Region I, Department of Health and Human Services, John F. Kennedy Federal Building, Government Center—Room 1503, Boston, Massachusetts 02203

Regional Personnel Officer, Region II, Department of Health and Human Services, Federal Building, Room 39–100, 26 Federal Plaza, New York, New York 10278

Regional Personnel Officer, Region III, Department of Health and Human Services, 3535 Market Street, Room 9460, Philadelphia, Pennsylvania 19101

Regional Personnel Officer, Region IV, Department of Health and Human Services, Suite 1601, 101 Marietta Tower, Atlanta, Georgia 30323

Regional Personnel Officer, Region V, Department of Health and Human Services, 31st Floor, 300 S. Wacker Drive, Chicago, Illinois 60606

Regional Personnel Officer, Region VI, Department of Health and Human Services, 18th Floor, 1200 Main Tower Bldg., Dallas, Texas 75202

Division of Personnel Management, National Institutes of Health, Department of Health and Human Services, Room 21—Building 1, 9000 Rockville Pike, Bethesda, Maryland 20205

Personnel Officer, Personnel Office, National Library of Medicine, Department of Health and Human Services, 8600 Rockville Pike, Room M–105, Bethesda, Maryland 20209

Chief, Personnel Management Branch, National Cancer Institute, Department of Health and Human Services, Room 3A19—Building 31, 9000 Rockville Pike, Bethesda, Maryland 20205

Chief, Personnel Management Branch, National Heart and Lung Institute, Department of Health and Human Services, Room 5A32—Building 31, 9000 Rockville Pike, Bethesda, Maryland 20205

Personnel Officer, National Institute of Environmental Health Services, Department of Health and Human Services, P.O. Box 12233, Research Triangle Park, North Carolina 27709

Director, Division of Personnel Management, Health Resources Administration, Department of Health and Human Services, Room 9–27, Center Building, 3700 East-West Highway, Hyattsville, Maryland 20782

Director, Office of Personnel, Health Services Administration, Department of Health and Human Services, Room 14A–20—Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857

Personnel Director, Food and Drug Administration, Department of Health and Human Services, Room 4B–09—Parklawn Building HFA–400, 5600 Fishers Lane, Rockville, Maryland 20857

Personnel Officer, Bureau of Health Manpower, Department of Health and Human Services, Room 5B–44—Building 31, 9000 Rockville Pike, Bethesda, Maryland 20015

Personnel Director, Personnel Management Office, Centers for Disease Control, Department of Health and Human Services, Building 1, Room 153A, Regional Personnel Officer, Region VII, Department of Health and Human Services, Room 468, 601 E. 12th Street, Kansas City, Missouri 64106

Regional Personnel Officer, Region VIII, Department of Health and Human Services, Room 1031, Federal Office Building, 1961 Stout Street, Denver, Colorado 80294

Regional Personnel Officer, Region IX, Department of Health and Human Services, 50 United Nations Plaza, San Francisco, California 94102

Regional Personnel Officer, Region X, Department of Health and Human Services, Room 6039 Arcade Plaza Building, 1321 Second Avenue, Mail Stop 627, Seattle, Washington 98101

Other Personnel Offices:

Chief, Personnel Office, Cleveland Branch Office, Region V, Department of Health and Human Services, 14600 Detroit Avenue, Room 500, Cleveland, Ohio 44107

Southern California Operating Center, Region IX, 24000 Avila Road, 4th Floor, Laguna Niguel, California 92677

Personnel Officer, U.S. Public Health Service Hospital, Personnel Section, Department of Health and Human Services, Carville, Louisiana 70721

Personnel Officer, U.S. Public Health Service Hospital, Personnel Section, Department of Health and Human Services, 4400 Ursuline, Galveston, Texas 77550

Personnel Officer, U.S. Public Health Service Hospital, Personnel Section, Department of Health and Human Services, 1131 14th Avenue South, Seattle, Washington 98114

Personnel Officer, U.S. Public Health Service Hospital, Office of Personnel, Department of Health and Human Services, Bay and Vanderbilt Streets, Staten Island, New York 10304

Personnel Officer, U.S. Public Health Service Hospital, Personnel Section, Department of Health and Human Services, 15th Avenue and Lake Street, San Francisco, California 94118

Personnel Officer, U.S. Public Health Service Hospital, Personnel Section, Department of Health and Human Services, 77 Warren Street, Boston, Massachusetts 02135

Personnel Officer, U.S. Public Health Service Hospital, Personnel Section, Department of Health and Human Services, 210 State Street, New Orleans, Louisiana 70118

Personnel Officer, U.S. Public Health Service Hospital, Personnel Section, Department of Health and Human Services, 6500 Hampton Boulevard, Larchmont, Norfolk, Virginia 23508

Personnel Officer, U.S. Public Health Service Hospital, Personnel Management Branch, Department of Health and Human Services, 3100 Wyman Park Drive, Baltimore, Maryland 21211

Personnel Officer, Indian Health Service, Personnel Management Branch, Department of Health and Human Services, P.O. Box 2143, Billings, Montana 59103

Personnel Officer, Indian Health Service, Personnel Section, Department of Health and Human Services, 4005 Federal Office Building, 500 Gold Avenue, S.W., Albuquerque, New Mexico 87101

Personnel Officer, Indian Health Service, Personnel Management Branch, Department of Health and Human Services, 115 4th Avenue, SE., Aberdeen, South Dakota 57401

Personnel Officer, Indian Health Service, Personnel Management Branch, Department of Health and Human Services, 801 East Indian School Road, Phoenix, Arizona 85014

Personnel Officer, Indian Health Service, Personnel Branch, Department of Health and Human Services, 388 Old Post Office and Courthouse, Oklahoma City, Oklahoma 73102

Personnel Officer, Alaska Area Ofice, Indian Health Service, Department of Health and Human Services, P.O. Box 7–741, Anchorage, Alaska 99501

Personnel Officer, Indian Health Area Office, Office of Personnel, Department of Health and Human Services, Room 200, 921 SW. Washington Street, Portland, Oregon 97205

Personnel Officer, Indian Health Service, Office of Personnel, Department of Health and Human Services, P.O. Box G, Window Rock, Arizona 86515

Personnel Officer, Addiction Research Center, National Institute of Drug Abuse, ADAMHA, Department of Health and Human Services, P.O. Box 12390, Lexington, Kentucky 40511

Personnel Officer, National Institute for Occupational Safety and Health, Department of Health and Human Services, Room 540, U.S. Post Office and Courthouse, 5th and Walnut Street, Cincinnati, Ohio 45202

Chief, Personnel Branch, Mid-Atlantic Program Service Center, Social Security Administration, Department of Health and Human Services, P.O. Box 14008, Philadelphia, Pennsylvania 19108

Chief, Personnel Branch, Northeastern Program Service Center, Social Security Administration, Department of Health and Human Services, 9605 Horace Harding Expressway, Flushing, New York 11368

Chief, Personnel Branch, Southeastern Program Service Center, Social Security Administration, Department of Health and Human Services, 2001 12th Avenue, North, Birmingham, Alabama 35285

Chief, Personnel Branch, Western Program Service Center, Social Security Administration, Department of Health and Human Services, P.O. Box 2000, Richmond, California 94802

Chief, Personnel Branch, Great Lakes Program Service Center, Social Security Administration, Department of Health and Human Services, 165 North Canal Street, Chicago, Illinois 60606

Chief, Personnel Branch, Mid-America Program Service Center, Social Security Administration, Department of Health and Human Services, P.O. Box 15186, Kansas City, Missouri 64106

Personnel Officer, Albuquerque Data Operations Center, Social Security Administration, Department of Health and Human Services, P.O. Box 4429, Station "A", Albuquerque, New Mexico 87106

Personnel Officer, Salinas Data Operations Center, Social Security Administration, Department of Health and Human Services, 100 East Alvin Drive, Salinas, California 93906

Chief, Personnel Branch, Wilkes-Barre Data Operations Center, Social Security Administration, Department of Health and Human Services, V.A. Bldg., Rm. 512, 19 North Main Street, Wilkes-Barre, Pennsylvania 18701

09-90-0007

SYSTEM NAME:

Complaints and Inquiries Records—Miscellaneous, HHS/OS/ASPER.

SECURITY LOCATION:

None.

SYSTEM LOCATION:

Personnel offices shown in Applicants for Employment Records, HHS System 09900006, Appendix 1 and offices of operating officials in organizational units serviced by those personnel offices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and former employees of the Department.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system consists of records relating to an individual's employment status or conduct while employed by the Department. Examples of these records include: correspondence from employees, Members of Congress, and members of the public alleging misconduct by an employee of the Department, miscellaneous complaints not covered by the Department's formal or informal grievance procedure, informal complaints handled by labor union officials, and miscellaneous debt correspondence received from creditors.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Executive Orders 11222, 10561 and 11491.

PURPOSE(S):

Records in this system are maintained to initiate, investigate and resolve various complaints and inquiries made by or against Department employees. See also "Retrievability" below.

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:

(1) In the event that this system of records indicates 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, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether federal, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto

(2) In the event the Department deems it desirable or necessary, in determining whether particular records are required to be disclosed under the Freedom of Information Act, disclosure may be made to the Department of Justice for the purpose of obtaining its advice.

(3) A record from this system of records may be disclosed as a "routine use" to a federal, state or local agency maintaining civil, criminal or other relevant enforcement records or other pertinent records, such as current licenses, if necessary to obtain a record 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.

A record from this system of records may be disclosed 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 record is relevant and necessary to the requesting agency's decision on the matter.

(4) In the event that this system of records indicates 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, the relevant records in the system of records may be referred, as a routine use to the appropriate agency, whether state or local 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.

(5) Where federal agencies having the power to subpoena other federal agencies' records, such as the Internal Revenue Service or the Civil Rights Commission, issue a subpoena to the Department for records in this system of records, the Department will make such records available.

(6) Where a contract between a component of the Department and a labor organization recognized under E.O. 11491 provides that the agency will disclose personal records relevant to the organization's mission, records in this system of records may be disclosed to such organization.

(7) Office of Personnel Management, Merit Systems Protection Board (including its Office of the Special Counsel), Equal Employment Opportunity Commission, and the Federal Labor Relations Authority (including the General Counsel of the Authority and the Federal Service Impasses Panel) in carrying out their functions.

(8) To respond to Members of Congress and members of the public with regard to complaints or inquiries presented by them.

(9) Disclosure may be made to 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.

(10) In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records

as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

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

STORAGE:

Filed in folders and index cards.

RETRIEVABILITY:

Records are filed by name. Records are used to produce summary descriptive statistics and analytical studies in support of the functions for which the records are collected and maintained and for related personnel management functions or pay studies; and for other purposes compatible with the intent for which the records system was created.

SAFEGUARDS:

Access to and use of these records are limited to those persons whose official duties require such access.

RETENTION AND DISPOSAL:

Records are retained until there is no further administrative need for them, the individual leaves the Department, or one year has elapsed, and are then destroyed. (See HHS Personnel Instruction 293–1, Exhibit X293–1–2, item 7.)

SYSTEM MANAGER(S) AND ADDRESS:

Personnel Officers shown in Appendix 1 to Applicants for Employment Records, HHS System 09900006, who service organizational units in which individuals are employed.

NOTIFICATION PROCEDURE:

Operating officials in organizational unit in which employee is employed or personnel officers shown as systems managers in Appendix 1 Applicants for Employment Records, HHS System 09900006. Individuals should provide name, organization in which employed, and date of birth.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) **Federal Register**, October 8, 1975, page 47410.)

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) **Federal Register**, October 8, 1975, page 47411.)

RECORD SOURCE CATEGORIES:

Information in this system of records is obtained: (1) directly from the individual, or (2) derived from information supplied by the individual, or (3) from information supplied by members of the public, other employees, Members of Congress, Department management officials, or (4) from police and court records relevant to the complaint about the employee.

09–90–0008

SYSTEM NAME:

Conflict of Interest Records, HHS/OS/ASPER.

SYSTEM CLASSIFICATION:

None.

SYSTEM LOCATION:

Personnel Offices of the Department (See Applicants for Employment Records, HHS System 09900006, Appendix 1) or authorized approving officials to be identified by those Personnel Offices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Incumbents of Department positions the duties of which are of such a nature that incumbent's outside activities may come in conflict with the incumbent's official duties.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system consists of a variety of records relating to an employee's conduct and outside activities. In addition to the name of the employee, position title, grade, salary, pay plan, and employing organization, the system includes information about outside employment, outside compensation and related information.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Executive Order 11222.

PURPOSE(S):

Records in this system are used to determine whether an employee's financial interests or outside activities are in conflict with the employee's duties as a Federal employee. Records are maintained in each component of the Department. See also "Retrievability" below.

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

Information in this system of records may be used: (1) by the Office of Personnel Management, Merit Systems Protection Board (including its Office of the Special Counsel), Equal Employment Opportunity Commission, and the Federal Labor Relations Authority (including the General Counsel of the Authority and the Federal Service Impasses Panel) in carrying out their functions.

(2) In the event that this system of records indicates 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, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether federal, 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.

(3) A record from this system of records may be disclosed as a "routine use" to a federal, state or local agency maintaining civil, criminal or other relevant enforcement records or other pertinent records, such as current licenses, if necessary to obtain a record 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.

A record from this system of records may be disclosed 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 record is relevant and necessary to the requesting agency's decision on the matter.

(4) In the event that this system of records indicates 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, the relevant records in the system of records may be referred, as a routine use to the appropriate agency, whether state or local 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.

(5) Where federal agencies having the power to subpoena other federal agencies' records, such as the Internal Revenue Service or the Civil Rights Commission, issued a subpoena to the Department for records in this system of records, the Department will make such records available.

(6) The Department contemplates that it will contract with a private firm for the purpose of collating, analyzing, aggregating or otherwise refining records in this system. Relevant records will be disclosed to such a contractor. The contractor shall be required to maintain Privacy Act safeguards with respect to such records.

(7) Disclosure may be made to 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.

(8) In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

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

STORAGE:

Conflict of Interest Records are maintained in file folders.

RETRIEVABILITY:

Records are retrievable by name. They may be used for production of summary descriptive statistics and analytical studies in support of the functions for which the records are collected and maintained and for other purposes compatible with the intent for which the records system was created.

SAFEGUARDS:

These records are treated as controlled for Official Use Only and made available only to persons specifically authorized to receive them.

RETENTION AND DISPOSAL:

Records are retained until 2 years after the individual discontinues the activity for which approval was required, or until the individual leaves the Department, and are then destroyed. (See HHS Personnel Instruction 293–1, Exhibit X293–1–1, item 25.)

SYSTEM MANAGER(S) AND ADDRESS:

Personnel Offices of the Department shown in Appendix 1 to Applicants for Employment Records, HHS System 09900006.

NOTIFICATION PROCEDURE:

For incumbents who are in position under the Executive Schedule; Office of the Secretary Staff Office Heads; or Principal Regional Officials contact: Deputy Assistant Secretary for Personnel, Office of Personnel, Department of Health and Human Services, 200 Independence Avenue, S.W., Washington, D.C. 20201.

For incumbents of positions in the Food and Drug Administration, contact: Director, Policy Management Staff, HFA–20, Food and Drug Administration, 5600 Fisher Lane, Rockville, Maryland 20857.

For incumbents of other positions included in this records system, contact the Personnel Office shown in Appendix 1 to Applicants for Employment Records, HHS System 09900006, which services the organizational units in which the individual is employed. The individual should indicate name, position title, grade and series, and organization in which located.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) **Federal Register**, October 8, 1975, page 47410.)

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) **Federal Register**, October 8, 1975, page 47411.)

RECORD SOURCE CATEGORIES:

Information in this system of records is: (1) supplied directly by the individual, or (2) derived from information supplied by the individual, or (3) supplied by Department officials or other persons such as trustee, attorney, accountant, relative.

09–90–0009

SYSTEM NAME:

Discrimination Complaints Records, HHS/OS/ASPER.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Office of the Deputy Assistant Secretary for EEO, 200 Independence Avenue, SW., Washington, D.C. 20201.

Offices of designated EEO Officers. See Appendix 1 for exact locations.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals or organizations which have consulted an EEO Counselor regarding discrimination on the basis of race, color, religion, sex, national origin, physical disability or age because of a determination or decision made by a Department official or which have filed a third-party allegation of discrimination.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system of records contains information or documents concerning pre-complaint processing and third-party allegations of discrimination. The records consist of counselors' reports, the initial allegations, letters or notices to the individual or organization, materials placed into the record to support or refute the decision or determination, statements of witnesses, investigative reports, instructions about action to be taken to comply with decisions, and related correspondence, opinions and recommendations.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Executive Order 11478, 42 USC 2000e and 29 USC 633a.

PURPOSE(S):

These records are used to inititate, investigate, and resolve discrimination complaints within the Department. They are maintained in each component of the Department. See also "Retrievability" below.

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 respond to a request from a Member of Congress regarding the status of an appeal, complaint or grievance;

(2) To refer to Office of Personnel Management, Merit Systems Protection Board (including its Office of the Special Counsel), Equal Employment Opportunity Commission, and the Federal Labor Relations Authority (including the General Counsel of the Authority and the Federal Service Impasses Panel) in carrying out their functions;

(3) In the event that this system of records indicates 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, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether federal, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implimenting the statute, or rule regulation or order issued pursuant thereto.

(4) In the event the Department deems it desirable or necessary, in determining whether particular records are required to be disclosed under the Freedom of Information Act, disclosure may be made to the Department of Justice for the purpose of obtaining its advice.

(5) A record from this system of records may be disclosed as a "routine use" to a federal, state or local agency maintaining civil, criminal or other relevant enforcement records or other pertinent records, such as current licenses, if necessary to obtain a record 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.

A record from this system of records may be disclosed 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 record is relevant and necessary to the requesting agency's decision on the matter.

(6) In the event that this system of records indicates 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, the relevant records in the system of records may be referred, as a routine use to the appropriate agency, whether state or local 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) Where federal agencies having the power to subpoena other federal agencies' records, such as the Internal Revenue Service or the Civil Rights Commission, issue a subpoena to the Department for records in this system of records, the Department will make such records available.

(8) Where a contract between a component of the Department and a labor organization recognized under E.O. 11491 provides that the agency will disclose personal records relevant to the organization's mission, records in this system of records may be disclosed to such organization.

(9) The Department contemplates that it will contract with a private firm for the purpose of collating, analyzing, aggregating or otherwise refining records in this system. Relevant records will be disclosed to such a contractor. The contractor shall be required to maintain Privacy Act safeguards with respect to such records.

(10) Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of the individual.

(11) In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

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

STORAGE:

These records are maintained in file folders, binders, and index cards.

RETRIEVABILITY:

These records are indexed by the names of the individuals or organizations on whom they are maintained. They may be used: as a data source for management information for production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained, or for related personnel management functions or manpower studies; and to locate specific individuals for personnel research or other personnel management functions.

SAFEGUARDS:

Access to and use of these records are limited to those persons whose official duties require such access.

RETENTION AND DISPOSAL:

The records are retained for four years after final disposition, and are then destroyed. (See HHS Personnel Instruction 293–1, Exhibit X293–1–1, item 26a(1).)

SYSTEM MANAGER(S) AND ADDRESS:

See Appendix 1.

NOTIFICATION PROCEDURE:

Individuals and organizations which consulted an EEO counselor or filed a third-party allegation of discrimination are aware of that fact. They may write the appropriate system manager indicated below or the general coordinator if the immediate system manager is unknown, regarding the existence of such records pertaining to them. The inquirers, as appropriate, should provide their name, date of birth, agency in which employed or agency in which the situation arose if different from employing agency, the approximate date, and the kind of action taken, when making inquiries about records.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) **Federal Register**, October 8, 1975, page 47410.)

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) **Federal Register**, October 8, 1975, page 47411.

RECORD SOURCE CATEGORIES:

a. Individual to whom the record pertains

b. Department or other officials

c. Statements from employees or other witnesses

d. Offical documents relating to the counseling or third-party allegation

e. Correspondence from specific organizations or persons.

Appendix 1

List of Locations and System Managers for EEO Matters General Coordinator:

Deputy Assistant Secretary for EEO, Room 509F, 200 Independence Avenue, SW., Washington, D.C. 20201

System Managers

Office of the Secretary, EEO Officer, Room 541F Humphrey Building 200 Independence Ave., S.W., Washington, D.C. 20201

Regional Offices

Region I

EEO Officer, Room 2403, JFK Federal Building, Boston, Massachusetts 02203

Region II

EEO Officer, Room 3838–D, 26 Federal Plaza, New York, New York 10278

Region III

EEO Officer, Room 9200, 11460 Market Street, Philadelphia, Pennsylvania 19101

Region IV

EEO Officer, 19th Floor, 101 Marietta Tower, Atlanta, Georgia 30323

Region V

EEO Officer, 35th Floor, 300 S. Wacker Drive, Chicago, Illinois 60606

Region VI

EEO Officer, Room 904, 1114 Commerce Street, Dallas, Texas 75202

Region VII

EEO Officer, Room 616D, 601 East 12th Street, Kansas City, Missouri 64106

Region VIII

EEO Officer, Room 1089, Federal Office Building, 1961 Stout Street, Denver, Colorado 80294

Region IX

EEO Officer, Room 413, 50 United Nations Plaza, San Francisco, California 94102

Region X

EEO Officer, Room 6132, Arcade Plaza Building, 1321 Second Avenue, Mail Stop 629, Seattle, Washington 98101

Principal Operating Components and Agencies

Social Security Administration, EEO Officer, Room 739, Administration Building, 6401 Security Boulevard, Baltimore, Maryland 21235

Health Care Financing Administration, EEO Officer, Room 793, East High Rise Building, 6401 Security Blvd., Baltimore, Maryland 21235

Assistant Secretary for Health, EEO Officer, Room 9–A–54, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857

Health Resources Administration, EEO Officer, Room 10–44, Center Building, 3700 East-West Highway, Hyattsville, Maryland 20782

Health Services Administration, EEO Officer, Room 14–18, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857

Food and Drug Administration, EEO Officer, Room 12–B–03, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857

Alcohol, Drug Abuse and Mental Health Administration, EEO Officer, Room 17–C–20, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857

National Institutes of Health, EEO Officer, Room 2–B–40, Building 31, National Institutes of Health, Bethesda, Maryland 20205

Centers for Disease Control

EEO Officer, Room 2405, Building 1, 1600 Clifton Road, NE., Atlanta, Georgia 30333

Office of Human Development Services, EEO Officer, Room 336E, Humphrey Building, 200 Independence Ave., SW., Washington, D.C. 20201

09–90–0010

SYSTEM NAME:

Employee Alcoholism, Drug Abuse and Emotional Problem Counseling and Referral Records, HHS/OS/ASPER.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Personnel offices shown in Applicants for Employment Records, HHS System 09900006, Appendix 1 or designated offices performing counseling functions for employees in oganizational units serviced by these personnel offices, including the Public Health Employee Assistance Program offices lists in Appendix 1 of this notice.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Department employees who have been counseled for work adjustment, personal or emotional health problems and/or the abuse of alcohol or drugs.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system contains records of employees who have been counseled and/or referred by a counselor and records of members of employees' families who have been counseled. Examples of information which may be found in this record system include the employee's name, SSN, date of birth, grade, job series, job title, leave record, service computation date, home address, home phone number, supervisor's name, name and address of the individual's personal physician, social history, educational background and performance appraisals. Other documents which may also be found in the counselor's file are notes made by the counselor, copies of admonishments and reprimands received by the employee and a record of the supervisor's referral (if the employee was referred by the supervisor).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

44 U.S.C. 3101, 42 U.S.C. 4561, 21 U.S.C. 1180, and 5 U.S.C. 7901.

PURPOSE(S):

These records are used to help the Department's troubled employees overcome their problems and remain productive employees. They are used to document the nature and effects of the employee's problem and progress and when necessary to refer individuals to appropriate community or private resources for treatment or rehabilitation. These records are maintained in each component of the Department. See also "Retrievability" below.

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

In unusual circumstances, it may be appropriate to disclose information from this system of records:

(1) The Department contemplates that it will contract with a private firm for the purpose of collating, analyzing, aggregating or otherwise refining records in this system. Relevant records will be disclosed to such a contractor. The contractor shall be required to maintain Privacy Act safeguards with respect to such records.

(2) To organizations deemed qualified by the Secretary to carry out quality assessment, medical audits or utilization review.

(3) To the Department of Justice or other appropriate Federal agencies in defending claims against the United States when the claim is based upon an individual's mental or physical condition and is alleged to have arisen because of activities of components of the Department in connection with such individual;

(4) In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to

represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected. Such disclosures will be restrictively made; in particular, disclosures of information pertaining to an individual with a history of alcohol or drug abuse will be limited in compliance with the restrictions if the Confidentiality of Alcohol and Drug Abuse Patient Records regulations, 42 CFR Part 2.

(5) A record from this system of records may be disclosed as a "routine use" to a recipient for a research purpose, if the Department:

(a) determines that the use or disclosure does not violate legal or policy limitations under which the record was provided, collected, or obtained;

(b) determines that the research purpose for which the disclosure is to be made—(1) cannot be reasonably accomplished unless the record is provided in individually identifiable form, and (2) warrants the risk to the privacy of the individual that additional exposure of the record might bring;

(c) requires the recipient to—(1) establish reasonable administrative, technical, and physical safeguards to prevent unauthorized use or disclosure of the record, and (2) remove or destroy the information that allows the individual to be identified at the earliest time at which removal or destruction can be accomplished consistent with the purpose of the research project unless the recipient presents an adequate justification of a research or health nature for retaining such information, and (3) make no further use or disclosure of the record except—(A) in emergency circumstances affecting the health or safety of any individual, (B) for use in another research project, under these same conditions, and with written authorization of the Department, (C) for disclosure to a properly identified person for the purpose of an audit related to the research project, if information that would enable research subjects to be identified is removed or destroyed at the earliest opportunity consistent with the purpose of the audit, or (D) when required by law;

(d) secures a written statement attesting to the recipient's understanding of, and willingness to abide by these provisions.

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

STORAGE:

Employee records are maintained in file folders and on index cards.

RETRIEVABILITY:

Records are filed by name or by case number cross indexed with the employee's name. Anonymous information from these records may also be used to produce summary descriptive statistics and analytical studies in support of the functions for which the records are collected and maintained.

SAFEGUARDS:

During the employment of the individual, records are maintained in confidential files separate from the Official Personnel Folder and are located in lockable metal containers or in secured rooms with access limited to those whose official duties require access. Disclosure of the contents of records which pertain to an individual's alcohol or drug abuse is restricted under the provisions of the Confidentiality of Alcohol and Drug Abuse Patient Records regulations, 42 CFR, Part 2, as authorized by 21 U.S.C. 1175 and 42 U.S.C. 4582, as amended by Pub. L. 93-282. To the extent possible, identical restrictions will be applied to the disclosure of the contents of records pertaining to individuals with other problems who are participating in the Public Health Employee Assistance Program.

RETENTION AND DISPOSAL:

Records are retained until three years after the individual has ceased contact with the counselor, or until the individual leaves the Department, and are then destroyed. (See HHS Personnel Instruction 293-1, Exhibit X293-1-1, item 27a.)

SYSTEM MANAGER(S) AND ADDRESS:

For records of individuals participating in the Public Health Employee Assistance Program conducted by the Public Health Service: The responsible administrator shown in Appendix 1 below. For other individuals' records: The Personnel Officer servicing the installation in which counseling was provided, as shown in Applicants for Employment Records, HHS Systeam 09900006, Appendix 1.

NOTIFICATION PROCEDURE:

Inquiries should be addressed to the system manager at the office where counseling was provided. Individual should provide name, grade, organization in which employed, date of birth, and location and approximate date of counseling. When applicable, the special procedures for access to medical records will be followed. An individual who requests notification of or access to a medical/dental record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion. (These notification and access procedures are in accordance with Department Regulations (45 CFR, Section 5b.6) **Federal Register,** October 8, 1975, page 47411.). When the records pertain to an individual's alcohol or drug use, the procedures in 42 CFR 2.40 will also be followed.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access proedures are in accordance with Department Regulations (45 CFR, Section 5b(a)(2)) **Federal Register,** October 8, 1975, page 47410.).

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) **Federal Register,** October 8, 1975, page 47411.).

RECORD SOURCE CATEGORIES:

Information in this system of records is: 1) supplied directly by the individual, or 2) supplied by a member of the individual's family, or 3) derived from information supplied by the individual, or 4) supplied by sources to whom the employee has been referred for assistance, or 5) supplied by Department officials, or 6) supplied by program counselors.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

Appendix 1

Officials of Public Health Employee Assistance Program (Public Health Service)

Director, PHS/Bureau of Medical Services, Division of Federal Employee Occupational Health, Room 13A-40, Fishers Lane, Rockville, Maryland 20857

Administrator, Public Health Employee Assistance Program, Personnel Management Office, Centers for Disease Control, Atlanta, Georgia 30333

Director, PHS/Bureau of Medical Services, Division of Federal Employee Occupational Health, Center Building, Room 108, 6520 Bellcrest Road, West Hyattsville, Maryland 20782

Administrator, Public Health Employee Assistance Program, Office of Occupational Health, National Institutes of Health, Bethesda, Maryland 20010

Chief, Employee Occupational Health Department, Saint Elizabeth's Hospital, Eldridge Building, Room 122, Washington, D.C. 20032

09-90-0011

SYSTEM NAME:

Employee Appraisal Program Records, HHS/OS/ASPER.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Personnel offices shown in Applicants for Employment Records, HHS System 09900006, Appendix 1 and operating offices in organizational units serviced by those personnel offices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current Federal employees of the Department.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system contains information which includes employee's name, SSN, employing organization, grade, title, series, and materials relating to the evaluations of employee's performance.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 4302, 5 U.S.C. 3301, 5 U.S.C. 3302, Executive Order 10577.

PURPOSE(S):

These records are used as a basis for awards, promotions, and other recognition, reduction-in-force standing, adverse actions, retention during probation, and other personnel actions. These records are maintained in each component of the Department.

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:

(1) By the Office of Personnel Management, Merit Systems Protection Board (including its Office of the Special Counsel), Equal Employment Opportunity Commission, and the Federal Labor Relations Authority (including the General Counsel of the Authority and the Federal Service Impasses Panel) in carrying out their functions;

(2) In the event that this system of records indicates 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, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether federal, 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.

(3) A record from this system of records may be disclosed 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 record is relevant and necessary to the requesting agency's decision on the matter.

(4) In the event that this system of records indicates 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, the relevant records in the system of records may be referred, as a routine use to the appropriate agency, whether state or local 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.

(5) Where federal agencies having the power to subpoena other federal agencies' records, such as the Internal Revenue Service or the Civil Rights Commission, issue a subpoena to the Department for records in this system of records, the Department will make such records available.

(6) Where a contract between a component of the Department and a labor organization recognized under E.O. 11491 provides that the agency will disclose personal records relevant to the organization's mission, records in this system of records may be disclosed to such organization.

(7) The Department contemplates that it will contract with a private firm for the purpose of collating, analyzing, aggregating or otherwise refining records in this system. Relevant records will be disclosed to such a contractor. The contractor shall be required to maintain Privacy Act safeguards with respect to such records.

(8) Disclosure may be made to 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.

(9) In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

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

STORAGE:

Records are maintained in file folders, on magnetic tape, and on punch cards.

RETRIEVABILITY:

Records are retrievable by name or social security number.

SAFEGUARDS:

Access to and use of these records are limited to those persons whose official duties require such access.

RETENTION AND DISPOSAL:

Appraisals and satisfactory rating are retained until a new appraisal or rating is issued, 2 years have elapsed, or the individual leaves the Department, and are then destroyed. Unsatisfactory and outstanding ratings are filed in the Official Personnel Folder which is retained until the individual leaves the Department. (See HHS Personnel Instruction 293-1, Exhibit X293-1-2, Item 10.)

SYSTEM MANAGER(S) AND ADDRESS:

Personnel Officers shown in Applicants for Employment Records, HHS System 09900006, Appendix 1.

NOTIFICATION PROCEDURE:

Same as above. Employee should provide name, social security number and organization in which employed.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) **Federal Register**, October 8, 1975, page 47410

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under notification procedures above, and reasonably identify the record or specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) **Federal Register**, October 8, 1975, page 47411.)

RECORD SOURCE CATEGORIES:

Information in this system of records is provided by the individual, derived from information supplied by the individual or supplied by Department officials.

09-90-0012

SYSTEM NAME:

Executive Development Records, HHS/OS/ASPER.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Personnel offices shown in Applicants for Employment Records, HHS System 09900006, Appendix 1.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All members of the Senior Executive Service, supergrade employees (GS-16-18) and equivalents, incumbents of managerial positions and employees in grade GS-13-15 designated as high potential employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system consists of a variety of records relating to an employee's application for, and participation in, the executive development program. In addition to the employee's name, the system contains the employee's title, grade and salary, Social Security Account Number, organization in which employed, date of entry into the Executive Development Program, training needs while participating in the program, individual's development plan, basis for participation in the Executive Development Program.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 4101 et. seq.

PURPOSE(S):

These records are used to document employee's application for and participation in the executive development program. They may be used as a basis for promotion, transfer, or reassignment. These records are maintained in each component of the Department. See also "Retrievability" below.

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

Information in this system of records is used:

(1) In the event that this system of records indicates 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, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether federal, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

(2) A record from this system of records may be disclosed 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 record is relevant and necessary to the requesting agency's decision on the matter.

(3) In the event that this system of records indicates 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, the relevant records in the system of records may be referred, as a routine use to the appropriate agency, whether state or local 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.

(4) Where federal agencies having the power to subpoena other federal agencies' records, such as the Internal Revenue Service or the Civil Rights Commission, issue a subpoena to the Department for records in this system of records, the Department will make such records available.

(5) Where a contract between a component of the Department and a labor organization recognized under E.O. 11491 provides that the agency will disclose personal records relevant to the organization's mission, records in this system of records may be disclosed to such organization.

(6) The Department contemplates that it will contract with a private firm for the purpose of collating, analyzing, aggregating or otherwise refining records in this system. Relevant records will be disclosed to such a contractor. The contractor shall be required to maintain Privacy Act safeguards with respect to such records.

(7) By the Office of Personnel Management, Merit Systems Protection Board (including its Office of the Special Counsel), Equal Employment Opportunity Commission, and the Federal Labor Relations Authority (including the General Counsel of the Authority and the Federal Service Impasses Panel) in carrying out their functions.

(8) Disclosure may be made to 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.

(9) In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

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

STORAGE:

Information in this system of records is maintained in file folders, magnetic tape, punch cards, and forms.

RETRIEVABILITY:

Records are indexed by name and Social Security Account Number. They may be used as base for preparing management, budgetary or statistical reports to support organizational

planning or manpower utilization studies.

SAFEGUARDS:

Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is employed to prevent unauthorized disclosure.

RETENTION AND DISPOSAL:

Records of an unsuccessful applicant are retained for 60 days after notification that he or she was not selected for participation, and are then destroyed. Records of a participant are retained for 5 years after the individual has ceased to participate in the program, and are then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Heads of personnel offices which service the organizational unit in which the individual is employed. See Applicants for Employment Records, HHS System 09900006, Appendix 1.

NOTIFICATION PROCEDURE:

Same as above. Individuals should include their name, grade, title, and organization when contacting the system manager.

RECORD ACCESS PROCEDURE:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410).

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411).

RECORD SOURCE CATEGORIES:

Information in this system of records is: 1) supplied directly by the individual, or 2) derived from information supplied by the individual, or 3) supplied by Department officials.

09-90-0013

SYSTEM NAME:

Federal Employees Occupational Health Program Records, HHS/OS/ASPER.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Personnel offices shown in Applicants for Employment Records, HHS System 09900006, Appendix 1 and designated offices performing occupational health services for employees in organizations serviced by those personnel offices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current Federal employees of the Department

CATEGORIES OF RECORDS IN THE SYSTEM:

This system consists of a variety of records relating to an employee's participation in the Federal Occupational Health Program at units other than those operated by the Division of Federal Employee Health, Public Health Service. Examples of information which may be included in this system are the employee's name, SSN, date of birth, weight, height, medical history, blood type, nature of injury or complaint, type of treatment/medication received, examination findings, and laboratory results.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C 7901 et seq., P.L. 79–658.

PURPOSE(S):

These records are used to document visits by employees to health units. They serve as the record of injuries and illnesses and treatment given. Information from this system may be used by Department officials in connection with fitness for duty examinations. These records are maintained in each component of the Department. See also "Retrievability" below.

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

Information in this system of records may be used:

(1) By authorized medical personnel in connection with the performance of their official duties.

(2) By the Office of Personnel Management, Merit Systems Protection Board (including its Office of the Special Counsel), Equal Employment Opportunity Commission, and the Federal Labor Relations Authority (including the General Counsel of the Authority and the Federal Service Impasses Panel) in carrying out their functions.

(3) By the Department of Labor in connection with a claim filed by an employee for compensation for job-related injury or disease.

(4) By private contractors engaged in providing medical services under Federal contract.

(5) In the event that this system of records indicates 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, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether federal, 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) In the event the Department deems it desirable or necessary, in determining whether particular records are required to be disclosed under the Freedom of Information Act, disclosure may be made to the Department of Justice for the purpose of obtaining its advice.

(7) A record from this system of records may be disclosed 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 record is relevant and necessary to the requesting agency's decision on the matter.

(8) In the event that this system of records indicates 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, the relevant records in the system of records may be referred, as a routine use to the appropriate agency, whether state or local 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.

(9) Where federal agencies having the power to subpoena other federal agencies' records, such as the Internal Revenue Service or the Civil Rights Commission, issue a subpoena to the Department for records in this system of records, the Department will make such records available.

(10) Where a contract between a component of the Department and a labor organization recognized under E.O. 11491 provides that the agency will

disclose personal records relevant to the organization's mission, records in this system of records may be disclosed to such organization.

(11) The Department contemplates that it will contract with a private firm for the purpose of collating, analyzing, aggregating or otherwise refining records in this system. Relevant records will be disclosed to such a contractor. The contractor shall be required to maintain Privacy Act safeguards with respect to such records.

(12) Disclosure may be made to 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.

(13) In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

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

STORAGE:

Stored in file folders, punch cards and data tape.

RETRIEVABILITY:

Records are retrievable by name, date of birth, and SSN. Information from this system may be used for preparing statistical or summary reports about employee participation in the Federal Occupational Health Program.

SAFEGUARDS:

During the employment of the individual, medical records are maintained in files separate from the Official Personnel Folder and are located in lockable metal containers or in secured rooms with access limited to those whose official duties require access.

RETENTION AND DISPOSAL:

Records are retained until the individual leaves the Department. If they have no long-term value they are destroyed at this time. If they have continuing value they may be combined with the Official Personnel Folder which is forwarded to the Federal Personnel Records Center or to the new employing agency, as appropriate.

SYSTEM MANAGER(S) AND ADDRESS:

Personnel Officers shown in Applicants for Employment Records, HHS System 09900006, Appendix 1, who service organizational units in which the individual is employed.

NOTIFICATION PROCEDURE:

Inquiries should be addressed to the office where occupational medical services are provided. The individual should include name, SSN, title and organization. An individual who requests notification of or access to a medical record shall, at the time the request in made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion. (These notification and access procedures are in accordance with Department Regulations (45 CFR, Section 5b.6) **Federal Register**, October 8, 1975, page 47411.)

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) **Federal Register**, October 8, 1975, page 47410.)

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) **Federal Register**, October 8, 1975, page 47411.)

RECORD SOURCE CATEGORIES

Information in this system of records is: 1) supplied directly by the individual, or 2) derived from information supplied by the individual, or 3) supplied by the medical officer or nurse providing treatment or medication, or 4) supplied by the individual's private physician.

09-90-0614

SYSTEM NAME:

Grievances Filed under Part 771 of 5 C.F.R. HHS/OS/ASPER.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Personnel Offices shown in Applicants for Employment Records, HHS System 09900006, Appendix 1 and offices of operating officials in organizational units serviced by those personnel offices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Department employees individually or as a group who have requested personal relief in a matter of concern or dissatisfaction which is subject to the control of Department management.

CATEGORIES OF RECORDS IN THE SYSTEM:

Information or documents relating to the grievance and personal relief sought; documented materials used in consideration of the grievance, and correspondence related to disposition of the grievance.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 1302, 3301, 3302; Executive Order 10577.

PURPOSE(S):

Records in this system are used to initiate, consider, and resolve employee grievances filed under part 771 of 5 CFR. These records are maintained in each component of the Department. See also "Retrievability" below.

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

Information in this system of records may be used:

(1) In the event that this system of records indicates 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, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether federal, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

(2) In the event the Department deems it desirable or necessary, in determining whether particular records are required to be disclosed under the Freedom of Information Act, disclosure may be made to the Department of Justice for the purpose of obtaining its advice.

(3) A record from this system of records may be disclosed as a "routine use" to a federal, state or local agency maintaining civil, criminal or other

relevant enforcement records or other pertinent records, such as current licenses, if necessary to obtain a record 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.

A record from this system of records may be disclosed 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 record is relevant and necessary to the requesting agency's decision on the matter.

(4) In the event that this system of records indicates 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, the relevant records in the system of records may be referred, as a routine use to the appropriate agency, whether state or local 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.

(5) Where federal agencies having the power to subpoena other federal agencies' records, such as the Internal Revenue Service or the Civil Rights Commission, issue a subpoena to the Department for records in this system of records, the Department will make such records available.

(6) Where a contract between a component of the Department and a labor organization recognized under E.O. 11491 provides that the agency will disclose personal records relevant to the organization's mission, records in this system of records may be disclosed to such organization.

(7) The Department contemplates that it will contract with a private firm for the purpose of collating, analyzing, aggregating or otherwise refining records in this system. Relevant records will be disclosed to such a contractor. The contractor shall be required to maintain Privacy Act safeguards with respect to such records.

(8) By the Office of Personnel Management, Merit Systems Protection Board (including its Office of the Special Counsel), Equal Employment Opportunity Commission, and the Federal Labor Relations Authority (including the General Counsel of the Authority and the Federal Service, Impasses Panel) in carrying out their function.

(9) Disclosure may be made to 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.

(10) In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

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

STORAGE:

The records are maintained in file folders, binders and index cards.

RETRIEVABILITY:

Records are indexed by name of individual filing the grievance. Information from this system may be used by Department officials for preparing statistical summary or management reports.

SAFEGUARDS:

Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is employed to prevent unauthorized disclosure.

RETENTION AND DISPOSAL:

Records are retained for 3 years after the grievance case is closed, and are then destroyed. (See HHS Personnel Instruction 293–1, Exhibit X293–1–1, item 31a.)

SYSTEM MANAGER(S) AND ADDRESS:

Heads of personnel offices which service organizational units in which employees who submit informal grievances are located. See Applicants for Employment Records, HHS System 09900006, Appendix 1.

NOTIFICATION PROCEDURE:

Individuals who have filed grievances are aware of that fact and have been provided information in writing concerning the disposition of the grievance. They may contact the official who signed the written notice, or the System Manager indicated above. They should provide their name, organization in which employed and date of birth and approximate date of the filing of the grievance.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) **Federal Register**, October 8, 1975, page 47410.0

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) **Federal Register**, October 8, 1975, page 47411.)

RECORD SOURCE CATEGORIES:

Information in this system of records is: 1) supplied directly by the individual, or 2) derived from information supplied by the individual, or 3) supplied by Department officials.

09–90–0015

SYSTEM NAME:

Grievances Filed Under Procedures Established by Labor-Management Negotiations, HHS/OS/ASPER.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Personnel offices shown in Applicants for Employment Records, HHS System 09900006, Appendix 1 and offices of operating officials in organizational units serviced by those personnel offices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current Federal employees of the Department covered by a collective bargaining agreement.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system of records consists of a variety of records relating to an employee's grievance filed under procedures established by labor-management negotiations. Examples of information which may be included in this system of records are the

employee's name, SSN, grade, job title, testimony of witnesses, material placed into the record to support the decision, the arbitrator's decision, the arbitrator's report, and a record of an appeal to the Federal Labor Relations Authority.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 5, United States Code, Chapter 71.

PURPOSE(S):

Records in this system are used to initiate, consider, and resolve employee grievances filed under procedures established by labor-management negotiations. These records are maintained in each component of the Department. See also "Retrievability" below.

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

Information in this system may be released to:

(1) The Office of Personnel Management Merit Systems Protection Board (including its office of the Special Counsel), and the Equal Employment Opportunity Commission, in carrying out their functions

(2) In the event that this system of records indicates 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, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether federal, 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.

(3) In the event the Department deems it desirable or necessary, in determining whether particular records are required to be disclosed under the Freedom of Information Act, disclosure may be made to the Department of Justice for the purpose of obtaining is advice.

(4) A record from this system of records may be disclosed as a "routine use" to a federal, state or local agency maintaining civil, criminal or other relevant enforcement records or other pertinent records, such as current licenses, if necessary to obtain a record relevant to an agency decision concering 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.

A record from this system of records may be disclosed 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 record is relevant and necessary to the requesting agency's decision on the matter.

(5) In the event that this system of records indicates 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, the relevant records in the system of records may be referred, as a routine use to the appropriate agency, whether state or local 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) Where federal agencies having the power to subpoena other federal agencies' records, such as the Internal Revenue Service or the Civil Rights Commission, issue a subpoena to the Department for records in this system of records, the Department will make such records available.

(7) Where a contract between a component of the Department and a labor organization recognized under E.O. 11491 provides that the agency will disclose personal records relevant to the organization's mission, records in this system of records may be disclosed to such organization.

(8) The Department contemplates that it will contract with a private firm for the purpose of collating, analyzing, aggregating or otherwise refining records in this system. Relevant records will be disclosed to such a contractor. The contractor shall be required to maintain Privacy Act safeguards with respect to such records.

(9) The Department of Labor.

(10) The Federal Labor Relations Authority including the General Counsel of the Authority and the Federal Service Impasses Panel.

(11) Disclosure may be made to 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.

(12) In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

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

STORAGE:

Records are maintained in file folders.

RETRIEVABILITY:

Records are retrievable by name. Information from this system may be used by Department officials for preparing statistical summary or management reports.

SAFEGUARDS:

Records maintained by management are stored in secured rooms with access limited to those whose official duties require access.

RETENTION AND DISPOSAL:

As negotiated by the local parties to the contract.

SYSTEM MANAGER(S) AND ADDRESS:

Personnel Officers shown in Applicants for Employment Records, HHS System 09900006, Appendix 1 who service the organizational unit in which the individual is employed.

NOTIFICATION PROCEDURE:

Same as above. Individuals should include their name, grade, title and organizational unit when contacting the system manager.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) **Federal Register**, October 8, 1975, page 47410)

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7)

Federal Register, October 8, 1975, page 47411)

RECORD SOURCE CATEGORIES:

Information in this system of records is: 1) supplied directly by the individual, or 2) derived from information supplied by the individual, or 3) supplied by testimony of witnesses, or 4) supplied by union officials, or 5) supplied by Department officials.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-90-0016

SYSTEM NAME:

HHS Motor Vehicle Operator Records, HHS/OS/ASPER.

SYSTEM LOCATION:

None.

SYSTEM LOCATION:

Personnel offices of the Department shown in Applicants For Employment Records, HHS System 09900006, Appendix 1. Issuing Officers for Motor Vehicle Operator Identification Cards and motor pool managers within the organizations serviced by the above personnel offices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All Department employees who are required to operate motor vehicles regularly or incidentally in carrying out their official duties.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system consists of a variety of records related to the issuance of a Government Motor Vehicle Operator's permit. In addition to the name of the employee, the system includes information about the employee's birthplace, SSN, employing organization, number of years driven, type of vehicles operated, current driver's license, number, state issuing driver's license, date license expires, restrictions of state license, sex, date of birth, color or hair, color of eyes, weight, height, records of violations, arrests, and accidents. These records also include expiration dates of Motor Vehicle Operator permit, any limitations imposed on its use and the results of the annual review of each driving record.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

40 U.S.C. 471.

PURPOSE(S):

These records are used as a basis for issuing a SF-46 "U.S. government Motor Vehicle Operator's Identification Card", to evaluate its use, and to revoke it when appropriate. These records are maintained in each component of the Department. See also "Retrievability" below.

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

Information is this system of records may be used:

(1) In the event that this system of records indicates 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, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether federal, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

(2) In the event the Department deems it desirable or necessary, in determining whether particular records are required to be disclosed under the Freedom of Information Act, disclosure may be made to the Department of Justice for the purpose of obtaining its advice.

(3) A record from this system of records may be disclosed as a "routine use" to a federal, state or local agency maintaining civil, criminal or other relevant enforcement records or other pertinent records, such as current licenses, if necessary to obtain a record 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.

A record from this system of records may be disclosed 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 record is relevant and necessary to the requesting agency's decision on the matter.

(4) In the event that this system of records indicates 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, the relevant records in the system of records may be referred, as a routine use to the appropriate agency, whether state or local 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.

(5) Where federal agencies having the power to subpoena other federal agencies' records, such as the Internal Revenue Service or the Civil Rights Commission, issue a subpoena to the Department for records in this system of records, the Department will make such records available.

(6) Where a contract between a component of the Department and a labor organization recognized under E.O. 11491 provides that the agency will disclose personal records relevant to the organization's mission, records in this system of records may be disclosed to such organization.

(7) The Department contemplates that it will contract with a private firm for the purpose of collating, analyzing, aggregating or otherwise refining records in this system. Relevant records will be disclosed to such a contractor. The contractor shall be required to maintain Privacy Act safeguards with respect to such records.

(8) By the Office of Personnel Management in carrying out its functions.

(9) Disclosure may be made to 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.

(10) In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

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

STORAGE:

Stored in Official Personnel Folder, in file folders, and index cards.

RETRIEVABILITY:

Records are retrievable by name. They may also be used for production of summary descriptive statistics and analytical studies in support of the functions for which the records are collected and maintained and for related personnel management functions.

SAFEGUARDS:

Access to and use of these records are limited to personnel whose official duties require such access. Personnel screening is employed to prevent unauthorized disclosure.

RETENTION AND DISPOSAL:

Records are retained for three years after the individual's government motor vehicle operator's permit expires, or the individual leaves the Department, and are then destroyed. (See HHS Personnel Instruction 293–1, Exhibit S293–1–1, item 24.)

SYSTEM MANAGER(S) AND ADDRESS:

Personnel Officers of the Department shown in Applicants for Employment Records, HHS System 09900006, Appendix 1.

NOTIFICATION PROCEDURE:

Issuing officers in organizational units in which employed or systems managers shown above. Individual should provide name and organization in which employed.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2) **Federal Register**, October 8, 1975, page 47410.)

CONTESTING RECORD PROCEDURES:

Contact the officials at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) **Federal Register**, October 8, 1975, page 47411.)

RECORD SOURCE CATEGORIES:

Information contained in this system of records is obtained: 1) from information supplied by the individual, or 2) derived from information supplied by the individual, or 3) from information supplied by officials of the Department.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09–90–0017

SYSTEM NAME:

Pay, Leave and Attendance Records, HHS/OS/ASPER.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Division of Pay Services and Payroll Accounting, Department of Health and Human Services, 330 Independence Avenue SW., Washington, D.C. 20201.

Payroll Liaison Representatives. See Appendix 1, Timekeepers in organizational units serviced by Payroll Liaison Representatives shown in Appendix 1. Personnel offices shown in HHS System 09900006, Applicants for Employment Records, Appendix 1.

HDS Payroll Liaison Officer, Humphrey Bldg., Rm. 347D, 200 Independence Ave., SW., Washington, D.C. 20201.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All paid employees of the Department of Health and Human Services including PHS Commissioned Corps Personnel.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system consists of a variety of records relating to pay and leave determinations made about each employee of the Department of Health and Human Services. In addition to the name of the employee, the system includes information such as the employee's date of birth, social security number, home address, grade or rank, employing organization, timekeeper number, salary, Civil Service retirement fund contributions, pay plan, number of hours worked, annual and sick leave accrual rate and usage, annual and sick leave balance, FICA withholdings, Federal, state and city tax withholdings, Federal Employees Government Life Insurance withholdings, Federal Employees Health Benefits withholdings, garnishment documents, savings allotments, union and management association dues withholdings allotments, savings bonds allotments, and Combined Federal Campaign allotments; for Commissioned Corps Personnel, information such as the following is included: years of service, payroll number, base pay, incentive pay, hazardous pay, allowances and Servicemen's Group Life Insurance.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 5501 et seq., 5525 et seq., 6301 et seq.; 42 U.S.C. 201 et seq.; and P.L. 90–83.

PURPOSE(S):

Records in this system are used to insure that each employee receives the proper pay and allowances; that proper reductions and authorized allotments are made from employees' pay; and that employees are credited and charged with the proper amount of sick and annual leave. These records are maintained in each component of the Department. See also "Retrievability" below.

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

Information in this system of records is used or may be used.

(1) To prepare W–2 Forms to submit to the Internal Revenue Service and to disclose to state and local government agencies having taxing authority pertinent records relating to employees, including name, home address, social security number (in accordance with Section 7 of Public Law 93–579), earned income, and amount of taxes withheld.

(2) In the event that this system of records indicates 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, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether federal, 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.

(3) In the event the Department deems it desirable or necessary, in determining whether particular records are required to be disclosed under the Freedom of Information Act, disclosure may be made to the Department of Justice for the purpose of obtaining its advice.

(4) A record from this system of records may be disclosed as a "routine use" to a federal, state or local agency maintaining civil, criminal or other relevant enforcement records or other pertinent records, such as current licenses, if necessary to obtain a record 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.

A record from this system of records may be disclosed 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 record is relevant and necessary to the requesting agency's decision on the matter.

(5) In the event that this system of records indicates 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, the relevant records in the system of records may be referred, as a routine use to the appropriate agency, whether state or local 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) Where federal agencies having the power to subpoena other federal agencies' records, such as the Internal Revenue Service or the Civil Rights Commission, issue a subpoena to the Department for records in this system of records, the Department will make such records available.

(7) Where a contract between a component of the Department and a labor organization recognized under E.O. 11491 provides that the agency will disclose personal records relevant to the organization's mission, records in this system of records may be disclosed to such organization.

(8) The Department contemplates that it will contract with a private firm for the purpose of collating, analyzing, aggregating or otherwise refining records in this system. Relevant records will be disclosed to such a contractor. The contractor shall be required to maintain Privacy Act safeguards with respect to such records.

(9) By the Office of Personnel Management, Merit Systems Protection Board (including its Office of the Special Counsel), Equal Employment Opportunity Commission, and the Federal Labor Relations Authority (including the General Counsel of the Authority and the Federal Service Impasses Panel) in carrying out their functions.

(10) By the Department of Labor to make compensation determination in connection with a claim filed by the employee for compensation on account of a job-connected injury or disease.

(11) To respond to court orders for garnishment of an employee's pay for alimony or child support.

(12) To respond to orders from IRS for garnishment of an employee's pay for Federal income tax purposes.

(13) To the Department of Treasury for the purposes of preparing and issuing employee salary and compensation checks and U.S. Savings Bonds.

(14) By state offices of unemployment compensation in connection with claims filed by former HHS employees for unemployment compensation.

(15) When an individual to whom a record pertains dies, to disclose information in the individual's record to heirs, executors and legal representatives of beneficiaries.

(16) Disclosure may be made to 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.

(17) In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department of any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

(18) By financial organizations designated to receive labor organization or management association dues withheld from employee's pay, in order to account for the amounts of such withheld dues which they receive.

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

STORAGE:

Magnetic tape, microfilm, punch cards and forms.

RETRIEVABILITY:

Records are maintained by pay period and are retrievable by name, SSN and Timekeeper number within each pay period. Records are also used to produce summary descriptive statistics and analytical studies in support of the functions for which the records are collected and maintained and for related personnel management functions or pay studies, and for other purposes compatible with the intent for which the records system was created.

SAFEGUARDS:

Access to and use of these records are limited to personnel whose official duties require such access. Personnel screening is employed to prevent unauthorized disclosure.

RETENTION AND DISPOSAL:

Records submitted by the individual, such as allotment authorization forms, home address forms, and tax withholding forms are retained until superseded by new forms or until the individual leaves the Department. Most of these records are then destroyed. Some of these records must be retained for an additional period, or forwarded to the new employing agency. Time and attendance records are retained for five years and are then destroyed. The automated payroll master record, established when the individual is first employed and continually updated throughout the period of his or her employment, is retained until the individual leaves the Department.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Division of Pay Services and Payroll Accounting, P.O. Box 1825, Washington, D.C. 20013.

NOTIFICATION PROCEDURE:

An individual may contact the system manager. An individual also may contact, as appropriate, Payroll Liaison Representatives in Appendix 1 or Personnel Officers shown in HHS System 09900006, Applicants for Employment Record, Appendix 1. Provide name, social security number, timekeeper number and pay period about which inquiring.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) **Federal Register**, October 8, 1975, page 47410).

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) **Federal Register**, October 8, 1975, page 47411.).

RECORD SOURCE CATEGORIES:

Information in this system of records is (1) supplied directly by the individual, or (2) derived from information supplied

by the individual, or (3) supplied by timekeepers and other Department officials.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

Appendix 1

OS—Payroll Liaison Officer, Office of the Secretary, Room 4317, HHS North Bldg., 330 Independence Avenue, S.W., Washington, D.C. 20201.

HCFA—Payroll Liaison Officer, Health Care Financing Administration, BAY C–6, 1710 Gwynn Oak Avenue, Baltimore, Maryland 21207.

Social Security Administration Headquarters

Payroll Liaison Officer, SSA Headquarters, Room 1M10, Annex Bldg., 6401 Security Blvd., Baltimore, Maryland 21235.

SSA, ORS—Payroll Liaison Officer, Universal Bldg., Room 930, 1875 Connecticut Ave., N.W., Washington, D.C. 20009.

Social Security Administration Program Service Centers

Mid Atlantic—Payroll Liaison Officer, SSA, HHS Program Service Center, P.O. Box 12807, Philadelphia, Pennsylvania 19108.

Payroll Liaison Officer, Northeastern Program Service Center, 9605 Horace Harding Expressway, Flushing, New York 11368.

South Eastern—Payroll Liaison Officer, Birmingham Program Service Center, P.O. Box 1031, Birmingham, Alabama 35201.

Great Lakes—Payroll Liaison Officer, Chicago Program Service Center, 165 North Canal Street, Chicago, Illinois 60606.

Mid-American—Payroll Liaison Officer, SSA, Program Service Center, 601 East 12th Street—Room 1459, Kansas City, Missouri 64106.

Western—Payroll Liaison Officer, San Francisco Program Center, P.O. Box 2000, Richmond, California 94802.

Boston, SSA—Payroll Liaison Officer, SSA, John F. Kennedy Federal Bldg., Government Center, Boston, Massachusetts 02203.

New York, SSA—Payroll Liaison Officer, SSA, 26 Federal Plaza, Room 737, New York, New York 10007.

Philadelphia, SSA—Payroll Liaison Officer, P.O. Box 8788, Philadelphia, Pennsylvania 19101.

Atlanta, SSA—Payroll Liaison Officer, SSA, Suite 1601, 101 Marietta Tower, Atlanta, Georgia 30323.

Cleveland, SSA—Payroll Liaison Officer, SSA, Room 100, 14725 Detroit Ave., Cleveland, Ohio 44107.

Chicago, SSA—Payroll Liaison Officer, SSA, 300 South Wacker Drive, Chicago, Illinois 60606.

Kansas City, SSA—Payroll Liaison Officer, SSA, 601 E. 12th Street, Kansas City, Missouri 64106.

Dallas, SSA—Payroll Liaison Officer, SSA, Room 624, 1114 Commerce Street, Dallas, Texas 75202.

Denver, SSA—Payroll Liaison Officer, SSA, Federal Office Bldg., 19th and Stout Streets, Denver, Colorado 80202.

Seattle, SSA—Payroll Liaison Officer, HHS Regional Personnel Office, Arcade Plaza Bldg., 1321 Second Avenue, Seattle, Washington, 98101.

San Francisco, SSA—Payroll Liaison Officer, HHS Personnel, 50 United Nations Plaza, San Francisco, California 94102.

OHA—Payroll Liaison Officer, Room 335, Webb Building, 801 N. Randolph Street, Arlington, Virginia 22203.

Regional Offices

Region I—Payroll Liaison Officer, SSA Regional Office, John F. Kennedy Federal Building, Government Center, Boston, Massachusetts 02203.

Region II—Regional Personnel Office, Personnel Support Branch, Room 39–130, 26 Federal Plaza, New York, New York 10278.

Region III—Payroll Liaison Officer, Financial Management, P.O. Box 13716, Philadelphia, Pennsylvania 19101.

Regional IV—Payroll Liaison Officer, Room 404, 50 7th Street, N.E., Atlanta, Georgia 30323.

Region V—Payroll Liaison Officer, HHS Personnel, 300 S. Wacker Drive, Chicago, Illinois 60606.

Region VI—Payroll Liaison Officer, Personnel Office, HHS, Main Tower Bldg., 1200 Main Street, Dallas, Texas 75202.

Region VII—Payroll Liaison Officer, Office of Regional Directory, HHS, 601 East 12th Street, Kansas City, Missouri 64106.

Region VIII—Payroll Liaison Officer, Room 1031, Federal Office Bldg., 19th and Stout Street, Denver, Colorado 80294.

Region IX—Payroll Liaison Officer, HHS Personnel, 50 United Nations Plaza, San Francisco, California 94102.

Region X—Payroll Liaison Officer, Regional Personnel Office, Arcade Plaza Bldg., MS 627 Second Avenue, Seattle, Washington 96101.

Cleveland—Payroll Liaison Officer, Room 500, 14600 Detroit Ave., Cleveland, Ohio 44107.

Data Operations Center, SSA—Payroll Liaison Officer, Data Operations Center, P.O. Box 2247, Albuquerque, New Mexico 87103.

U.S. Public Health Service Hospitals

Payroll Liaison Officer, USPHS Hospital, 15th and Lake Street, San Francisco, California 94118.

Payroll Liaison Officer, USPHS Hospital, P.O. Box 3145, Seattle, Washington 98114.

Payroll Liaison Officer, USPHS Hospital, Bay and Vanderbilt Street, Staten Island, New York 10304.

Payroll Liaison Officer, St. Elizabeths Hospital, Room 120, E. Bldg., 2700 Martin Luther King Ave., S.E., Washington, D.C. 20032.

Payroll Liaison Officer, USPHS Hospital, 3100 Wyman Park Drive, Baltimore, Maryland 21211.

Payroll Liaison Officer, USPHS Hospital, 77 Warren Street, Boston, Massachusetts 02135.

Payroll Liaison Officer, USPHS Hospital, Carville, Louisiana 70721.

Payroll Liaison Officer, USPHS Hospital, 4400 Avenue N., Galveston, Texas 77550.

Payroll Liaison Officer, USPHS Hospital, 210 State Street, New Orleans, Louisiana 70118.

Payroll Liaison Officer, USPHS Hospital, 6500 Hampton Blvd., Norfolk, Virginia 23508.

Indian Health Service

Payroll Liaison Officer, PHS Indian Health Service, Room 300, Citizens Bldg., Aberdeen, South Dakota 57401.

Payroll Liaison Officer, Albuquerque Indian Health Service, Federal Office Bldg. and U.S. Courthouse, Room 4006, 500 Gold Avenue, Albuquerque, New Mexico 87101.

Payroll Liaison Officer, Alaska Native Medical Center, P.O. Box 7–741, Anchorage, Alaska 99501.

Payroll Liaison Officer, Indian Health Area Office, P.O. Box 2134, Billings, Montana 59103.

Payroll Liaison Officer, Oklahoma City Area, Indian Health Service, 388 Old Post Office and Courthouse Bldg., Oklahoma City, Oklahoma 73102.

Payroll Liaison Officer, Indian Health Service, 1970 Main Street, Saratoga, Florida 33577.

Payroll Liaison Officer, Phoenix Area Indian Health, 801 E. Indian Medical Center, Phoenix, Arizona 85021.

Payroll Liaison Officer, Phoenix Indian Medical Center, 4212 North 16th Street, Phoenix, Arizona 85016.

Payroll Liaison Officer, IHS–HPSC, P.O. Box 11340, Tucson, Arizona 85734.

Public Health Service

Payroll Liaison Officer, Centers for Disease Control, Personnel Management Office, 1600 Clifton Road, N.E., Atlanta, Georgia 30330.

Payroll Liaison Officer, National Institutes of Health, Room B1B30, Bldg. 31, 9000 Rockville Pike, Bethesda, Maryland 20205.

Payroll Liaison Officer, FDA Payroll Liaison Section, Accounting Branch, HFA–120, Room 11–82, Parklawn Bldg., 5600 Fishers Lane, Rockville, Maryland 20857.

Payroll Liaison Officer, HHS, CDC, NIOSH, Financial Mgmt. Branch, Parklawn Bldg., DANAC 3–32F, 5600 Fishers Lane, Rockville, Maryland 20857.

Payroll Liaison Officer, National Institute of Environmental Health Sciences, NIH, P.O. Box 12233, Research Triangle Park, North Carolina 27709.

HSA, HRA, ASH—Payroll Liaison Officer, PHS, Room 1649, Parklawn Bldg., 5600 Fishers Lane, Rockville, Maryland 20857.

Payroll Liaison Officer, ADAMHA, Room 1399, Parklawn Bldg., 5600 Fishers Lane, Rockville, Maryland 20857.

HHS, HSA, FHPS—Payroll Liaison Officer, Administrative Asst., 6525 Belcrest Road, West Hyattsville, Maryland 20762.

09-90-0018

SYSTEM NAME:

Personnel Records in Operating Offices, HHS/OS/ASPER.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Operating Offices of the Department at the organizational level of the individual's employment. Such offices are located within organizational components serviced by personnel offices shown in Applicants for Employment Records, HHS System 09900006, Appendix 1.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current employees of the Department.

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. These records may contain information about an individual relating to name; birth date; home address; telephone number; emergency address; social security number; veterans preference; tenure; work connected injuries; employment history; qualifications background; past and present salaries, grades and position titles; training; awards and other recognition; counseling; performance appraisal; conduct; pay and leave; and data documenting reasons for personnel actions, decisions or recommendations made about an employee; and background data and documentation leading to an adverse action being taken against an employee.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 1302, 2951, 4118, 4308, 4506, 7501, 7511, 7521 and Executive Order 10561.

PURPOSE(S):

These records are used by operating officials in carrying out their personnel management responsibilities. They may be used in this connection in recommending or taking personnel actions such as appointments, promotions, reassignments, within-grade increases, adverse actions; as a basis for employee training, recognition, or disciplinary actions; and as a basis for staffing and budgetary planning and control, organizational planning, and manpower utilization purposes. These records are maintained in each component of the Department.

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:

(1) By the Office of Personnel Management, Merit Systems Protection Board (including its Office of the Special Counsel), Equal Employment Opportunity Commission, and the Federal Labor Relations Authority (including the General Counsel of the Authority and the Federal Service Impasses Panel) in carrying out their functions.

(2) In the event an appeal is made outside the Department, records which are relevant may be referred to the appropriate agency charged with rendering a decision on the appeal.

(3) In the event that this system of records indicates 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, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether federal, 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.

(4) In the event the Department deems it desirable or necessary, in determining whether particular records are required to be disclosed under the Freedom of Information Act, disclosure may be made to the Department of Justice for the purpose of obtaining its advice.

(5) A record from this system of records may be disclosed as a "routine use" to a federal, state or local agency maintaining civil, criminal or other relevant enforcement records or other pertinent records, such as current licenses, if necessary to obtain a record 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.

A record from this system of records may be disclosed 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 record is relevant and necessary to the requesting agency's decision on the matter.

(6) In the event that this system of records indicates 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, the relevant records in the system of records may be referred, as a routine use to the appropriate agency, whether state or local 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) Where federal agencies having the power to subpoena other federal agencies' records, such as the Internal Revenue Service or the Civil Rights Commission, issue a subpoena to the Department for records in this system of records, the Department will make such records available.

(8) Where a contract between a component of the Department and a labor organization recognized under E.O. 11491 provides that the agency will disclose personal records relevant to the organization's mission, records in this system of records may be disclosed to such organization.

(9) The Department contemplates that it will contract with a private firm for the purpose of collating, analyzing, aggregating or otherwise refining records in this system. Relevant records will be disclosed to such a contractor. The contractor shall be required to maintain Privacy Act safeguards with respect to such records.

(10) Disclosure may be made to 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.

(11) In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

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

STORAGE:

Records are maintained in file folders, magnetic tape, and index cards.

RETRIEVABILITY:

Records are indexed by any combination of name, birth date, social security number, or identification number.

SAFEGUARDS:

Access to and use of these records are limited to those persons whose official duties require such access.

RETENTION AND DISPOSAL:

Records are retained until there is no further administrative need to retain them, or the individual leaves the Department, and are then either destroyed, or, if appropriate, are combined with the Official Personnel Folder, which is forwarded to the National Personnel Records Center.

SYSTEM MANAGER(S) AND ADDRESS:

Personnel Officers of the Department. See Applicants for Employment Records, HHS System 09900006, Appendix 1.

NOTIFICATION PROCEDURE:

Immediate supervisors of individuals or the administrative offices of the organizational units in which employed. The system manager shown above may also provide further information concerning the existence of this system of records. Individuals should provide their name, social security number, and organization in which employed.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) **Federal Register**, October 8, 1975, page 47410.)

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) **Federal Register**, October 8, 1975, page 47411.).

RECORD SOURCE CATEGORIES:

Information in this system of records either comes from the individual to whom it applies, is derived from information supplied by the individual, or is provided by Department officials.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-90-00-19

SYSTEM NAME:

Special Employment Program Records, HHS/OS/ASPER.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Personnel Offices shown in Applicants for Employment Records, HHS System 09900006, Appendix 1 and operating offices in organizational units services by those personnel offices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current Federal employees of the Department who are participating in special employment programs.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system consists of a variety of records relating to an employee's participation in special employment programs such as the Upward Mobility College, START, STRIDE, ACCESS, Worker Trainee Opportunity, Junior Fellows, Management Intern, Personnel Intern and the HHS Fellows Program. Examples of information which this records system may contain include the employee's name, SSN, program enrolled in, employing agency, grade, job title, job series, sex, date of birth, status, education background, handicap code, application for employment, position description, assignment evaluations, Veterans preference, job counseling records, and letters of reference and recommendations.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5. U.S.C. 1301, 3301, 7151 et seq., Executive Order 11813.

PURPOSE(S):

Records are used by personnel offices and operating officials to select individuals for and monitor their progress in special employment programs; employee development and career planning; and as a basis for taking personnel actions. These records are maintained in each component of the Department.

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

Information in this system may be used:

(1) By the Office of Personnel Management, Merit Systems Protection Board (including its Office of the Special Counsel), Equal Employment Opportunity Commission, and the Federal Labor Relations Authority (including the General Counsel of the Authority and the Federal Service Impasses Panel) in carrying out their functions.

(2) In the event that this system of records indicates 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, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether federal, 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.

(3) In the event the Department deems it desirable or necessary, in determining whether particular records are required to be disclosed under the Freedom of Information Act, disclosure may be made to the Department of Justice for the purpose of obtaining its advice.

(4) A record from this system of records may be disclosed as a "routine use" to a federal, state or local agency maintaining civil, criminal or other relevant enforcement records or other pertinent records, such as current licenses, if necessary to obtain a record 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.

A record from this system of records may be disclosed to a federal agency, in response to its request, in connection with the hiring or retention of an emplyee, 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 record is relevant and necessary to the requesting agency's decision on the matter.

(5) In the event that this system of records indicates 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, the relevant records in the system of records may be referred, as a routine use to the

appropriate agency, whether state or local 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) Where federal agencies having the power to subpoena other federal agencies' records, such as the Internal Revenue Service or the Civil Rights Commission, issue a subpoena to the Department for records in this system of records, the Department will make such records available.

(7) Where a contract between a component of the Department and a labor organization recognized under E.O. 11491 provides that the agency will disclose personal records relevant to the organization's mission, records in this system of records may be disclosed to such organization.

(8) The Department contemplates that it will contract with a private firm for the purpose of collating, analyzing, aggregating or otherwise refining records in this system. Relevant records will be disclosed to such a contractor. The contractor shall be required to maintain Privacy Act safeguards with respect to such records.

(9) Disclosure may be made to 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.

(10) In the event of litigation where the defendent is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purposes for which the records collected.

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

STORAGE:

Information in this system of records is maintained in file folders, data tape and punch cards.

RETRIEVABILITY:

Records are retrievable by name and SSN.

SAFEGUARDS:

Access and use of these records are limited to those persons whose official duties require such access.

RETENTION AND DISPOSAL:

Records are retained for two years after the individual's participation in a special placement program ends, and are then destroyed. (See HHS Personnel Instruction 293–1, Exhibit X293–1–2, item 9.)

SYSTEM MANAGER(S) AND ADDRESS:

Personnel Officers shown in Applicants for Employment Records, HHS System 09900006, Appendix 1, who service organizational units in which the participant is employed.

NOTIFICATION PROCEDURE:

Same as above. Individuals should include their name, SSN, grade, title, and organization when contacting the system manager.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) **Federal Register**, October 8, 1975, page 47410.).

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) **Federal Register**, October 8, 1975, page 47411.).

RECORD SOURCE CATEGORIES:

Information in this system of records is: 1) supplied directly by the individual, or 2) derived from information supplied by the individual, or 3) supplied by Department officials.

09–90–0020

SYSTEM NAME:

Suitability for Employment Records, HHS/OS/ASPER.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Personnel Offices shown in Applicants for Employment Records, HHS System 09900006, Appendix 1.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees of the Department and applicants for employment.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system consists of a variety of records relating to an individual's suitability for employment in terms of character, reputation and fitness, including letters of reference, responses to pre-employment inquiries. National Agency Checks and Inquiries material received from the Office of Personnel Management and Merit Systems Protection Board including its Office of the Special Counsel relating to non-sensitive positions, qualifications and character investigations, and other information which may relate to the suitability of the individual for the position.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5. U.S.C. 3301, 3302, 7301; Executive Order 10577; Executive Order 11222.

PURPOSE(S):

Records in this system are used by designated appointing and selecting authorities to make determinations concerning an individual's suitability for employment. These records are maintained in each component of the Department.

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:

(1) By the Office of Personnel Management, Merit Systems Protection Board (including its Office of the Special Counsel), Equal Employment Opportunity Commission, and the Federal Labor Relations Authority (including the General Counsel of the Authority and the Federal Service Impasses Panel) in carrying out their functions.

(2) In the event that this system of records indicates 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, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether federal, 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.

(3) In the event the Department deems it desirable or necessary, in determining whether particular records are required to be disclosed under the Freedom of Information Act, disclosure may be made to the Department of Justice for the purpose of obtaining its advice.

(4) A record from this system of records may be disclosed as a "routine use" to a federal, state or local agency maintaining civil, criminal or other relevant enforcement records or other pertinent records, such as current licenses, if necessary to obtain a record 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.

A record from this system of records may be disclosed 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 record is relevant and necessary to the requesting agency's decision on the matter.

(5) In the event that this system of records indicates 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, the relevant records in the system of records may be referred, as a routine use to the appropriate agency, whether state or local 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) Where federal agencies having the power to subpoena other federal agencies' records, such as the Internal Revenue Service or the Civil Rights Commission, issue a subpoena to the Department for records in this system of records, the Department will make such records available.

(7) Where a contract between a component of the Department and a labor organization recognized under E.O. 11491 provides that the agency will disclose personal records relevant to the organization's mission, records in this system of records may be disclosed to such organization.

(8) The Department contemplates that it will contract with a private firm for the purpose of collating, analyzing, aggregating or otherwise refining records in this system. Relevant records will be disclosed to such a contractor. The contractor shall be required to maintain Privacy Act safeguards with respect to such records.

(9) Disclosure may be made to 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.

(10) In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

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

STORAGE:

Records are maintained in file folders.

RETRIEVABILITY:

Records are indexed by any combination of name, date of birth, Social Security Number, or identification number.

SAFEGUARDS:

Records are maintained in confidential files and are located in lockable metal file cabinets or in metal file cabinets in secured rooms with access limited to those whose official duties require access.

RETENTION AND DISPOSAL:

Records from the Office of Personnel Management and Merit Systems Protection Board including its Office of the Special Counsel concerning applicants for or incumbents of nonsensitive, positions, are retained until a decision is reached on whether to hire or retain the applicant or incumbent, and are then destroyed. Other records in this system are retained until there is no further administrative need for them, the individual leaves the Department, or one year has elapsed, and are then destroyed. (See HHS Personnel Instruction 293–1, Exhibit x293–1–2, items 1 and 2.)

SYSTEM MANAGER(S) AND ADDRESS:

Heads of personnel offices which service organizational units in which individual is employed or in which he/she applied for employment. See Applicants For Employment Records. HHS, System 09900006, Appendix 1.

NOTIFICATION PROCEDURE:

Same as above, individuals should indicate name, Social Security Number, date of birth, and organization in which employed, or to which they applied for employment.

RECORD ACCESS PROCEDURES:

Current Department employees or applicants should contact the appropriate system manager shown above. Former Department employees who are employed by the Federal Government who wish to gain access or contest the records maintained on them while employed by the Department should contact the appropriate official of their current employing agency in accordance with the appropriate records system notice of that agency. Former Department employees who have separated from Federal service should direct a request to: National Personnel Records Center, General Services Administration, 111 Winnebago Street, St. Louis, Missouri 63118.

Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) **Federal Register**, October 8, 1975, page 47410.)

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) **Federal Register**, October 8, 1975, page 47411.)

RECORD SOURCE CATEGORIES:

Information contained in the system is obtained from:

Applications and other personnel and security forms furnished by the individual.

Information furnished by other Federal agencies.

Information provided by sources such as employers, schools, references, former employers.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Individuals will be provided information from the above record

system except when in accordance with the provisions of 5 U.S.C. 552a(k)(5): 1. disclosure of such information would reveal the identity of a source who furnished information to the Government under a express promise that the identity of the source would be held in confidence, or 2. if the information was obtained prior to the effective date of Section 3, P.L. 93-579, disclosure of such information would reveal the identity of a source who provided information under an implied promise that the identity of the source woud be held in confidence. (45 CFR 5b.11.)

09-90-0021

SYSTEM NAME:

Training Management Information System, HHS/OS/ASPER

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Office of Personnel,

Office of the Assistant Secretary for Personnel Administration, Department of Health and Human Services, 200 Independence Ave., S.W., Washington, D.C. 20201.

Personnel offices shown in Applicants for Employment Records, HHS System 09900006, Appendix 1.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All employees who receive training in a course which was more than 8 hours in length and which was authorized under the authority of the Government Empoyees Training Act.

CATEGORIES OF RECORDS IN THE SYSTEM:

The Training Management Information System consists of a variety of records relating to training received by an employee. In addition to the name of the employee, the system includes information about the employee's Social Security Account Number, position title, grade, salary, pay plan, series, tenure, years of continuous service, nature of training taken, cost of training and dates of training.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 4101 et seq.: Executive Order 11348.

PURPOSE(S):

Records in this system are used to maintain a history of employee training, to help determine future training needs, to evaluate the Department's training program, and for audit and budgetary planning purposes. These records are maintained in each component of the Department.

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

Information in this system of records is used:

(1) in the event that this system of records indicates 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, the relevant records, in the system of records may be referred, as a routine use, to the appropriate agency, whether federal, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

(2) A record from this system of records may be disclosed to a federal agency, in response to its request, in connection with the hiring or retention of an employees, 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 record is relevant and necessary to the requesting agency's decision on the matter.

(3) In the event that this system of records indicates 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, the relevant records in the system of records may be referred, as a routine use of the appropriate agency, whether state or local charged with the responsibility of investigating or presecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

(4) Where federal agencies having the power to subpoena other federal agencies' records, such as the Internal Revenue Service or the Civil Rights Commission, issue a subpoena to the Department for records in this system of records, the Department will make such records available.

(5) Where a contract between a component of the Department and a labor organization recognized under E.O. 11491 provides that the agency will disclose personal records relevant to the organization's mission, records in this system of records may be disclosed to such organization.

(6) The Department contemplates that it will contract with a private firm for the purpose of collating, analyzing, aggregating or otherwise refining records in this system. Relevant records will be disclosed to such a contractor. The contractor shall be required to maintain Privacy Act safeguards with respect to such records.

(7) By the Office of Personnel Management in carrying out its functions.

(8) To other Federal agencies or private organiztions to authorize training.

(9) Disclosure may be made to 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.

(10) In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

POLICIES AND PRACTICES FOR STORING, RETIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM.

STORAGE:

Data tape.

RETRIEVABILITY:

Records are indexed by any combination of name, birth date, SSN or transaction number.

SAFEGUARDS:

The information is available only to authorized personnel. Personnel screening is used to prevent unauthorized disclosure.

RETENTION AND DISPOSAL:

Records are retained in the automated data file until the individual leaves the Department.

SYSTEM MANAGER(S) ADDRESS:

Deputy Assistant Secretary for Personnel

Office of Personnel

Department of Health and Human Services,

200 Independence Avenue, S.W., Washington, D.C. 20201.

NOTIFICATION PROCEDURE:

Contact the Deputy Assistant Secretary for Personnel or the personnel office shown in Applicants for Employment Records, HHS System 09900006, Appendix 1, which services the organizational unit in which the individual is employed. The individual should indicate name, position title, grade and series and organization in which located.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requester should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) **Federal Register**, October 8, 1975, page 47410.)

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify, the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) **Federal Register.** October 8, 1975, page 47411.)

RECORD SOURCE CATEGORIES:

Information in this system of record is: 1) supplied directly by the individual, or 2) derived from information supplied by the individual, or 3) supplied by Department or by source of training officials.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-90-0022

SYSTEM NAME:

Volunteer EEO Support Personnel Records, HHS/OS/ASPER.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Office of the Deputy Assistant Secretary for EEO, 200 Independence Avenue, S.W., Washington, D.C. 20201.

Office of the designated EEO Officers. See Discrimination Complaints Records System. HHS System 09900009, Appendix 01 for exact locations.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have volunteered or have been proposed for duty as EEO Counselors and discrimination complaint investigators on a part-time basis.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system of records contains information or documents concerning the personal characteristics of EEO counselors and investigators. The records consist of the name and other identifying data, title, location, training received, information concerning qualifying background, case assignments, and evaluations of EEO counselors and investigators serving on a part-time basis, and related information.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Executive Order 11478, P.L. 92-261, P.L. 93-259.

PURPOSE(S):

These records are used to identify, locate, and determine the availability of volunteer counselors and investigators for assignment; to determine training needs of counselors and investigators. These records are maintained in each component of the Department. See "Retrievability" below.

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 provide resource to another Federal Agency, in response to its request for loan of investigators or counselors.

(2) A record from this system of records may be disclosed 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 record is relevant and necessary to the requesting agency's decision on the matter.

(3) Where federal agencies having the power to subpoena other federal agencies' records, such as the Internal Revenue Service or the Civil Rights Commission, issue a subpoena to the Department for records in this system of records, the Department will make such records available.

(4) Where a contract between a component of the Department and a labor organization recognized under E.O. 11491 provides that the agency will disclose personal records relevant to the organization's mission, records in this system of records may be disclosed to such organization.

(5) The Department contemplates that it will contract with a private firm for the purpose of collating, analyzing, aggregating or otherwise, refining records in this system. Relevant records will be disclosed to such a contractor. The contractor shall be required to maintain Privacy Act safeguards with respect to such records.

(6) By the Office of Personnel Management, Merit Systems Protection Board (including its office of the Special Counsel), Equal Employment Opportunity Commission, and the Federal Labor Relations Authority (including the General Counsel of the Authority and the Federal Service Impasses Panel) in carrying out their functions.

(7) Disclosure may be made to 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.

(8) In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

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

STORAGE:

These records are maintained in file folders, binders and index cards.

RETRIEVABILITY:

These records are indexed by the names of the individuals on whom they are maintained. They may be used: to provide information for production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained, or for related personnel management functions or manpower studies; and to locate specific individuals for personnel research or other personnel management functions.

SAFEGUARDS:

Access to and use of these records are limited to those persons whose official duties require access.

RETENTION AND DISPOSAL:

The records are maintained up to one year after volunteer has terminated his services, at which time they are destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

See Discrimination Complaints Records System, HHS System 09900009, Appendix 1 for General Coordinator and appropriate Immediate System Manager.

NOTIFICATION PROCEDURE:

Individuals who have volunteered or been proposed as counselor or investigators are aware of that fact and the information contained in the record. They may, however, write the immediate system manager or coordinator indicated above regarding the existence of such records pertaining to them. The inquirers, as appropriate, should provide to the immediate system manager or coordinator, their name, agency in which they were proposed or served when making inquiries about records.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.)

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.)

RECORD SOURCE CATEGORIES:

a. Individuals to whom the record pertains

b. Department or other officials

c. Official documents relating to appointments and case assignments as counselors and investigators

d. Correspondence for specific persons or organizations

e. Formal reports submitted by the individual in the performance of official volunteer work.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-90-0036

SYSTEM NAME:

Employee Suggestion Program Records, HHS/OS/ASPER.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

This system is located in employee suggestion offices of the Department. See Appendix 1 for exact locations.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have made suggestions in OS and in Principal Operating Components of the Department; and/or suggestions made by individuals in other Federal Departments requiring an HHS evaluation.

CATEGORIES OF RECORDS IN THE SYSTEM:

Suggestions, evaluations of suggestions, name and address of individuals submitting suggestions, other identifying information such as salary and grade, including position title, and, optionally, a social security account number.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 4501 et seq.

PURPOSE(S):

Records in this sytem are used to control, evaluate, and make award determinations on employee suggestions. These records are maintained in each component of the Department.

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

To the office of Personnel Management for information, possible award. Disclosure may be made to 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. In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

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

STORAGE:

The records are maintained in standard sized file cabinets.

RETRIEVABILITY:

The records are indexed in alphabetical order by the name of the employee submitting the suggestion.

SAFEGUARDS:

Direct access restricted to authorized staff.

RETENTION AND DISPOSAL:

Suggestions records are maintained for two years, and sent to Federal Record Center.

SYSTEM MANAGER(S) AND ADDRESS:

See Appendix 1 for overall system manager and immediate system managers.

NOTIFICATION PROCEDURE:

Contact the appropriate system manager indicated in Appendix 1.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.)

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411).

RECORD SOURCE CATEGORIES:

Incoming suggestions, responses, evaluations and other material obtained during course of adjudication.

Appendix 1

List of System Managers and Locations for Employee Suggestion Matters.

Overall System Manager:

Employee Suggestion Officer, Room 1232, Switzer Building, 330 Independence Avenue, S.W., Washington, D.C. 20201

Immediate System Managers:

Employee Suggestion Officer, Social Security Administration, Annex Building, Room 3–N–6, Baltimore, Maryland 21235

Employee Suggestion Officer, Health Care Financing Administration, GP3, East Low Rise, 6401 Security Blvd., Baltimore, Maryland 21235

Employee Suggestion Officer, Office of Human Development Services, Humphrey Building, Room 345D, 200 Independence Ave. SW., Washington, D.C. 20201

PHS OASH Employee Suggestion Officer, 17–81 Parklawn Building, Rockville, Maryland 20857

CDC Employee Suggestion Officer, 1600 Clifton Road NE., Building 1, 6062, Atlanta, Georgia 30333

FDA Employee Suggestion Officer, 5600 Fishers Lane, Room 957, Rockville, Maryland 20857

HRA Employee Suggestion Officer, Room 9–27, Center Building, 3700 East-West Highway, Hyattsville, Maryland 20782

HSA Employee Suggestion Officer, Room 14A.40 Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857

ADAMHA Employee Suggestion Officer, 12C–15 Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857

NIH Employee Suggestion Officer, Building 31, Room 3–B–07, Bethesda, Maryland 20205

Regional Employee Suggestion Officer, Region I, Department of Health and Human Services, John F. Kennedy Federal Building, Government Center—Room 2411, Boston, Massachusetts 02203

Regional Employee Suggestion Officer, Region II, Department of Health and Human Services, Regional Personnel Office, Operations Branch II, Room 39–120, 26 Federal Plaza, New York, New York 10007

Employee Suggestion Officer, Region III, Department of Health and Human Services, 3535 Market Street, Room 9400, Philadelphia, Pennsylvania 19101

Employee Suggestion Officer, Region IV, Department of Health and Human Services, 101 Marietta Towers, Room 1601, Atlanta, Georgia

Employee Suggestion Officer, Region V, 27th Floor, 300 S. Wacker Drive, Chicago, Illinois 60606

Employee Suggestion Officer, Region VI, Department of Health and Human Services, 1200 Main Towers, Room 1000, Dallas, Texas 75202

Employee Suggestion Officer, Region VII, Department of Health and Human Services, Room 468, 601 E. 12th Street, Kansas City, Missouri 64106

Employee Suggestion Officer, Region VIII, Department of Health and Human Services, Federal Office Building, Room 1031, 1961 Stout Street, Denver, Colorado 80294

Employee Suggestion Officer, Region IX, Department of Health and Human Services, Federal Office Building, Room 419, 50 United Nations Plaza, San Francisco, California 94102

Employee Suggestion Officer, Region X, Department of Health and Human Services, Arcade Plaza, Room 6039, 1321 Second Avenue, Seattle, Washington 98101

09–90–0059

SYSTEM NAME:

Federal Advisory Committee Membership Files, HHS/OS/ASPER.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Department and component committee management offices. See Appendix 1.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have been or are presently members of or are being considered for membership on advisory committees within the jurisdiction of the Department of Health and Human Services. Additionally the system of records contains information about members of the public who have requested that they receive various publications through the inclusion of their names and addresses on various mailing lists.

CATEGORIES OF RECORDS IN THE SYSTEM:

Information maintained on those individuals who have requested participation on mailing lists is limited to name and mailing address. Information maintained on individuals who are past, present, or recommended members of advisory committees subject to this notice consists of one or more of the following name, title, sex, place and date of birth, home address, business address, organizational affiliation, phone number, degrees held, general educational background, ethnic background, resume, curriculum vitae, dates of term on advisory committee, status on advisory committee, reason for leaving advisory committee, previous or current membership on other advisory committees, special qualifications of the individual for the advisory committee membership, source who recommended the individual for membership on advisory committee and miscellaneous correspondence. Additionally, memoranda justifying the individual's selection are included in the file in cases in which the individual has served repetitively on advisory committees, has not had a one-year break in service on advisory committees, or where various statutory or other requirements for advisory committee membership cannot be met.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Federal Advisory Committee Act (5 U.S.C. App. I et seq.).

PURPOSE(S):

Records in this system are used in the administration and management of Federal advisory committees in the Department, including the preparation of reports; quarterly alphabetical listings of past, present, and recommended advisory committee members; lists of vacancies, acceptances, and separations; and documentation of nominations. These records are maintained in each component of the Department. See also "Retrievability" below.

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

Annual Report to the President; administrative reports to OMB and GSA.

In the event that this system of records indicates 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, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether federal, 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.

In the event the Department deems it desirable or necessary, in determining whether particular records are required to be disclosed under the Freedom of Information Act, disclosure may be made to the Department of Justice for the purpose of obtaining its advice.

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of is components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which

the records were collected. Disclosure may be made to 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.

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

STORAGE:

Records are maintained in hard-copy filed in file cabinets, on index cards, on magnetic tape, or in computer storage.

RETRIEVABILITY:

For the most part records are maintained in an alphabetical index by name of the individual. Certain files are based on other factors, e.g., Advisory Committee name, with a cross index based on an alphabetical listing of individuals. Certain other records are retrievable by individually identifiable computer identification codes. Certain of the mailing lists which are maintained are indexed by ZIP Code and within zone by alphabetical listing by name of the individual. Records from the system are available to the staffs of the respective Advisory Committees, the Committee Management Officers, the Departmental Committee Management Officer and other Departmental staff on a need-to-know basis.

SAFEGUARDS:

Direct access to records is restricted to authorized personnel through locked files, rooms, and buildings as well as building pass and security guard sign-in systems. Certain facilities are also protected by closed circuit television systems. Computer systems are secured through locked magnetic tape libraries as well as lockword-password computer access systems.

RETENTION AND DISPOSAL:

Retention is variable from one year to permanent retention depending upon the type of record, e.g., names of former members of advisory committees are retained permanently. Certain records are disposed of by referral to the Federal Records Center. Others are disposed of as trash by the system manager or office of security depending upon the confidentiality of the information contained on the record.

SYSTEM MANAGER(S) AND ADDRESS:

See Appendix 1.

NOTIFICATION PROCEDURE:

Same as above with the exception of Food and Drug Administration, contact: FDA Privacy Coordinator (HF–50), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20852.

Verification of identification of individuals inquiring as to information contained in this System shall be in accordance with the procedures outlined in regulations published by the Department of Health and Human Services to implement the Privacy Act.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) **Federal Register**, October 8, 1975, page 47410.)

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) **Federal Register**, October 8, 1975, page 47411.)

RECORD SOURCE CATEGORIES:

The vast majority of information contained in records on individuals is obtained directly from the individual. Other information in the form of references and recommendations is obtained from other private individuals, program personnel, biographical reference books, private organizations, former employers, regional office of HHS, Members of Congress, and other government sources.

Appendix 1

Department of Health and Human Services, Department Committee Management Officer, Departmental Policy Coordinator, Room 522A, Humphrey Bldg., 200 Independence Avenue, S.W., Washington, D.C. 20201

Alcohol, Drug Abuse, and Mental Health Administration, Office of the Administrator, Committee Management Officer, Room 13–103, 5600 Fishers Lane, Rockville, Maryland 20857

Centers for Disease Control, Committee Management Officer, Management Analysis Branch, Room 111 PFY, 255 E. Paces Ferry Road, N.E., Atlanta, Georgia 30305

Food and Drug Administration, Office of Science, Committee Management Office, Room 1137, 5600 Fishers Lane, Rockville, Maryland 20857

Health Care Financing Administration, Records Committee Management Officer, Bay A–1, 1710 Gwynn Oak Avenue, Baltimore, Maryland 21235

Health Resources Administration and Health Services Administration, Office of Program Policy Coordination, Committee Management Officer, Room 9–22, Center Building, 3700 East-West Highway, Hyattsville, Maryland 20782

National Institutes of Health, Committee Management Officer, National Institutes of Health, Building 01, Room 303, Bethesda, Maryland 20205

Social Security Administration, OMBP, Office of Management, Budget and Personnel, Committee Management Officer, Room 828, Altmeyer Building, 6401 Security Boulevard, Baltimore, Maryland 21235

Office of the Assistant Security for Health, Committee Management Officer, Room 17B–20, 5600 Fishers Lane, Rockville, Maryland 20857

Office of the Assistant Secretary for Planning and Evaluation, Committee Management Officer, Room 405–F, HHH Building, 200 Independence Ave., S.W., Washington, D.C. 20201

Office of the Assistant Secretary for Human Development Services, Committee Management Officer, Room 308–E, HHH Building, 200 Independence Ave., S.W., Washington, D.C. 20201

09–90–0069

SYSTEM NAME:

Unfair Labor Practice Records, HHS/OS/ASPER.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Personnel Offices of the Department shown in Applicants for Employment Records, HHS System 09900006, Appendix 1 and offices of operating officials in organizational units serviced by those Personnel Offices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current HHS employees and union officials.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system of records consists of a variety of records relating to an unfair labor practice charge. Examples of information which may be included in this system are the employee's name, Social Security Number, grade, job title, employment history and a variety of work and personnel records associated with the charges and required under proceedings established by Title 5, United States Code, Chapter 71 and Department of Labor Regulations.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Executive Order 11491, as amended.

PURPOSE(S):

These records are used to initiate, make a determination on, and document a decision made on unfair labor practice charges filed by an employee or union

official. These records are maintained in each component of the Department. See also "Retrievability" below.

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

Information in this system may be released to:

1. Office of Personnel Management, Merit Systems Protection Board (including its Office of the Special Counsel), Equal Employment Opportunity Commission, and the Federal Labor Relations Authority (including the General Counsel of the Authority and the Federal Service impasses panel) in carrying out their functions;

2. Disclosure may be made to 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.

3. In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosures is compatible with the purpose for which the records were collected.

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

STORAGE:

Records are maintained in file folders.

RETRIEVABILITY:

Records are retrievable by name. Information from this system may be used by Department officials for preparing statistical summary or management reports.

SAFEGUARDS:

Records are stored in lockable metal file cabinets. Access to an use of these records are limited to personnel who have a need for the records in performance of official duties.

RETENTION AND DISPOSAL:

The case files are maintained as long as they may be pertinent for purposes of precedent or as management information devices. When no longer useful for such purposes, they are destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Personnel Officer shown in Appendix 1 of Applicants for Employment Records, HHS System 09900006, who services the organizational unit in which the individual is employed.

NOTIFICATION PROCEDURE:

Contact the systems manager and provide name, approximate date of record, the unfair labor practice charge as specified by the complainant, and management component in which the charge was filed.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) **Federal Register**, October 8, 1975, page 47410.)

CONTESTING RECORDS PROCEDURES:

Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) **Federal Register**, October 8, 1975, page 47411.)

RECORD SOURCE CATEGORIES:

Information in this system of records is:

1. Supplied directly by the individual, or

2. Derived from information supplied by the individual, or

3. Supplied by testimony of witnesses, or

4. Supplied by union officials, or

5. Supplied by Department officials.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc 81-28422 Filed 10-26-81; 8:45 am]
BILLING CODE 4110-12-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of Human Development Services

Privacy Act of 1974; Systems of Records; Annual Republication

AGENCY: Office of Human Development Services (HDS), DHHS.

ACTION: Annual republication of notices of systems of records.

SUMMARY: The Office of Human Development Services publishes this document to meet the requirements of 5 U.S.C. 552a(e)(4). The listing is complete as of August 31, 1981, and does not include any material which would require a new or altered system report as described in OMB Circular A-108

This republication differs from the 1980 republication (45 FR 84472, December 22, 1980) in that the following systems have been deleted:

09-80-0006—National Center on Child Abuse and Neglect Mailing List. HHS HDS ACYF CB.
09-80-0014—Runaway Youth Act Mailing List. HHS HDS ACYF YDB.
09-80-0015—AoA Public Information Mailing Keys. HHS HDS AoA OPI.
09-80-0016—Children's Bureau General Mailing List. HHS HDS ACYF CB.
09-80-0017—Children Today Mailing List. HHS HDS ACYF CB.

These mailing lists have been updated and consolidated into one list, HDS Publications Distribution Mailing List. A system notice for this consolidated mailing list was published in the Federal Register of June 23, 1981 at page 32507 and was designated 09-80-0020, HDS Publications Distribution Mailing List, HHS HDS OPA. This system notice appears in this republication.

HDS has published two other new system of records notices in 1981 which appear in this republication They are:

09-80-0021—Data Bank on Delegates and Observers/1981 White House Conference on Aging, HHS HDS WHCOA (46 FR 33105, June 26, 1981) and
09-80-0022—Longitudinal Evaluation of the National Nutrition Program for the Elderly, HHS HDS AoA (46 FR 43309, August 27, 1981).

HDS is also deleting 09-80-0010, ANA General Mailing List, HHS HDS ANA, in this republication of its system notices. This system has been changed so that no names appear in the system, only titles. Since no names or personal identifiers appear in the system, it no longer meets the definition of a system of records under the Privacy Act.

The notices do not contain any new routine uses. Nonetheless, these notices do include modifications for the purpose of completeness, clarity, timeliness, and correctness.

If any errors appear because of inadvertent oversight, we will publish corrections in later issues of the Federal Register.

Dated: September 8, 1981.

Dorcas R. Hardy,

Assistant Secretary for Human Development Services.

Table of Contents

System Name and System Number
09-80-0002—Developmental Disabilities Complaints and Correspondence Files. HHS HDS ADD R07.
09-80-0009—ACYF Mailing List. HHS HDS ACYF R10.
09-80-0020—HDS Publications Distribution Mailing List. HHS HDS OPA.
09-80-0021—Data Bank on Delegates and Observers/1981 White House Conference on Aging. HHS HDS WHCOA.
09-80-0022—Longitudinal Evaluation of the National Nutrition Program for the Elderly. HHS HDS AoA.

09-80-0002

SYSTEM NAME:

Developmental Disabilities Complaints and Correspondence File HHS HDS ADD OR7.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Room 384, 601 East 12th Street, Kansas City, Missouri 64106.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have made inquiries regarding complaints or requested information regarding services from Developmental Disabilities program; and those who have commented to the Department on its proposed rules and practices.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name and address of individuals submitting correspondence, responses and exchanges of material associated with investigations of complaints or relaying information to appropriate State or local Development Disabilities agencies.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Developmental Disabilities Assistance and Bill of Rights Act (P.L. 94-103, as amended by P.L. 95-602).

PURPOSE(S):

To assist the States to assure that persons with developmental disabilities receive the care, treatment, and other services neccessary to enable them to achieve their maximum potential and to ensure the protection of the legal and human rights of persons with developmental disabilities.

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

To members of Congress who inquire on behalf of a constituent; to a State or local agency or institution against which a complaint has been made; See Departmental Regulations, (45 CFR Part 5b) Appendix B Items 1, 8. In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components, or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

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

STORAGE:

The records are maintained in hard-copy filed in standard file cabinets.

RETRIEVABILITY:

For the most part records are indexed according to State and within each State by alphabetical name of inquirer. Records are available to ADD staff involved in correspondence and investigative processes, including members of the Office of General Counsel. Occasionally, personnel with special expertise in other programmatic areas or responsible persons at State or local agencies may be given records for the purpose of assisting ADD staff in resolution of issues.

SAFEGUARDS:

Direct access is restricted to authorized ADD staff; access to room in which file cabinets are maintained is limited during non-working hours to those with keys to room.

RETENTION AND DISPOSAL:

Inquiry records are maintained three years; complaint and investigative records are maintained five years past date of case closing and then sent to Federal Records Center.

SYSTEM MANAGER(S) AND ADDRESS:

Regional Program Director for Developmental Disabilities, 601 East 12th Street, 3rd Floor, Kansas City, Missouri 64106

NOTIFICATION PROCEDURE:

Any inquiries regarding these systems of records should be in writing and should be addressed to the System Manager.

RECORD ACCESS PROCEDURES:

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

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested.

RECORD SOURCE CATEGORIES:

Incoming correspondence, responses and material obtained during course of any investigation, individuals themselves.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09–80–0009

SYSTEM NAME:

ACYF Mailing List HHS HDS ACYF R10.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Administration for Children, Youth & Families, 1321 2nd Avenue, MS 811, Seattle, Washington 98101.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Head Start grantees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Mailing key contains persons' names, titles, and addresses only.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Community Services Act of 1974 (42 U.S.C. 2701).

PURPOSE(S):

To assist ACYF in carrying out its responsibilities to grantees under the Act.

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

Disclosure may be made to 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. In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her offical capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

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

STORAGE:

Addressograph plates.

RETRIEVABILITY:

Indexed by code using letters and numbers; used for correspondence, to distribute program information.

SAFEGUARDS:

Access by authorized personnel only.

RETENTION AND DISPOSAL:

List is continually updated. Information is kept as long as accurate.

SYSTEM MANAGER(S) AND ADDRESS:

Head, ACYF, Region X, 1321 2nd Avenue, MS 811, Seattle, Washington 98101.

NOTIFICATION PROCEDURE:

Any inquiry regarding these systems of records should be in writing and should be addressed to the System Manager.

RECORD ACCESS PROCEDURE:

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

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under notification procedures above, and reasonably indentify the record and specify the information to be contested.

RECORD SOURCE CATEGORIES:

Source of information is directly from grantees.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09–80–0020

SYSTEM NAME:

HDS Publications Distribution Mailing List. HHS/HDS/OPA.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Room 356G, Hubert Humphrey Bldg., Washington, D.C. 20201.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

State and local governmental units, organizations, individuals and grantees who ask to receive HDS publications.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, title, address, interest in HDS programs, addressee's field of activity, type of organization, scope of organization, whether provide information or services or both, and media affiliation, if applicable.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Titles IV–B, IV–E, and XX of the Social Security Act; Developmental Disabilities Assistance and Bill of Rights Act, Pub. L. 94–103, as amended by Pub. L. 95–602; Title VIII of Pub. L. 93–644, as amended, Native American Programs; Pub. L. 95–266, The Child Abuse Prevention and Treatment Act; Children's Bureau Act of 1912; Pub. L. 93–644, as amended, Headstart—Follow Through Act; 42 U.S.C. 5701, Runaway and Homeless Youth Act; and Older Americans Act of 1965, as amended.

PURPOSE(S):

To assist HDS programs in carrying out their responsibilities to disseminate program information.

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

1. Disclosure may be made to 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.

2. In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department has agreed to represent

such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

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

STORAGE:

Computer tape.

RETRIEVABILITY:

Addresses will be retrieved by name, interest in HDS programs, field of activity, type of organization or level of government, scope of organization, whether the addressee provides information or services or both, or type of media.

SAFEGUARDS:

Access by authorized personnel only.

RETENTION AND DISPOSAL:

List is annually circularized as required by the Joint Committee on Printing and those not responding are dropped from the list.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Division of Publication and Graphic Services, Office of Public Affairs, 329D, Hubert Humphrey Bldg., Washington, D.C. 20201.

NOTIFICATION PROCEDURE:

Any inquiries regarding this system of records should be in writing and should be addressed to the System Manager.

RECORD ACCESS PROCEDURES:

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

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under notification procedure above, and reasonably identify the record and specify the information to be contested.

RECORD SOURCE CATEGORIES:

Response to canvass form letters, grant applications, individuals, and governmental units.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-80-0021

SYSTEM NAME:

Data Bank on Delegates & Observers/ 1981 White House Conference on Aging HHS/HDS/WHCoA.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Room 4511, 330 Independence Avenue, S.W., Washington, D.C. 20201.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals offically nominated, through the allocation plan, to be observers and delegates to the 1981 White House Conference on Aging.

CATEGORIES OF RECORDS IN THE SYSTEM:

Information forms submitted by nominator(s) including names, addresses, phone numbers, and sex; whether nominees are over or under 55 years of age, reside in urban or rural area, are representative of a minority group, have any special needs such as assistance for the handicapped, personal support services, and translation services, type of nominee such as Congressional or Gubernatorial membership in major aging organizations, housing and transportation plans for Conference, committee preference and assignment, and authorization to release information.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Pub. L. 95-478, Comprehensive Older Americans Act Amendments of 1978, Title II, 1981 White House Conference on Aging Act.

PURPOSE(S):

To select delegates and observers for the Conference and provide them with information they will need to participate. The Conference also takes the position that names and mailing addresses of delegates and observers should be available, upon request, to the general public, as these official participants in the Conference have a public responsibility and accountability. In addition, the Conference expects that the press, special groups, and organizations will want to know which delegates are representative of particular interests such as urban/rural residency and minority status.

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

Disclosure may be made as follows:

1. Individuals, organizations, and the press, having an active interest in the White House Conference, will be provided with the following information on delegates/observers:

a. Address;

b. Age;

c. Race/Ethnicity;

d. Rural/Urban.

2. Disclosure may be made to 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.

3. In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

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

STORAGE:

Data will be maintained both in notebooks and through automatic data processing, which will include actual on line disc storage.

RETRIEVABILITY:

Data can be accessed by name of the individual, sex, address, age, race/ethnicity, and/or rural/urban.

Uses of the system within the Department will be to select delegates and observers for the Conference and provide them with information they will need to participate.

SAFEGUARDS:

We will maintain system security for this system in accordance with National Bureau of Standards guidelines and the Department's ADP *System Manual*, "Part 6, ADP System Security." Conference employees may access data elements on a "need-to-know" basis. Only staff trained to access the terminal can do so. The software package is designed to require special inquiry for information that the individual has requested not be shared outside of the Conference.

Access to and use of these records are limited to those persons whose official duties require access. The completed forms are filed in notebooks which are locked in file cabinets.

RETENTION AND DISPOSAL:

Records will be maintained from time of entry through the National Meeting and up to close out of the Conference Office, which is expected to be in May, 1982. This will allow for the use of updated mailing lists for observers and delegates of post-Conference materials such as the final Conference Report.

Hard copy records will be destroyed following the National Meeting itself. Names and addresses of delegates and observers will be placed in the archival records, with a retention time of 11 years.

SYSTEM MANAGER AND ADDRESS:

Director, Office of Operations, 1961 White House Conference on Aging, 330 Independence Avenue, SW., Room 4059, Washington, D.C. 20201.

NOTIFICATION PROCEDURE:

Any inquiries regarding this system of records should be in writing and should be addressed to the System Manager. When requesting notification, an individual should provide his or her name, state of residence, and who nominated the individual to be a delegate or observer.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. Notification and access requests, where appropriate, should be made at the same time by the requester.

CONTESTING RECORD PROCEDURES:

Same as notification and access procedures. Requesters should also reasonably identify the record and specify the information to be contested.

RECORD SOURCE CATEGORIES:

Records are obtained from the official individuals or groups invited to nominate delegates or observers, or from the individuals themselves, who are chosen to be observers or delegates.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-80-0022

SYSTEM NAME:

Longitudinal Evaluation of the National Nutrition Program for the Elderly, HHS, HDS, AoA.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Room 3280 HHS, 300 Independence Avenue, S.W., Washington, D.C. 20201. Opinion Research, Inc., North Harrison Street, Princeton, N.J. 08540.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Participants, former participants, and a control group of non-participants in the National Nutrition Program for the Elderly; also nutrition staff and staff of State and Area Agencies on Aging.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system contains information of two types, namely data derived from program reviews and data identifying individual variable characteristics. The former includes performance variables, level of participation, structural and organizational variables, contextual variables, operational problems, project and site history. Individual data includes information about nutritional status, health status, isolation, life satisfaction, longevity and institutionalization.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Older Americans Act (Pub. L. 89-73, as amended).

PURPOSE(S):

The purpose of this system is to assist the Secretary in measuring and evaluating the impact of this program as required by the statute.

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

1. Disclosure may be made to 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.

2. In the event of litigation, where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

3. The Department has contracted with a private firm for the purpose of collecting, collating, analyzing, aggregating or otherwise refining records in this system. Relevant records are in the possession of the contractor. The contractor is required to maintain Privacy Act safeguards with respect to such records.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSITION OF RECORDS IN THE SYSTEM.

STORAGE:

Answered questionnaires carrying assigned codes are filed in locked files. The information is transferred to computer tapes.

RETRIEVABILITY:

The matching of identifier codes with the names occurs when the second and subsequent waves of data collection (interviews) are conducted.

SAFEGUARDS:

Access is restricted to persons authorized to perform specific research tasks defined by terms of the contract with the Administration on Aging. The contractor will adhere to the practices described in the Department's ADP *Security Manual*, "Part 6, ADP System Security."

RETENTION AND DISPOSAL:

Records will be retained for three years after the completion of the study and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Division of Research and Evaluation, Room 3280, 300 Independence Avenue, S.W., Washington, D.C. 20201.

NOTIFICATION PROCEDURE:

Any inquiries regarding this system of records should be in writing and should be addressed to the System Manager. When requesting notification, an individual should provide his or her name, state of residence, and name of the nutrition site where they participate in the program.

RECORD ACCESS PROCEDURES:

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

CONTESTING RECORD PROCEDURES:

Contact the System Manager at the address specified and reasonably identify the record and specify the information to be contested.

RECORD SOURCE CATEGORIES:

Individuals respond on a voluntary basis to survey questions.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 81-29423 Filed 10-26-81; 8:45 am]
BILLING CODE 4110-92-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

Privacy Act of 1974; Systems of Records: Annual Publication

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Annual Republication of Notices of Systems of Records.

SUMMARY: In accordance with 5 U.S.C. 552a(e)(4), we are publishing notices of systems of records which HCFA maintains. The notices are complete as of August 19, 1981 and do not contain any new routine uses or new material which would require a report to Congress and the Office of Management and Budget as described in OMB Circular A-108. The notices do, however, contain editorial and general clarifying changes which make them complete. If any errors appear in this publication, we will publish corrections in a later issue of the **Federal Register.**

SUPPLEMENTARY INFORMATION: To assist the reader of our annual publication we list a summary of major modifications to the HCFA notices of systems of records. This summary includes deletions and other changes which we have not yet described in the **Federal Register.** It does not include changes which have already been described in notices previously published in the **Federal Register.** HCFA additions, changes, and deletions are as follows:

1. Notices of three systems of records have been added that were issued after the 1980 republication of the **Federal Register,** December 22, 1980 (45 FR 84476–84517). They are:

a. System 09–70–0023, Evaluation of Home Dialysis Aide Demonstration, published in the **Federal Register** on January 23, 1981 (46 FR 7453–7456).

b. System 09–70–0024, Medicare/Medicaid Hospice Demonstration, pubished in the **Federal Register** on January 23, 1981 (46 FR 7450–7453).

c. System 09–70–0025, Evaluation of the Long Term Home Health Care Program, was published in the **Federal Register** on May 15, 1981 (46 FR 26871–26872).

2. Notice of an alteration to system 09–70–0001, Medicare Second Surgical Opinion Program, was published in the **Federal Register** on January 16, 1981 (46 FR 3990–3991).

3. We have revised the notices of systems of records below to include new statements of routine use which were published and adopted earlier this year.

a. System 09–70–0005, Medicare Bill File (Statistics), **Federal Register,** May 1, 1981 (46 FR 24698–24699) and July 20, 1981 (46 FR 37329–37330).

b. System 09–70–0006, Medicare Enrollment Records (Statistics), **Federal Register,** May 1, 1981 (46 FR 24699–24701) and July 20, 1981 (46 FR 37330–37331).

c. System 09–70–0008, Supplementary Medical Sample Bill Summary File of Medicare Utilization (Statistics), **Federal Register,** May 1, 1981 (46 FR 24701–24702) and July 20, 1981 (46 FR 37331–37332).

d. System 09–70–0501, Carrier Medicare Claims Records, **Federal Register,** May 1, 1981 (46 FR 24702–24703) and July 20, 1981 (46 FR 37332–37333).

e. System 09–70–0502, Health Insurance Master Record, **Federal Register,** May 1, 1981 (46 FR 24703–24705) and July 20, 1981 (46 FR 37333–37335).

f. System 09–70–0503, Intermediary Medicare Claims Records, **Federal Register,** May 1, 1981 (46 FR 24705–24706) and July 20, 1981 (46 FR 37335–37336).

g. System 09–70–0506, Group Health Plan System, **Federal Register,** May 1, 1981 (46 FR 24706–24707) and July 20, 1981 (46 FR 37336–37337).

h. System 09–70–0522, Billing and Collection Master Record System, **Federal Register,** November 6, 1980 (45 FR 73796–73800).

4. We have changed the name of system 09–70–0520 from "End Stage Renal Disease (ESRD) Medical Information System (Registry)" to "End Stage Renal Disease (ESRD) Program Management and Medical Information System (Registry)." This system notice has been combined with system notice 09–70–0515, Chronic Renal Disease Beneficiary History File (45 FR 84502–84503) with no effect upon the system itself.

5. We have deleted three notices of systems of records from the **Federal Register,** December 22, 1980:

a. System 09–70–0002, Clinical Psychology/Expanded Mental Health (45 FR 84478–84479). All individually identifiable information has been destroyed.

b. System 09–70–0511, Medicare Benefit Check Records (45 FR 84500). Retrieval of these records is by check number rather than a name or personal identifier.

c. System 09–70–0515, Chronic Renal Disease Beneficiary History File (45 FR 84502–04503). This system notice has been combined with system notice 09–70–0520, End Stage Renal Disease (ESRD) Program Management and Medical Information System (Registry).

6. The routine use for research purposes for two system notices (listed below) has been expanded to limit disclosure for such purposes. This standard DHHS language was inadvertently not included in the system notices in the December 22, 1980 **Federal Register:**

a. System 09–70–0518, Medicare Clinic Physician Supplier Master File (45 FR 84504–84505).

b. System 09–70–1510, Professional Qualification Files (45 FR 84510–84512).

Dated: August 26, 1981.

Paul Willging, Ph.D.,

Deputy Administrator.

Table of Contents

System Number and System Name

09–70–0001—Medicare Second Surgical Opinion Experiments, HHS/HCFA/ORDS
09–70–0004—Durable Medical Equipment Experiment, HHS/HCFA/ORDS
09–70–0005—Medicare Bill File (Statistics), HHS/HCFA/ORDS
09–70–0006—Medicare Enrollment Records (Statistics), HHS/HCFA/ORDS
09–70–0007—Health Insurance Enrollment Statistics—General Enrollment Period, HHS/HCFA/ORDS
09–70–0008—Supplementary Medical Sample Bill Summary File of Medicare Utilization (Statistics), HHS/HCFA/ORDS
09–70–0010—Current Medicare Survey (Statistics), HHS/HCFA/ORDS
09–70–0011—Evaluation of the Impact of Surgical Screening Based Upon Union Member Utilization of the Pre-Surgical Consultant Benefit (Statistics), HHS/HCFA/ORDS
09–70–0013—Annual 5 Percent Summary File of Services Reimbursed Under the Medicare Program (Statistics), HHS/HCFA/ORDS
09–70–0014—Survey of Physicians' Administrative and Practice Costs and Medicaid Participation, HHS/HCFA/ORDS
09–70–0015—Ambulatory Surgery Research Project, HHS/HCFA/ORDS
09–70–0017—Health Insurance Benefit and Actuarial Sample Control Systems, HHS/HCFA/ORDS
09–70–0018—Actuarial Health Insurance and Supplementary Insurance (Medicare), HHS/HCFA/ORDS
09–70–0019—Actuarial Sample Hospital Stay Record Study, HHS/HCFA/ORDS
09–70–0020—Actuarial Sample of Supplementary Medical Insurance Payments, HHS/HCFA/ORDS
09–70–0021—Health Maintenance Organization Prospective Reimbursement Demonstrations, HHS/HCFA/ORDS
09–70–0022—Muncipal Health Service Program, HHS/HCFA/ORDS

09-70-0023—Evaluation of the Home Dialysis Aide Demonstration, HHS/HCFA/ORDS
09-70-0024—Medicare/Medicaid Hospice Demonstration, HHS/HCFA/ORDS
09-70-0025—Evaluation of the Long-Term Home Health Care Program, HHS/HCFA/ORDS
09-70-0501—Carrier Medicare Claims Records, HHS/HCFA/BPO
09-70-0502—Health Insurance Master Record, HHS/HCFA/BPO
09-70-0503—Intermediary Medicare Claims Records, HHS/HCFA/BPO
09-70-0504—Beneficiary Parts A and B Uncollectible Overpayment File, HHS/HCFA/BPO
09-70-0505—Supplemental Medical Insurance Accounting Collection and Enrollment System, HHS/HCFA/BPO
09-70-0506—Group Health Plan System, HHS/HCFA/BPO
09-70-0507—Health Insurance Utilization Microfilm, HHS/HCFA/BPO
09-70-0508—Reconsideration and Hearing Case Files (Part A) Hospital Insurance Program, HHS/HCFA/BPO
09-70-0509—Medicare Beneficiary Correspondence Files, HHS/HCFA/BPO
09-70-0510—Alphabetical Name File (Folder) of Health Insurance Program Consultants, HHS/HCFA/BPO
09-70-0512—Review and Fair Hearing Case Files—Supplementary Medical Insurance Program, HHS/HCFA/BPO
09-70-0513—Explanation of Medicare Benefit Records, HHS/HCFA/BPO
09-70-0516—Medicare Physican/Supplier Master File, HHS/HCFA/BPO
09-70-0517—Physican/Supplier 1099 File (Statement for Recipients of Medical and Health Care Payments), HHS/HCFA/BPO
09-70-0518—Medicare Clinic Physician/Supplier Master File, HHS/HCFA/BPO
09-70-0520—End Stage Renal Disease (ESRD) Program Management and Medical Information System (Registry), HHS/HCFA/BPP
09-70-0521—Medicare Beneficiary Claims for Emergency Services, HHS/HCFA/BPO
09-70-0522—Billing and Collection Master Record System, HHS/HCFA/BPO
09-70-1504—Physical Therapists Proficiency Answer Sheets and Test Results (Medicare), HHS/HCFA/HSQB
09-70-1505—Psychiatric Technician Proficiency Answer Sheets and Test Results (Medicare), HHS/HCFA/HSQB
09-70-1507—Waivered Licensed Practical Nurse Proficiency Exam Answer Sheets and Test Results (Medicare), HHS/HCFA/HSQB
09-70-1509—Complaint Files on Nursing Homes, HHS/HCFA/HSQB
09-70-1510—Professional Qualification Files, HHS/HCFA/HSQB
09-70-2002—HCFA Program Integrity/Program Validation Case Files, HHS/HCFA/BQC

09-70-0001

SYSTEM NAME:

Medicare Second Surgical Opinion Experiments, HHS/HCFA/ORDS.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Blue Cross and Blue Shield of Greater New York, 622 Third Avenue, New York, N.Y. 10017, and 3 Park Avenue, New York, N.Y. 10016, and Blue Cross and Blue Shield of Michigan, 600 Lafayette East, Detroit, Mich. 48226; and Abt Associates, Inc., 55 Wheeler Street, Cambridge, Mass. 02138.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Physicians who practice, and Medicare beneficiaries who reside in the carrier area of Blue Cross and Blue Shield of greater New York (plus Queens) or in Macomb, Oakland, or Wayne Counties for which the Medicare carrier is Blue Cross and Blue Shield of Michigan.

Physicians who practice, and Medicaid recipients who reside in the States of Massachusetts and Connecticut or Vermont. Persons contacting National Second Surgical Opinion Program (NSSOP) listholders.

CATEGORIES OF RECORDS IN THE SYSTEM:

Physicians: personal identification and demographic data, attitudes toward second opinion programs, clinical details and prognosis of patients who have sought second opinions, estimates of the use of second opinions by their patients.

Beneficiaries: personal identification demographic data, and health status information pertinent to advisability of patient undergoing elective surgery, surgical recommendations/discussions, treatment received, patient health attitudes, awareness of second opinion programs, satisfaction with second opinion programs.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 402 of the Social Security Amendments of 1967, P.L. 90-248, as amended by Section 222(b) of the Social Security Amendments of 1972, P.L. 92-603, 42 U.S.C. 1395b-1.

PURPOSE(S):

To provide data necessary to operate second opinion referral centers and to determine the impact of second opinion programs on Medicare costs, surgery rates, consumer and provider decision-making regarding surgery, and quality of care.

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

(1) Blue Cross and Blue Shield of greater New York and Blue Cross and Blue Shield of Michigan will use the data to: (a) operate referral centers to help eligible Medicare beneficiaries locate consultants and obtain second/third opinions, (b) collect information necessary to conduct referral operations and evaluate the impact of the program, and (c) modify claims processing systems to permit waiver of co-payment and deductible requirements under Part B of Medicare on all second/third surgical opinion claims (i.e., physician and ancillary service costs). The Office of Research, Demonstrations and Statistics (ORDS), HCFA, will use the information to coordinate all data collection, reimbursement, and evaluation activities. HCFA will contract via request for proposals with an independent third party which will use data in the system to evaluate the impact of the second surgical opinion programs.

(2) Disclosure may be made to 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.

(3) In event of litigation where the defendant is: (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense provided such disclosure is compatible with the purpose for which the records were collected.

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

STORAGE:

Hardcopy intake forms, first opinion physician/surgeon reports and consultants' reports will be stored in locked metal file cabinets in the referral centers established within the contractors' carrier offices. Completed data tapes created from hardcopy forms will be stored in the tape libraries maintained by the contractors for storage of routine Medicare claims tapes and subject to the same security precautions.

RETRIEVABILITY:

Hardcopy stored in referral centers will be retrievable by beneficiary name. Beneficiary information stored on tape will be retrievable by beneficiary name and health insurance claim number; provider information stored on tape will be retrievable by physician name and provider number.

Where applicable, the evaluation contractor will merge the systems records created by survey sampling activities with systems records already covered by this systems notice. The systems records created by survey activity are temporary in nature, and patient and physician identifiers will not be retained.

SAFEGUARDS:

All records will be retained in secure storage areas accessible only to authorized employees of Blue Cross and Blue Shield of Greater New York, Blue Cross and Blue Shield of Michigan, and the evaluation contractor staff. All employees having access to records have been notified of criminal sanctions for unauthorized disclosure of information on individuals. After the hardcopy and tapes are validated and analyzed by the evaluation contractor, they will be returned to HCFA.

For computerized records, where appropriate, ADP systems security procedures will be instituted with reference to guidelines contained in the DHHS ADP Systems Manual, Part 6, "ADP Systems Security," (e.g., use of password access). By taking all the aforementioned precautions, HCFA has reduced the risk of unauthorized access to a minimum.

RETENTION AND DISPOSAL:

Hardcopy data collection forms and magnetic data tapes with identifiers will be retained in secure storage areas. The disposal technique of degaussing will be used to strip magnetic tape of all identifying names and numbers in December 1987. Hardcopy will be destroyed at this time.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Research, Demonstrations and Statistics, Health Care Financing Administration, Room 4228, HHS Building, 330 Independence Avenue S.W., Washington, D.C. 20201.

NOTIFICATION PROCEDURE:

Any physician or Medicare beneficiary who participates in this demonstration as a provider or recipient of service may request his or her data record in writing. This request should be addressed to the system manager. To obtain data on physicians, the requestor should provide the name and business address of the physician; to obtain data on a Medicare beneficiary, the requestor should provide the beneficiary's name and home address.

RECORD ACCESS PROCEDURES:

Same as notification procedure. Requesters should also reasonably specify the record contents being sought. These access procedures are in accordance with Department regulations (45 CFR, section 5b.5(a)(2)).

CONTESTING RECORD PROCEDURES:

Contact the system manager named above, and reasonably identify the record and specify the information to be contested. These procedures are in accordance with Department Regulations (45 CFR, section 5b.7).

RECORD SOURCE CATEGORIES:

Referral Center Intake Forms are completed by a referral center analyst upon receiving a call from a Medicare beneficiary requesting a second opinion under the demonstrations. First Opinion Physician/Surgeon Report Forms are completed by the first opinion physician in the Blue Cross and Blue Shield of Michigan demonstration and by the first surgeon in the Blue Cross and Blue Shield of Greater New York demonstration. The consultant's report is completed by second/third opinion consultants who are participating in the demonstrations.

NSSOP Patient Intake Log to be completed by NSSOP listholders. NSSOP Intake Log Patient Followup Questionnaire to be completed by the evaluation contractor through telephone survey. Telephone Questionnaire of Medicare recipients in Connecticut or Vermont to be completed by the evaluation contractor. Patient Interview of Medicare beneficiaries in New York and Medicaid recipients in Massachusetts and Connecticut or Vermont to be completed by the evaluation contractor. Physician Mail Questionnaire to be completed by first opinion and second opinion physicians of patients who participate in the Patient Interviews. Physician Mail Questionnaire to be completed by surgeons who practice in Macomb, Oakland, and Wayne Counties, Michigan. Patient telephone survey of Medicare beneficiaries who reside in Macomb, Oakland, and Wayne Counties, Michigan to be completed by the evaluation contractor.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-70-0004

SYSTEM NAME:

Durable Medical Experiment, HHS, HCFA, ORDS.

SECURITY CLASSIFICATION:

SYSTEM LOCATION:

Health Care Financing Administration, Office of Research, Demonstrations and Statistics, Office of Demonstrations and Evaluation, Room 1-E-6, Oak Meadows Building, Baltimore, Maryland 21235.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Medicare beneficiaries acquiring durable medical equipment (DME) under Title XVIII of the Social Security Act in the following States or portions thereof during the course of the experiment: California, Florida, Idaho, Minnesota, Mississippi, New Mexico, New York, Tennessee, Virginia, Washington, and Wyoming.

CATEGORIES OF RECORDS IN THE SYSTEM:

Administrative, billing, and descriptive information involving the purchase and/or rental of durable medical equipment under Title XVIII (Medicare Part B).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 245 of Public Law 92-603 (Social Security Amendments of 1972).

PURPOSE(S):

In accordance with section 245 of Public Law 92-603, the Secretary of HHS was authorized to conduct experimentation involving payments for durable medical equipment. These data were collected for statistical purposes in analyzing the results of the experimental program.

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

(1) Routine disclosure of the records maintained in the system was made to an organization under contract with the Health Care Financing Administration for the performance of the research and statistical functions as prescribed by the contract. The data collected was utilized by the Contractor for statistical purposes in determining the results of the experimental program. (2) Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of the individual. (3) In the event of litigation where the defendant is (a) the Department, any component of the

Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense provided such disclosure is compatible with the purpose for which the records were collected.

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

STORAGE:

Magnetic computer tape.

RETRIEVABILITY:

All records are indexed by health insurance claim number and by Medicare carrier code number.

SAFEGUARDS:

Magnetic computer tapes are kept in GSA approved containers with combination locks. The containers are located in a controlled access area where all nonemployees and nonauthorized personnel must identify themselves, state the nature of their business, and be logged in before gaining entry. All personnel are subject to the penalties prescribed by the Privacy Act for unauthorized disclosure of personnel data. These safeguards are in accordance with Departmental standards limiting access to authorized personnel only.

RETENTION AND DISPOSAL:

All raw data, draft reports, correspondence, and reports generated during this experiment (including tapes, computer programs, position indices, etc.) are the property of the Government.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Research, Demonstrations and Statistics, Health Care Financing Administration, Room 4228, HHS Building, 330 Independence Avenue SW., Washington, D.C. 20201.

NOTIFICATION PROCEDURE:

For purposes of notification, provide the Systems Manager with the name, address, and Health Insurance Account Number of the person requesting access.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Departmental Regulations (45 CFR Part 5b.5(a)(2)).

CONTESTING RECORD PROCEDURES:

Contact the system manager named above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Departmental Regulations (45 CFR Part 5b.7)).

RECORD SOURCE CATEGORIES:

Requests from Medicare Part B Beneficiaries for reimbursement for the rental/purchase of durable medical equipment under title XVIII of the Social Security Act, including charges and descriptive material from suppliers of durable medical equipment; administrative and billing information for the reimbursement of durable medical equipment from Part B Medicare Carriers.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-70-0005

SYSTEM NAME:

Medicare Bill File (Statistics) HHS, HCFA, ORDS.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Office of Systems Operations, OS, SSA, 6401 Security Boulevard, Baltimore, Maryland 21235.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons enrolled in hospital insurance or supplemental medical benefits parts of the Medicare program.

CATEGORIES OF RECORDS IN THE SYSTEM:

Bill data; demographic data on the beneficary, diagnosis and surgery codes on a sampling of the population; provider characteristics.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 1875 of the Social Security Act (42 USC Sec. 1395ll).

PURPOSE(S):

To study the operation and effectiveness of the Medicare program.

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

(1) Disclosure may be made to a congressional office from the record of an individual in rsponse to an inquiry from the congressional office made at the request of that individual.

(2) To the Bureau of Census for use in processing research and statisical data directly related to the administration of Social Security programs.

(3) In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

(4) To an individual or organization for a research, evaluation, or epidemiological project related to the prevention of disease or disability, or the restoration or maintenance of health if HCFA:

a. determines that the use or disclosure does not violate legal limitations under which the record was provided, collected, or obtained;

b. determines that the purpose for which the disclosure is to be made:

(1) cannot be reasonably accomplished unless the record is provided in individually identifiable form.

(2) is of sufficient importance to warrant the effect and/or risk on the privacy of the individual that additional exposure of the record might bring, and

(3) There is reasonable probability that the objective for the use would be accomplished;

c. requires the information recipient to:

(1) establish reasonable administrative, technical, and physical safeguards to prevent unauthorized use or disclosure of the record, and

(2) remove or destroy the information that allows the individual to be identified at the earliest time at which removal or destruction can be accomplished consistent with the purpose of the project unless the recipient presents an adequate justification of a research or health nature for retaining such information, and

(3) make no further use or disclosure of the record except:

(a) in emergency circumstances affecting the health or safety of any individual,

(b) for use in another research project, under these same conditions, and with written authorization of HCFA.

(c) for disclosure to a properly identified person for the purpose of an audit related to the research project, if information that would enable research subjects to be identified is removed or destroyed at the earliest opportunity consistent with the purpose of the audit, or

(d) when required by law;

d. secures a written statement attesting to the information recipient's understanding of and willingness to abide by these provisions.

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

STORAGE:

All records are stored on magnetic tape.

RETRIEVABILITY:

All records are indexed by health insurance claim number and by hospital provider number.

SAFEGUARDS:

For computerized records, safeguards established in accordance with Department standards and National Bureau of Standards guidelines (e.g., security codes) will be used, limiting access to authorized personnel.

RETENTION AND DISPOSAL:

Records are maintained with identifiers as long as needed for program research.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Research Demonstrations and Statistics, Health Care Financing Administration, Room 4228, HHS Building, 330 Independence Avenue, SW., Washington, D.C. 20201.

NOTIFICATION PROCEDURE:

For purpose of access, write the systems manager, who will require name of system, health insurance claim number and for verification purposes, name (women's maiden name, if applicable), social security number, address, date of birth and sex; and to ascertain whether the individual's records is in the system, utilization and date of utilization under Part A or Part B of Medicare services, home health agency, hospital (inpatient), hospital (outpatient) or skilled nursing facility.

RECORD ACCESS PROCEDURES.

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with the Department Regulations (45 CFR, Section 5b.5(a)(2).)

CONTESTING RECORD PROCEDURES:

Contact the system manager named above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7).)

RECORD SOURCE CATEGORIES:

Medicare enrollment records: Medicare bill records; Medicare provider records for a sample of persons treated as hospital patients (inpatient and outpatient) and skilled nursing facility patients.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-70-0006

SYSTEM NAME:

Medicare Enrollment Records (Statistics) HHS, HCFA, ORDS.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Office of Systems Operations, OS, SSA, 6401 Security Boulevard, Baltimore, Maryland 21235.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All persons enrolled for hospital or supplemental medical benefits under the Medicare program, including enrollees for whom the State has paid the premiums and enrollees who are members of direct dealing group practice prepayment plans.

CATEGORIES OF RECORDS IN THE SYSTEM:

Enrollment characteristics of the beneficiaries: demographic characteristics

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 1875 of the Social Security Act (42 USC Sec. 1395ll).

PURPOSE(S):

To study the characteristics of persons enrolled in the Medicare program and establish the basis for Medicare services utilization rates.

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

Disclosure maybe made: (1) to 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. (2) To the Bureau of Census for use in processing research and statistical data directly related to the administration of Social Security programs.

(3) To an individual or organization for a research, evaluation or epidemiological project related to the prevention of disease or disability, or the restoration or maintenance of health if HCFA:

a. determines that the use or disclosure does not violate legal limitations under which the record was provided, collected, or obtained;

b. determines that the purpose for which the disclosure is to be made:

(1) cannot be reasonably accomplished unless the record is provided in individually identifiable form.

(2) is of sufficient importance to warrant the effect and/or risk on the privacy of the individual that additional exposure of the record might bring, and

(3) there is reasonable probability that the objective for the use would be accomplished;

c. requires the information recipient to:

(1) establish reasonable administrative, technical, and physical safeguards to prevent unauthorized use or disclosure of the record, and

(2) remove or destroy the information that allows the individual to be identified at the earliest time at which removal or destruction can be accomplished consistent with the purpose of the project, unless the recipient presents an adequate justification of a research or health nature for retaining such information and

(3) make no further use or disclosure of the record except:

(a) in emergency circumstances affecting the health or safety of any individual,

(b) for use in another research project, under these same conditions, and with written authorization of HCFA,

(c) for disclosure to a properly identified person for the purpose of an audit related to the research project, if information that would enable research subjects to be identified is removed or destroyed at the earliest opportunity consistent with the purpose of the audit, or

(d) when required by law;

d. secures a written statement attesting to the information recipient's understanding of and willingness to abide by these provisions.

(4) In the event of litigation where the defendant is (a) the Department, any component of the Department, or any

employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

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

STORAGE:

All records are stored on magnetic tape.

RETRIEVABILITY:

All records are accessible by claim number. Subfiles are indexed also by group practice pre-payment plan number or by State buy-in number.

SAFEGUARDS:

For computerized records, safeguards established in accordance with guidelines in the DHHS ADP Systems Manual, Part 6, "ADP Systems Security," (e.g. security codes) will be used, limiting access to authorized personnel.

RETENTION AND DISPOSAL:

Records are retained with identifiers as long as needed for program research analysis.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Research, Demonstrations and Statistics, Health Care Financing Administration, Room 4228, HHS Building, 330 Independence Avenue, SW., Washington, D.C. 20201.

NOTIFICATION PROCEDURE:

For purposes of access, write to the systems manager, who will require name of system, health insurance claim number, social security number, and for verification purposes, name (woman's maiden name, if applicable), address, date of birth and sex, and to ascertain whether the individual's record is in the system, enrollment in Medicare health or supplemental medical participation in a direct dealing group practice prepayment plan, or payment of premium by State.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR Sections 5b.5(a)(2).)}

CONTESTING RECORD PROCEDURES:

Contact the system manager named above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR Section 5b.7).)

RECORD SOURCE CATEGORIES:

Master beneficiary record: Medicare enrollment records.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-70-0007

SYSTEM NAME:

Health Insurance Enrollment Statistics, General Enrollment Period, HHS, HCFA, ORDS.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Office of Systems Operations, OS, SSA, 6401 Security Boulevard, Baltimore, Maryland 21235.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All persons who are eligible for Supplementary Medical Insurance coverage but have declined such coverage.

CATEGORIES OF RECORDS IN THE SYSTEM:

Limited demographic data (sex, date of birth, State and county of residence).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 1875 of Title XVIII of the Social Security Act (42 USC Sec. 1395ll).

PURPOSE(S):

To contact persons eligible for Part B benefits who have refused or withdrawn coverage of these benefits, for purposes of reenrollment for Part B coverage and to evaluate results of such contacts.

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

Disclosure may be made: (1) to 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. (2) In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense provided such disclosure is compatible with the purpose for which the records were collected.

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

STORAGE:

All records are stored on magnetic tape.

RETRIEVABILITY:

All records are indexed by health insurance claim number.

SAFEGUARDS:

For computerized records, safeguards established in accordance with guidelines in DHHS ADP Systems Manual, Part 6, "ADP Systems Security." (e.g., security codes) will be used, limiting access to authorized personnel.

RETENTION AND DISPOSAL:

Tapes are retained with identifiers as long as needed for program research.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Research, Demonstrations and Statistics, Health Care Financing Administration, Room 4228, HHS Building, 330 Independence Avenue, S.W., Washington, D.C. 20201.

NOTIFICATION PROCEDURE:

For purposes of access, write to the Systems Manager who will require system name and social security number and for verification purposes, name (woman's maiden name, if applicable), address, date of birth and sex.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)).)

CONTESTING RECORD PROCEDURES:

Contact the system manager named above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7).)

RECORD SOURCE CATEGORIES:

Health Insurance Master Beneficiary File.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-70-0008

SYSTEM NAME:

Supplementary Medical Sample Bill Summary File of Medicare Utilization (Statistics) HHS, HCFA, ORDS.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Office of Systems Operations, OS, SSA 6401 Security Boulevard, Baltimore, Maryland 21235.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

A 5 percent sample of Medicare beneficiaries who have received any supplementary medical (Medicare) services January 1, 1975, or later.

CATEGORIES OF RECORDS IN THE SYSTEM:

Physician and supplier billing information.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 1875 of the Social Security Act (42 USC Sec. 1395ll).

PURPOSE(S):

To study the effectiveness of the Supplementary Medical Insurance Medicare benefit.

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

Disclosure may be made: (1) to 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. (2) In the event of litigation where the defendant is (a) the Department, any component of the Department or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

(3) To an individual or organization for a research, evaluation, or epidemiological project related to the prevention of disease or disability, or the restoration or maintenance of health if HCFA:

a. determines that the use or disclosure does not violate legal limitations under which the record was provided, collected, or obtained;

b. determines that the purpose for which the disclosure is to be made:

(1) cannot be reasonably accomplished unless the record is provided in individually identifiable form,

(2) is of sufficient importance to warrant the effect and/or risk on the privacy of the individual that additional exposure of the record might bring, and

(3) there is reasonable probability that the objective for the use would be accomplished;

c. requires the information recipient to:

(1) establish reasonable administrative, technical, and physical safeguards to prevent unauthorized use or disclosure of the record, and

(2) remove or destroy the information that allows the individual to be identified at the earliest time at which removal or destruction can be accomplished consistent with the purpose of the project, unless the recipient presents an adequate justification of a research or health nature for retaining such information, and

(3) make no further use or disclosure of the record except:

(a) in emergency circumstances affecting the health or safety of any individual,

(b) for use in another research project, under these same conditions, and with written authorization of HCFA,

(c) for disclosure to a properly identified person for the purpose of an audit related to the research project, if information that would enable research subjects to be identified is removed or destroyed at the earliest opportunity consistent with the purpose of the audit, or

(d) when required by law;

d. secures a written statement attesting to the information recipient's understanding of and willingness to abide by these provisions.

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

STORAGE:

All records are stored on magnetic tape.

RETRIEVABILITY:

All records are indexed by claim number.

SAFEGUARDS:

For computerized records, safeguards are established in accordance with guidelines in DHHS ADP Systems Manual, Part 6, "ADP Systems Security," (e.g. security codes) will be used, limiting access to authorized personnel.

RETENTION AND DISPOSAL:

Records are retained with identifiers as long as needed for purposes of program research.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Research Demonstrations and Statistics, Health Care Financing Administration, Room 4228, HHS Building, 330 Independence Avenue, S.W., Washington, D.C. 20201.

NOTIFICATION PROCEDURE:

For purposes of access, write the systems manager, who will require name of system, health insurance claim number and for verification purposes, name (woman's maiden name, if applicable), social security number, address, date of birth and sex; and to ascertain whether the individual's record is in the system, date (month and year) on which supplementary medical services were received.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with the Department Regulations (45 CFR, Section 5b.5(a)(2).)

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7).)

RECORD SOURCE CATEGORIES:

Medicare claims submitted to carriers.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT.

None.

09-70-0010

SYSTEM NAME:

Current Medicare Survey (Statistics) HHS, HCFA, ORDS.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Office of Systems Operations, OS, SSA, 6401 Security Boulevard, Baltimore, Maryland 21235.

Office of Research, ORDS, HCFA, 6325 Security Boulevard, Baltimore, Maryland 21207.

Wilkes Barre Punching Branch, Social Security Administration, VA Building, 19 N. Main Street, Wilkes Barre, Pennsylvania 18701.

Bureau of Census, Washington, D.C.

Federal Records Centers.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Sample of aged (since 1966) and disability (since 1971) beneficiaries entitled to Medicare, and interview status.

CATEGORIES OF RECORDS IN THE SYSTEM:

Demographic characteristics; health services (types and costs) used by Medicare beneficiaries, and interview status.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 1875 of the Social Security Act. (42 UCS Sec. 1395ll).

PURPOSE(S):

To determine the use of health care services by Medicare beneficiaries, for program planning, and publication of nationally distributed reports.

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

Disclosures from this system are made: (1) to the Bureau of the Census when it performs as a collecting agent or data processor for research and statistical purposes directly relating to the Social Security Act. (2) In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

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

STORAGE:

All records are stored on magnetic tape and disk files. Hard copies of the interview forms through 1973 are on microfilm. For subsequent years, hard copies of the interview forms are stored at Federal Records Centers. Interview status check-in cards for 1975–77 and tape disk files are also stored there. Magnetic tapes are in secured storage at SSA. Check-in cards and microfilms are in secured file cabinets at HCFA.

RETRIEVABILITY

All interview records are identified by health insurance claim number.

SAFEGUARDS:

Initial collection and processing performed by the Census Bureau. For computerized records safeguards are established in accordance with guidelines in DHHS ADP Systems Manual, Part 6, "ADP Systems Security," (e.g. security codes) will be used, limiting access to authorized personnel.

RETENTION AND DISPOSAL:

Through 1974, hard copy was routinely destroyed six months after the record was placed on microfilm. Starting with 1975, hard copy will be retained for 3 years, and upon receipt of the fourth year data, the earliest year will be destroyed. Computer and card records and interview status check-in cards and tapes are maintained with identifiers as long as needed for purposes of program research. All records are reviewed annually for continued program need.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Research, Demonstrations and Statistics, Health Care Financing Administration, Room 4228, HHS Building, 330 Independence Avenue, S.W., Washington, D.C. 20201.

NOTIFICATION PROCEDURE:

For purposes of access, write the systems manager who will require name of system, health insurance claim number and for verification purposes name (woman's maiden name, if applicable), social security number, address, date of birth and sex, and to ascertain whether the individual's record is in the system, type of social security benefit (old age or disability) received.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2).))

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7).)

RECORD SOURCE CATEGORIES:

Medicare beneficiary records; survey type data collected by Census Bureau for the Social Security Administration.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-70-0011

SYSTEM NAME:

Evaluation of the Impact of Surgical Screening Based Upon Union Member Utilization of the Pre-Surgical Consultant Benefit (Statistics) HHS, HCFA, ORDS.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Cornell University Medical College, 1300 York Avenue, New York, New York 10021.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Sample of those members of five unions in the Greater New York and Northern New Jersey who have used the pre-surgical consultation benefit in their union health contract.

CATEGORIES OF RECORDS IN THE SYSTEM:

Demographic characteristics, medical diagnosis and surgical procedures, physician sociological characteristics, health insurance coverage, health status.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 1875 of the Social Security Act. (42 USC Sec. 1395ll).

PURPOSE(S):

To determine the effect of providing for pre-surgical consultations and the effect of those consultations on decisions to undergo surgery.

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

(1) Disclosures from this system are made to contractors for research and statistical activities directed by the Health Care Financing Administration. (2) Disclosure may be made to 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. (3) In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense provided such disclosure is compatible with the purpose for which the records were collected.

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

STORAGE:

Paper files.

RETRIEVABILITY:

Records filed in alphabetical order.

SAFEGUARDS:

Safeguards are provided by contract, identifiable data are accessible only to the contractor and members of his staff.

RETENTION AND DISPOSAL:

Records will be retained with identifiers by the contractors only as long as is needed for purposes of program research and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Research, Demonstrations and Statistics, Health Care Financing Administration, Room 4228, HHS Building, 330 Independence Avenue, S.W., Washington, DC 20201.

NOTIFICATION PROCEDURE:

For purposes of access, write the Systems Manager who will require name of system, health insurance claim number, and, for verification purposes, name (woman's maiden name, if applicable), address, date of birth and sex, and to ascertain whether the individual's record is in the system, the name of the union of which he or she is a member.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2).)

CONTESTING RECORD PROCEDURES:

Contact the system manager named above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7).)

RECORD SOURCE CATEGORIES:

Union records retained by each union in the survey area.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-70-0013

SYSTEM NAME:

Annual 5 percent Summary File of Services Reimbursed Under the Medicare Program (Statistics) HHS, HCFA, ORDS.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Office of Systems Operations, OS, SSA 6401 Security Boulevard, Baltimore, Maryland 21235.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Sample of Medicare enrollees with reimbursement services prior to January 1, 1975.

CATEGORIES OF RECORDS IN THE SYSTEM:

Demographic characteristics; amount of reimbursement by type of service.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 1875 of the Social Security Act. (42 USC Sec. 1395ll.)

PURPOSE(S):

To study the characteristics of persons receiving Medicare reimbursed services and the types of services they received.

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

(1) Disclosure may be made to a congressional office from the record of and individual in response to an inquiry from the congressional office made at the request of that individual. (2) In the event of litigation where the defendant is (a) the Department, any component of the Department or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

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

STORAGE:

All records are stored on magnetic tape.

RETRIEVABILITY:

All records are indexed by claim number.

SAFEGUARD:

For computerized records, safeguards are established in accordance with guidelines in DHHS ADP Systems Manual Part 6, "ADP Systems Security," (e.g. security codes) will be used, limiting access to authorized personnel.

RETENTION AND DISPOSAL:

Records are retained with indentifiers as long as needed for purposes of program research.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Research Demonstrations and Statistics, Health Care Financing Administration, Room 4228, HHS Building, 330 Independence Avenue, S.W., Washington, D.C. 20201.

NOTIFICATION PROCEDURE:

For purposes of access, write the systems manager who will require name of system, health insurance claim number, and for verification purposes, name (woman's maiden name if applicable), address, social security number, date of birth and sex, and to ascertain whether the individual's record is in the system, whether any reimbursable services prior to 1974 and the date (month and year) of such services.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2).)

CONTESTING RECORD PROCEDURES:

Contact the offical at the address specified under notification procedures

above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7).)

RECORD SOURCE CATEGORIES:

Medicare enrollment records; Medicare bill records.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-70-0014

SYSTEM NAME:

Survey of Physicians', Administrative and Practice Costs and Medicaid Participation HHS, HCFA, ORDS.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Abt Associates, 55 Wheeler Street, Cambridge, Mass. 02138.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

A national and regional sample of 2000 office-based physicians.

CATEGORIES OF RECORDS IN THE SYSTEM:

Education, professional background, age, and demographic information about physicians, to be merged with administrative and practice cost data, practice characteristics in terms of specialty, type, size, etc., and participation in Medicaid.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 1875 of the Social Security Act, and section 222(a) of the Social Security Act Amendments of 1972, Pub. L. 92-603. (42 U.S.C. Sec. 1395ll. 1395f(note)).

PURPOSE(S):

To analyze practice costs, incomes and program participation according to physician characteristics.

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

1. A congressional office from the record of an individual in response to an inquiry from the congressional office at the request of that individual.

2. In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

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

STORAGE:

American Medical Association background information will be maintained on a master sheet, and individually in each interview folder. Interview information was maintained on questionnaires prior to conversion to magnetic tape. Resulting tapes contain no personal identifiers.

RETRIEVABILITY:

Until each interview was completed and verified, the contractor maintained questionnaires and background information in folders labeled with the physician's name. Because the information has been removed from the folders, there can be no retrieval of individual records.

SAFEGUARDS:

All identifiers were removed from data as soon as the collection and matching was complete and verified. All persons having access to records were notified of criminal sanctions for unauthorized disclosure of information about individuals. Since the tapes will contain no personal identifiers, no special safeguards are required.

RETENTION AND DISPOSAL:

Master sheets will be retained indefinitely, folder identification links have been destroyed. Tapes without personal identifiers will be maintained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Research Demonstrations and Statistics, Health Care Financing Administration, Room 4228, HHS Building, 330 Independence Avenue, S.W., Washington, D.C. 20201.

NOTIFICATION PROCEDURE:

To access AMA background master sheets, name and address are required by the system manager.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with the Department Regulations (45 CFR, Section 5b.5(a)(2).))

CONTESTING RECORD PROCEDURES:

Contact the system manager named above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7).)

RECORD SOURCE CATEGORIES:

Responses from 1000 physicians nationwide and 1000 physicians in two Census regions, both for a single time use, background information from the American Medical Association Directory of Physicians.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-70-0015

SYSTEM NAME:

Ambulatory Surgery Research Project HHS, HCFA, ORDS.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

The Orkand Corporation, 8630 Fenton Street, Silver Spring, Md. 20910.

The Orkand Corporation, OA420, 5131 North Fortieth Street, Phoenix, Arizona 82018.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Patients in selected ambulatory and hospital surgical facilities, and selected physicians.

CATEGORIES OF RECORDS IN THE SYSTEM:

Patient interview questionnaires containing demographic, financial, medical, and family information physician questionnaires with demographic and financial information.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 402 of the Social Security Amendments of 1967, P.L. 90-248, as amended by Section 222(b) of the Social Security Amendments of 1972, P.L. 92-603, 42 U.S.C. 1395b-1.

PURPOSE(S):

To determine the effect on program costs and quality of care of ambulatory surgical services.

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

To contractor under contract with the Health Care Financing Administration

to perform research and statistical activities related to this study.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department regulations (45 CFR, Section 5b.b(a)(2)).)

CONTESTING RECORD PROCEDURES:

Contact the system manager named above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7).)

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

STORAGE:

Hard copy questionnaires, hard copy patient identification forms, punched card decks, and magnetic tapes at contractors' locations. Magnetic tapes in non-individually identifiable form in the Social Security Administration.

RETRIEVABILITY:

By name, indexed to case number. At completion of the study, patient identification index will be destroyed and retrieval of individual information will no longer be possible.

SAFEGUARDS:

All records containing personal identifiers will be processed and handled at contractor's location. This installation has Department of Defense approval at SECRET CLEARANCE level, and has on-site security personnel 24 hours a day at primary location. The patient identifier forms will be retained in a safe at that site until they are destroyed at completion of the study.

RETENTION AND DISPOSAL:

Records will be retained only as long as required for records management purposes. All patient identification will be destroyed at the conclusion of the study. Magnetic tapes in non-individually identifiable form will be retained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Health Care Financing Administration, Director, Office of Research, Demonstrations and Statistics, Room 4228, HHS Building, 330 Independence Avenue, S.W., Washington, D.C. 20201.

NOTIFICATION PROCEDURE:

For purposes of notification and access, name of system and name of individual; for purposes of verification, address, sex, and date of birth. An individual who requests notification of or access to a medical/dental record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion. (These notification and access procedures are in accordance with Department Regulations (45 CFR, Section 5b.6).)

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)).)

CONTESTING RECORD PROCEDURES:

Contact the system manager named above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7).)

RECORD SOURCE CATEGORIES:

Patient and physician interview forms; patient medical records.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-70-0017

SYSTEM NAME:

Health Insurance Benefit and Actuarial Sample Control System, HHS, HCFA, ORDS.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Office of Research, Demonstrations and Statistics, HCFA, 6325 Security Boulevard, Baltimore, Maryland 21207.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

A sample of persons who have received Medicare benefits.

CATEGORIES OF RECORDS IN THE SYSTEM:

Record contains a limited number of fields from bill files.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 1875 of the Social Security Act. (42 USC Sec. 1395ll).

PURPOSE(S):

To project program costs for the Federal budget exercises and the Trustees report; compute adjusted average per capita costs; estimate cost impact of proposed legislation and regulations; special analyses of specific aspects of historical or anticipated experience under the program; and to determine Medicare program financing needs.

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

(1) Disclosure may be made to 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. (2) In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense provided such disclosure is compatible with the purpose for which the records were collected.

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

STORAGE:

Data are stored on magnetic tape.

RETRIEVABILITY:

Individual records are identified by claim account number. Data are used for statistical purposes.

SAFEGUARDS:

All magnetic tapes are retained in secure areas accessible only to authorized persons within the Office of Research, Demonstrations and Statistics. All employees having access to records have been notified of criminal sanctions for unauthorized disclosure of information on individuals.

RETENTION AND DISPOSAL:

Data are prepared monthly and magnetic tapes are returned to blank stock.

SYSTEM MANAGER(S) AND ADDRESS:

Health Care Financing Administration, Director, Office of Research, Demonstrations and Statistics, Room 4228, HHS Building, 330 Independence Avenue, S.W., Washington, D.C. 20201.

NOTIFICATION PROCEDURE:

For purposes of access the claim account number is required; write to the systems manager.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requests should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)).)

CONTESTING RECORD PROCEDURES:

Contact the system manager named above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7).)

RECORD SOURCE CATEGORIES:

Health Insurance Master File.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-70-0018

SYSTEM NAME:

Actuarial Health, Insurance and Supplementary Medical Insurance (Medicare) HHS, HCFA, ORDS.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Health Care Financing Administration, Director, Office of Financial and Actuarial Analysis, ORDS, 6325 Security Boulevard, Baltimore, Maryland 21207.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

A 0.1 sample of persons who have received Medicare benefits.

CATEGQRIES OF RECORDS IN THE SYSTEM:

Health Insurance inpatient hospital and extended care admission and other health services; inpatient admission and billing—Christian Science Sanatorium; home health agency report and billing; and other documents used to support payments to providers of service. These forms contain the beneficiary's name, sex, health insurance claim number, date of admission and discharge, other health insurance data and a statement of services rendered. Supplemental medical insurance request for payment; provider billing for patient services by physician; prepayment plan for group Medicare practices dealing through a carrier, itemized bills and other similar documents required to support payments to physicians and other suppliers of Part B Medicare services.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 1875 of the Social Security Act, 42 U.S.C. 1395ll.

PURPOSE(S):

To project program costs for the Federal budget exercises and the Trustees report; compute adjusted average per capita costs; estimate cost impact of proposed legislation and regulations; special analyses of specific aspects of historical or anticipated experience under the program; and to determine Medicare program financing needs.

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

(1) Disclosure may be made to 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. (2) In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

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

STORAGE:

Forms are kept in manila folders in the Office of Financial and Actuarial Analysis, Office of Research, Demonstrations and Statistics.

RETRIEVABILITY:

The manila folders containing forms are filed in claim account number sequence.

SAFEGUARDS:

The filing system is retained behind closed doors and is accessible only to authorized persons. All employees having access to records have been notified of criminal sanctions for unauthorized disclosure of information on individuals.

RETENTION AND DISPOSAL:

The claims folder is maintained in file until the death of the individual. Once a year the file is purged and inactive folders are stored in the Federal Record Center. No provisions have been made to destroy inactive folders.

SYSTEM MANAGER(S) AND ADDRESS:

Health Care Financing Administration, Director, Office of Research, Demonstrations and Statistics, Room 4228, HHS Building, 330 Independence Avenue, S.W., Washington, D.C. 20201.

NOTIFICATION PROCEDURE:

For purposes of access the claim account number is required; write to the systems manager.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (The access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2).))

CONTESTING RECORD PROCEDURES:

Contact the system manager named above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7).)

RECORD SOURCE CATEGORIES:

The identifying information contained in these records is obtained by the provider from the individual; the medical information is entered by the provider of medical services.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-70-0019

SYSTEM NAME:

Actuarial Sample Hospital Stay Record Study HHS, HCFA, ORDS.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Office of Statistics and Data Management, ORDS, HCFA, 6325 Security Boulevard, Baltimore, Maryland 21207.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

A 0.1 sample of persons who have received hospital insurance benefits.

CATEGORIES OF RECORDS IN THE SYSTEM:

Information is obtained from inpatient hospital and extended care admission, and inpatient admission and billing forms.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 1875 of the Social Security Act. (42 U.S.C. § 1395ll)

PURPOSE(S):

To project program costs for the Federal budget exercises and the Trustees report; compute adjusted average per capita costs; estimate cost impact of proposed legislation and regulations; special analyses of specific aspects of historical or anticipated experience under the program; and to determine Medicare program financing needs.

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

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

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

STORAGE:

Data are stored on magnetic tape.

RETRIEVABILITY:

The file is indexed with claim account numbers; the data are used for statistical purposes.

SAFEGUARDS:

All mag-tape files are retained in secure storage areas—accessible only to authorized persons. All employees having access to records have been notified of criminal sanctions for unauthorized disclosure of information on individuals.

RETENTION AND DISPOSAL:

The file is updated quarterly and the old tape goes to blank stock.

SYSTEM MANAGER(S) AND ADDRESS:

Health Care Financing Administration, Director, Office of Research, Demonstrations and Statistics, Room 4228, HHS Building, 330 Independence Avenue, S.W., Washington, D.C. 20201.

NOTIFICATION PROCEDURE:

For purposes of access the claim account number is required; write to systems manager.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)).)

CONTESTING RECORD PROCEDURES:

Contact the system manager named above, and reasonbly identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Sections 5b.7).)

RECORD SOURCE CATEGORIES:

The identifying information contained in these records is obtained by the provider from the individual; the medical information is entered by the provider of medical services.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-70-0020

SYSTEM NAME:

Actuarial Sample of Supplementary Medical Insurance Payments HHS, HCFA, ORDS.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Office of Statistics and Data Manageament, ORDS, HCFA, 6325 Security Boulevard, Baltimore, Maryland 21207.

CATEGORIES OF INDIVIDUAL'S COVERED BY THE SYSTEM:

A sample of records for persons who have received benefits under the supplemental medical insurance provisions of the Medicare program.

CATEGORIES OF RECORDS IN THE SYSTEM:

The record contains only the information included in a payment record.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 1875 of the Social Security Act (42 USC Sec. 1395ll).

PURPOSE(S):

To project program costs for the Federal budget exercises and the Trustees report; compute adjusted average per capita costs; estimate cost impact of proposed legislation and regulations; special analyses of specific aspects of historical or anticipated experience under the program; and to determine Medicare program financing needs.

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

(1) Disclosure may be made to 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. (2) In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense provided such disclosure is compatible with the purpose for which the records were collected.

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

STORAGE:

Data are stored on magnetic tape.

RETRIEVABILITY:

The file is indexed with claim account number, these data are used for statistical purposes.

SAFEGUARDS:

All magnetic tapes are retained in secure storage areas accessible only to authorized persons. All employees having access to records have been notified of criminal sanctions for unauthorized disclosure of information on individuals.

RETENTION AND DISPOSAL:

This file is updated on a quarterly basis. The tape files are returned to blank stock after three years.

SYSTEM MANAGER(S) AND ADDRESS:

Health Care Financing Administration, Director, Office of

Research, Demonstrations and Statistics, Room 4228, HHS Building, 330 Independence Avenue, S.W., Washington, D.C. 20201

NOTIFICATION PROCEDURE:

For purposes of access the claim account number is required; write to the systems manager.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)).)

CONTESTING RECORD PROCEDURES:

Contact the system manager named above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7).)

RECORD SOURCE CATEGORIES:

Supplemental medical insurance payment record.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-70-0021

SYSTEM NAME:

Health Maintenance Organization Prospective Reimbursement Demonstrations, HHS/HCFA/ORDS.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Health Care Financing, Administration, Office of Demonstrations and Evaluations, ORDS, Room 2426, Oak Meadows Building, 6325 Security Boulevard, Baltimore, Maryland 21207.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Medicare beneficiaries institutionalized in counties encompassed by the demonstrations. The locations are as follows: Massachusetts—Worcester and Suffolk counties; Michigan—Ingham, Easton, and Clinton counties; Minnesota—Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington counties; Oregon—Clackamus, Multnomah, and Washington counties; Washington—Clark, Jefferson, Kitsap, and Mason counties; and Wisconsin—Clark, Marathon, Tylor, and Wood counties.

CATEGORIES OF RECORDS IN THE SYSTEM:

Names and social security numbers of institutionalized Medicare beneficiaries.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 402(a) of the 1967 amendments to the Social Security Act, as amended by section 222(b)(1) of the 1972 amendments to the Social Security Act, Pub. L. 92-603.

PURPOSE(S):

To provide data necessary to calculate adjusted average per capita costs for Medicare beneficiaries enrolled in HMOs. HCFA will use these data along with other information to determine if HCFA can predict accurate rates for reimbursing HMOs in such a way as to ensure sufficient revenues for the HMOs.

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

(1) HCFA may make disclosures to contractors for research and statistical activities under HCFA's direction.

(2) HCFA may make disclosures to a congressional office from the record of an individual in response to an inquiry which the congressional office makes at the request of that individual.

(3) In event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense provided such disclosure is compatible with the purpose for which the records where collected.

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

STORAGE:

HCFA and the contractor will store hard copy records in locked metal file cabinets. HCFA will maintain data transferred to computer tapes in secure storage areas in the HCFA tape library. The contractor will forward all hardcopy data to HCFA and will not maintain any records once data are transferred to HCFA.

RETRIEVABILITY:

HCFA will retrieve the data by beneficiary name and social security number. HCFA will use the data to calculate the adjusted average per capita cost (AAPCC) for Health Maintenance Organizations participating in the demonstrations.

SAFEGUARDS:

HCFA will maintain all records in secure storage areas accessible only to authorized HCFA employees and will notify all employees having access to records of criminal sanctions for unauthorized disclosure of information on individuals. HCFA will store hardcopy and tapes in secure storage areas until December 31, 1985.

For computerized records, where appropriate, HCFA will initiate ADP systems security procedures with reference to guidelines contained in DHHS ADP Systems Manual, Part 6, ADP Systems Security; and the National Bureau of Standards Federal Information Processing Standards Publications.

RETENTION AND DISPOSAL:

HCFA will retain hardcopy data collection forms and magnetic data tapes with identifiers in secure storage areas. HCFA will use the disposal technique of degaussing to strip magenetic tape of all identifying names and numbers in December 1985. HCFA will destroy hardcopy at that time.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Research, Demonstrations and Statistics, HCFA, Room 4228, HHS Building, 330 Independence Avenue S.W., Washington, D.C. 20201.

NOTIFICATION PROCEDURE:

Any Medicare beneficiary who participates in this demonstration may request his or her data record in writing. Individuals should address inquires and requests concerning system records to the system manager named above.

RECORD ACCESS PROCEDURE:

Same as notification procedure. Requestor should specify the record contents being sought. These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)).

CONTESTING RECORD PROCEDURES:

Contact the system manager named above, and reasonably identify the record and specify the information to be contested. These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7).

RECORD SOURCE CATEGORIES:

Institutions located in the geographic areas encompassed by the demonstrations, including nursing homes, sanitariums, rest homes, convalescent homes, and long term care hospitals.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-70-0022

SYSTEM NAME:

Municipal Health Services Program, HHS/HCFA/ORDS.

SECURITY CLASSIFICATIONS:

None.

SYSTEM LOCATION:

Health Care Financing Administration (primary location), Bureau of Support Services, Office of Direct Reimbursement, Health Services Studies Division, 6325 Security Boulevard, Baltimore, Maryland 21207, and

University of Chicago, Center for Health Administration Studies, 5720 Woodlawn Drive, Chicago, Illinois 60637.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Medicare and Medicaid beneficiaries who obtain health care services at any of the 20 clinics being funded by the Robert Wood Johnson Foundation under the Municipal Health Services Program (MHSP).

CATEGORIES OF RECORDS IN THE SYSTEM:

Bills submitted by MHSP clinics to claim Federal reimbursement for services provided to Medicare and Medicaid beneficiaries.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 402(a) of the Social Security Amendments of 1967, as amended by section 222(b)(1) of Public Law 92-603.

PURPOSE:

To provide billing data necessary to permit reimbursement and evaluation of the clinics participating in the MHSP.

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

(1) The University of Chicago, Center for Health Administration Studies (CHAS), will use the data to evaluate the impact of the MHSP on health care costs and utilization.

(2) Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of the individual.

(3) In event of litigation where the defendent is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

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

STORAGE:

The Division of Health Services Studies (DHHS) and CHAS will store data of hardcopy billing forms and machine readable media in storage area.

RETRIEVABILITY:

DHSS and CHAS retrieve the data by beneficiary name, date of service, and clinic name, DHSS will use the data to determine the appropriate level of reimbursement to be made to MHSP clinics.

SAFEGUARDS:

DHSS and CHAS will maintain all records in secure storage areas accessible only to authorized employees and will notify all employees having access to records of criminal sanctions for unauthorized disclosure of information on individuals. DHSS will store hardcopy in file cabinets in a locked office. For computerized records, where appropriate, HCFA will initiate ADP systems security procedures with reference to the guidelines contained in the DHHS ADP Systems Manual, Part 6, ADP System Security (e.g., DHSS will store machine readable media in locked cabinets in a locked room accessible only to authorized personnel).

RETENTION AND DISPOSAL:

DHSS and CHAS will retain hardcopy bills and machine readable media tapes with identifiers in secure storage areas. HCFA waivers permitting reimbursement to MHSP clinics will be effective through 1984: therefore HCFA will retain all hardcopy and magnetic tape of disc data until December 1985. At that time, HCFA will destroy all hardcopy and strip all machine readable media of all identifying names and numbers by degaussing.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Research, Demonstrations and Statistics, HCFA, Room 4228, HHS Building, 330 Independence Avenue, S.W., Washington, D.C. 20201.

NOTIFICATION PROCEDURE:

Individuals should address inquiries and requests concerning system records to the system manager, named above, specifying name, date of service, and clinic.

RECORD ACCESS PROCEDURES:

Any beneficiary who participates in the MHSP may request his or her data record in writing. Access procedure is the same as notification procedure. Requestor should also reasonably specify the record contents being sought. These procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)).

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under notification procedure above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7)).

RECORD SOURCE CATEGORIES:

The information contained in this record system originates at MHSP clinics, specified in Appendix A to this notice, whenever a Medicare or Medicaid beneficiary obtains clinic services. Clinics in four of the cities, specified in Appendix B to this notice, will store hardcopies or machine readable media copies of the bills in their city health departments.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

Appendix A—Participating Centers and Clinics

Contact the System Manager for further information about potential sites (*), clinics or center not yet built (**), and those that are to be moved.

Baltimore

Bank Street Health Center, 3411 Bank Street, Baltimore, Maryland

Belair—Edison—Gardenville Health Center*

Hollander Ridge Health Center, Hollander Ridge Avenue, Baltimore, Maryland

North of the Park Health Center*

O'Donnell Heights Health Center**

St. Louis

Courtney Health Center, 1717 Biddle Street, St. Louis, Missouri

13th and Wyoming Health Center, 3200 South 13th Street, St. Louis, Missouri

South Grand Health Center, 1501 South Grand Avenue, St. Louis, Missouri (will be moved), Walnut Park Health Center*

Milwaukee

Johnston Health Center, 1230 West Grant Street, Milwaukee, Wisconsin

Downtown Medical and Health Services, 2340 West Wisconsin Avenue, Milwaukee, Wisconsin, Karambee Health Center*, Sinai Clinic* *

Cincinnati

Winston Hills Medical and Health Center, 5275 Winneste Avenue, Cincinnati, Ohio 45232

Avondale Clinic (Catherine Booth will be moved), 3595 Washington Avenue, Cincinnati, Ohio 45229

Braxton-Cann Memorial Medical Clinic, 5919 Madison Road, Cincinnati, Ohio 45227

San Jose

Gardener Community Health Center, Inc., 325 Willow Street, San Jose, California 95110

Franklin-McKinley Health Center, Clayton Road, San Jose, California

Downtown Clinic (site not selected), Family Health Foundation of Alviso Adolescent Center (satellite to Franklin-McKinley)* *

Appendix B—City Health Departments Where Records Will Be Stored

Baltimore City Department of Health, 111 N. Calvert Street, Baltimore, Maryland 21202

Cincinnati Department of Health, 3101 Burnet Avenue, Cincinnati, Ohio 45229

Milwaukee Department of Health, 841 N. Broadway, Milwaukee, Wisconsin 53202

St. Louis Department of Health and Hospitals, 1625 S. 14th Street, St. Louis, Missouri 63104

09-70-0023

SYSTEM NAME:

Evaluation of Home Dialysis Aide Demonstration, HHS/HCFA/ORDS

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

The Orkand Corporation, 8630 Fenton Street, Suite 938, Silver Spring, Maryland 20910.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

1. Chronically ill Medicare beneficiaries with end-stage renal disease (ESRD) who dialyze at home, with or without a dialysis aide, or who dialyze in a facility as an outpatient; who receive dialysis services from participating experimental facilities; and who have signed the informed consent form for the demonstration and evaluation. (Note: For purposes of the demonstrations and the evaluation, dialysis aides have been defined as: Partner—a paid or non-paid family member Assistant—a paid or non-paid, non-family member; Aide—generic term for either of the above.) The Health Care Financing Administration (HCFA) will permit payment for certain dialysis services (aide service and/or equipment) provided to these individuals and their aides which are not now covered under Medicare. These patients will be called "experimental patients" in this Notice.

2. Chronically ill Medicare beneficiares with end-stage renal disease who dialyze at home, with or without an aide, or who dialyze in a facility as an outpatient; who receive dialysis services from participating control facilities; and who have signed the informed consent form for the evaluation. These patients will be called "control patients" in this Notice.

CATEGORIES OF RECORDS IN THE SYSTEM:

1. Patient questionnaires administered to approximately 1,500 patients, both home and in-facility, at both experimental and control facilities. These questionnaires will provide sociodemographic information on each patient; patient dialysis history and experience; out-of-pocket expenses incurred; and patient attitudes towards dialysis, training, aides, location of dialysis and a comparison of home to facility dialysis. Questionnaires will show patient and health insurance claim number (HI claim number).

2. Aide questionnaires will show name and identify the aide's sociodemographic characteristics and employment experience as a dialysis aide and in other jobs. The questionnaire focuses on job attitudes, satisfaction with home training, responsibilities involved, facility support activities, and the job itself.

3. Aide record abstracts will identify aides by name and provide sociodemographic characteristics, occupational background, home training experience, employment history, amount of time spent in assisting patients with dialysis, and number of patients served.

4. Training records will identify patients by name and HI claim number and aides by name. Data will be provided on length of training, testing frequency and results, and retraining needed.

5. Medical records for both home and in-facility patients selected will identify patients by name and HI claim number. Data will be provided on adverse dialysis events, monitoring and support services received, underlying diagnosis of renal disease, type of treatment received, and cause of death, if applicable.

6. Patient billing records will identify patients by name and HI claim number and will provide information on charges for specific dialysis services to Medicare, Medicaid, third party payors, and to the patient. Information will also be provided on payments made by various payors, amounts disallowed by Medicare, and amount not paid.

7. Demonstration contractor data will also be entered into the system and identify patient by name and HI claim number. Demographic information will be provided and a breakdown of dialysis sessions recorded, type of aide, type of treatment, location of dialysis, and date of transplant, transfer, or death.

8. Information on patients will also be obtained from the supplemental Medicare billing forms. This data will be linked to other sources of data through a patient's HI claim number. Information to be provided includes patient history and treatment plan (HCFA 2742), outpatient dialysis service information (HCFA 2743), and death notification (HCFA–2746).

9. Master magnetic tape file containing all utilization, quality, attitude, and cost data included in the other system records listed above.

10. HCFA will obtain written informed consent of every individual from whom information is solicited or whose records are abstracted for purposes of the demonstration and evaluation.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 402 of the Social Security Amendments of 1967, Public Law 90–248, as amended by Section 222(b) of the Social Security Amendments of 1972, Pub. L. 92–603, and Pub. L 95–292.

PURPOSE(S):

To provide utilization, attitude, cost, and quality data necessary to evaluate the dialysis care received by patients who dialyze at home, with or without an aide, or in-facility, and who are served by selected facilities participating in three demonstration projects sponsored by HCFA. The participating experimental facilities are identified in Appendix A and the participating control facilities are identified in Appendix B.

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

1. The independent evaluator will receive all information in the system from patient questionaries, aide questionnaries, patient records, aide

records, facility records, demonstration contractor records, intermediaries, and selected HCFA files either in hard copy, magnetic tape, or cards and store it in a master file. The independent evaluator will use this information to evaluate the cost, quality, attitudes, and utilization of dialysis care provided to home and in-facility patients in both the experimental and control facilities participating in the Home Dialysis Aide demonstrations. Once patient questionnaire information is linked to patient billing and medical records, all personal identifiers will be removed from the file.

2. Disclosure may be made to 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.

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

STORAGE:

The independent evaluator will store records in hard copy and magnetic tape form.

RETRIEVABILITY:

Records are indexed by HI claim number or other unique identifier.

SAFEGUARDS:

The independent evaluator will maintain all records in secure storage areas accessible only to authorized employees and will notify all employees having access to records of criminal sanctions for unauthorized disclosure of information on individuals. Authorized HCFA representatives will upon request, be granted access to premises where records are kept for the purpose of inspecting physical security arrangements. However, no data will be released with identifying information. For computerized records, the independent evaluator will initiate automated data processing (ADP) system security procedures required by the DHHS ADP Systems Manual, Part 6, ADP Systems Security, e.g. use of passwords.

RETENTION AND DISPOSAL:

The independent evaluator will hold hard-copy records, magnetic types, and cards until patient and aide-specific data are received and compiled. All identifying information and hard-copy will then be destroyed, thus protecting the confidentiality of all information collected. The Orkand Corporation will retain all records for the life of the evaluation (September 30, 1982) and then these records will become the custody of the Office of Research, Demonstrations and Statistics, HCFA. The independent evaluator will not retain any patient-based files. Data supplied to HCFA will not include patient identifiers. No data which would possibly identify an individual will be supplied.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Research, Demonstrations, and Statistics, Health Care Financing Administration, Room 4228 HHS Building, 330 Independence Avenue, S.W., Washington, D.C. 20201.

NOTIFICATION PROCEDURE:

Individuals should address inquiries and requests concerning system records to the system manager indicated above, specifying name, approximate date of service (if known), and ESRD facility. An individual who requests notification or access to a medical record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion. These notification and access procedures are in accordance with Department Regulations (45 CFR 5b).

RECORD ACCESS PROCEDURES:

Individuals participating in the demonstrations and the evaluation may request their data records in writing. Access procedure is the same as the notification procedure. Requestor should reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR 5b).)

CONTESTING RECORD PROCEDURES:

An individual who wishes to contest the contents of any record in this system should contact the system manager and reasonably identify and specify the information to be contested and reason for contesting, why it is inaccurate or incomplete. (These procedures are in accordance with Department Regulations (45 CFR 5b).)

RECORD SOURCE CATEGORIES:

Sources of information contained in this record system include individual patients and dialysis aides, participating experimental and control facilities, demonstration contractors, cooperating intermediaries, and selected HCFA files.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

Appendix A

I. University of Utah—Experimental Facilities

1. American Medical Supply, Inc. Denver, CO.
2. Bio-Medical Applications of Fort Collins, Fort Collins, CO.
3. Ogden Limited Care Dialysis Center, Ogden, UT.
4. Pike's Peak Dialysis Center, Colorado Springs, CO.
5. Maintenance Hemodialysis Unit, Presbyterian Medical Center, Denver, CO.
6. Rocky Mountain Kidney Center, Denver, CO.
7. St. Mary Corwin Hospital Hemodialysis Unit, Pueblo, CO.
8. Hemodialysis Unit, St. Mary's Hospital, Grand Junction, CO.
9. Home Training Center, University of Colorado Medical Center, Denver, CO.
10. Dialysis Training Center, University of Utah, Salt Lake City, UT.
11. Utah Dialysis Training Center, University of Utah, Salt Lake City, UT.

II. System Sciences, Inc.—Experimental Facilities

1. Baumritter Kidney Center, Bronx, NY.
2. Downstate Dialysis Center, Brooklyn, NY.
3. El Camino Hospital, Mountain View, CA.
4. Kidney Care, Inc, Jackson MS.
5. Kidney Care of Florida. Inc, Tampa, FL.
6. Regional Kidney Disease Program, Minneapolis, MN.
7. St. Joseph's Hospital Hemodialysis Center, Orange, CA.
8. The Kidney Center, Boston, MA.

III. Research Triangle Institute—Experimental Facilities

1. A. J. Tannenbaum Medical Associates, Greensboro, NC.
2. Asheville Kidney Center, Asheville, NC.
3. Bowman Gray School of Medicine, Winston Salem, NC.
4. Carolina Clinic, Inc. Dialysis Unit, Winston, NC.
5. Duke University Medical Center, Durham, NC.
6. Greenville Dialysis Center, Greenville, NC.
7. Nalle Clinic Kidney Center, Charlotte, NC.
8. North Carolina Memorial Hospital, Chapel Hill, NC.
9. Southeastern Kidney Center, Wilmington, NC.

Appendix B

I. University of Utah—Control Facilities

1. Holt-Krock Dialysis Center, Ft. Smith AR.
2. Hemodialysis Unit, Jewish Hospital of St. Louis, St. Louis, MO.
3. Hemodialysis Unit, Baptist Unit, Baptist Medical Center, Oklahoma City, OK.
4. Hemodialysis Unit, Clinton Regional Hospital, Clinton, OK.
5. Sayre Memorial Hospital, Sayre, OK.
6. Renal Department, Hillcrest Medical Center, Tulsa, OK.

II. System Sciences, Inc—Control Facilities

1. Bio-Medical Applications of Tampa, Tample, FL.
2. Bio-Medical Applications of Dallas, Dallas, TX.
3. Dade Dialysis Center, Miami, FL.

4. Mt. Diablo Medical Center, Concord, CA.
5. North Central Dialysis Center, Chicago, IL.
6. Northwest Kidney Center, Seattle, WA.
7. Rogosin Kidney Center, New York, NY.
8. UCSD Hemodialysis Unit, San Diego, CA.

III. Research Triangle Institute—Control Facilities

1. Dialysis Clinic, Inc, Nashville, TN.
2. Dialysis Clinic, Inc, Knoxville, TN.
3. Dialysis Clinic, Inc, Chattanooga, TN.
4. Rhea County Hospital, Dayton, TN.
5. Fort Sanders Kidney Center, Inc, Knoxville, TN.
6. Baptist Memorial Hospital, Memphis, TN.
7. East Tennessee Dialysis Center, Johnson City, TN.

09-70-0024

SYSTEM NAME:

Medicare/Medicaid Hospice Demonstration, HHS/HCFA/ORDS

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Health Care Financing Administration, Bureau of Support Services, Office of Health Program Systems, Program Support Branch Operations Building, 6401 Security Boulevard, Baltimore, Maryland 21235.

Health Care Financing Administration, Bureau of Support Services, Office of Direct Reimbursement, Division of Health Services Studies 6325 Security Boulevard, Baltimore, Maryland 21207.

Washington National Records Center, Reference Branch, 4205 Suitland Road, Suitland, Maryland 20409.

Brown University, Division of Biology and Medicine, Arnold Lab Building, 97 Waterman Street, Providence, Rhode Island 02912.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

1. Terminally ill Medicare beneficiaries and their primary care givers (that is, a family member, a friend, or an attendant paid by the patient or family) who receive hospice services from the 26 participating hospices and who have given written informed consent to participate in the demonstration. These patients will be called "patient participants" in this Notice (Requirements for patient participation are listed at the end of this section);

2. Terminally ill Medicaid (Medi-Cal) recipients and their primary care givers who receive hospice services at 24 of the participating hospices under the 14 participating State Medicaid programs, and who have given written informed consent to participate in the demonstration. These patients also will be called "patient participants;"

3. Terminally ill patients and their primary care givers who receive services in the 26 participating hospices, but who are neither Medicare beneficiaries nor Medicaid recipients, or who otherwise do not meet the requirements for participation in the demonstration. Individuals in this category must give a written informed consent in order to be covered by this record system. These patients will be called "nonparticipating patients;"

4. Terminally ill patients and their primary care givers served by selected hospices outside the demonstration, and who have given a written informed consent to be covered by this record system. These individuals will be called "comparison patients" or members of the "patient comparison groups" in this Notice;

5. Terminally ill patients and their primary care givers who receive conventional care from selected hospitals or cancer centers, and who have given a written informed consent to be covered by this record system. These individuals also will be called "comparison patients" or members of the "patient comparison groups" in this Notice.

In order to participate in the demonstration, patients must have: (1) a life expectancy of 6 months or less as certified by a physician, (2) a primary care giver, such as a relative, friend, or paid attendant who is available to provide simple personal care and emotional support on an around-the-clock basis, and (3) entitlement to Hospital Insurance Benefits (Medicare Part A) and Supplementary Medical Insurance Benefits (Medicare Part B) and/or eligibility under Medicaid. The Health Care Financing Administration (HCFA) will "waive," or temporarily not enforce, some provisions of the Medicare and Medicaid laws in order to permit payment for certain hospice services which are not now covered under these two programs. HCFA will reimburse for waivered services provided only to patient participants and their primary care givers (the first two categories above).

CATEGORIES OF RECORDS IN THE SYSTEM:

1. Bills for hospice-type services waivered or currently covered by Medicare, which are submitted to HCFA by the 26 participating hospices. Billing and service information will show patient names and health insurance claim numbers (HI claim numbers);

2. Quarterly service utilization reports produced by HCFA from billing records. These reports will show Medicare services, by patient name and HI claim number, for which payment was made under the demonstration;

3. Billing information on hospice-type services waivered or currently covered by Medicaid, which is submitted by the participating hospices to participating Medicaid State Agencies or to HCFA. These records will show patient names and unique numerical identifiers;

4. Billing information on other nonwaivered services received by patient participants, non-participating patients, or comparison patients from the participating hospices, the comparison hospices and hospitals, or other sources of care. This category of records will include hard copy or magnetic tapes of billing and service data supplied by participating and non-participating Medicaid State Agencies and cooperating private insurors, as well as information extracted from selected Medicare claims and enrollment files that are covered by existing systems notices;

5. Patient/primary care giver profile forms which will show patient name and HI claim number or other unique identifier. These hospice forms will provide information such as the patient's current status and prognosis, the arrary of patient/family needs, and appropriateness of hospice care for these needs. In addition, the profile forms will supply a variety of demographic, financial, and insurance data, including whether or not the patient is receiving Social Security disability benefits;

6. Patient discharge data forms which will show patient name and HI claim number or other unique identifier. These forms will provide information on total days of services received in inpatient and home care settings, reason for discharge, and place of death;

7. Service utilization abstracts which will show patient name and HI claim number or other unique identifier. These records will be updated periodically for all categories of individuals in the system and will document services provided to each patient and primary care giver, time required for each service, and type of professional (or volunteer) providing the services. The abstracts will also document bereavement services to the primary care giver following the patient's death;

8. Survey on the "Impact of Hospice Care on Patient and Family." Survey forms will show patient name and HI claim number or other unique identifier. This survey will be a major source of information for the independent evaluator in determining the quality and

acceptability of services provided to terminally ill patients. The questions will focus on the patient's experience of pain and other symptoms, functional and emotional status of the patient, and patient and primary care giver attitudes toward care received;

9. Master demonstration file, indexed by patient name and HI claim number or other unique identifier, containing all billing, service, and evaluation data included in the other system of records listed above.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 402 of the Social Security Amendments of 1967, Public Law 90–248, as amended by section 222(b) of the Social Security Amendments of 1972, Public Law 92–603, and section 1115(a) of the Social Security Act, as amended by section 404 of the Social Security Amendments of 1977, Public Law 95–216.

PURPOSE(S):

The purpose of this system of records is: (1) to provide billing, cost, and service data necessary to reimburse and evaluate the care received by terminally ill Medicare beneficiaries, Medicaid recipients, and their primary care givers from hospice organizations selected to participate in the demonstration; (2) to furnish information necessary to evaluate the services received by other groups of terminally ill patients and their families; (3) to develop national policy recommendations to the Congress; (4) to validate the work of the independent evaluator; (5) to provide national data projections as a basis for actuarial estimates of the cost of the hospice program and the cost of terminal illness in general; and (6) for additional internal analyses.

HCFA may also provide information from the record of an individual to other agencies of the Department of Health and Human Services, such as the Social Security Administraton.

HCFA will obtain the written informed consent of every individual from whom information is solicited or whose records are abstracted for purposes of the demonstration or its evaluation.

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

1. Brown University will receive all information in the system from billing, service utilization, patient/primary care giver profile and patient/family attitude records, either in hard copy, magnetic tape, or flexible diskette forms, and store it in the master demonstration file, a magnetic tape. The evaluator will use this information to assess the cost, use, quality and acceptability of care provided to terminally ill patients in both the demonstration and comparison groups;

2. HCFA may disclose a record from this system of records as a "routine use" to an individual or organization for a research, evaluation, or epidemiological project related to the prevention of disease or disability, or the restoration or maintenance of health if HCFA:

a. determines that the use or disclosure does not violate legal limitations under which the record was provided, collected, or obtained;

b. determines that the purpose for which the disclosure is to be made:

(1) cannot be reasonably accomplished unless the record is provided in individually identifiable form,

(2) is of sufficient importance to warrant the effect and/or risk on the privacy of the individual that additional exposure of the record might bring, and

(3) there is a reasonable probability that the objective for the use would be accomplished;

c. requires the information recipient to:

(1) establish reasonable administrative, technical, and physical safeguards to prevent unauthorized use or disclosure of the record, and

(2) remove or destroy the information that allows the individual to be identified at the earliest time at which removal or destruction can be accomplished consistent with the purpose of the project, unless the information recipient presents an adequate justification of a research or health nature for retaining such information, and

(3) make no further use or disclosure of the record except:

(a) in emergency circumstances affecting the health or safety of any individual,

(b) for use in another research project, under these same conditions, and with written authorization of HCFA,

(c) for disclosure to a properly identified person for the purpose of an audit related to the research project, if information that would enable research subjects to be identified is removed or destroyed at the earliest opportunity consistent with the purpose of the audit, or

(d) when required by law;

d. secures a written statement attesting to the information recipient's understanding of and willingness to abide by these provisions.

3. HCFA may make disclosures to a congressional office from the record of an individual in response to an inquiry which the congressional office makes at the request of that individual;

4. In event of litigation where the defendant is (a) the Department, any component of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected;

5. HCFA may make disclosures to a participating Medicaid State Agency from the record of a Medicaid recipient who resides in that State.

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

STORAGE:

Participating hospices will transmit hard copy or tapes of billing information for services that are waivered or currently covered by Medicare to Division of Health Services Studies, Office of Direct Reimbursement (DHSS/ODR), HCFA. This Office will serve as the fiscal intermediary for Medicare payments under the demonstration. DHSS/ODR will transfer the information to an automated record system using flexible diskettes. After the operational phase of the demonstration, this information will be transferred to magnetic tape.

Some participating Medicaid State Agencies have also chosen to use DHSS/ODR as their fiscal intermediary for the demonstration. In these States, participating hospices will also submit Medicaid bills to DHSS/ODR. Other Medicaid State Agencies which use their regular intermediaries for the demonstration will transmit billing information to the independent evaluator.

Besides Medicaid bills, Brown University will also receive copies of all other records in the system, whether generated by DHSS/ODR, Medicaid State Agencies, or cooperating private insurors. From these records and from information extracted from Medicare claims and enrollment files, Brown University will create a master demonstration file (a magnetic tape). HCFA will hold a duplicate of this master file.

HCFA and Brown University will store records in hard copy, flexible diskette and magnetic tape form.

RETRIEVABILITY:

(a) HCFA will store and retrieve Medicare and Medicaid billing data by beneficiary name and HI claim number or other unique identifier.

(b) HCFA will retrieve data from the master demonstration file by patient name and HI claim number or other unique identifier.

SAFEGUARDS:

HCFA and Brown University will maintain all records in secure storage areas accessible only to authorized employees and will notify all employees having access to records of criminal sanctions for unauthorized disclosure of information on individuals. For computerized records, HCFA and Brown University will initiate automated data processing (ADP) systems security procedures required by the DHHS ADP Systems Manual, Part 6, ADP Systems Security. As examples of system safeguards, DHSS/ODR, which will process the majority of bills submitted by the participating hospices, will store all magnetic tapes in a locked tape library in a locked computer room. The mini-computer used by DHSS/ODR is not linked to any outside terminals and so there is no access to the system beyond the secured computer room. Moreover, only specific personnel may enter this room. The building housing this system is guarded during non-work hours.

RETENTION AND DISPOSAL:

HCFA and Brown University will retain these records for the life of the demonstration and the evaluation. HCFA then will destroy all information in records from the demonstration and evaluation which contain personal identifiers, whether in hard copy records or on magnetic tapes or flexible diskettes. The sole exception will be the hard copy Medicare billing records. Upon completion of the evaluation, these billing records will be sent to the Washington National Records Center in Suitland, Maryland. Records on bills for the Hospital Insurance Program will be destroyed 8-years after payment is made, and records on bills for the Supplementary Medical Insurance Program will be destroyed 5-years after payment is made.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Research, Demonstrations and Statistics, Health Care Financing Administration, Room 4228, HHS Building, 330 Independence Avenue, S.W., Washington, D.C. 20201.

NOTIFICATION PROCEDURE:

Individuals should address inquiries and request concerning system records to the system manager, indicated above, specifying name, approximate date of service (if known), and hospice or hospital. An individual who requests notification or access to a medical record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion. These notification and access procedures are in accordance with Department Regulations (45 CFR 5b).

RECORD ACCESS PROCEDURE:

Individuals who participated in the demonstration project may request their data records in writing. Access procedure is the same as the notification procedure. Requestor should reasonably specify the record contents being sought. These access procedures are in accordance with Department Regulations (45 CFR 5b).

CONTESTING RECORD PROCEDURES:

An individual who wishes to contest the contents of any record in this system should contact the system manager, reasonably identify the record, and specify the information to be contested and the reason for contesting it, e.g., why it is inaccurate or incomplete. These procedures are in accordance with Department Regulations (45 CFR 5b).

RECORD SOURCE CATEGORIES:

Sources of information contained in this record system include individual patients and primary care givers, the participating hospices, the comparison hospices and hospitals, participating and selected non-participating Medicaid State Agencies, cooperating private insurors, and selected HCFA enrollment and claims files.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

Appendix A—Participating Hospices

Genesee Region Home Care Association, 311 Alexander Street, Rochester, New York 14604.
Connecticut Hospice, Inc., 61 Burban Drive, Branford, Connecticut 06405.
Overlook Hospital, Division of Community Health, 193 Morris Avenue, Summit, New Jersey 07901.
Medical College of Virginia, Box 37, MCV Station, Richmond, Virginia 23298.
Visiting Nurse Association of Dallas, 4606 Greenville Avenue, Dallas, Texas 75206.
Hospital Home Health Care, 400 Walter N.E., Suite 316, Albuquerque, New Mexico 87102.
Hospice Care, Inc., 8891 78th Avenue, North, Seminole, Florida 33543.
Providence Medical Center, 700 N.E. 47th Avenue, Portland, Oregon 97213.
Bethesda Lutheran Medical Center, 559 Capitol Boulevard, St. Paul, Minnesota 55103.
Bellin Memorial Hospital, P.O. Box 1700, 744 South Webster Avenue, Green Bay, Wisconsin 54305.
Community Home Health Care, 2627 Eastlake Avenue East, Seattle, Washington 98102.
Cabrini Medical Center, 227 East 19th Street, New York, New York 10003.
San Diego County Hospice Corporation, 3134 El Cajon Boulevard, San Diego, California 92104.
Hospice of Northern Virginia, Inc., 4715 North 15th Street, Arlington, Virginia 22205.
Santa Barbara Visiting Nurse Association, 133 East Haley Street, Santa Barbara, California 93101.
Boulder County Hospice, 2118 14th Street, Boulder, Colorado 80302.
University of Massachusetts Medical Center, Palliative Care Service, Inc., 55 Lake Avenue, North, Worcester, Massachusetts 01605.
Hospital Home Health Care Agency of California, 23228 Hawthorne Boulevard, Torrance, California 90505.
San Pedro Peninsula Hospital, 1300 West Seventh Street, San Pedro, California 90732.
St. Benedict Hospital and Nursing Home, Johnson at South Alamo, San Antonio, Texas 78204.
Hospice, Inc., 111 N.W. 10th Avenue, Miami, Florida 33128.
Hospice of the Good Shepherd, Inc., P.O. Box 144, Waban, Massachusetts 02168
Visiting Nurse Association, Inc., 260 College Street, Burlington, Vermont 05401.
Hospice of Marin, 77 Mark Drive, #6, San Rafael, California 94903.
Rogers Memorial Hospital, Inc., 34810 Pabst Road, Oconomowoc, Wisconsin 53066.
Lutheran Medical Center, Continuing Care Unit, 2639 Miami Street, St. Louis, Missouri 63118.

Appendix B—Participating Medicaid State Agencies

Colorado Department of Social Services, 1574 Sherman Street, Denver, Colorado 80203.
New Jersey Department of Human Services, 324 East State Street, Trenton, New Jersey 08625.
Department of Social Welfare, State Office Building, Monpelier, Vermont 05602.
Department of Social and Health Services, Division of Medical Assistance LK-11, Office of Medical Policy and Procedure, Olympia, Washington 98504.
Department of Human Services, Income Support Division, P.O. Box 2348, Santa Fe, New Mexico 87503.
Department of Health Services, 714 P Street, Sacramento, California 95814.

Department of Health and Rehabilitative Services, 1317 Winewood Boulevard, Tallahassee, Florida 32301.
New York State Department of Social Services, 40 North Pearl Street, Albany, New York 12243.
Department of Health, 109 Governor Street, Richmond, Virginia 23219.
Department of Health and Social Services, Room 643, 1 West Wilson Street, Madison, Wisconsin 53702.
Department of Income Maintenance, 110 Bartholomew Avenue, Hartford, Connecticut 06115.
Department of Public Welfare, Income Maintenance Division, 690 North Robert Street, St. Paul, Minnesota 55164.
Department of Public Welfare, 600 Washington Street, Boston, Massachusetts 02111.
Texas Department of Human Resources, P.O. Box 2960, Austin, Texas 78769.

09-70-0025

SYSTEM NAME:

Evaluation of the Long-Term Home Health Care Program, HHS, HCFA, ORDS

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Abt. Associates, Inc., 55 Wheeler Street, Cambridge, Massachusetts 02138.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

1. Past and current participants of the LTHHCP.

2. Comparison patients who meet the eligibility requirements for the LTHHCP and have signed the consent form for this evaluation but are not participants. To participate in the LTHHCP, individuals must fulfill the following four requirements:

1. Be Medicaid eligible.

2. Have a DMS–1 score of at least 60.

3. Annual cost of health care services required by the individual must not exceed 75% of the cost of alternative long-term care, i.e., nursing home care.

4. Have an adequate home situation in which he/she can be maintained.

CATEGORIES OF RECORDS IN THE SYSTEM:

1. Records of health status measured by the New York State Medical Assessment Abstract, the DMS–1. These assessments will specify the nature of disabilities, diagnosis, as well as the type of rehabilitation required and the level of care needed.

2. Records of home environment that contain information regarding the potential of the patient's residence for home care, the motivation of the patient and his/her family to retain the patient at home, and various demographic data about the patient.

3. Reports of projected cost of home care that contain information about the projected types and cost of home care services required by the patient.

4. Records for service utilization and cost that include data from major benefit programs, namely, Medicaid, Medicare, Food Stamps, public assistance, Title XX social services, fuel assistance, and Supplemental Security Income.

5. LTHHCP discharge summary reports that contain information about the patient's health status and service needs upon discharge from the LTHHCP.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 402 of the 1967 Amendments to the Social Security Act, Pub. L. 90–248, as amended by section 222(b) of the 1972 Amendments to the Social Security Act, Pub. L. 92–603, and section 1115(a) of the Social Security Act, as amended by section 404 of the Social Security Amendments of 1977, Pub. L. 95–216.

PURPOSE(S):

The purpose of this system of records is:

1. To develop national policy recommendations to the Congress and the Department of Health and Human Services,

2. To validate the work of the independent evaluator,

3. To determine whether the LTHHCP is meeting its programmatic goals, and

4. To determine the population characteristics, cost and effectiveness of LTHHCP relative to those of programs with similar goals operating elsewhere in the United States.

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

1. Abt Associates, Inc., the independent evaluator, will receive all information in the system about health status, service utilization, and cost on either hard copy, magnetic tape, or flexible diskette form, and store it in the master evaluation file, and magnetic tape. The evaluator will use this information to assess changes in health status, in addition to service utilization and cost for patients in the LTHHCP and in the comparison group.

2. HCFA may make disclosures to a congressional office from the record of an individual in response to an inquiry which the congressional office makes at the request of that individual.

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

STORAGE:

Hardcopy health status and home environment reports will be stored at Abt Associates, Inc. in a secured storage area. Service utilization and cost information on magnetic tape as well as data tapes created from hardcopy forms, will be stored in locked tape libraries and computer rooms maintained by Abt Associates, Inc. The information from these records will be merged and stored in the master evaluation file.

RETRIEVABILITY:

Information stored on magnetic tape will be retrievable by Medicaid or Social Security number. Information stored on the master evaluation file will also be retrievable by Medicaid number.

SAFEGUARDS:

Abt Associates will maintain all records in secure storage areas accessible only to authorized employees and will notify all employees having access to records of criminal sanctions for unauthorized disclosure of information on individuals. For computerized records Abt Associates, Inc., will initiate automated data processing (ADP) systems security procedures required by the DHHS ADP Systems Manual, Part 6, ADP Systems Security. Data files will be accessed and searched with the authorized user password only.

RETENTION AND DISPOSAL:

Abt Associates, Inc., will retain the records for the life of the evaluation and then transfer to HCFA. HCFA will then destroy all patient identifiers in records from the evaluation, whether in hard copy records or on magnetic tapes or flexible diskettes.

SYSTEM MANAGER AND ADDRESS:

Director, Office of Research, Demonstrations and Statistics Health Care Financing Administration, Room 4228, HHS Building 330 Independence Avenue, SW., Washington, D.C. 20201

NOTIFICATION PROCEDURE:

Individuals should address inquiries and requests concerning system records to the system manager indicated above, specifying name and Medicaid number. An individual who requests notification or access to a medical record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's

discretion. These notification and access procedures are in accordance with Department Regulations (45 CFR 5b).

RECORD ACCESS PROCEDURE:

Individuals who participate in the demonstration project may request their data records in writing. Access procedure is the same as the notification procedure. Requestor should reasonably specify the record contents being sought. These access procedures are in accordance with Department Regulations (45 CFR 5b).

CONTESTING RECORD PROCEDURES:

An individual who wishes to contest the contents of any record in this system should contact the system manager, reasonably identify the record, and specify the information to be contested and the reason for contesting it, e.g., why it is inaccurate or incomplete. These procedures are in accordance with Department Regulations (45 CFR 5b).

RECORD SOURCE CATEGORIES:

Sources of information contained in this record system include individual patients, their families and their primary care givers, participating health care facilities and agencies, cooperating Medicare and Medicaid intermediaries and carriers, and selected Medicare and Medicaid enrollment and claim files. Selected social service claim and enrollment information will be abstracted from supplemental security income, public assistance, fuel assistance, Title XX social services, and food stamps.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

Appendix A—Operating Long-Term Home Health Care Program

Programs—Upstate Location

Cattaraugus County, Department of Health, Olean, New York—Cattaraugus County
Erie County, Department of Health, Buffalo, New York—Erie County
Onondaga County, Department of Health, Syracuse, New York—Onondaga County
24 Rhode Island Street, Nursing Home Company, Inc., Buffalo, New York—Erie County
Visiting Nurse Association of Central New York

Programs—New York City

Metropolitan Jewish Geriatric Center, New York, New York—Kings County
Montefiore Hospital & Medical Center, New York, New York—Bronx County
St. Vincent's Hospital, Chelsea-Village, New York, New York—New York County
Visiting Nurse Service of New York, New York, New York—Queens County

09-70-0501

SYSTEM NAME:

Carrier Medicare Claims Records. HHS, HCFA, BPO.

SECURITY CLASSIFICATIONS:

None.

SYSTEM LOCATION:

Carriers under contract to the Health Care Financing Administration and the Social Security Administration (see Appendix C, Section 4.)

Federal Records Centers,

Bureau of Quality Control, HCFA, Office of Systems Analysis, 6325 Security Boulevard, Baltimore, Maryland 21207

HHS Parklawn Computer Center, 5600 Fishers Lane, Rockville, Maryland 20857.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Beneficiaries who have submitted claims for Supplementary Medical Insurance Benefits (Medicare Part B).

CATEGORIES OF RECORDS IN THE SYSTEM:

Request for Payment; Provider Billing for Patient Services by Physician; Prepayment Plan for Group Medicare Practices Dealing through a Carrier, Health Insurance Claim Form, Request for Medical Payment, Patient's Request for Medicare Payment, Request for Medicare Payment—Ambulance, Explanation of Benefits, Summary Payment Voucher, Request for Claim Number Verification; Payment Record Transmittal; Statement of Person Regarding Medicare Payment for Medical Services Furnished Deceased Patient; Report of Prior Period of Entitlement; itemized bills and other similar documents from beneficiaries required to support payments to beneficiaries and to physicians and other suppliers of part B Medicare services.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Sections 1842 and 1874 of title XVIII of the Social Security Act. (42 U.S.C. § 1395u and 1395kk)

PURPOSE:

To properly pay medical insurance benefits to or on behalf of entitled beneficiaries.

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

Disclosure may be made to: (1) Claimants, their authorized representatives or representative payees to the extent necessary to pursue claims made under Title XVIII of the Social Security Act (Medicare).

(2) Third-party contacts (without the consent of the individuals to whom the information pertains) in situations where the party to be contacted has, or is expected to have information relating to the individual's capability to manage his or her affairs or to his or her eligibility for or entitlement to benefits under the Medicare program when:

(a) The individual is unable to provide the information being sought (an individual is considered to be unable to provide certain types of information when any of the following conditions exist: individual is incapable or of questionable mental capability, cannot read or write, cannot afford the cost of obtaining the information, a language barrier exists, or the custodian of the information will not, as a matter of policy, provide it to the individual), or

(b) 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: the individual's eligibility to benefits under the Medicare program; the amount of reimbursement; any case in which the evidence is being reviewed as a result of suspected abuse or fraud, concern for program integrity, or for quality appraisal, or evaluation and measurement of system activities.

(3) Third-party contacts where necessary to establish or verify information provided by representative payees or payee applicants.

(4) The Treasury Department for investigating alleged theft, forgery, or unlawful negotiation of Medicare reimbursement checks.

(5) The U.S. Postal Service for investigating alleged forgery or theft of Medicare checks.

(6) The Department of Justice for investigating and prosecuting violations of the Social Security Act to which criminal penalties attach, or other criminal statutes as they pertain to the Social Security Act programs, for representing the Secretary, and for investigating issues of fraud by agency officers or employees, or violation of civil rights.

(7) The Railroad Retirement Board for administering provisions of the Railroad Retirement and Social Security Acts relating to railroad employment.

(8) Professional Standards Review Organizations in connection with their review of claims, or in connection with studies or other review activities, conducted pursuant to Part B of Title XI of the Social Security Act.

(9) State Licensing Boards for review of unethical practices or nonprofessional conduct.

(10) Providers and suppliers of services (and their authorized billing agents) directly or dealing through fiscal intermediaries or carriers, for administration of provisions of title XVIII.

(11) An individual or organization for a research, evaluation, or epidemiological project related to the prevention of disease or disability, or the restoration or maintenance of health if HCFA:

a. determines that the use or disclosure does not violate legal limitations under which the record was provided, collected, or obtained;

b. determines that the purpose for which the disclosure is to be made:

(1) cannot be reasonably accomplished unless the record is provided in individually identifiable form,

(2) is of sufficient importance to warrant the effect and/or risk on the privacy of the individual that additional exposure of the record might bring, and

(3) there is reasonable probability that the objective for the use would be accomplished;

(c) requires the information recipient to:

(1) establish reasonable administrative, technical, and physical safeguards to prevent unauthorized use or disclosure of the record, and

(2) remove or destroy the information that allows the individual to be identified at the earliest time at which removal or destruction can be accomplished consistent with the purpose of the project, unless the recipient presents an adequate justification of a research or health nature for retaining such information, and

(3) make no further use or disclosure of the record except:

(a) in emergency circumstances affecting the health or safety of any individual,

(b) for use in another research project, under these same conditions, and with written authorization of HCFA,

(c) for disclosure to a properly identified person for the purpose of an audit related to the research project, if information that would enable research subjects to be identified is removed or destroyed at the earliest opportunity consistent with the purpose of the audit, or

(d) when required by law;

d. secures a written statement attesting to the information recipient's understanding of and willingness to abide by these provisions.

(12) State welfare departments pursuant to agreements with the Department of Health and Human Services for administration of State supplementation payments for determinations of eligibility for Medicaid, for enrollment of welfare recipients for medical insurance under section 1843 of the Social Security Act, for quality control studies, for determining eligibility of recipients of assistance under titles IV and XIX of the Social Security Act, and for the complete administration of the Medicaid program.

(13) A congressional office from the record of an individual in response to an inquiry from the congressional office at the request of that individual.

(14) State audit agencies in connection with the audit of Medicare eligibility considerations. Disclosures of physicians' customary charge data are made to State audit agencies in order to ascertain the correctness of Title XIX charges and payments.

(15) In the event of litigation where the defendant is (a) the Department, any component of Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

(16) Peer review groups, consisting of members of State, County, or local medical societies or medical care foundations (physicians), appointed by the medical society or foundation at the request of the carrier to assist in the resolution of questions of medical necessity, utilization of particular procedures or practices, or overutilization of services with respect to Medicare claims submitted to the carrier.

(17) Physicians and other suppliers of services who are attempting to validate individual items on which the amounts included in the annual Physician/Supplier Payment List or similar publications are based.

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

STORAGE:

Records maintained on paper, tape, disc, and punchcards.

RETRIEVABILITY:

System is indexed by health insurance claim number. The record is prepared by the beneficiary and is used by carriers to determine amount of Part B benefits. The bills are retained by the carriers. Copies of selected parts of the records will be used by the Office of Systems Analysis and data will be retrieved in Rockville from Baltimore via dial-up telecommunications lines.

SAFEGUARDS:

Unauthorized personnel are denied access to the records area. Disclosure is limited. Physical safeguards related to the transmission and reception of data between Rockville and Baltimore are those requirements established by the DHHS ADP Systems Manual, Part 6, Chapter 32, "Remote ADP Work Stations."

RETENTION AND DISPOSAL:

Records are closed at the end of the calendar year in which paid, held two additional years, transferred to Federal Records Center and destroyed after another 2 years.

SYSTEM MANAGER(S) AND ADDRESS:

Health Care Financing Administration, Director, Bureau of Program Operations, 6325 Security Boulevard, Baltimore, Md. 21207

NOTIFICATION PROCEDURE:

Inquiries and requests for system records should be addressed to the most convenient social security office, the appropriate carrier, the HCFA Regional Office, or to the system manager named above. The individual should furnish his or her health insurance claim number and the name as shown on social security records. An individual who requests notification of or access to a medical record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion. [These notification and access procedures are in accordance with Department Regulations (45 CFR, Section 5b.6).]

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the records contents being sought. [These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)).]

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under notification procedures above, and reasonably identify the

record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7).)

RECORD SOURCE CATEGORIES:

The data contained in these records is furnished by the individual. In most cases, the identifying information is provided to the physician by the individual. The physician then adds the medical information and submits the bill to the carrier for payment.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-70-0502

SYSTEM NAME:

Health Insurance Master Record, HHS/HCFA/BPO.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Health Care Financing Administration, Bureau of Support Services, 6325 Security Blvd., Baltimore, Md. 21207.

HHS Parklawn Computer Center, 5600 Fishers Lane, Rockville, Maryland 20857.

Federal Records Centers

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals age 65 or over who have been, or currently are, entitled to health insurance (Medicare) benefits under title XVIII of the Social Security Act; individuals under age 65 who have been, or currently are, entitled to such benefits on the basis of having been entitled for not less than 24 months to disability benefits under title II of the Act or under the Railroad Retirement Act and individuals who have been, or currently are, entitled to such benefits because they have end-stage renal disease.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system contains information on enrollment, entitlement, Parts A (Hospital) and B (Supplementary Medical) utilization, query and reply activity, health insurance bill and payment record processing, and Health Insurance Master Record maintenance.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Sections 1814 and 1833 of title XVIII of the Social Security Act. (42 U.S.C. § 1395f and 1395l)

PURPOSE(S):

To maintain information on Medicare beneficiary eligibility and costs in order to reply to inquiries from contractors and intermediaries and to maintain utilization data for health insurance bill and payment record processing.

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

Disclosure may be made to: (1) The Railroad Retirement Board for administering provisions of the Railroad Retirement and Social Security Act relating to railroad employment.

(2) State Welfare Department pursuant to agreements with the Department of Health and Human Services for determining Medicaid and Medicare eligibility, for quality control studies, for determining eligibility of recipients of assistance under titles IV, XVIII, and XIX of the Social Security Act, and for the complete administration of the Medicaid program.

(3) State audit agencies for auditing State Medicaid eligibility considerations.

(4) Providers and suppliers of services directly or dealing through fiscal intermediaries or carriers for administration of title XVIII.

(5) 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.

(6) An individual or organization for a research, evaluation, or epidemiological project related to the prevention of disease or disability, or the restoration or maintenance of health if HCFA:

a. determines that the use or disclosure does not violate legal limitations under which the record was provided, collected, or obtained;

b. determines that the purpose for which the disclosure is to be made:

(1) cannot be reasonably accomplished unless the record is provided in individually identifiable form,

(2) is of sufficient importance to warrant the effect and/or risk on the privacy of the individual that additional exposure of the record might bring, and

(3) There is reasonable probability that the objective for the use would be accomplished;

c. requires the information recipient to:

(1) establish reasonable administrative, technical, and physical safeguards to prevent unauthorized use or disclosure of the record, and

(2) remove or destroy the information that allows the individual to be indentified at the earliest time at which removal or destruction can be accomplished consistent with the purpose of the project, unless the recipient presents an adequate justification of a research or health nature for retaining such information, and

(3) make no further use or disclosure of the record except:

(a) in emergency circumstances affecting the health or safety of any individual,

(b) for use in another research project, under these same conditions and with written authorization of HCFA,

(c) for disclosure to a properly identified person for the purpose of an audit related to the research project, if information that would enable research subjects to be identified is removed or destroyed at the earliest opportunity consistent with the purpose of the audit, or

(d) when required by law;

d. secures a written statement attesting to the information recipient's understanding of and willingness to abide by these provisions.

(7) In the event of litigation where the defendant is: (a) The Department, any component of the Department, or any employee of the Department in his or her offical capacity; (b) The United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any department employee in his or her individual capacity where the Justice Department has agreed to represent such employee,the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

(8) To a contractor when the Department contracts with a private firm for the purpose of collating, analyzing, aggregating, or otherwise refining records in this system. Relevant records will be disclosed to such a contractor. The contractor shall be required to maintain Privacy Act safeguards with respect to such records.

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

STORAGE:

Records maintained on paper, listings, microfilm, magnetic tape disc and punchcards.

RETRIEVABILTY:

System is in sequence by health insurance claim number, and is used to carry out the tasks of enrollment, query/reply activity, and health insurance bill and payment record processing. Copies of selected parts of the records will be

used by the Office of Systems Analysis; data will be retrieved in Rockville from Baltimore via dialup telecommunications lines.

SAFEGUARDS:

Unauthorized personnel are denied access to the records areas. Disclosure is limited to routine use. For computerized records electronically transmitted between Central Office and field office locations (including Medicare contractors), systems securities are established in accordance with DHHS ADP Systems Manual, Part 6, "ADP Systems Security." Safeguards include a lock/unlock password system, exclusive use of leased telephone lines, a terminal oriented transaction matrix, and an audit trail.

RETENTION AND DISPOSAL:

Records are generally added to the file several months prior to entitlement. After the death of a beneficiary, his or her records may be placed in an inactive file following a period of no billing or query activity. The current 5 years of Part B and current 5 spells of Part A utilization data are maintained. All noncurrent data is microfilmed prior to elimination from the system.

SYSTEM MANAGER(S) AND ADDRESS:

Health Care Financing Administration, Director, Bureau of Program Operations 6325, Security Boulevard, Baltimore, Md 21207.

NOTIFICATION PROCEDURE:

Inquiries and requests for system records should be addressed to the most convenient social security office, the appropriate carrier or intermediary, the HCFA Regional Office, or to the system manager named above. The individual should furnish his or her health insurance claim number and name as shown on Medicare records.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2).))

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7)).

RECORDS SOURCE CATEGORIES:

The data contained in these records are furnished by the individual. There are cases, however, in which the identifying information is provided to the physician by the individual; the physician then adds the medical information and submits the bill to the carrier for payment. Updating information is also obtained from the Master Beneficiary Record.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-70-0503

SYSTEM NAME:

Intermediary Medicare Claims Records, HHS, HCFA, BPO.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Intermediaries under contract to the Health Care Financing Administration and the Social Security Administration (See Appendix C, Section 3.)

Federal Records Centers

Bureau of Quality Control, HCFA, Office of Systems Analysis, 6325 Security Boulevard, Baltimore, Maryland 21207, HHS Parklawn Computer Center, 5600 Fishers Lane, Rockville, Maryland 20857.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Beneficiaries on whose behalf providers have submitted claims for reimbursement on a reasonable cost basis under Medicare Parts A and B.

CATEGORIES OF RECORDS IN THE SYSTEM:

Inpatient Hospital and Skilled Nursing Facility Admission and Billing; Provider Billing for Medical and Other Health Services: Inpatient Admission and Billings—Christian Science Sanatorium: Home Health Agency Report and Billing, and other documents used to support payments to beneficiaries and providers of services. These forms contain the beneficiary's name, sex, health insurance claim number, address, date of birth, medical record number, prior stay information, provider name and address, physician's name, date of admission and discharge, other health insurance, diagnoses, surgical procedures, and a statement of services rendered.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 1816 and 1874 of Title XVIII of the Social Security Act. (42 U.S.C. § 1395h and 1395kk.)

PURPOSE(S):

To process and pay Medicare benefits to or on behalf of eligible individuals.

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

Disclosure may be made to:

(1) Claimants, their authorized representatives or representative payees to the extent necessary to pursue claims made under title XVIII of the Social Security Act (Medicare).

(2) Third-party contacts without the consent of the individual to whom the information pertains in situations where the party to be contacted has, or is expected to have information relating to the individual's capability to manage his or her affairs or to his or her eligibility for or entitlement to benefits under the Medicare program when:

(a) The individual is unable to provide the information being sought (an individual is considered to be unable to provide certain types of information when any of the following conditions exist: individual is incapable or of questionable mental capability, cannot read or write, cannot afford the cost of obtaining the information, a language barrier exists, or the custodian of the information will not, as a matter of policy, provide it to the individual) or

(b) 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: the individual's eligibility to benefits under the Medicare program: the amount of reimbursement; any case in which the evidence is being reviewed as a result of suspected abuse or fraud, concern for program integrity, or for quality appraisal, or evaluation and measurement of systems activities.

(3) Third-party contacts where necessary to establish or verify information provided by representative payees or payee applicants.

(4) The Treasury Department for investigating alleged theft, forgery, or unlawful negotiation of Medicare reimbursement checks.

(5) The U.S. Postal Service for investigating alleged forgery or theft of Medicare checks.

(6) The Department of Justice for investigating and prosecuting violations of the Social Security Act to which criminal penalties attach, or other criminal statutes as they pertain to Social Security Act programs, for representing the secretary, and for investigating issues of fraud by agency officers or employees, or violation of civil rights.

(7) The Railroad Retirement Board for administering provisions of the Railroad Retirement and Social Security Acts relating to railroad employment.

(8) Professional Standards Review Organizations in connection with their review of claims, or in connection with studies or other review activities, conducted pursuant to Part B of Title XI of the Social Security Act.

(9) State Licensing Boards for review of unethical practices or nonprofessional conduct.

(10) Providers and suppliers of services (and their authorized billing agents) directly or dealing through fiscal intermediaries or carriers, for administration of provisions of title XVIII.

(11) An individual or organization for a research, evaluation, or epidemiological project related to the prevention of disease or disability, or the restoration or maintenance of health if HCFA:

a. determines that the use or disclosure does not violate legal limitations under which the record was provided, collected, or obtained;

b. determines that the purpose for which the disclosure is to be made:

(1) cannot be reasonably accomplished unless the record is provided in individually identifiable form,

(2) is of sufficient importance to warrant the effect and/or risk on the privacy of the individual that additional exposure of the record might bring, and

(3) There is reasonable probability that the objective for the use would be accomplished;

c. requires the information recipient to:

(1) establish reasonable administrative, technical, and physical safeguards to prevent unauthorized use or disclosure of the record, and

(2) remove or destroy the information that allows the individual to be identified at the earliest time at which removal or destruction can be accomplished consistent with the purpose of the project, unless the recipient presents an adequate justification of a research or health nature for retaining such information, and

(3) make no further use or disclosure of the record except:

(a) in emergency circumstances affecting the health or safety of any individual,

(b) for use in another research project, under these same conditions, and with written authorization of HCFA,

(c) for disclosure to a properly identified person for the purpose of an audit related to the research project, if information that would enable research subjects to be identified is removed or destroyed at the earliest opportunity consistent with the purpose of the audit, or

(d) when required by law;

d. secures a written statement attesting to the information recipient's understanding of and willingness to abide by the provisions.

(12) State welfare departments pursuant to agreements with the Department of Health and Human Services for administration of State supplementation payments for determination of eligibility for Medicaid, for enrollment of welfare recipients for medical insurance under Section 1843 of the Social Security Act, for quality control studies, for determining eligibility of recipients of assistance under titles IV and XIX of the Social Security Act, and for the complete administration of the Medicaid program.

(13) A congressional office from the record of an individual in response to an inquiry from the congressional office at the request of that individual.

(14) State audit agencies in connection with the audit of Medicaid eligibility considerations.

(15) In the event of litigation where the defendant is (a) the Department, any components of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purposes for which the records were collected.

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

STORAGE:

Records maintained on paper forms, magnetic tape and microfilm.

RETRIEVABILITY:

The system is indexed by health insurance claim number. The record is prepared by the hospital or other provider with identifying information received from the beneficiary to establish eligibility for Medicare and document and support payments to providers by the intermediaries. The bill data are forwarded to the Health Care Financing Administration, Bureau of Support Services, Baltimore, Md., where they are used to update the central office records. Copies of selected parts of the records will be used by the Office of Systems Analysis; data will be retrieved in Rockville from Baltimore via dial-up telecommunications lines.

SAFEGUARDS:

Disclosure of records is limited. The file area is closed to unauthorized personnel. Physical safeguards related to the transmission and reception of the data between Rockville and Baltimore are those requirements establish by the DHHS ADP Systems Manual. Part 6, Chapter 32, "Remote ADP Work Stations."

RETENTION AND DISPOSAL:

Records are closed out at the end of the calendar year in which paid, held 2 more years, transferred to the Federal Records Center and destroyed after another 6 years.

SYSTEM MANAGER(S) AND ADDRESS:

Health Care Financing Administration, Director, Bureau of Program Operations, 6325 Security Boulevard, Baltimore, Md. 21207.

NOTIFICATION PROCEDURE:

Inquiries and requests for systems records should be addressed to the social security office nearest the requester's residence, the appropriate intermediary, the HCFA Regional Office, or to the system manager named above. The individual should furnish his or her health insurance number and name as shown on social security records. An individual who requests notification of or access to a medical record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion. (These notification and access procedures are in accordance with Department Regulations (45 CFR, section 5b.6).)

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the records contents being sought. (The access procedures are in accordance with Department Regulations (45 CFR, section 5b.5(a)(2).)

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, section 5b.7).)

RECORD SOURCE CATEGORIES:

The identifying information contained in these records is obtained by the provider from the individual; the medical information is entered by the provider of medical services.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-70-0504

SYSTEM NAME:

Beneficiary Part A and B Uncollectible Overpayment File, HHS, HCFA, BPO.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Health Care Financing Administration, Director, Bureau of Program Operations, 6325 Security Blvd., Baltimore, Maryland 21207.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

The system contains the name of the beneficiary on whose account an overpayment has been made and the name of the physician or supplier to whom the overpayment was made.

CATEGORIES OF RECORDS IN THE SYSTEM:

The file includes completed Medicare claims forms which contain patient's name, sex, claim number, address, date of birth, date of treatment, diagnosis, and summary of treatment rendered as well as other documents that were used in calculating the existence and amount of overpayment.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 1870 of the Social Security Act (42 U.S.C. § 1395gg) and Section 3 of the Federal Claims Collection Act of 1966, 30 U.S.C. 952.

PURPOSE(S):

To provide documentation and to control cases involving Medicare beneficiary overpayments which are not collectible.

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

Disclosure may be made: (1) to the Department of Justice when civil litigation is involved, (2) to the Internal Revenue Service for investigation of alleged tax fraud, (3) to Professional Standards Review Organizations and State Licensing Boards for review of unethical practices or non-professional conduct. (Further, HCFA may request a credit report on certain physicians or suppliers from whom repayment of an overpayment is requested.) (4) to 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; and (5) in the event of litigation where the defendant is (a) the Department, any components of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

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

STORAGE:

Paper files maintained in file cabinets.

RETRIEVABILITY:

The system is indexed by health insurance number.

SAFEGUARDS:

Only authorized personnel are permitted in the file area.

RETENTION AND DISPOSAL:

The files are retained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Health Care Financing Administration, Director, Bureau of Program Operations, 6325 Security Blvd., Baltimore, Maryland 21207.

NOTIFICATION PROCEDURE:

Inquiries and requests for system records should be addressed to the system manager named above and directed to the attention of the Office of Standards and Performance Evaluation, Division of Reimbursement, Recovery, and Reconsideration Evaluation, Reconsideration Evaluation Branch.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2).))

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7).)

RECORD SOURCE CATEGORIES:

Data in these records is obtained from carrier or intermediary billing records.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-70-0505

SYSTEM NAME:

Supplemental Medical Insurance Accounting Collection and Enrollment System. HHS/HCFA/BPO.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Health Care Financing Administration, Bureau of Support Services, 6325 Security Boulevard, Baltimore, Maryland 21207.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Health insurance beneficiaries whose supplementary medical insurance benefit and/or hospital insurance benefit premiums are paid by a third-party; a State welfare agency, the U.S. Office of Personnel Management or a private organization.

CATEGORIES OR RECORDS IN THE SYSTEM:

Beneficiary's name, health insurance claim number, date of birth, sex, amount of premium liability, date agency first became liable for HIB (Health Insurance Benefit) of SMIB (Supplemental Medical Insurance Benefit) premiums, last month of agency premium liability, agency identification numbers, Civil Service annuity number for U.S. Office of Personnel Management recipients.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Sections 1840 (d) and (e) and 1843 of title XVIII of the Social Security Act. (42 U.S.C. § 1395s (d) and (e) and 1395v).

PURPOSE(S):

To process changes to HI/SMI premium payments by third parties (such as State agencies, private groups, Office of Personnel Management) on behalf of Medicare beneficiaries; for billing third parties; and for enrolling individuals for SMI coverage under State buy-in agreements.

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

Disclosure may be made to: (1) State welfare departments pursuant to agreements with the Department of Health and Human Services for enrollment of welfare recipients for medical insurance under section 1843 of the Social Security Act. (2) 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, and (3) in the event of litigation where the defendant is (a) the Department, any component of the Department or any employee of the Department in his of her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense provided such disclosure is compatible with the purpose for which the records were collected.

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

STORAGE:

Magnetic tape, microfilm.

RETRIEVABILITY:

The system is indexed by health insurance claim number.

SAFEGUARDS:

Only authorized personnel have direct access to information in the Third-Party Master Record. In addition, all personnel are advised that this information is confidential.

RETENTION AND DISPOSAL:

Tape records are retained for 90 days, filed for 1 year, then erased. Correspondence files are retained for 1 year, then discarded. Monthly microfilm records are destroyed after 1 year.

SYSTEM MANAGER(S) AND ADDRESS:

Health Care Financing Administration, Director, Bureau of Program Operations, 6325 Security Boulevard, Baltimore, Maryland 21207.

NOTIFICATION PROCEDURE:

Inquiries and requests for system records should be addressed to the system manager named above and directed to the attention of the Office of Methods and Systems, Division of Eligibility Systems. The individual should furnish his or her health insurance claim number and name as shown on Medicare records.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (The access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2).))

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Reguations (45 CFR, Section 5b.7).)

RECORD SOURCE CATEGORIES:

The identifying information contained in these records is obtained from third-party agencies, the Social Security Administration; Master Beneficiary Record, and the Health Insurance Master Record.

09-70-0506

SYSTEM NAME:

Group Health Plan System HHS, HCFA, BPO.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Health Care Financing Administration, Bureau of Support Services, 6325 Security Boulevard, Baltimore, Maryland 21207.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Recipients of Part A (Hospital Insurance) and Part B (supplementary medical) Medicare services.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system contains information about a beneficiary's health insurance entitlement and supplementary medical benefits usage.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Sections 1833(a)(1)(A), 1866 and 1876 of Title XVIII of the Social Security Act. (42 U.S.C. §1395(a)(1)(A), 1395cc, and 1395mm).

PURPOSES(S):

To maintain a master file of Group Health Plan members for accounting control; to expedite the exchange of data with the Group Health Plans; and to control the posting of pro-rata amounts to the Part B deductible of currently enrolled Group Health Plan members.

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

Disclosure may be made: (1) to 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. (2) In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department of present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

(3) To an individual or organizations for a research, evaluation, or epidemiological project related to the prevention of disease or disability, or the restoration or maintenance of health if HCFA:

a. determines that the use or disclosure does not violate legal limitations under which the record was provided, collected, or obtained;

b. determines that the purpose; for which the disclosure is to be made:

(1) cannot be reasonably accomplished unless the record is provided in individually identifiable form,

(2) is of sufficient importance to warrant the effect and/or risk on the privacy of the individual that additional exposure of the record might bring, and

(3) there is reasonable probability that the objective for the use would be accomplished;

c. requires the information recipient to:

(1) establish reasonable administrative, technical, and physical safeguards to prevent unauthorized use or disclosure of the record, and

(2) remove or destroy the information that allows the individual to be identified at the earliest time at which removal or destruction can be accomplished consistent with the purpose of the project, unless the recipient presents an adequate

justification of a research or health nature for retaining such information, and

(3) make no further use or disclosure of the record except:

(a) in emergency circumstances affecting the health or safety of any individual,

(b) for use in another research project, under these same conditions, and with written authorization of HCFA,

(c) for disclosure to a properly identified person for the purpose of an audit related to the research project, if information that would enable research subjects to be identified is removed or destroyed at the earliest opportunity consistent with the purpose of the audit, or

(d) when required by law;

d. secures a written statement attesting to the information recipient's understanding of an willingness to abide by these provisions.

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

STORAGE:

Magnetic tape and paper listing.

RETRIEVABILITY:

The system is indexed by health insurance claim number.

SAFEGUARDS:

Only authorized personnel have direct access to information in the Group Health Plan system. In addition, Group Health Plan personnel are advised that information is confidential.

RETENTION AND DISPOSAL:

Health insurance materials used to support the accuracy of the charge per service billed by the plan are retained for 3 years, then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Health Care Financing Administration; Director, Bureau of Program Operations, 6325 Security Boulevard, Baltimore, Maryland 21207.

NOTIFICATION PROCEDURE:

Inquiries and requests for system records should be addressed to the system manager named above and directed to the attention of the Group Health Plan Operations Staff. The individuals should furnish his or her health insurance claim number as shown on social security records.

RECORD ACCESS PROCEDURE:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR 5b.5(a)(2).))

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, 5b.7).))

RECORD SOURCE CATEGORIES:

The identifying information contained in these records is obtained from the group health plans (which obtained the data from the individual concerned).

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-70-0507

SYSTEM NAME:

Health Insurance Utilization Microfilm HHS, HCFA, BPO.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Health Care Financing Administration, Bureau of Support Services, 6325 Security Boulevard, Baltimore, Maryland 21207.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Records are maintained of all transactions for individuals who are entitled or have entitled to Medicare benefits.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system contains transactions accepted or rejected, and the reason for such rejection. Transactions are maintenance type as well as utilization.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 1814 and 1833 of Title XVIII of the Social Security Act. (42 U.S.C. § 1395f and 1395l)

PURPOSE:

To provide a history file of chronological transactions that can be referenced to verify beneficiary entitlement to Medicare benefits.

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

Disclosure may be made: (1) to 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. (2) In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

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

STORAGE:

Microfilm.

RETRIEVABILITY:

The system is indexed by health insurance claim number. It is used primarily to document the Health Insurance master file and to respond to inquiries. The Health Insurance Utilization Microfilm is the history (audit) trail of Hospital Insurance/ Supplementary Medical Insurance.

SAFEGUARDS:

Requests for microfilm must be submitted to the Bureau of Support Services, HCFA.

RETENTION AND DISPOSAL:

Retained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Health Care Financing Administration, Director, Bureau of Program Operations, 6325 Security Boulevard, Baltimore, Maryland 21207.

NOTIFICATION PROCEDURE:

Inquiries and requests for system records should be addressed to the system manager named above. The individual should furnish his or her health insurance claim number and name as shown on social security records.

RECORD ACCESS PROCEDURES:

The individual can obtain information on the procedures for gaining access to and contesting records from the most convenient social security office or from the system manager named above. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Sec. 5b.5(a)(2).))

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7).))

RECORD SOURCE CATEGORIES:

The identifying information contained in these records is obtained by the provider of services from the individual, from the individual himself or herself, or from suppliers of services (e.g., physicians).

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-70-0508

SYSTEM NAME:

Reconsideration and Hearing Case Files (Part A) Hospital Insurance Program HHS, HCFA, BPO.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Health Care Financing Administration, Bureau of Program Operations, Office of Standards and Performance Evaluation, Division of Reimbursement, Recovery and Reconsideration Evaluation, Reconsideration Evaluation Branch, 6325 Security Boulevard, Baltimore, Maryland 21207.

and Washington National Records Center, Suitland, Maryland 20409.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals dissatisfied with an initial determination as to the amount of benefits payable on the beneficiary's behalf under the hospital insurance program who have filed either an expressed or implied request for reconsideration.

CATEGORIES OF RECORDS IN THE SYSTEM:

Reconsideration development and case summary; Part A—review action; complaint sheet; Request for Hearing; Request for Reconsideration of Part A Health Insurance Benefits; and comparable forms and evidence furnished by beneficiaries or their representatives, intermediary action, correspondence, reconsideration determination, Administrative Law Judges' decisions, original bills, Appeals Council decisions and related correspondence.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Sections 1812, 1814, 1816, and 1869 of Title XVIII of the Social Security Act (42 U.S.C. 1395d, 1395f, 1395h, and 1395ff).

PURPOSE(S):

To maintain Part A reconsideration claims file history for possible further appeal actions and for monitoring intermediary performance on a sample basis.

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

Disclosure may be made: (1) to 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. (2) In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

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

STORAGE:

Records maintained in open-shelf file cabinets.

RETRIEVABILITY:

The system is indexed by health insurance claim number.

SAFEGUARDS:

The file is closed to unauthorized personnel. Disclosure of records is limited to routine uses.

RETENTION AND DISPOSAL:

Records are placed in inactive file when final action is taken on the case and closed out at the end of the calendar year in which final action was taken. They are held 1 additional year, transferred to the Washington National Records Center and destroyed after 5 years.

SYSTEM MANAGER(S) AND ADDRESS:

Health Care Financing Administration, Director, Bureau of Program Operations, 6325 Security Blvd., Baltimore, Maryland 21207.

NOTIFICATION PROCEDURE:

Inquiries and requests for system records should be addressed to the system manager named above. The individual should furnish his or her health insurance claim number and name as shown on social security records. The individual can obtain information on the procedures for gaining access to and contesting records from the most convenient social security office or from the system manager named above.

RECORD ACCESS PROCEDURE:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR Section 5b.5(a)(2).))

CONTESTING RECORD PROCEDURES:

Contact the system manager named above and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7).)

RECORD SOURCE CATEGORIES:

The information contained in these records is furnished by the beneficiary, his or her representative, or other person requesting a review of the claim and from the reviewing authority (the supplementary health insurance carrier).

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-70-0509

SYSTEM NAME:

Medicare Beneficiary Correspondence Files HHS, HCFA, BPO.

SECURITY CLASSIFICATION

None.

SYSTEM LOCATION:

Health Care Financing Administration, Bureau of Program Operations, 6325 Security Boulevard, Baltimore, Maryland 21207.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Medicare beneficiaries and others including Congressional offices and the White House, who correspond with the Health Care Financing Administration, Bureau of Program Operations.

CATEGORIES OF RECORDS IN THE SYSTEM:

Correspondence containing operations related inquiries, complaints, or suggestions received by the Social Security Administration Central Office, and Health Care Financing Administration Central Office or correspondence referred by other Government agencies. Correspondence may contain requests under the Freedom of Information Act when the requests' concerns are under the jurisdiction of the HCFA Bureau of Program Operations (BPO).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 1874 of Title XVIII of the Social Security Act. (42 U.S.C. § 1395kk)

PURPOSE(S):

Serves as documentation of actions with respect to each inquiry and to assist in responding to simultaneous and subsequent inquiries. Assist BPO staff in analyzing correspondence, in researching needed material, and in identifying major problems and conflicts in existing BPO policy, procedures, and practices.

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

(1) Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the requent of that individual. (2) In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his of here official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense provided such disclosure is compatible with the purpose for which the records were collected.

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

STORAGE:

Records maintained in file cabinets.

RETRIEVABILITY:

The system is indexed alphabetically, using the last name of the beneficiary and/or by designated batch number. It is used to control correspondence in connection with Medicare.

SAFEGUARDS:

The file area is closed to unauthorized personnel.

RETENTION AND DISPOSAL:

Correspondence for congressional inquiries is destroyed 1 year after the close of the year in which the records are dated; other correspondence is destroyed within 30 days of completion except where records are required to document a specific claim, reconsideration, appeal, or similar case, the files are treated in accordance with the instructions for the specific file.

SYSTEM MANAGER(S) AND ADDRESS:

Health Care Financing Administration, Director, Bureau of Program Operations, 6325 Security Boulevard, Baltimore, Maryland 21207.

NOTIFICATION PROCEDURE:

Inquiries and requests for records should be directed to the same address as that with which the correspondence was initiated. The individual can obtain information on the procedures for gaining access to and contesting records from the system manager named above.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR Section 5b.5(a)(2).))

CONTESTING RECORD PROCEDURES:

Contact the system manager named above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7).)

RECORD SOURCE CATEGORIES:

The initial correspondence in these records is prepared by the beneficiary or other inquirers; the response is prepared by the appropriate Health Care Financing Administration component.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-70-0510

SYSTEM NAME:

Alphabetical Name File (folder) of Health Insurance Program Consultants HHS, HCFA, BPO.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Health Care Financing Administration, Bureau of Program Operations, 6325 Security Boulevard, Baltimore, Maryland 21207.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have contracted to provide consultant services to the Administration.

CATEGORIES OF RECORDS IN THE SYSTEM:

Each folder contains the consultant's name, social security number, mailing address, city and state, ZIP Code; total amount of the consultant's contract and the amount of money billed each month for his or her service.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Social Security Act, Section 1874(b). (42 U.S.C. § 1395kk(b)).

PURPOSE(S):

To maintain an accounting of consultant contractors.

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

Disclosure may be made: (1) to 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. (2) In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department of any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense provided such disclosure is compatible with the purpose for which the records were collected.

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

STORAGE:

File Folder.

RETRIEVABILITY:

Name—Comparing actual expenditures against budget.

SAFEGUARDS:

Office is locked during nonworking hours.

RETENTION AND DISPOSAL:

Retain 1 year, then discard.

SYSTEM MANAGER(S) AND ADDRESS:

Health Care Financing Administration, Office of Management and Budget, Office of Human Resources and Administrative Services, 6325 Security Boulevard, Baltimore, Maryland 21207.

NOTIFICATION PROCEDURE:

Inquiries and requests for systems records should be addressed to the social security office nearest the requester's residence, the appropriate intermediary, the HCFA Regional Office, or the the system manager named above. The individual should furnish his or her health insurance number and name as shown on social security records (These notification and access procedures are in accordance with Department Regulations (45 CFR Section 5b.6).)

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations(45 CFR, Section 5b.5(a)(2)).)

CONTESTING RECORD PROCEDURES:

Contact the system manager named above and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7).)

RECORD SOURCE CATEGORIES:

Original contracts and monthly billings.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-70-0512

SYSTEM NAME:

Review and Fair Hearing Case Files—Supplementary Medical Insurance Program, HHS, HCFA, BPO.

SECURITY CLASSIFICATION

None.

SYSTEM LOCATION:

Carriers (see Appendix C, Section 4) and Federal Records Centers

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Beneficiary, physician, provider or other supplier of service who is dissatisfied with the carrier's determination denying a request for payment, or with the amount of the payment or with the length of time being taken to process the claim for payment.

CATEGORIES OF RECORDS IN THE SYSTEM:

Claimants' requests for review, relevant written statement of evidence, notice of adverse informal review decisions, requests for hearings to protest adverse decisions, hearings proceedings, hearings officers' final decisions and comparable papers.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Sections 1812 and 1842 of Title XVIII of the Social Security Act. (42 U.S.C. § 1395d and 1395u).

PURPOSE(S):

To maintain a file for reviewing determinations of Medical insurance claims and related material.

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

Disclosures may be made: (1) to 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. (2) In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any if its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

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

STORAGE:

Records are maintained in file cabinets.

RETRIEVABILITY:

The records are indexed by health insurance claim number.

SAFEGUARDS:

Disclosure of records is limited to routine uses. The files are closed to unauthorized personnel.

RETENTION AND DISPOSAL:

Records are closed out at the end of the calendar year in which the action (reconsideration, hearing, court review) is completed, held 2 more years, transferred to Federal Records Center and destroyed after another 6 years.

SYSTEM MANAGER(S) AND ADDRESS:

Health Care Financing Administration, Director, Bureau of Program Operations, 6325 Security Boulevard, Baltimore, Maryland 21207.

NOTIFICATION PROCEDURE:

Inquiries and requests for records should be directed to the most convenient social security office or to the system manager named above. The individual should furnish his or her health insurance claim number and name as shown on social security records. An individual who requests notification of or access to a medical/dental record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion. (These notification and access procedures are in accordance with Department Regulations (45 CFR Section 5b.6).)

RECORD ACCESS PROCEDURE:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR Section 5b.5(a)(2)).)

CONTESTING RECORD PROCEDURES:

Contact the system manager named above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department regulations (45 CFR Section 5b.7).)

RECORD SOURCE CATEGORIES:

The information contained in these records is furnished by the beneficiary requesting reconsideration or his or her authorized representative and from the reviewing authority.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-70-0513

SYSTEM NAME:

Explanation of Medicare Benefit Records HHS, HCFA, BPO.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Intermediaries and carriers (see Appendix C, Sections 3 and 4) and Federal Records Centers.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All recipients of Medicare services and supplies.

CATEGORIES OF RECORDS IN THE SYSTEM:

Medicare hospital insurance benefits record, Part B home health benefits record; Medicare hospital insurance benefits record. These are notices of utilization and explanation of Medicare benefits. They also advise beneficiaries of remaining hospital insurance benefits and the hospital and supplementary medical deductible status.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Sections 205, 226, 1811, and 1832 of Title XVIII of the Social Security Act. (42 U.S.C. § 405, 426, 1395c, and 1395k)

PURPOSE(S):

To maintain a file of Explanations of Medicare benefits sent to beneficiaries advising them of Medicare payments made on their behalf, benefits remaining, and whether the various deductible requirements have been satisfied.

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

Disclosure may be made: (1) to 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. (2) In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

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

STORAGE:

Copies of forms sent to beneficiaries are retained in file cabinets.

RETRIEVABILITY:

The records are indexed by health insurance number. These records are used to advise the beneficiary of the payments made on his or her behalf and where applicable, the benefits remaining.

SAFEGUARDS:

Disclosure of records is limited. The file area is closed to unauthorized personnel.

RETENTION AND DISPOSAL:

Closed out at the end of the year in which the benefit was paid or denied; held 1 year, transferred to the Federal Records Center where record is destroyed after 5 years.

SYSTEM MANAGER(S) AND ADDRESS:

Health Care Financing Administration, Director, Bureau of Program Operations, 6325 Security Blvd., Baltimore, Maryland 21207.

NOTIFICATION PROCEDURES:

Inquiries and requests for system records should be addressed to the most convenient social security office (see Appendix F), or to carrier or intermediary who issued the notice.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)).)

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7).)

RECORD SOURCE CATEGORIES:

The identifying information is furnished by the beneficiary when requesting payment; the medical procedures are furnished by the physician or provider and the amount of payment and remaining benefits are furnished by the intermediary or carrier.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-70-0516

SYSTEM NAME:

Medicare Physician Supplier Master File HHS/HCFA/BPO.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Carriers under contract to the Health Care Financing Administration and the Social Security Administration. (See Appendix C, Section 4.)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Physicians and suppliers who provide medical services or supplies to Medicare beneficiaries.

CATEGORIES OF RECORDS IN THE SYSTEM:

A compilation of all charges submitted by a physician or supplier for services and supplies to: (1) derive "reasonable charge" information; (2) determine economic indexes; and (3) to substantiate the basis for payment to beneficiaries, physicians, suppliers and hospitals.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Sections 1833, 1835, 1842 and 1874 of title XVIII of the Social Security Act. (42 U.S.C. § 1395/, 1395n, 1395u, and 1395kk).

PURPOSE(S):

To determine health care reasonable charges and the geographical area prevailing charges.

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

Records from this system may be disclosed (1) to a provider, the claimant or a prospective claimant, the name of a physician who has been found ineligible to submit claims under Section 1814(h) (Payment for Posthospital Extended Care Services) or Section 1814(i) (Payment for Posthospital Home Health Services) of Title XVIII of the Social Security Act. (2) Disclosure may be made to 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. (3) Disclosure may be made to the title XIX State agency or the title XIX fiscal agents of the customary and prevailing charge screens and whatever other information is contained in the file and would be required to determine "reasonable charges" as required under section 103(i)(l) of the Social Security Act. (4) In the event of litigation where the defendant is (a) the Department, any

component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

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

STORAGE:

Records are maintained on magnetic tape, microfilm, and hard copy paper.

RETRIEVABILITY:

The records are indexed by physician provider numbers and supplier EIN (employer's identification number). The records are prepared and updated daily by carriers as a basis for determining reasonable charges and area prevailing charges.

SAFEGUARDS:

Disclosure of records is limited to carrier personnel on a need-to-know basis. The files are closed to unauthorized personnel. The determination as to which personnel are authorized will vary slightly in different carrier installations. All carriers have guards at the building entrance to prevent intrusion by individuals not employees or not having business with the carrier. One or more of the following security measures are used within the building: color coded identification cards are used to establish the right of an employee to be in a specific area; cipher locks are used to protect files and computer areas; magnetic identification cards are used to gain access to security sensitive areas; video monitoring of sensitive areas is constant.

RETENTION AND DISPOSAL:

Records are closed out the first quarter following the close of the previous calendar year. Files are retained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Health Care Financing Administration Director, Bureau of Program Operation 6325 Security Boulevard, Baltimore, Maryland 21207.

NOTIFICATION PROCEDURES:

Inquiries and requests for records information should be directed to the carrier servicing the physician's or supplier's geographical area. Individuals who want to determine if they have a record in this system must provide their full name and address.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should reasonably specify the record contents being sought. (These access procedures are in accordance with Department regulations (45 CFR 5b.5(a)(2).)

CONTESTING RECORD PROCEDURES:

Contact the Systems Manager at the address specified above and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations, 45 CFR 5b.7).)

RECORD SOURCE CATEGORIES:

Information contained in these records is furnished in part by the individual physicians or supplier and in part abstracted from Medicare Part B billing records.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-07-0517

SYSTEM NAME:

Physician/Supplier 1099 File (Statement for Recipients of Medical and Health Care Payments) HHS/HCFA/BPO.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Carriers and intermediaries under contract to the Health Care Financing Administration and the Social Security Administration (see Appendix C, Section 3, and Section 4.)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Physician/suppliers to whom Medicare payments have been made by carriers of intermediaries.

CATEGORIES OF RECORDS IN THE SYSTEM:

A record of total Medicare payments made to physicians and suppliers during each calendar year. It contains the name, address and social security number of the physician/provider number of supplier EIN (employer identification number).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

26 U.S. Code 6041 (Internal Revenue Code).

PURPOSE(S):

For periodic reporting to the IRS.

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

Disclosure may be made to: (1) This record is disclosable to the Internal Revenue Service in connection with the determination of the individual's self-employent income. (2) Disclosure may be made to 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. (3) In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

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

STORAGE:

The records are maintained on magnetic tape and paper.

RETRIEVABILITY:

The system is indexed by physician/provider number and supplier EIN (employer's identification numbers).

SAFEGUARDS:

Records are maintained in secure storage areas accessible only to authorized personnel.

RETENTION AND DISPOSAL:

The records are retained for 5 years.

SYSTEM MANAGER(S) AND ADDRESS:

Health Care Financing Administration, Director, Bureau of Program Operations, 6325 Security Boulevard, Baltimore, Maryland 21207.

NOTIFICATION PROCEDURE:

Inquiries and requests for systems records should be directed to the intermediary or carrier who made Medicare payments to the physician/supplier.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2).)

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7).)

RECORD SOURCE CATEGORIES:

The record of total annual payments made to each physician/supplier is derived from the individual Medicare bill payments.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-70-0518

SYSTEM NAME:

Medicare Clinic Physician Supplier Master File, HHS, HCFA, BPO.

SECURITY CLASSIFICATION:

None

SYSTEM LOCATION:

Carriers under contract to the Health Care Financing Administration and the Social Security Administration. (See Appendix C, Section 4.)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Physicians and suppliers in a clinic who provide medical services or supplies to Medicare beneficiaries.

CATEGORIES OF RECORDS IN THE SYSTEM:

A compilation of all charges submitted by a clinic physician or supplier for services or suppliers to (1) derive "reasonable charge" information; (2) determine economic indexes; and (3) to substantiate the basis for payment to beneficiaries, physicians suppliers, and hospitals.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Sections 1833, 1835, 1842 and 1874 of title XVIII of the Social Security Act. (42 U.S.C. § 1395l, 1395n, 1395u, and 1395kk).

PURPOSE(S):

To determine Medicare reimbursement rates from physician and supplier charge patterns.

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

Disclosure may be made to: (1) Professional Standards Review Organizations and State Licensing Boards for review of unethical practices or nonprofessional conduct; (2) A HCFA contractor for research, evaluation, or epidemiological project related to the prevention of disease or disability, or the restoration or maintenance of health if HCFA.

a. determines that the use or disclosure does not violate legal limitations under which the record was provided, collected, or obtained;

b. determines that the purpose for which the disclosure is to be made:

(1) cannot be reasonably accomplished unless the record is provided in individually identifiable form,

(2) is of sufficient importance to warrant the effect and/or risk on the privacy of the individual that additional exposure of the record might bring, and

(3) There is reasonable probability that the objective for the use would be accomplished;

c. requires the information recipient to:

(1) establish reasonable administrative, technical, and physical safeguards to prevent unauthorized use or disclosure of the record, and

(2) remove or destroy the information that allows the individual to be identified at the earliest time at which removal or destruction can be accomplished consistent with the purpose of the project, unless the recipient presents an adequate justification of a research of health nature for retaining such information, and

(3) make no further use or disclosure of the record except:

(a) in emergency circumstances affecting the health or safety of any individual.

(b) for use in another research project, under these same conditions, and with written authorization of HCFA,

(c) for disclosure to a properly identified person for the purpose of an audit related to the research project, if information that would enable research subjects to be identified is removed or destroyed at the earliest opportunity consistent with the purpose of the audit, or

(d) when required by law;

d. secures a written statement attesting to the information recipient's understanding of and willingness to abide by these provisions.

(3) HCFA health insurance program review teams; (4) 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; (5) in the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

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

STORAGE:

Records are maintained on magnetic tape, microfilm, and hard copy paper.

RETRIEVABILITY:

The records are indexed for individual identification by clinic physician provider numbers and supplier EIN (employer's identification number). The records are prepared and updated daily by carriers as a basis for determining reasonable charges and area prevailing charges.

SAFEGUARDS:

Disclosure of records to carrier personnel is limited to a need-to-know basis. The files are closed to unauthorized personnel. The determination as to which personnel are authorized will vary slightly in different carrier installations. All carriers have guards at the building entrance to prevent intrusion by individuals not employees or not having business with the carrier. One of more of the following security measures are used within the building: Color coded identification cards are used to establish the right of an employee to be in a specific area; cipher locks are used to protect files and computer areas; magnetic identification cards are used to gain access to security

sensitive areas; videomonitoring or sensitive areas is constant.

RETENTION AND DISPOSAL:

Records are closed out the first quarter following the close of the previous year. Files are retained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Health Care Financing Administration, Director, Bureau of Program Operations, 6325 Security Boulevard, Baltimore, Maryland 21207.

NOTIFICATION PROCEDURE:

Inquiries and requests for records information should be directed to the carrier servicing the clinic physician's or supplier's geographical area. Individuals who want to determine if they have a record in this system must provide their full name and address.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2).)

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under System Manager above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations, 45 CFR Section 5b.7.)

RECORD SOURCE CATEGORIES:

Information contained in these records is furnished in part by the individual clinic physician or supplier and in part abstracted from Medicare part B billing records.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-70-0520

SYSTEM NAME:

End Stage Renal Disease (ESRD) Program Management and Medical Information System (Registry) HHS, HCFA, BPP.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Health Care Financing Administration, Bureau of Support Services, Office of Administrative Systems, Division of Program Management, Systems, ESRD System Branch, 6325 Security Boulevard, Baltimore, Maryland 21207.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons with end-stage renal disease who receive Medicare benefits.

CATEGORIES OF RECORDS IN THE SYSTEM:

Health and medical record data; Medicare billing information including charges and amounts reimbursed; physician characteristics; demographic data on beneficiaries; survival characteristics on some successful transplant patients beyond the entitlement period; ESRD facility approval data; ESRD facility demographic characteristics; ESRD facility cost information; and ESRD facility treatment surveys.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Sections 226A, 1875, and 1881 of the Social Security Act (42 U.S.C. 426-1, 1395ll, and 1395rr.).

PURPOSE:

To meet and operationalize statutory requirements, of Sec. 2991, P.L. 92-603; to support State and local ESRD programs and legislative requirements; and to support Federal research and public service programs and effective State, local and other planning activities.

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

Disclosure may be made to: (1) A congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of the individual.

(2) To organizations deemed qualified by the Health Care Financing Administration to carry out quality assessment, medical audits of utlization review.

(3) In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

(4) A record from this system of records may be disclosed as a "routine use" to a recipient for a research purpose, if the Department:

a. determines that the use or disclosure does not violate legal limitations under which the record was provided, collected, or obtained;

b. determines that the research purpose for which the disclosure is to be made—(1) cannot be reasonably accomplished unless the record is provided in individually identifiable form, and (2) warrants the risk to the privacy of the individual that additional exposure of the record might bring;

c. requires the recipient to—(1) establish reasonable administrative, technical, and physical safeguards to prevent unauthorized use or disclosure of the record, and (2) remove or destroy the information that allows the individual to be identified at the earliest time at which removal or destruction can be accomplished consistent with the purpose of the research project, unless the recipient presents an adequate justification of a research or health nature for retaining such information, and (3) make no further use or disclosure of the record except—(A) in emergency circumstances affecting the health or safety of any individual, (B) for use in another research project, under these same conditions, and with written authorization of the Department, (C) for disclosure to a properly identified person for the purpose of an audit related to the research project, if information that would enable research subjects to be identified is removed or destroyed at the earliest opportunity consistent with the purpose of the audit, or (D) when required by law;

d. secures a written statement attesting to the recipient's understanding of, and willingness to abide by these provisions.

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

STORAGE:

Electronic medium; selected hard copy backup, and microfilm.

RETRIEVABILITY:

Data indexed by Health Insurance Claim number, patient name and facility number. Individual patient and statistical data provided to Health Care Financing Administration, the National Institutes of Health and local Medical Review Boards, statistical data provided to other governmental units and the general public.

SAFEGUARDS:

Restricted access to all areas where data are maintained and processed.

hard copy data stored in locked files in secured area, terminal access controled by user ID and keywords. Access to personal data restricted to those authorized to work with those data. For computerized records, safeguards established in accordance with DHHS ADP Systems Manual, Part 6, "ADP Systems Security," (e.g., security codes) will be used, limiting access to authorized personnel.

RETENTION AND DISPOSAL:

Hard copy destroyed after 1 year by shredding; all other information maintained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Bureau of Program Policy, HCFA, Office of End Stage Renal Disease, 6325 Security Boulevard, Baltimore, Maryland 21207

NOTIFICATION PROCEDURE:

Same as system manager. An individual who requests notification of or access to a medical/dental record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion. (These notification and access procedures are in accordance with Department Regulations (45 CFR, Section 5b.6).)

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR Section 5b.5(a)(2).))

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7).)

RECORD SOURCE CATEGORIES:

Applications for Medicare, ESRD benefits, patient records at ESRD treatment facilities, Health Care Financing Administration Medicare Master Files, aggregate ESRD facility treatment surveys; ESRD facility cost information; and ESRD facility approval characteristics.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-70-0521

SYSTEM NAME:

Medicare Beneficiary Claims for Emergency Services HHS, HCFA, BPO

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Health Care Financing Administration Regional Offices (see Appendix C, Section 2.)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Medicare beneficiaries who file for Medicare Part A emergency claim reconsideration desiring coverage of nonparticipating hospital charges.

CATEGORIES OF RECORDS IN THE SYSTEM:

Medical information and associated charge data.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Social Security Act Sections 1814 (d) and (f), 42 U.S.C. 1395f (d) and (f).

PURPOSES:

To determine whether services were medically necessary on an emergency basis.

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

Disclosure may be made: (1) in the event the Department deems it desirable or necessary, in determining whether particular records are required to be disclosed under the Freedom of Information Act, disclosure may be made to the Department of Justice for the purpose of obtaining its advice, (2) to 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, (3) in the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

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

STORAGE:

File folders, log book-in emergency claims file drawers.

RETRIEVABILITY:

The system is indexed by health insurance claim number.

SAFEGUARDS:

Records are in locked file drawers. Personnel are instructed on information confidentiality. Access to claim folders restricted to authorized personnel.

RETENTION AND DISPOSAL:

Number of years held at HCFA: information file folders are held one week to six months before being returned to originating source. Other records kept indefinitely. Number of years held at Federal Records Center before disposal: not applicable.

SYSTEM MANAGER(S) AND ADDRESS:

Health Care Financing Administration Director, Bureau of Program Operations, 6325 Security Blvd., Baltimore, Md. 21207

NOTIFICATION PROCEDURE:

Same as system manager. An individual who requests notification of or access to a medical/dental record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion. (These notification and access procedures are in accordance with Department Regulations (45 CFR, Section 5b.6).)

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)).)

CONTESTING RECORD PROCEDURES:

Contact the system manager named above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7).)

RECORD SOURCE CATEGORIES:

Medicare claims forms and supporting information; portions of medical records from nonparticipating hospitals; other pertinent medical and emergency room records; physician statements; statements of HHS personnel authorized

to handle the claims; information and requests from representatives of the beneficiaries for reconsideration of claims decisions.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-70-0522

SYSTEM NAME:

Billing and Collection Master Record System HHS/HCFA/BPO.

SECURITY CLASSIFICATON:

None.

SYSTEM LOCATION:

Bureau of Program Operations, HCFA, 6325 Security Blvd., Baltimore, Maryland 21207

Bureau of Support Services, HCFA, 6325 Security Blvd., Baltimore, Maryland 21207

Office of User Requirements and Validations, SSA, 6325 Security Blvd., Baltimore, Maryland 21207

Social Security Administration Program Service Centers

Division of International Operations (see Appendices A and B at the end of the notices for the Social Security Administration)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

This system contains records of all retirement, survivors, disability, or health insurance beneficiaries entitled to hospital insurance and/or supplementary medical insurance who are, or have been, subject to direct billing for insurance premiums. This includes individuals who: (1) are currently being billed directly for insurance premiums; and (2) are not currently in direct billing status but have either a premium arrearage (or overpayment) of record or were at one time in direct billing status. It does not contain a record of any hospital or supplementary medical insurance enrollee who has had premiums deducted from monthly benefits or paid through a third party payer arrangement continuously from the initial month of entitlement.

CATEGORIES OF RECORDS IN THE SYSTEM:

It contains identifying information as well as information regarding entitlement to hospital or supplementary medical insurance, current address information, individual records of premium, payments, premium adjustments, refunds of excess payments, and current amounts due.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Sections 1840(e) and 1871 of the Social Security Act. (42 U.S.C. 1395s(e) and 1395hh)

PURPOSE(S):

To provide a master record of billing and collection for all retirement, survivors, disability, and health insurance beneficiaries entitled to hospital insurance and/or supplementary medical insurance who are, or have been, subject to direct billing for Medicare insurance premiums. Monthly record updates are provided to the Social Security Administration.

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

Disclosure may be made: (1) To 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. (2) In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense provided such disclosure is compatible with the purpose for which the records were collected.

3. To a "lock box" contractor. An extract of this file (name, address, claim numbers, premium liability, period of liability, and termination date, when necessary) will be provided in order to (a) print and release the Medicare premium bills, (b) process the returned remittance in a secure "lock box" operation, and (c) prepare a transaction tape for transmission to HCFA. ("Lock box" is a remittance process performed under security to assure non-access to remittance information by unauthorized personnel or the public.)

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

STORAGE:

Primary record storage is by magnetic tape and disk. Monthly updates of the record are also provided to the Social Security Administration program service centers, the Division of International Operations, Bureau of Retirement and Survivors Insurance, and the Division of Benefit Payments, Bureau of Disability Insurance in microform records.

RETRIEVABILITY:

Magnetic tape, disk and microform records are indexed by social security number, or claim account numbers, it is used to: (1) generate monthly and quarterly premium billing notices; (2) record and process premium payments and adjustments; (3) refund excess premium payments; (4) terminate hospital and/or supplementary medical insurance coverage for non-payment of premiums; (5) reverse termination actions; (6) maintain a history of premium payments, adjustments, or other events which alter the billing status; and (7) provide up-to-date premium and billing information to Health Care Financing Administration and Social Security Administration clerical and electronic operations. Information is used to respond to specific beneficiary inquiries or to facilitate the proper adjustment of social security benefit payments. Information is also accessed electronically by social security benefit programs for the proper adjustment of payment amounts.

SAFEGUARDS:

Magnetic tape, and disk records are protected through standard security measures used for all of Social Security Administration's computer records: microform records are subject to the same rules and security as all other information in Social Security Administration relating to claims and beneficiary records: limited access to Social Security Administration offices; limited employee access to need to know.

RETENTION AND DISPOSAL:

Microfilm and tape records can routinely be sent to the Federal Records Center after 2 years. However, since this record is updated monthly, even though the physical records are released to the Federal Records Center, current record will contain full history of all transactions. An inactive tape file, i.e., a file containing the records of cases where the enrollee has died, been in payment status for 2 or more years, etc., is maintained in each program service center. This file currently has no disposal schedule.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Bureau of Program Operations, HCFA, 6325 Security Boulevard, Baltimore, Maryland 21207

NOTIFICATION PROCEDURE:

In order to ascertain whether or not this system contains information about him/her, an individual should contact the most convenient social security office and provide health insurance claim number as shown on Medicare health insurance card.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. These access procedures are in accordance with DHHS Regulations, 45 CFR 5b.

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. These procedures are in accordance with DHHS Regulations, 45 CFR 5b.

RECORD SOURCE CATEGORIES:

The identification and entitlement/termination information for this system is extracted from Social Security Administration's Master Beneficiary Record. All other information is complied from the individual's premium billing and payment histories.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-70-1504

SYSTEM NAME:

Physical Therapists Proficiency Answer Sheets and Test Results (Medicare) HHS/HCFA/HSQB.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Test Results: Dogwood East Building, 6325 Security Boulevard, Baltimore, MD 21207 and Regional Federal Records Center.

Answer Sheets: Psychological Corporation, 757 3rd Avenue, New York, N.Y. 10017.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Physical Therapists.

CATEGORIES OF RECORDS IN THE SYSTEM:

Answer Sheets. Examination scores.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Social Security Act Section 1123 (42 U.S.C. 1320a-2).

PURPOSE(S):

Upon written request, to reissue a new card to those who pass the physical therapist proficiency test, for reasons such as change of name or loss of a card, or to provide information to examinees concerning their test results.

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

(1) Answer sheets are used to score results of the examination and if applicable to revalidate results. Lists showing by States the names and addresses of individuals who passed or failed are sent to Regional Health Care Financing Administrators. HCFA Regional Offices. They are instructed to make the lists available to the appropriate State Health Department (2) In the event the Department deems it desirable or necessary, in determining whether particular records are required to be disclosed under the Freedom of Information Act, disclosure may be made to the Department of Justice for the purpose of obtaining its advice. (3) Disclosure may be made to 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.

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

STORAGE:

Computer generated listings are filed by discipline, by State, in file folders.

RETRIEVABILITY:

Listings and answer sheets are by examination, State, examinee's name and address, and examination number.

SAFEGUARDS:

Files are maintained in a combination lock file cabinet, in a secured building. For computerized records, safeguards are established in accordance with Department guidelines in the DHHS ADP System Manual, Part 6, "ADP Systems Security," (e.g., security codes) and will be used limiting access to authorized personnel.

RETENTION AND DISPOSAL:

Lists are to be retained through FY 1981. They will then be filed at Federal Records Center for a period of three years. If at the expiration of that time the records are no longer of use, FRC will be authorized to destroy by incineration or shredding. Answer sheets are retained until completion of contract and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Health Care Financing Administration, Director, Health Standards and Quality Bureau, Dogwood East Building, 6325 Security Boulevard, Baltimore, MD 21207.

NOTIFICATION PROCEDURE:

Same as system manager.

RECORD ACCESS PROCEDURE:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2).))

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7).)

RECORD SOURCE CATEGORIES:

Scored Examinations.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-70-1505

SYSTEM NAME:

Psychiatric Technician Proficiency Answer Sheets and Test Results (Medicare) HHS/HCFA, HSQB

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Test Results: Health Standards and Quality Bureau., HCFA, Dogwood East Building, 6325 Security Boulevard, Baltimore, MD 21207 and Regional Federal Records Center.

Answer Sheets: National League of Nursing, 10 Columbus Circle, New York, N.Y. 10019.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Psychiatric technicians.

CATEGORIES OF RECORDS IN THE SYSTEM:

Answer sheets Examination scores.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Social Security Act Section 1123 (42 U.S.C. 1320a-2).

PURPOSE(S):

Upon written request, to reissue a new card to those who pass the psychiatric technician proficiency test, for reasons such as change of name or

loss of a card, and to provide information to examinees concerning their test results.

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

(1) Lists showing by States the names and addresses of individuals who passed or failed are sent to Director, Health Standards Quality Bureau. They are instructed to make the lists available to the appropriate State Health Department. (2) In the event the Department deems it desirable or necessary, in determining whether particular records are required to be disclosed under the Freedom of Information Act, disclosure may be made to the Department of Justice for the purpose of obtaining its advice. (3) Disclosure may be made to 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.

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

STORAGE:

Computer generated listings are filed by discipline, by State, in file folders.

RETRIEVABILITY:

Listings and answer sheets are by examination, State, examinee's name and address, and examination number.

SAFEGUARDS:

Files are maintained in a combination lock file cabinet in a secured building. For computerized records, safeguards established in accordance with DDHS ADP Systems Manual, Part 6, "ADP Systems Security," (e.g., security codes) will be used, limiting access to authorized personnel.

RETENTION AND DISPOSAL:

Lists are to be retained through FY 1981. They will then be filed at Federal Records Center for a period of three years. If at the expiration of that time the records are no longer of use, FRC will be authorized to destroy by incineration or shredding.

SYSTEM MANAGER(S) AND ADDRESS:

Health Care Financing Administration, Director, Health Standards and Quality Bureau, Dogwood East Building, 6325 Security Boulevard, Baltimore, MD 21207.

NOTIFICATION PROCEDURES:

Same as system manager.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record content being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2).))

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7).)

RECORD SOURCE CATEGORIES:

Scored Examinations.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-70-1507

SYSTEM NAME:

Waivered Licensed Practical Nurse Proficiency Exam Answer Sheets and Test Results (Medicare) HHS/HCFA/HSQB.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Test Results: Dogwood East Building, 6325 Security Boulevard, Baltimore, MD 21207 and Regional Federal Records Center.

Answer Sheets: National League of Nursing, 10 Columbus Circle, New York, NY 10019.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Licensed Practical Nurses.

CATEGORIES OF RECORDS IN THE SYSTEM:

Answer sheets. Examination scores.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Social Security Act Section 1123 (42 U.S.C. 1320a-2).

PURPOSE(S):

These answer sheets indicate examination results and the lists indicate only pass or fail, and are used to advise an individual concerning his or her test results, upon written request.

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

Uses—Answer sheets are used to score results of the examination and if applicable to revalidate results. Lists showing by States the names and addresses of individuals who passed or failed are sent to the Regional Health Care Financing Administrators, HCFA, Regional Offices. They are instructed to make the lists available to the appropriate State health Department. (2) In the event the Department deems it desirable or necessary, in determining whether particular records are required to be disclosed under the Freedom of Information Act, disclosure may be made to the Department of Justice for the purpose of obtaining its advice. (3) Disclosure may be made to 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.

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

STORAGE

Computer generated listings are filed by discipline, by State, in file folders.

RETRIEVABILITY:

Listings and answer sheets are by examination, State, examinee's name and address, and examination number.

SAFEGUARDS:

Files are maintained in a combination lock file cabinet, in a secured building. For computerized records, safeguards established in accordance with DHHS ADP Systems Manual, Part 6, "ADP Systems Security," (e.g. security codes) will be used, limiting access to authorized personnel.

RETENTION AND DISPOSAL:

Lists are to be retained through FY 1981. They will then be filed at Federal Records Center for a period of three years. If at the expiration of that time the records are no longer of use, FRC will be authorized to destroy them by incineration or shredding. Answer sheets are retained until completion of contract and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Health Care Financing Administration, Director, Health Standards and Quality Bureau, Dogwood East Building, 6325 Security Boulevard, Baltimore, MD 21207.

NOTIFICATION PROCEDURE:

Same as system manager.

RECORD ACCESS PROCEDURES:

Same as notification procedure. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2).)

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under notification procedures above, and reasonably identify the

record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR Section 5b.7).

RECORD SOURCE CATEGORIES:

Scored examinations.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-70-1509

SYSTEM NAME:

Complaint Files on Nursing Homes HHS/HCFA/HSQB/DLT.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Boston
Health Standards and Quality Division, HCFA HHS Region I, Room 1301, John F. Kennedy Federal Office Building, Boston, Massachusetts 02203
New York
Health Standards and Quality Division, HCFA HHS Region II, Room 3821, 26 Federal Plaza, New York, New York 10007
Philadelphia
Health Standards and Quality Division, HCFA HHS Region III, P.O. Box 8450, 3535 Market Street, Philadelphia, Pennsylvania 19101
Atlanta
Health Standards and Quality Division, HCFA HHS Region IV, Room 523, 101 Marietta Tower, Atlanta, Georgia 30323
Chicago
Health Standards and Quality Division, HCFA HHS Region V, 175 West Jackson, Room 941, Chicago, Illinois 60604
Dallas
Health Standards and Quality Division, HCFA HHS Region VI, 23rd Floor, 1200 Main Tower Building, Dallas, Texas 75202
Kansas City
Health Standards and Quality Division, HCFA HHS Region VII, 601 East 12th Street, Kansas City, Missouri 64106
Denver
Health Standards and Quality Division, HCFA HHS Region VIII, 1961 Stout Street, Room 581, Denver, Colorado 80294
San Francisco
Health Standards and Quality Division, HCFA HHS Region IX, 21st Floor, 100 Van Ness Avenue, San Francisco, California 94102
Seattle
Health Standards and Quality Division, HCFA HHS Region X, Arcade Plaza, 1321 Second Avenue, Mail Stop 701, Seattle, Washington 98101

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons who make complaints on nursing homes certified under Titles XVIII (Medicare) and XIX (Medicaid) of the Social Security Act.

CATEGORIES OF RECORDS IN THE SYSTEM:

Correspondence from complainant, copies of HHS response, or notation of referral to relevent State agency.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Sections 1861(j), 1864, and 1866 of Title XVIII and sections 1902(a)(9), (26), (28), and (33) of Title XIX of the Social Security Act. (42 U.S.C. § 1395x(j), 1395aa, 1395cc, and 1396a(a)(9), (26), (28), and (33))

PURPOSE(S):

To maintain a file that documents action taken with respect to each complaint received.

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

Disclosure may be made to 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.

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

STORAGE:

Paper files.

RETRIEVABILITY:

Indexed alphabetically by name of complainant. Used by staff of the Office of Long Term Care Standards and Enforcement to answer correspondence, to check on complaints, and to initiate corrective action as necessary. Statistical information submitted to HCFA, Baltimore.

SAFEGUARDS:

Authorized personnel only.

RETENTION AND DISPOSAL:

Retained two years or until complaint file closed, whichever is longer. Destroyed by shredding or incinerating.

SYSTEM MANAGER(S) AND ADDRESS:

Health Care Financing Administration Director, Division of Long Term Care, Office of Standards and Certification, HSQB, 6325 Security Boulevard, Baltimore, MD 21207.

NOTIFICATION PROCEDURE:

Same as above. Individual should contact Regional Office serving State in which nursing home about which a complaint was filed is located.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)).)

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7).)

RECORD SOURCE CATEGORIES:

Letters from complainants, state agencies handling follow-up, staff investigative reports on nursing home.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-70-1510

SYSTEM NAME:

Professional Qualification Files, HHS/HCFA/HSQB.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

(1) HCFA Regional Directors (See Appendix C, Sect. 2).

(2) The State Agencies listed below for the indicated file categories:

Bureau of Licensing and Certification, 654 State Office Building, Montgomery, AL 36130 (1)(2)(9).

Department of Health and Social Services, Pouch H, Space H 06-G, Juneau, AK 99811 (1)(2).

LBJ Tropical Medical Center, Government of American Samoa, Pago Pago, American Samoa 96799 (1).

Department of Health Services, 1740 West Adams, Phoenix, AZ 85007 (1)(2)(3).

Hospital Division, Department of Health, 4815 West Markham, Little Rock, AR 72201 (1)(2).

Department of Health, 714 P Street, Sacramento, CA 95814 (1)(3).

Colorado Department of Health, 5210 East 11th Street, Denver, CO 80220 (1)(2)(11).

State Department of Health, 79 Elm Street, Hartford, CT 06115 (1)(16).

Division of Public Health, 3000 Newport Gap Pike, Wilmington, Delaware 19808 (1)(2)(3).

Department of Health and Rehabilitative Services, P.O. Box 210, Jacksonville, FL 32231 (1)(3).

Standards License Unit, 618 Ponce de Leon Avenue, NE., Atlanta, GA 30308 (1)(2)(3)(8).

Department of Health and Social Services, P.O. Box 2816, Agana, Guam 96910 (1).

State Department of Health, P.O. Box 3378, Honolulu, HI 96801 (1)(3)(4).

Department of Health and Welfare, 700 W. State Street, Boise, ID 83720 (1)(2).

Office of Health Facilities and Quality of Care, 525 West Jefferson Street, Springfield, IL 62761 (1)(2).

Indiana State Board of Health, 1330 West Michigan, Indianapolis, IN 46206 (1)(2).

Health Facilities Licensure Program, State Department of Health, Lucas State Office Building, Des Moines, IA 50319 (1)(2)(3)(4).

State Department of Health and Environment, Building 740, Forbes Air Station, Topeka, KS 66620 (1)(2).

Division for Licensing and Regulation, 275 East Main Street, D.H.R. Building, Frankfort, KY 40601.

Louisiana Health and Human Resources Administration, P.O. Box 3767, Baton Rouge, LA 70821 (1)(2)(3).

Department of Human Services, 99 Western Avenue, Augusta, ME 04333 (1)(2)(3).

District Health Officer, Arman Ishoda Hospital, Majuro, Marshall Islands 96960 (1).

Department of Public Health, 80 Boylston Street, Boston, MA 02116 (1)(2).

Division of Health Facility Standards and Licensing, Department of Public Health, 3500 North Logan, Lansing, MI 48914 (1)(3).

Health Systems Division, Minnesota Department of Health, 717 Delaware Street SE., Minneapolis, MN 55440 (1)(2)(3).

State Board of Health, Box 1700, Jackson, MS 39205.

State Division of Health, Broadway, State Office Building, P.O. Box 570, Jefferson City, MO 85102 (1)(3).

Department of Health and Environmental Services, Cogswell Building, Helena, MT 59601 (1)(2)(4) (5) (6) (7) (8) (9) (12) (13) (14).

State Health Department, 301 Centennial Mall South, P.O. Box 95007, Lincoln, NE 68509 (1) (2).

Bureau of Health Facilities, 505 East King Street, Carson City, NV 89710 (1) (2) (3) (5).

Division of Public Health Services, 61 South Spring Street, Concord, NH 03055 (1) (2) (3).

Department of Health, American Bridge Building, 501 John Fitch, Trenton, NJ 08611. (2)

Federal Program Certification Section, P.O. Box 2348, State Securities Building, Santa Fe, NM 87501 (1)(2)(3).

Department of Health, Tower Building, Empire State Tower Building, Albany, NY 12237 (1) (3).

Division of Facility Services, Licensure and Certification Section, P.O. Box 12200, Raleigh, NC 27607.

State Department of Health, 1200 Missouri Avenue, Room 302, Bismarck, ND 53505 (1) (2) (9).

Department of Health, 246 N. High Street, Columbus, OH 43215 (1) (2).

Health Facilities Service, Department of Health, Northeast 10th and Stonewall Street, P.O. Box 53551, Oklahoma City, OK 73152 (1) (2) (3).

Office of Health Facilities Services, Department of Human Resources, P.O. Box 231, Portland, OR 97207 (1) (2).

Office of Quality Assurance, PA Department of Health, P.O. Box 80, Harrisburg, PA 17120.

Office of Certification and Licensure of Health Facilities, Road No. 2, Bay Amon, PR 00619 (3).

Division of Licensure and Construction, Department of Health, 75 Davis Street, Providence, RI 02908 (1) (2) (3) (7) (8) (10) (14).

Bureau of Health Licensing and Certification, Department of Health and Environmental Control, J Marion Sims Building, 26 O Bull Street, Columbia, SC 29201 (1) (2) (3) (7) (8) (10) (14).

Resource Development Program, South Dakota Health Department, Joe Foss Building, Pierre, South Dakota 57501.

Office of Quality Assurance, 490 Capitol Hill Building, Nashville, TN 37219.

State Department of Health, 1100 West 49th Street, Austin, TX 78756 (1) (2) (3).

Division of Health, Medical Care and Facilities Branch, 150 W. North Temple, P.O. Box 2500, 44 Medical Drive, Salt Lake City, UT 84110 (1) (2) (4) (5) (6) (7) (8) (9) (14) (15).

Department of Health, 115 Colchester Avenue, Burlington, VT 0401 (1) (2) (4) (5) (6) (7) (8) (9).

Department of Health, James Madison Building, 109 Governor Street, Richmond, VA 23219 (1) (2) (3).

Mail Stop LJ-11, Olympia, WA 98504 (3).

Health Facilities Evaluation Program, 1800 Washington Street, Charleston, WV 25305 (1) (2).

Bureau of Quality Compliance, One West Wilson Street, Madison, WI 53702 (1)(2).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Certain professional individuals who are employed in hospitals and clinical laboratories, or who are self-employed providing therapy and medical services who have taken proficiency examinations.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system contains information on the academic and experience qualifications and social security numbers of individuals working in hospitals or clinical laboratories; the names, addresses, and license numbers of professional self-employed persons providing therapy and other medical services and their eligibility to participate in the Medicare program; whether individuals who took proficiency examinations have passed or failed. Records maintained differ from State to State. The State agencies listed under System Location are followed by numbers indicating which of the following categories are recorded.

Physical Therapists (1).
Chiropractor (2).
Laboratory Personnel (3).
Licensed Practical Nurse (4).
Licensed Administrators (5).
Registered Nurses (6).
Occupational Therapists (7).
Dieticians (8).
Consultant Physicians (9).
Pharmacists (10).
Clinical Psychologists (11).
Audiologists (12).
Speech Pathologists (13).
Social Work Consultants (14).
Dentists (15).
Portable X-Ray Providers (16).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Social Security Act, Section 1123 (42 USC 1320a-2)

PURPOSE(S):

To maintain a file containing academic and experience of professional medical personnel to assure that qualifications are adequate for providing Medicare services.

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

(1) A HCFA contractor for a research, evaluation, or epidemiological project related to the prevention of disease or disability, or the restoration or maintenance of health if HCFA:

a. determines that the use or disclosure does not violate legal limitations under which the record was provided, collected, or obtained;

b. determines that the purpose for which the disclosure is to be made:

(1) cannot be reasonably accomplished unless the record is provided in individually identifiable form.

(2) is of sufficient importance to warrant the effect and/or risk on the privacy of the individual that additional exposure of the record might bring, and

(3) There is resonable probability that the objective for the use would be accomplished;

c. requires the information recipient to:

(1) establish reasonable administrative, technical, and physical safeguards to prevent unauthorized use or disclosure of the record, and

(2) remove or destroy the information that allows the individual to be identified at the earliest time at which removal or destruction can be accomplished consistent with the purpose of the project, unless the recipient presents an adequate justification of a research or health nature for retaining such information, and

(3) make no further use or disclosure of the record except:

(a) in emergency circumstances affecting the health or safety of any individual,

(b) for use in another research project, under these same conditions, and with written authorization of HCFA,

(c) for disclosure to a properly identified person for the purpose of an audit related to the research project, if information that would enable research subjects to be identified is removed or destroyed at the earliest opportunity consistent with the purpose of the audit, or

(d) when required by law;

d. secures a written statement attesting to the information recipient's understanding of and willingness to abide by these provisions.

(2) To 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.

(3) To State officials and employees to the extent necessary or appropriate to carry out their functions under agreements with the Health Care Financing Administration.

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

STORAGE:

Records maintained on paper files in metal filing cabinets.

RETRIEVABILITY:

System is indexed by name of individual, listed alphabetically.

SAFEGUARDS:

Disclosure of records is limited to State agency and Medicare personnel on a need-to-know basis. The files are closed to unauthorized personnel. File cabinets where records are stored are locked when not in use and at close of business. Keys are kept by authorized personnel only.

RETENTION AND DISPOSAL:

Records are maintained for 5 years after becoming inactive, and are then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Health Care Financing Administration, Director, Health Standards and Quality Bureau, Dogwood East Building, 6325 Security Boulevard, Baltimore, Maryland 21207.

NOTIFICATION PROCEDURE:

Inquiries and requests for records should be directed to the HCFA Regional Director (See Appendix C. Section 2) or the appropriate State agency (See System Location). The individual should furnish his or her name, address, social security number, and the specific category file he or she wishes to access. Information on the procedures for gaining access to and contesting records may be obtained from the HCFA Regional Director. These notification procedures are in accordance with HHS Regulations (45 CFR 5b.5).

RECORD ACCESS PROCEDURES:

Same as notification procedures. (These access procedures are in accordance with the Department Regulations (45 CFR, Section 5b.5(a)(2).))

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under notification procedures above, and reasonbly identify the record and specify the information to be contested. (These procedures are in accordance with the Department Regulations (45 CFR, Section 5b.7).)

RECORD SOURCE CATEGORIES:

The information contained in these records is furnished by the individual or his or her employing entity (hospital or medical clinic).

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-70-2002

SYSTEM NAME:

HCFA Program Integrity/Program Validation Case Files HHS/HCFA/BQC.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

HCFA Bureau of Quality Control, Office of Program Validation, 6325 Security Boulevard, Baltimore, Md. 21207, or HCFA Regional Office locations (see Appendix C, Section 2), and Federal Records Centers.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons or entities alleged to have violated the provisions of the Social Security Act related to the Medicare (title XVIII) or Medicaid (title XIX) program or other criminal statutes as they pertain to Social Security Act programs where substantial basis for criminal prosecution exists, defendants in criminal prosecution cases, or persons or entities alleged to have abused the Medicare or Medicaid program. This last category of individuals would, for example, include persons or entities alleged to have rendered unnecessary services to medicare beneficiaries and/or Medicaid recipients, overutilized services, engaged in improper billing procedures, or breached the assignment agreement. Also included are persons or entities chosen as subjects of a validation review.

CATEGORIES OF RECORDS IN THE SYSTEM:

Information maintained in each record includes the identity of individual(s) chosen for validation review or the suspect of an integrity review, the area of service under validation study or the nature of the alleged offense, documentation of the investigation into the alleged offense (including identification of beneficiaries recipients and witnesses, statements, medical records, payment records, or complaints from beneficiaries recipients and others, correspondence and forms, documentation of complaints, and reports of medical review committees or consultants (including professional standards review organizations)), and the disposition of the case by the Office of Program Validation or the HCFA Regional Office, Office of the Inspector General, Medicaid State agency or State

Medicaid Fraud Control Unit, or the U.S. Attorney.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Sections 205, 1106, 1107, 1815, 1816, 1833, 1842, 1872, 1874, 1876, 1877, and 1902 of the Social Security Act. (42 U.S.C. §§ 405, 1306, 1307, 1395g, 1395h, 1395l, 1395u, 1395ii, 1395kk, 1395mm, 1395nn, and 1396a)

PURPOSE(S):

To determine if a violation of a provision of the Social Security Act or a related penal or civil provision of the United States Code has been committed; to determine if HHS has made proper payments as prescribed under sections 1815 and 1833 of the Social Security Act and whether the Medicare or Medicaid programs have been abused; and to coordinate title XVIII and title XIX investigations and prevent duplication. HCFA discloses case file material to the HHS Office of the Inspector General when a case is referred for full fraud investigation.

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

HCFA uses material in this system as the basis for referral of the case to the HHS Office of the Inspector General or the (1) Department of Justice for consideration of criminal prosecution or civil action or to (2) State or local licensing authorities (including State medical review boards), professional standards review organizations, peer review groups, medical consultants, or other professional associations for possible administrative action.

(3) HCFA discloses such information to officers or employees of State governments as well as the civilian health and medical program of the Uniformed Services (CHAMPUS) program for use in conducting or directing investigations of possible fraud or abuse against the title XVIII, XIX, or CHAMPUS programs, as well as State attorneys in connection with State programs involving the Health Care Financing Administration.

(4) HCFA also uses the material to determine the direction of investigation of potential fraud or abuse situations, which includes contact with third parties for the purpose of establishing or negating a violation. (5) HCFA discloses cases involving fraudulent tax returns or forgery of Medicare checks to the (a) Treasury Department, (b) to the postal authorities, and to appropriate law enforcement agencies. (6) HCFA may make disclosures to a congressional office from the record of an individual in response to an inquiry which the congressional office makes at the request of that individual.

(7) In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense provided such disclosure is compatible with the purpose for which the records were collected.

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

STORAGE:

Paper files maintained in locked file cabinets.

RETRIEVABILITY:

The staff indexes and retrieves records by case number or by the name of the subject of the investigation.

SAFEGUARDS:

The system is maintained in accordance with the requirements of the DHHS ADP Systems Manual, Part 6, "Systems Security." HCFA keeps the file cabinets locked in a room that is locked after office hours. No one has access to the files except Office of Program Validation and HCFA Regional Office staff or other authorized personnel on a need to know basis.

RETENTION AND DISPOSAL:

HCFA places the records in an inactive file after final action on the case. It closes out the inactive file at the end of the calendar year in which final action was taken, holds it 2 additional years, transfers it to the Federal Records Center, who destroys it after 3 additional years.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Bureau of Quality Control, Office of Program Validation HCFA, 6325 Security Boulevard, Baltimore, Md. 21207 or HCFA Regional Office Locations (see Appendix C, Section 2).

NOTIFICATION PROCEDURE:

An individual can determine if this system contains a record pertaining to an active abuse investigation or a closed fraud or abuse investigation of which the individual is/was a subject by requesting such information in writing. He or she should direct inquires to HCFA, Bureau of Quality Control, Office of Program Validation; 6325 Security Boulevard, Baltimore, Md 21207 or the appropriate HCFA Regional Office (see app. C.2).

Under 5 U.S.C. 552a(k)(2), case files on active fraud investigations are exempt from notification procedures. Therefore, an individual cannot determine if this system contains a record pertaining to an active fraud investigation of which the individual is a subject.

An individual who requests notification of or access to a medical record shall, at the time he makes the request, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion.

These notification procedures are in accordance with Department regulations (45 CFR, Sec. 5b.5).

RECORD ACCESS PROCEDURE:

Same as notification procedures. Requestors should also reasonably specify the record contents they seek. As with the notification procedures above, case files on active fraud investigations are exempt from access by the individuals who are the subjects of the investigations pursuant to 5 U.S.C. 552a(k)(2). However, access to information which is a matter of public record or documents which the individual furnished will be permitted. These access procedures are in accordance with Department regulations (45 CFR, sec. 5b.5(a)(2).)

CONTESTING RECORD PROCEDURES:

Contact the appropriate official at the address specified under notification procedures above, reasonably identify the record and specify the information to be contested. (There procedures are in accordance with Department regulations—45 CFR, sec. 5b.7).

RECORD SOURCE CATEGORIES:

The information contained in this record systems is the result of a criminal or program abuse investigation and may be derived from such sources as the suspect, beneficiaries, witnesses, professional standards review organizations, professional or peer review committees, medical consultants, title XIX State agencies or State Medicaid Fraud Control Units, Social Security Administration, Health Care Financing Administration, carrier or intermediary employees with a knowledge of the case.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

HHS claims exemption of certain records (case files on active fraud investigations) in this system from the notification and access procedures under 5 U.S.C. 522a(k)(2) inasmuch as these records are investigatory materials compiled for program (law) enforcement in anticipation of a criminal or administrative proceeding. (See Department Regulations (45 CFR, section 5b.11)).

Appendix C. Health Insurance Claims

Medicare records are maintained at the HCFA Central Office (see section 1 below for the address). Health insurance records of the Medicare program can also be accessed through a representative of the HCFA Regional Office (see section 2 below for addresses). Medicare claims records are also maintained by private insurance organizations who share in administering provisions of the health insurance program. These private insurance organizations, referred to as carriers and intermediaries, are under contact to the Health Care Financing Administration and the Social Security Administration to perform specific tasks in the Medicare program. See section 3 below for addresses for intermediaries and section 4 addresses for carriers.

1. Central Office Addresses:

Bureau of Program Operations, HCFA, 6325 Security Boulevard, Baltimore, Maryland 21207. Office Hours: 8:15–4:45

Bureau of Support Services, HCFA, Office of Direct Reimbursement, Room 1705, Equitable Building 6325 Security Boulevard, Baltimore, Maryland 21207. Office Hours: 8:15–4:45

2. HCFA Regional Office Addresses:

BOSTON REGION—Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont

John F. Kennedy Federal Building, Room 1211; Bostom, Massachusetts 02203. Office Hours: 8:30–5:00

NEW YORK REGION—New Jersey, New York, Puerto Rico, Virgin Islands

26 Federal Plaza—Room 715, New York, New York 10007. Office Hours: 8:30–5:00

PHILADELPHIA REGION—Delaware, District of Columbia, Maryland, Pennsylvania, Virginia, West Virginia

P.O. Box 8460, Philadelphia, Pennsylvania 19101. Office Hours: 8:30–5:00

ATLANTA REGION—Alabama, North Carolina, South Carolina, Florida, Georgia, Kentucky, Mississippi, Tennessee

101 Marietta Street, Suite 702, Altanta, Georgia 30223. Office Hours: 8:00–4:30

CHICAGO REGION—Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin

Suite A–824, Chicago, Illinois 60604. Office Hours: 8:15–4:45

DALLAS REGION—Arkansas, Louisiana, New Mexico, Oklahoma, Texas

1200 Main Tower Building, Dallas, Texas. Office Hours: 8:00–4:30

KANSAS CITY REGION—Iowa, Kansas, Missouri, Nebraska

New Federal Office Building, 601 East 12th Street—Room 436, Kansas City, Missouri 64106. Office Hours: 8:00–4:45

DENVER REGION—Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming

Federal Office Building, 1961 Stout St—Room 1185, Denver, Colorado 80294. Office Hours: 8:00–4:30

SAN FRANCISCO REGION—American Samoa, Arizona, California, Guam, Hawaii, Nevada

Federal Office Building, 10 Van Ness Avenue, 20th Floor, San Francisco, California 94102. Office Hours: 8:00–4:30

SEATTLE REGION—Alaska, Idaho, Oregon, Washington

1321 Second Avenue—Room 615, Mail Stop 211, Seattle, Washington 98101. Office Hours: 8:00–4:30

3. Intermediary Addresses (Hospital Insurance):

Medicare Coordinator, Blue Cross/Blue Shield of Alabama, 930 South 20th Street, Birmingham, Alabama 35298

Medicare Coordinator, Blue Cross of Arizona, Inc., P.O. Box 13466, 321 West Indian School Road, Phoenix, Arizona 85002

Medicare Coordinator, Arkansas Blue Cross/Blue Shield, P.O Box 1418, 601 Gains Street, Little Rock, Arkansas 72203

Medicare Claim Administrator, Aetna Life & Casualty, 2600 Wilshire Boulevard, Los Angeles, California 90057

Medicare Coordinator, Blue Cross of Southern California, P.O. Box 70000, Van Nuys, California 91470

Medicare Coordinator, Blue Cross of Northern California, 1950 Franklin Street, Oakland, California 94659

Medicare Coordinator, Kaiser Foundation Health Plan, Inc., 1956 Webster Street, Room 310A, Oakland, California 94612

Aetna Life & Casualty, Medicare Claim Administration, 97 San Marin Drive, Novato, California 94947

Medicare Coordinator, Colorado Hospital Service, 700 Broadway, Denver, Colorado 80203

Medicare Administrator, Aetna Life & Casualty, 151 Farmington Avenue, Hartford, Connecticut 06156

Medicare Coordinator, Connecticut Coordinator, 370 Bassett Rd., North Haven, Connecticut 06473

Administrator, Medicare Claims Office, Aetna Life & Casualty, P.O. Box 329, 270 Farmington Avenue, Building 4, 2nd Floor, Farmington, Connecticut 06032

Medicare Administrator, Travelers Ins. Co., One Tower Square, Hartford, Connecticut 06115

Connecticut General Life Ins. Co., Medicare Claim Office, 100 Barnes Road, North, Wallingford, Connecticut 06492

Triage, Inc., 719 Middle Street, Bristol, Connecticut 06019

Medicare Coordinator, Blue Cross/Blue Shield of Delaware, 201 West 14th Street, Wilmington, Delaware 19801

Medicare Coordinator, Group Hospitalization, Inc., 550 12th Street, S.W., Washington, D.C. 20024

Medicare Coordinator, Blue Cross of Florida, Inc., P.O. Box 2711, Jacksonville, Florida 32203

Medicare Claim Administrator, Aetna Life & Casualty, The Taylor Building, 121 North Osceola Avenue, Clearwater, Florida 33515

Medicare Coordinator, Blue Cross of Georgia/Columbus, P.O. Box 7368, 2357 Warm Springs Rd., Columbus, Georgia 31908

Medicare Coordinator, Blue Cross of Georgia/Atlanta, 3348 Peachtree St., N.E., P.O. Box 4445, Atlanta, Georgia 30326

Medicare Coordinator, Hawaii Medical Service Association, P.O. Box 860, 1504 Kapiolani Boulevard, Honolulu, Hawaii 96808

Medicare Coordinator, Blue Cross of Idaho, Inc., P.O. Box 7480, 1501 Federal Way, Boise, Idaho 83707

Medicare Coordinator, Health Care Service Corp., 233 North Michigan Avenue, Chicago, Illinois 60601

Medicare Claims Administration, Aetna Life & Casualty, P.O. Box 1702, Peoria, Illinois 61603

Medicare Coordinator, Mutual Hospital Insurance, Inc., 120 West Market Street, Indianapolis, Indiana 46204

Medicare Coordinator, Blue Cross of Iowa, Ruan Building, 636 Grant Avenue, Station 28, Des Moines, Iowa 50309

Medicare Coordinator, Blue Cross of Western Iowa and S. Dakota, Third and Pierce Street, Sioux City, Iowa 51102

Medicare Administrator, Kansas Hospital Service Association, Inc., 1133 Topeka Avenue, P.O. Box 239, Topeka, Kansas 66601

Medicare Coordinator, Blue Cross of Kentucky, Inc., 9901 Linn Station Road, Louisville, Kentucky 40223

Medicare Coordinator, Blue Cross of Louisiana, P.O. Box 15699, Baton Rouge, Louisiana 70815

Medicare Coordinator, Associated Hospital Service of Maine, 100 Free Street, Portland, Maine 04101

Medicare Coordinator, Maryand Blue Cross, Inc., 700 East Joppa Road, Baltimore, Maryland 21204

Medicare Claims Admin., Aetna Life & Casualty Co., 15 Midstate Drive, Auburn, Massachusetts 01501

Medicare Coordinator Part A, Blue Cross of Mass., Inc., 100 Summer Street, Boston, Massachusetts 02106

Medicare Coordinator, Blue Cross of Michigan, 600 Lafayette East, Detroit, Michigan 48226

Medicare Coordinator, Blue Cross of Minnesota, 3535 Blue Cross Road, St. Paul, Minnesota 55165

Medicare Coordinator, Blue Cross of Miss., P.O. Box 1043, Jackson, Mississippi 39205

Medicare Coordinator, Blue Cross of Kansas City, P.O. Box 169, Kansas City, Missouri 64141

Medicare Coordinator, Blue Cross Hospital Service of Missouri, 4444 Forest Park Boulevard, St. Louis, Missouri 63108

Medicare Coordinator, Blue Cross of Montana, P.O. Box 5004, Great Falls, Montana 59403

Medicare Coordinator, Mutual of Omaha Ins. Co., Box 456 Downtown Station, Omaha, Nebraska 68101

Medicare Coordinator, Blue Cross of Nebraska, P.O. Box 3248, Main Post Office Station, Omaha, Nebraska 68103

Medicare Claims Administrator, Aetna Life & Casualty, P.O. Box 7290, Reno, Nevada 89510

Medicare Coordinator, New Hampshire Vermont Hospital Service, 2 Pillsbury Street, Concord, New Hampshire 03301

Medicare Coordinator, Hospital Service Plan of New Jersey, 33 Washington Street, Newark, New Jersey 07102

Medicare Coordinator, Prudential Ins. Co. of America, P.O. Box 5000, Millville, New Jersey 08332

Medicare Coordinator, New Mexico Blue Cross Inc., 12800 Indian School Rd., N.E., Albuquerque, New Mexico 87112

Medicare Coordinator, Rochester Hospital Service Corp., 41 Chestnut Street, Rochester, New York 14604

Medicare Coordinator, Hospital Plan, Inc., 5 Hopper St., Utica, New York 13501

Medicare Coordinator, Blue Cross of Western New York, Inc., 298 Main Street, Blue Cross Building, Buffalo, New York 14202

Medicare Coordinator, Blue Cross of Central New York, Inc., 344 South Warren Street, Syracuse, New York 13202

Hospital Service Corp. of Jefferson County, 158 Stone Street, Watertown, New York 13602

Medicare Coordinator, B/C–B/S of Greater New York, 622 Third Avenue, New York, New York 10017

Chautauqua Region Hospital Service Corp., 306 Spring Street, Jamestown, New York 14701

Medicare Coordinator, Blue Cross of N.E. New York, Inc., P.O. Box 8650, Albany, New York 12208

Medicare Coordinator, North Carolina B/C–B/S, P.O. Box 3824, Durham, North Carolina 27702

Medicare Coordinator, Blue Cross of North Dakota, 301 Eighth St. South, Fargo, North Dakota 58102

Associated Hospital Service, Inc., 2400 Market Street, Youngstown, Ohio 44507

Medicare Coordinator, B/C of N.W. Ohio, P.O. Box 943, Toledo, Ohio 43601

Medicare Coordinator, B/C of N.E. Ohio, 2066 East Ninth Street, Cleveland, Ohio 44115

Medicare Coordinator, Hospital Care Corporation, 1351 William Howard Taft Road, Cincinnati, Ohio 45206

Medical Coordinator, Nationwide Mutual Insurance Co., P.O. Box 1625, Columbus, Ohio 43216

Medicare Coordinator, B/C of Central Ohio, P.O. Box 16526, Columbus, Ohio 43216

Medicare Coordinator, Blue Cross of Oklahoma, 1215 South Boulder, Tulsa, Oklahoma 74119

Medicare Coordinator, Northwest Hospital Service, P.O. Box 1271, Portland, Oregon 97207

Medicare Coordinator, Blue Cross of Greater Philadelphia, 1333 Chestnut Street, Philadelphia, Pennsylvania 19107

Medicare Coordinator, Blue Cross of Western Pennsylvania, One Smithfield Street, Pittsburgh, Pennsylvania 15222

Medicare Coordinator, B/C of N.E. Pennsylvania, 70 North Main Street, Wilkes-Barre, Pennsylvania 18711

Medicare Coordinator, Hospital Service Plan of Lehigh Valley, 1221 Hamilton Street, Allentown, Pennsylvania 18102

Medicare Coordinator, Capital Blue Cross, 100 Pine Street, Harrisburg, Pennsylvania 17101

Aetna Life & Casualty, Medicare Claim Administrator, 500 Office Center Building, P.O. Box 548, Fort Washington, Pennsylvania 19034

Cooperative de Seguros de Vida de Puerto Rico, G.P.O. Box 3428, San Juan, Puerto Rico 00936

Blue Cross of Rhode Island, 444 Westiminster Mall, Providence, Rhode Island 02901

Medicare Coordinator, Blue Cross of S.C., Drawer F Forest Acres Branch, Columbia, South Carolina 29219

Medicare Coordinator, Memphis Hosp. Serv. and Surg. Assn., 85 Danny Thomas Blvd., Memphis, Tennessee 38101

Medicare Coordinator, Blue Cross of Tennessee, 801 Pine Street, Chattanooga, Tennessee 37402

Medicare Administrator, Aetna Life & Casualty, Union Square Building, 2670 Union Avenue, Suite 606, Memphis, Tennessee 38112

Medicare Coordinator, Group Hospital Service, Inc., P.O. Box 22146, Dallas, Texas 75222

Medicare Coordinator, B/C of Utah, P.O. Box 30269, Salt Lake City, Utah 84125

B/C–B/S of S.W. Virginia, P.O. Box 13047, 3959 Electric Rd., Roanoke, Virginia 24045

Medicare Coordinator, Blue Cross of Virginia, P.O. Box 27401, Richmond, Virginia 23261

Medicare Coordinator, B/C Washington/Alaska, Inc., 15700 Dayton Avenue, North, P.O. Box 327, Seattle, Washington 98111

Medicare Administration, Aetna Life and Casualty Co., P.O. Box C25902, Seattle, Washington 98125

Medicare Coordinator, Parkersburg Hosp. Serv., Inc., P.O. Box 1948, Parkersburg, West Virginia 26101

Medicare Coordinator, Blue Cross Hospital Service Inc., Commerce Square, P.O. Box 1353, Charleston, West Virginia 25325

Medicare Coordinator, West Virginia Hospital Service, Inc., 20th and Chapline Streets, Wheeling, West Virginia 26003

Medicare Coordinator, Assoc. Hosp. Serv., Inc., 401 W. Michigan Street, Milwaukee, Wisconsin 53201

Medicare Coordinator, Hospital Service of Wyoming, 4020 House Avenue, P.O. Box 2266, Cheyenne, Wyoming 82001

Health Care Financing Administration, Bureau of Program Operations, Group Health Plans, Operations Staff, 6325 Security Boulevard, Baltimore, Maryland 21207

Railroad Retirement Board, 844 Rush Street, Chicago, Illinois 60611

4. Carrier Addresses (Supplementary Medical Insurance)

Medicare Coordinator, Blue Cross Blue Shield of Alabama, 930 South 20th Street, Birmingham, Alabama 35205

Medicare Claim Administrator, Aetna Life & Casualty, 3010 West Fairmount Avenue, Phoenix, Arizona 85017

Vice President for Medicare and Medical Services, Arkansas Blue Cross/Blue Shield, 601 Games Street, Little Rock, Arkansas 72203

Medicare Coordinator, California Blue Shield, P.O. Box 7968, Rincon Annex, San Franciso, California 94120

Medicare Coordinator, Occidental Life Insurance Company of California, P.O. Box 54905 Terminal Annex, Los Angeles, California 90054

Assistant Vice President, Blue Shield of Colorado, 700 Broadway, Denver, Colorado 80203

Medicare Administrator, Travelers Ins. Co., One Tower Square, Hartford, Connecticut 06115

Medicare Administrator, Aetna Life & Casualty, 151 Farmington Avenue, Hartford, Connecticut 06115

Medicare Coordinator, Connecticut General Life Insurance Company, 200 Pratt Street, Meriden, Connecticut 06450

Medicare Coordinator, Blue Cross/Blue Shield of Delaware, 201 West 14th Street, Wilmington, Delaware 19899

Medicare Coordinator, Medical Service of D.C., 550 12th Street, SW., Washington D.C. 20024

Medicare Coordinator, Blue Cross of Florida, Inc., P.O. Box 1798, Jacksonville, Florida 32201

Group Health, Inc., 1320 South Dixie Highway, Coral Gables, Florida 33146

Medicare Administrator, Prudential Insurance Company of America, P.O. Box 95466, 57 Executive Park Station, Atlanta, Georgia 30347

Medicare Claim Administrator, Aetna Life & Casualty, 100 Bishop Street, P.O. Box 3947, Honolulu Hawaii 96812

Medicare, The Equitable Life Assurance Society, P.O. Box 8048, Hillcrest Plaza Shop, Boise, Idaho 83707

Continental Casualty Company, Medicare Benefits Division, P.O. Box 910, Chicago, Illinois 60690

Health Care Service Corporation, 233 North Michigan Avenue, Chicago, Illinois 60601

Assistant Vice President Medicare Dept., Blue Shield of Indiana, 120 West Market Street, Indianapolis, Indiana 46204

Assistant Executive Director, Blue Shield of Iowa, Ruan Building, 636 Grand Avenue, Station 28, Des Moines, Iowa 50307

Medicare Administrator, Kansas Medical Association, Inc., 1133 Topeka Blvd., P.O. Box 239, Topeka, Kansas 66601

Manager, Metropolitan Life Insurance Co., 1218 Harrodsburg Road, Suite 300, Lexington, Kentucky 40504

Manager, Medicare Liaison, Pan American Life Insurance Co., P.O. Box 60450, New Orleans, Louisiana 70160

Blue Shield of Massachusetts/Maine, Medicare Claims Office, 477 Congress Street, Portland, Maine 0411

Medicare Coordinator, Maryland Blue Shield, Inc., 700 E. Joppa Road, Baltimore, Maryland 21204

Medicare Coordinator Part B, Massachusetts Blue Shield, 100 Summer Street, Boston, Massachusetts 02106

Asst. Vice Pres. Govern. Aff. Dept., Michigan Medical Services, 600 Lafayette East, Detroit, Michigan 48236

Blue Cross/Blue Shield of Minn., 3535 Blue Cross Road, St. Paul, Minnesota 55165

Vice President Government Programs, Blue Shield of Kansas City, P.O. Box 169, Kansas City, Missouri 64141

Director, Medicare Administration, General American Life Ins. Corp., P.O. Box 505, St. Louis, Missouri 6366

Montana Physicians Service, 404 Fuller Avenue, P.O. Box 2510, Helena, Montana 59601

Assistant Vice President, Health Insurance Benefits, Mutual of Omaha Insurance Co., Box 456, Downtown Station, Omaha, Nebraska 68101

Medicare Claims Administrator, Aetna Life & Casualty, P.O. Box 7290, Reno, Nevada 89510

Medicare Coordinator, New Hampshire Vermont Phys. Serv., 2 Pillsbury St., Concord, New Hampshire 03301

Medicare Coordinator, Prudential Insurance Co., of America, P.O. Box 471, Millville, New Jersey 08332

Medicare, The Equitable Life Assurance Society, P.O. Box 3070, Station D, Albuquerque, New Mexico 87110

Director of Medicare Part B, Blue Shield of Western New York, Inc., 298 Main Street, Buffalo, New York 14202

Medicare Coordinator, Group Health Insurance, Inc., 328 West 42nd Street, New York, New York 10036

Medicare Coordinator, Genesee Valley Medical Care, Inc., 42 Chestnut Street, Rochester, New York 14604

Medicare Coordinator, Blue Cross/Blue Shield of Greater N.Y., 622 Third Avenue, New York, New York 10017

Medicare Coordinator, The Equitable Life Assurance Society, 1285 Avenue of the Americas, New York, New York 10019

Manager, Metropolitan Life Insurance Co., P.O. Box 393, 276 Genesee Street, Utica, New York 13503

Senior Vice President, Metropolitan Life Insurance Co., One Madison Avenue, New York, New York 10010

Medicare Coordinator, B Division, Prudential Life Insurance Company P.O. Box 2126, High Point, North Carolina 27261

Medicare Coordinator, Blue Shield of North Dakota, 301 South Eighth Street, Fargo, North Dakota 58102

Medicare System & Proc. Div., Nationwide Insurance Company, P.O. Box 57, Columbus, Ohio 43216

Department of Institutions, Social & Rehabilitative Services, Box 25352 State Capital Station, Oklahoma City, Oklahoma 73125

Medicare Claims Admin., Aetna Life & Casualty, Glenbrook Center, 1140 N.W. 63rd St., Oklahoma City, Oklahoma 73116

Medicare Claim Admin., Aetna Life & Causalty, 1500 S.W. First Avenue, Crown Plaza, Portland, Oregon 97201

Medicare Coordinator, Pennsylvania Blue Shield, Blue Shield Building, Camp Hill, Pennsylvania 17011

Chief, Internal Operations, Seguros de Servicio de Salud de Puerto Rico, Inc., G.P.O. Box 3628, San Juan, Puerto Rico 00936

Medicare Coordinator, R.I. Medical Society Physicians Serv., 444 Westminster Mall, Providence, Rhode Island 02901

Medicare Coordinator, Blue Cross/Blue Shield of S.C., Drawer F Forest Acres Branch, Columbia, South Carolina 29206

Assistant Executive Director, South Dakota Medical Service, Inc., 1601 West Madison, Sioux Falls, South Dakota 57104

The Equitable Life Assurance Society, P.O. Box 1465, Nashville, Tennessee 37202

Offices Services, Group Medical & Surgical Service, P.O. Box 22147, Dallas, Texas 75222

Manager, Part B, Blue Shield of Utah, P.O. Box 3270, 2455 Parleys Way, Salt Lake City, Utah 84125

Assistant Administrator, Washington Physicians Service, 4th and Battery Building—6th Floor, 2401 4th Avenue, Seattle, Washington 98121

Medicare Coordinator, Surgical Care, The Medical Society of Milwaukee County, 401 West Michigan Street, Milwaukee, Wisconsin 53203

Director, Medicare Claims Dept., Wisconsin Physicians Service, 330 E. Lakeside Street, P.O. Box 1109, Madison, Wisconsin 53701

Field Director, Equitable Life Assurance Society, P.O. Box 628, 102 Indian Hills Shopping Center, Cheyene, Wyoming 82001

Health Care Financing Administration, Bureau of Program Operations, Group Health Plans Operations Staff, 6325 Security Blvd., Baltimore, Maryland 21207

Director of Retirement Claims, U.S. Railroad Retirement Board, 844 Rush Street, Chicago, Illinois 60611

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Assistant Secretary for Health

Privacy Act of 1974; Annual Publication of Systems of Records

AGENCY: Department of Health And Human Services (DHHS); Public Health Service (PHS); Office of the Assistant Secretary for Health (OASH).

ACTION: OASH is publishing this document to meet the requirements of Section 3(e)(4) of the Privacy Act (5 U.S.C. 552a), providing for annual publication of the existence and character of systems of records which are subject to the Act.

SUMMARY: This preamble summarizes significant changes to systems of individually identifiable records which have occurred since the 1980 annual publication. OASH has added no new systems of records since the 1980 annual publication. Nor have we deleted any systems for records from our inventory during the year.

Notices of all systems of records currently maintained by OASH follow this preamble. The notices include modifications for the purposes of clarity, timeliness, and correctness, and are complete as of August 10, 1981. None of the modifications being made at this time meet the OMB criteria for a new or altered system report, or a period of public comment. A major alteration to an existing system of records which we have made since the 1980 annual publication was published for public comment on August 10, 1981, as required by Office of Management and Budget (OMB) Circular A–108, Transmittal Memoranda No. 1 and No. 3, dated September 30, 1975, and May 17, 1976, respectively.

SUPPLEMENTARY INFORMATION:

A General Information:

1. The routine uses set forth in each notice describe permissible disclosures outside the Department of records in that system, which may be made without the consent of individuals who are the subjects of those records. Additional disclosures without consent of subject individuals are permitted by the Privacy Act itself in Section 3(b), as follows:

"(1) to those officers and employees of the agency which maintains the record who have a need for the record in the performance of their duties;

"(2) required under section 552 of this title [the Freedom of Information Act];

"(3) for a routine use as [described in the routine use section of each specific system notice];

"(4) to the Bureau of the Census for purposes of planning or carrying out a census or survey or related activity pursuant to the provisions of title 13;

"(5) to a recipient who has provided the agency with advance adequate written assurance that the record will be used solely as a statistical research or reporting record, and the record is to be transferred in a form that is not individually identifiable;

"(6) to the National Archives of the United States as a record which has sufficient historical or other value to warrant its continued preservation by the United States Government, or for evaluation by the Administrator of General Services or his designee to determine whether the record has such value;

"(7) to another agency or to an instrumentality of any governmental jurisdiction within or under the control of the United States for a civil or criminal law enforcement activity if the activity is authorized by law, and if the head of the agency or instrumentality has made a written request to the agency which maintains the record specifying the particular portion desired and the law enforcement activity for which the record is sought;

"(8) to a person pursuant to a showing of compelling circumstances affecting the health or safety of an individual if, upon such disclosure, notification is transmitted to the last known address of such individual;

"(9) to either House of Congress, or, to the extent of matter within its jurisdiction, any committee or subcommittee thereof, any joint committee of Congress or subcommittee of any such joint committee;

"(10) to the Comptroller General, or any of his authorized representatives, in the course of the performance of the duties of the General Accounting Office; or

"(11) pursuant to the order of a court of competent jurisdiction."

2. OASH has extensively revised many of its system notices this year to enhance clarity and specificity, as well as to incorporate normal updating changes, such as changes in designated system manager or in system location. Revisions for clarity and specificity include, but are not limited to, the following:

a. Addition to the "Notification Procedure" or "Access Procedure" section of system notices the specific information which the system manager needs in order to verify that the subject individual is who he or she claims to be, in addition to the information needed in order to locate the records being sought.

b. For those systems where the "Retention and Disposal" section of the system notice states that inactive records are retired to a Federal Records Center (FRC), the addition under "System Location" of the address(es) of the FRC where inactive records are stored.

c. Identification within the "Safeguards" category of system notices of the types of personnel authorized to have access to the system in the performance of their duties, and, where applicable, identification of the specific security measures established for computerized systems in lieu of general references to ADP security guidelines.

d. Substitution of U.S. Code citations for previous references to public law numbers.

e. Revision of the "Purpose(s)" and "Routine Uses" categories of system notices, where applicable, in order to provide greater specificity so that the compatibility of a given routine use with the purpose(s) of the system may be more easily observed. This review has, in some cases, resulted in the deletion of certain routine uses. For example, the routine use which provides for disclosure to the Department of Justice to defend this Department in the event of litigation has been deleted from nonsensitive systems of records where the possibility of litigation is remote.

B. Specific Information:

1. Commissioned Personnel Operations Division, (CPOD), Office of Personnel Management, Office of Management.

During the past year, CPOD added workstation computer terminals divisionwide to an existing data processing system. To ensure that the existing security posture was not compromised by the addition of these terminals, care was taken to configure the data processing equipment in such a manner as to preclude direct terminal access other than by authorized CPOD personnel (i.e., terminals located in a closed shop environment). Since adding terminals in a closed shop environment is considered only a minor alteration to the system of records, no report of a new or altered system of records is required.

The record disposition requirements set forth in the Records Control Schedule, OASH, were incorporated, insofar as possible, into the system notices.

09–37–0002—PHS Commissioned Officer Personnel Data System, HHS/OASH/OM. The "Purpose" section was amended to point out differences between this system of records and system 09–37–0007, "PHS Commissioned

Corps General Personnel Records." Also, language was added to assure applicants and officers that race/national origin data are not used to determine qualifications and suitability for certain personnel actions, e.g., appointment, selection, transfer, and promotion.

The notice as it was published last year makes reference to the routine uses contained in system of records notice 09-37-0007. To avoid cross-referencing and to minimize potential confusion, the routine uses specified in system notice 09-37-0007 which deal with information that can be provided to Federal agencies and departments are set forth in this revision of system notice 09-37-0002 as well.

09-37-0003—PHS Commissioned Corps Medical Records, HHS/OASH/OM. References to annuitants and deceased officials have been deleted from the section "Categories of Individuals Covered by the System" because (1) the Medical Branch, CPOD, does not maintain records relating to annuitants, and (2) because deceased officers are not protected under the Privacy Act of 1974 (5 U.S.C. 552a et seq.).

2. Office of Health Research, Statistics and Technology (OHRST).

09-37-0012—Vital Statistics for Births, Deaths, Fetal Deaths, Marriages and Divorces Occurring in the United States During Each Year, HHS/OASH/OHRST.

Incidental changes were made in the "Categories of Records" section to account for minor procedural changes owing to the introduction of the National Death Index.

09-37-0013—Health Resources Utilization Statistics, HHS/OASH/OHRST. A change was made in the "Categories of Individuals" section to recognize the discontinuance of the National Reporting System for Family Planning Services, which system had actually not produced any records.

Readers who notice any inadvertent errors or omissions in OASH system notices are invited to bring them to my attention at the following address:

Department of Health and Human Services, Public Health Service, Office of the Assistant Secretary for Health, Office of Management, 5600 Fishers Lane, Room 17-25, Rockville, Maryland 20857

Dated: August 17, 1981.

Jack Markowitz,

Acting Director, Office of Management.

Table of Contents

Office of the Assistant Secretary for Health

09-37-0001 Office of the Assistant Secretary for Health Correspondence Control System. HHS/OASH/OM.
09-37-0002 PHS Commissioned Officer Personnel Data System. HHS/OASH/OM.
09-37-0003 PHS Commissioned Corps Medical Records. HHS/OASH/OM.
09-37-0004 PHS Commissioned Corps Training Files. HHS/OASH/OM.
09-37-0005 PHS Commissioned Corps Board Proceedings. HHS/OASH/OM.
09-37-0006 PHS Commissioned Corps Grievance, Non-Board and Pre-Board Involuntary Retirement/Separation, and Disciplinary Files. HHS/OASH/OM.
09-37-0007 PHS Commissioned Corps General Personnel Records. HHS/OASH/OM.
09-37-0008 PHS Commissioned Corps Unofficial Personnel Files and Other Station Files. HHS/OASH/OM.
09-37-0009 Applied Statistics Training Institute Applicants and Students. HHS/OASH/OHRST.
09-37-0010 Health and Demographic Surveys Conducted in Probability Samples of the U.S. Population. HHS/OASH/OHRST.
09-37-0011 Health Manpower Inventories and Surveys. HHS/OASH/OHRST.
09-37-0012 Vital Statistics for Births, Deaths, Fetal Deaths, Marriages and Divorces Occurring in the United States during Each Year. HHS/OASH/OHRST.
09-37-0013 Health Resources Utilization Statistics. HHS/OASH/OHRST.
09-37-0014 Curricula Vitae of Consultants to the National Center for Health Statistics. HHS/OASH/OHRST.
09-37-0015 National Center for Health Services Research Grants Records System. HHS/OASH/OHRST.

09-37-0001

SYSTEM NAME:

Office of the Assistant Secretary for Health Correspondence Control System. HHS/OASH/OM.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Publication Health Service Executive Secretariat, Room 17 B-03, 5600 Fishers Lane, Rockville, MD 20857

National Center for Health Statistics, Room 2-19, 3700 East-West Highway, Hyattsville, MD 20782

National Center for Health Services Research, Room 8-41, 3700 East-West Highway, Hyattsville, MD 20782

and

Federal Records Center, 4205 Suitland Road, Washington, D.C. 20409.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have contacted either the Assistant Secretary for Health, the Surgeon General, a Deputy Assistant Secretary, or a PHS Staff Office Director, or have been contacted in writing by one of these officials.

CATEGORIES OF RECORDS IN THE SYSTEM:

Hard copies of the actual correspondence, and computer or word processor printout and tape or disk control system records of that correspondence.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301.

PURPOSE(S):

To control and track all correspondence documents addressed or directed to the Assistant Secretary for Health or his subordinates as indicated above, as well as documents initiated by them, in order to assure timely and appropriate attention.

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

Disclosure may be made to 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.

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

STORAGE:

Correspondence records are maintained in hard copy. Control records are maintained on computer or word processor printout, tape, and disk.

RETRIEVABILITY:

Hard copy records are indexed alphabetically by name of addressee and date of outgoing correspondence; or by name of sender and date of incoming correspondence; or by subject. Records may also be cross-referenced.

SAFEGUARDS:

Hard copy records are maintained in file cabinets that are lockable, or in rooms which are locked after office hours. During office hours, access to hard copy records is limited to authorized personnel. Access to the computerized subsystem is limited to specific individuals (correspondence assistants) through the use of passwords. These procedures are in accordance with chapter 45-13 in the Department's General Administration Manual, supplementary chapter PHS.hf: 45-13, and with Part 6 of the Department's ADP systems manual.

RETENTION AND DISPOSAL:

Records may be retired to a Federal Records Center and subsequently disposed of in accordance with the OASH records control schedule. The records control schedule may be

obtained by writing to the appropriate System Manager at the address for that official which is indicated under system location above.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Public Health Service Executive Secretariat (address as above); Director, National Center for Health Statistics (address as above); Director, National Center for Health Services Research (address as above).

Policy coordination is provided by: Director, Office of Organization and Management Systems, Office of Management, Room 17–81, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857.

NOTIFICATION PROCEDURE:

Inquiries should indicate the name of the individual with whom the Office of the Assistant Secretary for Health corresponded, the date of the incoming correspondence, if any, and the date of the outgoing correspondence. Inquiries should be addressed to the appropriate System Manager listed above, not to the policy coordination official.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters must state that they are who they claim to be, and understand that obtaining information under false pretenses is subject to a maximum statutory penalty of 5,000.00 dollars.

CONTESTING RECORD AND PROCEDURES:

Contact the appropriate System Manager at the address for that official specified under System Location above, and reasonably identify the record, specify the information to be contested, the corrective action sought, and the reason for seeking the correction.

RECORD SOURCE CATEGORIES:

Records are derived from incoming correspondence to, and the outgoing correspondence of, the Assistant Secretary for Health or his subordinates as indicated above.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09–37–0002

SYSTEM NAME:

PHS Commissioned Officer Personnel Data System, HHS/OASH/OM.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Office of the Director, Commissioned Personnel Operations Division, Office of Personnel Management/OM/PHS, Room 4A–15, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857

and

General Service Administration, Federal Records Center, 111 Winnebago Street, St. Louis, MO 63118.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Commissioned officers, former commissioned officers, dependents and survivors of the above, and applicants to the PHS Commissioned Corps.

CATEGORIES OF RECORDS IN THE SYSTEM:

These records contain applications for appointment, references and other documents relating to qualifications or suitability for appointment and assignment, including medical intern and residency evaluations; Service Record Cards (summarizing personnel actions); efficiency and progress reports; career development and training records; documents relating to promotion, retention, separation, and other personnel actions; applications and records of Service action relating to pay, travel, and allowances (including overseas educational allowances for dependents); identification and privilege card records; applications and records of Service action relating to Commissioned Officer Residency Deferment Program and Commissioned Officer Student Training and Extern Programs; survivor benefits; selection system applications; non-board terminations and reprimands, after final administrative action; race/national origin data; medical data; leave records; awards and authorizations; Official Personnel Folders (OPF); and correspondence relating to the above.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

42 U.S.C. 202 et seq.; 42 U.S.C. 410(m) et seq.; and Executive Orders 9397 and 10450.

PURPOSE(S):

The OPF and other general personnel records files are the official repository of the records, reports of personnel actions, and the documents and papers required in connection with these actions effected during an officer's service. The personnel orders and other documents, some of which are filed as permanent records in the OPF, given legal force and effect to personnel transactions and establish officer rights and benefits under the pertinent laws and regulations governing the Commissioned Corps personnel system.

The records provide the basic source of factual data about an officer's Federal employment while in the Commissioned Corps and after his/her separation, including retirement.

Except for race/national origin data, the information is used by the Commissioned Personnel Operations Division (CPOD) to determine qualifications and suitability for appointment, selection, career development and training, transfers, promotions, pay and allowances and other financial benefits and obligations, retention and other personnel actions, and in the preparation of the Commissioned Officer Roster and Promotion Seniority of the Public Health Service.

The race/national origin data are used for statistical purposes in aggregate form only to provide departmental or congressional reports on the composition of the Commissioned Corps. Medical data are used to evaluate applicants for appointment and officers for reassignment and fitness for duty.

Because the Commissioned Corps consists solely of health professionals, information relating to officer's assignments, duties, pay, length of service, etc., may provide useful material for research by the Office of the Secretary, HHS, and the Office of the Assistant Secretary for Health, PHS, concerning the activities of health personnel.

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

These records or information from these records may be used:

1. To disclose information to the Office of Management and Budget for budgetary or management oversight purposes.

2. To disclose information for a research purpose, when the Department has:

(a) determined that the use or disclosure does not violate legal or policy limitations under which the record was provided, collected, or obtained;

(b) determined that the research purpose (1) cannot be reasonably accomplished unless the record is provided in individually identifiable form, and (2) warrants the risk to the privacy of the individual that additional exposure of the record might bring;

(c) require the recipient to—(1) establish reasonable administrative, technical, and physical safeguards to prevent unauthorized use or disclosure of the record, and (2) remove or destroy the information that identifies the individual at the earliest time at which removal or destruction can be

accomplished consistent with the purpose of the research project, unless the recipient has presented adequate justification of a research or health nature for retaining such information, and (3) make no further use or disclosure of the record except—(A) in emergency circumstances affecting the health or safety of any individual, (B) for use in another research project, under the same conditions, and with written authorization of the Department, (C) for disclosure to a properly identified person for the purpose of an audit relating to the research project, if information that would enable research subjects to be identified is removed or destroyed at the earliest opportunity consistent with the purpose of the audit, or (D) when required by law; and

(d) secured a written statement attesting to the recipient's understanding of, and willingness to abide by these provisions.

3. To disclose information to 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.

4. In the event of litigation where the defendant is:

(a) the Department, any component of the Department, or any employee of the Department in his or her official capacity;

(b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or

(c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

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

STORAGE:

Automated (disc and magnetic tape) and nonautomated (hard-copy) files.

RETRIEVABILITY:

Alphabetically by name, by PHS serial number, and by Social Security Number in accordance with Section 7(a)(2)(B) of the Privacy Act and Executive Order 9397.

SAFEGUARDS:

Access to and use of both nonautomated and automated records is limited to personnel whose official duties require such access. For example, automated records are secured by assigning individual access codes to authorized personnel. Further safeguards are provided for both automated and nonautomated records in accordance with chapters 45–13 and PHS.hf:45–13 of the Department's General Administration Manual, and Part 6 of the Department's ADP Systems Manual. For example, personnel screening and Privacy Act nondisclosure oath are employed to prevent unauthorized disclosure. Authorized personnel includes programmers, analysts, and administrative staff. Nonautomated records kept in Lektrievers, Conserv-a-Files, and safes in restricted area protected by building guard force.

RETENTION AND DISPOSAL:

These records are maintained for varying periods of time. The OPF is maintained one-year after the officer separates from active duty, at which time such officer's OPF is transferred to a Federal Records Center for permanent storage. Service Record Cards which list critical data with regard to the dates of the officer's appointment, reassignments, and separation are maintained for five years after the officer separates from active duty and subsequently destroyed.

SYSTEM MANAGER AND ADDRESS:

Director, CPOD (See System Location above).

NOTIFICATION PROCEDURE:

The requester who appears in person seeking access shall provide his/her name and at least one piece of tangible identification (e.g., PHS Commissioned Corps Identification Card, driver's license, passport, or voter registration card). Identification cards with current photographs are preferred but not required. Written requests must be signed and a comparison will be made of that signature and the signature maintained on file prior to release of the material requested. In addition, the following information must be provided when requesting material: (a) full name; and (b) a description of the record sought. Notification requests should be addressed to the System Manager.

RECORD ACCESS PROCEDURES:

Same as Notification Procedures. Requesters should also reasonably specify the record contents being sought. Access to record systems which have been granted an exemption from the Privacy Act access requirement may be made at the discretion of the System Manager. Denial of access may be appealed to the Director, Office of Management, PHS.

CONTESTING RECORD PROCEDURES:

If access has been granted, contact the official at the address specified under Notification Procedures above, and reasonably indentfy the record, specify the information being contested, and state the corrective action sought.

RECORD SOURCE CATEGORIES:

From individual officers and applicants; from persons providing references, and from the record sources described by the following systems: 09–37–0004, "PHS Commissioned Corps Training Files," HHS/OASH/OM; 09–37–0005, "PHS Commissioned Corps Board Proceedings," HHS/OASH/OM; 09–37–0006, "PHS Commissioned Corps Grievance, Non-Board and Pre-Board Involuntary Retirement/Separation, and Disciplinary Files," HHS/OASH/OM; 09–37–0007, "PHS Commissioned Corps General Personnel Records," HHS/OAS/OM, and 09–37–0008, "PHS Commissioned Corps Unofficial Personnel Files and Other Station Files," HHS/OASH/OM.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Individuals will be provided information from this record system except when, in accordance with the provisions of 5 U.S.C. 552a(k)(5), (a) disclosure of such information would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or (b) if the information was obtained prior to September 27, 1975, disclosure of such information would reveal the identity of the source who provided information under an implied promise that the identity of the source would be held in confidence.

09–37–0003

SYSTEM NAME:

PHS Commissioned Corps Medical Records, HHS/OASH/OM.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Office of the Director, Commissioned Personnel Operations Division, Office of Personnel Management/OM/PHS, Room 4A–15, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857

and

General Services Administration, Federal Records Center, 111 Winnebago Street, St. Louis, MO 63118.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

PHS commissioned officers; applicants to the Commissioned Corps; retired and terminated officers; and dependents of officers who request certification of the dependent's incapacity.

CATEGORIES OF RECORDS IN THE SYSTEM:

Medical files and records on individuals covered; medical board records; death case files and supporting documents; and correspondence relating to the above.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

42 U.S.C. 202 et seq.

PURPOSE(S):

The information is used by the Commissioned Personnel Operations Division (CPOD) to:

Evaluate applicants for appointment and officers for reassignment and fitness for duty;

Make determinations about the level of officer's disability and entitlement to disability severance or retired pay;

Make budgetary estimates about the cost of disability severance and retired pay;

Prepare reports or provide statistical information relating to the medical status of officers;

Provide information to PHS hospitals and clinics to promote continuity of care for officers; and

Provide information relating to the death of officers to the Social Security Administration or other Department components to determine the social security benefits or other benefits which may be available to the survivors of deceased officers.

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:

1. To disclose information to the Veterans Administration in event of post-service claims or continued medical care while still on active duty.

2. To disclose this information to the Bureau of Prisons (Department of Justice), Coast Guard (Department of Transportation), Agency for International Development (Department of State), Department of Defense, including the Uniformed Services University of the Health Sciences, Environmental Protection Agency, and other Federal agencies where commissioned officers are assigned or are receiving medical treatment, to ensure continuity of treatment.

3. To disclosure information to 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.

4. In the event of litigation where the defendant is:

(a) the Department, any component of the Department, or any employee of the Department in his or her official capacity;

(b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or

(c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

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

STORAGE:

Automated (disc) and nonautomated (hard-copy) files.

RETRIEVABILITY:

Alphabetically by name, by PHS Serial Number, or by CPOD-assigned Applicant Processing Number.

SAFEGUARDS:

Access to and use of both automated and nonautomated records is limited to Medical Branch staff, file room personnel, and Department officials who are responsible for medical fitness determinations. For example, automated records are secured by assigning individual access codes to authorized personnel. Further safeguards are provided for both automated and nonautomated records in accordance with chapters 45–13 and PHS.hf:45–13 of the Department's General Administration Manual, and Part 6 of the Department's ADP Systems Manual. For example, personnel screening and Privacy Act nondisclosure oath are employed to prevent unauthorized disclosure. Nonautomated records are kept in Lektrievers, Conserv-a-Files, and safes in restricted, inner-office area protected by building guard force.

RETENTION AND DISPOSAL:

Records are transferred to a Federal Records Center within one year after the officer is separated from the Commissioned Corps. Medical records on non-selected applicants are destroyed after five years.

SYSTEM MANAGER(S) AND ADDRESS:

Director, CPOD (See System location above).

NOTIFICATION PROCEDURE:

The requester who appears in person seeking access shall provide his/her name and at least one piece of tangible identification (e.g., PHS Commissioned Corps Identification Card, driver's license, passport, or voter registration card). Identification cards with current photographs are preferred but not required. Written requests must be signed and a comparison will be made of that signature and the signature maintained on file prior to release of the material requested.

If a determination is made that the material sought contains medical information that is potentially detrimental to the requestor, the requestor shall be asked to designate in writing a responsible representative who will be willing to review the record and inform the subject individual of the material's contents at the representative's discretion. A parent or guardian who requests notification of or access to a dependent/incompetent person's record shall designate a family physician or other health professional (other than a family member) to whom the record, if any, will be sent. The parent or guardian must verify relationship to the dependent/incompetent person as well as his/her own identity.

In addition, the following information must be provided when requesting material: (a) full name; and (b) a description of the record sought. Notification requests should be addressed to the System Manager.

RECORD ACCESS PROCEDURES:

Same as Notification Procedures. Requesters should also reasonably specify the record contents being sought.

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under Notification Procedures above and reasonably identify the record, specify the information being contested, and state the corrective action sought.

RECORD SOURCE CATEGORIES:

From individual officers and other Commissioned Corps officials; applicants; private and governmental physicians; hospitals and clinics; investigative reports; the record sources

described in system 09–37–0002, "PHS Commissioned Officer Personnel Data System," HHS/OASH/OM; death certificates and reports of death; and from suvivors and executors of estates.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09–37–0004

SYSTEM NAME:

PHS Commissioned Corps Training Files, HHS/OASH/OM.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Office of the Director, Commissioned Personnel Operations Division, Office of Personnel Management/OM/PHS, Room 4A–15, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857

and

General Services Administration, Federal Records Center, 111 Winnebago Street, St. Louis, MO 63118.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Commissioned officers and applicants to the PHS Commissioned Corps.

CATEGORIES OF RECORDS IN THE SYSTEM:

Applications for and records of continued professional training, Commissioned Officers Student Training and Extern Programs, Commissioned Officer Residency Deferment Program, and Delayed Call to Active Duty Program; references; correspondence relating to applications for training and assignments into training programs; and documents relating to the (a) annual projection of individual training necessary to maximize personal career development goals and mission accomplishment; (b) tuition, personnel, and travel costs; (c) course name and training facility at which offered; and (d) personal data including name, pay grade, Social Security Number, security clearance, resume of educational background to include academic achievements, on-the-job and formal classroom training, and related management reports.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

42 U.S.C. 202 et seq., and Executive Order 9397.

PURPOSE(S):

Used by the Commissioned Personnel Operations Division (CPOD) to: Determine eligibility for training; Prepare cost estimates for such training; and Prepare reports on the number and types of training undertaken by commissioned officers.

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

These records or information from these records may be used:

1. To disclose information to 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.

2. In the event of litigation where the defendant is:

(a) the Department, any component of the Department, or any employee of the Department in his or her official capacity;

(b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or

(c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

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

STORAGE:

Automated (disc) and nonautomated (hard-copy) files.

RETRIEVABILITY:

By officer's name in alphabetical order and by Social Security Number in accordance with Section 7(a)(2)(B) of the Privacy Act and Executive Order 9397.

SAFEGUARDS:

Access to and use of both nonautomated and automated records is limited to personnel whose official duties require such access. For example, automated records are secured by assigning individual access codes to authorized personnel. Further safeguards are provided for both automated and nonautomated records in accordance with chapters 45–13 and PHS.hf:45–13 of the Department's General Administration Manual, and Part 6 of the Department's ADP Systems Manual. For example, personnel screening and Privacy Act nondisclosure oath are employed to prevent unauthorized disclosure. Authorized personnel includes CPOD administrative staff. Nonautomated records are kept in Lektrievers, Conserv-a-Files, and safes in restricted area protected by building guard force.

RETENTION AND DISPOSAL:

Records are retained in permanent PHS Commissioned Corps files and transferred to the Official Personnel Folder (OPF) when an officer becomes inactive. OPF is transferred to a Federal Records Center one year after the officer's date of separation.

SYSTEM MANAGER(S) AND ADDRESS:

Director, CPOD (See System location above.)

NOTIFICATION PROCEDURE:

The requester who appears in person seeking access shall provide his/her name and at least one piece of tangible identification (e.g., PHS Commissioned Corps Identification Card, driver's license, passport, or voter registration card). Identification cards with current photographs are preferred but not required. Written requests must be signed and a comparison will be made of that signature and the signature maintained on file prior to release of the material requested. In addition, the following information must be provided when requesting material: (a) full name; and (b) a description of the record sought. Notification requests should be addressed to the System Manager.

RECORD ACCESS PROCEDURES:

Same as Notification Procedures. Requesters should also reasonably specify the record contents being sought. Access to record systems which have been granted an exemption from the Privacy Act access requirement may be made at the discretion of the System Manager. Denial of access may be appealed to the Director, Office of Management, PHS.

CONTESTING RECORD PROCEDURES:

If access has been granted, contact the official at the address specified under Notification Procedures above and reasonably identify the record, specify the information being contested, and state the corrective action sought.

RECORD SOURCE CATEGORIES:

From officers and applicants concerned; from persons providing references; and from the record sources described by system 09–37–0002, "PHS Commissioned Officer General Personnel Data System," HHS/OASH/OM.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Individuals will be provided information from the above record system except, when in accordance with the provisions of 5 U.S.C. 552a(k)(5), (a) disclosure of such information would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or (b) if the information was obtained prior to September 27, 1975, disclosure of such information would reveal the identity of the source who provided information under an implied promise that the identity of the source would be held in confidence.

09–37–005

SYSTEM NAME:

PHS Commissioned Corps Board Proceedings. HHS/OASH/OM.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Office of the Director, Commissioned Personnel Operations Divisions, Office of Personnel Management/OM/PHS Room 4A–15, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857

General Services Administration, Federal Records Center, 111 Winnebago Street, St. Louis, MO 63118

Board for Correction of PHS Commissioned Corps Records/OM/OASH, Room 17–53, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Commissioned officers and applicants to the PHS Commissioned Corps.

CATEGORIES OF RECORDS IN THE SYSTEM:

The categories of records in the system consists of the following:

1. Commissioned Officers Awards Board files consisting of nominations, citations, and related documents.

2. Appointment Board files consisting of applications, references, and school transcripts.

3. Promotion Board files consisting of Commissioned Officer Efficiency and Progress Reports (COEPRs), recommendations from PHS components, citations and awards, and information pertaining to disciplinary actions.

4. Involuntary Separation Board files consisting of COEPR's PHS component recommendations with respect to separations, information pertaining to disciplinary actions, references, and statements of the officer with respect to marginal or substandard performance.

5. Boards of Investigation files consisting of COEPRs, PHS component allegations of misconduct, documentation relating to misconduct, and statements of the officer relating to alleged instances of misconduct.

6. Retirement Boards files consisting of COEPRs, PHS component evaluations on the continued need of the officer, and statements of the officer concerning his/her request for retirement.

7. Continuation Pay (CP) Review Board files consisting of COEPRs, CP contracts, certification of eligibility by PHS components, school transcript, and related documents.

8. Medical Officer Special Pay Review Board files consisting of COEPRs, retention special pay contracts, certification of eligibility by PHS components, school transcripts, and related documents.

9. Assimilation Board files consisting of COEPRs, PHS component recommendations, awards and citations, and information pertaining to disciplinary actions.

10. Three-Year File Review Board files consisting of COEPRs, recommendations from PHS components, citations and awards, and information pertaining to disciplinary actions.

11. Board for Correction of PHS Commissioned Officer Records files consisting of applications, case briefs, findings, conclusions, recommendations, and related documents.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

42 U.S.C. 202 et seq., and 5 U.S.C. 4501. For the Board for Correction, the authorities are 10 U.S.C. 1552; 42 U.S.C. 213a(a)(12); and Executive Order 9397.

PURPOSE(S):

Used by PHS Commissioned Corps Boards to recommend or decide on appropriate actions in the categories listed above, and by the Commissioned Personnel Operations Division (CPOD) in the preparation of the PHS Commissioned Officer Roster and Promotion Seniority of the Public Health Service which contains the names of status of officers on active duty. With regard to the Board for Correction, records are used to review and act on claims of errors or injustices in personnel records.

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

These records or information from these records may be used:

1. To disclosure information to 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.

2. In the event of litigation where the defendant is:

(a) the Department, any component of the Department, or any employee of the Department in his or her official capacity;

(b) the United States where the Department determines that the claims, if successful, is likely to directly affect the operations of the Department or any of its components; or

(c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

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

STORAGE:

Automated (disc) and nonautomated (hard-copy) files.

RETRIEVABILITY:

Alphabetically by name of officer.

SAFEGUARDS:

Access to and use of both nonautomated and automated records is limited to personnel whose official duties require such access. For example, automated records are secured by assigning individual access codes to authorized personnel. Further safeguards are provided for both automated and nonautomated records in accordance with chapters 45–13 and PHS.hf:45–13 of the Department's General Administration Manual, and Part 6 of the Department's ADP Systems Manual. For example, personnel screening and Privacy Act nondisclosure oath are employed to prevent unauthorized disclosure. Authorized personnel includes programmers, analysts, and administrative staff. Non-automated records are kept in Lektrievers, Conserv-a-Files, and safes in restricted area protected by building guard force.

In addition, records of the Board for Correction of PHS Commissioned Corps Records are stored in a metal filing cabinet located in an inner-office which is occupied continuously during working hours and is locked during nonworking hours. Access to these records is limited to the Board members, support staff.

CPOD staff who demonstrate a need to know, and the Director, Office of Management, PHS, who has been delegated authority for approval or disapproval of all actions of this Board.

RETENTION AND DISPOSAL:

Board findings and recommendations are destroyed after one year unless needed for a longer period of time for administrative purposes. Records relating to the Board for Correction of PHS Commissioned Corps Records are maintained permanently in the Office of Management, PHS.

SYSTEM MANAGER(S) AND ADDRESS:

Director, CPOD, and Chairman, Board for Correction of PHS Commissioned Corps Records (See System location above).

NOTIFICATION PROCEDURE:

The requester who appears in person seeking access shall provide his/her name and at least one piece of tangible identification (e.g., PHS Commissioned Corps Identification Card, driver's license, passport, or voter registration card). Identification cards with current photographs are preferred but not required. Written requests must be signed and a comparison will be made of that signature and the signature maintained on file prior to release of the material requested. In addition, the following information must be provided when requesting material: (a) full name; and (b) a description of the record sought. Notification requests should be addressed to the responsible System Manager.

RECORD ACCESS PROCEDURES:

Same as Notification Procedures. Requesters should also reasonably specify the record contents being sought. Access to record systems which have been granted an exemption from the Privacy Act access requirement may be made at the discretion of the System Manager. Denial of access may be appealed to the Director, Office of Management, PHS, except for denials of access to records of the Board for Correction of PHS Commissioned Officer Records. Denials of access for those records may be appealed to the Assistant Secretary for Health

CONTESTING RECORD PROCEDURES:

If access has been granted, contact the responsible official at the address specified under Notification Procedures above, reasonably identify the record, specify the information to be contested, and state the corrective action sought.

RECORD SOURCE CATEGORIES:

From individuals themselves or their service records; including efficiency and progress reports; from persons providing references; from reports of findings and recommendations made by Board members; and from supervisors. In addition, Board members may present findings and recommendations, to the Board for Correction and PHS Commissioned Corps Records.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Individuals will be provided information from the above record system except, when in accordance with the provisions of 5 U.S.C. 552a(k)(5), (a) disclosure of such information would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or (b) if the information was obtained prior to September 27, 1975, disclosure of such information would reveal the identity of the source who provided information under an implied promise that the identity of the source would be held in confidence. Pursuant to 5 U.S.C. 552a(k)(6) all material and information in this system of records about an individual that meet the criteria stated in 5 U.S.C. 552a(k)(6) are exempt from the requirements of 5 U.S.C. 552a(c)(3); (e)(4)(G), (H) and (I); and (f) relating to access and contest, making an accounting of disclosures to the individual named in the record, the provisions regarding agency rules in that portion of this system that relate to testing and examination materials that are used solely to determine individual qualifications for appointment or promotion in the PHS Commissioned Corps. The specific material that is exempted is as follows:

a. Answer keys.

b. Ratings given for the purpose of validating examinations.

c. Rating sheets.

d. Rating schedules, including crediting plans.

e. Transmutation tables.

f. Test booklets.

g. Test item files.

09-37-0006

SYSTEM NAME:

PHS Commissioned Corps Grievance, Non-Board and Pre-Board Involuntary Retirement/Separation, and Disciplinary Files. HHS/OASH/OM.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Office of the Director, Commissioned Personnel Operations Division, Office of Personnel Management/OM/PHS, Room 4A-15, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857

and

General Services Administration, Federal Records Center, 111 Winnebago Street, St. Louis, MO 63118.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Commissioned officers and applicants to the PHS Commissioned Corps.

CATEGORIES OF RECORDS IN THE SYSTEM:

Files concerning grievances filed by or against commissioned officers; disciplinary actions, involuntary retirements and involuntary separations (non-board or pre-board actions) taken against commissioned officers; and correspondence related thereto.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

42 U.S.C. 202 et seq., and 5 U.S.C. 4501.

PURPOSE(S):

Used by the Commissioned Personnel Operations Division (CPOD) to decide or process grievances, involuntary retirements, involuntary separations, or disciplinary actions, or by those assisting in these actions.

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:

1. To disclose information to 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.

2. In the event of litigation, where one of the parties is:

(a) the Department, any component of the Department, or any employee of the Department in his or her official capacity;

(b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or

(c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is

compatible with the purpose for which the records were collected.

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

STORAGE:

Automated (disc) and nonautomated (hard-copy) files.

RETRIEVABILITY:

Alphabetically by officer's name.

SAFEGUARDS:

Access to and use of both nonautomated and automated records is limited to personnel whose official duties require such access. For example, automated records are secured by assigning individual access codes to authorized personnel. Further safeguards are provided for both automated and nonautomated records in accordance with chapters 45–13 and PHS.hf:45–13 of the Department's General Administration Manual, and Part 6 of the Department's ADP Systems Manual. For example, personnel screening and Privacy Act nondisclosure oath are employed to prevent unauthorized disclosure. Authorized personnel includes CPOD administrative staff and other Department officials responsible for making determinations regarding the disposition of grievances, involuntary terminations, or disciplinary actions. Nonautomated records kept in Lektrievers, Conserv-a-Files, and safes in restricted area protected by building guard force.

RETENTION AND DISPOSAL.

Grievance files are destroyed after two years, or earlier if no longer needed for administrative purposes. Other records are transferred to a Federal Records Center one year after the officer separates from active duty, unless the officer is retired or the disciplinary action results or is likely to result in litigation.

SYSTEM MANAGER(S) AND ADDRESS:

Director, CPOD (See System location above).

NOTIFICATION PROCEDURE:

The requester who appears in person seeking access shall provide his/her name and at least one piece of tangible identification (e.g., PHS Commissioned Corps Identification Card, driver's license, passport, or voter registration card). Identification cards with current photographs are preferred but not required. Written requests must be signed and a comparison will be made of that signature and the signature maintained on file prior to release of the material requested. In addition, the following information must be provided when requesting material: (a) full name; and (b) a description of the record sought. Notification requests should be addressed to the System Manager.

RECORD ACCESS PROCEDURES:

Same as Notification Procedures. Requesters should also reasonably specify the record contents being sought.

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under Notification Procedures above and reasonably identify the record, specify the information being contested, and state the corrective action sought.

RECORD SOURCE CATEGORIES:

From individuals themselves; from reports of CPOD investigations; and from reports of review boards.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09–37–0007

SYSTEM NAME:

PHS Commissioned Corps General Personnel Records, HHS/OASH/OM.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Office of the Director, Commissioned Personnel Operations Division, Office of Personnel Management/OM/PHS, Room 4A–15, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857

and

General Services Administration, Federal Records Center, 111 Winnebago Street, St. Louis, MO 63118.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Commissioned officers, former commissioned officers, dependents and survivors of the above, and applicants to the PHS Commissioned Corps.

CATEGORIES OF RECORDS IN THE SYSTEM:

These records contain application forms for appointment, references and other documents relating to qualifications or suitability for appointment and assignment, including medical intern and residency evaluations; Service Record Cards (summarizing personnel actions); efficiency and progress reports; career development and training records; documents relating to promotion, retention, separation, and other personnel actions; applications and records of Service action relating to pay, travel, and allowances (including overseas educational allowances for dependents); identification and privilege card records; applications and records of Service action relating to Commissioned Officer Residency Deferment Program and Commissioned Officer Student Training and Extern Programs; survivor benefits; selection system applications; non-board terminations and reprimands, after final administrative action; leave records; awards and authorizations; Official Personnel Folders; and correspondence relating to the above.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

42 U.S.C. 202 et seq., and Executive Orders 9397 and 10450.

PURPOSE(S):

Used by the Commissioned Personnel Operations Division (CPOD) to determine qualifications and suitability for appointment, selection, career development and training, transfers, promotions, financial benefits and obligations, retention and other personnel actions; and in the preparation of the Commissioned Officer Roster and Promotion Seniority of the Public Health Service.

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:

1. To disclose information to other Federal agencies in the event of their appointment of former officers.

2. To disclose information to other Federal agencies to the extent necessary to obtain suitability and security investigation reports.

3. To disclose information to the Department of Defense in the event of national emergency to the extent necessary to provide assistance during an emergency situation.

4. To disclose information to the Federal Housing Administration and the Veterans Administration to the extent necessary to act on employment claims and determine benefits.

5. To disclose information to the Bureau of Prisons (Department of Justice), Coast Guard (Department of Transportation), Agency for International Development (Department of State), Uniformed Services University of the Health Sciences (Department of Defense), and Environmental Protection Agency, which may need such information about commissioned officers assigned or detailed to those agencies.

6. To disclose information for a research purpose, when the Department has:

(a) determined that the use or disclosure does not violate legal or policy limitations under which the record was provided, collected, or obtained;

(b) determined that the research purpose (1) cannot be reasonably accomplished unless the record is provided in individually identifiable form, and (2) warrants the risk to the privacy of the individual that additional exposure of the record might bring;

(c) required the recipient to—(1) establish reasonable administrative, technical, and physical safeguards to prevent unauthorized use or disclosure of the record, and (2) remove or destroy the information that identifies the individual at the earliest time at which removal or destruction can be accomplished consistent with the purpose of the research project, unless the recipient has presented adequate justification of a research or health nature for retaining such information, and (3) make no further use or disclosure of the record except—(A) in emergency circumstances affecting the health or safety of any individual, (B) for use in another research project, under the same conditions, and with written authorization of the Department, (C) for disclosure to a properly identified person for the purpose of an audit relating to the research project, if information that would enable research subjects to be identified is removed or destroyed at the earliest opportunity consistent with the purpose of the audit, or (D) when required by law;

(d) secured a written statement attesting to the recipient's understanding of, and willingness to abide by these provisions.

7. To disclose information to 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.

8. In the event of litigation where the defendant is:

(a) the Department, any component of the Department, or any employee of the Department in his or her official capacity;

(b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or

(c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

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

STORAGE:

Automated (disc and magnetic tape) and nonautomated (hard-copy) files.

RETRIEVABILITY:

Alphabetically by name, by PHS Serial Number, and by Social Security Number in accordance with Section 7(a)(2)(B) of the Privacy Act and Executive Order 9397.

SAFEGUARDS:

Access to and use of both nonautomated and automated records is limited to personnel whose official duties require such access. For example, automated records are secured by assigning individual access codes to authorized personnel. Further safeguards are provided for both automated and nonautomated records in accordance with chapters 45–13 and PHS.hf:45–13 of the Department's General Administration Manual, and Part 6 of the Department's ADP Systems Manual. For example, personnel screening and Privacy Act nondisclosure oath are employed to prevent unauthorized disclosure. Authorized personnel includes programmers, analysts, and administrative staff. Non-automated records are kept in Lektrievers, Conserv-a-Files, and safes in restricted area protected by building guard force.

RETENTION AND DISPOSAL:

Applicant files are destroyed after five years if the applicant is not commissioned. Files of Corps officers are retained throughout the individual's employment. The Official Personnel Folder is transferred to a Federal Records Center one year after the officer's separation. Identification and privilege cards and records are disposed of when an officer is no longer entitled to use them.

SYSTEM MANAGER(S) AND ADDRESS:

Director, CPOD (See System location above).

NOTIFICATION PROCEDURE:

The requester who appears in person seeking access shall provide his/her name and at least one piece of tangible identification (e.g., PHS Commissioned Corps Identification Card, driver's license, passport, or voter registration card). Identification cards with current photographs are preferred but not required. Written requests must be signed and a comparison will be made of that signature and the signature maintained on file prior to release of the material requested. In addition, the following information must be provided when requesting material: (a) full name; and (b) a description of the record sought. Notification requests should be addressed to the System Manager.

RECORD ACCESS PROCEDURES:

Same as Notification Procedures. Requesters should also reasonably specify the record contents being sought. Access to records systems which have been granted an exemption from the Privacy Act access requirement may be made at the discretion of the System Manager. Denial of access may be appealed to the Director, Office of Management, PHS.

CONTESTING RECORD PROCEDURES:

If access has been granted, contact the official at the address specified under Notification Procedures above and reasonably identify the record, specify the information being contested, and state the corrective action sought.

RECORD SOURCE CATEGORIES:

Information furnished by: the subject individual, persons who provide references, reports of supervisors and other officials, personnel actions of CPOD, and physicians.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Individuals will be provided information from the above record system except when, in accordance with the provisions of 5 U.S.C. 552a(k)(5), 1) disclosure of such information would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or 2) if the information was obtained prior to September 27, 1975, disclosure of such information would reveal the identity of the source who provided information under an implied promise that the identity of the source would be held in confidence.

09–37–0008

SYSTEM NAME:

PHS Commissioned Corps Unofficial Personnel Files and Other Station Files. HHS/OASH/OM.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Operating offices of the Department responsible for the individual's employment, and

General Services Administration, Federal Records Center, 111 Winnebago Street, St. Louis, MO 63118.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Commissioned officers, former commissioned officers, with their dependents assigned to the subject installation.

CATEGORIES OF RECORDS IN THE SYSTEM:

Duplication of any personnel record contained in system 09–37–0007, "PHS Commissioned Corps General Personnel Records," HHS/OASH/OM. In addition, there may be training records, billet descriptions, financial management documents, specialty board examination requests, medical intern and residency evaluations, leave records, indentification and privilege card records, and correspondence relating to the individuals covered.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

42 U.S.C. 202 et seq., and 10 U.S.C. 1071 et seq.

PURPOSE(S)

Used by the Department's operating officers for the purposes of determining an individual's employment status with respect to training, pay, leave, assignment, and related personnel matters.

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

These records and information from these records may be used:

1. To disclose information to 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.

2. In the event of litigation where the defendant is:

(a) the Department, any component of the Department, or any employee of the Department in his or her official capacity;

(b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or

(c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

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

STORAGE:

Nonautomated (hard-copy) files.

RETRIEVABILITY:

Alphabetically by name of officer.

SAFEGUARDS:

Records normally stored in locked files in secured areas. Access to and use of records is normally limited to supervisory officials and officials assigned to PHS component personnel offices whose official duties require such access.

RETENTION AND DISPOSAL:

Station personnel files are destroyed after two years if not used. Leave records are destroyed five years after the officer's separation. Other records are retained until there is no further administrative need to retain them, or until the individual leaves the Department, and are then either destroyed, or, if appropriate, are combined with the records described in system 09–37–0002, "PHS Commissioned Officer Personnel Data System," HHS/OASH/OM, which is then forwarded to a Federal Records Center. Identification and privilege cards and records disposed of when the officer is no longer entitled to use them.

SYSTEM MANAGER(S) AND ADDRESS:

Administrative officers where individual is employed.

NOTIFICATION PROCEDURES:

The requester who appeared in person seeking access shall provide his/her name and at least one piece of tangible identification (e.g., PHS Commissioned Corps Identification Card, driver's license, passport, or voter registration card). Identification cards with current photographs are preferred but not required. Written requests must be signed and a comparsion will be made of that signature and the signature maintained on file prior to release of the material requested. In addition, the following information must be provided when requesting material: (a) full name; and (b) a description of the record sought. Notification requests should be addressed to the System Manager.

RECORD ACCESS PROCEDURES:

Same as Notification Procedures. Requesters should also reasonably specify the record contents being sought.

CONTESTING RECORD PROCEDURES:

Contact the appropriate official indicated under Notification Procedures above; reasonably identify the record; specify the information being contested, and state the corrective action sought.

RECORD SOURCE CATEGORIES:

Information furnished by: the subject individual, persons who provide references, reports of supervisors and other officials, by personnel actions of CPOD, and by the individuals themselves.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09–37–0009

SYSTEM NAME:

Applied Statistics Training Institute Applicants and Students. HHS/OASH/OHRST.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Room 2–19, Center Building, 3700 East-West Highway, Hyattsville, Maryland 20782.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Applicants for and students of concentrated, intensive short-term courses related to health statistics. They are employees of Federal, State, and local governments and other persons in health-related fields engaged in collecting and analyzing vital and health statistics.

CATEGORIES OF RECORDS IN THE SYSTEM:

Applied Statistics Training Institute applicant form which contains brief education information, current employment, and courses in which applicant is interested.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Public Health Service Act, Section 304(b)(1) (42 U.S.C. 242b).

PURPOSE(S):

To set up courses, notify applicants of acceptance or non-acceptance, acceptance for a future course if necessary, and to plan for future courses not currently given in order to meet statistical needs of the health and health-related fields. Used exclusively within the National Center for Health Statistics (HCHS).

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

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request for that individual.

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

STORAGE:

Alphabetically filed in file cabinet.

RETRIEVABILITY:

Retrievable by name.

SAFEGUARDS:

Routine building security. Records are used only by staff administering the Applied Statistics Training Institute. Safeguards are established in accordance with guidelines in DHHS Chapter 45–13, in General Administration Manual, Chapter PHS.hf:45–13, and in the NCHS Staff Manual on Confidentiality.

RETENTION AND DISPOSAL:

File destroyed six months after each course is completed.

SYSTEM MANAGER(S) AND ADDRESS:

Director, National Center for Health Statistics, Office of Health Research, Statistics, and Technology, Center Building, Room 2–19, 3700 East-West Highway, Hyattsville, Maryland 20782.

NOTIFICATION PROCEDURE:

To determine if a record exists, write to the System Manager.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Positive identification is required from anyone seeking access. Requestors should also reasonably specify the record contents being sought.

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under notification procedures above, reasonably identify the record, specify the information to be contested, and state the corrective action sought.

RECORD SOURCE CATEGORIES:

Voluntary submission of Application Form by person wishing to take the ASTI courses.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09–37–0010

SYSTEM NAME:

Health and Demographic Surveys Conducted in Probability Samples of the U.S. Population. HHS/OASH/OHRST.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Room 2–19, Center Building, 3700 East-West Highway, Hyattsville, Maryland 20782;

Federal Records Center, 4205 Suitland Road, Suitland, Maryland 20409;

and at selected contractor locations. A current list of contractor sites is available by writing to the System Manager at the address below.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals and members of households selected by probability sampling techniques to be representative of the civilian population of the United States.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records containing information on: (1) the incidence of illness and accidental injuries, prevalence of diseases and impairments, the extent of disability, the utilization and cost of health care services, and other health characteristics of individuals obtained in household interviews and from their named health care providers and insurers; or (2) the nutritional status, prevalence levels of specially defined chronic diseases, growth and development patterns and distributions of various health related measurements and related data obtained in a survey involving health examinations, tests, and other measurement procedures; or (3) marital and child bearing history and intended future births, the use of prenatal care, and the family planning practices of individual women obtained by interview. Demographic and socioeconomic characteristics such as age, marital status, education, occupation, and family income are also obtained.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Public Health Service Act, Section 306(b) (42 USC 242k).

PURPOSE(S):

The data are used for statistical purposes only. Uses within the Department include the preparation of aggregated data in the form of statistical tables for publication, analysis, and interpretation, to meet the legislative mandates of 42 USC 242k, to determine levels of illness and disability and their effects on the population, the use of health care facilities, trends in family formation and dissolution, and the like.

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

The data are disseminated for purposes of statistical research and analysis outside DHHS in forms which do not permit the identification of individuals, such as publications of statistical tables, specially requested tabulations, and public use computer tapes. These are communicated to interested persons outside DHHS, such as members of Congress and their staffs, other executive branch agencies, universities, States, cities, private foundations, etc. The findings are used by demographers, sociologists, health statisticians, epidemiologists, other scholars and concerned citizens, to evaluate health matters, make determinations on needs for legislation, appropriations, new service programs, and the like.

The Department occasionally contracts with a private firm for the purpose of collating, analyzing, aggregating, or otherwise refining records in this system. Relevant records are disclosed to such a contractor. The contractor is required to maintain Privacy Act safeguards with respect to such records.

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

STORAGE:

Paper files and magnetic tapes.

RETRIEVABILITY:

A serial number tied to the selection process of successively smaller geographic areas is assigned to each record on magnetic tape. This serial number is cross-indexed to the original, individually identifiable record.

SAFEGUARDS:

All employees of the National Center for Health Statistics (NCHS), as a condition of employment, sign an affidavit binding them to nondisclosure of identifiable individual information. Since the magnetic tapes have no name and address information, users of the tape could only identify specific individuals by relating the serial number on the tape to the original record. Only persons needing to use individual data to perform their assigned task, such as analysts, statisticians, statistical clerks, and key punch operators, are allowed access to the original records. Safeguards are established in

accordance with guidelines in DHHS Chapter 45–13, in General Administration Manual, Chapter PHS.hf:45–13, and in the NCHS Staff Manual on Confidentiality.

RETENTION AND DISPOSAL:

Original survey records are reviewed for accuracy, edited, and data (without personal identifiers such as name or Social Security Number) are transferred to magnetic tape. The original records are retained in office files of NCHS until the process of conversion to magnetic tape and verification of information is completed. This process is completed within approximately nine months. The original records are then sent to the Federal Records Center where they are stored for 5 years for interview survey records and 10 years for examination records. Microfilm copies of examination records are retained at the Federal Records Center for 40 years.

SYSTEM MANAGER(S) AND ADDRESS:

Director, National Center for Health Statistics, Office of Health Research, Statistics, and Technology, Center Building, Room 2–19, 3700 East-West Highway, Hyattsville, Maryland 20782.

NOTIFICATION PROCEDURE:

To determine if a record exists, write to the System Manager.

RECORD ACCESS PROCEDURES:

Access to record systems which have been granted an exemption from the Privacy Act access requirement may be made at the discretion of the System Manager. Positive identification is required from anyone seeking access. Appeal of access refusal may be made to the Director, Office of Management, Public Health Service.

CONTESTING RECORD PROCEDURES:

If access has been granted, contact the System Manager and reasonably identify the record, specify the information being contested, and state the corrective action sought.

RECORD SOURCE CATEGORIES:

Respondents included in the survey samples.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

With respect to this system of records, exemption has been granted from the requirements contained in subsections 552a(c)(3), (d)(1) through (4), and (e)(4)(G) and (H) in accordance with the provision of subsection 552a(k)(4) of the Privacy Act of 1974. The reason this system has been exempted is that this system contains only records required by statute to be maintained and used solely as statistical records. The exemption was published in the **Federal Register**, October 8, 1975, page 47413.

09–37–0011

SYSTEM NAME:

Health Manpower Inventories and Surveys. HHS/OASH/OHRST.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Room 2–19, Center Building, 3700 East-West Highway, Hyattsville, Maryland 20782;

and at selected contractor locations. A current list of contractor sites is available by writing to the System Manager at the address below.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals tranined in specific health occupations, such as dentists, nurses, pharmacists, optometrists, dental hygienists, and other providers of health care services.

CATEOGRIES OF RECORDS IN THE SYSTEM:

Records containing information on educational attainment, place of education, activity status, place and setting of employment or practice, place of residence, date of birth, sex, and marital status.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Public Health Service Act, Section 306(b) (42 USC 242k).

PURPOSE(S):

The data are used for statistical purposes only. Uses within the Department include the preparation of aggregated data in the form of statistical tables for publication, analysis, and interpretation to meet legislative mandates of the Public Health Service Act, Section 306 (42 USC 242k), such as an annual report on health resources, including a description and analysis of the statistics included under Section 306(b)(1)(G). In addition, probability samples of individuals are selected by NCHS for statistical research purposes. Tables, magnetic tapes, and statistical samples of individuals are provided for statistical purposes only to the Bureau of Health Professions, Health Resources Administration, for its use in determining health manpower scarcity areas, for loan forgiveness, and developing and evaluating educational and training programs for health manpower.

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

The data are made available to Health Systems Agencies and the State Agency designated under P.L. 93–641 for statistical purposes only for developing and evaluating health plans.

The data are also disseminated for the purpose of statistical research and analysis outside DHHS in forms which do not permit the identification of individuals, such as publication of statistical tables, specially requested tables, and public use magnetic tapes. These are communicated to interested persons outside DHHS, such as members of Congress, other executive branch agencies, professional associations, universities, states, cities, private foundations, etc. The statistical summaries are used by health manpower researchers, legislators, statisticians and concerned citizens to evaluate the Nation's health manpower resources, make determinations on needs for legislation, new health manpower training programs, and the like.

The Department occasionally contracts with a private firm for the purpose of collating, analyzing, aggregating or otherwise refining records in the system. Relevant records are disclosed to such a contractor. The contractor is required to maintain Privacy Act safeguards with respect to such records.

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

STORAGE:

Paper files and magnetic tape.

RETRIEVABILITY:

Name and address, date of the inventory or survey, and other identifiers permit the retrieval of a computer record of the individual's information contained on magnetic tape. Original records of information are reviewed by the contractor and/or National Center for Health Statistics (NCHS) staff for accuracy, edited, and data with personal identifier (such as name and address) are transferred to magnetic tape. The records are then matched by personal identifiers to produce an unduplicated file of individuals in a health occupation.

SAFEGUARDS:

All employees of NCHS, as a condition of employment, sign an affidavit binding them to nondisclosure of identifiable individuals' information. Only persons needing to use

individually identifiable data to perform their assigned tasks, such as analysts, statisticians, statistical clerks, and key punch operators, are allowed access to the records. Agreements are also obtained from the recipients of individually identifiable data describe above which bind them to nondisclosure of information identifying individuals and limits the use of the data to statistical research and analysis. Similarly, as a provision of the contract, a contractor acting as a data collection and processing agent of NCHS assures that the confidentiality of the records will be maintained. Safeguards are established in accordance with guidelines in DHHS Chapter 45–13, in General Administration Manual, Chapter PHS.hf: 45–13, and in the NCHS Staff Manual on Confidentiality.

RETENTION AND DISPOSAL:

The original records are retained in the offices of national professional associations and/or State boards of licensure, or the NCHS data processing facility until the process of conversion to magnetic tape and verification of information is completed and a subsequent inventory or survey is initiated. For these reasons the records may be retained for a period of up to five years before disposal.

SYSTEM MANAGER(S) AND ADDRESS:

Director, National Center for Health Statistics, Office of Health Research, Statistics and Technology, Center Building, Room 2–19, 3700 East-West Highway, Hyattsville, Maryland 20782.

NOTIFICATION PROCEDURE:

To determine if a record exists, write to the System Manager at the above address.

RECORD ACCESS PROCEDURE:

Access to record systems which have been granted an exemption from the Privacy Act access requirement may be made at the discretion of the System Manager. Positive identification is required from anyone seeking access. Appeal of access refusal may be made to the Director, Office of Management, Public Health Service.

CONTESTING RECORD PROCEDURES:

If access has been granted, contact the System Manager and reasonably identify the record, specify the information being contested, and state the corrective action sought.

RECORD SOURCE CATEGORIES:

Health practitioners, state licensing agencies, or professional associations.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

With respect to this system of records, exemption has been granted from the requirements contained in subsections 552a(c)(3), (d)(1) through (4), and (e)(4)(G) and (H) in accordance with the provision of subsection 522a(k)(4) of the Privacy Act of 1974. The reason that the system has been exempted is that this system contains only records required by statute to be maintained and used solely as statistical records. The exemption was published in the **Federal Register**, October 8, 1975, page 47413.

09–37–0012

SYSTEM NAME:

Vital Statistics for Births, Deaths, Fetal Deaths, Marriages and Divorces Occurring in the United States during Each Year. HHS/OASH/OHRST.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Room 2–19, Center Building, 3700 East-West Highway, Hyattsville, Maryland 20782;

Federal Records Center, 4205 Suitland Road, Suitland, Maryland 20409.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who are born and their parents; individuals who die; individuals who are married or divorced; and parents experiencing fetal deaths.

CATEGORIES OF RECORDS IN THE SYSTEM:

The records include microfilm images of State records or machine-readable data prepared by the State from records collected under the laws of each State for births, deaths, fetal deaths, marriages and divorces. The records contain the demographic characteristics of individuals associated with each event. In addition, the birth records include information on the characteristics of each live birth, the health status of the infant, and socioeconomic characteristics of the parents. The death records contain medical information relating to cause of death and to socioeconomic characteristics of the deceased; the fetal death record contains medical information relating to cause of death and socioeconomic characteristics of the parents. Marriages and divorces include demographic and socioeconomic characteristics of both parties to the event and legal information regarding the event.

Periodically the National Center for Health Statistics (NCHS) conducts followback surveys, collecting information on random samples of births and deaths through mail questionnaires. The content of questionnaires for the followback surveys varies. Past surveys have collected information on such topics as hospital utilization in the last year of life, smoking habits of the deceased, health status of infants, and pregnancy and employment histories of mothers.

Lists of names and other identifying information in the system are provided to NCHS by individuals and organizations who for health research purposes seek to have them matched against files of decedents in order to identify State death records.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Public Health Service Act, Action 306(h) (42 USC 242k).

PURPOSE(S):

The data are used for statistical purposes only. Uses within the Department include the preparation of aggregated data in the form of statistical tables for publication, analsis, and interpretation, to meet the legislative mandates of 42 USC 242k, i.e., to determine the extent and nature of illness and disability of the population of the U.S., including life expectancy and levels of infant and maternal mortality, environmental and other health hazards, trends in family formation, growth, and dissolution, and other related matters. The followback surveys are designed primarily to expand the scope of data that NCHS can collect from the national registration system, to make the registration system more responsive to changing needs for data, and to evaluate the quality of data collected on the birth and death records.

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

The processed data are disseminated for public use in forms that do not permit identification of individuals, such as published statistical tables, special unpublished tabulations, and public use computer tapes, which carry no individual identifiers. They are used by members of Congress and their staffs, other executive branch agencies, state and city governments, public and private research institutions, life insurance companies, faculty and students of universities, physicians, workers in health information, newspaper reporters and feature writers, etc. The findings are used to make determinations on needs for legislation, appropriations, and programs in the health field; to pinpoint

health problems, measure progress of national health programs, and make population estimates; for epidemiological studies, marketing research, sociological studies, and studies of the family; and for other research directed at understanding our society.

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

STORAGE:

Paper files and magnetic tapes.

RETRIEVABILITY:

Some States submit microfilm copies of certificates of birth, death, fetal death, marriage, and divorce, and statistics are extracted from them. These microfilms contain individual identifiers; they are the only individually identified records in the system. Other States submit vital statistics data on magnetic tape, showing only a State file number for each case but no personal identifiers.

SAFEGUARDS:

All employees of NCHS, as a condition of employment, sign an affidavit binding them to nondisclosure of identifiable individual information. Only employees of NCHS or employees of contractors who have signed similar affidavits and who need to use individual data to perform their assigned tasks—persons such as analysts, statisticians, statistical clerks, and key punch operators—are permitted access to the magnetic tapes containing the certificate numbers or to the files containing the microfilm copies of the certificates. The certificate numbers of the individual records and the geographic code identification of cities with less than 100,000 population are removed before the data tapes are released for public use. No identifying number appears on the public use tape that would link a record on that tape to any individual, to the NCHS master tape, to the microfilm file, or to the original certificate in the State vital statistics office. Safeguards are established in accordance with guidelines in DHHS Chapter 45–13, in General Administration Manual, Chapter PHS.hf:45–13, and in the NCHS Staff Manual on Confidentiality.

RETENTION AND DISPOSAL:

The microfilm copies of the individually identifiable records are retained in office files of NCHS until the process of conversion to magnetic tape and verification of information is completed. The death records are sent to the Federal Records Center ten years after tabulation for deaths occurring during the three-year period surrounding census years and one year after tabulation for other years. They are held until disposed of, 15 years after tabulation for deaths of the censal years, and five years after tabulation for other years. Records of births, fetal deaths, marriages, and divorces are disposed of two years after tabulation. The questionnaires for the followback surveys are destroyed after conversion to magnetic tape, tabulation, and analyses have been completed.

SYSTEM MANAGER(S) AND ADDRESS:

Director, National Center for Health Statistics, Office of Health Research, Statistics and Technology, Center Building, Room 2–19, 3700 East-West Highway, Hyattsville, Maryland 20782.

NOTIFICATION PROCEDURE:

To determine if a record exists, write to the System Manager at the above address.

RECORD ACCESS PROCEDURES:

Access to record systems which have been granted an exemption from the Privacy Act access requirement may be made at the discretion of the System Manager. Positive identification is required from anyone seeking access. Appeal of access refusal may be made to the Director, Office of Management, Public Health Service.

CONTESTING RECORD PROCEDURES:

If access has been granted, contact the System Manager and reasonably identify the record, specify the information being contested, and state the corrective action sought.

RECORD SOURCE CATEGORIES:

Vital statistics records are obtained from State vital statistics offices or, in rare instances, from other State or county repositories of marriage or divorce data. Information in followback surveys is obtained from hospitals, physicians, or relatives of the infants or the deceased.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

With respect to this system of records, exemption has been granted from the requirements contained in subsections 552a(c)(3), (d) (1) through (4), and (e)(4) (G) and (H), in accordance with the provision of subsection 552a(k)(4) of the Privacy Act of 1974. The reason that the system has been exempted is that this system contains only records required by statute to be maintained and used solely as statistical records. The exemption was published in the **Federal Register**, October 8, 1975, page 47413.

09–37–0013

SYSTEM NAME:

Health Resources Utilization Statistics, HHS/OASH/OHRST.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Room 2–19, Center Building, 3700 East-West Highway, Hyattsville, Maryland 20782;

Federal Records Center, 4205 Suitland Road, Suitland, Maryland 20409.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Recipients of medical care included in statistical surveys and reports of the National Center for Health Statistics (NCHS), including but not limited to: (1) staff and residents of nursing homes selected by random sampling techniques to be representative of nursing homes in the U.S.; (2) physicians providing medical care and patients visiting such physicians; (3) patient medical records from selected short-stay hospitals.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records containing information on: (1) the utilization of long-term care and nursing home care through data on clients and residents (demographic and social characteristics, health status, and charges paid for care) and the facility (general characteristics, certification, services offered, and expense); (2) the demographic characteristics, medical and other problems of persons visiting physicians, and the physicians' diagnoses, treatment, and disposition decisions made during such visits as obtained from physicians during randomly assigned one-week survey periods; (3) the demographic characteristics, administrative information (admission and discharge dates, discharge status, and medical record number), and medical information (diagnoses and surgical procedures abstracted from the face sheet of short-stay hospital medical records); (4) records of family planning medical services provided by the clinics participating in a nationwide sample survey reporting system, the demographic and socioeconomic characteristics, including education and welfare status, of the recipients of these services, and the extent to which these services (excluding physicians' offices) are funded by Federal grants.

In many cases, these records do not contain individual identifiers when they come under control of the National Center for Health Statistics; they carry only sequence numbers, which only the

originating agency would be able to translate into a personal identifier—and even then, not in all cases. Names of residents and staff of nursing homes and patients of physicians are listed on separated forms for sampling purposes only and are not included in the final statistical records.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Public Health Service Act, Section 306(b) (42 USC 242k).

PURPOSE(S):

The data are used for statistical purposes only, as specified by statute, Section 308(d) of 42 USC 242m. Uses within the Department include the preparation of aggregated data in the form of statistical tables for publication, analysis and interpretation to meet the legislative mandates of 42 USC 242k, i.e., collection of statistics on the utilization of health services, including the utilization of: (1) long-term care services and nursing home facilities to determine levels of illness and disability, effects on the serviced population, and the costs of care; (2) ambulatory health services by specialties and types of practice of the health professionals providing such services; (3) short-stay hospitals to determine characteristics of patients, length of stay, diagnosis and surgical operations, and utilization patterns of care in hospitals of different size and ownership; (4) family planning facilities to provide statistics on the size of and services dispensed by these facilities, the numbers and characteristics of family planning patients, the overall proportion of the "target population" which is being reached by family planning programs on a national scale, and the like. The family planning data are distributed to the Deputy Assistant Secretary for Population Affairs, DHHS, and the Bureau of Community Health Services in the Health Services Administration for the purpose of executing national family planning programs.

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

The data are disseminated in forms which do not permit the identification of individuals, such as publications of statistical tables, specially requested tabulations, and public use computer tapes. These are communicated to interested persons outside DHHS, such as members of Congress and their staffs, other executive branch agencies, universities and medical schools, state and local health planning agencies, private foundations, etc. The findings are used by demographers, sociologists, health statisticians, epidemiologists, medical educators, health planners, other scholars, and concerned citizens, to evaluate health matters, make determinations on needs for legislation, appropriations, new service programs, and the like.

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

STORAGE:

Paper files and magnetic tapes.

RETRIEVABILITY:

Data are retrieved by individual identifier only in the editing stage of data processing and only for the purpose of correcting errors in the recording of information. Original survey records are reviewed for accuracy and edited, then data (without personal identifiers such as name or Social Security Number) are transferred to magnetic tape.

SAFEGUARDS:

All employees of the National Center for Health Statistics (NCHS), as a condition of employment, sign an affidavit binding them to nondisclosure of identifiable individual information. Since the magnetic data tapes have no name and address information, users of the tape could only identify specific individuals by relating the identification number on the tape to the original record. Only employees of NCHS, NCHS contractors, the agency supplying the information in the first instance, and third parties with the written permission of the agency supplying the information are permitted access to the magnetic tapes with the identifying numbers described above or to the files containing the original reporting instruments. Access to the records is further limited to persons such as analysts, statisticians, statistical clerks, and key punch operators, who need to use the individual data to perform their assigned tasks. Safeguards are established in accordance with guidelines in DHHS Chapter 45–13, in General Administration Manual, Chapter PHS.hf:45–13, and in the NCHS Staff Manual on Confidentiality.

RETENTION AND DISPOSAL:

The original records are retained in office files of NCHS or NCHS contractors for two years. The procedure for family planning records differs in that the original documents are retained in office files for only two months. In all instances, the original records are then sent to the Federal Records Center where they are stored for five years.

SYSTEM MANAGER(S) AND ADDRESS:

Director, National Center for Health Statistics, Office of Health Research, Statistics and Technology, Center Building, Room 2–19, 3700 East-West Highway, Hyattsville, Maryland 20782.

NOTIFICATION PROCEDURES:

To determine if a record exists, write to the System Manager at the above address.

RECORD ACCESS PROCEDURES:

Access to record systems which have been granted an exemption from the Privacy Act access requirement may be made at the discretion of the System Manager. Positive identification is required from anyone seeking access. Appeal of access refusal may be made to the Director, Office of Management, Public Health Service.

CONTESTING RECORD PROCEDURES:

If access has been granted, contact the System Manager and reasonably identify the record, specify the information being contested, and state the corrective action sought.

RECORD SOURCE CATEGORIES:

Hospitals, physicians, clinics, nursing homes, and other providers of health care.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

With respect to this system of records, exemption has been granted from the requirements contained in Subsections 552a(c)(3), (d)(1) through (4), and (e)(4) (G) and (H), in accordance with provisions of Subsections 552a(k)(4) of the Privacy Act of 1974. The reason for this exemption is that this system contains only records required by statute to be maintained and used solely as statistical records. The exemption was published in the **Federal Register**, September 11, 1978, page 40229.

09–37–0014

SYSTEM NAME:

Curricula Vitae of Consultants to the National Center for Health Statistics. HHS/OASH/OHRST.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Room 2–19, Center Building, 3700 East-West Highway, Hyattsville, Maryland 20782; and offices of contractors employed to develop and maintain curricula vitae on consultants to the National Center for Health Statistics (HCHS). Contractor locations are

available upon request directed to the System Manager.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons who are current or potential consultants to NCHS. These are persons with special expertise who may be able to assist NCHS on a consultant basis in the planning and conducting of surveys, studies, statistical reporting programs, statistical analyses of data, or in providing training and technical assistance, or assisting in conducting conferences.

CATEGORIES OF RECORDS IN THE SYSTEM:

Information relating to the professional training and experience of the consultant. This includes address; current position; employer; duties; place, time, and length of education; degrees received; honors received; former positions and work experiences; memberships in professional organizations; special committee and task force assignments; offices held; publications; references; health condition; availability for, and interest in travel and accepting certain assignments; compensation required, etc.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Public Health Service Act, Section 304(b) (42 U.S.C. 242b).

PURPOSE(S):

The data are used by staff of NCHS or its contractors for selecting consultants to assist in projects conducted or sponsored by NCHS.

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

Where Federal agencies having the power to subpoena other Federal agencies' records, such as the Internal Revenue Service or the Civil Rights Commission, issue a subpoena to the Department for records in this system of records, the Department will make such records available.

The Department occasionally contracts with a private firm for the purpose of collating, analyzing, aggregating or otherwise refining records in this system. Relevant records are disclosed to such a contractor. The contractor is required to maintain Privacy Act safeguards with respect to such records.

Disclosure may be made to 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.

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

STORAGE:

The information is contained on paper records and computer-readable tape.

RETRIEVABILITY:

Information is retrieved by name, address, speciality, and by other characteristics.

SAFEGUARDS:

Records are kept in locked metal cabinets or in a locked room when not in use. Records are used only by staff whose official duties require them to use records on consultants. Safeguards are established in accordance with guidelines in DHHS Chapter 45–13, in General Administration Manual, Chapter PHS.hf:45–13, and in the NCHS Staff Manual on Confidentiality.

RETENTION AND DISPOSAL:

Records are maintained permanently until the consultant's death, disability for consultant work, or request that his/her records be removed from the file.

SYSTEM MANAGER(S) AND ADDRESS:

Director, National Center for Health Statistics, Office of Health Research, Statistics and Technology, Center Building, Room 2–19, 3700 East-West Highway, Hyattsville, Maryland 20782.

NOTIFICATION PROCEDURE:

To determine if a record exists, write to the System Manager. Information needed consists of name of individual.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requestors should also reasonably specify the record contents being sought. Positive identification is required from anyone seeking access.

CONTESTING RECORD PROCEDURES:

Write to the official at the address specified under notification procedures above, and reasonably identify the record, specify the information to be contested, and state the corrective action sought.

RECORD SOURCE CATEGORIES:

Records are obtained from the consultants themselves, except that references may be obtained from present and former employers or supervisors of the consultants, or from individuals given as references by the consultants.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

9–37–0015

SYSTEM NAME:

National Center for Health Services Research Grants Records System. HHS/OASH/OHRST.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

National Center for Health Services Research, Center Building, Room 7–41, 3700 East-West Highway, Hyattsville, Maryland 20782.

Federal Records Center, 4205 Suitland Road, Suitland, Maryland 20409.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Principal Investigators and associated research and administrative personnel.

CATEGORIES OF RECORDS IN THE SYSTEM:

Grant files, including summary reports, grant applications, grant award notices, annual financial expenditure reports, summary comments of peer reviewers, salary information, staffing lists, general project correspondence, and Social Security Numbers (optional).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Public Health Services Act Sections 304, 305, 308, and 1205 (42 U.S.C. 242b, 242c, 242m, and 300d–4).

PURPOSE(S):

The information in this system is used to facilitate day-to-day grants management operations and for purposes of review, analysis, planning and policy formulation by NCHSR staff members and by other components of DHHS.

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

Where the appropriate official of the Department, pursuant to the Department's Freedom of Information Regulation, determines that it is in the public interest to disclose a record which is otherwise exempt from mandatory disclosure, disclosure may be made from this system of records.

Disclosure may be made to 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.

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to

directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

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

STORAGE:

Manual files (file folders).

RETRIEVABILITY:

Retrievable by name and grant number.

SAFEGUARDS:

Locked file cabinets, general building security. Only staff members of the Grants Operations and Administration Branch (GOAB) have regular access to system records. Other NCHSR staff may inspect and review records on a need-to-know basis only, with the approval—and in the presence—of GOAB staff. These safeguards are in compliance with DHHS Chapter 45–13 and Chapter PHS, hf: 45–13 of the General Administrative Manual.

RETENTION AND DISPOSAL:

Approved grant applications and their respective files are retained at NCHSR for two years beyond the termination date of the project. Rejected grant applications are held for one year. The grant files are then retired to a Federal Records Center and subsequently disposed of in accordance with the PHS/OASH records control schedule. The records control schedule may be obtained by writing to the System Manager at the address below.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Grants Operations and Administration Branch, National Center for Health Services Research, Office of Health Research, Statistics and Technology, Center Building, Room 7–41, 3700 East-West Highway, Hyattsville, Maryland 20782.

NOTIFICATION PROCEDURE:

To determine if a record exists, write to the System Manager at the above address.

RECORD ACCESS PROCEDURE:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. Verification of identity is required.

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under notification procedures above, and reasonably identify the record, specify the information to be contested, and state the corrective actions sought.

RECORD SOURCE CATEGORIES:

Applications, reports and correspondence from research community, and statements from grant review committees.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 81–25910 Filed 10–26–81; 8:45 am]
BILLING CODE 4110–85–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources Administration

Privacy Act of 1974, Annual Publication of Systems of Records

AGENCY: Department of Health and Human Services (DHHS); Public Health Service (PHS); Health Resources Administration (HRA).

ACTION: HRA is publishing this document to meet the requirements of Section 3(e)(4) of the Privacy Act (5 U.S.C. 552a), providing for annual publication of the existence and character of systems of records which are subject to the Act.

SUMMARY: This preamble summarizes significant changes to, and deletions of, systems of individually identifiable records which have occurred since the 1980 annual publication. New systems of records which HRA has added since the 1980 annual publication have been published for public comment during the year, as required by Office of Management and Budget (OMB) Circular A–108, Transmittal Memoranda No. 1 and No. 3, dated September 30, 1975, and May 17, 1976, respectively.

Notices of all systems of records currently maintained by HRA follow this preamble. The notices include modifications for the purposes of clarity, timeliness, and correctness, and are complete as of August 1, 1981. None of the modifications being made at this time meet the OMB criteria for a new or altered system report, or a period of public comment.

SUPPLEMENTARY INFORMATION:

A. General Information.

Notices published below describe systems of records maintained by the Health Resources Administration (HRA).

The routine uses set forth in each notice describe permissible disclosures outside the Department of records in that system, which may be made without the consent of individuals who are the subjects of those records. Additional disclosures without consent of subject individuals are permitted by the Privacy Act itself in Section 3(b), as follows:

"(1) to those officers and employees of the agency which maintains the record who have a need for the record in the performance of their duties;

"(2) required under section 552 of this title [the Freedom of Information Act];

"(3) for a routine use as [described in the routine use section of each specific system notice];

"(4) to the Bureau of the Census for purposes of planning or carrying out a census or survey or related activity pursuant to the provisions of title 13;

"(5) to a recipient who has provided the agency with advance adequate written assurance that the record will be used solely as a statistical research or reporting record, and the record is to be transferred in a form that is not individually identifiable;

"(6) to the National Archives of the United States as a record which has sufficient historical or other value to warrant its continued preservation by the United States Government, or for evaluation by the Administrator of General Services or his designee to determine whether the record has such value;

"(7) to another agency or to an instrumentality of any government jurisdiction within or under the control of the United States for a civil or criminal law enforcement activity if the activity is authorized by law, and if the head of the agency or instrumentality has made a written request to the agency which maintains the record specifying the particular portion desired and the law enforcement activity for which the record is sought;

"(8) to a person pursuant to a showing of compelling circumstances affecting the health or safety of an individual if, upon such disclosure, notification is transmitted to the last known address of such individual;

"(9) to either House of Congress, or, to the extent of matter within its jurisdiction, any committee or subcommittee thereof, any joint committee of Congress or subcommittee of any such joint committee;

"(10) to the Comptroller General, or any of his authorized representatives, in the course of the performance of the duties of the General Accounting Office; or

"(11) pursuant to the order of a court of competent jurisdiction."

B. Altered Routine Uses.

The Department requested a modification of the routine use allowing disclosure for the purpose of investigating and/or prosecuting a potential violation of law. The language of the routine use was clarified to indicate that,

(a) violations may only arise by statute or regulation,

(b) the records will be referred only to the Department of Justice, and

(c) the Department of Justice will use the records only for the purpose of investigation and possible prosecution of such violation.

The prosecution routine use now reads as follows:

In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by statute or regulation issued under the statute, the relevant records in the system of records may be referred, as a routine use, to the Department of Justice for the purpose of investigation and possible prosecution of such violation.

C. Deleted Systems of Records.

System notices which HRA has deleted were last published in the **Federal Register** on December 22, 1980 (Vol. 45, No. 247, Part VI). The page numbers in parentheses below refer to this publication. All of the systems listed below were deleted by HRA as a result of the transfer of the student assistance programs from this agency to the Health Services Administration, which was effective on December 22, 1980. The seven transferred systems are:

09–35–0007 "Public Health Service Scholarship and National Health Service Corps Scholarship Program." HHS/HRA/BHPr (pp. 84532–84533).

09–35–0021 "Disability Claims of the Nursing Student Loan Program." HHS/HRA/BHPr (p. 84535).

09–35–0022 "Disability Claims in the Health Professions Student Loan Program." HHS/HRA/BHPr (p. 84536).

09–35–0023 "Health Professions Student Loan Repayment Program." HHS/HRA/BHPr (pp. 84536–84537).

09–35–0024 "Health Professions Student Loan Cancellation." HHS/HRA/BHPr (p. 84537).

09–35–0025 "Physician Shortage Area Scholarship Program." HHS/HRA/BHPr (pp. 84537–84538).

09–35–0026 "Cuban Loan Program." HHS/HRA/BHPr (p. 84538).

D. Other Changes.

HRA has revised its system notices this year to enhance clarity and specificity, as well as to incorporate normal updating changes, such as location. Revisions for clarity and specificity include, but are not limited to, the following:

1. Identification within the "Safeguards" category of system notices of the types of personnel authorized to have access to the system in the performance of their duties; and

2. Modification of the "Notification Procedure" Record Access Procedure" and "Contesting Record Procedure" categories of system notices to include the requirement for identification of the requestor.

Readers who notice any inadvertent errors or omissions in HRA system notices are invited to bring them to my attention at the following address:

Department of Health and Human Services, Public Health Service, Health Resources Administration, Office of the Administrator, Center Building, Room 10-

27, 3700 East-West Highway, Hyattsville, Maryland 20782.

Dated: August 11, 1981.

John P. Buckley,

Acting Associate Administrator for Operations and Management.

Table of Contents

09-35-0005 Cycle II Dentist Survey. HHS/HRA/BHPr.
09-35-0009 Chattanooga Incremental Care Program. HHS/HRA/BHPr.
09-35-0013 Indo-China Refugee Physicians and Medical Students. HHS/HRA/BHPr.
09-35-0014 National Research Service Awards. HHS/HRA/BHPr.
09-35-0016 Professional Nurse Traineeships. HHS/HRA/BHPr.
09-35-0027 Consultants for Office of Health Resources Opportunity. HHS/HRA/OHRO.
09-35-0044 Health Professions Planning and Evaluation. HHS/HRA/OA.
09-35-0045 Nurse Practitioner Traineeships. HHS/HRA/BHPr.

09-35-0005

SYSTEM NAME:

Cycle II Dentist Survey. HHS/HRA/BHPr.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Division of Computer Research and Technology, NIH Building 12, 9000 Rockville Pike, Bethesda, MD 20205.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All U.S. dentists in 1974.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name; practice location; practice characteristics; and professional history.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Public Health Service Act, Section 301 (42 U.S.C. 241).

PURPOSE OF THE SYSTEM:

To study the supply and distribution of dentists in each state.

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

Disclosure may be made to 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.

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

STORAGE:

Magnetic tape.

RETRIEVABILITY:

Name within state.

SAFEGUARDS:

Locked file cabinets, personnel screening and password protection of automated records. Access is restricted to personnel in the professional practices development program area. (Safeguards are in accordance with Part 6, ADP Systems Security of the Department's ADP Systems Manual, and Chapter 45–13, Safeguarding Records Contained in Systems of Records, in the Department's General Administration Manual.)

RETENTION AND DISPOSAL:

Records are disposed of in accordance with the Records Control Schedule of the Health Resources Administration. Contact the System Manager for the disposal standard.

SYSTEM MANAGER AND ADDRESS:

Chief, Institutional Development Branch/Division of Dentistry, Center Building, Room 1–16, 3700 East-West Highway, Hyattsville, Maryland 20782.

NOTIFICATION PROCEDURE:

To determine if you are the subject of a record, contact the System Manager and provide suitable identification.

RECORD ACCESS PROCEDURE:

To obtain access to your record, contact the System Manager and provide suitable identification and a reasonable description of the record.

CONTESTING RECORD PROCEDURE:

To correct your record, contact the System Manager and provide (a) suitable identification, (b) a reasonable description of the record, (c) the specific information you want corrected, and (d) a precise description of the correction.

RECORD SOURCE CATEGORIES:

American Association of Dental Examiners.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE PRIVACY ACT:

None.

09-35-0009

SYSTEM NAME:

Chattanooga Incremental Care Program. HHS/HRA/BHPr.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Division of Computer Research and Technology, NIH Building 12, 9000 Rockville Pike, Bethesda, MD 20205.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Elementary school children ages 4–14 who were treated in the Dental Care Program from 1972–1976.

CATEGORIES OF RECORDS IN THE SYSTEM:

Patients' dental records.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Public Health Service Act, Section 301 (42 U.S.C. 241).

PURPOSE OF THE SYSTEM:

To study dental health patterns of children in a dental care program.

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

Disclosure may be made to 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.

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

STORAGE:

Magnetic tape.

RETRIEVABILITY:

I.D. Number assigned by program.

SAFEGUARDS:

Locked file cabinets, personnel screening and password protection of automated records. Access is restricted to personnel in the professional practices development program area. (Safeguards are in accordance with Part 6, ADP Systems Security, of the Department's ADP Systems Manual, and Chapter 45–13, Safeguarding Records Contained in Systems of Records, of the Department's General Administration Manual.)

RETENTION AND DISPOSAL:

Records are disposed of in accordance with the Records Control Schedule of the Health Resources Administration. Contact the System Manager for the disposal standard.

SYSTEM MANAGER AND ADDRESS:

Chief, Institutional Development Branch, Division of Dentistry, Center Building, Room 1–16, 3700 East-West Highway, Hyattsville, Maryland 20782.

NOTIFICATION PROCEDURE:

To determine if you are the subject of a record, contact the System Manager and provide suitable identification. An individual who requests notification of a medical/dental record shall, at the time the request is made, designate in writing

a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion. A parent or guardian who requests notification of a child's medical/dental record shall designate a family physician or other health professional (other than a family member) to whom the record, if any, will be sent. The parent or guardian must verify relationship to the child as well as his/her own identity.

RECORD ACCESS PROCEDURE:

To obtain access to your record, contact the System Manager and provide suitable identification and a reasonable description of the record. An individual who requests access to a medical/dental record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion. A parent or guardian who requests access to a child's medical/dental record shall designate a family physician or other health professional (other than a family member) to whom the record, if any, will be sent. The parent or guardian must verify relationship to the child as well as his/her own identity.

CONTESTING RECORD PROCEDURE:

To correct your record, contact the System Manager and provide (a) suitable identification, (b) a reasonable description of the record, (c) the specific information you want corrected, and (d) a precise description of the correction.

RECORD SOURCE CATEGORIES:

Tennessee Department of Public Health.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE PRIVACY ACT:

None.

09-35-0013

SYSTEM NAME:

Indo-China Refugee Physicians and Medical Students. HHS/HRA/BHPr.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Washington National Records Center, 4205 Suitland Road, Washington, D.C. 20405.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Indo-China physicians and medical students who applied for certification by the Educational Commission for Foreign Medical Graduates or the National Board of Medical Examiners under the Indo-China Refugee Physicians and Medical Students Program.

CATEGORIES OF RECORDS IN THE SYSTEM:

Medical school attended, specialty or specialty preference, age, sex, and marital status.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

The Indo-China Refugee Migration and Refugee Assistance Act of 1975 (Pub. L. 94-23).

PURPOSE OF THE SYSTEM:

To establish credentials and eligibility for training of Indo-China refugee physicians and medical students.

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

To persons responsible for admitting candidates to training courses for the ECFMG and the National Board of Medical Examiners examinations.

Disclosure may be made to 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.

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

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

STORAGE:

File folders.

RETRIEVABILITY:

Name of individual.

SAFEGUARDS:

Restricted access in the Federal Records Center. (Safeguards are in accordance with Chapter 45-13, Safeguarding Records Contained in Systems of Records, of the Department's General Administration Manual.)

RETENTION AND DISPOSAL:

Records are disposed of in accordance with the Records Control Schedule of the Health Resources Administration. Contact the System Manager for the disposal standard.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, International Educational Programs Section, Educational Development and International Activities Branch, Division of Medicine, Center Building, Room 3-22, 3700 East-West Highway, Hyattsville, Maryland 20782.

NOTIFICATION PROCEDURE:

To determine if you are the subject of a record, contact the System Manager and provide suitable identification.

RECORD ACCESS PROCEDURE:

To obtain access to your record, contact the System Manager and provide suitable identification and a reasonable description of the record.

CONTESTING RECORD PROCEDURES:

To correct your record, contact the System Manager and provide (a) suitable identification, (b) a reasonable description of the record, (c) the specific information you want corrected, and (d) a precise description of the correction.

RECORD SOURCE CATEGORIES:

Questionnaires completed by Indo-China physicians and medical students.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-35-0014

SYSTEM NAME:

National Research Service Awards. HHS/HRA/BHPr.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Office of Program Support, Room 4-22, Division of Nursing, Room 3-50, Center Building, 3700 East-West Highway, Hyattsville, Md. 20782.

Division of Computer Research and Technology, NIH Building 12, 9000 Rockville Pike, Bethesda, Md. 20205.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Applicants for and recipients of National Research Service Award fellowships.

CATEGORIES OF RECORDS IN THE SYSTEM:

Biographical data, education and employment history, reference reports,

research background, progress of residency training, transcripts.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Public Health Service Act, Section 472 (U.S.C. 289l–1).

PURPOSE OF THE SYSTEM:

To select and monitor recipients of fellowship support.

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

Disclosure may be made to 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.

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by statute or regulation issued under the statute, the relevant records in the system of records may be referred, as a routine use, to the Department of Justice, for the purpose of investigation and possible prosecution of such violation.

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

STORAGE:

File folders and magnetic tape.

RETRIEVABILITY:

Name of individual or application number.

SAFEGUARDS:

Files are locked during non-business hours, personnel screening, locked computer room and tape vault, guard service and password protection of automated records. Access is restricted to grants management and program personnel responsible for managing the National Research Service Awards program. (Safeguards are in accordance with Part 6, ADP Systems Security, of the Department's ADP Systems Manual, and Chapter 45–13, Safeguarding Records Contained in Systems of Records, of the Department's General Administration Manual.)

RETENTION AND DISPOSAL:

Records are disposed of in accordance with the Records Control Schedule of the Health Resources Administration. Contact the System Manager for the disposal standard.

SYSTEM MANAGER AND ADDRESS:

Grants Management Officer, BHPr, Center Building, Room 4–27, 3700 East-West Highway, Hyattsville, Md. 20782.

NOTIFICATION PROCEDURE:

To determine if you are the subject of a record, contact the System Manager and provide suitable identification.

RECORD ACCESS PROCEDURE:

To obtain access to your record, contact the System Manager and provide suitable identification and a reasonable description of the record.

CONTESTING RECORD PROCEDURE:

To correct your record, contact the System Manager and provide (a) suitable identification, (b) a reasonable description of the record, (c) the specific information you want corrected, and (d) a precise description of the correction.

RECORD SOURCE CATEGORIES:

Applicants; references (supplied by applicant); sponsoring faculty member.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE PRIVACY ACT:

None.

09–35–0016

SYSTEM NAME:

Professional Nurse Traineeships. HHS/HRA/BHPr.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Office of Program Support, Room 4–22, Division of Nursing, Room 3–50, Center Building, 3700 East-West Highway, Hyattsville, Maryland. 20782.

Division of Computer Research and Technology, NIH Building 12, 9000 Rockville Pike, Bethesda, Maryland 20205.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Registered nurses who have received Professional Nurse Traineeships.

CATEGORIES OF RECORDS IN THE SYSTEM:

U.S. citizenship verification; nursing licensure verification; education and employment history; post-traineeship employment.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Public Health Service Act, Section 830 (42 U.S.C. 297).

PURPOSE OF THE SYSTEM:

To select and monitor recipients of traineeships. Also used for statistical reports and program evaluation.

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

The length of allowable support for a particular applicant may be disclosed to participating schools.

Disclosure may be made to 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.

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

In the event that a system of records maintained by the agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by statute or regulation issued under the statute, the relevant records in the system of records may be referred, as a routine use, to the Department of Justice for the purpose of investigation and possible prosecution of such violation.

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

STORAGE:

File folders and magnetic tape.

RETRIEVABILITY:

Name or I.D. number of individual.

SAFEGUARDS:

Files are locked during non-business hours, personnel screening, locked computer room and tape vault, guard service and password protection of automated records. Access is restricted to grants management and program personnel responsible for managing the professional nurse traineeship program. (Safeguards are in accordance with Part 6, ADP Systems Security, of the Department's ADP Systems Manual, and Chapter 45–13, Safeguarding Records Contained in Systems of Records, of the Department's General Administration Manual.)

RETENTION AND DISPOSAL:

Records are disposed of in accordance with the Records Control Schedule of the Health Resources Administration. Contact the System Manager for the disposal standard.

SYSTEM MANAGER AND ADDRESS:

Grants Management Officer, BHPr., Center Building, Room 4–27, 3700 East-West Highway, Hyattsville, Maryland 20782.

NOTIFICATION PROCEDURE:

To determine if you are the subject of a record, contact the System Manager and provide suitable identification.

RECORD ACCESS PROCEDURE:

To obtain access to your record, contact the System Manager and provide suitable identification and a reasonable description of the record.

CONTESTING RECORD PROCEDURE:

To correct your record, contact the System Manager and provide (a) suitable identification, (b) a reasonable description of the record, (c) the specific information you want corrected, and (d) a precise description of that correction.

RECORD SOURCE CATEGORIES:

Applicants and participating schools.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE PRIVACY ACT:

None.

SYSTEM NAME:

Consultants for Office of Health Resources Opportunity. HHS/HRA/OHRO.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Office of Health Resources Opportunity (OHRO), Center Building, Room 10–50, 3700 East-West Highway, Hyattsville, Maryland 20782.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Private citizens employed as consultants by OHRO.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, address, phone number, academic history, period of appointment, duties performed for OHRO.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301.

PURPOSE OF THE SYSTEM:

To maintain a reference file of consultants.

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

Disclosure may be made to 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.

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

STORAGE:

File folders.

RETRIEVABILITY:

Name of individual.

SAFEGUARDS:

Locked file cabinets with access by authorized personnel only and general building security. (Safeguards are in accordance with Chapter 45–13, Safeguarding Records Contained in Systems of Records, of the Department's General Administration Manual.)

RETENTION AND DISPOSAL:

Records are disposed of in accordance with the Records Control Schedule of the Health Resources Administration.

SYSTEM MANAGER AND ADDRESS:

Administrative Officer, Office of Health Resources Opportunity, Center Building, Room 10–50, 3700 East-West Highway, Hyattsville, Maryland 20782.

NOTIFICATION PROCEDURE:

To determine if you are the subject of a record, contact the System Manager and provide suitable identification.

RECORD ACCESS PROCEDURE:

To obtain access to your record, contact the System Manager and provide suitable identification and a reasonable description of the record.

CONTESTING RECORD PROCEDURE:

To correct your record, contact the System Manager and provide (a) suitable identification, (b) a reasonable description of the record, (c) the specific information you want corrected, and (d) a precise description of the correction.

RECORD SOURCE CATEGORIES:

Subject individuals, peer referrals, previous employers.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE PRIVACY ACT:

None.

09–35–0044

SYSTEM NAME:

Health Professions Planning and Evaluation. HHS/HRA/OA.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Health Resources Administration, Center Building, 3700 East-West Highway, Hyattsville, Maryland 20782.

In addition, data are at contractor and field work sites as studies are developed, data collected, and reports written. You may request a list of locations where individually identifiable data are currently located from the System Manager.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Health professionals and students in the various health professions. Physicians, dentists, pharmacists, optometrists, podiatrists, veterinarians, public health personnel, audiologists, speech pathologists, health care administration personnel, nurses, allied health personnel, medical technologists, and other health personnel may be included.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, address, health profession, education history, academic grades, employment history, nationality, race, ethnicity, economic background, and sex. The specific data items collected and maintained are determined by the needs of the individual project.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Public Health Service Act, Section 708 (42 U.S.C. 292h), Health Professions Data, Section 787 (42 U.S.C. 295g–7).

Educational Assistance to Individuals from Disadvantaged Backgrounds, Section 798 (42 U.S.C. 295h–7), Educational Assistance to Disadvantaged Individuals in Allied Health Training, and Section 820 (U.S.C. 296k), Special Project Grants and Contracts.

PURPOSE OF THE SYSTEM:

The Health Resources Administration uses various records in this system to identify problems in the health care training and delivery systems, plan programs to correct those problems and evaluate the effectiveness of the resultant programs. The agency assesses the current supply of health professionals and predicts the supply needs of the future. The agency determines nationwide requirements as well as the needs of specific areas.

The agency also collects data on the educational system which supplies health professionals and on specific health education programs. The data are used to develop and test new methods of training and utilizing health professionals.

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

Disclosure may be made to 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.

A record may be disclosed for a research purpose, when the Department: (a) has determined that the use or disclosure does not violate legal or policy limitations under which the record was provided, collected, or obtained; (b) has determined that the research purpose (1) cannot be reasonably accomplished unless the record is provided in individually identifiable form, and (2) warrants the risk to the privacy of the individual that additional exposure of the record might bring; (c) has required the recipient to—(1) establish reasonable administrative, technical, and physical safeguards to prevent unauthorized use or disclosure of the record, and (2) remove or destroy the information that identifies the individual at the earliest time at which removal or destruction can be accomplished consistent with the purpose of the research project, unless the recipient has presented adequate justification of a research or health nature for retaining such information, and (3) make no further use or disclosure of the record except—(A) in emergency circumstances affecting the health or safety of any individual, (B) for use in another research project, under these same conditions, and with written authorization of the Department, (C) for disclosure to a properly identified person for the purpose of an audit related to the research project, if information that would enable research subjects to be identified is removed or destroyed at the earliest opportunity consistent with the purpose of the audit, or (D) when required by law; (d) has secured a written statement attesting to the recipient's understanding of, and willingness to abide by these provisions.

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

STORAGE:

File folders, magnetic tape, card files, microfilm, microfiche, and disc storage. The needs of each project determine the types actually used.

RETRIEVABILITY:

By name. In some instances an assigned number may be used to retrieve records.

SAFEGUARDS:

Locked building, locked rooms, locked file cabinets, personnel screening, locked computer rooms and computer tape vault, guard service, password protection of automated records, and limited access to only authorized personnel may be used. Particular safeguards are selected as appropriate to the type of records included in each project. Authorized personnel are generally limited to contractor personnel directly involved in data collection, compilation, and analysis. (Safeguards are in accordance with Part 6, ADP Systems Security of the Department's ADP Systems Manual, and Chapter 45–13, Safeguarding Records Contained in Systems of Records, of the Department's General Administration Manual.)

RETENTION AND DISPOSAL:

The contractor removes personal identifiers and destroys the records when they are no longer needed, as appropriate to the specific project. (Records may be retired to a Federal Records Center and subsequently disposed of in accordance with the Records Control Schedule of the Health Resources Administration). You may obtain a copy of the disposal standard for a particular project by writing to the System Manager.

SYSTEM MANAGER AND ADDRESS:

Contracting Officer, HRA, Center Building, Room 9–22, 3700 East-West Highway, Hyattsville, Maryland 20782.

NOTIFICATION PROCEDURE:

To determine if you are the subject of a record, contact the System Manager and provide suitable identification and, if possible, information about the specific project.

RECORD ACCESS PROCEDURE:

To obtain access to your record, contact the System Manager and provide suitable identification, a reasonable description of the record and, if possible, information about the specific project.

CONTESTING RECORD PROCEDURE:

To correct your record, contact the System Manager and provide (a) suitable identification, (b) a reasonable description of the record, (c) the specific information you want corrected, and (d) a precise description of the correction.

RECORD SOURCE CATEGORIES:

Subject individuals, state and local health departments, other health providers, health professions schools, and health professions associations may provide information depending on the individual project involved.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE PRIVACY ACT:

None.

09–35–0045

SYSTEM NAME:

Nurse Practitioner Traineeships. HHS/HRA/BHPr.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Health Resources Administration, Center Building, Room 3–50 and Room 4–22, 3700 East-West Highway, Hyattsville, Maryland 20782.

Washington National Records Center, 4205 Suitland Road, Washington, D.C. 20405.

Health Services Administration, Accounting and Finance Branch, Parklawn Building, Room 16–23, 5600 Fisher's Lane, Rockville, Maryland 20857.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals selected to receive nurse practitioner traineeships by schools participating in the program.

CATEGORIES OF RECORDS IN THE SYSTEM:

A trainee's case file contains a "Traineeship Award Agreement", "Verification of Address Card", and related correspondence with the individual and school(s) attended.

Personal information includes name, current address, home address and address of the primary medical care practice location. Social security number may be included when voluntarily provided.

Medical records or reports may be included when a trainee has requested suspension or cancellation of the payment or practice obligation because of medical disability. After determination of the claim, medical records will be returned to the subject individual or authorized representative.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Public Health Service Act, Section 822(b) (42 U.S.C. 296m).

PURPOSE OF THE SYSTEM:

The purpose of the system is to carry out the Department's responsibilities for the Nurse Practitioner Traineeship Program. The Health Resources Administration uses the records to: (1) determine eligibility of trainees selected by participating schools, (2) determine that the nature, location and duration of practice meets the service commitment of nurses who completed their training, and (3) recover funds from trainees who do not fulfill their practice commitment.

The records in the system are also used by the Health Services Administration, Accounting and Finance Branch to monitor the contractual obligations of trainees found to be in default. If the trainee does not fulfill the service commitment, the trainee must repay the traineeship support received, plus interest, to the U.S. Treasury.

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

Disclosure may be made to 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.

In the event of litigation, where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

Disclosure may be made to organizations considered qualified by the Secretary to conduct studies to evaluate the program.

In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by statute or regulation issued under the statute, the relevant records in the system of records may be referred, as a routine use, to the Department of Justice for the purpose of investigation and possible prosecution of such violation.

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

STORAGE:

File folders, magnetic tape and disk storage.

RETRIEVABILITY:

By name of individual.

SAFEGUARDS:

Locked file cabinets, personnel screening, locked computer rooms and computer tape vault, guard service and password protection of automated files. Access is restricted to personnel responsible for managing the nurse practitioner traineeship program. (Safeguards are in accordance with: Chapter 45–13, Safeguarding Records Contained in Systems of Records, of the Department's General Administration Manual; supplementary Chapter PHS.hf: 45–13; and Part 6, ADP Systems Security, of the Department's ADP Systems Manual.)

RETENTION AND DISPOSAL:

Case files are retired to a Federal Records Center three years after all activity is terminated, usually when the practice or payment obligation has been fulfilled or cancelled. Records are disposed of in accordance with the Records Control Schedule of the Health Resources Administration. You may obtain a copy of the disposal standard by writing to the System Manager.

SYSTEM MANAGER AND ADDRESS:

Chief, Nursing Education Branch, Center Building, Room 3–50, 3700 East-West Highway, Hyattsville, Maryland 20782.

NOTIFICATION PROCEDURE:

To determine if you are the subject of a record, contact the System Manager and provide suitable identification. An individual who requests notification of a medical/dental record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion.

RECORD ACCESS PROCEDURE:

To obtain access to your record, contact the System Manager and provide suitable identification and a reasonable description of the record. An individual who requests access to a medical/dental record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion.

CONTESTING RECORD PROCEDURES:

To correct your record, contact the System Manager and provide (a) suitable identification, (b) a reasonable description of the record, (c) the specific information you want corrected, and (d) precise description of the correction.

RECORD SOURCE CATEGORIES:

Individuals in the system and participating institutions.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE PRIVACY ACT:

None.

[FR Doc. 81-25913 Filed 10-26-81; 8:45 am]
BILLING CODE 4110-83-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Alcohol, Drug Abuse, and Mental Health Administration

Privacy Act of 1974; Annual Publication of Systems of Records

AGENCY: Department of Health and Human Services (DHHS); Public Health Service (PHS); Alcohol, Drug Abuse, and Mental Health Administration (ADAMHA).

ACTION: ADAMHA is publishing this document to meet the requirements of Section 3(e)(4) of the Privacy Act (5 U.S.C. 552a), providing for annual publication of the existence and character of systems of records which are subject to the Act.

SUMMARY: This preamble summarizes significant changes to systems of individually identifiable records which have occurred since the due date for submissions to the 1980 annual republication (August 21, 1980). Three new systems of records which ADAMHA added during the period August 21, 1980-July 31, 1981 were published for public comment as required by OMB Circular A-108. Notices of all systems of records maintained by ADAMHA, including the three new ones, follow this preamble. The notices include modifications for purposes of clarity and correctness, and are complete and current as of July 31, 1981. None of the modifications being made at this time meet the OMB criteria for a new or altered system report, or for a period of public comment.

SUPPLEMENTARY INFORMATION:

A. General: Each system notice sets forth routine uses for the records in that system that are compatible with the system's purpose. Under a routine use, records may be disclosed outside DHHS without the consent of the individuals who are the subjects of those records. Additional disclosures without consent of the subject individuals are permitted by the Privacy Act itself in Section 3(b), as follows:

1. To those officers and employees of the agency which maintains the record who have a need for the record in the performance of their duties;

2. As required under the Freedom of Information Act;

3. To the Bureau of the Census for purposes of planning or carrying out a census or survey or related activity pursuant to the provisions of title 13 of the United States Code;

4. To a recipient who has provided the agency with advance adequate written assurance that the record will be used solely as a statistical research or reporting record, and the record is to be transferred in a form that is not individually identifiable;

5. To the National Archives of the United States as a record which has sufficient historical or other value to warrant its continued preservation by the United States Government, or for evaluation by the Administrator or General Services or his designee to determine whether the record has such value;

6. To another agency or to an instrumentality of any government jurisdiction within or under the control of the United States for a civil or criminal law enforcement activity if the activity is authorized by law, and if the head of the agency or instrumentality has made a written request to the agency which maintains the record specifying the particular portion desired and the law enforcement activity for which the record is sought;

7. To a person pursuant to a showing of compelling circumstances affecting the health or safety of an individual if, upon such disclosure, notification is transmitted to the last known address of such individual;

8. To either House of Congress, or, to the extent of matter within its jurisdiction, any committee or subcommittee thereof, any joint committee of Congress or subcommittee of any such joint committee;

9. To the Comptroller General, or any of his authorized representatives, in the course of the performance of the duties of the General Accounting Office; or

10. Pursuant to the order of a court of competent jurisdiction.

B. Altered Routine Uses: ADAMHA completed avaluation, and substitution in system notices as appropriate, of two revised departmental routine uses. The evaluation was begun last year when DHHS modified the Department's standardized routine uses for litigation and research. Two other departmental routine uses, covering disclosure to investigative agencies, which were identical except for jurisdictions involved (Federal or foreign, state or local), were combined this year. Generally, routine uses were revised only for improved wording and ease of understanding, in some cases leading to an apparent increase in routine uses. This is the result of providing more detail and specificity, however, and does not actually represent more routine uses. No new routine uses were added to existing systems. There were nine instances where routine uses were deleted. Some specific changes in system notices are described in the following section.

C. Specific Changes: Changes include but are not limited to:

1. Normal updating of such items as the title of a system manager and the location of records;

2. Deletion of extraneous or redundant material in system notices;

3. Revision of the statement of purpose in system no. 90-30-0014, to inlcude usages within the agency that were formerly incorrectly placed among the routine uses. (The "purpose" of a system of records includes all related uses of the records within DHHS; "routine uses" include all disclosures outside DHHS, without the consent of the subject individuals, for a purpose that is compatible with the purpose of the system. This distinction is enunciated in the DHHS General Administration Manual, Chapter PHS.hf: 45-12);

4. Deletion from system no. 09-30-0022 of the special procedures to be followed by parents and/or guardians when requesting notification of a minor's record. No minors are subjects in the drug addiction research projects that this system of records supports;

5. Separation and more thorough discussion, in system no. 09-30-0028, of two distinct routine uses that had been lumped together as a general routine use which said: "To help satisfy patients' medico-legal needs." (The revised version now appears in the system notice as routine uses #4 and #5.)

D. Readers who notice any errors or omissions ADAMHA system notices are invited to bring them to my attention at the following address:

Alcohol, Drug Abuse, and Mental Health Administration, 5600 Fishers Lane, Room 12-105, Rockville, Maryland 20857.

Dated: August 13, 1981.

Charles A. Coffindaffer,

Deputy Executive Officer.

Table of Contents

09-30-0002 Statistical Research Data on Adolescent Runaways in Prince Georges County, Md., HHS/ADAMHA/NIMH
09-30-0003 Medical Records Files of Patients Seen in Therapy in Mental Health Study Center, HHS/ADAMHA/NIMH
90-30-0004 Intramural Research Program Records, HHS/ADAMHA/NIMH
90-30-0005 Saint Elizabeths Hospital Research Subjects Data Records, HHS/ADAMHA/NIMH
90-30-0006 Saint Elizabeths Hospital Medical Support Programs File System, HHS/ADAMHA/NIMH
90-30-0007 Saint Elizabeths Hospital Clinical Support Services Record System, HHS/ADAMHA/NIMH
90-30-0008 Saint Elizabeths Hospital Social Services Record System HHS/ADAMHA/NIMH

90–30–0009 Saint Elizabeths Hospital Multidisciplinary Raw Data Consultation Files, HHS/ADAMHA/NIMH

90–30–0010 Saint Elizabeths Hospital Juvenile Education Monitoring System, HHS/ADAMHA/NIMH

90–30–0011 Saint Elizabeths Hospital Admission Service Non-Admission File System, HHS/ADAMHA/NIMH

90–30–0012 Saint Elizabeths Hospital Pre-Service Education Records, HHS/ADAMHA/NIMH

90–30–0013 Saint Elizabeths Hospital Training Videotape Records, HHS/ADAMHA/NIMH

90–30–0014 Saint Elizabeths Hospital Financial System, HHS/ADAMHA/NIMH

90–30–0015 Saint Elizabeths Hospital General Security System, HHS/ADAMHA/NIMH

90–30–0016 Saint Elizabeths Hospital Patients' Personal Property Record, HHS/ADAMHA/NIMH

90–30–0017 Saint Elizabeths Hospital Legal Office Record System, HHS/ADAMHA/NIMH

90–30–0018 Saint Elizabeths Hospital Area D Community Mental Health Center Citizens Advisory Group Records, HHS/ADAMHA/NIMH

09–30–0019 Saint Elizabeths Hospital Court-Ordered Forensic Investigatory Materials File, HHS/ADAMHA/NIMH

09–30–0020 Administrative Records on Civilly Committed Drug Abusers under the Narcotic Addict Rehabilitation Act, HHS/ADAMHA/NIDA

09–30–0021 Patient Medical Records on PHS Beneficiaries 1935–1974 and Civilly Committed Narcotic Addicts 1967–1974 Treated at PHS Hospitals, HHS/ADAMHA/NIDA

09–30–0022 National Institute on Drug Abuse Addiction Research Center Federal Prisoner and Non-Prisoner Patient Files, HHS/ADAMHA/NIDA

09–30–0023 Records of Contracts Awarded to Individuals, HHS/ADAMHA/OA

09–30–0024 Saint Elizabeths Hospital General Administrative Record System, HHS/ADAMHA/NIMH

09–30–0025 Maryland Pyschiatric Case Register, HHS/ADAMHA/NIMH

09–30–0026 Saint Elizabeths Hospital Research Project Records, HHS/ADAMHA/NIMH

09–30–0027 Grants: Research, Research Training, Research Scientist Development, Education, Demonstration, Fellowships, Clinical Training, Community Services, Cooperative Agreements, HHS/ADAMHA/OA

09–30–0028 Saint Elizabeths Hospital General Medical/Clinical Records System and Related Indexes, HHS/ADAMHA/NIMH

09–30–0029 Records of Guest Workers, HHS/ADAMHA/OA

09–30–0030 Records of Visiting Fellows, HHS/ADAMHA/OA

09–30–0031 Saint Elizabeths Hospital Biometrics System, HHS/ADAMHA/NIMH

09–30–0033 Correspondence Files, HHS/ADAMHA/OA

09–30–0034 Professional Development Program Registries of the National Training System for Substance Abuse Services, HHS/ADAMHA/NIDA

09–30–0035 Three Mile Island Mental Health Survey Respondents Record, HHS/ADAMHA/NIMH

09–30–0036 Mental Health Epidemiologic and Biometric Research, HHS/ADAMHA/NIMH

09-30-0002

System name: STATISTICAL RESEARCH DATA ON ADOLESCENT RUNAWAYS IN PRINCE GEORGES COUNTY, MD., 1962-65. HHS/ADAMHA/NIMH.

Security classification: NONE.

System location:

MENTAL HEALTH STUDY CENTER
2340 UNIVERSITY BOULEVARD, EAST
ADELPHI, MARYLAND 20783

Categories of individuals covered by the system: ADOLESCENT RUNAWAYS IN PRINCE GEORGES COUNTY, MD., 1962-65.

Categories of records in the system: INFORMATION OBTAINED FROM INTERVIEWS WITH SUBJECT INDIVIDUALS AND PARENTS OR GUARDIANS. TYPES OF INFORMATION INCLUDED IN THE RECORDS ARE: AGE, SEX, HOME ADDRESS AND PHONE NUMBER, HOME CONDITIONS, NATURE OF PROBLEMS, ETC.

Authority for maintenance of the system: PUBLIC HEALTH SERVICE ACT SECTION 301(42 U.S.C. 241).

Purpose(s):

USED BY PROJECT OFFICER FOR FOLLOW-UP STUDY OF ADOLESCENT RUNAWAYS.

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

1. DISCLOSURE MAY BE MADE TO 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.
2. IN THE EVENT OF LITIGATION WHERE THE DEFENDANT IS (A) THE DEPARTMENT, ANY COMPONENT OF THE DEPARTMENT, OR ANY EMPLOYEE OF THE DEPARTMENT IN HIS OR HER OFFICIAL CAPACITY; (B) THE UNITED STATES WHERE THE DEPARTMENT DETERMINES THAT THE CLAIM, IF SUCCESSFUL, IS LIKELY TO DIRECTLY AFFECT THE OPERATIONS OF THE DEPARTMENT OR ANY OF ITS COMPONENTS; OR (C) ANY DEPARTMENT EMPLOYEE IN HIS OR HER INDIVIDUAL CAPACITY WHERE THE JUSTICE DEPARTMENT HAS AGREED TO REPRESENT SUCH EMPLOYEE, THE DEPARTMENT MAY DISCLOSE SUCH RECORDS AS IT DEEMS DESIRABLE OR NECESSARY TO THE DEPARTMENT OF JUSTICE TO ENABLE THAT DEPARTMENT TO PRESENT AN EFFECTIVE DEFENSE, PROVIDED SUCH DISCLOSURE IS COMPATIBLE WITH THE PURPOSE FOR WHICH THE RECORDS WERE COLLECTED.

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

Storage: FIELD NOTES, TRANSCRIBED INTERVIEWS, AUDIO TAPES OF INTERVIEWS.

Retrievability: RETRIEVED BY NUMBER.

Safeguards: RECORDS KEPT IN LOCKED FILING CABINETS IN A LOCKED ROOM. INDEXES WHICH LINK NAMES AND NUMBERS ARE KEPT IN SEPARATE LOCKED CABINETS.

Retention and disposal: RECORDS MAY BE RETIRED TO A FEDERAL RECORDS CENTER AND SUBSEQUENTLY DISPOSED OF IN ACCORDANCE WITH THE ADAMHA RECORDS CONTROL SCHEDULE. THE RECORDS CONTROL SCHEDULE AND DISPOSAL STANDARD FOR THESE RECORDS MAY BE OBTAINED BY WRITING THE SYSTEM MANAGER AT THE ADDRESS BELOW.

System manager(s) and address:

CHIEF, MENTAL HEALTH STUDY CENTER
2340 UNIVERSITY BOULEVARD, EAST
ADELPHI, MARYLAND 20783

Notification procedure: TO DETERMINE IF A RECORD EXISTS, WRITE TO THE SYSTEM MANAGER AT THE ADDRESS ABOVE. PROVIDE NOTARIZED SIGNATURE AS PROOF OF IDENTITY. THE REQUEST SHOULD INCLUDE THE NAME OF THE RESEARCHER, IF POSSIBLE. A PARENT OR GUARDIAN WHO REQUESTS NOTIFICATION OF A CHILD'S/INCOMPETENT PERSON'S RECORD SHALL DESIGNATE A FAMILY PHYSICIAN OR OTHER HEALTH PROFESSIONAL (OTHER THAN A FAMILY MEMBER) TO WHOM THE RECORD, IF ANY, WILL BE SENT. THE PARENT OR GUARDIAN MUST VERIFY RELATIONSHIP TO THE CHILD/INCOMPETENT PERSON AS WELL AS HIS/HER OWN IDENTITY.

Record access procedures: SAME AS NOTIFICATION PROCEDURES. REQUESTERS SHOULD ALSO REASONABLY SPECIFY THE RECORD CONTENTS BEING SOUGHT.

Contesting record procedures: CONTACT THE OFFICIAL AT THE ADDRESS SPECIFIED UNDER NOTIFICATION PROCEDURES ABOVE AND REASONABLY IDENTIFY THE RECORD, SPECIFY THE INFORMATION TO BE CONTESTED, AND STATE THE CORRECTIVE ACTION SOUGHT.

Record source categories: FROM THE SUBJECT INDIVIDUALS THEMSELVES, AND FROM THEIR PARENTS OR GUARDIANS, WITH SUBJECT INDIVIDUALS' APPROVAL, COOPERATION AND PARTICIPATION.

Systems exempted from certain provisions of the act: NONE.

09-30-0003

System name: MEDICAL RECORD FILES OF PATIENTS SEEN IN THERAPY IN PROGRAMS OF THE MENTAL HEALTH STUDY CENTER. HHS/ADAMHA/NIMH.

Security classification: NONE.

System location:

MENTAL HEALTH STUDY CENTER
2340 UNIVERSITY BOULEVARD, EAST
ADELPHI, MARYLAND 20783

AND AT CONTRACTOR FACILITIES. A LIST OF CONTRACTOR LOCATIONS IS AVAILABLE FROM THE SYSTEM MANAGER.

Categories of individuals covered by the system: PATIENTS SEEN IN THERAPY IN PROGRAMS OF THE MENTAL HEALTH STUDY CENTER, AT THE CENTER OR AT VARIOUS LOCATIONS THROUGHOUT THE COUNTRY.

Categories of records in the system: CONSULTATION RECORD FORM, INTAKE QUESTIONNAIRE, PROGRESS NOTES, PATIENT SERVICE RECORD FORM, PSYCHOPHYSIOLOGIC AND DEVELOPMENTAL TESTS, MEDICAL AND SOCIAL HISTORIES, PHYSICAL EXAMINATIONS, CLINICAL AND BEHAVIORAL OBSERVATIONS AND INTERVIEW QUESTIONNAIRES, CORRESPONDENCE WITH COMMUNITY AGENCIES, PROFESSIONALS ON CASES, AND CONSENT FORMS.

Authority for maintenance of the system: PUBLIC HEALTH SERVICE ACT SECTION 301(42 U.S.C. 241).

Purpose(s):

USED FOR CLINICAL INTERVENTION BY THERAPISTS AND, WITH INDIVIDUAL CONSENT, FOR BEHAVIORAL AND BASIC RESEARCH.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: DISCLOSURE MAY BE MADE TO 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.

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

Storage: MEDICAL RECORD FORMS, CASE NOTES, LOGS, FILES AND INDEXES.

Retrievability: RETRIEVED BY CASE NUMBER AND NAME.

Safeguards: ONLY AUTHORIZED RESEARCH AND SUPPORT STAFF HAVE ACCESS TO RECORDS WHICH ARE KEPT IN LOCKED FILE DRAWERS. INDEX RECORDS KEPT IN SEPARATE LOCKED CABINETS. CONTRACTORS ARE REQUIRED TO COMPLY WITH THE PROVISIONS OF THE PRIVACY ACT AND WITH THE DEPARTMENTAL REGULATIONS.

Retention and disposal: RECORDS MAY BE RETIRED TO A FEDERAL RECORDS CENTER AND SUBSEQUENTLY DISPOSED OF IN ACCORDANCE WITH THE ADAMHA RECORDS CONTROL SCHEDULE. THE DISPOSAL STANDARD FOR THESE RECORDS MAY BE OBTAINED BY WRITING THE SYSTEM MANAGER AT THE ADDRESS BELOW.

System manager(s) and address:

CHIEF, MENTAL HEALTH STUDY CENTER
2340 UNIVERSITY BOULEVARD, EAST
ADELPHI, MARYLAND 20783

Notification procedure: AN INDIVIDUAL MAY LEARN IF A RECORD EXISTS ABOUT HIMSELF/HERSELF UPON WRITTEN REQUEST, WITH NOTARIZED SIGNATURE, AD-

DRESSED TO THE SYSTEM MANAGER IDENTIFIED ABOVE. THE REQUEST SHOULD INCLUDE THE NAME OF THE RESEARCHER, AS WELL AS THE NAME OF THE STUDY, IF IT IS A NAMED STUDY. AN INDIVIDUAL WHO REQUESTS NOTIFICATION OF OR ACCESS TO A MEDICAL/DENTAL RECORD SHALL, AT THE TIME THE REQUEST IS MADE, DESIGNATE IN WRITING A RESPONSIBLE REPRESENTATIVE WHO WILL BE WILLING TO REVIEW THE RECORD AND INFORM THE SUBJECT INDIVIDUAL OF ITS CONTENTS AT THE REPRESENTATIVE'S DISCRETION. A PARENT OR GUARDIAN WHO REQUESTS NOTIFICATION OF OR ACCESS TO A MINOR'S RECORD SHALL AT THE TIME THE REQUEST IS MADE DESIGNATE A FAMILY PHYSICIAN OR OTHER HEALTH PROFESSIONAL (OTHER THAN A FAMILY MEMBER) TO WHOM THE RECORD, IF ANY, WILL BE SENT. THE DESIGNATE WILL RECEIVE THE RECORD IN ALL CASES AND UPON REVIEW WILL DETERMINE WHETHER THE RECORD SHOULD BE MADE AVAILABLE TO THE PARENT OR GUARDIAN.

Record access procedures: SAME AS NOTIFICATION PROCEDURES. REQUESTERS SHOULD ALSO REASONABLY SPECIFY THE RECORD CONTENTS BEING SOUGHT.

Contesting record procedures: CONTACT THE OFFICIAL AT THE ADDRESS SPECIFIED UNDER NOTIFICATION PROCEDURES ABOVE AND REASONABLY IDENTIFY THE RECORD, SPECIFY THE INFORMATION TO BE CONTESTED, AND STATE THE CORRECTIVE ACTION SOUGHT.

Record source categories: FROM THE PATIENTS THEMSELVES OR FROM THEIR PARENTS OR GUARDIANS WITH SUBJECT INDIVIDUALS' APPROVAL, COOPERATION, AND PARTICIPATION.

Systems exempted from certain provisions of the act: NONE.

09-30-0004

System name: INTRAMURAL RESEARCH PROGRAM RECORDS OF RESEARCH PERFORMED ON IN- AND OUTPATIENTS WITH VARIOUS TYPES OF MENTAL ILLNESS. HHS/ADAMHA/NIMH.

Security classification: NONE.

System location:

NATIONAL INSTITUTES OF HEALTH
9000 ROCKVILLE PIKE
BETHESDA, MARYLAND 20205
SAINT ELIZABETHS HOSPITAL
WASHINGTON, D. C. 20032

Categories of individuals covered by the system: IN- AND OUTPATIENTS WITH EMOTIONAL, PSYCHIATRIC, AND NEUROPHYSIOLOGICAL DISABILITY, NORMAL SUBJECTS, AND RESEARCH SUBJECTS.

Categories of records in the system: RESEARCH DATA OF WIDE VARIETY INCLUDING BIOCHEMICAL MEASURES, PSYCHOPHYSIOLOGICAL AND PSYCHOLOGICAL TESTS, QUESTIONNAIRES, CLINICAL AND BEHAVIORAL OBSERVATIONS AND INTERVIEWS, PHYSICAL EXAMINATIONS, AND CORRESPONDENCE.

Authority for maintenance of the system: PUBLIC HEALTH SERVICE ACT SECTIONS 301, 302, AND 303 (42 USC 241, 242, 242A).

Purpose(s):

THESE RECORDS ARE USED FOR DIAGNOSIS AND TREATMENT OF PATIENTS WITH NEUROPSYCHIATRIC ILLNESSES; BEHAVIORAL RESEARCH RELATING TO THE CAUSES, DIAGNOSES, AND TREATMENT OF NEUROPSYCHIATRIC DISORDERS; AND BASIC RESEARCH ON BEHAVIORAL PROCESSES AND PERSONALITY DEVELOPMENT.

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

1. A RECORD MAY BE DISCLOSED FOR A RESEARCH PURPOSE, WHEN THE DEPARTMENT:

(A) HAS DETERMINED THAT THE USE OR DISCLOSURE DOES NOT VIOLATE LEGAL OR POLICY LIMITATIONS UNDER WHICH THE RECORD WAS PROVIDED, COLLECTED, OR OBTAINED;

(B) HAS DETERMINED THAT THE RESEARCH PURPOSE (1) CANNOT BE REASONABLY ACCOMPLISHED UNLESS THE RECORD IS PROVIDED IN INDIVIDUALLY IDENTIFIABLE FORM, AND (2) WARRANTS THE RISK TO THE PRIVACY OF THE INDIVIDUAL THAT ADDITIONAL EXPOSURE OF THE RECORD MIGHT BRING;

(C) HAS REQUIRED THE RECIPIENT TO -- (1) ESTABLISH REASONABLE ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS TO PREVENT UNAUTHORIZED USE OR DISCLOSURE OF THE RECORD, AND (2) REMOVE OR DESTROY THE INFORMATION THAT IDENTIFIES THE INDIVIDUAL AT THE EARLIEST TIME AT WHICH REMOVAL OR DESTRUCTION CAN BE ACCOMPLISHED CONSISTENT WITH THE PURPOSE OF THE RESEARCH PROJECT, UNLESS THE RECIPIENT HAS PRESENTED ADEQUATE JUSTIFICATION OF A RESEARCH OR HEALTH NATURE FOR RETAINING SUCH INFORMATION, AND (3) MAKE NO FURTHER USE OR DISCLOSURE OF THE RECORD EXCEPT -- (A) IN EMERGENCY CIRCUMSTANCES AFFECTING THE HEALTH OR SAFETY OF ANY INDIVIDUAL, (B) FOR USE IN ANOTHER RESEARCH PROJECT, UNDER THESE SAME CONDITIONS, AND WITH WRITTEN AUTHORIZATION OF THE DEPARTMENT, (C) FOR DISCLOSURE TO A PROPERLY IDENTIFIED PERSON FOR THE PURPOSE OF AN AUDIT RELATED TO THE RESEARCH PROJECT, IF INFORMATION THAT WOULD ENABLE RESEARCH SUBJECTS TO BE IDENTIFIED IS REMOVED OR DESTROYED AT THE EARLIEST OPPORTUNITY CONSISTENT WITH THE PURPOSE OF THE AUDIT, OR (D) WHEN REQUIRED BY LAW;

(D) HAS SECURED A WRITTEN STATEMENT ATTESTING TO THE RECIPIENT'S UNDERSTANDING OF, AND WILLINGNESS TO ABIDE BY THESE PROVISIONS.

2. DISCLOSURE MAY BE MADE TO 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.

3. IN THE EVENT OF LITIGATION WHERE THE DEFENDANT IS (A) THE DEPARTMENT, AND COMPONENT OF THE DEPARTMENT, OR ANY EMPLOYEE OF THE DEPARTMENT IN HIS OR HER OFFICIAL CAPACITY; (B) THE UNITED STATES WHERE THE DEPARTMENT DETERMINES THAT THE CLAIM, IF SUCCESSFUL, IS LIKELY TO DIRECTLY AFFECT THE OPERATIONS OF THE DEPARTMENT OR ANY OF ITS COMPONENTS; OR (C) ANY DEPARTMENT EMPLOYEE IN HIS OR HER INDIVIDUAL CAPACITY WHERE THE JUSTICE DEPARTMENT HAS AGREED TO REPRESENT SUCH EMPLOYEE, THE DEPARTMENT MAY DISCLOSE SUCH RECORDS AS IT DEEMS DESIRABLE OR NECESSARY TO THE DEPARTMENT OF JUSTICE TO ENABLE THAT DEPARTMENT TO PRESENT AN EFFECTIVE DEFENSE, PROVIDED SUCH DISCLOSURE IS COMPATIBLE WITH THE PURPOSE FOR WHICH THE RECORDS WERE COLLECTED.

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

Storage: IN ORIGINAL STATE; FILES, INDEXES, MAGNETIC AND OTHER TAPES.

Retrievability: RETRIEVED BY NAME (CODED).

Safeguards: ONLY AUTHORIZED MEDICAL AND RESEARCH STAFF HAVE ACCESS TO THESE RECORDS. MAGNETIC TAPES, FILES, INDEXES, AND OTHER TAPES THAT CONTAIN INDIVIDUALLY IDENTIFIABLE DATA ARE STORED IN A LOCKED CABINET IN A LIMITED ACCESS AREA. MAGNETIC DATA ARE FURTHER PROTECTED BY SPECIAL ACCOUNT NUMBERS AND PASSWORDS.

Retention and disposal: RECORDS MAY BE RETIRED TO A FEDERAL RECORDS CENTER AND SUBSEQUENTLY DISPOSED OF IN ACCORDANCE WITH THE ADAMHA RECORDS CONTROL SCHEDULE. THE RECORDS CONTROL SCHEDULE AND DISPOSAL STANDARD FOR THESE RECORDS MAY BE OBTAINED BY WRITING THE SYSTEM MANAGER AT THE ADDRESS BELOW.

System manager(s) and address:

DIRECTOR, INTRAMURAL RESEARCH PROGRAM
NATIONAL INSTITUTE OF MENTAL HEALTH
BUILDING 36, ROOM 1A-07
9000 ROCKVILLE PIKE
BETHESDA, MARYLAND 20205

Notification procedure: TO DETERMINE IF A RECORD EXISTS, WRITE TO THE SYSTEM MANAGER AT THE ADDRESS ABOVE. PROVIDE NOTARIZED SIGNATURE AS PROOF OF IDENTITY. THE REQUEST SHOULD INCLUDE AS MUCH OF THE FOLLOWING INFORMATION AS POSSIBLE: (A) FULL NAME; (B) NATURE OF ILLNESS (IF ANY); (C) WARD OR LABORATORY; (D) TITLE OF STUDY; (E) NAME OF RESEARCHER CONDUCTING STUDY. AN INDIVIDUAL WHO REQUESTS NOTIFICATION OF OR ACCESS TO A MEDICAL/DENTAL RECORD SHALL, AT THE TIME THE REQUEST IS MADE, DESIGNATE IN WRITING A RESPONSIBLE REPRESENTATIVE WHO WILL BE WILLING TO REVIEW THE RECORD AND INFORM THE SUBJECT INDIVIDUAL OF ITS CONTENTS AT THE REPRESENTATIVE'S DISCRETION. A PARENT OR GUARDIAN WHO REQUESTS NOTIFICATION OF CHILD'S/INCOMPETENT PERSON'S RECORD SHALL AT THE TIME THE REQUEST IS MADE DESIGNATE A FAMILY PHYSICIAN OR OTHER HEALTH PROFESSIONAL (OTHER THAN A FAMILY MEMBER) TO WHOM THE RECORD, IF ANY, WILL BE SENT. THE DESIGNATE WILL RECEIVE THE RECORD IN ALL CASES AND UPON REVIEW WILL DETERMINE WHETHER THE RECORD SHOULD BE MADE AVAILABLE TO THE PARENT OR GUARDIAN.

Record access procedures: SAME AS NOTIFICATION PROCEDURES. REQUESTERS SHOULD ALSO REASONABLY SPECIFY THE RECORD CONTENTS BEING SOUGHT.

Contesting record procedures: CONTACT THE OFFICIAL AT THE ADDRESS SPECIFIED UNDER NOTIFICATION PROCEDURES ABOVE AND REASONABLY IDENTIFY THE RECORD, SPECIFY THE INFORMATION TO BE CONTESTED, AND STATE THE CORRECTIVE ACTION SOUGHT.

Record source categories: INFORMATION GATHERED FROM INDIVIDUALS UNDER STUDY, EITHER PATIENT OR NORMAL SUBJECT, CONTRACT SURVEYS, HOSPITAL RECORDS, MEDICAL AND NURSING STAFF NOTES.

Systems exempted from certain provisions of the act: NONE.

09-30-0005

System name: SAINT ELIZABETHS HOSPITAL RESEARCH SUBJECTS DATA RECORD. HHS/ADAMHA/NIMH.

Security classification: NONE.

System location:

SAINT ELIZABETHS HOSPITAL
WASHINGTON, D. C. 20032
AND
FEDERAL RECORDS CENTER
SUITLAND, MARYLAND

Categories of individuals covered by the system: PERSONS PARTICIPATING IN APPROVED RESEARCH STUDIES AT SAINT ELIZABETHS HOSPITAL IN THE FOLLOWING CATEGORIES: 1) IN-PATIENT, OUT- PATIENTS, AND RELATIONS OF PATIENTS; 2) HOSPITAL STAFF INCLUDING STIPENDED TRAINEES; AND 3) NON-HOSPITAL RELATED SUBJECTS.

Categories of records in the system: RECORD CATEGORIES INCLUDE: DATA FROM INTERVIEWS, MEDICAL AND NON-MEDICAL TEST AND LABORATORY DATA, SELF-REPORT INFORMATION, INFORMANT OBSERVATION DATA, AND DATA FROM PREVIOUS RECORDS.

Authority for maintenance of the system: PUBLIC HEALTH SERVICE ACT SECTION 301 (42 U.S.C. 241).

Purpose(s):

PURPOSES INCLUDE: DATA ANALYSIS; CASE STUDY ILLUSTRATION; HYPOTHESIS GENERATING STUDY; SUBJECT REIMBURSEMENT; DIAGNOSING AND TREATING MENTAL DISORDERS, AND IMPROVING DIAGNOSTIC AND TREATMENT METHODS; GENERATING NEW KNOWLEDGE ABOUT THE NATURE AND CAUSES OF MENTAL AND EMOTIONAL ILLNESSES, AND ABOUT REHABILITATING THE MENTALLY ILL; GENERATING NEW KNOWLEDGE ABOUT HUMAN BEHAVIOR; PROGRAM EVALUATION AND ASSESSMENT; AND HISTORICAL RESEARCH.

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

1. RECORDS ARE ROUTINELY DISCLOSED TO QUALIFIED PHYSICIANS FOR THE PURPOSE OF OBTAINING MEDICAL BACKGROUND DATA.

2. DISCLOSURE MAY BE MADE TO 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.

3. IN THE EVENT OF LITIGATION WHERE THE DEFENDANT IS (A) THE DEPARTMENT, ANY COMPONENT OF THE DEPARTMENT, OR ANY EMPLOYEE OF THE DEPARTMENT IN HIS OR HER OFFICIAL CAPACITY; (B) THE UNITED STATES WHERE THE DEPARTMENT DETERMINES THAT THE CLAIM, IF SUCCESSFUL, IS LIKELY TO DIRECTLY AFFECT THE OPERATIONS OF THE DEPARTMENT OR ANY OF ITS COMPONENTS; OR (C) ANY DEPARTMENT EMPLOYEE IN HIS OR HER INDIVIDUAL CAPACITY WHERE THE JUSTICE DEPARTMENT HAS AGREED TO REPRESENT SUCH EMPLOYEE, THE DEPARTMENT MAY DISCLOSE SUCH RECORDS AS IT DEEMS DESIRABLE OR NECESSARY TO THE DEPARTMENT OF JUSTICE TO ENABLE THAT DEPARTMENT TO PRESENT AN EFFECTIVE DEFENSE, PROVIDED SUCH DISCLOSURE IS COMPATIBLE WITH THE PURPOSE FOR WHICH THE RECORDS WERE COLLECTED (E.G., TO THE DEPARTMENT OF JUSTICE OR OTHER APPROPRIATE FEDERAL AGENCIES IN DEFENDING CLAIMS AGAINST THE UNITED STATES WHEN THE CLAIM IS BASED UPON AN INDIVIDUAL'S MENTAL OR PHYSICAL CONDITION AND IS ALLEGED TO HAVE ARISEN BECAUSE OF ACTIVITIES OF THE PUBLIC HEALTH SERVICE IN CONNECTION WITH SUCH INDIVIDUALS).

4.

A RECORD MAY BE DISCLOSED FOR A RESEARCH PURPOSE, WHEN THE DEPARTMENT:

(A) HAS DETERMINED THAT THE USE OR DISCLOSURE DOES NOT VIOLATE LEGAL OR POLICY LIMITATIONS UNDER WHICH THE RECORD WAS PROVIDED, COLLECTED, OR OBTAINED;

(B) HAS DETERMINED THAT THE RESEARCH PURPOSE (1) CANNOT BE REASONABLY ACCOMPLISHED UNLESS THE RECORD IS PROVIDED IN INDIVIDUALLY IDENTIFIABLE FORM, AND (2) WARRANTS THE RISK TO THE PRIVACY OF THE INDIVIDUAL THAT ADDITIONAL EXPOSURE OF THE RECORD MIGHT BRING;

(C) HAS REQUIRED THE RECIPIENT TO -- (1) ESTABLISH REASONABLE ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS TO PREVENT UNAUTHORIZED USE OR DISCLOSURE OF THE RECORD, AND (2) REMOVE OR DESTROY THE INFORMATION THAT IDENTIFIES THE INDIVIDUAL AT THE EARLIEST TIME AT WHICH REMOVAL OR DESTRUCTION CAN BE ACCOMPLISHED CONSISTENT WITH THE PURPOSE OF THE RESEARCH PROJECT, UNLESS THE RECIPIENT HAS PRESENTED ADEQUATE JUSTIFICATION OF A RESEARCH OR HEALTH NATURE FOR RETAINING SUCH INFORMATION, AND (3) MAKE NO FURTHER USE OR DISCLOSURE OF THE RECORD EXCEPT -- (A) IN EMERGENCY CIRCUMSTANCES AFFECTING THE HEALTH OR SAFETY OF ANY INDIVIDUAL, (B) FOR USE IN ANOTHER RESEARCH PROJECT, UNDER THESE SAME CONDITIONS, AND WITH WRITTEN AUTHORIZATION OF THE DEPARTMENT, (C) FOR DISCLOSURE TO A PROPERLY IDENTIFIED PERSON FOR THE PURPOSE OF AN AUDIT RELATED TO THE RESEARCH PROJECT, IF INFORMATION THAT WOULD ENABLE RESEARCH SUBJECTS TO BE IDENTIFIED IS REMOVED OR DESTROYED AT THE EARLIEST OPPORTUNITY CONSISTENT WITH THE PURPOSE OF THE AUDIT, OR (D) WHEN REQUIRED BY LAW;

(D) HAS SECURED A WRITTEN STATEMENT ATTESTING TO THE RECIPIENT'S UNDERSTANDING OF, AND WILLINGNESS TO ABIDE BY THESE PROVISIONS.

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

Storage: WRITTEN DOCUMENTS AND PHOTOGRAPHS ARE IN FILE FOLDERS AND FILING CABINETS; AUDIO AND VIDEO TAPE REELS ARE IN STORAGE CABINETS.

Retrievability: SYSTEM IS FILED BY NAME, CODE, AND/OR HOSPITAL CASE NUMBER OF SUBJECT, DATES WHEN RESEARCH WAS CONDUCTED, RESEARCH PROGRAM AREA, AND PRIMARY INVESTIGATOR.

Safeguards: RECORDS ARE MAINTAINED IN MONITORED OFFICES AND ARE ONLY AVAILABLE TO PERSONS AUTHORIZED TO USE RECORDS FOR PURPOSES FOR WHICH THEY WERE COLLECTED.

Retention and disposal: RECORDS MAY BE RETIRED TO A FEDERAL RECORDS CENTER AND SUBSEQUENTLY DISPOSED OF IN

System manager(s) and address:

DIRECTOR, HOFFMAN DIVISION OF RESEARCH
SAINT ELIZABETHS HOSPITAL
WASHINGTON, D.C. 20032

Notification procedure: TO DETERMINE IF A RECORD EXISTS, CONTACT

PRIVACY ACT COORDINATOR
OFFICE OF THE DIRECTOR, HOFFMAN DIVISION OF RESEARCH
SAINT ELIZABETHS HOSPITAL
WASHINGTON, D.C. 20032

PROVIDE A NOTARIZED SIGNATURE IF REQUEST IS BY MAIL, OR SUITABLE IDENTIFICATION IF REQUEST IS MADE IN PERSON.

ALL OF THE FOLLOWING DATA MUST BE PROVIDED WHEN REQUESTING NOTIFICATION:

(A) FULL NAME, AND DATE AND PLACE OF BIRTH;
(B) INCLUSIVE DATES OF PARTICIPATION IN THE RESEARCH STUDY;
(C) TYPE OF RESEARCH STUDY;
(D) LOCATION OF THE UNIT WHERE RESEARCH WAS CONDUCTED;
(E) NAME OF PRIMARY INVESTIGATOR;
(F) THE STATUS OF THE REQUESTOR WITH RESPECT TO THE HOSPITAL, E.G., IN-PATIENT, OUT-PATIENT, FORMER PATIENT, STAFF OR TRAINEE, OR NON-HOSPITAL RELATED SUBJECT;
(G) IF POSSIBLE, IN THE CASE OF PATIENTS, THE HOSPITAL NUMBER.

Record access procedures: SAME AS NOTIFICATION PROCEDURES. REQUESTERS SHOULD ALSO REASONABLY SPECIFY THE RECORD CONTENTS BEING SOUGHT.

Contesting record procedures: CONTACT THE OFFICIAL AT THE ADDRESS SPECIFIED UNDER NOTIFICATION PROCEDURES ABOVE AND REASONABLY IDENTIFY THE RECORD, SPECIFY THE INFORMATION TO BE CONTESTED, AND STATE THE CORRECTIVE ACTION SOUGHT.

Record source categories: INFORMATION IS OBTAINED FROM RESEARCH SUBJECTS, OBSERVERS, PREVIOUS RECORDS, AND TEST RESULTS.

Systems exempted from certain provisions of the act: NONE.

09-30-0006

System name: SAINT ELIZABETHS HOSPITAL MEDICAL SUPPORT PROGRAM FILE SYSTEM. HHS/ADAMHA/NIMH.

Security classification: NONE.

System location:

SAINT ELIZABETHS HOSPITAL
MEDICINE AND LABORATORY BRANCHES
WASHINGTON, D.C. 20032

FEDERAL RECORDS CENTER
SUITLAND, MARYLAND

Categories of individuals covered by the system: ALL PRESENT AND PAST PATIENTS AND EMPLOYEES OF SAINT ELIZABETHS HOSPITAL WHO RECEIVED MEDICAL TREATMENT AND LABORATORY SERVICES.

Categories of records in the system: THE DIVISION OF MEDICAL SUPPORT PROGRAMS IS MADE UP OF TWO BRANCHES: (1) MEDICINE BRANCH; AND (2) LABORATORY BRANCH. LISTED BELOW ARE RECORDS AND LOGS PECULIAR TO THE DIVISION OF MEDICAL SUPPORT PROGRAMS ONLY (NOT USED OUTSIDE THE DIVISION). THE MEDICAL SUPPORT PROGRAM FILE SYSTEM DOES NOT INCLUDE ANY MATERIAL WHICH IS LOCATED IN A PATIENT'S MEDICAL RECORD.

MEDICINE BRANCH RECORDS

1. DENTAL DEPARTMENT: X-RAY FILMS
2. DEPARTMENT OF MEDICINE: CANCER REGISTRY
3. NEUROLOGY DEPARTMENT: ELECTROENCEPHALOGRAPHS AND ECHOENCEPHALOGRAPHS
4. DEPARTMENT OF OPHTHALMOLOGY: PHOTOGRAPHS OF EYES, INTERESTING CASES (CARD FILE)
5. DEPARTMENT OF RADIOLOGY: X-RAY FILMS
6. DEPARTMENT OF REHABILITATION MEDICINE: PHYSICAL THERAPY TREATMENT FILES AND BLIND REHABILITATION RECORDS

MEDICINE BRANCH LOGS

1. EVENING-NIGHT PHYSICIANS' LOGS: ABSTRACT OF THE CASES HANDLED DURING THE TOUR OF DUTY 5:00 P.M. TO 8:30 A.M.
2. DEATH INFORMATION BOOK: ABSTRACT OF INFORMATION REGARDING DEATH OF PATIENT, NOTIFICATION OF RELATIVES, MEDICAL EXAMINER AND/OR OTHER THIRD PARTY.
3. CLINIC APPOINTMENT LOGS: PATIENTS, EMPLOYEES, AND VISITORS WITH IDENTIFYING NUMBER AND REASON FOR APPOINTMENT TO 15 SPECIALTY CLINICS.
5. ADMISSION AND TRANSFER LOGS IN ELDRIDGE BUILDING AND IN REHABILITATION MEDICINE BUILDING: IDENTIFIES PATIENT BY NAME, CASE NUMBER, PSYCHIATRIC SERVICE, DATE OF ADMISSION, WARD ADMITTED TO, DATE OF DISCHARGE, AND PSYCHIATRIC SERVICE RETURNED TO.
6. X-RAY ADMISSION AND EXAMINATION LOG: DAILY RECORD OF PATIENTS EXAMINED AND DIAGNOSTIC FINDINGS.
7. REGISTER OF OPERATIONS: DAILY RECORD OF PATIENTS OPERATED, TYPE OF SURGERY, PARTICIPATING STAFF, TYPE OF ANESTHESIA, AND POSTOPERATIVE CONDITION.

LABORATORY BRANCH RECORD BOOK: PHOTOGRAPH OF PATIENTS, DATES OF PHOTOGRAPHS, AND DIVISION LOCATION OF PATIENTS.

Authority for maintenance of the system: 24 USC 161, ET SEQ.; 21 DC CODE 562.

Purpose(s):

DENTAL MANAGEMENT AND TRAINING; DIAGNOSIS AND EXAMINATION OF BRAIN LESIONS; GRAPHIC COMPARISON OF TIME AND BRAIN CHANGES; DETERMINATION OF EXTENT OF EYE CHANGES; EPIDEMIOLOGICAL STUDY REFERENCE; RESEARCH; CONTINUITY OF PHYSICAL THERAPY, TREATMENT RECORD, AND PATIENT MANAGEMENT; DEPARTMENTAL ADMINISTRATION AND PLANNING.

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

1. INFORMATION MAY BE PROVIDED TO OUTSIDE PHYSICIANS, DENTISTS, LABORATORIES, PHYSICAL THERAPISTS, VOCATIONAL REHABILITATION THERAPISTS, ETC. WHO ARE TAKING AN ACTIVE ROLE IN THE FURTHER TREATMENT OF PATIENTS SEEN AT THE MEDICINE AND/OR LABORATORY BRANCHES OF SAINT ELIZABETHS HOSPITAL, IN ORDER TO INSURE CONTINUITY OF CARE.

2. INFORMATION FROM THE CANCER REGISTRY IS PROVIDED TO THE DISTRICT OF COLUMBIA CANCER REGISTRY AS REQUIRED BY LAW.

3. DISCLOSURE MAY BE MADE TO ORGANIZATIONS DEEMED QUALIFIED BY THE SECRETARY TO CARRY OUT QUALITY ASSESSMENT, MEDICAL AUDITS OR UTILIZATION REVIEW, TO INCLUDE PROFESSIONAL STANDARDS REVIEW ORGANIZATIONS.

4. DISCLOSURES MAY BE MADE IN THE COURSE OF EMPLOYEE DISCIPLINE OR COMPETENCE DETERMINATION PROCEEDINGS TO PARTIES INVOLVED IN THE

PROCEEDINGS SUCH AS POLICE, ATTORNEYS, AND OFFICE OF PERSONNEL MANAGEMENT EMPLOYEES.

5. DISCLOSURE MAY BE MADE TO 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.

6. IN THE EVENT OF LITIGATION WHERE THE DEFENDANT IS (A) THE DEPARTMENT, ANY COMPONENT OF THE DEPARTMENT, OR ANY EMPLOYEE OF THE DEPARTMENT IN HIS OR HER OFFICIAL CAPACITY; (B) THE UNITED STATES WHERE THE DEPARTMENT DETERMINES THAT THE CLAIM, IF SUCCESSFUL, IS LIKELY TO DIRECTLY AFFECT THE OPERATIONS OF THE DEPARTMENT OR ANY OF ITS COMPONENTS; OR (C) ANY DEPARTMENT EMPLOYEE IN HIS OR HER INDIVIDUAL CAPACITY WHERE THE JUSTICE DEPARTMENT HAS AGREED TO REPRESENT SUCH EMPLOYEE, THE DEPARTMENT MAY DISCLOSE SUCH RECORDS AS IT DEEMS DESIRABLE OR NECESSARY TO THE DEPARTMENT OF JUSTICE TO ENABLE THAT DEPARTMENT TO PRESENT AN EFFECTIVE DEFENSE, PROVIDED SUCH DISCLOSURE IS COMPATIBLE WITH THE PURPOSE FOR WHICH THE RECORDS WERE COLLECTED (E.G., TO THE DEPARTMENT OF JUSTICE OR OTHER APPROPRIATE FEDERAL AGENCIES IN DEFENDING CLAIMS AGAINST THE UNITED STATES WHEN THE CLAIM IS BASED UPON AN INDIVIDUAL'S MENTAL OR PHYSICAL CONDITION AND IS ALLEGED TO HAVE ARISEN BECAUSE OF ACTIVITIES OF THE PUBLIC HEALTH SERVICE IN CONNECTION WITH SUCH INDIVIDUAL.

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

Storage:

1. DENTAL X-RAY FILMS - FILE CABINETS IN THE MAIN DENTAL CLINIC AREA.
2. ELECTROENCEPHALOGRAPHS AND ECHOENCEPHALOGRAMS - FILE CABINET IN THE NEUROLOGY DEPARTMENT RECORD ROOM.
3. PHOTOGRAPHS OF EYES OF PATIENTS-FILE CABINET IN THE EYE CLINIC.
4. UNUSUAL EYE CASE FILE - IN A 5 X 3-INCH CARD FILE IN THE EYE CLINIC.
5. X-RAY FILES - OPEN SHELF FILES AND FILING CABINETS IN THE X-RAY DEPARTMENT.
6. CANCER REGISTRY - FILE CABINETS IN THE DEPARTMENT OF MEDICINE.
7. PHYSICAL THERAPY TREATMENT FILES - FILE CABINETS IN THE REHABILITATION MEDICINE DEPARTMENT.
8. BLIND REHABILITATION RECORDS - FILE CABINETS IN THE REHABILITATION MEDICINE DEPARTMENT.

Retrievability:

1. DENTAL X-RAY FILMS - HOSPITAL CASE NUMBER AND NAME.
2. ELECTROENCEPHALOGRAPH AND ECHOENCEPHALOGRAPH - NAME, CASE NUMBER AND DATE OF EXAMINATION.
3. UNUSUAL EYE CASE FILE - BY DISEASE OR CONDITION NAME.
4. X-RAY FILMS - PATIENT'S NAME AND CASE NUMBER OR EMPLOYEE'S NAME, SOCIAL SECURITY NUMBER (TERMINAL DIGIT SYSTEM).
5. CANCER REGISTRY - NAME AND CASE NUMBER.
6. PHYSICAL THERAPY TREATMENT FILES - NAME AND DATE OF EVALUATION.
7. BLIND REHABILITATION RECORDS - NAME AND CASE NUMBER.

Safeguards:

1. DENTAL X-RAY FILMS - SUPERVISION BY PERSONNEL DURING DAY, LOCKED AT NIGHT.
2. ELECTROENCEPHALOGRAMS AND ECHOENCEPHALOGRAPHS - LOCKED RECORD ROOM.
3. PHOTOGRAPHS OF EYES OF PATIENTS - SUPERVISED BY PERSONNEL DURING THE DAY, LOCKED AT NIGHT.
4. UNUSUAL EYE CASE FILE - SUPERVISED BY PERSONNEL BY DAY, LOCKED AT NIGHT.
5. CANCER REGISTRY - SUPERVISED BY PERSONNEL BY DAY, LOCKED AT NIGHT.
6. PHYSICAL THERAPY TREATMENT FILES - LOCKED OFFICE.
7. BLIND REHABILITATION RECORDS - AUTHORIZED PERSONNEL AND LOCKED OFFICE

Retention and disposal: RECORDS MAY BE RETIRED TO A FEDERAL RECORDS CENTER AND SUBSEQUENTLY DISPOSED OF IN ACCORDANCE WITH THE ADAMHA RECORDS CONTROL SCHEDULE. THE RECORDS CONTROL SCHEDULE AND DISPOSAL STANDARD FOR THESE RECORDS MAY BE OBTAINED BY WRITING THE SYSTEM MANAGER AT THE ADDRESS BELOW.

System manager(s) and address:

DIRECTOR OF MEDICAL SUPPORT PROGRAMS
W. W. ELDRIDGE BUILDING
SAINT ELIZABETHS HOSPITAL
WASHINGTON, D. C. 20032

Notification procedure: TO DETERMINE IF A RECORD EXISTS, CONTACT

PRIVACY ACT COORDINATOR
OFFICE OF THE DIRECTOR OF THE MEDICINE BRANCH
W. W. ELDRIDGE BUILDING
SAINT ELIZABETHS HOSPITAL
WASHINGTON, D.C. 20032

PROVIDE A NOTARIZED SIGNATURE IF REQUEST IS MADE BY MAIL, OR SUITABLE IDENTIFICATION IF REQUEST IS MADE IN PERSON.

ALL OF THE FOLLOWING INFORMATION MUST BE PROVIDED WHEN REQUESTING NOTIFICATION:

(A) FULL NAME;
(B) APPROXIMATE DATES OF ENROLLMENT OR EMPLOYMENT AT ST. ELIZABETHS HOSPITAL;
(C) THE NATURE OF THE MATERIAL DESIRED. A PARENT OR GUARDIAN WHO REQUESTS NOTIFICATION OF A CHILD'S/INCOMPETENT PERSON'S RECORD SHALL DESIGNATE A FAMILY PHYSICIAN OR OTHER HEALTH PROFESSIONAL (OTHER THAN A FAMILY MEMBER) TO WHOM THE RECORD, IF ANY, WILL BE SENT. THE PARENT OR GUARDIAN MUST VERIFY RELATIONSHIP TO THE CHILD/INCOMPETENT PERSON AS WELL AS HIS/HER OWN IDENTITY.

Record access procedures: SAME AS NOTIFICATION PROCEDURES.

Contesting record procedures: CONTACT THE OFFICIAL AT THE ADDRESS SPECIFIED UNDER NOTIFICATION PROCEDURES ABOVE AND REASONABLY IDENTIFY THE RECORD, SPECIFY THE INFORMATION TO BE CONTESTED, AND STATE THE CORRECTIVE ACTION SOUGHT.

Record source categories:

1. DENTAL X-RAY FILMS - PATIENTS: INPATIENTS AND OUTPATIENTS WITHIN HOSPITAL RECORDS AND/OR OUTSIDE FACILITY.
2. ELECTROENCEPHALOGRAPHIC AND ECHOENCEPHALOGRAPHIC - GRAPHS ARE DERIVED ELECTRONICALLY FROM THE PATIENT'S BRAIN.
3. PHOTOGRAPHS OF EYES OF PATIENTS - PHOTOGRAPHS TAKEN DURING INTERNAL OR EXTERNAL EXAMINATION OF PATIENTS' EYES.
4. UNUSUAL EYE CASE FILE - RESULT OF EXAMINATION IN EYE CLINIC.
5. X-RAY FILMS - FILMS OBTAINED DURING PATIENTS OR EMPLOYEES' TERM IN HOSPITAL AND/OR FROM OUTSIDE SOURCES; I.E., PRIVATE PHYSICIAN OR HOSPITAL.
6. CANCER REGISTRY - CLINICAL RECORDS PRIVATE PHYSICIANS, OUTSIDE HOSPITAL.
7. PHYSICAL THERAPY TREATMENT FILES - PHYSICAL THERAPIST'S NOTES, DOCTOR'S NOTES, PRESCRIPTION RECORDS.
8. BLIND REHABILITATION RECORDS - STAFF OBSERVATION OF PROGRESS.

Systems exempted from certain provisions of the act: NONE.

09-30-0007

System name: SAINT ELIZABETHS HOSPITAL CLINICAL SUPPORT SERVICES RECORD SYSTEM. HHS/ADAMHA/NIMH.

Security classification: NONE.

System location: THIS IS A WIDELY DECENTRALIZED SYSTEM OF RECORDS AT SAINT ELIZABETHS HOSPITAL. RECORDS ARE KEPT IN THE OFFICES OF THE VARIOUS CLINICAL SUPPORT SERVICES OPERATING AT THE HOSPITAL. INCLUDED IN THIS SYSTEM ARE:

1. OCCUPATIONAL THERAPY SECTION-ATKINS HALL
2. EDUCATIONAL REHABILITATION UNIT-ATKINS HALL
3. SPEECH AND AUDIOLOGY BRANCH-REHABILITATION MEDICINE BUILDING
4. INDUSTRIAL THERAPY SECTION-ATKINS HALL
5. DANCE THERAPY SECTION-WILLIAM A. WHITE BUILDING
6. RECREATIONAL THERAPY-HAGAN HALL
7. MUSICOLOGY UNIT-DIX PAVILION
8. CHAPLAINCY PROGRAM-CHAPEL
9. PSYCHODRAMA UNIT - HITCHCOCK HALL
10. INDIVIDUAL PSYCHOTHERAPISTS' OFFICES-IN VARIOUS DIVISIONS, SAINT ELIZABETHS HOSPITAL, WASHINGTON D.C. 20032.

RECORDS ARE STORED AT FEDERAL RECORDS CENTER, SUITLAND, MARYLAND.

Categories of individuals covered by the system: ALL PAST AND PRESENT PATIENTS OF SAINT ELIZABETHS HOSPITAL.

Categories of records in the system: PATIENT DEMOGRAPHIC DATA; RECORDS OF PATIENT PARTICIPATION IN EACH OF THE ABOVE-NAMED CLINICAL SUPPORT PROGRAMS; THERAPISTS' INFORMAL NOTES OF OBSERVATIONS AND EVALUATIONS OF PATIENT ACTIVITIES; CLINICAL IMPRESSIONS; ATTENDANCE RECORDS, TEST RESULTS, ABSTRACTS OF NOTES AND OBSERVATIONS TAKEN FROM THE PATIENT'S MEDICAL RECORD.

Authority for maintenance of the system: 24 USC 161, ET SEQ.; 21 DC CODE 562.

Purpose(s):

1. TO FACILITATE THE TREATMENT OF PATIENTS AT SAINT ELIZABETHS HOSPITAL.
2. TO ASSESS THE PHYSICAL, EDUCATIONAL, VOCATIONAL, RECREATIONAL AND PHYCHOLOGICAL NEEDS OF PATIENTS AT SAINT ELIZABETHS HOSPITAL AND TO PROVIDE FOR THOSE NEEDS.
3. TO EVALUATE THE EFFECTIVENESS OF THE CLINICAL SUPPORT PROGRAMS AND TO PROVIDE A BASIS FOR THEIR CONTINUING IMPROVEMENT.
4. TO FACILITATE CLINICAL SUPPORT SERVICES, TEACHING PROGRAMS AND SCIENTIFIC RESEARCH.

INDEXES BASED ON THE CLINICAL SUPPORT SERVICES RECORD SYSTEM ARE USED FOR THE FOLLOWING PURPOSES:

A. SPEEDY IDENTIFICATION AND LOCATION OF SPECIFIC PATIENTS;
B. MONITORING THE COMPLETENESS OF PATIENT RECORDS;
C. MONITORING THE CHANGING STATUS OF PATIENTS EITHER IN TERMS OF TRANSFERS WITHIN THE HOSPITAL OR OUTSIDE THE HOSPITAL;
D. EASY IDENTIFICATION OF BASIC DEMOGRAPHIC DATA USED FOR STATISTICAL AND/OR RESEARCH PURPOSES; AND
E. QUICK REVIEW OF CURRENT TREATMENT REGIMEN.

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

1. INFORMATION IS ROUTINELY DISCLOSED TO PERSONS NOT EMPLOYEES OF SEH, WHO HAVE A RESPONSIBILITY FOR THE EXAMINATION AND/OR TREATMENT OF SEH PATIENTS;

2. DISCLOSURE MAY BE MADE TO ORGANIZATIONS DEEMED QUALIFIED BY THE SECRETARY TO CARRY OUT QUALITY ASSESSMENT, MEDICAL AUDITS OR UTILIZATION REVIEW.

3. DISCLOSURES MAY BE MADE IN THE COURSE OF EMPLOYEE DISCIPLINE OR COMPETENCE DETERMINATION PROCEEDINGS TO PARTIES INVOLVED IN THE PROCEEDINGS SUCH AS POLICE, ATTORNEYS, AND OFFICE OF PERSONNEL MANAGEMENT EMPLOYEES.

4. DISCLOSURE MAY BE MADE TO 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.

5. IN THE EVENT OF LITIGATION WHERE THE DEFENDANT IS (A) THE DEPARTMENT, ANY COMPONENT OF THE DEPARTMENT, OR ANY EMPLOYEE OF THE DEPARTMENT IN HIS OR HER OFFICIAL CAPACITY; (B) THE UNITED STATES WHERE THE DEPARTMENT DETERMINES THAT THE CLAIM, IF SUCCESSFUL, IS LIKELY TO DIRECTLY AFFECT THE OPERATIONS OF THE DEPARTMENT OR ANY OF ITS COMPONENTS; OR (C) ANY DEPARTMENT EMPLOYEE IN HIS OR HER INDIVIDUAL CAPACITY WHERE THE JUSTICE DEPARTMENT HAS AGREED TO REPRESENT SUCH EMPLOYEE, THE DEPARTMENT MAY DISCLOSE SUCH RECORDS AS IT DEEMS DESIRABLE OR NECESSARY TO THE DEPARTMENT OF JUSTICE TO ENABLE THAT DEPARTMENT TO PRESENT AN EFFECTIVE DEFENSE, PROVIDED SUCH DISCLOSURE IS COMPATIBLE WITH THE PURPOSE FOR WHICH THE RECORDS WERE COLLECTED (E.G., TO THE DEPARTMENT OF JUSTICE OR OTHER APPROPRIATE FEDERAL AGENCIES IN DEFENDING CLAIMS AGAINST THE UNITED STATES WHEN THE CLAIM IS BASED UPON AN INDIVIDUAL'S MENTAL OR PHYSICAL CONDITION AND IS ALLEGED TO HAVE ARISEN BECAUSE OF ACTIVITIES OF THE PUBLIC HEALTH SERVICE IN CONNECTION WITH SUCH INDIVIDUAL).

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

Storage: FILE FOLDERS, INDEX CARDS, PUNCHCARDS, RECORD LOGS AND FILE CABINETS.

Retrievability: NAME, HOSPITAL NUMBER, DATES OF ACTIVITIES, LOCATION OF ACTIVITY.

Safeguards:

1. AVAILABLE ONLY TO PROPERLY TRAINED AND SCREENED PERSONNEL.
2. ACCESS LIMITED TO AUTHORIZED PERSONNEL ONLY. ENFORCED BY SECURITY GUARDS; ROOMS ARE LOCKED WHEN UNOCCUPIED.

Retention and disposal: RECORDS MAY BE RETIRED TO A FEDERAL RECORDS CENTER AND SUBSEQUENTLY DISPOSED OF IN ACCORDANCE WITH THE ADAMHA RECORDS CONTROL SCHEDULE. THE RECORDS CONTROL SCHEDULE AND DISPOSAL STANDARD FOR THESE RECORDS MAY BE OBTAINED BY WRITING THE SYSTEM MANAGER AT THE ADDRESS BELOW.

System manager(s) and address:

DIRECTOR, CLINICAL SUPPORT PROGRAMS
A BUILDING
SAINT ELIZABETHS HOSPITAL
WASHINGTON, D.C. 20032

Notification procedure: A PATIENT OR FORMER PATIENT MAY LEARN IF A RECORD EXISTS UPON WRITTEN REQUEST, WITH NOTARIZED SIGNATURE IF REQUEST IS MADE BY MAIL, OR WITH SUITABLE IDENTIFICATION IF REQUEST IS MADE IN PERSON, DIRECTED TO:

PRIVACY ACT COORDINATOR
OFFICE OF THE DIRECTOR OF CLINICAL SUPPORT PROGRAMS
A BUILDING
SAINT ELIZABETH'S HOSPITAL
WASHINGTON, D. C. 20032

ALL OF THE FOLLOWING INFORMATION MUST BE PROVIDED WHEN REQUESTING NOTIFICATION:

(A) FULL NAME;
(B) APPROXIMATE DATES OF ENROLLMENT AT ST ELIZABETHS HOSPITAL;
(C) THE NAME OF THE DIVISION WHERE THE REQUESTOR RESIDED, OR RECEIVED TREATMENT AS AN OUTPATIENT;
(D) THE IDENTITY OF THE CLINICAL SUPPORT SERVICE AND THE APPROXIMATE DATES OF PARTICIPATION IN THE PROGRAM;
(E) IF POSSIBLE, THE NAME OF THE INDIVIDUAL THERAPIST;

(F) IF POSSIBLE, THE PATIENT'S HOSPITAL NUMBER. A PARENT OR GUARDIAN WHO REQUESTS NOTIFICATION OF OR ACCESS TO A CHILD'S/ INCOMPETENT PERSON'S RECORD SHALL DESIGNATE A FAMILY PHYSICIAN OR OTHER HEALTH PROFESSIONAL (OTHER THAN A FAMILY MEMBER) TO WHOM THE RECORD, IF ANY, WILL BE SENT. THE PARENT OR GUARDIAN MUST VERIFY RELATIONSHIP TO THE CHILD/ INCOMPETENT PERSON AS WELL AS HIS/HER OWN IDENTITY.

Record access procedures: SAME AS NOTIFICATION PROCEDURES. REQUESTERS SHOULD ALSO REASONABLY SPECIFY THE RECORD CONTENTS BEING SOUGHT.

Contesting record procedures: CONTACT THE OFFICIAL AT THE ADDRESS SPECIFIED UNDER NOTIFICATION PROCEDURES ABOVE AND REASONABLY IDENTIFY THE RECORD, SPECIFY THE INFORMATION TO BE CONTESTED, AND STATE THE CORRECTIVE ACTION SOUGHT.

Record source categories: PAST AND PRESENT PATIENTS OF SAINT ELIZABETHS HOSPITAL, VARIOUS EMPLOYEES OF THE HOSPITAL AND THE PATIENTS' MEDICAL/ CLINICAL RECORD.

Systems exempted from certain provisions of the act: NONE.

09-30-0008

System name: SAINT ELIZABETHS HOSPITAL SOCIAL SERVICES RECORD SYSTEM. HHS/ADAMHA/NIMH.

Security classification: NONE.

System location: A WIDELY DECENTRALIZED SYSTEM AT SAINT ELIZABETHS HOSPITAL. INDIVIDUAL RECORDS ARE KEPT IN THE OFFICES OF SOCIAL WORKERS RESPONSIBLE FOR PATIENTS ON THE ROLLS OF THE VARIOUS HOSPITAL DIVISIONS. SOCIAL WORKERS' OFFICES ARE LOCATED IN EACH INPATIENT AND OUTPATIENT DIVISION OR CLINIC AT SAINT ELIZABETHS HOSPITAL, WASHINGTON, D.C. 20032. RECORDS OF INDIVIDUALS IN TRANSITION PROGRAMS MAY BE LOCATED AT CONTRACTOR SITES. FOR A CURRENT LISTING OF CONTRACTOR SITES, CONTACT THE SYSTEM MANAGER. RECORDS ARE STORED AT THE FEDERAL RECORDS CENTER, SUITLAND, MARYLAND.

Categories of individuals covered by the system: ALL PAST AND PRESENT PATIENTS ON THE ROLLS OF SAINT ELIZABETHS HOSPITAL; HOME SPONSORS; CARETAKERS; OWNERS AND OPERATORS OF FACILITIES PROVIDING SERVICES TO PATIENTS.

Categories of records in the system: FILES ON INPATIENTS AND OUTPATIENTS CONTAINING DEMOGRAPHIC DATA; SOCIAL WORKERS' CONTACT WITH FAMILIES AND THE COMMUNITY INCLUDING SOCIAL, MARITAL AND FAMILY STATUS, JOB STATUS; IDENTIFYING INFORMATION CONTAINING NAME, ADDRESS, TELEPHONE NUMBERS, SOCIAL SECURITY NUMBERS, MEDICAID NUMBERS, DATE OF BIRTH, LEGAL STATUS, FINANCIAL INFORMATION HOSPITAL NUMBER, V.A. NUMBERS, HEALTH INSURANCE NUMBERS, CIVIL SERVICE NUMBERS, FAMILY COMPOSITION; STATEMENT ON BACKGROUND, NAMES OF RELATIVES CONSERVATORS WITH ADDRESSES AND TELEPHONE NUMBERS; CORRESPONDENCE SENT OTHER AGENCIES; INFORMATION REGARDING PSYCHIATRIC AND MEDICAL CONDITION; SOCIAL HISTORIES; PROGRESS NOTES (CARBON COPIES OF NOTES PLACED IN CHART) HAND WRITTEN PROGRESS NOTES NOT IN CHART, RETURN TO HOSPITAL NOTES, INTERVAL HISTORIES, PLACEMENT AND PLANNING NOTES; INFORMATION REGARDING PSYCHIATRIC AND MEDICAL CONDITION, FINANCIAL RESOURCES, TREATMENT PLANS, CORRESPONDENCE TO RELATIVES, FRIENDS OTHER AGENCIES, ETC. TELEPHONE INTERVIEWS OR CONVERSATIONS, INCIDENT REPORTS AND COPIES OF REPORTABLE OCCURRENCES, GROUP THERAPIES AND INDIVIDUAL THERAPIES BY SOCIAL WORKERS, DAYCARE STATUS AND GROUP ACTIVITIES, RELIGIOUS HISTORIES; INTRA-AGENCY EVALUATIVE AND ASSESSMENT DATA AND REPORTS RECEIVED FROM OTHER SOURCES, OUTSIDE AGENCIES THAT PROVIDE SUPPORTIVE SERVICES; ESSENTIAL INFORMATION REGARDING SERVICES SOUGHT OR RECEIVED.

Authority for maintenance of the system: 24 USC 161, ET SEQ.; 21 DC CODE 562.

Purpose(s):

INFORMATION IS USED:

1. IN PLANNING TO ASSESS THE PATIENT'S OVERALL ABILITY TO BE PLACED AND TO ADJUST OR FUNCTION IN THE TYPE OF ENVIRONMENT TO WHICH HE OR SHE HAS BEEN REFERRED.
2. FOR ACCOUNTABILITY TO OTHER HOSPITAL PERSONNEL AND REFERENCE FOR RECORDING OR SHARING INFORMATION WITH STAFF AND OTHER NECESSARY PERSONS UPON REQUEST.
3. TO SHARE INFORMATION WITH TEAM, REFERENCE FOR CASEWORK SERVICES AND REFERENCE FOR COMPLETING FORMS.
4. TO MONITOR PATIENT'S PROGRESS AND PERIODICALLY ASSESS PLACEMENT SITUATIONS IN OUTPLACEMENT FACILITIES. TO MONITOR OUTPLACEMENT FACILITES OUTSIDE THE HOSPITAL AND ASSIST IN PLACEMENT OF PATIENTS BY PROVIDING ACCURATE, UP-TO-DATE INFORMATION REGARDING AVAILABLE FACILITIES; AND TO DETERMINE THE STATUS OF COMPLIANCE OF A FACILITY WITH CERTAIN STANDARDS THROUGH APPROPRIATE LICENSING AGENCIES. TO FAMILIARIZE STAFF WITH OUTPLACEMENT FACILITIES. TO ASSESS OUTPLACEMENT OPERATORS, ADMINISTRATORS OR OWNERS ABILITY TO PROVIDE THE LEVEL OF CARE NEEDED BY INDIVIDUAL PATIENTS. TO SHARE PATIENT'S BACKGROUND AND APPROPRIATE INFORMATION WITH OUTPLACEMENT OWNERS, OPERATORS AND SPONSORS.
5. TO EXPEDITE FAMILY INVOLVEMENT IN PLANNING PATIENT CARE AND TO EXPEDITE MOBILIZATION OF COMMUNITY RESOURCES ON BEHALF OF THE PATIENT.
6. AS A RESOURCE IN DIAGNOSIS TREATMENT, PLANNING, PROGNOSIS GOALS AND COMMUNICATION WITH OTHER DISCIPLINES.
7. AS RESOURCE MATERIAL GATHERED BY THE SOCIAL WORKERS USED TO PREPARE NARRATIVE SUMMARIES FOR THE PATIENT'S MEDICAL RECORDS.
8. TO KEEP INFORMED ABOUT SOCIAL SERVICES PROVIDED PATIENTS; PATIENTS PROBLEM AREAS IN THE UNIT FOR PURPOSE OF EVALUATING SERVICES PROVIDED AND NEED FOR ACTION, AND FOR REPORTING TO THE CLINICAL DIRECTORS OR PERSON IN CHARGE OF SERVICE.
9. AS RESOURCE MATERIAL FOR DIAGNOSTIC PLANNING AND IMPLEMENTATION OF TREATMENT PLAN AND DOCUMENTATION OF SERVICES OFFERED.
10. FOR REFERENCE IN ORDER TO COMPLETE SUMMARIES FOR MEDICAL RECORDS; TO HAVE READILY AVAILABLE PERTINENT INFORMATION WITH WHICH TO RESPOND TO PERSONAL AND TELEPHONE CONTACTS; TO PROVIDE NEEDED INFORMATION TO HOSPITAL STAFF, OFFICIALS OF OTHER AGENCIES REPONSIBLE FOR THE PROVISION OF ADJUNCT SERVICES.
11. TO PROVIDE INSERVICE TRAINING FOR CONTINUED PROFESSIONAL DEVELOPMENT.
12. TO PROVIDE HOSPITAL STAFF AND PATIENTS WITH ESSENTIAL INFORMATION FOR SELECTING APPROPRIATE LIVING ARRANGEMENTS FOR PATIENTS IN THE COMMUNITY.
13. TO PROVIDE INFORMATION TO PLACEMENT WORKERS FROM OTHER COMMUNITY SERVICE ORGANIZATIONS IN ORDER TO FACILITATE PATIENT PLACEMENTS AND TO DEVELOP NECESSARY COMMUNITY SUPPORT SERVICES.
14. TO SERVE AS A UNIFORM SYSTEM FOR LOCATION OF STAFF, INDICATION OF QUALIFICATIONS AND AREAS OF RESPONSIBILITY, IN ORDER TO ASSIST IN PROVISION OF RESOURCES (FINANCIAL AND OTHER) TO PATIENTS.

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

1. INFORMATION IS ROUTINELY DISCLOSED TO THE FOLLOWING SOURCES FOR THE PURPOSES OF OBTAINING FINANCIAL ASSISTANCE FOR PATIENTS, LOCATING COMMUNITY RECREATION RESOURCES, PROVIDING JOB PLACEMENT AND TRAINING FOR PATIENTS, SECURING ALTERNATIVE PLACEMENTS IN OTHER INSTITUTIONS, PROVIDING EDUCATION, SECURING LIVING AND CARE ARRANGEMENTS AND AIDING IN FOLLOW-UP CARE, AND PROVIDING REQUIRED REPORTS TO COURT, STATE GOVERNMENT OR FEDERAL GOVERNMENT AGENCIES:

A. FOSTER HOME SPONSORS, CARETAKERS, OWNERS AND OPERATORS OF FACILITIES PROVIDING SERVICES TO PATIENTS
B. AGENCIES OF THE DISTRICT OF COLUMBIA GOVERNMENT
C. THE SUPERIOR COURT FOR THE DISTRICT OF COLUMBIA
D. THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA
E. THE VETERAN'S ADMINISTRATION
F. THE OFFICE OF PERSONNEL MANAGEMENT
G. ANCHOR MENTAL HEALTH ASSOCIATION
H. STATE DEPARTMENTS OF SOCIAL SERVICES THROUGHOUT THE UNITED STATES;

2. INFORMATION DISCLOSED ROUTINELY TO PERSONS, WHO ARE NOT EMPLOYEES OF SEH, ON A NEED TO KNOW BASIS, WHO HAVE A RESPONSIBILITY FOR THE CARE AND TREATMENT OF PATIENTS OF SEH.

3. IN THE EVENT THAT A SYSTEM OF RECORDS MAINTAINED BY THIS AGENCY TO CARRY OUT ITS FUNCTIONS INDICATES 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, THE RELEVANT RECORDS IN THE SYSTEM OF RECORDS MAY BE REFERRED, AS A ROUTINE USE, TO THE APPROPRIATE AGENCY, WHETHER FEDERAL (E.G., DEPARTMENT OF JUSTICE), STATE OR LOCAL (E.G., STATE AND LOCAL LICENSING BOARDS) CHARGED WITH THE RESPONSIBLITY OF INVESTIGATING OR PROSECUTING SUCH VIOLATION OR CHARGED WITH ENFORCING OR IMPLEMENTING THE STATUTE, OR RULE, REGULATION OR ORDER ISSUED PURSUANT THERETO.

4. IN THE EVENT THE DEPARTMENT DEEMS IT DESIRABLE OR NECESSARY, IN DETERMINING WHETHER PARTICULAR RECORDS ARE REQUIRED TO BE DISCLOSED UNDER THE FREEDOM OF INFORMATION ACT, DISCLOSURE MAY BE MADE TO THE DEPARTMENT OF JUSTICE FOR THE PURPOSE OF OBTAINING ITS ADVICE.

5. A RECORD FROM THIS SYSTEM OF RECORDS MAY BE DISCLOSED AS A 'ROUTINE USE' TO A FEDERAL, STATE OR LOCAL AGENCY MAINTAINING CIVIL, CRIMINAL OR OTHER RELEVANT ENFORCEMENT RECORDS OR OTHER PERTINENT RECORDS, SUCH AS CURRENT LICENSES, IF NECESSARY TO OBTAIN A RECORD 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. WHERE FEDERAL AGENCIES HAVING THE POWER TO SUBPOENA OTHER FEDERAL AGENCIES' RECORDS, SUCH AS THE INTERNAL REVENUE SERVICE OR THE CIVIL RIGHTS COMMISSION, ISSUE A SUBPOENA TO THE DEPARTMENT FOR RECORDS IN THIS SYSTEM OF RECORDS, THE DEPARTMENT WILL MAKE SUCH RECORDS AVAILABLE.

7. WHERE THE APPROPRIATE OFFICIAL OF THE DEPARTMENT, PURSUANT TO THE DEPARTMENT'S FREEDOM OF INFORMATION REGULATION DETERMINES THAT IT IS IN THE PUBLIC INTEREST TO DISCLOSE A RECORD WHICH IS OTHERWISE EXEMPT FROM MANDATORY DISCLOSURE, DISCLOSURE MAY BE MADE FROM THIS SYSTEM OF RECORDS.

8. THE DEPARTMENT CONTEMPLATES THAT IT WILL CONTRACT WITH A PRIVATE FIRM FOR THE PURPOSE OF COLLATING, ANALYZING, AGGREGATING OR OTHERWISE REFINING RECORDS IN THIS SYSTEM. RELEVANT RECORDS WILL BE DISCLOSED TO SUCH A CONTRACTOR. THE CONTRACTOR SHALL BE REQUIRED TO MAINTAIN PRIVACY ACT SAFEGUARDS WITH RESPECT TO SUCH RECORDS.

9. A RECORD MAY BE DISCLOSED FOR A RESEARCH PURPOSE, WHEN THE DEPARTMENT:

(A) HAS DETERMINED THAT THE USE OR DISCLOSURE DOES NOT VIOLATE LEGAL OR POLICY LIMITATIONS UNDER WHICH THE RECORD WAS PROVIDED, COLLECTED, OR OBTAINED;
(B) HAS DETERMINED THAT THE RESEARCH PURPOSE (1) CANNOT BE REASONABLY ACCOMPLISHED UNLESS THE RECORD IS PROVIDED IN INDIVIDUALLY IDENTIFIABLE FORM, AND (2) WARRANTS THE RISK TO THE PRIVACY OF THE INDIVIDUAL THAT ADDITIONAL EXPOSURE OF THE RECORD MIGHT BRING;
(C) HAS REQUIRED THE RECIPIENT TO -- (1) ESTABLISH REASONABLE ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS TO PREVENT UNAUTHORIZED USE OR DISCLOSURE OF THE RECORD, AND (2) REMOVE OR DESTROY THE INFORMATION THAT IDENTIFIES THE INDIVIDUAL AT THE EARLIEST TIME AT WHICH REMOVAL OR DESTRUCTION CAN BE ACCOMPLISHED CONSISTENT WITH THE PURPOSE OF THE RESEARCH PROJECT, UNLESS THE RECIPIENT HAS PRESENTED ADEQUATE JUSTIFICATION OF A RESEARCH OR HEALTH NATURE FOR RETAINING SUCH INFORMATION, AND (3) MAKE NO FURTHER USE OR DISCLOSURE OF THE RECORD EXCEPT -- (A) IN EMERGENCY CIRCUMSTANCES AFFECTING THE HEALTH OR SAFETY OF ANY INDIVIDUAL, (B) FOR USE IN ANOTHER RESEARCH PROJECT, UNDER THESE SAME CONDITIONS, AND WITH WRITTEN AUTHORIZATION OF THE DEPARTMENT, (C) FOR DISCLOSURE TO A PROPERLY IDENTIFIED PERSON FOR THE PURPOSE OF AN AUDIT RELATED TO THE RESEARCH PROJECT, IF INFORMATION THAT WOULD ENABLE RESEARCH SUBJECTS TO BE IDENTIFIED IS REMOVED OR DESTROYED AT THE EARLIEST OPPORTUNITY CONSISTENT WITH THE PURPOSE OF THE AUDIT, OR (D) WHEN REQUIRED BY LAW;
(D) HAS SECURED A WRITTEN STATEMENT ATTESTING TO THE RECIPIENT'S UNDERSTANDING OF, AND WILLINGNESS TO ABIDE BY THESE PROVISIONS.

10. DISCLOSURES MAY BE MADE TO ORGANIZATIONS DEEMED QUALIFIED BY THE SECRETARY TO CARRY OUT QUALITY ASSESSMENT, MEDICAL AUDITS OR UTILIZATION REVIEW.

11. DISCLOSURES MAY BE MADE IN THE COURSE OF EMPLOYEE DICIPLINE OR COMPETENCE DETERMINATION PROCEEDINGS TO PARTIES INVOLVED IN THE PROCEEDINGS SUCH AS POLICE, ATTORNEYS, AND OFFICE OF PERSONNEL MANAGEMENT EMPLOYEES.

12. DISCLOSURE MAY BE MADE TO 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.

13. IN THE EVENT OF LITIGATION WHERE THE DEFENDANT IS (A) THE DEPARTMENT, ANY COMPONENT OF THE DEPARTMENT, OR ANY EMPLOYEE OF THE DEPARTMENT IN HIS OR HER OFFICIAL CAPACITY; (B) THE UNITED STATES WHERE THE DEPARTMENT DETERMINES THAT THE CLAIM, IF SUCCESSFUL, IS LIKELY TO DIRECTLY AFFECT THE OPERATIONS OF THE DEPARTMENT OR ANY OF ITS COMPONENTS; OR (C) ANY DEPARTMENT EMPLOYEE IN HIS OR HER INDIVIDUAL CAPACITY WHERE THE JUSTICE DEPARTMENT HAS AGREED TO REPRESENT SUCH EMPLOYEE, THE DEPARTMENT MAY DISCLOSE SUCH RECORDS AS IT DEEMS DESIRABLE OR NECESSARY TO THE DEPARTMENT OF JUSTICE TO ENABLE THAT DEPARTMENT TO PRESENT AN EFFECTIVE DEFENSE, PROVIDED SUCH DISCLOSURE IS COMPATIBLE WITH THE PURPOSE FOR WHICH THE RECORDS WERE COLLECTED (E.G., TO THE DEPARTMENT OF JUSTICE OR OTHER APPROPRIATE FEDERAL AGENCIES IN DEFENDING CLAIMS AGAINST

THE UNITED STATES WHEN THE CLAIM IS BASED UPON AN INDIVIDUAL'S MENTAL OR PHYSICAL CONDITION AND IS ALLEGED TO HAVE ARISEN BECAUSE OF ACTIVITIES OF THE PUBLIC HEALTH SERVICE IN CONNECTION WITH SUCH INDIVIDUAL).

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

Storage: INDEX CARDS, FOLDERS, NOTEBOOKS, FILE CABINETS, DESK DRAWERS, ROLODEX, KARDEX, INDEX BOXES, LOGS, FILE FOLDERS, BOXES, HANGING DESK FILE, MANILLA FOLDERS, WOODEN BOX, AND VERTICAL FILE.

Retrievability: BY PATIENT'S NAME AND STAFF'S NAME.

Safeguards: OFFICES LOCKED, FILE CABINETS LOCKED, DESK DRAWERS LOCKED. MATERIAL AVAILABLE ONLY TO APPROPRIATELY TRAINED STAFF.

Retention and disposal: RECORDS MAY BE RETIRED TO A FEDERAL RECORDS CENTER AND SUBSEQUENTLY DISPOSED OF IN ACCORDANCE WITH THE ADAMHA RECORDS CONTROL SCHEDULE. THE RECORDS CONTROL SCHEDULE AND DISPOSAL STANDARD FOR THESE RECORDS MAY BE OBTAINED BY WRITING THE SYSTEM MANAGER AT THE ADDRESS BELOW.

System manager(s) and address:

DIRECTOR OF SOCIAL SERVICES
A BUILDING
SAINT ELIZABETHS HOSPITAL
WASHINGTON, D.C. 20032

Notification procedure: ACTIVE OR DISCHARGED PATIENTS IN THIS SYSTEM OF RECORDS MAY LEARN IF A RECORD EXISTS UPON WRITTEN REQUEST, WITH NOTARIZED SIGNATURE IF REQUEST IS MADE BY MAIL, OR WITH SUITABLE IDENTIFICATION IF REQUEST IS MADE IN PERSON, DIRECTED TO:

PRIVACY ACT COORDINATOR
OFFICE OF THE DIRECTOR OF SOCIAL SERVICES
A BUILDING
SAINT ELIZABETHS HOSPITAL
WASHINGTON, D.C. 20032

(A) FULL NAME;
(B) THE APPROXIMATE DATES OF CONTACT WITH THE HOSPITAL;
(C) THE NATURE OF THE MATERIAL DESIRED;
(D) HOSPITAL NUMBER, IF POSSIBLE.

A PARENT OR GUARDIAN WHO REQUESTS NOTIFICATION OF A CHILD'S/INCOMPETENT PERSON'S RECORD SHALL DESIGNATE A FAMILY PHYSICIAN OR OTHER HEALTH PROFESSIONAL (OTHER THAN A FAMILY MEMBER) TO WHOM THE RECORD, IF ANY, WILL BE SENT. THE PARENT OR GUARDIAN MUST VERIFY RELATIONSHIP TO THE CHILD/INCOMPETENT PERSON AS WELL AS HIS/HER OWN IDENTITY.

Record access procedures: SAME AS NOTIFICATION PROCEDURES.

Contesting record procedures: CONTACT THE OFFICIAL AT THE ADDRESS SPECIFIED UNDER NOTIFICATION PROCEDURES ABOVE AND REASONABLY IDENTIFY THE RECORD, SPECIFY THE INFORMATION TO BE CONTESTED, AND STATE THE CORRECTIVE ACTION SOUGHT.

Record source categories: PAST AND PRESENT PATIENTS OF SAINT ELIZABETHS HOSPITAL, HOME SPONSORS, CARETAKERS, OWNERS, AND OPERATORS OF FACILITIES PROVIDING SERVICES TO SAINT ELIZABETHS PATIENTS, OTHER EMPLOYEES OF SAINT ELIZABETHS HOSPITAL, EMPLOYEES OF VARIOUS AGENCIES OF THE DISTRICT OF COLUMBIA AND THE UNITED STATES.

Systems exempted from certain provisions of the act: NONE.

09-30-0009

System name: SAINT ELIZABETHS HOSPITAL MULTIDISCIPLINARY RAW DATA CONSULTATION FILES. HHS/ADAMHA/NIMH.

Security classification: NONE.

System location: WIDELY DECENTRALIZED AT SAINT ELIZABETHS HOSPITAL. RAW DATA IS STORED ACCORDING TO LOCATION OF THE CONSULTING DISCIPLINE WITHIN SAINT ELIZABETHS HOSPITAL, WASHINGTON, D.C. 20032. RECORDS ARE STORED AT THE FEDERAL RECORDS CENTER, SUITLAND, MARYLAND.

Categories of individuals covered by the system: PAST AND PRESENT PATIENTS AT SAINT ELIZABETHS HOSPITAL.

Categories of records in the system: RAW TEST DATA, PLUS COPIES OF FORMAL REPORTS BASED ON THE RAW TEST DATA. (THE ORIGINAL REPORTS ARE INCLUDED IN PATIENT'S MEDICAL/CLINICAL RECORD).

Authority for maintenance of the system: 24 USC 161, ET SEQ.; 21 D.C. CODE 562.

Purpose(s):

1. DETAILED REFERENCE BY CONSULTANTS, FOLLOWING CLINICAL REQUESTS FOR REASSESSMENT OR MORE DETAILED INFORMATION OF PATIENTS PREVIOUSLY TESTED.
2. DETAILED COMPARISON OF TEST-RETEST RESULTS IN CASES WHERE CLINICALLY INDICATED OR REQUESTED.
3. OCCASIONAL COMPILATIONS OF SPECIFIC CLINICAL CHARACTERISTICS OF STATISTICAL GROUPINGS, SUCH AS BY DISEASE ENTITY, AGE, SEX, ETC. FOR CLINICAL RESEARCH AND IMPROVEMENT OF CLINICAL REPORTING.

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

1. DISCLOSURE MAY BE MADE TO 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.

2. IN THE EVENT OF LITIGATION WHERE THE DEFENDANT IS (A) THE DEPARTMENT, ANY COMPONENT OF THE DEPARTMENT, OR ANY EMPLOYEE OF THE DEPARTMENT IN HIS OR HER OFFICIAL CAPACITY; (B) THE UNITED STATES WHERE THE DEPARTMENT DETERMINES THAT THE CLAIM, IF SUCCESSFUL, IS LIKELY TO DIRECTLY AFFECT THE OPERATIONS OF THE DEPARTMENT OR ANY OF ITS COMPONENTS; OR (C) ANY DEPARTMENT EMPLOYEE IN HIS OR HER INDIVIDUAL CAPACITY WHERE THE JUSTICE DEPARTMENT HAS AGREED TO REPRESENT SUCH EMPLOYEE, THE DEPARTMENT MAY DISCLOSE SUCH RECORDS AS IT DEEMS DESIRABLE OR NECESSARY TO THE DEPARTMENT OF JUSTICE TO ENABLE THAT DEPARTMENT TO PRESENT AN EFFECTIVE DEFENSE, PROVIDED SUCH DISCLOSURE IS COMPATIBLE WITH THE PURPOSE FOR WHICH THE RECORDS WERE COLLECTED (E.G., TO THE DEPARTMENT OF JUSTICE OR OTHER APPROPRIATE FEDERAL AGENCIES IN DEFENDING CLAIMS AGAINST THE UNITED STATES WHEN THE CLAIM IS BASED UPON AN INDIVIDUAL'S MENTAL OR PHYSICAL CONDITION AND IS ALLEGED TO HAVE ARISEN BECAUSE OF ACTIVITIES OF THE PUBLIC HEALTH SERVICE IN CONNECTION WITH SUCH INDIVIDUAL).

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

Storage: FILE FOLDERS AND INDEX CARDS, FILE CABINETS.

Retrievability: EACH CONSULTING DISCIPLINE STORES AND MANAGES ITS OWN FILES. SOME ARE STORED BY PATIENTS' NAMES ALPHABETIZED, SOME BY PATIENTS' NUMBERS, SOME BY OTHER TYPES OF CATEGORIZING, SUCH AS DISEASE CATEGORIES, YEAR CONSULTATION WAS PERFORMED, REFERRING CLINICAL SERVICE, OR AN ARBITRARY NUMERICAL SEQUENCE. THE LATTER USUALLY INVOLVE A CROSS-INDEXING CARD FILE BY PATIENT NAME AND/OR PATIENT NUMBER.

Safeguards: FILES ACCESSIBLE ONLY TO QUALIFIED MEMBERS OF THE CONSULTING STAFF OF THE PARTICULAR DISCIPLINE, AND ARE KEPT IN STAFFED OR OTHERWISE LOCKED OFFICES.

Retention and disposal: RECORDS MAY BE RETIRED TO A FEDERAL RECORDS CENTER AND SUBSEQUENTLY DISPOSED OF IN ACCORDANCE WITH THE ADAMHA RECORDS CONTROL SCHEDULE. THE RECORDS CONTROL SCHEDULE AND DISPOSAL STANDARD FOR THESE RECORDS MAY BE OBTAINED BY WRITING THE SYSTEM MANAGER AT THE ADDRESS BELOW.

System manager(s) and address:

SUPERINTENDENT

A BUILDING
SAINT ELIZABETHS HOSPITAL
WASHINGTON, D.C. 20032

Notification procedure: A PATIENT OR FORMER PATIENT MAY LEARN IF A RECORD EXISTS UPON WRITTEN REQUEST, WITH NOTARIZED SIGNATURE IF REQUEST IS MADE BY MAIL, OR WITH SUITABLE IDENTIFICATION IF REQUEST IS MADE IN PERSON, DIRECTED TO:

PRIVACY ACT COORDINATOR
OFFICE OF SUPERINTENDENT
A BUILDING
SAINT ELIZABETHS HOSPITAL
WASHINGTON, D.C. 20032

ALL OF THE FOLLOWING INFORMATION MUST BE PROVIDED WHEN REQUESTING NOTIFICATION:
(A) FULL NAME;
(B) APPROXIMATE DATES OF ENROLLMENT AT ST. ELIZABETH'S HOSPITAL;
(C) THE NATURE OF THE MATERIAL DESIRED;
(D) IF POSSIBLE, THE NAME OF THE PERSON WHO COLLECTED THE DATA.

Record access procedures: SAME AS NOTIFICATION PROCEDURES. A PARENT OR GUARDIAN WHO REQUESTS NOTIFICATION OF, OR ACCESS TO, A CHILD'S/INCOMPETENT PERSON'S MEDICAL RECORD SHALL DESIGNATE A FAMILY PHYSICIAN OR OTHER HEALTH PROFESSIONAL (OTHER THAN A FAMILY MEMBER) TO WHOM THE RECORD, IF ANY, WILL BE SENT. THE PARENT OR GUARDIAN MUST VERIFY RELATIONSHIP TO THE CHILD/INCOMPETENT PERSON AS WELL AS HIS/HER OWN IDENTITY.

Contesting record procedures: CONTACT THE OFFICIAL AT THE ADDRESS SPECIFIED UNDER NOTIFICATION PROCEDURES ABOVE AND REASONABLY IDENTIFY THE RECORD, SPECIFY THE INFORMATION TO BE CONTESTED, AND STATE THE CORRECTIVE ACTION SOUGHT.

Record source categories: CLINICAL TESTING OF PATIENTS REFERRED FOR CONSULTATION.

Systems exempted from certain provisions of the act: NONE.

09-30-0010

System name: SAINT ELIZABETHS HOSPITAL JUVENILE EDUCATION MONITORING SYSTEM. HHS/ADAMHA/NIMH.

Security classification: NONE.

System location:

ADMINISTRATION BUILDING
SAINT ELIZABETHS HOSPITAL
WASHINGTON, D.C. 20032

Categories of individuals covered by the system: ALL PATIENTS UNDER 18 YEARS OF AGE ON ROLLS OF SAINT ELIZABETHS HOSPITAL.

Categories of records in the system: INPATIENT AND OUTPATIENT EDUCATIONAL RECORDS. THE EDUCATIONAL RECORDS CONTAIN IDENTIFYING DATA, NAME, DATE, AND PLACE OF BIRTH, AGE, SEX, RACE LEGAL CATEGORY, LEAVE AND RESIDENTIAL STATUS, ADMISSION, DISCHARGED DATE, IDENTIFICATION OF RELATIVE, HOSPITAL IDENTIFICATION, EDUCATIONAL INFORMATION, CURRENT FUNCTIONAL LEVEL, EDUCATIONAL ACHIEVEMENT, MEDICAL, NEUROLOGICAL, AND/OR PSYCHOLOGICAL PROBLEMS WITH SIGNIFICANT INFLUENCE, PATIENT ADJUSTMENT TO EDUCATIONAL PROGRAM, PAST/PRESENT ACADEMIC EDUCATIONAL PLAN OR PROGRAM. REPORTS OR NOTES OF OTHERS WHO CONTRIBUTE TO A PATIENT'S EDUCATIONAL DEVELOPMENT.

Authority for maintenance of the system: 24 U.S.C. 161 AND MILLS V. BD. OF EDUCATION OF THE DIST. OF COLUMBIA, 348 F. SUPP. 866 (D.C. D.C. 1972).

Purpose(s):

1. TO MONITOR ACADEMIC EDUCATION PROGRAMS OF PATIENTS UNDER 18 YEARS OF AGE ON ROLLS OF SAINT ELIZABETHS HOSPITAL.
2. TO DOCUMENT A PATIENT'S EDUCATIONAL ACHIEVEMENT, TO PROVIDE FOR CONTINUOUS MONITORING.
3. TO PROVIDE A CONTINUOUS PSYCHO-EDUCATIONAL PROGRAM FOR THE INDIVIDUAL PATIENT, INCLUDING A FOLLOW-UP PROGRAM FOR REFERENCE UPON FUTURE HOSPITALIZATION.
4. FOR USE BY AGENCY PERSONNEL FOR PERIODIC ASSESSMENT OF THE QUALITY OF EDUCATIONAL ACHIEVEMENT.
5. TO ASSIST THE STAFF IN PROVIDING FOR A PATIENT'S EDUCATIONAL NEEDS.
6. TO OCCASIONALLY PROVIDE THE BASIS FOR ACTION IN THE COURSE OF EMPLOYEE DISCIPLINE OR COMPETENCE DETERMINATION PROCEEDINGS.
7. TO FACILITATE TEACHING PROGRAMS AND SCIENTIFIC RESEARCH; TO FURTHER KNOWLEDGE IN THE AREAS OF DIAGNOSIS AND TREATMENT, COMPARATIVE STUDIES AND SPECIAL EDUCATIONAL PROGRAMS.
8. INDEXES BASED ON THE EDUCATIONAL RECORDS ARE ROUTINELY USED FOR: A. SPEEDY IDENTIFICATION AND LOCATION OF SPECIFIC PATIENTS; B. MONITORING THE COMPLETENESS OF PATIENT-EDUCATIONAL RECORDS, PARTICULARLY THOSE UNDER 18; C. MONITORING THE CHANGING STATUS OF PATIENTS, EITHER IN TERMS OF TRANSFERS WITHIN THE HOSPITAL OR OUTSIDE THE HOSPITAL; D. EASY IDENTIFICATION OF BASIC DEMOGRAPHIC DATA USED FOR STATISTICAL AND/OR RESEARCH PURPOSES; E. QUICK REVIEW OF CURRENT TREATMENT REGIMEN IN INDIVIDUAL CASES.

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

1. DISCLOSURE MAY BE MADE TO 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.
2. DISCLOSURES MAY BE MADE IN ROUTINE REPORTS PREPARED FOR D.C. SCHOOL BOARD PERSONNEL.
3. DISCLOSURES MAY BE MADE ON PATIENT'S BEHALF, IN MATTERS SUCH AS EDUCATIONAL ACHIEVEMENT NEEDS, TO THIRD PARTIES WHOSE INVOLVEMENT WOULD BE OF BENEFIT TO THE PATIENT, SUCH AS TO D.C. SCHOOL BOARD PERSONNEL FOR STUDENTS WITH SPECIALIZED EDUCATIONAL PLACEMENT NEEDS.
4. DISCLOSURES MAY BE MADE TO COURTS OF LOCAL JURISDICTIONS IN MANDATORY REPORTS UNDER FEDERAL AND LOCAL LAW.
5. INFORMATION MAY BE TRANSMITTED TO THE DEPARTMENT OF SPECIAL EDUCATION OF THE DISTRICT OF COLUMBIA PUBLIC SCHOOL SYSTEM, TO ASSIST IN COORDINATING EDUCATIONAL EFFORTS AS MANDATED BY MILLS V. BOARD OF EDUCATION OF D.C., 348 F. SUPP. 866 (D.C.D.C. 1972).
6. IN THE EVENT OF LITIGATION WHERE THE DEFENDANT IS (A) THE DEPARTMENT, ANY COMPONENT OF THE DEPARTMENT, OR ANY EMPLOYEE OF THE DEPARTMENT IN HIS OR HER OFFICIAL CAPACITY; (B) THE UNITED STATES WHERE THE DEPARTMENT DETERMINES THAT THE CLAIM, IF SUCCESSFUL, IS LIKELY TO DIRECTLY AFFECT THE OPERATIONS OF THE DEPARTMENT OR ANY OF ITS COMPONENTS; OR (C) ANY DEPARTMENT EMPLOYEE IN HIS OR HER INDIVIDUAL CAPACITY WHERE THE JUSTICE DEPARTMENT HAS AGREED TO REPRESENT SUCH EMPLOYEE, THE DEPARTMENT MAY DISCLOSE SUCH RECORDS AS IT DEEMS DESIRABLE OR NECESSARY TO THE DEPARTMENT OF JUSTICE TO ENABLE THAT DEPARTMENT TO TO PRESENT AN EFFECTIVE DEFENSE, PROVIDED SUCH DISCLOSURE IS COMPATIBLE WITH THE PURPOSE FOR WHICH THE RECORDS WERE COLLECTED (E.G., TO THE DEPARTMENT OF JUSTICE OR OTHER APPROPRIATE FEDERAL AGENCIES IN DEFENDING CLAIMS AGAINST THE UNITED STATES WHEN THE CLAIM IS BASED UPON INDIVIDUAL'S MENTAL OR PHYSICAL CONDITION AND IS ALLEGED TO HAVE ARISEN BECAUSE OF ACTIVITIES OF THE PUBLIC HEALTH SERVICE IN CONNECTION WITH SUCH INDIVIDUAL).

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

Storage: RECORDS ARE IN THE ADMINISTRATION BUILDING. FILE FOLDERS WITH GENERAL EDUCATIONAL RECORD AND CORRESPONDENCE FILES ARE KEPT IN METAL FILE CABINETS. INDEX CARDS, MONITORING CARDS, KARDEX ARE IN THEIR APPROPRIATE CONTAINERS.

Retrievability: INDEX BY PATIENT'S NAME, HOSPITAL NUMBER, DIVISION.

Safeguards:

1. AVAILABLE ONLY TO PROPERLY TRAINED AND SCREENED PERSONNEL.
2. ACCESS LIMITED TO AUTHORIZED PERSONNEL ONLY. ENFORCED BY SECURITY PERSONNEL. ROOMS ARE LOCKED WHEN UNOCCUPIED.

Retention and disposal: RECORDS MAY BE RETIRED TO A FEDERAL RECORDS CENTER AND SUBSEQUENTLY DISPOSED OF IN ACCORDANCE WITH THE ADAMHA RECORDS CONTROL SCHEDULE. THE RECORDS CONTROL SCHEDULE AND DISPOSAL STANDARD FOR THESE RECORDS MAY BE OBTAINED BY WRITING THE SYSTEM MANAGER AT THE ADDRESS BELOW.

System manager(s) and address:

ASSOCIATE DIRECTOR FOR PSYCHOLOGY
ADMINISTRATION BUILDING, ROOM 308
SAINT ELIZABETHS HOSPITAL
WASHINGTON, D.C. 20032

Notification procedure: AN INDIVIDUAL MAY LEARN IF A RECORD EXISTS ABOUT HIMSELF/HERSELF UPON WRITTEN REQUEST, WITH NOTARIZED SIGNATURE IF REQUEST IS MADE BY MAIL, OR WITH SUITABLE IDENTIFICATION IF REQUEST IS MADE IN PERSON, DIRECTED TO:

PRIVACY ACT COORDINATOR
OFFICE OF THE ASSOCIATE DIRECTOR FOR PSYCHOLOGY
A BUILDING
SAINT ELIZABETHS HOSPITAL
WASHINGTON, D.C. 20032

ALL OF THE FOLLOWING INFORMATION MUST BE PROVIDED WHEN REQUESTING NOTIFICATION:
(A) FULL NAME AND HOME ADDRESS
(B) APPROXIMATE DATES OF ENROLLMENT AT SAINT ELIZABETHS HOSPITAL
(C) DIVISION WHERE TREATMENT IS OR WAS PROVIDED, AND EDUCATION LEVEL
(D) THE NATURE OF THE MATERIAL DESIRED

A PARENT OR GUARDIAN WHO REQUESTS NOTIFICATION OF A CHILD'S/INCOMPETENT PERSON'S RECORD SHALL DESIGNATE A FAMILY PHYSICIAN OR OTHER HEALTH PROFESSIONAL (OTHER THAN A FAMILY MEMBER) TO WHOM THE RECORD, IF ANY, WILL BE SENT. THE PARENT OR GUARDIAN MUST VERIFY RELATIONSHIP TO THE CHILD/INCOMPETENT PERSON AS WELL AS HIS/HER OWN IDENTITY.

Record access procedures: SAME AS NOTIFICATION PROCEDURES.

Contesting record procedures: CONTACT THE OFFICIAL AT THE ADDRESS SPECIFIED UNDER NOTIFICATION PROCEDURES ABOVE AND REASONABLY IDENTIFY THE RECORD, SPECIFY THE INFORMATION TO BE CONTESTED, AND STATE THE CORRECTIVE ACTION SOUGHT.

Record source categories: EDUCATIONAL RECORDS: A COMPILATION OF SOCIOLOGICAL, MEDICAL AND HISTORICAL DATA OF A PATIENT. THE INFORMATION RECORDED AS GIVEN BY THE PATIENT, HIS RELATIVES, OR OTHER THIRD PERSONS INTERESTED IN THE PATIENT; FROM EXISTING RECORDS USED AS REFERENCE; FROM EDUCATIONAL TESTS, SUCH AS TESTS ADMINISTERED BY PHYSICIANS, PSYCHIATRISTS, TEACHERS, SOCIAL WORKER; OTHER THERAPISTS WHO ENTERED THEIR OBSERVATIONS AND ASSESSMENT BY MEANS OF PROGRESS NOTES, REPORTS ETC.

Systems exempted from certain provisions of the act: NONE.

09-30-0011

System name: SAINT ELIZABETHS HOSPITAL CENTRAL ADMISSION SERVICE NON-ADMISSION FILE SYSTEM. HHS/ADAMHA/NIMH.

Security classification: NONE.

System location:

CENTRAL ADMISSION SERVICE
DIX BUILDING
SAINT ELIZABETHS HOSPITAL
WASHINGTON, D.C. 20032

Categories of individuals covered by the system: INDIVIDUALS WHO HAVE PRESENTED THEMSELVES AT THE CENTRAL ADMISSION SERVICE BUT WHO WERE NOT ADMITTED TO THE ROLLS OF SAINT ELIZABETHS HOSPITAL.

Categories of records in the system: PERSONAL IDENTIFYING DATA COLLECTED DURING ADMISSIONS SCREENING INTERVIEW, INFORMATION FROM PREVIOUS HOSPITALIZATIONS OF CLINIC ENROLLMENT, AND INFORMATION ABOUT INDIVIDUALS COLLECTED FROM TELEPHONE CONVERSATIONS WITH INTERESTED PERSONS.

Authority for maintenance of the system: 24 USC 161, ET SEQ.; 21 D.C. CODE 501, ET SEQ.

Purpose(s):

TO PROVIDE ADDITIONAL SCREENING MATERIAL IN CASES OF REPEATED APPLICATIONS FOR ADMISSION OF THE SAME PATIENT.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: IN THE EVENT OF LITIGATION WHERE THE DEFENDANT IS (A) THE DEPARTMENT, ANY COMPONENT OF THE DEPARTMENT, OR ANY EMPLOYEE OF THE DEPARTMENT IN HIS OR HER OFFICIAL CAPACITY; (B) THE UNITED STATES WHERE THE DEPARTMENT DETERMINES THAT THE CLAIM, IF SUCCESSFUL, IS LIKELY TO DIRECTLY AFFECT THE OPERATIONS OF THE DEPARTMENT OR ANY OF ITS COMPONENTS; OR (C) ANY DEPARTMENT EMPLOYEE IN HIS OR HER INDIVIDUAL CAPACITY WHERE THE JUSTICE DEPARTMENT HAS AGREED TO REPRESENT SUCH EMPLOYEE, THE DEPARTMENT MAY DISCLOSE SUCH RECORDS AS IT DEEMS DESIRABLE OR NECESSARY TO THE DEPARTMENT OF JUSTICE TO ENABLE THAT DEPARTMENT TO PRESENT AN EFFECTIVE DEFENSE, PROVIDED SUCH DISCLOSURE IS COMPATIBLE WITH THE PURPOSE FOR WHICH THE RECORDS WERE COLLECTED (E.G., TO THE DEPARTMENT OF JUSTICE OR OTHER APPROPRIATE FEDERAL AGENCIES IN DEFENDING CLAIMS AGAINST THE UNITED STATES WHEN THE CLAIM IS BASED UPON INDIVIDUAL'S MENTAL OR PHYSICAL CONDITION AND IS ALLEGED TO HAVE ARISEN BECAUSE OF ACTIVITIES OF THE PUBLIC HEALTH SERVICE IN CONNECTION WITH SUCH INDIVIDUAL).

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

Storage: PAPER FORMS MAINTAINED IN FILE CABINETS.

Retrievability: FILED ALPHABETICALLY BY NAME.

Safeguards: ACCESS LIMITED TO AUTHORIZED PERSONNEL ONLY, ENFORCED BY SECURITY FORCE. ROOMS LOCKED WHEN UNOCCUPIED. ACCORDANCE WITH THE ADAMHA RECORDS CONTROL SCHEDULE. THE RECORDS CONTROL SCHEDULE AND DISPOSAL STANDARD FOR THESE RECORDS MAY BE OBTAINED BY WRITING THE SYSTEM MANAGER AT THE ADDRESS BELOW.

System manager(s) and address:

DIRECTOR, CENTRAL ADMISSIONS SERVICE
SAINT ELIZABETHS HOSPITAL
WASHINGTON, D.C. 20032

Notification procedure: A PERSON DENIED ADMISSION MAY LEARN IF A RECORD EXISTS ABOUT HIMSELF/HERSELF UPON WRITTEN REQUEST, WITH NOTARIZED SIGNATURE IF REQUEST IS MADE BY MAIL, OR WITH SUITABLE IDENTIFICATION IF REQUEST IS MADE IN PERSON, DIRECTED TO

PRIVACY ACT COORDINATOR
OFFICE OF THE DIRECTOR
CENTRAL ADMISSIONS SERVICE

SAINT ELIZABETHS HOSPITAL
WASHINGTON, D.C. 20032

ALL OF THE FOLLOWING INFORMATION MUST BE PROVIDED WHEN REQUESTING NOTIFICATION:
(A) FULL NAME;
(B) APPROXIMATE DATE THE PERSON SOUGHT ADMISSION;
(C) THE NATURE OF THE MATERIAL DESIRED.

A PARENT OR GUARDIAN WHO REQUESTS NOTIFICATION OF A CHILD'S/INCOMPETENT PERSON'S RECORD SHALL DESIGNATE A FAMILY PHYSICIAN OR OTHER HEALTH PROFESSIONAL (OTHER THAN A FAMILY MEMBER) TO WHOM THE RECORD, IF ANY, WILL BE SENT. THE PARENT OR GUARDIAN MUST VERIFY RELATIONSHIP TO THE CHILD/INCOMPETENT PERSON AS WELL AS HIS/HER OWN IDENTITY.

Record access procedures: SAME AS NOTIFICATION PROCEDURES.

Contesting record procedures: CONTACT THE OFFICIAL AT THE ADDRESS SPECIFIED UNDER NOTIFICATION PROCEDURES ABOVE AND REASONABLY IDENTIFY THE RECORD, SPECIFY THE INFORMATION TO BE CONTESTED, AND STATE THE CORRECTIVE ACTION SOUGHT.

Record source categories: INTERVIEWS WITH PERSONS APPLYING FOR ADMISSION BUT ULTIMATELY NOT ADMITTED, HOSPITAL RECORDS OF PRIOR ADMISSIONS, AND INFORMATION PROVIDED BY OTHER PERSONS RELATED TO OR INTERESTED IN THE PERSON SEEKING ADMISSION.

Systems exempted from certain provisions of the act: NONE.

09-30-0012

System name: SAINT ELIZABETHS HOSPITAL PRE-SERVICE EDUCATION RECORDS. HHS/ADAMHA/NIMH.

Security classification: NONE.

System location:

SAINT ELIZABETHS HOSPITAL
WASHINGTON, D.C. 20032
AND FEDERAL RECORDS CENTER
SUITLAND, MARYLAND

Categories of individuals covered by the system: STUDENTS AND TRAINEES IN MEDICAL AND NONMEDICAL MENTAL HEALTH EDUCATION PROGRAMS, INCLUDING PERSONS WHO RECEIVE STIPENDS AND THOSE WHO DO NOT.

Categories of records in the system: RECORD CATEGORIES INCLUDE: (1) APPLICATION DATA INCLUDING TRANSCRIPTS, REFERENCES, SPECIAL HEALTH RECORDS WHERE INDICATED, EVALUATION OF PRIOR TRAINING OR EDUCATION; (2) ASSESSMENT AND EVALUATION DATA REGARDING EDUCATIONAL EXPERIENCES AT SEH; AND (3) CORRESPONDENCE.

Authority for maintenance of the system: PUBLIC HEALTH SERVICE ACT SECTION 301(42 U.S.C. 241).

Purpose(s):

RECORDS ARE USED FOR: EVALUATION FOR SELECTION AND APPOINTMENT; SUPERVISORY GUIDANCE AND ASSESSMENT; REFERENCE REQUESTS; SPECIALIZED TEACHING RESOURCES, PROGRAM EVALUATION AND HISTORICAL RESEARCH.

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

1. DISCLOSURE MAY BE MADE TO ORGANIZATIONS DEEMED QUALIFIED BY THE SECRETARY TO CARRY OUT QUALITY ASSESSMENT, MEDICAL AUDITS, OR UTILIZATION REVIEW.

2. DISCLOSURES MAY BE MADE IN THE COURSE OF EMPLOYEE DISCIPLINE OR COMPETENCE DETERMINATION PROCEEDINGS TO PARTIES INVOLVED IN THE PROCEEDINGS SUCH AS POLICE, ATTORNEYS, AND OFFICE OF PERSONNEL MANAGEMENT EMPLOYEES.

3. IN THE EVENT OF LITIGATION WHERE THE DEFENDANT IS (A) THE DEPARTMENT, ANY COMPONENT OF THE DEPARTMENT, OR ANY EMPLOYEE OF THE DEPARTMENT IN HIS OR HER OFFICIAL CAPACITY; (B) THE UNITED STATES WHERE THE DEPARTMENT DETERMINES THAT THE CLAIM, IF SUCCESSFUL, IS LIKELY TO DIRECTLY AFFECT THE OPERATIONS OF THE DEPARTMENT OR ANY OF ITS COMPONENTS; OR (C) ANY DEPARTMENT EMPLOYEE IN HIS OR HER INDIVIDUAL CAPACITY WHERE THE JUSTICE DEPARTMENT HAS AGREED TO REPRESENT SUCH EMPLOYEE, THE DEPARTMENT MAY DISCLOSE SUCH RECORDS AS IT DEEMS DESIRABLE OR NECESSARY TO THE DEPARTMENT OF JUSTICE TO ENABLE THAT DEPARTMENT TO PRESENT AN EFFECTIVE DEFENSE, PROVIDED SUCH DISCLOSURE IS COMPATIBLE WITH THE PURPOSE FOR WHICH THE RECORDS WERE COLLECTED (E.G., TO THE DEPARTMENT OF JUSTICE OR OTHER APPROPRIATE FEDERAL AGENCIES IN DEFENDING CLAIMS AGAINST THE UNITED STATES WHEN THE CLAIM IS BASED UPON INDIVIDUAL'S MENTAL OR PHYSICAL CONDITION AND IS ALLEGED TO HAVE ARISEN BECAUSE OF ACTIVITIES OF THE PUBLIC HEALTH SERVICE IN CONNECTION WITH SUCH INDIVIDUAL).

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

Storage: WRITTEN DOCUMENTS IN FILE FOLDERS AND FILING CABINETS; AUDIO AND VIDEO TAPE REELS IN STORAGE CABINETS.

Retrievability: SYSTEM IS FILED BY NAME OF INDIVIDUAL, DATES OF TRAINING, DISCIPLINARY AREA IN WHICH TRAINING WAS RECEIVED, PRIMARY SUPERVISOR, AND WHETHER THE TRAINING WAS STIPENDED OR NON-STIPENDED.

Safeguards: RECORDS ARE MAINTAINED IN MONITORED OFFICES AND ARE ONLY AVAILABLE TO PERSONS AUTHORIZED TO USE RECORDS FOR THE PURPOSES FOR WHICH THEY WERE COLLECTED.

Retention and disposal: RECORDS MAY BE RETIRED TO A FEDERAL RECORDS CENTER AND SUBSEQUENTLY DISPOSED OF IN ACCORDANCE WITH THE ADAMHA RECORDS CONTROL SCHEDULE. THE RECORDS CONTROL SCHEDULE AND DISPOSAL STANDARD FOR THESE RECORDS MAY BE OBTAINED BY WRITING THE SYSTEM MANAGER AT THE ADDRESS BELOW.

System manager(s) and address:

DIRECTOR, OVERHOLSER DIVISION OF TRAINING
SAINT ELIZABETHS HOSPITAL
WASHINGTON, D.C. 20032

Notification procedure: INDIVIDUAL STUDENT OR TRAINEE MAY LEARN IF A PRE-SERVICE EDUCATION RECORD EXISTS UPON WRITTEN REQUEST, WITH NOTARIZED SIGNATURE IF REQUEST IS MADE BY MAIL, OR WITH SUITABLE IDENTIFICATION IF REQUEST IS MADE IN PERSON, DIRECTED TO:

PRIVACY ACT COORDINATOR
OFFICE OF DIRECTOR
OVERHOLSER DIVISION OF TRAINING,
SAINT ELIZABETHS HOSPITAL
WASHINGTON, D.C. 20032

ALL THE FOLLOWING IDENTIFYING INFORMATION MUST BE PROVIDED WHEN REQUESTING NOTIFICATION:
(A) FULL NAME;
(B) INCLUSIVE DATES OF TRAINING;
(C) SPECIFIC DISCIPLINARY AREA IN WHICH TRAINING WAS RECEIVED AND ORGANIZATIONAL UNIT WHERE ASSIGNED;
(D) NAME OF PRIMARY SUPERVISOR;
(E) STATUS IN TERMS OF STIPENDED OR NON-STIPENDED.

Record access procedures: SAME AS NOTIFICATION PROCEDURES. REQUESTERS SHOULD ALSO REASONABLY SPECIFY THE RECORD CONTENTS BEING SOUGHT.

Contesting record procedures: CONTACT THE OFFICIAL AT THE ADDRESS SPECIFIED UNDER NOTIFICATION PROCEDURES ABOVE AND REASONABLY IDENTIFY THE RECORD, SPECIFY THE INFORMATION TO BE CONTESTED, AND STATE THE CORRECTIVE ACTION SOUGHT.

Record source categories: INFORMATION IS OBTAINED FROM THE INDIVIDUAL TRAINEE OR STUDENT, PERSONS SUPPLYING REFERENCE DATA, SUPERVISORY AND ADMINISTRATIVE PERSONNEL, AND OTHER PERSONS DIRECTLY INVOLVED WITH THE INDIVIDUAL'S EDUCATIONAL PROGRAM.

Systems exempted from certain provisions of the act: NONE.

09-30-0013

System name: SAINT ELIZABETHS HOSPITAL TRAINING VIDEOTAPE RECORDS. HHS/ADAMHA/NIMH.

Security classification: NONE.

System location:

SAINT ELIZABETHS HOSPITAL
WASHINGTON, D.C. 20032

Categories of individuals covered by the system: SEH PATIENTS, TRAINEES AND STAFF OF SEH.

Categories of records in the system: VIDEOTAPES OF INTERVIEWS, ACTIVITIES, OR OTHER INTERACTIONS BETWEEN SEH PATIENTS AND PROFESSIONAL TRAINEES AND STAFF OF SEH; AUTHORIZATIONS (INFORMED CONSENT) SIGNED BY PATIENTS.

Authority for maintenance of the system: PUBLIC HEALTH SERVICE ACT SECTION 301(42 U.S.C. 241).

Purpose(s):

TRAINING AND EDUCATION OF STAFF.

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

A RECORD MAY BE DISCLOSED FOR A RESEARCH PURPOSE, WHEN THE DEPARTMENT:

(A) HAS DETERMINED THAT THE USE OR DISCLOSURE DOES NOT VIOLATE LEGAL OR POLICY LIMITATIONS UNDER WHICH THE RECORD WAS PROVIDED, COLLECTED, OR OBTAINED;

(B) HAS DETERMINED THAT THE RESEARCH PURPOSE (1) CANNOT BE REASONABLY ACCOMPLISHED UNLESS THE RECORD IS PROVIDED IN INDIVIDUALLY IDENTIFIABLE FORM, AND (2) WARRANTS THE RISK TO THE PRIVACY OF THE INDIVIDUAL THAT ADDITIONAL EXPOSURE OF THE RECORD MIGHT BRING;

(C) HAS REQUIRED THE RECIPIENT TO -- (1) ESTABLISH REASONABLE ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS TO PREVENT UNAUTHORIZED USE OR DISCLOSURE OF THE RECORD, AND (2) REMOVE OR DESTROY THE INFORMATION THAT IDENTIFIES THE INDIVIDUAL AT THE EARLIEST TIME AT WHICH REMOVAL OR DESTRUCTION CAN BE ACCOMPLISHED CONSISTENT WITH THE PURPOSE OF THE RESEARCH PROJECT, UNLESS THE RECIPIENT HAS PRESENTED ADEQUATE JUSTIFICATION OF A RESEARCH OR HEALTH NATURE FOR RETAINING SUCH INFORMATION, AND (3) MAKE NO FURTHER USE OR DISCLOSURE OF THE RECORD EXCEPT -- (A) IN EMERGENCY CIRCUMSTANCES AFFECTING THE HEALTH OR SAFETY OF ANY INDIVIDUAL, (B) FOR USE IN ANOTHER RESEARCH PROJECT, UNDER THESE SAME CONDITIONS, AND WITH WRITTEN AUTHORIZATION OF THE DEPARTMENT, (C) FOR DISCLOSURE TO A PROPERLY IDENTIFIED PERSON FOR THE PURPOSE OF AN AUDIT RELATED TO THE RESEARCH PROJECT, IF INFORMATION THAT WOULD ENABLE RESEARCH SUBJECTS TO BE IDENTIFIED IS REMOVED OR DESTROYED AT THE EARLIEST OPPORTUNITY CONSISTENT WITH THE PURPOSE OF THE AUDIT, OR (D) WHEN REQUIRED BY LAW;

(D) HAS SECURED A WRITTEN STATEMENT ATTESTING TO THE RECIPIENT'S UNDERSTANDING OF, AND WILLINGNESS TO ABIDE BY THESE PROVISIONS.

2. DISCLOSURE MAY BE MADE TO ORGANIZATIONS DEEMED QUALIFIED BY THE SECRETARY TO CARRY OUT QUALITY ASSESSMENT, MEDICAL AUDITS OR UTILIZATION REVIEW.

3. DISCLOSURE MAY BE MADE TO 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.

4. IN THE EVENT OF LITIGATION WHERE THE DEFENDANT IS (A) THE DEPARTMENT, ANY COMPONENT OF THE DEPARTMENT, OR ANY EMPLOYEE OF THE DEPARTMENT IN HIS OR HER OFFICIAL CAPACITY; (B) THE UNITED STATES WHERE THE DEPARTMENT DETERMINES THAT THE CLAIM, IF SUCCESSFUL, IS LIKELY TO DIRECTLY AFFECT THE OPERATIONS OF THE DEPARTMENT OR ANY OF ITS COMPONENTS; OR (C) ANY DEPARTMENT EMPLOYEE IN HIS OR HER INDIVIDUAL CAPACITY WHERE THE JUSTICE DEPARTMENT HAS AGREED TO REPRESENT SUCH EMPLOYEE, THE DEPARTMENT MAY DISCLOSE SUCH RECORDS AS IT DEEMS DESIRABLE OR NECESSARY TO THE DEPARTMENT OF JUSTICE TO ENABLE THAT DEPARTMENT TO PRESENT AN EFFECTIVE DEFENSE, PROVIDED SUCH DISCLOSURE IS COMPATIBLE WITH THE PURPOSE FOR WHICH THE RECORDS WERE COLLECTED (E.G., TO THE DEPARTMENT OF JUSTICE OR OTHER APPROPRIATE FEDERAL AGENCIES IN DEFENDING CLAIMS AGAINST THE UNITED STATES WHEN THE CLAIM IS BASED UPON INDIVIDUAL'S MENTAL OR PHYSICAL CONDITION AND IS ALLEGED TO HAVE ARISEN BECAUSE OF ACTIVITIES OF THE PUBLIC HEALTH SERVICE IN CONNECTION WITH SUCH INDIVIDUAL).

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

Storage: VIDEOTAPE REELS, AUTHORIZATIONS RETAINED IN FILE FOLDERS.

Retrievability: NAME OF PATIENT, NAME OF INTERVIEWER.

Safeguards: LOCKED FILES IN MONITORED OFFICES.

Retention and disposal: RECORDS MAY BE RETIRED TO A FEDERAL RECORDS CENTER AND SUBSEQUENTLY DISPOSED OF IN ACCORDANCE WITH THE ADAMHA RECORDS CONTROL SCHEDULE. THE RECORDS CONTROL SCHEDULE AND DISPOSAL STANDARD FOR THESE RECORDS MAY BE OBTAINED BY WRITING THE SYSTEM MANAGER AT THE ADDRESS BELOW.

System manager(s) and address:

DIRECTOR, OVERHOLSER DIVISION OF TRAINING
SAINT ELIZABETHS HOSPITAL
WASHINGTON, D.C. 20032

Notification procedure: AN INDIVIDUAL MAY LEARN IF A RECORD EXISTS ABOUT HIMSELF/HERSELF UPON WRITTEN REQUEST, WITH NOTARIZED SIGNATURE IF REQUEST IS MADE BY MAIL, OR WITH SUITABLE IDENTIFICATION IF REQUEST IS MADE IN PERSON, DIRECTED TO:

PRIVACY ACT COORDINATOR
OFFICE OF THE DIRECTOR, OVERHOLSER DIVISION OF TRAINING
SAINT ELIZABETHS HOSPITAL
WASHINGTON, D.C. 20032

ALL OF THE FOLLOWING INFORMATION MUST BE PROVIDED WHEN REQUESTING NOTIFICATION:

(A) FULL NAME;
(B) APPROXIMATE DATA OF VIDEOTAPING;
(C) NAME OF INTERVIEWER;
(D) THE CAPACITY IN WHICH THE REQUESTER HAD CONTACT WITH THE HOSPITAL; E.G., PATIENT, STAFF MEMBER, TRAINEE;
(E) IF POSSIBLE, IN THE CASE OF PATIENTS, THE HOSPITAL NUMBER;
(F) LOCATION OF UNIT WHERE VIDEOTAPING OCCURRED.

A PARENT OR GUARDIAN WHO REQUESTS NOTIFICATION OF A CHILD'S/INCOMPETENT PERSON'S RECORD SHALL DESIGNATE A FAMILY PHYSICIAN OR OTHER HEALTH PROFESSIONAL (OTHER THAN A FAMILY MEMBER) TO WHOM THE RECORD, IF ANY, WILL BE SENT. THE PARENT OR GUARDIAN MUST VERIFY RELATIONSHIP TO THE CHILD/INCOMPETENT PERSON AS WELL AS HIS/HER OWN IDENTITY.

Record access procedures: SAME AS NOTIFICATION PROCEDURES. REQUESTERS SHOULD ALSO REASONABLY SPECIFY THE RECORD CONTENTS BEING SOUGHT.

Contesting record procedures: CONTACT THE OFFICIAL AT THE ADDRESS SPECIFIED UNDER NOTIFICATION PROCEDURES ABOVE AND REASONABLY IDENTIFY THE RECORD, SPECIFY THE INFORMATION TO BE CONTESTED, AND STATE THE CORRECTIVE ACTION SOUGHT.

Record source categories: SEH PATIENTS, TRAINEES AND STAFF.

Systems exempted from certain provisions of the act: NONE.

09-30-0014

System name: SAINT ELIZABETHS HOSPITAL FINANCIAL SYSTEM. HHS/ADAMHA/NIMH.

Security classification: NONE.

System location:

FINANCE OFFICE
SAINT ELIZABETHS HOSPITAL
WASHINGTON, D.C. 20032
AND
FEDERAL RECORDS CENTER
SUITLAND, MARYLAND

Categories of individuals covered by the system: PRESENT AND FORMER EMPLOYEES AND PATIENTS.

Categories of records in the system: DEPOSITS; RECEIPTS; DISBURSEMENTS; BALANCES; NCR LEDGER CARDS; VOUCHERS; INFORMATION ON EXPENSES OF TRAVEL AND EDUCATION; BILLINGS; BACKGROUND HISTORY; REIMBURSEMENT CLAIMS; INDUSTRIAL THERAPY PROGRAM DATA: INTERNAL REVENUE SERVICE FORM W-4 AND D.C. GOVERNMENT FORM D-4, PAYROLL SUMMARY SHEETS AND, INDIVIDUAL PATIENT LEDGER CARDS FOR PATIENT WORKERS IN PATIENT WORKER INDUSTRIAL THERAPY PROGRAM (PWITP), AND INDEBTEDNESS LETTERS.

Authority for maintenance of the system: HOSPITALIZATION OF THE MENTALLY ILL ACT, 21 DC CODE 511 ET SEQ.; 24 USC 165 AND 166; 31 USC 66A AND 628A.

Purpose(s):

TO RECORD EXPENDITURES AND REIMBURSEMENTS FOR SERVICES AND GOODS AND ALL OTHER FINANCIAL TRANSACTIONS CONSISTENT WITH THE MANAGEMENT OF THE HOSPITAL. INFORMATION IN THESE RECORDS IS ALSO USED WITHIN THE FINANCE OFFICE TO DETERMINE THE AMOUNT OF PAY A PATIENT EARNS FOR HIS INDUSTRIAL THERAPY ASSIGNMENT, AND FOR COMPLETING PATIENTS' TIME SHEETS, PAYROLL SUMMARY SHEETS, INCOME TAX WITHHOLDING FORMS, AND MONTHLY OR QUARTERLY EARNINGS AND TAX RETURNS.

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

1. DISCLOSURE MAY BE MADE TO 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.
2. DISCLOSURES MAY BE MADE IN ORDER TO PAY TRAVEL CLAIMS AND EDUCATIONAL INSTITUTIONS, EXPENSES; TO COLLECT FROM THE D.C. GOVERNMENT AND FEDERAL AGENCIES FOR CARE AND TREATMENT; AND TO COLLECT FOR QUARTERS, LOST OR DAMAGED PROPERTY & OTHER INDEBTEDNESS TO THE GOVERNMENT.
3. DISCLOSURES MAY BE MADE TO REFERENCES FOR OUTSIDE EMPLOYMENT, TO REFERRAL SOURCES FOR DETERMINING IF JOB PLACEMENT MEETS A PATIENT'S THERAPEUTIC NEEDS, AND TO OUTSIDE AGENCIES IN ORDER TO OBTAIN REFERRALS.
4. DISCLOSURES MAY BE MADE TO PROSPECTIVE EMPLOYERS AND OTHER SIMILAR RECIPIENTS AS EVIDENCE OF THE INDIVIDUAL'S INCREASED RESPONSIBILITY, AND TO FOLLOWUP REASONS FOR A PATIENT'S ABSENCE FROM HIS INDUSTRIAL THERAPY ASSIGNMENTS.
5. IN THE EVENT THAT A SYSTEM OF RECORDS MAINTAINED BY THIS AGENCY TO CARRY OUT ITS FUNCTIONS INDICATES A VIOLATION OR POTENTIAL VIOLATION OF LAW, WHETHER CIVIL, CRIMINAL OR REGULATORY IN NATURE, OR BY REGULATION, RULE OR ORDER ISSUED PURSUANT THERETO, THE RELEVANT RECORDS IN THE SYSTEM OF RECORDS MAY BE REFERRED, AS A ROUTINE USE, TO THE APPROPRIATE AGENCY, WHETHER FEDERAL (E.G., DEPARTMENT OF JUSTICE), STATE OR LOCAL (E.G., STATE AND LOCAL LICENSING BOARDS), CHARGED WITH THE RESPONSIBLITY OF INVESTIGATING OR PROSECUTING SUCH VIOLATION OR CHARGED WITH ENFORCING OR IMPLEMENTING THE STATUTE, OR RULE, REGULATION OR ORDER ISSUED PURSUANT THERETO.
6. WHERE FEDERAL AGENCIES HAVING THE POWER TO SUBPOENA OTHER FEDERAL AGENCIES' RECORDS, SUCH AS THE INTERNAL REVENUE SERVICE OR THE CIVIL RIGHTS COMMISSION, ISSUE A SUBPOENA TO THE DEPARTMENT FOR RECORDS IN THIS SYSTEM OF RECORDS, THE DEPARTMENT WILL MAKE SUCH RECORDS AVAILABLE.
7. IN THE EVENT OF LITIGATION WHERE THE DEFENDANT IS (A) THE DEPARTMENT, ANY COMPONENT OF THE DEPARTMENT, OR ANY EMPLOYEE OF THE DEPARTMENT IN HIS OR HER OFFICIAL CAPACITY; (B) THE UNITED STATES WHERE THE DEPARTMENT DETERMINES THAT THE CLAIM, IF SUCCESSFUL, IS LIKELY TO DIRECTLY AFFECT THE OPERATIONS OF THE DEPARTMENT OR ANY OF ITS COMPONENTS; OR (C) ANY DEPARTMENT EMPLOYEE IN HIS OR HER INDIVIDUAL CAPACITY WHERE THE JUSTICE DEPARTMENT HAS AGREED TO REPRESENT SUCH EMPLOYEE, THE DEPARTMENT MAY DISCLOSE SUCH RECORDS AS IT DEEMS DESIRABLE OR NECESSARY TO THE DEPARTMENT OF JUSTICE TO ENABLE THAT DEPARTMENT TO PRESENT AN EFFECTIVE DEFENSE, PROVIDED SUCH DISCLOSURE IS COMPATIBLE WITH THE PURPOSE FOR WHICH THE RECORDS WERE COLLECTED (E.G., TO THE DEPARTMENT OF JUSTICE OR OTHER APPROPRIATE FEDERAL AGENCIES IN DEFENDING CLAIMS AGAINST THE UNITED STATES WHEN THE CLAIM IS BASED UPON INDIVIDUAL'S MENTAL OR PHYSICAL CONDITION AND IS ALLEGED TO HAVE ARISEN BECAUSE OF ACTIVITIES OF THE PUBLIC HEALTH SERVICE IN CONNECTION WITH SUCH INDIVIDUAL).

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

Storage: FILE FOLDERS IN METAL FILING CABINETS, INDEX CARDS, AND IBM CARDS.

Retrievability: VOUCHER DATE AND NUMBER; NUMERICALLY (RECEIPTS FOR PATIENT'S FUNDS); ALPHABETICALLY BY NAME; HEALTH INSURANCE NUMBER AND HOSPITAL CASE NUMBER (HEALTH INSURANCE RECORDS); BILL NUMBER (FOR BILLINGS).

Safeguards: ACCESS IS LIMITED TO PERSONNEL WHO PROCESS THE DATA. OFFICES ARE LOCKED.

Retention and disposal: RECORDS MAY BE RETIRED TO A FEDERAL RECORDS CENTER AND SUBSEQUENTLY DISPOSED OF IN ACCORDANCE WITH THE ADAMHA RECORDS CONTROL SCHEDULE. THE RECORDS CONTROL SCHEDULE AND DISPOSAL STANDARD FOR THESE RECORDS MAY BE OBTAINED BY WRITING THE SYSTEM MANAGER AT THE ADDRESS BELOW.

System manager(s) and address:

FINANCE OFFICER
ADMINISTRATION BUILDING
ST. ELIZABETHS HOSPITAL
WASHINGTON, D.C. 20032

Notification procedure: AN INDIVIDUAL MAY LEARN IF A RECORD EXISTS ABOUT HIMSELF/HERSELF UPON WRITTEN REQUEST, WITH NOTARIZED SIGNATURE IF REQUEST IS MADE BY MAIL, OR WITH SUITABLE IDENTIFICATION IF REQUEST IS MADE IN PERSON, DIRECTED TO:

PRIVACY ACT COORDINATOR
FINANCE OFFICE
SAINT ELIZABETHS HOSPITAL WASHINGTON, D.C. 20032

ALL OF THE FOLLOWING INFORMATION MUST BE PROVIDED WHEN REQUESTING NOTIFICATION:
(A) FULL NAME;
(B) DATES OF THE CONTACT WITH SAINT ELIZABETHS HOSPITAL;
(C) THE BRANCH, DIVISION, OR OFFICE WITH WHICH THE REQUESTOR HAD CONTACT;
(D) THE CAPACITY IN WHICH THE REQUESTOR HAD CONTACT WITH THE HOSPITAL, E.G., PATIENT, EMPLOYEE, VENDOR, REPRESENTATIVE OF PROFESSIONAL ORGANIZATION, ETC;
(E) THE NATURE OF THE MATERIAL DESIRED.

Record access procedures: SAME AS NOTIFICATION PROCEDURES.

Contesting record procedures: CONTACT THE OFFICIAL AT THE ADDRESS SPECIFIED UNDER NOTIFICATION PROCEDURES ABOVE AND REASONABLY IDENTIFY THE RECORD, SPECIFY THE INFORMATION TO BE CONTESTED, AND STATE THE CORRECTIVE ACTION SOUGHT.

Record source categories: PATIENT NAME PLATES, PATIENT'S ACCOUNTS, RECEIPTS FOR PATIENTS' FUNDS (GENERATED WHEN CASH OR OTHER FUNDS ARE ACCEPTED FROM A PATIENT), PATIENTS' PAYROLL DATA FROM THE INDUSTRIAL THERAPY SECTION.

PATIENTS' CLINICAL RECORDS, INTERVIEWS WITH WARD STAFF, PATIENT AND WORK SUPERVISOR. PATIENT VOUCHERS FROM PATIENT, EMPLOYEES, FINANCE SECTION, PERSONNEL BRANCH, AGENCY CASHIER, PATIENTS' RELATIVES, COMMITTEES, CONSERVATORS AND OTHER GOVERNMENT AGENCIES. PATIENTS' ACCOUNT DATA FROM THE AGENT CASHIER.

HEALTH INSURANCE DATA FROM THE PATIENT'S MEDICAL RECORD, SOCIAL SECURITY ADMINISTRATION, RELATIVES AND CONSERVATORS, AND REGISTRAR.

BILLINGS FOR CARE AND TREATMENT, QUARTERS, ETC. AND INDEBTEDNESS TO THE GOVERNMENT, BIOMETRICS BRANCH, HOUSEKEEPING SECTION, AGENT CASHIER, AND ADMINISTRATIVE SERVICES SECTION.

Systems exempted from certain provisions of the act: NONE.

09-30-0015

System name: SAINT ELIZABETHS HOSPITAL GENERAL SECURITY SYSTEM. HHS/ADAMHA/NIMH.

Security classification: NONE.

System location:

SECURITY HEADQUARTERS
ALLISON-B BUILDING
ST. ELIZABETHS HOSPITAL
WASHINGTON, D.C. 20032
AND
FEDERAL RECORDS CENTER
SUITLAND, MARYLAND AND VISITORS.

Categories of records in the system: IDENTIFYING INFORMATION INCLUDING ONE OR MORE OF NAME, HOSPITAL NUMBER, PHOTO, KEY NUMBER, VEHICLE STICKER NUMBER, AUTHORIZATION TO ADMIT, DATES AND TIMES OF VISITS, ADDRESSES AND OTHER PERSONAL DATA.

Authority for maintenance of the system: 24 USC 161, ET SEQ.;

Purpose(s):

TO MONITOR AUTHORIZED ACCESS AND EXIT OF INDIVIDUALS AND VEHICLES TO AND FROM BUILDINGS AND GROUNDS OF HOSPITAL; ACCOUNTABILITY OF BUILDING AND ROOM KEY ASSIGNMENTS AND VEHICLE STICKER ASSIGNMENTS; IDENTIFICATION FOR SEARCH OF MISSING PERSONS.

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

1. IN THE EVENT THAT A SYSTEM OF RECORDS MAINTAINED BY THIS AGENCY TO CARRY OUT ITS FUNCTIONS INDICATES A VIOLATION OR POTENTIAL VIOLATION OF LAW, WHETHER CIVIL, CRIMINAL OR REGULATORY IN NATURE OR BY REGULATION, RULE OR ORDER ISSUED PURSUANT THERETO, THE RELEVANT RECORDS IN THE SYSTEM OF RECORDS MAY BE REFERRED, AS A ROUTINE USE, TO THE APPROPRIATE AGENCY, WHETHER FEDERAL (E.G., DEPARTMENT OF JUSTICE), STATE OR LOCAL (E.G., STATE OR LOCAL LICENSING BOARDS), CHARGED WITH THE RESPONSIBLITY OF INVESTIGATING OR PROSECUTING SUCH VIOLATION OR CHARGED WITH ENFORCING OR IMPLEMENTING THE STATUTE, OR RULE, REGULATION OR ORDER ISSUED PURSUANT THERETO.

2. DISCLOSURES MAY BE MADE IN THE COURSE OF EMPLOYEE DICIPLINE OR COMPETENCE DETERMINATION PROCEEDINGS TO PARTIES SUCH AS POLICE, ATTORNEYS, AND OFFICE OF PERSONNEL MANAGEMENT EMPLOYEES.

3. IN THE EVENT OF LITIGATION WHERE THE DEFENDANT IS (A) THE DEPARTMENT, ANY COMPONENT OF THE DEPARTMENT, OR ANY EMPLOYEE OF THE DEPARTMENT IN HIS OR HER OFFICIAL CAPACITY; (B) THE UNITED STATES WHERE THE DEPARTMENT DETERMINES THAT THE CLAIM, IF SUCCESSFUL, IS LIKELY TO DIRECTLY AFFECT THE OPERATIONS OF THE DEPARTMENT OR ANY OF ITS COMPONENTS; OR (C) ANY DEPARTMENT EMPLOYEE IN HIS OR HER INDIVIDUAL CAPACITY WHERE THE JUSTICE DEPARTMENT HAS AGREED TO REPRESENT SUCH EMPLOYEE, THE DEPARTMENT MAY DISCLOSE SUCH RECORDS AS IT DEEMS DESIRABLE OR NECESSARY TO THE DEPARTMENT OF JUSTICE TO ENABLE THAT DEPARTMENT TO PRESENT AN EFFECTIVE DEFENSE, PROVIDED SUCH DISCLOSURE IS COMPATIBLE WITH THE PURPOSE FOR WHICH THE RECORDS WERE COLLECTED (E.G., TO THE DEPARTMENT OF JUSTICE OR OTHER APPROPRIATE FEDERAL AGENCIES IN DEFENDING CLAIMS AGAINST THE UNITED STATES WHEN THE CLAIM IS BASED UPON AN INDIVIDUAL'S MENTAL OR PHYSICAL CONDITION AND IS ALLEGED TO HAVE ARISEN BECAUSE OF ACTIVITIES OF THE PUBLIC HEALTH SERVICE IN CONNECTION WITH SUCH INDIVIDUAL).

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

Storage: INDEX CARDS, FILE FOLDERS, PICTURE FILES.

Retrievability: NAME, HOSPITAL NUMBER, STICKER AND KEY NUMBER, AND CHRONOLOGICALLY.

Safeguards: 24-HOUR SECURITY GUARD.

Retention and disposal: RECORDS MAY BE RETIRED TO A FEDERAL RECORDS CENTER AND SUBSEQUENTLY DISPOSED OF IN ACCORDANCE WITH THE ADAMHA RECORDS CONTROL SCHEDULE. THE RECORDS CONTROL SCHEDULE AND DISPOSAL STANDARD FOR THESE RECORDS MAY BE OBTAINED BY WRITING THE SYSTEM MANAGER AT THE ADDRESS BELOW.

System manager(s) and address:

CAPTAIN, SECURITY FORCE
ST. ELIZABETHS HOSPITAL
WASHINGTON, D.C. 20032

Notification procedure: A PATIENT, FORMER PATIENT, EMPLOYEE, FORMER EMPLOYEE, RELATIVE OF PATIENT, VOLUNTEER OR VISITOR MAY LEARN IF A RECORD EXISTS ABOUT HIMSELF/HERSELF, UPON WRITTEN REQUEST, WITH NOTARIZED SIGNATURE IF REQUEST IS MADE BY MAIL, OR WITH SUITABLE IDENTIFICATION IF REQUEST IS MADE IN PERSON, DIRECTED TO:

PRIVACY ACT COORDINATOR
SECURITY FORCE
ST. ELIZABETHS HOSPITAL
WASHINGTON, D.C. 20032

ALL OF THE FOLLOWING INFORMATION MUST BE PROVIDED WHEN REQUESTING NOTIFICATION:
(A) FULL NAME; HOSPITAL;
(C) THE APPROXIMATE DATES OF CONTACT WITH THE HOSPITAL;
(D) THE NATURE OF THE MATERIAL DESIRED.

Record access procedures: SAME AS NOTIFICATION PROCEDURES.

Contesting record procedures: CONTACT THE OFFICIAL AT THE ADDRESS SPECIFIED UNDER NOTIFICATION PROCEDURES ABOVE AND REASONABLY IDENTIFY THE RECORD, SPECIFY THE INFORMATION TO BE CONTESTED, AND STATE THE CORRECTIVE ACTION SOUGHT.

Record source categories: HOSPITAL STAFF, MEDICAL RECORDS, PATIENTS AND RELATIVES OF PATIENTS.

Systems exempted from certain provisions of the act: NONE.

09-30-0016

System name: SAINT ELIZABETHS HOSPITAL PATIENTS' PERSONAL PROPERTY RECORD SYSTEM. HHS/ADAMHA/NIMH.

Security classification: NONE.

System location:

PATIENTS PROPERTY UNIT
GLENSIDE BUILDING
SAINT ELIZABETHS HOSPITAL
WASH., D.C. 20032

AND
FEDERAL RECORDS CENTER
SUITLAND, MARYLAND

Categories of individuals covered by the system: FORMER AND CURRENT PATIENTS.

Categories of records in the system: 1. INVENTORY OF PATIENTS PRIVATE PROPERTY ON ADMISSION, NEWLY ACQUIRED PROPERTY, RELEASED PROPERTY, AND UNCLAIMED PROPERTY. 2. COMMENTS ON CONDITION OF PRIVATE PROPERTY, DAMAGES, LOST AND STORAGE STATUS. 3. RECEIPTS OF AUTHORIZATIONS FOR PURCHASES AND VENDORS' RECEIPTS.

Authority for maintenance of the system: 24 USC 161, ET SEQ.

Purpose(s):

DOCUMENTING ENTRIES AND RELEASES OF PERSONAL PROPERTY; ACCOUNTING AND VERIFYING DOCUMENTED INVENTORIES AND PURCHASES; INTERNAL REFERRALS BY PATIENT PROPERTY OFFICE STAFF AND LEGALLY APPOINTED ADMINISTRATORS.

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

1. DISCLOSURE MAY BE MADE TO 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.

2. IN THE EVENT THAT A SYSTEM OF RECORDS MAINTAINED BY THIS AGENCY TO CARRY OUT ITS FUNCTIONS INDICATES A VIOLATION OR POTENTIAL VIOLATION OF LAW, WHETHER CIVIL, CRIMINAL OR REGULATORY IN NATURE, OR BY REGULATION, RULE OR ORDER ISSUED PURSUANT THERETO, THE RELEVANT RECORDS IN THE SYSTEM OF RECORDS MAY BE REFERRED, AS A ROUTINE USE, TO THE APPROPRIATE AGENCY, WHETHER FEDERAL (E.G., DEPARTMENT OF JUSTICE), STATE OR LOCAL (E.G., STATE AND LOCAL LICENSING BOARDS), 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.

3. WHERE THE APPROPRIATE OFFICIAL OF THE DEPARTMENT, PURSUANT TO THE DEPARTMENT'S FREEDOM OF INFORMATION REGULATION, DETERMINES THAT IT IS IN THE PUBLIC INTEREST TO DISCLOSE A RECORD WHICH IS OTHERWISE EXEMPT FROM MANDATORY DISCLOSURE, DISCLOSURE MAY BE MADE FROM THIS SYSTEM OF RECORDS.

4. DISCLOSURES MAY BE MADE IN THE COURSE OF EMPLOYEE DISCIPLINE OR COMPETENCE DETERMINATION PROCEEDINGS TO PARTIES INVOLVED IN THE PROCEEDINGS SUCH AS POLICE, ATTORNEYS, AND OFFICE OF PERSONNEL MANAGEMENT EMPLOYEES.

5. IN THE EVENT OF LITIGATION WHERE THE DEFENDANT IS (A) THE DEPARTMENT, ANY COMPONENT OF THE DEPARTMENT, OR ANY EMPLOYEE OF THE DEPARTMENT IN HIS OR HER OFFICIAL CAPACITY; (B) THE UNITED STATES WHERE THE DEPARTMENT DETERMINES THAT THE CLAIM, IF SUCCESSFUL, IS LIKELY TO DIRECTLY AFFECT THE OPERATIONS OF THE DEPARTMENT OR ANY OF ITS COMPONENTS; OR (C) ANY DEPARTMENT EMPLOYEE IN HIS OR HER INDIVIDUAL CAPACITY WHERE THE JUSTICE DEPARTMENT HAS AGREED TO REPRESENT SUCH EMPLOYEE, THE DEPARTMENT MAY DISCLOSE SUCH RECORDS AS IT DEEMS DESIRABLE OR NECESSARY TO THE DEPARTMENT OF JUSTICE TO ENABLE THAT DEPARTMENT TO PRESENT AN EFFECTIVE DEFENSE, PROVIDED SUCH DISCLOSURE IS COMPATIBLE WITH THE PURPOSE FOR WHICH THE RECORDS WERE COLLECTED (E.G., TO THE DEPARTMENT OF JUSTICE OR OTHER APPROPRIATE FEDERAL AGENCIES IN DEFENDING CLAIMS AGAINST THE UNITED STATES WHEN THE CLAIM IS BASED UPON AN INDIVIDUAL'S MENTAL OR PHYSICAL CONDITION AND IS ALLEGED TO HAVE ARISEN BECAUSE OF ACTIVITIES OF THE PUBLIC HEALTH SERVICE IN CONNECTION WITH SUCH INDIVIDUAL).

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

Storage: FOLDERS AND CARDS.

Retrievability: BY NAME, ALPHABETIZED.

Safeguards: ONLY PATIENT PROPERTY STAFF USE FILES. AT NIGHT OFFICE IS LOCKED.

Retention and disposal: RECORDS MAY BE RETIRED TO A FEDERAL RECORDS CENTER AND SUBSEQUENTLY DISPOSED OF IN ACCORDANCE WITH THE ADAMHA RECORDS CONTROL SCHEDULE. THE RECORDS CONTROL SCHEDULE AND DISPOSAL STANDARD FOR THESE RECORDS MAY BE OBTAINED BY WRITING THE SYSTEM MANAGER AT THE ADDRESS BELOW.

System manager(s) and address:

SUPERVISORY STORAGE MANAGEMENT SPECIALIST
PATIENTS PROPERTY UNIT
GLENSIDE BUILDING
SAINT ELIZABETHS HOSPITAL
WASHINGTON, D.C. 20032

Notification procedure: A PATIENT OR FORMER PATIENT MAY LEARN IF A RECORD EXISTS UPON WRITTEN REQUEST, WITH NOTARIZED SIGNATURE IF REQUEST IS MADE BY MAIL, OR WITH A SUITABLE IDENTIFICATION IF REQUEST IS MADE IN PERSON, DIRECTED TO:

PRIVACY ACT COORDINATOR
PROPERTY UNIT
GLENSIDE BUILDING
SAINT ELIZABETHS HOSPITAL
WASHINGTON, D.C. 20032

ALL OF THE FOLLOWING DATA MUST BE PROVIDED WHEN REQUESTING NOTIFICATION:
(A) FULL NAME;
(B) APPROXIMATE DATES OF ENROLLMENT AT SAINT ELIZABETHS HOSPITAL;
(C) IF POSSIBLE, THE PATIENT'S HOSPITAL NUMBER;
(D) THE NATURE OF THE MATERIAL DESIRED.

Record access procedures: SAME AS NOTIFICATION PROCEDURES.

Contesting record procedures: CONTACT THE OFFICIAL AT THE ADDRESS SPECIFIED UNDER NOTIFICATION PROCEDURES ABOVE AND REASONABLY IDENTIFY THE RECORD, SPECIFY THE INFORMATION TO BE CONTESTED, AND STATE THE CORRECTIVE ACTION SOUGHT.

Record source categories: ADMISSION REPORT LISTS, WARD REPORTS, PATIENTS' CORRESPONDENCE FILES.

Systems exempted from certain provisions of the act: NONE.

09-30-0017

System name: SAINT ELIZABETHS HOSPITAL LEGAL OFFICE RECORD SYSTEM. HHS/ADAMHA/NIMH.

Security classification: NONE.

System location:

LEGAL ADVISOR'S OFFICE
ADMINISTRATION BUILDING
SAINT ELIZABETHS HOSPITAL
WASH., D.C. 20032

Categories of individuals covered by the system: FORMER AND CURRENT PATIENTS AND EMPLOYEES.

Categories of records in the system: INFORMATION CONCERNING THE LEGAL STATUS AND ASPECTS OF FORMER AND CURRENT PATIENTS AND EMPLOYEES.

Authority for maintenance of the system: 42 U.S.C. 3504.

Purpose(s):

TO DETERMINE, MONITOR, AND FOLLOW UP LEGAL STATUS, RIGHTS, AND PROBLEMS OF INDIVIDUAL EMPLOYEES AND PATIENTS. USED AS RESOURCE MATERIAL IN PREPARATION FOR CIVIL ACTIONS OR PROCEEDINGS.

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

1. DISCLOSURES MAY BE MADE IN NEGOTIATIONS WITH U.S. ATTORNEY'S OFFICE, D.C. COURTS, MENTAL HEALTH COMMISSION, CORPORATION COUNSEL, JUSTICE DEPARTMENT, ATTORNEYS AND OTHERS CONCERNED WITH THE LEGAL CONSIDERATIONS OF PATIENTS AND EMPLOYEES.

2. DISCLOSURE MAY BE MADE TO A CONGRESSIONAL OFFICE FROM THE RECORD OF AN INDIVIDUAL IN RE-

SPONSE TO AN INQUIRY FROM THE CONGRESSIONAL OFFICE MADE AT THE REQUEST OF THAT INDIVIDUAL.

3. IN THE EVENT OF LITIGATION WHERE THE DEFENDANT IS (A) THE DEPARTMENT, ANY COMPONENT OF THE DEPARTMENT, OR ANY EMPLOYEE OF THE DEPARTMENT IN HIS OR HER OFFICIAL CAPACITY; (B) THE UNITED STATES WHERE THE DEPARTMENT DETERMINES THAT THE CLAIM, IF SUCCESSFUL, IS LIKELY TO DIRECTLY AFFECT THE OPERATIONS OF THE DEPARTMENT OR ANY OF ITS COMPONENTS; OR (C) ANY DEPARTMENT EMPLOYEE IN HIS OR HER INDIVIDUAL CAPACITY WHERE THE JUSTICE DEPARTMENT HAS AGREED TO REPRESENT SUCH EMPLOYEE, THE DEPARTMENT MAY DISCLOSE SUCH RECORDS AS IT DEEMS DESIRABLE OR NECESSARY TO THE DEPARTMENT OF JUSTICE TO ENABLE THAT DEPARTMENT TO PRESENT AN EFFECTIVE DEFENSE, PROVIDED SUCH DISCLOSURE IS COMPATIBLE WITH THE PURPOSE FOR WHICH THE RECORDS WERE COLLECTED (E.G., TO THE DEPARTMENT OF JUSTICE OR OTHER APPROPRIATE FEDERAL AGENCIES IN DEFENDING CLAIMS AGAINST THE UNITED STATES WHEN THE CLAIM IS BASED UPON AN INDIVIDUAL'S MENTAL OR PHYSICAL CONDITION AND IS ALLEGED TO HAVE ARISEN BECAUSE OF ACTIVITIES OF THE PUBLIC HEALTH SERVICE IN CONNECTION WITH SUCH INDIVIDUAL).

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

Storage: FILE FOLDERS AND INDEX CARDS.

Retrievability: PATIENT OR EMPLOYEE NAME.

Safeguards: ACCESS RESTRICTED TO LEGAL OFFICE STAFF. LOCKED AT NIGHT.

Retention and disposal: RECORDS MAY BE RETIRED TO A FEDERAL RECORDS CENTER AND SUBSEQUENTLY DISPOSED OF IN ACCORDANCE WITH THE ADAMHA RECORDS CONTROL SCHEDULE. THE RECORDS CONTROL SCHEDULE AND DISPOSAL STANDARD FOR THESE RECORDS MAY BE OBTAINED BY WRITING THE SYSTEM MANAGER AT THE ADDRESS BELOW.

System manager(s) and address:

LEGAL ADVISOR
ADMINISTRATION BUILDING
SAINT ELIZABETHS HOSPITAL
WASHINGTON, D.C. 20032

Notification procedure: AN INDIVIDUAL MAY LEARN IF A RECORD EXISTS ABOUT HIMSELF/HERSELF, SUBJECT TO THE LIMITATIONS OF 5 USC 552A(D)(5), UPON WRITTEN REQUEST, WITH NOTARIZED SIGNATURE IF THE REQUEST IS MADE BY MAIL, OR WITH SUITABLE IDENTIFICATION IF REQUEST IS MADE IN PERSON, DIRECTED TO:

PRIVACY ACT COORDINATOR
LEGAL ADVISOR'S OFFICE
SAINT ELIZABETHS HOSPITAL
WASHINGTON, D.C. 20032
ALL OF THE FOLLOWING INFORMATION MUST BE PROVIDED WHEN REQUESTING NOTIFICATION:
(A) FULL NAME;
(B) THE CAPACITY IN WHICH THE REQUESTOR HAD CONTACT WITH ST. ELIZABETHS HOSPITAL;
(C) THE APPROXIMATE DATES OF CONTACT WITH THE HOSPITAL;
(D) THE NATURE OF THE MATERIAL DESIRED.

Record access procedures: SAME AS NOTIFICATION PROCEDURES.

Contesting record procedures: CONTACT THE OFFICIAL AT THE ADDRESS SPECIFIED UNDER NOTIFICATION PROCEDURES ABOVE AND REASONABLY IDENTIFY THE RECORD, SPECIFY THE INFORMATION TO BE CONTESTED, AND STATE THE CORRECTIVE ACTION SOUGHT.

Record source categories: PATIENT RECORDS, COMMITMENT FOLDERS, STAFF REPORTS, AUDITORS OFFICE OF D.C. SUPERIOR COURT, COURT SYSTEM OF D.C., MENTAL HEALTH COMMISSION U.S. ATTORNEY'S OFFICE, CORPORATION COUNSEL AND PRIVATE ATTORNEYS.

Systems exempted from certain provisions of the act: NONE.

09-30-0018

System name: SAINT ELIZABETHS HOSPITAL AREA D COMMUNITY MENTAL HEALTH CENTER CITIZENS ADVISORY GROUP RECORDS. HHS/ADAMHA/NIMH.

Security classification: NONE.

System location:

COMMUNITY MENTAL HEALTH CENTER
SAINT ELIZABETHS HOSPITAL
WASHINGTON, D.C. 20032

Categories of individuals covered by the system: MEMBERS OF CITIZENS ADVISORY COMMITTEE, AGENCIES, ORGANIZATIONS, SCHOOL STUDENTS AND CITIZENS INTERESTED IN CMHC ACTIVITIES.

Categories of records in the system: NAMES, ADDRESSES, TELEPHONE NUMBERS, OCCUPATIONS, TRANSMITTAL LETTERS AND VARIOUS MEMORANDA.

Authority for maintenance of the system: MENTAL RETARDATION FACILITIES AND COMMUNITY MENTAL HEALTH CENTERS CONSTRUCTION ACT OF 1963 (42 U.S.C. 2661 ET SEQ.).

Purpose(s):

TO MAINTAIN A DIRECTORY OF PERSONS AND ORGANIZATIONS AND A FILE OF COMMUNICATIONS WITH THOSE WHO ACT IN AN ADVISORY CAPACITY TO AREA D COMMUNITY MENTAL HEALTH CENTER.

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

1. MAILING LISTS WITH NAMES AND ADDRESSES ARE EXCHANGED WITH AREA D CITIZENS GROUPS.

2. DISCLOSURE MAY BE MADE TO 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.

3. IN THE EVENT OF LITIGATION WHERE THE DEFENDANT IS (A) THE DEPARTMENT, ANY COMPONENT OF THE DEPARTMENT, OR ANY EMPLOYEE OF THE DEPARTMENT IN HIS OR HER OFFICIAL CAPACITY; (B) THE UNITED STATES WHERE THE DEPARTMENT DETERMINES THAT THE CLAIM, IF SUCCESSFUL, IS LIKELY TO DIRECTLY AFFECT THE OPERATIONS OF THE DEPARTMENT OR ANY OF ITS COMPONENTS; OR (C) ANY DEPARTMENT EMPLOYEE IN HIS OR HER INDIVIDUAL CAPACITY WHERE THE JUSTICE DEPARTMENT HAS AGREED TO REPRESENT SUCH EMPLOYEE, THE DEPARTMENT MAY DISCLOSE SUCH RECORDS AS IT DEEMS DESIRABLE OR NECESSARY TO THE DEPARTMENT OF JUSTICE TO ENABLE THAT DEPARTMENT TO PRESENT AN EFFECTIVE DEFENSE, PROVIDED SUCH DISCLOSURE IS COMPATIBLE WITH THE PURPOSE FOR WHICH THE RECORDS WERE COLLECTED (E.G., TO THE DEPARTMENT OF JUSTICE OR OTHER APPROPRIATE FEDERAL AGENCIES IN DEFENDING CLAIMS AGAINST THE UNITED STATES WHEN THE CLAIM IS BASED UPON AN INDIVIDUAL'S MENTAL OR PHYSICAL CONDITION AND IS ALLEGED TO HAVE ARISEN BECAUSE OF ACTIVITIES OF THE PUBLIC HEALTH SERVICE IN CONNECTION WITH SUCH INDIVIDUAL).

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

Storage: FILE FOLDERS, INDEX CARDS AND PAPER TAPES IN CABINETS.

Retrievability: BY NAME.

Safeguards: ACCESS IS LIMITED TO AUTHORIZED PERSONNEL ONLY. ALL PERSONNEL SCREENED. FILES LOCKED AFTER BUSINESS HOURS.

Retention and disposal: RECORDS MAY BE RETIRED TO A FEDERAL RECORDS CENTER AND SUBSEQUENTLY DISPOSED OF IN ACCORDANCE WITH THE ADAMHA RECORDS CONTROL SCHEDULE. THE RECORDS CONTROL SCHEDULE AND DISPOSAL STANDARD FOR THESE RECORDS MAY BE OBTAINED BY WRITING THE SYSTEM MANAGER AT THE ADDRESS BELOW.

System manager(s) and address:

ASSOCIATE DIRECTOR FOR COMMUNITY LIAISON AND PUBLIC EDUCATION
AREA D - CMHC, R BUILDING
ST. ELIZABETHS HOSPITAL

WASHINGTON, D.C. 20032

Notification procedure: TO DETERMINE IF A RECORD EXISTS, WRITE TO:

PRIVACY ACT COORDINATOR
ASSOC. DIRECTOR FOR COMMUNITY LIAISON AND PUBLIC EDUCATION
COMMUNITY MENTAL HEALTH CENTER
ST. ELIZABETHS HOSPITAL
WASHINGTON, D.C. 20032

ALL THE FOLLOWING INFORMATION MUST BE PROVIDED WHEN REQUESTING NOTIFICATION:
(A) FULL NAME;
(B) CAPACITY IN WHICH REQUESTOR HAD CONTACT WITH THE CMHC AREA D CITIZEN ADVISORY GROUP;
(C) NATURE OF INFORMATION DESIRED.

Record access procedures: SAME AS NOTIFICATION PROCEDURES. REQUESTERS SHOULD ALSO REASONABLY SPECIFY THE RECORD CONTENTS BEING SOUGHT.

Contesting record procedures: CONTACT THE OFFICIAL AT THE ADDRESS SPECIFIED UNDER NOTIFICATION PROCEDURES ABOVE AND REASONABLY IDENTIFY THE RECORD, SPECIFY THE INFORMATION TO BE CONTESTED, AND STATE THE CORRECTIVE ACTION SOUGHT.

Record source categories: INFORMATION IS VOLUNTARILY WRITTEN ON SIGN-IN SHEETS AT VARIOUS COMMUNITY MEETINGS AND SOLICITED THROUGH SURVEYS.

Systems exempted from certain provisions of the act: NONE.

09-30-0019

System name: SAINT ELIZABETHS HOSPITAL COURT-ORDERED FORENSIC INVESTIGATORY MATERIALS FILE. HHS/ADAMHA/NIMH.

Security classification: NONE.

System location: ACTIVE PATIENTS:

SAINT ELIZABETHS HOSPITAL
JOHN HOWARD PAVILION
WASHINGTON, D.C. 20032

INACTIVE PATIENTS (DISCHARGED OR DECEASED): IN THE BASEMENT OF DIX BUILDING, SAINT ELIZABETHS HOSPITAL; AND INACTIVE PATIENT RECORDS OLDER THAN FOUR YEARS ARE STORED IN THE FEDERAL RECORDS CENTER IN SUITLAND, MARYLAND.

Categories of individuals covered by the system: PAST AND PRESENT PATIENTS COMMITTED TO SAINT ELIZABETHS HOSPITAL PURSUANT TO THE DISTRICT OF COLUMBIA AND UNITED STATES CRIMINAL CODES. INCLUDED ARE ALLEGED CRIMINAL OFFENDERS SENT FOR PRE-TRIAL EXAMINATION; PERSONS COMMITTED AFTER HAVING BEEN FOUND NOT GUILTY BY REASON OF INSANITY; AND MENTALLY ILL SENTENCED PRISONERS TRANSFERRED FROM PENAL INSTITUTIONS.

Categories of records in the system: COURT ORDERS; CRIMINAL RECORDS; POLICE REPORTS; REPORTS FROM THE FBI AND THE SECRET SERVICE; PRISON RECORDS; REPORTS FROM THE UNITED STATES ATTORNEY AND/OR CORPORATION COUNSEL; CORRESPONDENCE FROM COURTS, DEFENSE ATTORNEYS AND PROSECUTORS; PROBATION AND PAROLE REPORTS; AND, CORRESPONDENCE FROM SAINT ELIZABETHS HOSPITAL TO THE COURTS, PROSECUTION, DEFENSE AND CORRECTIONAL AUTHORITIES.

Authority for maintenance of the system: 24 D.C. CODE SECTIONS 301(A), 301(B), 301(D), 302; 24 U.S.C. 161 AND 211 ET SEQ.

Purpose(s):

TO AID IN EVALUATION OF PATIENTS REGARDING THEIR COMPETENCY AND CRIMINAL RESPONSIBILITY, TO AID IN TREATMENT OF CRIMINALLY COMMITTED PATIENTS, AND TO COMPLY WITH COURT-ORDERED REPORTING.

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

1. PSYCHIATRIC EVALUATIONS BASED IN PART ON THIS RECORD ARE FORWARDED TO REFERRING COURTS, PURSUANT TO ORDER, WITH COPIES TO DEFENSE AND PROSECUTING ATTORNEYS.

2. IN THE EVENT OF LITIGATION WHERE THE DEFENDANT IS (A) THE DEPARTMENT, ANY COMPONENT OF THE DEPARTMENT, OR ANY EMPLOYEE OF THE DEPARTMENT IN HIS OR HER OFFICIAL CAPACITY; (B) THE UNITED STATES WHERE THE DEPARTMENT DETERMINES THAT THE CLAIM, IF SUCCESSFUL, IS LIKELY TO DIRECTLY AFFECT THE OPERATIONS OF THE DEPARTMENT OR ANY OF ITS COMPONENTS; OR (C) ANY DEPARTMENT EMPLOYEE IN HIS OR HER INDIVIDUAL CAPACITY WHERE THE JUSTICE DEPARTMENT HAS AGREED TO REPRESENT SUCH EMPLOYEE, THE DEPARTMENT MAY DISCLOSE SUCH RECORDS AS IT DEEMS DESIRABLE OR NECESSARY TO THE DEPARTMENT OF JUSTICE TO ENABLE THAT DEPARTMENT TO PRESENT AN EFFECTIVE DEFENSE, PROVIDED SUCH DISCLOSURE IS COMPATIBLE WITH THE PURPOSE FOR WHICH THE RECORDS WERE COLLECTED (E.G., TO THE DEPARTMENT OF JUSTICE OR OTHER APPROPRIATE FEDERAL AGENCIES IN DEFENDING CLAIMS AGAINST THE UNITED STATES WHEN THE CLAIM IS BASED UPON AN INDIVIDUAL'S MENTAL OR PHYSICAL CONDITION AND IS ALLEGED TO HAVE ARISEN BECAUSE OF ACTIVITIES OF THE PUBLIC HEALTH SERVICE IN CONNECTION WITH SUCH INDIVIDUAL).

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

Storage: STORED IN FILE FOLDERS IN FILE CABINETS.

Retrievability: RETRIEVED BY NAME AND HOSPITAL NUMBER.

Safeguards: AVAILABLE ONLY TO PROPERLY TRAINED AND SCREENED PERSONNEL. ACCESS LIMITED TO AUTHORIZED INDIVIDUALS ONLY. ENFORCED BY SECURITY PERSONNEL. ROOMS ARE LOCKED WHEN UNOCCUPIED.

Retention and disposal: RECORDS MAY BE RETIRED TO A FEDERAL RECORDS CENTER AND SUBSEQUENTLY DISPOSED OF IN ACCORDANCE WITH THE ADAMHA RECORDS CONTROL SCHEDULE. THE RECORDS CONTROL SCHEDULE AND DISPOSAL STANDARD FOR THESE RECORDS MAY BE OBTAINED BY WRITING THE SYSTEM MANAGER AT THE ADDRESS BELOW.

System manager(s) and address:

CHIEF, PRE-TRIAL SECTION OR
CHIEF, POST-TRIAL SECTION
DIVISION OF FORENSIC PROGRAMS
SAINT ELIZABETHS HOSPITAL
WASHINGTON, D.C. 20032

Notification procedure: TO DETERMINE IF A RECORD EXISTS, WRITE TO THE SYSTEM MANAGER AT THE ADDRESS ABOVE. AN INDIVIDUAL WHO REQUESTS NOTIFICATION OF, A MEDICAL RECORD SHALL, AT THE TIME THE REQUEST IS MADE, DESIGNATE IN WRITING A RESPONSIBLE REPRESENTATIVE WHO WILL BE WILLING TO REVIEW THE RECORD AND INFORM THE SUBJECT INDIVIDUAL OF ITS CONTENTS AT THE REPRESENTATIVE'S DISCRETION.

Record access procedures: SAME AS NOTIFICATION PROCEDURES. REQUESTERS SHOULD ALSO REASONABLY SPECIFY THE RECORD CONTENTS BEING SOUGHT. ACCESS TO RECORD SYSTEMS WHICH HAVE BEEN GRANTED AN EXEMPTION FROM THE PRIVACY ACT ACCESS REQUIREMENT MAY BE MADE AT THE DISCRETION OF THE SYSTEM MANAGER. APPEAL OF ACCESS REFUSAL MAY BE MADE TO THE ADMINISTRATOR, ALCOHOL, DRUG ABUSE, AND MENTAL HEALTH ADMINISTRATION.

Contesting record procedures: IF ACCESS HAS BEEN GRANTED, CONTACT THE OFFICIAL AT THE ADDRESS SPECIFIED UNDER NOTIFICATION PROCEDURES ABOVE AND REASONABLY IDENTIFY THE RECORD, SPECIFY THE INFORMATION BEING CONTESTED, AND STATE THE CORRECTIVE ACTION SOUGHT.

Record source categories: COURTS, POLICE DEPARTMENT, FBI, SECRET SERVICE, PRISONS, U. S. ATTORNEY, CORPORATION COUNSEL, DEFENSE ATTORNEYS, PROSECUTING ATTORNEYS, AND CORRECTIONAL AUTHORITIES.

Systems exempted from certain provisions of the act: EXEMPTION FROM NOTIFICATION, RECORD ACCESS AND CONTEST

PROVISIONS GRANTED UNDER (J)(2) OF THE PRIVACY ACT.

09-30-0020

System name: ADMINISTRATIVE RECORDS ON CIVILLY COMMITTED DRUG ABUSERS UNDER THE NARCOTIC ADDICT REHABILITATION ACT. HHS/ADAMHA/NIDA.

Security classification: NONE.

System location:

DIVISION OF COMMUNITY ASSISTANCE
NATIONAL INSTITUTE ON DRUG ABUSE
ROOM 9-12, PARKLAWN BLDG.
5600 FISHERS LANE
ROCKVILLE, MD. 20857

Categories of individuals covered by the system: CIVILLY COMMITTED NARCOTIC ADDICTS, 1967-1979.

Categories of records in the system: ADMINISTRATIVE RECORDS OF REHABILITATION STATUS, COURT ORDERS AND PETITIONS TO THE COURT.

Authority for maintenance of the system: NARCOTIC ADDICT REHABILITATION ACT, TITLES I AND III (28 U.S.C. 290 ET SEQ. AND 42 U.S.C. 3411 ET SEQ.).

Purpose(s):

TO ENABLE THE FEDERAL GOVERNMENT TO MONITOR PATIENT PROGRESS FROM TIME OF ENTRANCE INTO TREATMENT PROGRAM UNTIL DISCHARGE BY COURT.

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

1. DISCLOSURE MAY BE MADE TO 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.

2. IN THE EVENT OF LITIGATION WHERE THE DEFENDANT IS (A) THE DEPARTMENT, ANY COMPONENT OF THE DEPARTMENT, OR ANY EMPLOYEE OF THE DEPARTMENT IN HIS OR HER OFFICIAL CAPACITY; (B) THE UNITED STATES WHERE THE DEPARTMENT DETERMINES THAT THE CLAIM, IF SUCCESSFUL, IS LIKELY TO DIRECTLY AFFECT THE OPERATIONS OF THE DEPARTMENT OR ANY OF ITS COMPONENTS; OR (C) ANY DEPARTMENT EMPLOYEE IN HIS OR HER INDIVIDUAL CAPACITY WHERE THE JUSTICE DEPARTMENT HAS AGREED TO REPRESENT SUCH EMPLOYEE, THE DEPARTMENT MAY DISCLOSE SUCH RECORDS AS IT DEEMS DESIRABLE OR NECESSARY TO THE DEPARTMENT OF JUSTICE TO ENABLE THAT DEPARTMENT TO PRESENT AN EFFECTIVE DEFENSE, PROVIDED SUCH DISCLOSURE IS COMPATIBLE WITH THE PURPOSE FOR WHICH THE RECORDS WERE COLLECTED.

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

Storage: RECORDS STORED IN FILE FOLDERS WITHIN OPEN SHELVES.

Retrievability: FILED ALPHABETICALLY BY PATIENT NAME.

Safeguards: ONLY AUTHORIZED FEDERAL STAFF HAVE ACCESS TO THESE FILES. FILE ROOM IS LOCKED AFTER BUSINESS HOURS. THE SAFEGUARDS DESCRIBED ARE IN ACCORDANCE WITH THE HHS GENERAL ADMINISTRATION MANUAL CHAPTERS 45-13 AND PHS.HF: 45-13.

Retention and disposal: RECORDS MAY BE RETIRED TO A FEDERAL RECORDS CENTER AND SUBSEQUENTLY DISPOSED OF IN ACCORDANCE WITH THE ADAMHA RECORDS CONTROL SCHEDULE. THE RECORDS CONTROL SCHEDULE AND DISPOSAL STANDARD FOR THESE RECORDS MAY BE OBTAINED BY WRITING THE SYSTEM MANAGER AT THE ADDRESS BELOW.

System manager(s) and address:

MEDICAL RECORDS ADMINISTRATOR
DIVISION OF COMMUNITY ASSISTANCE
NATIONAL INSTITUTE ON DRUG ABUSE
ROOM 9-12, PARKLAWN BLDG.
5600 FISHERS LANE
ROCKVILLE, MD. 20857

Notification procedure: TO DETERMINE IF A RECORD EXISTS, WRITE TO THE SYSTEM MANAGER AT THE ADDRESS ABOVE. AN INDIVIDUAL MAY LEARN IF A RECORD EXISTS ABOUT HIMSELF OR HERSELF UPON WRITTEN REQUEST WITH NOTARIZED SIGNATURE. THE REQUEST SHOULD INCLUDE, IF KNOWN: PATIENT RECORD NUMBER, PATIENT'S ADDRESS DURING TREATMENT, BIRTH DATE, AND APPROXIMATE DATES IN TREATMENT.

Record access procedures: SAME AS NOTIFICATION PROCEDURES. REQUESTERS SHOULD ALSO REASONABLY SPECIFY THE RECORD CONTENTS BEING SOUGHT.

Contesting record procedures: CONTACT THE OFFICIAL AT THE ADDRESS SPECIFIED UNDER NOTIFICATION PROCEDURES ABOVE, AND REASONABLY IDENTIFY THE RECORD, SPECIFY THE INFORMATION TO BE CONTESTED, AND STATE THE CORRECTIVE ACTION SOUGHT.

Record source categories: PATIENTS; PATIENTS' DRUG TREATMENT PROGRAM COUNSELORS; COURT RECORDS.

Systems exempted from certain provisions of the act: NONE.

09-30-0021

System name: PATIENT MEDICAL RECORDS ON PHS BENEFICIARIES 1935-1974 AND CIVILLY COMMITTED NARCOTIC ADDICTS 1967-1974 TREATED AT PHS HOSPITALS. HHS/ADAMHA/NIDA.

Security classification: NONE.

System location:

DIVISION OF COMMUNITY ASSISTANCE, NIDA
ROOM 9-12, PARKLAWN BLDG.
5600 FISHERS LANE
ROCKVILLE, MD. 20857

DIVISION OF MENTAL HEALTH SERVICES
NATIONAL INSTITUTE OF MENTAL HEALTH
ROOM 11-105, PARKLAWN BLDG.
5600 FISHERS LANE
ROCKVILLE, MD. 20857

Categories of individuals covered by the system: PHS BENEFICIARIES TREATED 1935-1974 AND CIVILLY COMMITTED NARCOTIC ADDICTS TREATED 1967-1974 AT THE PHS HOSPITALS AT LEXINGTON, KENTUCKY AND FORT WORTH, TEXAS.

Categories of records in the system: MEDICAL RECORDS.

Authority for maintenance of the system: PUBLIC HEALTH SERVICE ACT SECTIONS 321-326, 341(A)AND(C), (42 U.S.C. 248-253,257(A)AND(C)); NARCOTIC ADDICT REHABILITATION ACT, TITLES I AND II, (28 U.S.C. 2901 ET SEQ. AND 42 U.S.C. 3411 ET SEQ.).

Purpose(s):

TO PROVIDE INFORMATION TO HEALTH CARE PROVIDERS OF THE PUBLIC HEALTH SERVICE, IN ORDER FOR THEM TO MONITOR PATIENT PROGRESS AND ENSURE CONTINUITY OF CARE.

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

1. DISCLOSURE MAY BE MADE TO 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.

2. IN THE EVENT OF LITIGATION WHERE THE DEFENDANT IS (A) THE DEPARTMENT, ANY COMPONENT OF THE DEPARTMENT, OR ANY EMPLOYEE OF THE DEPARTMENT IN HIS OR HER OFFICIAL CAPACITY; (B) THE UNITED STATES WHERE THE DEPARTMENT DETERMINES THAT THE CLAIM, IF SUCCESSFUL, IS LIKELY TO DIRECTLY AFFECT THE OPERATIONS OF THE DEPARTMENT OR ANY OF ITS COMPONENTS; OR (C) ANY DEPARTMENT EMPLOYEE IN HIS OR HER INDIVIDUAL CAPACITY WHERE THE JUSTICE DEPARTMENT HAS AGREED TO REPRESENT SUCH EMPLOYEE, THE DEPARTMENT MAY DISCLOSE SUCH RECORDS AS IT DEEMS DESIRABLE OR NECESSARY TO THE DEPARTMENT OF JUSTICE TO ENABLE THAT DEPARTMENT TO PRESENT AN EFFECTIVE DEFENSE, PROVIDED SUCH DISCLOSURE IS COMPATIBLE WITH THE PURPOSE FOR WHICH THE RECORDS WERE COLLECTED.

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

Storage: HARD COPY--FILE FOLDERS WITHIN FILE BOXES; MICROFILM--WITHIN ENCLOSED FILE CABINET.

Retrievability: FILED BY PATIENT HOSPITAL NUMBER.

Safeguards: ONLY AUTHORIZED FEDERAL STAFF TRAINED IN RECORD RETRIEVAL ARE ALLOWED ACCESS TO THESE FILES. FILE ROOM IS LOCKED AFTER BUSINESS HOURS. THE SAFEGUARDS DESCRIBED ARE IN ACCORDANCE WITH HHS GENERAL ADMINISTRATION MANUAL CHAPTERS 45-13 AND PHS.HF: 45-13.

Retention and disposal: RECORDS MAY BE RETIRED TO A FEDERAL RECORDS CENTER AND SUBSEQUENTLY DISPOSED OF IN ACCORDANCE WITH THE ADAMHA RECORDS CONTROL SCHEDULE. THE RECORDS CONTROL SCHEDULE AND DISPOSAL STANDARD FOR THESE RECORDS MAY BE OBTAINED BY WRITING THE SYSTEM MANAGER AT THE ADDRESS BELOW.

System manager(s) and address:

NATIONAL INSTITUTE ON DRUG ABUSE
ROOM 9-12, PARKLAWN BLDG.
5600 FISHERS LANE
ROCKVILLE, MD. 20857

CHIEF, MENTAL HEALTH CARE & SERVICES
FINANCING BRANCH
NATIONAL INSTITUTE OF MENTAL HEALTH
ROOM 11-105, PARKLAWN BLDG.
5600FISHERS LANE
ROCKVILLE, MD. 20857

Notification procedure: TO DETERMINE IF A RECORD EXISTS, WRITE TO THE SYSTEM MANAGER AT THE ADDRESS ABOVE. PROVIDE A NOTARIZED SIGNATURE AS PROOF OF IDENTITY. THE REQUEST SHOULD INCLUDE, IF KNOWN: PATIENT RECORD NUMBER, ANY ALIAS USED, HOSPITAL NAME AND/OR LOCATION, AND APPROXIMATE DATES WHEN IN THE HOSPITAL.

Record access procedures: SAME AS NOTIFICATION PROCEDURES. REQUESTERS SHOULD ALSO REASONABLY SPECIFY THE RECORD CONTENTS BEING SOUGHT. AN INDIVIDUAL WHO REQUESTS NOTIFICATION OF A MEDICAL RECORD SHALL, AT THE TIME THE REQUEST IS MADE, DESIGNATE IN WRITING A RESPONSIBLE REPRESENTATIVE WHO WILL BE WILLING TO REVIEW THE RECORD AND INFORM THE SUBJECT INDIVIDUAL OF ITS CONTENTS AT THE REPRESENTATIVE'S DISCRETION.

Contesting record procedures: CONTACT THE OFFICIAL AT THE ADDRESS SPECIFIED UNDER NOTIFICATION PROCEDURES ABOVE AND REASONABLY IDENTIFY THE RECORD, SPECIFY THE INFORMATION TO BE CONTESTED, AND STATE THE CORRECTIVE ACTION SOUGHT.

Record source categories: PATIENTS, HOSPITAL STAFF, DRUG TREATMENT PROGRAM COUNSELORS, AND COURT RECORDS.

Systems exempted from certain provisions of the act: NONE.

09-30-0022

System name: NATIONAL INSTITUTE ON DRUG ABUSE ADDICTION RESEARCH CENTER FEDERAL PRISONER AND NON-PRISONER PATIENT FILES. HHS/ADAMHA/NIDA.

Security classification: NONE.

System location:

NIDA ADDICTION RESEARCH CENTER
4940 EASTERN AVENUE
BALTIMORE, MD 21224

Categories of individuals covered by the system: FEDERAL PRISONERS (INVOLVED IN RESEARCH PROJECTS FROM 1968-1976) AND NON-PRISONER VOLUNTEERS (INVOLVED IN RESEARCH PROJECTS FROM 1980 - PRESENT) IN INTRAMURAL DRUG ADDICTION RESEARCH PROGRAM.

Categories of records in the system: THE CATEGORIES OF RECORDS INVOLVED ARE ADMINISTRATIVE AND MENTAL/DENTAL RECORDS.

Authority for maintenance of the system: PUBLIC HEALTH SERVICE ACT, SECTIONS 301 AND 341(A)(42 U.S.C. 241(A) AND 257(A)); DRUG ABUSE OFFICE AND TREATMENT ACT SECTION 501(21 U.S.C. 1191).

Purpose(s):

TO ENABLE FEDERAL DRUG ABUSE RESEARCHERS TO EVALUATE AND MONITOR SUBJECT'S HEALTH DURING SUBJECT'S PARTICIPATION IN A RESEARCH PROJECT.

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

1. DISCLOSURE MAY BE MADE TO 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.

2. IN THE EVENT OF LITIGATION WHERE THE DEFENDANT IS (A) THE DEPARTMENT, ANY COMPONENT OF THE DEPARTMENT, OR ANY EMPLOYEE OF THE DEPARTMENT IN HIS OR HER OFFICIAL CAPACITY; (B) THE UNITED STATES WHERE THE DEPARTMENT DETERMINES THAT THE CLAIM, IF SUCCESSFUL, IS LIKELY TO DIRECTLY AFFECT THE OPERATIONS OF THE DEPARTMENT OR ANY OF ITS COMPONENTS; OR (C) ANY DEPARTMENT EMPLOYEE IN HIS OR HER INDIVIDUAL CAPACITY WHERE THE JUSTICE DEPARTMENT HAS AGREED TO REPRESENT SUCH EMPLOYEE, THE DEPARTMENT MAY DISCLOSE SUCH RECORDS AS IT DEEMS DESIRABLE OR NECESSARY TO THE DEPARTMENT OF JUSTICE TO ENABLE THAT DEPARTMENT TO PRESENT AN EFFECTIVE DEFENSE, PROVIDED SUCH DISCLOSURE IS COMPATIBLE WITH THE PURPOSE FOR WHICH THE RECORDS WERE COLLECTED. RECORDS WERE COLLECTED.

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

Storage: FILE FOLDERS WITHIN LOCKED FILE CABINETS.

Retrievability: FILED ALPHABETICALLY BY SUBJECT NAME.

Safeguards: ONLY AUTHORIZED FEDERAL STAFF ARE ALLOWED ACCESS TO THESE FILES. FILES AND FILE ROOM ARE LOCKED AFTER BUSINESS HOURS. THE SAFEGUARDS DESCRIBED ARE IN ACCORDANCE WITH HHS GENERAL ADMINISTRATIVE MANUAL CHAPTERS 45-13 AND PHS.HF: 45-13.

BECAUSE MUCH OF THE DATA COLLECTED IN THESE RESEARCH PROJECTS ARE SENSITIVE AND CONFIDENTIAL, SPECIAL SAFEGUARDS HAVE BEEN ESTABLISHED. CERTIFICATES OF CONFIDENTIALITY HAVE BEEN ISSUED UNDER 42 CFR PART 2A TO THOSE PROJECTS INITIATED SINCE FEBRUARY 1980. THIS AUTHORIZATION ENABLES PERSONS ENGAGED IN RESEARCH ON MENTAL HEALTH, INCLUDING RESEARCH ON THE USE AND EFFECT OF PSYCHOACTIVE DRUGS, TO PROTECT THE PRIVACY OF RESEARCH SUBJECTS BY WITHHOLDING THEIR NAMES OR OTHER IDENTIFYING CHARACTERISTICS FROM ALL PERSONS NOT CONNECTED WITH THE CONDUCT OF THE RESEARCH. PERSONS SO AUTHORIZED MAY NOT BE COMPELLED IN ANY FEDERAL, STATE, OR LOCAL CIVIL CRIMINAL, ADMINISTRATIVE, LEGISLATIVE, OR OTHER PROCEEDNG TO IDENTIFY SUCH INDIVIDUALS. IN ADDITION, THESE RECORDS ARE SUBJECT TO 42 CFR PART 2, THE CONFIDENTIALITY OF ALCOHOL AND DRUG ABUSE PATIENT RECORDS REGULATIONS (42 CFR 2.56), WHICH STATE:

> WHERE THE CONTENT OF PATIENT RECORDS HAS BEEN DISCLOSED PURSUANT TO THESE REGULATIONS FOR THE PURPOSE OF CONDUCTING SCIENTIFIC RESEARCH...INFORMATION CONTAINED THEREIN WHICH WOULD DIRECTLY OR INDIRECTLY IDENTIFY ANY PATIENT MAY NOT BE DISCLOSED BY THE RECIPIENT THEREOF EITHER VOLUNTARILY OR IN RESPONSE TO ANY LEGAL PROCESS WHETHER FEDERAL OR STATE.

Retention and disposal: RECORDS MAY BE RETIRED TO A FEDERAL RECORDS CENTER AND SUBSEQUENTLY DISPOSED OF IN ACCORDANCE WITH THE ADAMHA RECORDS CONTROL SCHEDULE. THE DISPOSAL STANDARD FOR THESE RECORDS MAY BE OBTAINED BY WRITING THE SYSTEM MANAGER AT THE ADDRESS BELOW.

System manager(s) and address:

SCIENTIFIC DIRECTOR
NIDA ADDICTION RESEARCH CENTER
4940 EASTERN AVENUE

IN CARE OF BALTIMORE CITY HOSPITALS
BALTIMORE, MD 21224

Notification procedure: TO DETERMINE IF A RECORD EXISTS, WRITE TO THE SYSTEM MANAGER AT THE ADDRESS ABOVE. AN INDIVIDUAL MAY LEARN IF A RECORD EXISTS ABOUT HIMSELF OR HERSELF UPON WRITTEN REQUEST WITH NOTARIZED SIGNATURE. THE REQUEST SHOULD INCLUDE, IF KNOWN: NAME, YEAR OF RESEARCH PROJECT, BUREAU OF PRISONS OR ADDICTION RESEARCH CENTER IDENTIFICATION NUMBER, BALTIMORE CITY HOSPITALS MEDICAL PATIENT RECORD NUMBER, AND DATE OF BIRTH.

Record access procedures: SAME AS NOTIFICATION PROCEDURES. REQUESTERS SHOULD ALSO REASONABLY SPECIFY THE RECORD CONTENTS BEING SOUGHT. AN INDIVIDUAL WHO REQUESTS NOTIFICATION OF A MEDICAL/DENTAL RECORD SHALL, AT THE TIME THE REQUEST IS MADE, DESIGNATE IN WRITING A RESPONSIBLE REPRESENTATIVE WHO WILL BE WILLING TO REVIEW THE RECORD AND INFORM THE SUBJECT INDIVIDUAL OF ITS CONTENTS AT THE REPRESENTATIVE'S DISCRETION.

Contesting record procedures: CONTACT THE OFFICIAL AT THE ADDRESS SPECIFIED UNDER NOTIFICATION PROCEDURES ABOVE AND REASONABLY IDENTIFY THE RECORD, SPECIFY THE INFORMATION TO BE CONTESTED, AND STATE THE CORRECTIVE ACTION SOUGHT.

Record source categories: SUBJECTS; BUREAU OF PRISONS RECORDS (WHICH INCLUDE CASE WORKER REPORTS); AND MEDICAL REFERRAL SOURCES SUCH AS PRIVATE PHYSICIANS, DRUG ABUSE TREATMENT PROGRAMS, AND HOSPITALS. MANY OF THESE RECORDS ARE CONFIDENTIAL AND PRIVILEGED COMMUNICATIONS AS GUARANTEED UNDER SECTION 344(D) OF THE PHS ACT.

Systems exempted from certain provisions of the act: NONE.

09-30-0023

System name: RECORDS OF CONTRACTS AWARDED TO INDIVIDUALS. HHS/ADAMHA/OA.

Security classification: NONE.

System location:

NATIONAL INSTITUTE ON DRUG ABUSE
CONTRACTS MANAGEMENT BRANCH
ROOM 10-49, PARKLAWN BLDG.
5600 FISHERS LANE
ROCKVILLE, MD 20857

NATIONAL INSTITUTE ON ALCOHOL ABUSE AND ALCOHOLISM
CONTRACTS MANAGEMENT BRANCH
ROOM 14-C-08, PARKLAWN BUILDING
5600 FISHERS LANE
ROCKVILLE, MD 20857

NATIONAL INSTITUTE OF MENTAL HEALTH
CONTRACTS MANAGEMENT BRANCH, OPS
ROOM 11-A-10, PARKLAWN BUILDING
5600 FISHERS LANE
ROCKVILLE, MD 20857

Categories of individuals covered by the system: CONTRACTORS AND CONTRACTORS' PERSONNEL INCLUDING CONTRACTOR'S CONSULTANTS.

Categories of records in the system: CURRICULUM VITAE, SALARY INFORMATION, EVALUATIONS OF PROPOSALS BY CONTRACT REVIEW COMMITTEES.

Authority for maintenance of the system: PUBLIC HEALTH SERVICE ACT SECTION 301 (42 U.S.C. 241 AND 41 U.S.C. 252(C)). NIDA: DRUG ABUSE OFFICE AND TREATMENT ACT SECTIONS 410 AND 501 (21 U.S.C. 1177 AND 1191). NIAAA: COMMUNITY MENTAL HEALTH CENTERS ACT, COMPREHENSIVE ALCOHOL ABUSE AND ALCOHOLISM PREVENTION, TREATMENT AND REHABILITATION ACT OF 1970 SECTIONS 101, 311 (42 U.S.C. 4551, 4577). NIMH: PUBLIC HEALTH SERVICE ACT SECTION 455.

Purpose(s):

TO DOCUMENT THE HISTORY OF EACH INDIVIDUAL PROCUREMENT ACTION AND AWARD MADE WITHIN ADAMHA. THE RECORD SYSTEM IS ALSO USED BY CONTRACT REVIEW COMMITTEE MEMBERS IN EVALUATING A PROPOSAL.

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

1. DISCLOSURE MAY BE MADE TO 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.

2. IN THE EVENT OF LITIGATION WHERE THE DEFENDANT IS (A) THE DEPARTMENT, ANY COMPONENT OF THE DEPARTMENT, OR ANY EMPLOYEE OF THE DEPARTMENT IN HIS OR HER OFFICIAL CAPACITY; (B) THE UNITED STATES WHERE THE DEPARTMENT DETERMINES THAT THE CLAIM, IF SUCCESSFUL, IS LIKELY TO DIRECTLY AFFECT THE OPERATIONS OF THE DEPARTMENT OR ANY OF ITS COMPONENTS; OR (C) ANY DEPARTMENT EMPLOYEE IN HIS OR HER INDIVIDUAL CAPACITY WHERE THE JUSTICE DEPARTMENT HAS AGREED TO REPRESENT SUCH EMPLOYEE, THE DEPARTMENT MAY DISCLOSE SUCH RECORDS AS IT DEEMS DESIRABLE OR NECESSARY TO THE DEPARTMENT OF JUSTICE TO ENABLE THAT DEPARTMENT TO PRESENT AN EFFECTIVE DEFENSE, PROVIDED SUCH DISCLOSURE IS COMPATIBLE WITH THE PURPOSE FOR WHICH THE RECORDS WERE COLLECTED.

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

Storage: DOCUMENTS FILED IN FOLDERS IN ENCLOSED AND/OR LOCKED FILE CABINETS.

Retrievability: BY CONTRACT NUMBER AND CROSS-INDEXED BY CONTRACTOR ORGANIZATION'S NAME.

Safeguards: RELEASED ONLY TO AUTHORIZED FEDERAL PERSONNEL. OTHER SAFEGUARDS ARE IN ACCORDANCE WITH THE HHS GENERAL ADMINISTRATION MANUAL, CHAPTERS 45-13 AND PHS.HF: 45-13.

Retention and disposal: RECORDS MAY BE RETIRED TO A FEDERAL RECORDS CENTER AND SUBSEQUENTLY DISPOSED OF IN ACCORDANCE WITH THE ADAMHA RECORDS CONTROL SCHEDULE. THE RECORDS CONTROL SCHEDULE AND DISPOSAL STANDARD FOR THESE RECORDS MAY BE OBTAINED BY WRITING THE SYSTEM MANAGER AT THE ADDRESS BELOW.

System manager(s) and address:

NATIONAL INSTITUTE ON DRUG ABUSE
CHIEF, CONTRACTS MANAGEMENT BRANCH, OPS
ROOM 10-49, PARKLAWN BUILDING
5600 FISHERS LANE
ROCKVILLE, MD. 20857

NATIONAL INSTITUTE ON ALCOHOL ABUSE AND ALCOHOLISM
CHIEF, CONTRACTS MANAGEMENT BRANCH
ROOM 14-C-04, PARKLAWN BUILDING
5600 FISHERS LANE
ROCKVILLE, MD. 20857

NATIONAL INSTITUTE OF MENTAL HEALTH
CHIEF, CONTRACTS MANAGEMENT BRANCH
ROOM 11-A-10, PARKLAWN BUILDING
5600 FISHERS LANE
ROCKVILLE, MD. 20857

Notification procedure: TO DETERMINE IF A RECORD EXISTS, WRITE TO THE SYSTEM MANAGER AT THE ADDRESS ABOVE. AN INDIVIDUAL MAY LEARN IF A RECORD EXISTS ABOUT HIMSELF/HERSELF UPON WRITTEN REQUEST WITH NOTARIZED SIGNATURE. THE REQUEST SHOULD INCLUDE, IF KNOWN, NAME OF CONTRACTOR FIRM, CONTRACT NUMBER, AND APPROXIMATE DATE CONTRACT WAS AWARDED.

Record access procedures: SAME AS NOTIFICATION PROCEDURES. REQUESTERS SHOULD REASONABLY SPECIFY THE RECORD CONTENTS BEING SOUGHT.

Contesting record procedures: CONTACT THE OFFICIAL AT THE ADDRESS SPECIFIED UNDER NOTIFICATION PROCEDURES ABOVE AND REASONABLY IDENTIFY THE RECORD, SPECIFY THE INFORMATION TO BE CONTESTED, AND STATE THE CORRECTIVE ACTION SOUGHT.

Record source categories: CONTRACT PROPOSALS AND SUPPORTING CONTRACT DOCUMENTS, CONTRACT REVIEW COMMITTEES, SITE VISITORS.

Systems exempted from certain provisions of the act: NONE.

09-30-0024

System name: SAINT ELIZABETHS HOSPITAL GENERAL ADMINISTRATIVE RECORD SYSTEMS. HHS/ADAMHA/NIMH.

Security classification: NONE.

System location:

OFFICE OF THE SUPERINTENDENT
SAINT ELIZABETHS HOSPITAL
2700 MARTIN LUTHER KING, JR. AVE. S.E.
AND
FEDERAL RECORDS CENTER
SUITLAND, MARYLAND

Categories of individuals covered by the system: FORMER, CURRENT, AND POTENTIAL PATIENTS AND EMPLOYEES.

Categories of records in the system: (1) DATA HAVING POTENTIAL LEGAL CONSEQUENCES INCLUDED IN INVESTIGATION REPORTS; (2) LETTERS; (3) MEMOS; (4) MINUTES OF MEETINGS AND CONFERENCES; (5) ORGANIZATIONAL CHARTS AND ASSIGNMENTS; (6) COPIES OF DISCLOSURES OF MEDICAL, BIOGRAPHICAL, EMPLOYMENT, AND EDUCATIONAL INFORMATION MADE FROM SAID INVESTIGATION REPORTS, LETTERS, ETC.

Authority for maintenance of the system: 24 USC 161, 21 DC CODE 1501, 21 DC CODE 562, 5 USC 7902, EXECUTIVE ORDER 11807, 9/28/74 AND PRESIDENTIAL SAFETY POLICY 10/24/1969.

Purpose(s):

TO FACILITATE THE MANAGEMENT OF THE DAILY ADMINISTRATIVE FUNCTIONS WITHIN THE HOSPITAL. THESE FUNCTIONS INCLUDE THE MANAGEMENT OF THE SAFETY PROGRAM, THE FIRE DEPARTMENT, THE HOUSE-KEEPING SECTION, THE PUBLIC INFORMATION OFFICE, THE CLINICAL PROGRAM; ADMINISTRATION OF MEDICAL, LEGAL AND CRIMINAL INVESTIGATIONS, ACCIDENT REPORTS, CONSERVATOR FILES, COURT CALENDARS, EVALUATION AND PROGRAM ASSESSMENT OF THE ADEQUACY OF THE THERAPEUTIC ACTIVITY, EMPLOYEE PERFORMANCE, CONFERENCE PROCEDURES, ORGANIZATION CHARTS, PATIENT AND EMPLOYEE ASSIGNMENTS, AND SOURCE MATERIAL FOR CONGRESSIONAL AND OTHER REQUESTS APPROVED BY THE RECORD SYSTEM MANAGER.

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

1. DISCLOSURE MAY BE MADE PURSUANT TO 24 USC 168A TO THE FOLLOWING FEDERAL AND LOCAL AGENCIES: THE DISTRICT OF COLUMBIA, THE UNITED STATES BUREAU OF PRISONS, THE VETERANS ADMINISTRATION, THE UNITED STATES SOLDIERS HOME, AND THE STATE DEPARTMENT TO REPORT TREATMENT PROVIDED TO SPECIFIC PATIENTS, OR TO REPORT EVALUATION OF POTENTIAL PATIENTS FOR ADMISSION.

2. IN THE EVENT THAT A SYSTEM OF RECORDS MAINTAINED BY THIS AGENCY TO CARRY OUT ITS FUNCTIONS INDICATES A VIOLATION OR POTENTIAL VIOLATION OF LAW, WHETHER CIVIL, CRIMINAL OR REGULATORY IN NATURE, OR BY REGULATION, RULE OR ORDER ISSUED PURSUANT THERETO, THE RELEVANT RECORDS IN THE SYSTEM OF RECORDS MAY BE REFERRED, AS A ROUTINE USE, TO THE APPROPRIATE AGENCY, WHETHER FEDERAL (E.G., DEPARTMENT OF JUSTICE), STATE OR LOCAL (E.G., STATE AND LOCAL LICENSING BOARDS), CHARGED WITH THE RESPONSIBLITY OF INVESTIGATING OR PROSECUTING SUCH VIOLATION OR CHARGED WITH ENFORCING OR IMPLEMENTING THE STATUTE, OR RULE, REGULATION OR ORDER ISSUED PURSUANT THERETO.

3. A RECORD FROM THIS SYSTEM OF RECORDS MAY BE DISCLOSED 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 RECORD IS RELEVANT AND NECESSARY TO THE REQUESTING AGENCY'S DECISION ON THE MATTER.

4. WHERE FEDERAL AGENCIES HAVING THE POWER TO SUBPOENA OTHER FEDERAL AGENCIES' RECORDS, SUCH AS THE INTERNAL REVENUE SERVICE OR THE CIVIL RIGHTS COMMISSION, ISSUE A SUBPOENA TO THE DEPARTMENT FOR RECORDS IN THIS SYSTEM OF RECORDS, THE DEPARTMENT WILL MAKE SUCH RECORDS AVAILABLE.

5. WHERE A CONTRACT BETWEEN A COMPONENT OF THE DEPARTMENT AND A LABOR ORGANIZATION RECOGNIZED UNDER E.O. 11491 PROVIDES THAT THE AGENCY WILL DISCLOSE PERSONAL RECORDS RELEVANT TO THE ORGANIZATION'S MISSION, RECORDS IN THIS SYSTEM OF RECORDS MAY BE DISCLOSED TO SUCH ORGANIZATION.

6. DISCLOSURE MAY BE MADE TO ORGANIZATIONS DEEMED QUALIFIED BY THE SECRETARY TO CARRY OUT QUALITY ASSESSMENT, MEDICAL AUDITS OR UTILIZATION REVIEW.

7. DISCLOSURES MAY BE MADE IN THE COURSE OF EMPLOYEE DICIPLINE OR COMPETENCE DETERMINATION PROCEEDINGS TO PARTIES INVOLVED IN THE PROCEEDINGS SUCH AS POLICE, ATTORNEYS, AND OFFICE OF PERSONNEL MANAGEMENT EMPLOYEES.

8. DISCLOSURE MAY BE MADE TO 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.

9. IN THE EVENT OF LITIGATION WHERE THE DEFENDANT IS (A) THE DEPARTMENT, ANY COMPONENT OF THE DEPARTMENT, OR ANY EMPLOYEE OF THE DEPARTMENT IN HIS OR HER OFFICIAL CAPACITY; (B) THE UNITED STATES WHERE THE DEPARTMENT DETERMINES THAT THE CLAIM, IF SUCCESSFUL, IS LIKELY TO DIRECTLY AFFECT THE OPERATIONS OF THE DEPARTMENT OR ANY OF ITS COMPONENTS; OR (C) ANY DEPARTMENT EMPLOYEE IN HIS OR HER INDIVIDUAL CAPACITY WHERE THE JUSTICE DEPARTMENT HAS AGREED TO REPRESENT SUCH EMPLOYEE, THE DEPARTMENT MAY DISCLOSE SUCH RECORDS AS IT DEEMS DESIRABLE OR NECESSARY TO THE DEPARTMENT OF JUSTICE TO ENABLE THAT DEPARTMENT TO PRESENT AN EFFECTIVE DEFENSE, H THE RECORDS WERE COLLECTED (E.G., TO THE DEPARTMENT OF JUSTICE OR OTHER APPROPRIATE FEDERAL AGENCIES IN DEFENDING CLAIMS AGAINST THE UNITED STATES WHEN THE CLAIM IS BASED UPON AN INDIVIDUAL'S MENTAL OR PHYSICAL CONDITION AND IS ALLEGED TO HAVE ARISEN BECAUSE OF ACTIVITIES OF THE PUBLIC HEALTH SERVICE IN CONNECTION WITH SUCH INDIVIDUAL).

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

Storage: FILE FOLDERS, INDEX CARDS, SUBJECT RECORD BOOK, PUNCH CARDS, MAGNETIC TAPES, CHARTS.

Retrievability: INDEXED AND RETRIEVED BY NAME, HOSPITAL CASE NUMBER, CIVIL SERVICE GRADE, CRIMINAL CASE NUMBER. RECORDS ARE ALSO FILED CHRONOLOGICALLY.

Safeguards: RESTRICTED ACCESS, PERSONNEL SURVEILLANCE, LOCKED FILES. FOR COMPUTER MEDIA RECORDS, A PASSWORD CODE SYSTEM IS IN EFFECT.

Retention and disposal: RECORDS MAY BE RETIRED TO A FEDERAL RECORDS CENTER AND SUBSEQUENTLY DISPOSED OF IN ACCORDANCE WITH THE ADAMHA RECORDS CONTROL SCHEDULE. THE RECORDS CONTROL SCHEDULE AND DISPOSAL STANDARD FOR THESE RECORDS MAY BE OBTAINED BY WRITING THE SYSTEM MANAGER AT THE ADDRESS BELOW.

System manager(s) and address:

SUPERINTENDENT
SAINT ELIZABETHS HOSPITAL
WASHINGTON, D.C. 20032

Notification procedure: AN INDIVIDUAL MAY LEARN IF A RECORD EXISTS ABOUT HIMSELF/HERSELF UPON WRITTEN REQUEST, WITH NOTARIZED SIGNATURE IF REQUEST IS MADE BY MAIL, OR WITH SUITABLE IDENTIFI-

CATION IF REQUEST IS MADE IN PERSON, DIRECTED TO:

PRIVACY ACT COORDINATOR
OFFICE OF THE SUPERINTENDENT
SAINT ELIZABETH'S HOSPITAL
WASHINGTON, D.C. 20032

ALL OF THE FOLLOWING INFORMATION MUST BE PROVIDED WHEN REQUESTING NOTIFICATION: (A) FULL NAME; (B) DATES OF THE CONTACT WITH ELIZABETHS HOSPITAL; (C) THE BRANCH, DIVISION, OR OFFICE WITH WHICH THE REQUESTOR HAD CONTACT; (D) THE CAPACITY IN WHICH THE REQUESTOR HAD CONTACT WITH THE HOSPITAL, E.G., PATIENT, EMPLOYEE, VENDOR, REPRESENTATIVE OF PROFESSIONAL ORGANIZATION, ETC; (E) THE NATURE OF THE MATERIAL DESIRED.

Record access procedures: SAME AS NOTIFICATION PROCEDURES.

Contesting record procedures: CONTACT THE OFFICIAL AT THE ADDRESS SPECIFIED UNDER NOTIFICATION PROCEDURES ABOVE AND REASONABLY IDENTIFY THE RECORD, SPECIFY THE INFORMATION TO BE CONTESTED, AND STATE THE CORRECTIVE ACTION SOUGHT.

Record source categories: PATIENT AND EMPLOYEE RECORDS, HHS, ADAMHA, NIMH, AND SEH FORMS, CORRESPONDENCE, PUBLIC MEDIA, STAFF CONSULTANTS, RELATIVES, AUDITORS REPORTS, CONSERVATORS, U.S. POSTAL SERVICE, U.S. AND D.C. COURTS, PUBLIC DEFENDERS SERVICE, D.C. MENTAL HEALTH COMMISSION, OTHER PERSONS OR OUTSIDE AGENCIES AND ORGANIZATIONS OFFERING INFORMATION OR INITIATING REQUESTS, VOLUNTEERS OFFERING SERVICES, INTERVIEWS, MINUTES OF CONFERENCES, SEMINARS AND MEETINGS.

Systems exempted from certain provisions of the act: NONE.

09-30-0025

System name: MARYLAND PSYCHIATRIC CASE REGISTER. HHS/ADAMHA/NIMH.

Security classification: NONE.

System location:

DIVISION OF BIOMETRY AND EPIDEMIOLOGY
NIMH
AND
PARKLAWN COMPUTER CENTER
5600 FISHERS LANE
ROCKVILLE, MARYLAND 20857

Categories of individuals covered by the system: PERSONS WHO RECEIVED CARE IN PSYCHIATRIC FACILITIES IN MARYLAND, AND MARYLAND RESIDENTS WHO RECEIVED CARE IN PSYCHIATRIC FACILITIES IN THE DISTRICT OF COLUMBIA DURING THE PERIOD JULY 1, 1961 - JUNE 30, 1968.

Categories of records in the system: INFORMATION CONTAINED ON ADMISSION, TERMINATION, AND PATIENT MOVEMENT FORMS REPORTED TO MARYLAND DEPARTMENT OF MENTAL HYGIENE, INCLUDING DEMOGRAPHIC, SOCIAL, AND PSYCHIATRIC DATA PERTAINING TO DIAGNOSIS, NATURE OF PROBLEM AND TYPE OF TREATMENT. ALSO, DEATH DATA (E.G., CAUSE) FROM BALTIMORE AND STATE OF MARYLAND DEATH CERTIFICATE RECORDS. PERIOD COVERED: JULY 1, 1961 - JUNE 30, 1968.

Authority for maintenance of the system: PUBLIC HEALTH SERVICE ACT SECTIONS 301, 433(A), 455(42 U.S.C. 241, 289K, 289K-1).

Purpose(s):

TO CONDUCT METHODOLOGICAL AND RESEARCH STUDIES AND ANALYSIS OF DATA RELATED TO THE EPIDEMIOLOGY OF MENTAL DISORDERS AND DELIVERY OF MENTAL HEALTH SERVICES. SPECIFICALLY, THE RECORDS ARE BEING USED OR INTENDED FOR USE TO DEVELOP GROUPED STATISTICAL DATA RELATING TO: (1) SOCIAL SECURITY EARNINGS; (2) INFORMATION COLLECTED IN A SPECIAL 1963 POPULATION CENSUS OF THE RESIDENTS OF WASHINGTON COUNTY, MARYLAND; (3) USE OF SERVICES; (4) LIFE-TABLE ANALYSES.

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

1. DATA EXTRACTS WITHOUT IDENTIFIERS ARE MADE AVAILABLE, ON WRITTEN REQUEST, TO OTHER UNITS OF THE PUBLIC HEALTH SERVICE AND TO UNIVERSITY SCIENTISTS FOR THE PURPOSES OF RESEARCH ON EPIDEMIOLOGY OR ON SERVICE UTILIZATION.

2. IN THE EVENT OF LITIGATION WHERE THE DEFENDANT IS (A) THE DEPARTMENT, ANY COMPONENT OF THE DEPARTMENT, OR ANY EMPLOYEE OF THE DEPARTMENT IN HIS OR HER OFFICIAL CAPACITY; (B) THE UNITED STATES WHERE THE DEPARTMENT DETERMINES THAT THE CLAIM, IF SUCCESSFUL, IS LIKELY TO DIRECTLY AFFECT THE OPERATIONS OF THE DEPARTMENT OR ANY OF ITS COMPONENTS; OR (C) ANY DEPARTMENT EMPLOYEE IN HIS OR HER INDIVIDUAL CAPACITY WHERE THE JUSTICE DEPARTMENT HAS AGREED TO REPRESENT SUCH EMPLOYEE, THE DEPARTMENT MAY DISCLOSE SUCH RECORDS AS IT DEEMS DESIRABLE OR NECESSARY TO THE DEPARTMENT OF JUSTICE TO ENABLE THAT DEPARTMENT TO PRESENT AN EFFECTIVE DEFENSE, PROVIDED SUCH DISCLOSURE IS COMPATIBLE WITH THE PURPOSE FOR WHICH THE RECORDS WERE COLLECTED.

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

Storage: MAGNETIC TAPES, PUNCH CARDS, COMPUTER PRINTOUTS.

Retrievability: BY REGISTER IDENTIFICATION NUMBER, NAME.

Safeguards: ONLY AUTHORIZED RESEARCH AND COMPUTER STAFF HAVE ACCESS TO FILES. FOR COMPUTERIZED RECORDS, A PASSWORD SYSTEM IS EMPLOYED AND RISK ANALYSES ARE PERFORMED IN ACCORDANCE WITH PARKLAWN COMPUTER CENTER REQUIREMENTS.

Retention and disposal: RECORDS MAY BE RETIRED TO A FEDERAL RECORDS CENTER AND SUBSEQUENTLY DISPOSED OF IN ACCORDANCE WITH THE ADAMHA RECORDS CONTROL SCHEDULE. THE RECORDS CONTROL SCHEDULE AND DISPOSAL STANDARD FOR THESE RECORDS MAY BE OBTAINED BY WRITING THE SYSTEM MANAGER AT THE ADDRESS BELOW.

System manager(s) and address:

CHIEF, APPLIED BIOMETRICS RESEARCH BRANCH
DIVISION OF BIOMETRY AND EPIDEMIOLOGY
NATIONAL INSTITUTE OF MENTAL HEALTH
5600 FISHERS LANE
ROCKVILLE, MARYLAND 20857

Notification procedure: TO DETERMINE IF A RECORD EXISTS, WRITE TO THE SYSTEM MANAGER.

Record access procedures: SAME AS NOTIFICATION PROCEDURES. REQUESTERS SHOULD ALSO REASONABLY SPECIFY THE RECORD CONTENTS BEING SOUGHT. ACCESS TO RECORD SYSTEMS WHICH HAVE BEEN GRANTED AN EXEMPTION FROM THE PRIVACY ACT ACCESS REQUIREMENT MAY BE MADE AT THE DISCRETION OF THE SYSTEM MANAGER. APPEAL OF ACCESS REFUSAL MAY BE MADE TO THE ADMINISTRATOR, ALCOHOL, DRUG ABUSE, AND MENTAL HEALTH ADMINISTRATION.

Contesting record procedures: IF ACCESS HAS BEEN GRANTED, WRITE TO THE OFFICIAL AT THE ADDRESS SPECIFIED UNDER NOTIFICATION PROCEDURES ABOVE AND REASONABLY IDENTIFY THE RECORD, SPECIFY THE INFORMATION TO BE CONTESTED, AND STATE THE CORRECTIVE ACTION SOUGHT.

Record source categories: FORMS SUBMITTED BY PSYCHIATRIC FACILITIES TO MARYLAND DEPARTMENT OF MENTAL HYGIENE, AS WELL AS MARYLAND DEATH CERTIFICATE RECORDS.

Systems exempted from certain provisions of the act: AN EXEMPTION FROM NOTIFICATION ACCESS AND CONTEST AS A STATISTICAL RECORD SYSTEM UNDER SECTION 3 (F)(K)(4) OF THE PRIVACY ACT HAS BEEN GRANTED.

09-30-0026

System name: SAINT ELIZABETHS HOSPITAL RESEARCH PROJECT RECORD. HHS/ADAMHA/NIMH.

Security classification: NONE.

System location:

BEHAVIORAL STUDIES BUILDING
SAINT ELIZABETHS HOSPITAL
WASHINGTON, D.C. 20032
AND
FEDERAL RECORDS CENTER
SUITLAND, MARYLAND 20032

Categories of individuals covered by the system: PERSONS WHO SEEK APPROVAL OR WHO HAVE OBTAINED APPROVAL TO CONDUCT RESEARCH PROJECTS AT SAINT ELIZABETHS HOSPITAL.

Categories of records in the system: WRITTEN DOCUMENTS PERTAINING TO RESEARCH PROJECT PROPOSALS AND/OR RESULTS OBTAINED FROM APPROVED RESEARCH STUDIES, RESEARCH PROTOCOLS, AND CURRICULUM VITAE OF RESEARCH APPLICANTS.

Authority for maintenance of the system: 24 U.S.C. 161, PUBLIC HEALTH SERVICE ACT SECTION 301(42 U.S.C. 241).

Purpose(s):

TO: (1) EVALUATE RESEARCH PROPOSALS FOR OFFICIAL APPROVAL; (2) DISSEMINATE RESULTS OBTAINED FROM APPROVED RESEARCH STUDIES; (3) EVALUATE PROGRAM; AND (4) FACILITATE HISTORICAL RESEARCH.

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

1. A RECORD MAY BE DISCLOSED FOR A RESEARCH PURPOSE, WHEN THE DEPARTMENT:
   (A) HAS DETERMINED THAT THE USE OR DISCLOSURE DOES NOT VIOLATE LEGAL OR POLICY LIMITATIONS UNDER WHICH THE RECORD WAS PROVIDED, COLLECTED, OR OBTAINED;
   (B) HAS DETERMINED THAT THE RESEARCH PURPOSE THAT THE RESEARCH PURPOSE (1) CANNOT BE REASONABLY ACCOMPLISHED UNLESS THE RECORD IS PROVIDED IN INDIVIDUALLY IDENTIFIABLE FORM, AND (2) WARRANTS THE RISK TO THE PRIVACY OF THE INDIVIDUAL THAT ADDITIONAL EXPOSURE OF THE RECORD MIGHT BRING;
   (C) HAS REQUIRED THE RECIPIENT TO – (1) ESTABLISH REASONABLE ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS TO PREVENT UNAUTHORIZED USE OR DISCLOSURE OF THE RECORD, AND (2) REMOVE OR DESTROY THE INFORMATION THAT IDENTIFIES THE INDIVIDUAL AT THE EARLIEST TIME AT WHICH REMOVAL OR DESTRUCTION CAN BE ACCOMPLISHED CONSISTENT WITH THE PURPOSE OF THE RESEARCH PROJECT, UNLESS THE RECIPIENT HAS PRESENTED ADEQUATE JUSTIFICATION OF A RESEARCH OR HEALTH NATURE FOR RETAINING SUCH INFORMATION, AND (3) MAKE NO FURTHER USE OR DISCLOSURE OF THE RECORD EXCEPT – (A) IN EMERGENCY CIRCUMSTANCES AFFECTING THE HEALTH OR SAFETY OF ANY INDIVIDUAL, (B) FOR USE IN ANOTHER RESEARCH PROJECT, UNDER THESE CONDITIONS, AND WITH WRITTEN AUTHORIZATION OF THE DEPARTMENT, (C) FOR DISCLOSURE TO A PROPERLY IDENTIFIED PERSON FOR THE PURPOSE OF AN AUDIT RELATED TO THE RESEARCH PROJECT, IF INFORMATION THAT WOULD ENABLE RESEARCH SUBJECTS TO BE IDENTIFIED IS REMOVED OR DESTROYED AT THE EARLIEST OPPORTUNITY CONSISTENT WITH THE PURPOSE OF THE AUDIT, OR (D) WHEN REQUIRED BY LAW;
   (D) HAS SECURED A WRITTEN STATEMENT ATTESTING TO THE RECIPIENT'S UNDERSTANDING OF, AND WILLINGNESS TO ABIDE BY THESE PROVISIONS.

2. DISCLOSURES MAY BE MADE IN THE COURSE OF EMPLOYEE DICIPLINE OR COMPETENCE DETERMINATION PROCEEDINGS TO PARTIES INVOLVED IN THE PROCEEDINGS SUCH AS POLICE, ATTORNEYS, AND OFFICE OF PERSONNEL MANAGEMENT EMPLOYEES.

3. DISCLOSURE MAY BE MADE TO 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.

4. IN THE EVENT OF LITIGATION WHERE THE DEFENDANT IS (A) THE DEPARTMENT, ANY COMPONENT OF THE DEPARTMENT, OR ANY EMPLOYEE OF THE DEPARTMENT IN HIS OR HER OFFICIAL CAPACITY; (B) THE UNITED STATES WHERE THE DEPARTMENT DETERMINES THAT THE CLAIM, IF SUCCESSFUL, IS LIKELY TO DIRECTLY AFFECT THE OPERATIONS OF THE DEPARTMENT OR ANY OF ITS COMPONENTS; OR (C) ANY DEPARTMENT EMPLOYEE IN HIS OR HER INDIVIDUAL CAPACITY WHERE THE JUSTICE DEPARTMENT HAS AGREED TO REPRESENT SUCH EMPLOYEE, THE DEPARTMENT MAY DISCLOSE SUCH RECORDS AS IT DEEMS DESIRABLE OR NECESSARY TO THE DEPARTMENT OF JUSTICE TO ENABLE THAT DEPARTMENT TO PRESENT AN EFFECTIVE DEFENSE, PROVIDED SUCH DISCLOSURE IS COMPATIBLE WITH THE PURPOSE FOR WHICH THE RECORDS WERE COLLECTED (E.G., TO THE DEPARTMENT OF JUSTICE OR OTHER APPROPRIATE FEDERAL AGENCIES IN DEFENDING CLAIMS AGAINST THE UNITED STATES WHEN THE CLAIM IS BASED UPON AN INDIVIDUAL'S MENTAL OR PHYSICAL CONDITION AND IS ALLEGED TO HAVE ARISEN BECAUSE OF ACTIVITIES OF THE PUBLIC HEALTH SERVICE IN CONNECTION WITH SUCH INDIVIDUAL).

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

Storage: FILE FOLDERS AND FILING CABINETS.

Retrievability: SYSTEM IS FILED BY NAME OF PRIMARY INVESTIGATOR, AND DATE OF RESEARCH PROPOSAL SUBMISSION, TITLE OF RESEARCH PROJECT, AND DATE OF RESEARCH COMPLETION.

Safeguards: RECORDS ARE KEPT IN MONITORED OFFICES AND ARE ONLY AVAILABLE TO PERSONS AUTHORIZED TO USE RECORDS FOR THE PURPOSES FOR WHICH THEY WERE COLLECTED.

Retention and disposal: RECORDS MAY BE RETIRED TO A FEDERAL RECORDS CENTER AND SUBSEQUENTLY DISPOSED OF IN ACCORDANCE WITH THE ADAMHA RECORDS CONTROL SCHEDULE. THE RECORDS CONTROL SCHEDULE AND DISPOSAL STANDARD FOR THESE RECORDS MAY BE OBTAINED BY WRITING THE SYSTEM MANAGER AT THE ADDRESS BELOW.

System manager(s) and address:

DIRECTOR, HOFFMAN DIVISION OF RESEARCH
SAINT ELIZABETHS HOSPITAL
WASHINGTON, D.C. 20032

Notification procedure: AN INDIVIDUAL MAY LEARN IF A RECORD ABOUT HIMSELF/HERSELF EXISTS UPON WRITTEN REQUEST WITH NOTARIZED SIGNATURE IF REQUEST IS MADE BY MAIL, OR WITH SUITABLE IDENTIFICATION IF REQUEST IS MADE IN PERSON, TO:

PRIVACY ACT COORDINATOR
OFFICE OF DIRECTOR
HOFFMAN DIVISION OF RESEARCH
SAINT ELIZABETHS HOSPITAL
WASHINGTON, D.C. 20032

ALL OF THE FOLLOWING INFORMATION MUST BE PROVIDED: (A) FULL NAME; (B) DATES WHEN RESEARCH PROJECT WAS PROPOSED, APPROVED OR DISAPPROVED AND COMPLETED; (C) STAFF POSITION HELD IN TERMS OF STAFF, TRAINEES, OR OUTSIDE INVESTIGATOR; (D) TITLE OF RESEARCH PROJECT.

Record access procedures: SAME AS NOTIFICATION PROCEDURES. REQUESTERS SHOULD ALSO REASONABLY SPECIFY THE RECORD CONTENTS BEING SOUGHT.

Contesting record procedures: CONTACT THE OFFICIAL AT THE ADDRESS SPECIFIED UNDER NOTIFICATION PROCEDURES ABOVE AND REASONABLY IDENTIFY THE RECORD, SPECIFY THE INFORMATION TO BE CONTESTED, AND STATE THE CORRECTION ACTION SOUGHT.

Record source categories: INFORMATION IS OBTAINED FROM THE PRIMARY RESEARCH INVESTIGATOR, AND SUPERVISORY AND ADMINISTRATIVE PERSONNEL.

Systems exempted from certain provisions of the act: NONE.

09-30-0027

System name: GRANTS: RESEARCH, RESEARCH TRAINING, RESEARCH SCIENTIST DEVELOPMENT, EDUCATION, DEMONSTRATION, FELLOWSHIPS, CLINICAL TRAIN-

ING, COMMUNITY SERVICES, COOPERATIVE AGREEMENTS. HHS/ADAMHA/OA.

Security classification: NONE.

System location:

NATIONAL INSTITUTE ON DRUG ABUSE
GRANTS MANAGEMENT BRANCH
ROOM 9A-19, PARKLAWN BLDG.
5600 FISHERS LANE
ROCKVILLE, MARYLAND 20857

NATIONAL INSTITUTE ON ALCOHOL ABUSE AND ALCOHOLISM
GRANTS MANAGEMENT BRANCH
ROOM 16-86, PARKLAWN BUILDING
5600 FISHERS LANE
ROCKVILLE, MARYLAND 20857

NATIONAL INSTITUTE OF MENTAL HEALTH
GRANTS MANAGEMENT BRANCH, OPS
ROOM 7C-02, PARKLAWN BUILDING
5600 FISHERS LANE
ROCKVILLE, MARYLAND 20857

Categories of individuals covered by the system: PRINCIPAL INVESTIGATORS, PROGRAM DIRECTORS, TRAINEES, FELLOWS, RESEARCH SCIENTIST DEVELOPMENT AWARDEES, AND OTHER EMPLOYEES OF APPLICANT OR GRANTEE INSTITUTIONS.

Categories of records in the system: GRANT AND COOPERATIVE AGREEMENT APPLICATIONS AND REVIEW HISTORY, INCLUDING CURRICULUM VITAE, SALARY INFORMATION, SUMMARY OF REVIEW COMMITTEE DELIBERATIONS AND SUPPORTING DOCUMENTS, PROGRESS REPORTS, FINANCIAL RECORDS, NATIONAL RESEARCH SERVICES ACT AWARDEE PAYBACK RECORDS.

Authority for maintenance of the system: NIDA: PUBLIC HEALTH SERVICE ACT SECTION 301(42 U.S.C. 241); SECTION 251 (42 U.S.C. 2688K) COMMUNITY MENTAL HEALTH CENTERS ACT SECTION 410 NIAAA: PUBLIC HEALTH SERVICE ACT SECTION 301 (42 U.S.C. 241); COMPREHENSIVE ALCOHOL ABUSE AND ALCOHOLISM TREATMENT AND REHABILITATION ACT OF 1970 SECTIONS 101, 311 (42 U.S.C. 4551, 4577). NIMH: PUBLIC HEALTH SERVICE ACT SECTION 301, 303(A), 433(A), 455, AND 472(A)(1)(A) (42 U.S.C. 241, 242A 289C, 289K-1, AND 289L-1), AND FEDERAL GRANT AND COOPERATIVE AGREEMENT ACT OF 1977 (41 U.S.C. 501 ET SEQ.).

Purpose(s):

RECORDS ARE MAINTAINED AS OFFICIAL DOCUMENTATION RELEVANT TO THE REVIEW, AWARD, AND ADMINISTRATION OF GRANT PROGRAMS. SPECIFICALLY, RECORDS ARE: 1. USED BY STAFF PROGRAM AND MANAGEMENT SPECIALISTS FOR PURPOSE OF AWARDING AND MONITORING GRANT FUNDS; 2. USED TO MAINTAIN COMMUNICATION WITH FORMER TRAINEES/FELLOWS WHO HAVE INCURRED AN OBLIGATION THROUGH THE NATIONAL RESEARCH SERVICES ACT.

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

1. REFERRALS MAY BE MADE OF ASSIGNMENTS OF RESEARCH INVESTIGATORS AND PROJECT MONITORS TO SPECIFIC RESEARCH PROJECTS TO THE SMITHSONIAN INSTITUTION TO CONTRIBUTE TO THE SMITHSONIAN SCIENCE INFORMATION EXCHANGE, INC.

2. DISCLOSURE MAY BE MADE TO QUALIFIED EXPERTS NOT WITHIN THE DEFINITION OF DEPARTMENT EMPLOYEES FOR OPINION DURING THE APPLICATION REVIEW PROCESS.

3. A RECORD MAY BE DISCLOSED FOR A RESEARCH PURPOSE, WHEN THE DEPARTMENT:

(A) HAS DETERMINED THAT THE USE OR DISCLOSURE DOES NOT VIOLATE LEGAL OR POLICY LIMITATIONS UNDER WHICH THE RECORD WAS PROVIDED, COLLECTED, OR OBTAINED; (B) HAS DETERMINED THAT THE RESEARCH PURPOSE (1) CANNOT BE REASONABLY ACCOMPLISHED UNLESS THE RECORD IS PROVIDED IN INDIVIDUALLY IDENTIFIABLE FORM, AND (2) WARRANTS THE RISK TO THE PRIVACY OF THE INDIVIDUAL THAT ADDITIONAL EXPOSURE OF THE RECORD MIGHT BRING;

(C) HAS REQUIRED THE RECIPIENT TO – (1) ESTABLISH REASONABLE ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS TO PREVENT UNAUTHORIZED USE OR DISCLOSURE OF THE RECORD, AND (2) REMOVE OR DESTROY THE INFORMATION THAT IDENTIFIES THE INDIVIDUAL AT THE EARLIEST TIME AT WHICH REMOVAL OR DESTRUCTION CAN BE ACCOMPLISHED CONSISTENT WITH THE PURPOSE OF THE RESEARCH PROJECT, UNLESS THE RECIPIENT HAS PRESENTED ADEQUATE JUSTIFICATION OF A RESEARCH OR HEALTH NATURE FOR RETAINING SUCH INFORMATION, AND (3) MAKE NO FURTHER USE OR DISCLOSURE OF THE RECORD EXCEPT – (A) IN EMERGENCY CIRCUMSTANCES AFFECTING THE HEALTH OR SAFETY OF ANY INDIVIDUAL, (B) FOR USE IN ANOTHER RESEARCH PROJECT, UNDER THESE SAME CONDITIONS, AND WITH WRITTEN AUTHORIZATION OF THE DEPARTMENT, (C) FOR DISCLOSURE TO A PROPERLY IDENTIFIED PERSON FOR THE PURPOSE OF AN AUDIT RELATED TO THE RESEARCH PROJECT, IF INFORMATION THAT WOULD ENABLE RESEARCH SUBJECTS TO BE IDENTIFIED IS REMOVED OR DESTROYED AT THE EARLIEST OPPORTUNITY CONSISTENT WITH THE PURPOSE OF THE AUDIT, OR (D) WHEN REQUIRED BY LAW;

(D) HAS SECURED A WRITTEN STATEMENT ATTESTING TO THE RECIPIENT'S UNDERSTANDING OF, AND WILLINGNESS TO ABIDE BY THESE PROVISIONS.

4. DISCLOSURE MAY BE MADE TO ORGANIZATIONS DEEMED QUALIFIED BY THE SECRETARY TO CARRY OUT QUALITY ASSESSMENT, MEDICAL AUDITS, OR UTILIZATION REVIEW.

5. DISCLOSURE MAY BE MADE TO THE COGNIZANT AUDIT AGENCY AND THE GENERAL ACCOUNTING OFFICE FOR AUDITING.

6. IN THE EVENT THAT A SYSTEM OF RECORDS MAINTAINED BY THIS AGENCY TO CARRY OUT ITS FUNCTIONS INDICATES A VIOLATION OR POTENTIAL VIOLATION OF LAW, WHETHER CIVIL, CRIMINAL OR REGULATORY IN NATURE, AND WHETHER ARISING BY STATUTE, OR BY REGULATION, RULE OR ORDER ISSUED PURSUANT THERETO, THE RELEVANT RECORDS IN THE SYSTEM OF RECORDS MAY BE REFERRED, AS A ROUTINE USE, TO THE APPROPRIATE AGENCY, WHETHER FEDERAL (E.G., THE DEPARTMENT OF JUSTICE AND THE OFFICE OF GENERAL COUNSEL) OR STATE (E.G., THE STATE'S ATTORNEY'S OFFICE), CHARGED WITH THE RESPONSIBILITY OF INVESTIGATING OR PROSECUTING SUCH VIOLATION OR CHARGE WITH ENFORCING OR IMPLEMENTING THE STATUTE, OR RULE, REGULATION OR ORDER ISSUED PURSUANT THERETO. FOR LITIGATION.

7. DISCLOSURE MAY BE MADE 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 RECORD IS RELEVANT AND NECESSARY TO THE REQUESTING AGENCY'S DECISION ON THE MATTER.

8. WHERE FEDERAL AGENCIES HAVING THE POWER TO SUBPOENA OTHER FEDERAL AGENCIES' RECORDS, SUCH AS THE INTERNAL REVENUE SERVICE OR THE CIVIL GHTS COMMISSION, ISSUE A SUBPOENA TO THE DEPARTMENT FOR RECORDS IN THIS SYSTEM OF RECORDS, THE DEPARTMENT WILL MAKE SUCH RECORDS AVAILABLE.

9. WHERE THE APPROPRIATE OFFICIAL OF THE DEPARTMENT, PURSUANT TO THE DEPARTMENT'S FREEDOM OF INFORMATION REGULATION DETERMINES THAT IT IS IN THE PUBLIC INTEREST TO DISCLOSE A RECORD WHICH IS OTHERWISE EXEMPT FROM MANDATORY DISCLOSURE, DISCLOSURE MAY BE MADE FROM THIS SYSTEM OF RECORDS.

10. DISCLOSURE MAY BE MADE TO A CONGRESSIONAL OFFICE FROM THE RECORD OF AN INDIVIDUAL IN RE-

SPONSE TO AN INQUIRY FROM THE CONGRESSIONAL OFFICE MADE AT THE REQUEST OF THAT INDIVIDUAL.

11. IN THE EVENT OF LITIGATION WHERE THE DEFENDANT IS (A) THE DEPARTMENT, ANY COMPONENT OF THE DEPARTMENT, OR ANY EMPLOYEE OF THE DEPARTMENT IN HIS OR HER OFFICIAL CAPACITY; (B) THE UNITED STATES WHERE THE DEPARTMENT DETERMINES THAT THE CLAIM, IF SUCCESSFUL, IS LIKELY TO DIRECTLY AFFECT THE OPERATIONS OF THE DEPARTMENT OR ANY OF ITS COMPONENTS; OR (C) ANY DEPARTMENT EMPLOYEE IN HIS OR HER INDIVIDUAL CAPACITY WHERE THE JUSTICE DEPARTMENT HAS AGREED TO REPRESENT SUCH EMPLOYEE, THE DEPARTMENT MAY DISCLOSE SUCH RECORDS AS IT DEEMS DESIRABLE OR NECESSARY TO THE DEPARTMENT OF JUSTICE TO ENABLE THAT DEPARTMENT TO PRESENT AN EFFECTIVE DEFENSE, PROVIDED SUCH DISCLOSURE IS COMPATIBLE WITH THE PURPOSE FOR WHICH THE RECORDS WERE COLLECTED (E.G., TO THE DEPARTMENT OF JUSTICE OR OTHER APPROPRIATE FEDERAL AGENCIES IN DEFENDING CLAIMS AGAINST THE UNITED STATES WHEN THE CLAIM IS BASED UPON AN INDIVIDUAL'S MENTAL OR PHYSICAL CONDITION AND IS ALLEGED TO HAVE ARISEN BECAUSE OF ACTIVITIES OF THE PUBLIC HEALTH SERVICE IN CONNECTION WITH SUCH INDIVIDUAL).

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

Storage: DOCUMENTS FILED IN FOLDERS IN ENCLOSED FILE CABINETS AND OPEN SHELVES. INFORMATION ON 3 X 5 CARDS IN FILE CABINETS. COMPUTERIZED RECORDS EXIST IN TAPE AND DISC FORM.

Retrievability: BY GRANT NUMBERS AND CROSS-INDEXED BY NAME.

Safeguards: ONLY AUTHORIZED PERSONNEL HAVE ACCESS TO THE FILES. COMPUTERIZED RECORDS ARE PASSWORD PROTECTED; PASSWORDS ARE CHANGED FROM TIME TO TIME. COMPUTERIZED RECORDS ARE MAINTAINED IN A SECURED AREA. DURING NORMAL WORK HOURS, THE AREA IS STAFFED BY AUTHORIZED PERSONNEL WHO MUST SHOW IDENTIFICATION FOR ENTRY. AT OTHER TIMES, THE AREA IS LOCKED. THERE IS 24-HOUR GUARD PATROL.

Retention and disposal: RECORDS MAY BE RETIRED TO A FEDERAL RECORDS CENTER AND SUBSEQUENTLY DISPOSED OF IN ACCORDANCE WITH THE ADAMHA RECORDS CONTROL SCHEDULE. THE RECORDS CONTROL SCHEDULE AND DISPOSAL STANDARD FOR THESE RECORDS MAY BE OBTAINED BY WRITING THE SYSTEM MANAGER AT THE ADDRESS BELOW.

System manager(s) and address:

NATIONAL INSTITUTE ON DRUG ABUSE
CHIEF, GRANTS MANAGEMENT BRANCH, OPS
ROOM 9A-19, PARKLAWN BUILDING
5600 FISHER'S LANE
ROCKVILLE, MD. 20857

NATIONAL INSTITUTE ON ALCOHOL ABUSE AND ALCOHOLISM
CHIEF, GRANTS MANAGEMENT BRANCH
ROOM 16-86, PARKLAWN BUILDING
5600 FISHERS LANE
ROCKVILLE, MD. 20857

NATIONAL INSTITUTE OF MENTAL HEALTH
CHIEF, GRANTS MANAGEMENT BRANCH
ROOM 7C-02, PARKLAWN BUILDING
5600 FISHERS LANE
ROCKVILLE, MD. 20857

Notification procedure: TO DETERMINE IF A RECORD EXISTS, WRITE TO THE SYSTEM MANAGER AT THE ABOVE ADDRESS. VERIFIABLE PROOF OF IDENTITY REQUIRED.

Record access procedures: SAME AS NOTIFICATION PROCEDURE. REQUESTERS SHOULD ALSO REASONABLY SPECIFY THE RECORD CONTENTS BEING SOUGHT, AND SHOULD PROVIDE THE OFFICIAL GRANT NUMBER WHEN POSSIBLE.

Contesting record procedures: CONTACT THE OFFICIAL AT THE ADDRESS SPECIFIED UNDER NOTIFICATION PROCEDURES ABOVE AND REASONABLY IDENTIFY THE RECORD, SPECIFY THE INFORMATION TO BE CONTESTED, AND STATE THE CORRECTIVE ACTION SOUGHT.

Record source categories: APPLICANTS, GRANTEES, FELLOWS, TRAINEES, PERSONNEL AT GRANTEE INSTITUTION ON WHOM THE RECORD IS MAINTAINED, FEDERAL ADVISORY COMMITTEES, SITE VISITORS, CONSULTANTS, REFERENCES.

Systems exempted from certain provisions of the act: NONE.

09-30-0028

System name: SAINT ELIZABETHS HOSPITAL GENERAL MEDICAL/CLINICAL RECORDS SYSTEM AND RELATED INDEXES. HHS/ADAMHA/NIMH.

Security classification: NONE.

System location: THIS IS A WIDELY DECENTRALIZED SYSTEM OF RECORDS. INACTIVE PATIENT RECORDS ARE LOCATED IN THE BASEMENT OF THE DIX BUILDING. ACTIVE PATIENT RECORDS ARE LOCATED IN THE DIVISION WHERE THE PATIENT IS RESIDING, INCLUDING POSSIBLY CONTRACTOR LOCATIONS. A CURRENT LISTING OF CONTRACTOR SITES IS AVAILABLE FROM THE SYSTEM MANAGER. SEH CLINICAL DIVISIONS ARE LISTED BELOW UNDER SYSTEM MANAGER. RECORDS ARE STORED AT THE FEDERAL RECORDS CENTER, SUITLAND, MARYLAND.

Categories of individuals covered by the system: ALL PAST AND PRESENT PATIENTS OF SAINT ELIZABETHS HOSPITAL.

Categories of records in the system: INPATIENT AND OUTPATIENT PSYCHIATRIC MEDICAL/CLINICAL RECORDS. THE MEDICAL/CLINICAL RECORD CONTAINS IDENTIFYING DATA (NAME, DATE AND PLACE OF BIRTH, AGE, SEX, RACE, MARITAL STATUS, LEGAL CATEGORY, SOCIAL SECURITY NUMBER, LEAVE AND RESIDENTIAL STATUS, ADMISSION AND DISCHARGE DATES, IDENTIFICATION OF RELATIVES AND HOSPITAL IDENTIFICATION NUMBER) AND MEDICAL/CLINICAL INFORMATION (PHYSICIAN'S ADMISSION NOTE, RESULTS OF PHYSICAL EXAMINATIONS, DESCRIPTIONS OF PATIENT'S PRESENT AND PAST PHYSICAL AND MENTAL HEALTH, DIAGNOSIS, PROGNOSIS, CONSULTANT'S OPINIONS, SOCIAL HISTORY, TREATMENT PLAN, RESULTS OF DIAGNOSTIC TESTS AND PROCEDURES, NOTES OF PATIENT'S RESPONSE TO TREATMENT, PROGRESS NOTES, NURSES NOTES, INCIDENT REPORTS, AND REPORTS OR NOTES OF OTHERS WHO CONTRIBUTED TO A PATIENT'S TREATMENT AND/OR SOCIAL WORK EFFORTS, AND CORRESPONDENCE WITH SAINT ELIZABETHS HOSPITAL CONCERNING SUCH A PATIENT.

Authority for maintenance of the system: 24 USC 161, ET SEQ.; 21 DC CODE 562.

Purpose(s):

1. TO DOCUMENT A PATIENT'S ILLNESS, CHIEF COMPLAINT, HISTORY, PHYSICAL EXAMINATION, DIAGNOSTIC TEST AND PROCEDURE REPORTS, TO PLAN TREATMENT WHETHER AS AN INPATIENT OR AN OUTPATIENT.

2. TO PROMOTE CONTINUITY OF CARE FOR FOLLOW-UP OF TREATMENT; FOR REFERENCE UPON FUTURE TREATMENT AND CARE.

3. TO PROVIDE BASIS FOR REPORTS MANDATORY UNDER FEDERAL AND LOCAL LAWS.

4. IN SOME INSTANCES, TO PROVIDE AS A BASIS FOR ACTION IN THE COURSE OF EMPLOYEE DISCIPLINE OR COMPETENCE DETERMINATION PROCEEDINGS.

5. TO TRANSACT HOSPITAL BUSINESS IN FILING INSURANCE CLAIMS, VERIFICATION OF PATIENT'S COMPETENCY, DISABILITY, OR RETIREMENT BENEFITS, VERIFICATION OF LEAVE STATUS AND RESIDENCE.

6. TO SERVE AS A BASIS FOR HOSPITAL ADMINISTRATIVE PLANNING AND EVALUATION OF ITS PROGRAMS.

7. TO SERVE AS IMPERSONAL DOCUMENTS FOR THE HOSPITAL STAFF CONTINUING EDUCATION AND STUDIES.

8. TO BE USED BY HOSPITAL STAFF FOR ASSESSMENT OF THE QUALITY OF TREATMENT, FOR MEDICAL AUDIT AND UTILIZATION REVIEW.

9. TO BE USED FOR THE LEGAL DEFENSE OF THE HOSPITAL AND ITS STAFF IN CASES WHERE A CLAIM IS BASED ON PATIENT'S MENTAL OR PHYSICAL CONDITIONS AND ARISING FROM THE PATIENT'S TREATMENT AT SAINT ELIZABETHS HOSPITAL.

10. TO BE USED FOR STATISTICAL REPORTS, MONTHLY ANALYSIS OF CLINICAL DIVISION SERVICES, MONTHLY, QUARTERLY, ANNUAL REPORTS.

11. TO SERVE AS A BASIS FOR REPORTS TO ACCREDITING AGENCIES, JOINT COMMISSION ON ACCREDITATION OF HOSPITALS, AMERICAN HOSPITAL ASSOCIATION, AMERICAN PSYCHIATRIC ASSOCIATION, MEDICARE LICENSURE, ETC.

12. TO PREPARE INDEXES BASED ON MEDICAL/ CLINICAL RECORDS THAT ARE ROUTINELY USED FOR: (A) SPEEDY IDENTIFICATION AND LOCATION OF SPECIFIC PATIENTS; (B) MONITORING THE COMPLETENESS OF PATIENT RECORDS, PARTICULARLY RECORDS OF PATIENTS DISCHARGED OR DECEASED; (C) MONITORING THE CHANGING STATUS OF PATIENTS IN TERMS OF EITHER TRANSFERS WITHIN THE HOSPITAL OR OUTSIDE THE HOSPITAL; (D) EASY IDENTIFICATION OF BASIC DEMOGRAPHIC DATA USED FOR STATISTICAL AND/OR RESEARCH PURPOSES; AND, (E) QUICK REVIEW OF CURRENT TREATMENT REGIMEN IN SOME CASES.

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

1. TO FACILITATE TREATMENT OF PATIENT WHEN ADMITTED TO OTHER FACILITIES; TO SEND RECORDS TO NEW PHYSICIANS.

2. TO PERSONNEL WHO ARE NOT EMPLOYEES OF THE HOSPITAL FOR ACCREDITATION OR LICENSURE OF THE HOSPITAL.

3. OF REPORTS TO A REFERRING SOURCE SUCH AS A PHYSICIAN OR A COURT; AND TO AUTHORIZED PARTIES, WHO HAVE LEGITIMATE INTERESTS IN THE PATIENT, WHO ARE NOT AN EMPLOYEED BY OR CONNECTED WITH SAINT ELIZABETHS HOSPITAL, SUCH AS THE INTERSTATE SERVICES SECTION OF THE DISTRICT OF COLUMBIA GOVERNMENT.

4. TO ASSISTANT UNITED STATES ATTORNEYS, ASSISTANT CORPORATION COUNSEL, DEFENSE ATTORNEYS, AND THE MENTAL HEALTH COMMISSION, WHO REQUEST A PATIENT'S MEDICAL RECORDS IN CASES WHERE A PHYSICIAN- PATIENT PRIVILEGE IS WAIVED BY STATUTE, IN ORDER THAT INFORMATION NECESSARY TO PERFORM STATUTORY GOVERNMENTAL FUNCTIONS IN CIVIL COMMITMENT, ADULT CRIMINAL, AND JUVENILE PROCEEDINGS, WILL BE AVAILABLE TO THE PARTIES AND THE FACT-FINDERS.

5. IN THE CASE OF A PATIENT WHO LACKS THE CAPACITY TO GIVE INFORMED CONSENT TO THE RELEASE OF HIS OR HER MEDICAL RECORDS, AND WHO HAS NO LEGAL GUARDIAN TO ACT ON HIS OR HER BEHALF, DISCLOSURE MAY BE MADE TO APPROPRIATE INDIVIDUALS OR ORGANIZATIONS SO THAT SUCH INDIVIDUALS OR ORGANIZATIONS MAY PROVIDE A BENEFIT OR SERVICE TO THE PATIENT, SUCH AS (BUT NOT LIMITED TO) WELFARE BENEFITS OR OCCUPATIONAL SERVICES.

6.

FOR A RESEARCH PURPOSE, WHEN THE DEPARTMENT: (A) HAS DETERMINED THAT THE USE OR DISCLOSURE DOES NOT VIOLATE LEGAL OR POLICY LIMITATIONS UNDER WHICH THE RECORD WAS PROVIDED, COLLECTED, OR OBTAINED; (B) HAS DETERMINED THAT THE RESEARCH PURPOSE (1) CANNOT BE REASONABLY ACCOMPLISHED UNLESS THE RECORD IS PROVIDED IN INDIVIDUALLY IDENTIFIABLE FORM, AND (2) WARRANTS THE RISK TO THE PRIVACY OF THE INDIVIDUAL THAT ADDITIONAL EXPOSURE OF THE RECORD MIGHT BRING; (C) HAS REQUIRED THE RECIPIENT TO – (1) ESTABLISH REASONABLE ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS TO PREVENT UNAUTHORIZED USE OR DISCLOSURE OF THE RECORD, AND (2) REMOVE OR DESTROY THE INFORMATION THAT IDENTIFIES THE INDIVIDUAL AT THE EARLIEST TIME AT WHICH REMOVAL OR DESTRUCTION CAN BE ACCOMPLISHED CONSISTENT WITH THE PURPOSE OF THE RESEARCH PROJECT, UNLESS THE RECIPIENT HAS PRESENTED ADEQUATE JUSTIFICATION OF A RESEARCH OR HEALTH NATURE FOR RETAINING SUCH INFORMATION, AND (3) MAKE NO FURTHER USE OR DISCLOSURE OF THE RECORD EXCEPT – (A) IN EMERGENCY CIRCUMSTANCES AFFECTING THE HEALTH OR SAFETY OF ANY INDIVIDUAL, (B) FOR USE IN ANOTHER RESEARCH PROJECT, UNDER THESE SAME CONDITIONS, AND WITH WRITTEN AUTHORIZATION OF THE DEPARTMENT, (C) FOR DISCLOSURE TO A PROPERLY IDENTIFIED PERSON FOR THE PURPOSE OF AN AUDIT RELATED TO THE RESEARCH PROJECT, IF INFORMATION THAT WOULD ENABLE RESEARCH SUBJECTS TO BE IDENTIFIED IS REMOVED OR DESTROYED AT THE EARLIEST OPPORTUNITY CONSISTENT WITH THE PURPOSE OF THE AUDIT, OR (D) WHEN REQUIRED LAW; HAS SECURED A WRITTEN STATEMENT ATTESTING TO THE RECIPIENT'S UNDERSTANDING OF, AND WILLINGNESS TO ABIDE BY THESE PROVISIONS.

7. TO ORGANIZATIONS DEEMED QUALIFIED BY THE SECRETARY TO CARRY OUT QUALITY ASSESSMENT, MEDICAL AUDITS OR UTILIZATION REVIEW, INCLUDING PROFESSIONAL STANDARDS REVIEW ORGANIZATIONS.

8. DISCLOSURES MAY BE MADE IN THE COURSE OF EMPLOYEE DICIPLINE OR COMPETENCE DETERMINATION PROCEEDINGS TO PARTIES INVOLVED IN THE PROCEEDINGS SUCH AS POLICE, ATTORNEYS, AND OFFICE OF PERSONNEL MANAGEMENT EMPLOYEES.

9. TO 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.

10. IN THE EVENT OF LITIGATION WHERE THE DEFENDANT IS (A) THE DEPARTMENT, ANY COMPONENT OF THE DEPARTMENT, OR ANY EMPLOYEE OF THE DEPARTMENT IN HIS OR HER OFFICIAL CAPACITY; (B) THE UNITED STATES WHERE THE DEPARTMENT DETERMINES THAT THE CLAIM, IF SUCCESSFUL, IS LIKELY TO DIRECTLY AFFECT THE OPERATIONS OF THE DEPARTMENT OR ANY OF ITS COMPONENTS; OR (C) ANY DEPARTMENT EMPLOYEE IN HIS OR HER INDIVIDUAL CAPACITY WHERE THE JUSTICE DEPARTMENT HAS AGREED TO REPRESENT SUCH EMPLOYEE, THE DEPARTMENT MAY DISCLOSE SUCH RECORDS AS IT DEEMS DESIRABLE OR NECESSARY TO THE DEPARTMENT OF JUSTICE TO ENABLE THAT DEPARTMENT TO PRESENT AN EFFECTIVE DEFENSE, PROVIDED SUCH DISCLOSURE IS COMPATIBLE WITH THE PURPOSE FOR WHICH THE RECORDS WERE COLLECTED (E.G., TO THE DEPARTMENT OF JUSTICE OR OTHER APPROPRIATE FEDERAL AGENCIES IN DEFENDING CLAIMS AGAINST THE UNITED STATES WHEN THE CLAIM IS BASED UPON AN INDIVIDUAL'S MENTAL OR PHYSICAL CONDITION AND IS ALLEGED TO HAVE ARISEN BECAUSE OF ACTIVITIES OF THE PUBLIC HEALTH SERVICE IN CONNECTION WITH SUCH INDIVIDUAL.)

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

Storage:

1. ACTIVE PATIENTS - FILE FOLDERS WITH GENERAL MEDICAL RECORD AND CORRESPONDENCE FILE ARE KEPT IN METAL FILE CABINETS. INDEX CARDS, MONITORING CARDS, KARDEX AND ADDRESSOGRAPH PLATES ARE KEPT IN THEIR APPROPRIATE CONTAINERS.

2. INACTIVE PATIENTS (DISCHARGED AND DECEASED PATIENTS) - CLINICAL AND CORRESPONDENCE RECORDS ARE FILED IN SEPARATE CODED FOLDERS WITH UNIT NUMBERING SYSTEM. PATIENTS INDEX - 3X5 CARD FILE OF ALL PATIENTS HOSPITALIZED OR TREATED AT SEH IN A KARDVEYER; DIAGNOSTIC INDEXES - A 5X7 SEPARATE INDEX CARD FILE STORED IN A VISU-TRIVER.

Retrievability:

DATA ARE RETRIEVED BY PATIENT'S NAME AND HOSPITAL NUMBER.

Safeguards:

1. AVAILABLE ONLY TO PROPERLY TRAINED AND SCREENED PERSONNEL.

2. ACCESS LIMITED TO AUTHORIZED INDIVIDUALS ONLY. ENFORCED BY SECURITY PERSONNEL. ROOM ARE LOCKED WHEN UNOCCUPIED.

Retention and disposal: RECORDS MAY BE RETIRED TO A FEDERAL RECORDS CENTER AND SUBSEQUENTLY DISPOSED OF IN ACCORDANCE WITH THE ADAMHA RECORDS CONTROL SCHEDULE. THE RECORDS CONTROL SCHEDULE AND DISPOSAL STANDARD FOR THESE RECORDS MAY BE OBTAINED BY WRITING THE SYSTEM MANAGER AT THE ADDRESS BELOW.

System manager(s) and address:

I. FOR RECORDS OF INACTIVE PATIENTS:

SUPERINTENDENT
ROOM 105, ADMINISTRATION BUILDING
SAINT ELIZABETHS HOSPITAL
WASHINGTON, D.C. 20032

II. FOR RECORDS OF ACTIVE PATIENTS:

DIRECTOR
AREA D COMMUNITY MENTAL HEALTH CENTER
DIX BUILDING, SAINT ELIZABETHS HOSPITAL
WASHINGTON, D.C. 20032

DIRECTOR
DIVISION OF CHILD AND ADOLESCENT SERVICES
DIX BUILDING, SAINT ELIZABETHS HOSPITAL
WASHINGTON, D.C. 20032

DIRECTOR
NOYES DIVISION
NOYES 7, SAINT ELIZABETHS HOSPITAL
WASHINGTON, D.C. 20032

DIRECTOR
FORENSIC DIVISION
JOHN HOWARD PAVILION, SAINT ELIZABETHS HOSPITAL
WASHINGTON, D.C. 20032

DIRECTOR
GODDING DIVISION
GODDING 6, SAINT ELIZABETHS HOSPITAL
WASHINGTON, D.C. 20032

DIRECTOR
MARR DIVISION
NICHOLS BUILDING, SAINT ELIZABETHS HOSPITAL
WASHINGTON, D.C. 20032

DIRECTOR
MENTAL HEALTH PROGRAM FOR THE DEAF
L BUILDING, SAINT ELIZABETHS HOSPITAL
WASHINGTON, D.C. 20032

DIRECTOR
MEDICINE BRANCH
W W ELDRIDGE BLDG., SAINT ELIZABETHS HOSPITAL
WASHINGTON, D.C. 20032

DIRECTOR
O'MALLEY DIVISION
Q BUILDING, SAINT ELIZABETHS HOSPITAL
WASHINGTON, D.C. 20032

DIRECTOR
RICHARDSON DIVISION
P BUILDING, SAINT ELIZABETHS HOSPITAL
WASHINGTON, D.C. 20032

CLINICAL DIRECTOR
WILLIAM A. WHITE DIVISION
WILLIAM A. WHITE BUILDING
SAINT ELIZABETHS HOSPITAL
WASHINGTON, D.C. 20032

Notification procedure: A PATIENT OR FORMER PATIENT MAY LEARN IF A RECORD EXISTS UPON WRITTEN REQUEST, WITH NOTARIZED SIGNATURE IF REQUEST IS MADE BY MAIL, OR WITH SUITABLE PROOF OF IDENTITY IF REQUEST IS MADE IN PERSON, DIRECTED TO, AS APPROPRIATE:

ACTIVE PATIENTS:
PRIVACY ACT COORDINATOR
OFFICE OF THE DIRECTOR (DIVISION WHERE PERSON RECEIVES TREATMENT; SEE LIST UNDER 'SYSTEM MANAGER')
SAINT ELIZABETHS HOSPITAL
WASHINGTON, D.C. 20032

INACTIVE PATIENTS:
PRIVACY ACT COORDINATOR
OFFICE OF MEDICAL RECORDS BRANCH
A BUILDING
SAINT ELIZABETHS HOSPITAL
WASHINGTON, D.C. 20032

ALL OF THE FOLLOWING INFORMATION MUST BE PROVIDED WHEN REQUESTING NOTIFICATION: (A) FULL NAME; (B) FOR DISCHARGED PATIENTS, APPROXIMATE DATES ENROLLMENT AT SAINT ELIZABETHS HOSPITAL; (C) IF POSSIBLE, THE PATIENT'S HOSPITAL NUMBER; (D) THE NATURE OF THE MATERIAL DESIRED. A PARENT OR GUARDIAN WHO REQUESTS NOTIFICATION OF A CHILD'S/INCOMPETENT PERSON'S RECORD SHALL DESIGNATE A FAMILY PHYSICIAN OR OTHER HEALTH PROFESSIONAL (OTHER THAN A FAMILY MEMBER) TO WHOM THE RECORD, IF ANY, WILL BE SENT. THE PARENT OR GUARDIAN MUST VERIFY RELATIONSHIP TO THE CHILD/INCOMPETENT PERSON AS WELL AS HIS/HER OWN IDENTITY.

Record access procedures: SAME AS NOTIFICATION PROCEDURES.

Contesting record procedures: CONTACT THE OFFICIAL AT THE ADDRESS SPECIFIED UNDER NOTIFICATION PROCEDURES ABOVE AND REASONABLY IDENTIFY THE RECORD, SPECIFY THE INFORMATION TO BE CONTESTED, AND STATE THE CORRECTIVE ACTION SOUGHT.

Record source categories: MEDICAL RECORDS ARE A COMPILATION OF SOCIOLOGICAL, MEDICAL, CLINICAL AND HISTORICAL DATA OF A PATIENT. THEY ARE A COMPLETE REPORT OF AN ILLNESS RESULTING FROM AN ACCUMULATION OF A LARGE AMOUNT OF INFORMATION ABOUT A PATIENT. THE INFORMATION RECORDED WAS GIVEN BY THE PATIENT, HIS/HER RELATIVES, OR OTHER THIRD PERSONS INTERESTED IN THE PATIENT, FROM EXISTING RECORDS USED AS REFERENCE, FROM CLINICAL TESTS (DIFFERENT DEPARTMENTS SUCH AS LAB, X-RAY, EEG, ETC.), PHYSICIANS, PSYCHIATRISTS, NURSES, SOCIAL WORKERS, OTHER THERAPISTS WHO ENTERED THEIR OBSERVATIONS AND ASSESSMENTS BY MEANS OF PROGRESS NOTES, REPORTS, ETC.

Systems exempted from certain provisions of the act: NONE.

09-30-0029

System name: RECORD OF GUEST WORKERS. HHS/ADAMHA/OA.

Security classification: NONE.

System location:

ALCOHOL, DRUG ABUSE, AND MENTAL HEALTH ADMINISTRATION
5600 FISHERS LANE
ROCKVILLE, MD. 20857

Categories of individuals covered by the system: INDIVIDUALS USING ADAMHA FACILITIES WHO ARE NOT EMPLOYEES.

Categories of records in the system: PERSONAL INFORMATION INCLUDING NAME, ADDRESS, DATE AND PLACE OF BIRTH, EDUCATION, EMPLOYMENT, PURPOSE FOR WHICH ADAMHA FACILITIES ARE DESIRED, OUTSIDE SPONSOR AND ADAMHA SPONSOR.

Authority for maintenance of the system: 42 USC 241.

Purpose(s):

TO DOCUMENT INDIVIDUAL'S PRESENCE AT ADAMHA AND AS A RECORD THAT THE INDIVIDUAL IS NOT PERFORMING SERVICES FOR ADAMHA AND IS THEREFORE NOT AN EMPLOYEE.

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

1. DISCLOSURE MAY BE MADE TO THE U.S. OFFICE OF PERSONNEL MANAGEMENT FOR PROGRAM EVALUATION PURPOSES.
2. DISCLOSURE MAY BE MADE TO INSTITUTIONS PROVIDING FINANCIAL SUPPORT FOR SUBJECT INDIVIDUAL.
3. DISCLOSURE MAY BE MADE TO 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.
4. IN THE EVENT OF LITIGATION WHERE THE DEFENDANT IS (A) THE DEPARTMENT, ANY COMPONENT OF THE DEPARTMENT, OR ANY EMPLOYEE OF THE DEPARTMENT IN HIS OR HER OFFICIAL CAPACITY; (B) THE UNITED STATES WHERE THE DEPARTMENT DETERMINES THAT THE CLAIM, IF SUCCESSFUL, IS LIKELY TO DIRECTLY AFFECT THE OPERATIONS OF THE DEPARTMENT OR ANY OF ITS COMPONENTS; OR (C) ANY DEPARTMENT EMPLOYEE IN HIS OR HER INDIVIDUAL CAPACITY WHERE THE JUSTICE DEPARTMENT HAS AGREED TO REPRESENT SUCH EMPLOYEE, THE DEPARTMENT MAY DISCLOSE SUCH RECORDS AS IT DEEMS DESIRABLE OR NECESSARY TO THE DEPARTMENT OF JUSTICE TO ENABLE THAT DEPARTMENT TO PRESENT AN EFFECTIVE DEFENSE, PROVIDED SUCH DISCLOSURE IS COMPATIBLE WITH THE PURPOSE FOR WHICH THE RECORDS WERE COLLECTED.

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

Storage: STORED IN FILE FOLDERS.

Retrievability: RETRIEVED BY NAME.

Safeguards: LOCKED FILES ACCESSIBLE ONLY TO AUTHORIZED INDIVIDUALS, I.E., EMPLOYEES OF DIVISION OF PERSONNEL MANAGEMENT AND ADAMHA MANAGERS AND SUPERVISORS WITH LEGITIMATE INTEREST IN GUEST WORKER.

Retention and disposal: RETAINED FOR THREE YEARS AFTER COMPLETION OF SOJOURN, THEN DESTROYED.

System manager(s) and address:

DIRECTOR
DIVISION OF PERSONNEL MANAGEMENT, ADAMHA
5600 FISHERS LANE
ROCKVILLE, MD 20857

Notification procedure: TO DETERMINE IF A RECORD EXISTS, CONTACT THE SYSTEM MANAGER AT THE ADDRESS ABOVE. INDIVIDUALS WHO REQUEST NOTIFICATION IN PERSON MUST SUPPLY ONE PROOF OF IDENTITY CONTAINING INDIVIDUAL'S COMPLETE NAME AND ONE OTHER IDENTIFIER WITH PICTURE (E.G., DRIVER'S LICENSE, BUILDING PASS). INDIVIDUALS WHO REQUEST NOTIFICATION BY MAIL MUST SUPPLY NOTARIZED SIGNATURE AS PROOF OF IDENTITY.

Record access procedures: SAME AS NOTIFICATION PROCEDURES. REQUESTERS SHOULD ALSO REASONABLY SPECIFY THE RECORD CONTENTS BEING SOUGHT.

Contesting record procedures: CONTACT THE OFFICIAL AT THE ADDRESS SPECIFIED UNDER NOTIFICATION PROCEDURES ABOVE AND REASONABLY IDENTIFY THE RECORD, SPECIFY THE INFORMATION TO BE CONTESTED, AND STATE THE CORRECTIVE ACTION SOUGHT.

Record source categories: SUBJECT INDIVIDUAL AND ADAMHA SPONSOR.

Systems exempted from certain provisions of the act: NONE.

09-30-0030

System name: RECORD OF VISITING FELLOWS. HHS/ADAMHA/OA.

Security classification: NONE.

System location:

ALCOHOL, DRUG ABUSE, AND MENTAL HEALTH ADMINISTRATION
DIVISION OF PERSONNEL MANAGEMENT
5600 FISHERS LANE, PARKLAWN BUILDING
ROCKVILLE, MD. 20857

Categories of individuals covered by the system: INDIVIDUALS UNDERGOING TRAINING WHO ARE NOT EMPLOYEES.

Categories of records in the system: PERSONAL INFORMATION INCLUDING NAME, ADDRESS, DATE AND PLACE OF BIRTH, EDUCATION, QUALIFICATIONS FOR TRAINING, STIPEND INFORMATION, VISA INFORMATION.

Authority for maintenance of the system: 42 USC 241 AND 42 U.S.C. 482L-1

Purpose(s):

TO REFER CANDIDATES TO SELECTING OFFICIALS FOR PLACEMENT AND TO MAINTAIN INFORMATION CONCERNING THEIR EMPLOYMENT WHILE AT ADAMHA.

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

1. DISCLOSURE MAY BE MADE TO THE U.S. OFFICE OF PERSONNEL MANAGEMENT FOR PROGRAM EVALUATION PURPOSES.
2. DISCLOSURE MAY BE MADE TO THE GENERAL ACCOUNTING OFFICE FOR FUND DISBURSEMENT DETERMINATIONS.
3. DISCLOSURE MAY BE MADE TO 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.
4. IN THE EVENT OF LITIGATION WHERE THE DEFENDANT IS (A) THE DEPARTMENT, ANY COMPONENT OF THE DEPARTMENT, OR ANY EMPLOYEE OF THE DEPARTMENT IN HIS OR HER OFFICIAL CAPACITY; (B) THE UNITED STATES WHERE THE DEPARTMENT DETERMINES THAT THE CLAIM, IF SUCCESSFUL, IS LIKELY TO DIRECTLY AFFECT THE OPERATIONS OF THE DEPARTMENT OR ANY OF ITS COMPONENTS; OR (C) ANY DEPARTMENT EMPLOYEE IN HIS OR HER INDIVIDUAL CAPACITY WHERE THE JUSTICE DEPARTMENT HAS AGREED TO REPRESENT SUCH EMPLOYEE, THE DEPARTMENT MAY DISCLOSE SUCH RECORDS AS IT DEEMS DESIRABLE OR NECESSARY TO THE DEPARTMENT OF JUSTICE TO ENABLE THAT DEPARTMENT TO PRESENT AN EFFECTIVE DEFENSE, PROVIDED SUCH DISCLOSURE IS COMPATIBLE WITH THE PURPOSE FOR WHICH THE RECORDS WERE COLLECTED.

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

Storage: STORED IN FILE FOLDERS.

Retrievability: RETRIEVED BY NAME.

Safeguards: KEPT IN LOCKED FILE ACCESSIBLE ONLY TO AUTHORIZED INDIVIDUALS, I.E. EMPLOYEES OF DIVISION OF PERSONNEL MANAGEMENT AND ADAMHA MANAGERS AND SUPERVISORS WITH A LEGITIMATE INTEREST IN INDIVIDUAL AS AN EMPLOYEE.

Retention and disposal: RETAINED FOR THREE YEARS AFTER COMPLETION OF FELLOWSHIP, THEN DESTROYED.

System manager(s) and address:

DIRECTOR
DIVISION OF PERSONNEL MANAGEMENT, ADAMHA
5600 FISHERS LANE
ROCKVILLE, MD. 20857

Notification procedure: TO DETERMINE IF A RECORD EXISTS, CONTACT THE SYSTEM MANAGER AT THE ADDRESS ABOVE. INDIVIDUALS WHO REQUEST NOTIFICATION IN PERSON MUST SUPPLY ONE PROOF OF IDENTITY CONTAINING INDIVIDUAL'S COMPLETE NAME AND ONE OTHER IDENTIFIER WITH PICTURE (E.G., DRIVER'S

LICENSE, BUILDING PASS). INDIVIDUALS WHO REQUEST NOTIFICATION BY MAIL MUST SUPPLY NOTARIZED SIGNATURE AS PROOF OF IDENTITY.

Record access procedures: SAME AS NOTIFICATION PROCEDURES. REQUESTERS SHOULD ALSO REASONABLY SPECIFY THE RECORD CONTENTS BEING SOUGHT.

Contesting record procedures: CONTACT THE OFFICIAL AT THE ADDRESS SPECIFIED UNDER NOTIFICATION PROCEDURES ABOVE AND REASONABLY IDENTIFY THE RECORD, SPECIFY THE INFORMATION TO BE CONTESTED, AND STATE THE CORRECTIVE ACTION SOUGHT.

Record source categories: FELLOWSHIP APPLICANT.

Systems exempted from certain provisions of the act: NONE.

09-30-0031

System name: SAINT ELIZABETHS HOSPITAL BIOMETRICS SYSTEM. HHS/ADAMHA/NIMH.

Security classification: NONE.

System location:

BIOMETRICS BRANCH
ST. ELIZABETHS HOSPITAL
ADMINISTRATION BUILDING
WASHINGTON, D.C. 20032

Categories of individuals covered by the system: FORMER & CURRENT PATIENTS.

Categories of records in the system: PATIENT NAME, HOSPITAL NUMBER, DEMOGRAPHIC AND INDIVIDUAL CHARACTERISTICS, TRACKING OR PATIENT MOVEMENT AND BILLING INFORMATION.

Authority for maintenance of the system: 24 USC 161, ET SEQ.

Purpose(s):

DATA IS USED FOR PATIENT BILLING AND TO GENERATE SPECIAL AND RECURRING REPORTS FOR ADMINISTRATORS, HEALTH PROFESSIONALS, MANAGERS, AND RESEARCHERS FOR THEIR PROGRAM MANAGEMENT, PLANNING, ANALYSIS, EVALUATION AND RESEARCH.

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

1. INFORMATION IS DISCLOSED TO D.C. MENTAL HEALTH AREAS FOR CONTINUITY OF CARE, AFTER CARE AND COMMUNITY FOLLOW-UP.

2.

A RECORD MAY BE DISCLOSED FOR A RESEARCH PURPOSE, WHEN THE DEPARTMENT:

(A) HAS DETERMINED THAT THE USE OR DISCLOSURE DOES NOT VIOLATE LEGAL OR POLICY LIMITATIONS UNDER WHICH THE RECORD WAS PROVIDED, COLLECTED, OR OBTAINED;

(B) HAS DETERMINED THAT THE RESEARCH PURPOSE (1) CANNOT BE REASONABLY ACCOMPLISHED UNLESS THE RECORD IS PROVIDED IN INDIVIDUALLY IDENTIFIABLE FORM, AND (2) WARRANTS THE RISK TO THE PRIVACY OF THE INDIVIDUAL THAT ADDITIONAL EXPOSURE OF THE RECORD MIGHT BRING;

(C) HAS REQUIRED THE RECIPIENT TO -- (1) ESTABLISH REASONABLE ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS TO PREVENT UNAUTHORIZED USE OR DISCLOSURE OF THE RECORD, AND (2) REMOVE OR DESTROY THE INFORMATION THAT IDENTIFIES THE INDIVIDUAL AT THE EARLIEST TIME AT WHICH REMOVAL OR DESTRUCTION CAN BE ACCOMPLISHED CONSISTENT WITH THE PURPOSE OF THE RESEARCH PROJECT, UNLESS THE RECIPIENT HAS PRESENTED ADEQUATE JUSTIFICATION OF A RESEARCH OR HEALTH NATURE FOR RETAINING SUCH INFORMATION, AND (3) MAKE NO FURTHER USE OR DISCLOSURE OF THE RECORD EXCEPT -- (A) IN EMERGENCY CIRCUMSTANCES AFFECTING THE HEALTH OR SAFETY OF ANY INDIVIDUAL, (B) FOR USE IN ANOTHER RESEARCH PROJECT, UNDER THESE SAME CONDITIONS, AND WITH WRITTEN AUTHORIZATION OF THE DEPARTMENT, (C) FOR DISCLOSURE TO A PROPERLY IDENTIFIED PERSON FOR THE PURPOSE OF AN AUDIT RELATED TO THE RESEARCH SUBJECTS TO BE IDENTIFIED IS REMOVED OR DESTROYED AT THE EARLIEST OPPORTUNITY CONSISTENT WITH THE PURPOSE OF THE AUDIT, OR (D) WHEN REQUIRED BY LAW;

(D) HAS SECURED A WRITTEN STATEMENT ATTESTING TO THE RECIPIENT'S UNDERSTANDING OF, AND WILLINGNESS TO ABIDE BY THESE PROVISIONS.

3. DATA IS PROVIDED TO VOLUNTEERS INVOLVED IN THE TREATMENT PROCESS OF THE HOSPITAL.

4. DISCLOSURE MAY BE MADE TO 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.

5. IN THE EVENT OF LITIGATION WHERE THE DEFENDANT IS (A) THE DEPARTMENT, ANY COMPONENT OF THE DEPARTMENT, OR ANY EMPLOYEE OF THE DEPARTMENT IN HIS OR HER OFFICIAL CAPACITY; (B) THE UNITED STATES WHERE THE DEPARTMENT DETERMINES THAT THE CLAIM, IF SUCCESSFUL, IS LIKELY TO DIRECTLY AFFECT THE OPERATIONS OF THE DEPARTMENT OR ANY OF ITS COMPONENTS; OR (C) ANY DEPARTMENT EMPLOYEE IN HIS OR HER INDIVIDUAL CAPACITY WHERE THE JUSTICE DEPARTMENT HAS AGREED TO REPRESENT SUCH EMPLOYEE, THE DEPARTMENT MAY DISCLOSE SUCH RECORDS AS IT DEEMS DESIRABLE OR NECESSARY TO THE DEPARTMENT OF JUSTICE TO ENABLE THAT DEPARTMENT TO PRESENT AN EFFECTIVE DEFENSE, PROVIDED SUCH DISCLOSURE IS COMPATIBLE WITH THE PURPOSE FOR WHICH THE RECORDS WERE COLLECTED (E.G., TO THE DEPARTMENT OF JUSTICE OR OTHER APPROPRIATE FEDERAL AGENCIES IN DEFENDING CLAIMS AGAINST THE UNITED STATES WHEN THE CLAIM IS BASED UPON AN INDIVIDUAL'S MENTAL OR PHYSICAL CONDITION AND IS ALLEGED TO HAVE ARISEN BECAUSE OF ACTIVITIES OF THE PUBLIC HEALTH SERVICE IN CONNECTION WITH SUCH INDIVIDUAL).

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

Storage: SAINT ELIZABETHS, HOSPITAL FORMS, FILE FOLDERS, PUNCH CARDS AND MAGNETIC TAPE.

Retrievability: HOSPITAL CASE NUMBER, NAME, PRE-DETERMINED CODES. SOME SUBSYSTEMS KEPT IN CHRONOLOGICAL ORDER.

Safeguards: EMPLOYEE TRAINING, RESTRICTED ACCESS, LOCKED AT NIGHT. FOR COMPUTERIZED RECORDS THERE IS A PASSWORD SYSTEM IN EFFECT.

Retention and disposal: RECORDS MAY BE RETIRED TO A FEDERAL RECORDS CENTER AND SUBSEQUENTLY DISPOSED OF IN ACCORDANCE WITH THE ADAMHA RECORDS CONTROL SCHEDULE. THE RECORDS CONTROL SCHEDULE AND DISPOSAL STANDARD FOR THESE RECORDS MAY BE OBTAINED BY WRITING THE SYSTEM MANAGER AT THE ADDRESS BELOW.

System manager(s) and address:

DIRECTOR, BIOMETRICS BRANCH
ADMINISTRATION BLDG., ST. ELIZABETHS HOSPITAL
WASH., D.C. 20032

Notification procedure: A PATIENT OR FORMER PATIENT MAY LEARN IF A RECORD EXISTS UPON WRITTEN REQUEST, WITH NOTARIZED SIGNATURE, DIRECTED TO:

PRIVACY ACT COORDINATOR
BIOMETRICS BRANCH
ADMINISTRATION BLDG., SAINT ELIZABETHS HOSPITAL
WASHINGTON, D.C. 20032

ALL OF THE FOLLOWING INFORMATION MUST BE PROVIDED:

(A) FULL NAME;
(B) APPROXIMATE DATES OF ENROLLMENT AT SAINT ELIZABETHS HOSPITAL;
(C) THE NATURE OF THE MATERIAL DESIRED.

Record access procedures: SAME AS NOTIFICATION PROCEDURES.

Contesting record procedures: CONTACT THE OFFICIAL AT THE ADDRESS SPECIFIED UNDER NOTIFICATION PROCEDURES ABOVE AND REASONABLY IDENTIFY THE RECORD, SPECIFY THE INFORMATION TO BE CONTESTED, AND STATE THE CORRECTIVE ACTION SOUGHT.

Record source categories: SAINT ELIZABETHS HOSPITAL FORMS PREPARED BY STAFF.

Systems exempted from certain provisions of the act: NONE.

09-30-0033

System name: CORRESPONDENCE FILES. HHS/ADAMHA/OA.

Security classification: NONE.

System location:

ADAMHA EXECUTIVE SECRETARIAT
ROOM 12-94, PARKLAWN BUILDING
5600 FISHERS LANE
ROCKVILLE, MD. 20857

EXECUTIVE SECRETARIAT, NATIONAL INSTITUTE ON DRUG ABUSE
ROOM 10A-23 PARKLAWN BLDG.
5600 FISHERS LANE
ROCKVILLE, MD. 20857

EXECUTIVE SECRETARIAT, NATIONAL INSTITUTE OF ALCOHOL ABUSE AND ALCOHOLISM
ROOM 16-C-02, PARKLAWN BUILDING
5600 FISHERS LANE
ROCKVILLE, MD. 20857

EXECUTIVE SECRETARIAT, NATIONAL INSTITUTE OF MENTAL HEALTH
ROOM 17C-10, PARKLAWN BUILDING
5600 FISHERS LANE
ROCKVILLE, MD. 20857

Categories of individuals covered by the system: INDIVIDUALS WHO REQUEST INFORMATION ON ADAMHA PROGRAMS.

Categories of records in the system: CORRESPONDENCE.

Authority for maintenance of the system: 21 U.S.C. 1191; 42 U.S.C. SECTIONS 289K-1, 3511, 4551

Purpose(s):

TO PROVIDE REFERENCE RETRIEVAL AND CONTROL TO ASSURE TIMELY AND APPROPRIATE ATTENTION.

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

1. DISCLOSURE MAY BE MADE TO 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.

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

Storage: CORRESPONDENCE RECORDS MAINTAINED IN HARD COPY; CONTROL RECORDS MAINTAINED ON COMPUTER PRINTOUT, TAPE, AND DISC.

Retrievability: HARD COPY RECORDS INDEXED ALPHABETICALLY BY NAME AND DATE OF OUTGOING CORRESPONDENCE AND ALSO BY SUBJECT. RECORDS ARE CROSS-REFERENCED IN DETAIL ON COMPUTER.

Safeguards: RECORDS ARE MAINTAINED IN FILE CABINETS IN A SECURE LOCATION. ACCESS TO COMPUTER SYSTEM IS LIMITED TO SPECIFIC INDIVIDUALS THROUGH THE USE OF PASSWORDS.

Retention and disposal: RECORDS MAY BE RETIRED TO A FEDERAL RECORDS CENTER AND SUBSEQUENTLY DISPOSED OF IN ACCORDANCE WITH THE ADAMHA RECORDS CONTROL SCHEDULE. THE RECORDS CONTROL SCHEDULE AND DISPOSAL STANDARD MAY BE OBTAINED BY WRITING TO THE SYSTEM MANAGER AT THE ADDRESS BELOW.

System manager(s) and address: SAME AS LOCATION.

Notification procedure: TO DETERMINE IF A RECORD EXISTS, WRITE TO THE APPLICABLE SYSTEM MANAGER AT THE ADDRESS ABOVE. GIVE INDIVIDUAL'S NAME AND APPROXIMATE DATE OF RECORD REQUESTED.

Record access procedures: SAME AS NOTIFICATION PROCEDURES. REQUESTERS SHOULD ALSO REASONABLY SPECIFY THE RECORD CONTENTS BEING SOUGHT.

Contesting record procedures: CONTACT THE APPROPRIATE OFFICIAL AT THE ADDRESS SPECIFIED UNDER NOTIFICATION PROCEDURES ABOVE AND REASONABLY IDENTIFY THE RECORD, SPECIFY THE INFORMATION TO BE CONTESTED, AND STATE THE CORRECTIVE ACTION SOUGHT.

Record source categories: RECORDS ARE DERIVED FROM INCOMING AND OUTGOING CORRESPONDENCE.

Systems exempted from certain provisions of the act: NONE.

09-30-0034

System name: PROFESSIONAL DEVELOPMENT PROGRAM REGISTRIES OF THE NATIONAL TRAINING SYSTEM FOR SUBSTANCE ABUSE SERVICES, HHS/ADAMHA/NIDA.

Security classification: NONE.

System location:

DIVISION OF TRAINING
NATIONAL INSTITUTE ON DRUG ABUSE
ALCOHOL, DRUG ABUSE, AND MENTAL HEALTH ADMINISTRATION
ROOM 10A-46, PARKLAWN BUILDING
5600 FISHERS LANE
ROCKVILLE, MARYLAND 20857

HEALTH CONTROL SYSTEMS, INC.
11325 SEVEN LOCKS ROAD
POTOMAC, MARYLAND 20854

FEDERAL RECORDS CENTER (WNRC)
SUITLAND, MARYLAND

Categories of individuals covered by the system: PERSONS WHO HAVE PARTICIPATED IN NATIONAL TRAINING SYSTEM (NTS) COURSES EITHER AS TRAINEES OR AS INSTRUCTORS/TRAINERS. THE TERM 'TRAINEES' ENCOMPASSES ALL CATEGORIES OF PERSONS WHO ARE STUDENTS IN NTS COURSES, WHETHER OR NOT THEY HAVE EXPERIENCE YET IN THE SUBSTANCE ABUSE SERVICES AND/OR TRAINING FIELDS. 'INSTRUCTORS' ARE PERSONS QUALIFIED TO TEACH ONE OR SEVERAL ASPECTS OF AN NTS COURSE, BUT NOT QUALIFIED IN ALL ASPECTS OF TEACHING TECHNIQUES AND NOT AUTHORIZED WITHIN THE NTS TO VALIDATE ANOTHER PERSON'S QUALIFICATIONS FOR TRAINING OTHERS TO TEACH THE COURSE CONTENT. 'TRAINERS' ARE PERSONS WHO ARE QUALIFIED THROUGH NTS- RECOGNIZED ACADEMIC OR SPECIALIZED PREPARATION IN ALL ASPECTS OF AN NTS COURSE, AND ARE CERTIFIED BY NTS TO TEACH THE COURSE, TRAIN AND SUPERVISE OTHER PERSONS TO TEACH IT, AND VALIDATE OTHER PERSONS' QUALIFICATIONS TO TEACH IT FOR NTS. AN INDIVIDUAL'S STATUS CAN VARY FROM COURSE TO COURSE. PERSONS WHO HAVE PARTICIPATED IN SUBSTANCE ABUSE-RELATED TRAINING ACTIVITIES THAT MEET NTS STANDARDS BUT ARE PROVIDED BY NON-NTS ORGANIZATIONS ARE ALSO INCLUDED IN THE REGISTRIES AT THE PARTICIPANTS' OPTION.

Categories of records in the system: COURSE RECORDS WHICH INCLUDE: NAME, BIRTHDATE, SEX, ADDRESS, EMPLOYMENT, LENGTH OF TIME EMPLOYED IN THE FIELD OF SUBSTANCE ABUSE SERVICES TRAINING, NAME AND VERSION OF COURSE, COURSE COMPLETION RECORDS, DATE OF COURSE, NAME OF INSTRUCTOR/TRAINER OR TRAINEES AS APPROPRIATE, AND TRAINING SPONSOR.

Authority for maintenance of the system: DRUG ABUSE OFFICE AND TREATMENT ACT OF 1972 AS AMENDED, SECTIONS 410 AND 501 (21 U.S.C. 1177 AND 1191); PUBLIC HEALTH SERVICE ACT, SECTION 301 (42 U.S.C. 241(A)).

Purpose(s):

THE REGISTRIES WHICH CONSTITUTE THIS SYSTEM OR RECORDS ENABLE INDIVIDUALS TO OBTAIN CONFIRMATION OF THEIR SUCCESSFUL COMPLETION OF SUBSTANCE ABUSE TRAINING COURSES. THIS IN TURN ENABLES THEM TO OBTAIN THE CERTIFICATION OF ACADEMIC CREDIT NECESSARY TO VERIFY THEIR

QUALIFICATIONS FOR EMPLOYMENT IN THE SUBSTANCE ABUSE TRAINING OR SERVICES FIELDS. DISCLOSURES FOR THIS PURPOSE ARE MADE ONLY TO SUBJECT INDIVIDUALS OR OTHERS AS SUBJECT INDIVIDUALS PERMIT IN WRITING, SUCH AS ACADEMIC INSTITUTIONS AND POTENTIAL EMPLOYERS.

INDIVIDUALLY IDENTIFIED INFORMATION WILL NOT BE OTHERWISE DISCLOSED TO PERSONS OR ORGANIZATIONS EITHER WITHIN OR OUTSIDE THE DHHS EXCEPT AS PROVIDED BY THE ROUTINE USES SET FORTH BELOW AND AS OTHERWISE PROVIDED BY SECTION 3(B) OF THE PRIVACY ACT (5 U.S.C. 552A(B)). THE NONINDIVIDUALLY IDENTIFIED AGGREGATE DATA WILL BE ANALYZED BY THE NATIONAL INSTITUTE ON DRUG ABUSE (NIDA) FOR QUALITY CONTROL AND WILL BE AVAILABLE TO THE PUBLIC FOR PURPOSES OF IDENTIFYING DRUG ABUSE SERVICES TRAINING TRENDS.

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

1. THE DEPARTMENT CONTEMPLATES THAT IT WILL CONTRACT WITH A PRIVATE FIRM FOR THE PURPOSE OF COLLATING, ANALYZING, AGGREGATING, OR OTHERWISE REFINING THE RECORDS IN THIS SYSTEM. RELEVANT RECORDS WILL BE DISCLOSED TO SUCH A CONTRACTOR. THE CONTRACTOR SHALL BE REQUIRED TO MAINTAIN PRIVACY ACT SAFEGUARDS WITH RESPECT TO SUCH RECORDS.

2. DISCLOSURE MAY BE MADE TO 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.

3. DISCLOSURE MAY BE MADE TO MEMBERS OF THE PROFESSIONAL DEVELOPMENT PROGRAM STANDARDS COMMITTEE (PDPSC) TO ENABLE THEM TO CARRY OUT THEIR RESPONSIBILITIES FOR CERTIFICATION OF INSTRUCTORS/ TRAINERS AND CONFIRMATION OF TRAINEES' PARTICIPATION IN COURSES.

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

Storage: BATCH CONTROL SHEETS, INDIVIDUAL REGISTRATION FORMS (AUTOMATED AND NONAUTOMATED), KEYPUNCH CARDS, COMPUTER TAPES AND DISCS ARE UTILIZED.

Retrievability: THE SYSTEM IS FILED BY THE NAME OF THE TRAINEE OR INSTRUCTOR/TRAINER. 9C

RECORDS ARE KEPT IN PREMISES WITH LIMITED ACCESSIBILITY. INDIVIDUALLY IDENTIFIABLE INFORMATION IN PAPER MEDIA (BATCH CONTROL SHEETS, REGISTRATION FORMS, AND KEYPUNCH CARDS) ARE STORED IN LOCKED CABINETS. FOR COMPUTERIZED RECORDS, SAFEGUARDS ESTABLISHED IN ACCORDANCE WITH THE NATIONAL BUREAU OF STANDARDS GUIDELINES AND HHS'S SYSTEM MANUAL, PART 6, ADP SYSTEM SECURITY, ARE UTILIZED. SPECIFICALLY, PREMISES ARE SECURED IN ACCORDANCE WITH EXISTING SECURITY SYSTEMS FOR SAFEGUARDING RECORDS AT THE FEDERAL GOVERNMENT COMPUTER CENTER IN THE PARKLAWN BUILDING, ROCKVILLE, MARYLAND. SECURITY PERSONNEL PATROL THE PREMISES THERE 24 HOURS A DAY. COMPUTER SYSTEMS ARE SECURED THROUGH LOCKED MAGNETIC DISC LIBRARIES AS WELL AS PASSWORD ACCESS COMPUTER SYSTEM.

OTHER SAFEGUARDS IN ACCORDANCE WITH THE DHHS GENERAL ADMINISTRATION MANUAL, CHAPTERS 45-13 AND PHS.HF: 45-13 ARE ALSO UTILIZED.

NOTE: NIDA CONTRACTS WITH NON-FEDERAL PARTIES SHALL STIPULATE AGREEMENT TO THE ABOVE PROCEDURES ON THE PART OF THE CONTRACTOR. ADDITIONAL COURSES WITHIN THE THREE-YEAR PERIOD THAT ARE REPORTED TO THE REGISTRIES

Retention and disposal: THE CURRENT NTS STANDARD REQUIRES THAT NTS INSTRUCTORS/TRAINERS TEACH A COURSE EVERY 18 MONTHS IN ORDER TO BE RECERTIFIED. MOST STATES AND ACADEMIC INSTITUTIONS SIMILARLY REQUIRE THEIR STAFFS TO PERIODICALLY UPDATE THEIR KNOWLEDGE AND SKILLS THROUGH CONTINUING EDUCATION COURSES. IF INDIVIDUALS DISCONTINUE THEIR PARTICIPATION IN NTS OR NTS-APPROVED TRAINING, SUPPORTING RECORDS OF THEIR PARTICIPATION BECOME OBSOLETE RATHER RAPIDLY FOR PURPOSES OF VERIFYING QUALIFICATIONS. THEREFORE, RECORDS ON AN INDIVIDUAL ARE RETAINED FOR ONLY THREE YEARS FOLLOWING THE INDIVIDUAL'S MOST RECENT COMPLETION OF COURSE REQUIREMENTS FOR EARNING ACADEMIC CREDIT AND/OR MEETING EMPLOYMENT QUALIFICATIONS.

AFTER THREE YEARS WITH NO FURTHER REPORTED ACTIVITY, ONLY INFORMATION ON AN INDIVIDUAL'S DATE(S) OF CERTIFICATION(S) AS INSTRUCTOR/TRAINER IN NTS COURSE(S) IS RETAINED INDEFINITELY. RECORDS ARE MAINTAINED INDEFINITELY ON INDIVIDUALS WHO REMAIN IN CONTINUING EDUCATION. (THE CURRENT STANDARD REQUIRES THAT TRAINERS DELIVER COURSES AND BE RECERTIFIED EVERY 18 MONTHS SO, IF INDIVIDUALS DISCONTINUE TRAINING, THEIR RECORDS BECOME OBSOLETE RATHER RAPIDLY IN TERMS OF SERVING THE PRUPOSE OF THE SYSTEM).

RECORDS MAY BE RETIRED TO A FEDERAL RECORDS CENTER AND SUBSEQUENTLY DISPOSED OF IN ACCORDANCE WITH THE ADAMHA RECORDS CONTROL SCHEDULE. THE RECORDS CONTROL SCHEDULE AND DISPOSAL STANDARD FOR THESE RECORDS MAY BE OBTAINED BY WRITING TO THE SYSTEM MANAGER AT THE ADDRESS BELOW.

System manager(s) and address:

REGISTRAR, PROFESSIONAL DEVELOPMENT PROGRAM
DIVISION OF TRAINING, NIDA
ALCOHOL, DRUG ABUSE, AND MENTAL HEALTH ADMINISTRATION
ROOM 10A-46, PARKLAWN BUILDING
5600 FISHERS LANE ROCKVILLE, MARYLAND 20857

Notification procedure: TO DETERMINE IF A RECORD EXISTS, WRITE TO THE SYSTEM MANAGER AT THE ADDRESS ABOVE. AN INDIVIDUAL MAY LEARN IF A RECORD EXISTS ABOUT HIMSELF OR HERSELF UPON WRITTEN REQUEST WITH NOTARIZED SIGNATURE. THE FOLLOWING INFORMATION SHOULD BE PROVIDED: FULL NAME AT THE TIME OF TRAINING AND, IF KNOWN, LOCATION AND DATE WHEN TRAINING WAS PROVIDED, COURSE NAME, AND NAME OF INSTRUCTOR/TRAINER AND/OR SPONSORING ORGANIZATION.

YOUR SOCIAL SECURITY NUMBER WOULD BE HELPFUL FOR RECORD LOCATING PURPOSES, BUT IT IS NOT REQUIRED.

Record access procedures: SAME AS NOTIFICATION PROCEDURES. REQUESTERS SHOULD ALSO REASONABLY SPECIFY THE RECORD CONTENTS BEING SOUGHT.

Contesting record procedures: CONTACT THE OFFICIAL AT THE ADDRESS SPECIFIED UNDER NOTIFICATION PROCEDURES ABOVE, AND REASONABLY IDENTIFY THE RECORD, SPECIFY THE INFORMATION TO BE CONTESTED, AND STATE THE CORRECTIVE ACTION SOUGHT.

Record source categories: TRAINEE REGISTRATION FORM FOR EACH TRAINEE IN A COURSE, CONTAINING PERSONAL AND PROFESSIONAL BACKGROUND INFORMATION AND COURSE COMPLETION VALIDATION; AND 'BATCH CONTROL' SHEET FOR EACH COURSE, IDENTIFYING INSTRUCTOR(S)/TRAINER(S) AND TRAINEES. FOR INSTRUCTORS/TRAINERS, SOURCES ALSO INCLUDE: REPORTS FROM NATIONAL, STATE, AND REGIONAL CERTIFICATION AUTHORITIES; NTS NATIONAL WORKSHOP RECOMMENDATIONS; AND EQUIVALENT SOURCES UPON WHICH THE PROFESSIONAL DEVELOPMENT PROGRAM STANDARDS COMMITTEE (PDPSC) WILL BASE DECISIONS ON CERTIFICATION OF INSTRUCTORS/ TRAINERS.

Systems exempted from certain provisions of the act: NONE.

09-30-0035

System name: THREE MILE ISLAND MENTAL HEALTH SURVEY, RESPONDENT RECORDS HHS/ADAMHA/NIMH

Security classification: NONE.

System location:

WESTERN PSYCHIATRIC INSTITUTE AND CLINIC
UNIVERSITY OF PITTSBURGH

PITTSBURGH, PENNSYLVANIA 15260 PERSONS PARTICIPATING IN THE THREE MILE ISLAND STUDY OF MENTAL HEALTH SPONSORED BY THE NATIONAL INSTITUTE OF MENTAL HEALTH FOLLOWING THE NUCLEAR REACTOR ACCIDENT OF MARCH 28, 1979. CONTROL GROUP PARTICIPANTS FROM BEAVER COUNTY, PENNSYLVANIA, ARE ALSO INCLUDED. THE RESEARCH AND CONTROL GROUPS BOTH CONSIST OF WORKERS IN NUCLEAR PLANTS, MOTHER OF YOUNG CHILDREN, AND MENTAL HEALTH SYSTEM CLIENTS.

Categories of records in the system: NAME, ADDRESS, AND RESPONSES TO THE FOLLOWING INTERVIEW INSTRUMENTS, AS APPROPRIATE: SOCIODEMOGRAPHIC INFORMATION; PHYSICAL ILLNESS OVERVIEW; LIFE EVENTS; SYMPTOM CHECK LIST-90; SOCIAL NETWORK INTERVIEW; CURRENT MENTAL HEALTH; JOB RELATED ISSUES; LANGNER SCREENING INVENTORY; AND SCHEDULE FOR AFFECTIVE DISORDERS AND SCHIZOPHRENIA, LIFETIME VERSION (SADS-L). THE CURRENT MENTAL HEALTH AND THE SADS-L INSTRUMENTS INCLUDE INTERVIEWERS' INTERPRETATIONS AND DIAGNOSES.

Authority for maintenance of the system: SECTION 301, PUBLIC HEALTH SERVICE ACT, 42 USC 241, PART A, RESEARCH AND INVESTIGATIONS.

Purpose(s):

THE SYSTEM IS CREATED TO ENABLE THE GOVERNMENT TO ARRANGE FOR FOLLOW-UP STUDY AT A LATER DATE. SUCH A FOLLOW-UP WOULD DEMONSTRATE WHETHER ANY MENTAL HEALTH EFFECTS DETECTED IN THIS STUDY ARE OF A TRANSIENT OR LONG-TERM NATURE. WITHOUT SUCH KNOWLEDGE, IT IS IMPOSSIBLE TO DEVELOP REALISTIC PLANS FOR ADEQUATELY MEETING PEOPLE'S NEEDS IN TIME OF DISASTER. CURRENTLY, FOR EXAMPLE, IN THE ABSENCE OF KNOWLEDGE ABOUT THE DURATION OF DISASTER-PRECIPITATED MENTAL HEALTH PROBLEMS, FEDERAL GRANTS FOR PROVIDING MENTAL HEALTH SERVICES TO DISASTER VICTIMS ARE LIMITED TO A 6-MONTH PERIOD. FOLLOW-UP STUDIES, SUCH AS THE ONE PROPOSED HERE, WOULD HELP TO ASCERTAIN THE SOUNDNESS OF SUCH A POLICY.

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

1. A RECORD MAY BE DISCLOSED FOR A RESEARCH PURPOSE, WHEN THE DEPARTMENT:

(A) HAS DETERMINED THAT THE USE OR DISCLOSURE DOES NOT VIOLATE LEGAL OR POLICY LIMITATIONS UNDER WHICH THE RECORD WAS PROVIDED, COLLECTED, OR OBTAINED;

(B) HAS DETERMINED THAT THE RESEARCH PURPOSE (1) CANNOT BE REASONABLY ACCOMPLISHED UNLESS THE RECORD IS PROVIDED IN INDIVIDUALLY IDENTIFIABLE FORM, AND (2) WARRANTS THE RISK TO THE PRIVACY OF THE INDIVIDUAL THAT ADDITIONAL EXPOSURE OF THE RECORD MIGHT BRING;

(C) HAS REQUIRED THE RECIPIENT TO -- (1) ESTABLISH REASONABLE ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS TO PREVENT UNAUTHORIZED USE OR DISCLOSURE OF THE RECORD, AND (2) REMOVE OR DESTROY THE INFORMATION THAT IDENTIFIES THE INDIVIDUAL AT THE EARLIEST TIME AT WHICH REMOVAL OR DESTRUCTION CAN BE ACCOMPLISHED CONSISTENT WITH THE PURPOSE OF THE RESEARCH PROJECT, UNLESS THE RECIPIENT HAS PRESENTED ADEQUATE JUSTIFICATION OF A RESEARCH OR HEALTH NATURE FOR RETAINING SUCH INFORMATION, AND (3) MAKE NO FURTHER USE OR DISCLOSURE OF THE RECORD EXCEPT -- (A) IN EMERGENCY CIRCUMSTANCES AFFECTING THE HEALTH OR SAFETY OF ANY INDIVIDUAL, (B) FOR USE IN ANOTHER RESEARCH PROJECT, UNDER THESE SAME CONDITIONS, AND WITH WRITTEN AUTHORIZATION OF THE DEPARTMENT, (C) FOR DISCLOSURE TO A PROPERLY IDENTIFIED PERSON FOR THE PURPOSE OF AN AUDIT RELATED TO THE RESEARCH PROJECT, IF INFORMATION THAT WOULD ENABLE RESEARCH SUBJECTS TO BE IDENTIFIED IS REMOVED OR DESTROYED AT THE EARLIEST OPPORTUNITY CONSISTENT WITH THE PURPOSE OF THE AUDIT, OR (D) WHEN REQUIRED BY LAW;

(D) HAS SECURED A WRITTEN STATEMENT ATTESTING TO THE RECIPIENT'S UNDERSTANDING OF, AND WILLINGNESS TO ABIDE BY THESE PROVISIONS.

2. DISCLOSURE OF RELEVENT RECORDS MAY BE MADE TO A PRIVATE FIRM FOR THE PURPOSE OF COLLATING, ANALYZING, AGGREGATING, OR OTHERWISE REFINING RECORDS IN THIS SYSTEM. THE CONTRACTOR WILL BE REQUIRED TO MAINTAIN PRIVACY ACT SAFEGUARDS WITH RESPECT TO SUCH RECORDS.

3. DISCLOSURE MAY BE MADE TO A CONGRESSIONAL OFFICE FROM THE RECORD OF AN INDIVIDUAL IN RESPONSE TO AN INQUIRY FROM THE CONGRESSIONAL OFFICE MADE AT THE WRITTEN REQUEST OF THAT INDIVIDUAL.

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

Storage: ORIGINAL QUESTIONNAIRES HAVE BEEN CONVERTED TO MICROFICHE, AND THE QUESTIONNAIRES DESTROYED BY SHREDDING. TWO SETS OF MICROFICHE, INCLUDING THE CROSS INDEXES, ARE BEING MAINTAINED IN SEPARATE LOCATIONS.

Retrievability: RECORDS ARE BEING MAINTAINED IN NUMERICAL ORDER BY THE ASSIGNED IDENTIFICATION NUMBER. AN INDEX IS ALSO MAINTAINED BY NAME AND IDENTIFICATION NUMBER FOR CROSS REFERENCE.

Safeguards: THE MICROFICHE ARE BOXED AND SEALED AND ARE BEING STORED IN A SECURED SAFE AND/OR VAULT, ACCESS TO WHICH IS PERMITTED ONLY IF AUTHORIZED IN WRITING BY THE DIRECTOR OF SPONSORED RESEARCH OR AN AUTHORIZED UNIVERSITY OFFICIAL. TWO SETS OF MICROFICHE WERE MADE TO ENSURE CONTINUATION OF THE SYSTEM IN THE EVENT OF AN UNEXPECTED CATASTROPHE WHICH COULD RESULT IN THE DESTRUCTION OF THE ORIGINAL SET. THESE SAFEGUARDS ARE IN ACCORDANCE WITH GENERAL ADMINISTRATION MANUAL CHAPTER 45-13 AND CHAPTER PHS.HF 45-13.

Retention and disposal: RETENTION OF MICROFICHE WILL NOT EXCEED TWENTY-TWO (22) YEARS FROM DATE OF RECORDING. DESTRUCTION WILL BE BY BURNING, CERTIFIED BY AN AUTHORIZED UNIVERSITY OFFICAL.

System manager(s) and address:

CHIEF
DISASTER ASSISTANCE AND EMERGENCY MENTAL HEALTH
DIVISION OF SPECIAL MENTAL HEALTH PROGRAMS
NATIONAL INSTITUTE OF MENTAL HEALTH
5600 FISHERS LANE ROOM 18-97
ROCKVILLE, MARYLAND 20857

Notification procedure: TO DETERMINE IF A RECORD EXISTS, CONTACT THE SYSTEM MANAGER AT THE ADDRESS ABOVE. WRITTEN REQUESTS MUST CONTAIN FULL NAME AND NOTARIZED SIGNATURE, AND ADDRESS AT TIME OF INTERVIEW. REQUESTS MADE IN PERSON REQUIRE IDENTIFICATION, SUCH AS DRIVER'S LICENSE, UNION CARD, PASSPORT, OR NOTARIZED STATEMENT THAT THE PERSON IS WHO HE/SHE CLAIMS TO BE.

Record access procedures: SAME AS NOTIFICATION PROCEDURES. REQUESTORS SHOULD ALSO REASONABLY SPECIFY THE RECORD CONTENTS BEING SOUGHT, INCLUDING THE NAME OF THE INTERVIEW INSTRUMENT(S), IF KNOWN. BECAUSE THE CURRENT MENTAL HEALTH INSTRUMENT AND THE SCHEDULE FOR AFFECTIVE DISORDERS AND SCHIZOPHRENIA INCLUDE INTERVIEWER DIAGNOSES, THESE PORTIONS OF

THE RECORD CONSTITUTE MEDICAL RECORDS. AN INDIVIDUAL WHO REQUESTS NOTIFICATION OF, OR ACCESS TO, A MEDICAL RECORD SHALL, AT THE TIME THE REQUEST IS MADE, DESIGNATE IN WRITING A RESPONSIBLE REPRESENTATIVE WHO WILL BE WILLING TO REVIEW THE RECORD AND INFORM THE SUBJECT INDIVIDUAL OF ITS CONTENTS AT THE REPRESENTATIVE'S DISCRETION.

Contesting record procedures: CONTACT THE OFFICIAL AT THE ADDRESS SPECIFIED UNDER NOTIFICATION PROCEDURES ABOVE AND REASONABLY IDENTIFY THE RECORD, SPECIFY THE INFORMATION BEING CONTESTED, AND STATE THE CORRECTIVE ACTION SOUGHT.

Record source categories: INDIVIDUALS IN THE SYSTEM.

Systems exempted from certain provisions of the act: NONE.

09-30-0036

System name: MENTAL HEALTH EPIDEMIOLOGIC AND BIOMETRIC RESEARCH DATA, HHS/ADAMHA/NIMH

Security classification: NONE.

System location: RECORDS ARE LOCATED AT THE RESEARCH FACILITIES WHICH COLLECT OR PROVIDE RESEARCH DATA FOR THIS SYSTEM UNDER CONTRACT TO THE AGENCY. CONTRACTORS MAY INCLUDE: RESEARCH CENTERS, CLINICS, HOSPITALS, UNIVERSITIES, RESEARCH FOUNDATIONS, AND COORDINATING CENTERS. RECORDS MAY ALSO BE LOCATED AT THE RESEARCH FACILITIES OF THE DIVISION OF BIOMETRY AND EPIDEMIOLOGY, NATIONAL INSTITUTE OF MENTAL HEALTH. A CURRENT LIST OF SITES IS AVAILABLE BY WRITING TO THE SYSTEM MANAGER AT THE ADDRESS BELOW.

Categories of individuals covered by the system: INDIVIDUALS WHO ARE THE SUBJECTS OF RESEARCH IN EPIDEMIOLOGIC, CLINICAL, METHODOLOGIC, AND LONGITUDINAL RESEARCH STUDIES OF MENTAL HEALTH AND MENTAL DISORDERS. THESE INDIVIDUALS ARE SELECTED AS REPRESENTATIVE OF THE GENERAL POPULATION OR OF SPECIAL GROUPS. SPECIAL GROUPS MIGHT INCLUDE, BUT ARE NOT LIMITED TO: CLIENTS REFERRED FOR OR RECEIVING MEDICAL OR MENTAL HEALTH SERVICES; PROVIDERS OF HEALTH/MENTAL HEALTH SERVICES; DEMOGRAPHIC SUB-GROUPS AS APPLICABLE, SUCH AS AGE, SEX, ETHNICITY, RACE, OCCUPATION, GEOGRAPHIC LOCATION; AND GROUPS EXPOSED TO HYPOTHESIZED RISKS, SUCH AS RELATIVES OF INDIVIDUALS WITH DISORDERS, INDIVIDUALS WHO HAVE EXPERIENCED LIFE STRESSES, OR INDIVIDUALS WITH PREVIOUS HISTORY OF ILLNESS.

Categories of records in the system: THE SYSTEM CONTAINS VARYING ITEMS ABOUT THE INDIVIDUAL AS RELEVANT TO A PARTICULAR RESEARCH STUDY. EXAMPLES INCLUDE, BUT ARE NOT LIMITED TO, ITEMS ABOUT THE HEALTH/MENTAL HEALTH OF THE INDIVIDUAL, DEMOGRAPHIC DATA, PAST AND PRESENT LIFE EXPERIENCES, PERSONALITY CHARACTERISTICS, SOCIAL FUNCTIONING, UTILIZATION OF HEALTH/MENTAL HEALTH SERVICES, FAMILY HISTORY, PHYSIOLOGICAL MEASURES, AND CHARACTERISTICS AND ACTIVITIES OF HEALTH/MENTAL HEALTH CARE PROVIDERS.

Authority for maintenance of the system: SECTION 301 OF THE PUBLIC HEALTH SERVICE ACT, 42 U.S.C. 241, GENERAL RESEARCH AND INVESTIGATION AUTHORITIES.

Purpose(s):

THE PURPOSE OF THE SYSTEM OF RECORDS IS TO COLLECT AND MAINTAIN A DATA BASE FOR RESEARCH ACTIVITIES OF THE DIVISION OF BIOMETRY AND EPIDEMIOLOGY (DBE) OF THE NATIONAL INSTITUTE OF MENTAL HEALTH (NIMH). ANALYSES OF THESE DATA INVOLVE GROUPS OF INDIVIDUALS WITH GIVEN CHARACTERISTICS AND DO NOT REFER TO SPECIFIC INDIVIDUALS. THE GENERATION OF INFORMATION AND STATISTICAL ANALYSES WILL ULTIMATELY LEAD TO A BETTER DESCRIPTION AND UNDERSTANDING OF MENTAL DISORDERS, THEIR TREATMENT AND PREVENTION, AND THE PROMOTION OF MENTAL HEALTH.

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

1. A RECORD MAY BE DISCLOSED FOR A RESEARCH PURPOSE, WHEN THE DEPARTMENT:
   (A) HAS DETERMINED THAT THE USE OR DISCLOSURE DOES NOT VIOLATE LEGAL OR POLICY LIMITATIONS UNDER WHICH THE RECORD WAS PROVIDED, COLLECTED, OR OBTAINED; E.G., DISCLOSURE OF ALCOHOL OR DRUG ABUSE PATIENT RECORDS WILL BE MADE ONLY IN ACCORDANCE WITH THE RESTRICTIONS OF CONFIDENTIALITY STATUTES AND REGULATIONS 42 U.S.C. 4582, 21 U.S.C. 1175, AND 42 CFR, PARTS 2 AND 2A, AND WHERE APPLICABLE, NO DISCLOSURES WILL BE MADE INCONSISTENT WITH AN AUTHORIZATION OF CONFIDENTIALITY UNDER 42 U.S.C. 242A AND 42 CFR PART 2A;
   (B) HAS DETERMINED THAT THE RESEARCH PURPOSE (1) CANNOT BE REASONABLY ACCOMPLISHED UNLESS THE RECORD IS PROVIDED IN INDIVIDUALLY IDENTIFIABLE FORM, AND (2) WARRANTS THE RISK TO THE PRIVACY OF THE INDIVIDUAL THAT ADDITIONAL EXPOSURE OF THE RECORD MIGHT BRING;
   (C) HAS REQUIRED THE RECIPIENT TO -- (1) ESTABLISH REASONABLE ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS TO PREVENT UNAUTHORIZED USE OR DISCLOSURE OF THE RECORD, AND (2) REMOVE OR DESTROY THE INFORMATION THAT IDENTIFIES THE INDIVIDUAL AT THE EARLIEST TIME AT WHICH REMOVAL OR DESTRUCTION CAN BE ACCOMPLISHED CONSISTENT WITH THE PURPOSE OF THE RESEARCH PROJECT, UNLESS THE RECIPIENT HAS PRESENTED ADEQUATE JUSTIFICATION OF A RESEARCH OR HEALTH NATURE FOR RETAINING SUCH INFORMATION, AND (3) MAKE NO FURTHER USE OR DISCLOSURE OF THE RECORD EXCEPT -- (A) IN EMERGENCY CIRCUMSTANCES AFFECTING THE HEALTH OR SAFETY OF ANY INDIVIDUAL, (B) FOR USE IN ANOTHER RESEARCH PROJECT, UNDER THESE SAME CONDITIONS, AND WITH WRITTEN AUTHORIZATION OF THE DEPARTMENT, (C) FOR DISCLOSURE TO A PROPERLY IDENTIFIED PERSON FOR THE PURPOSE OF AN AUDIT RELATED TO THE RESEARCH PROJECT, IF INFORMATION THAT WOULD ENABLE RESEARCH SUBJECTS TO BE IDENTIFIED IS REMOVED OR DESTROYED AT THE EARLIEST OPPORTUNITY CONSISTENT WITH THE PURPOSE OF THE AUDIT, OR (D) WHEN REQUIRED BY LAW; AND
   (D) HAS SECURED A WRITTEN STATEMENT ATTESTING TO THE RECIPIENT'S UNDERSTANDING OF, AND WILLINGNESS TO ABIDE BY, THESE PROVISIONS.

2. DISCLOSURE MAY BE MADE TO A CONGRESSIONAL OFFICE FROM THE RECORD OF AN INDIVIDUAL IN RESPONSE TO A VERIFIED INQUIRY FROM A CONGRESSIONAL OFFICE MADE AT THE WRITTEN REQUEST OF THAT INDIVIDUAL.

3. IN THE EVENT OF LITIGATION, WHERE THE DEFENDANT IS (A) THE DEPARTMENT, ANY COMPONENT OF THE DEPARTMENT, OR ANY EMPLOYEE OF THE DEPARTMENT IN HIS OR HER OFFICIAL CAPACITY; (B) THE UNITED STATES WHERE THE DEPARTMENT DETERMINES THAT THE CLAIM, IF SUCCESSFUL, IS LIKELY TO DIRECTLY AFFECT THE OPERATIONS OF THE DEPARTMENT OR ANY OF ITS COMPONENTS; OR (C) ANY DEPARTMENT EMPLOYEE IN HIS OR HER INDIVIDUAL CAPACITY WHERE THE JUSTICE DEPARTMENT HAS AGREED TO REPRESENT SUCH EMPLOYEE; THE DEPARTMENT MAY DISCLOSE SUCH RECORDS AS IT DEEMS DESIRABLE OR NECESSARY TO THE DEPARTMENT OF JUSTICE TO ENABLE THAT DEPARTMENT TO PRESENT AN EFFECTIVE DEFENSE, PROVIDED SUCH DISCLOSURE IS COMPATIBLE WITH THE PURPOSE FOR WHICH THE RECORDS WERE COLLECTED (E.G., DISCLOSURE MAY BE MADE TO THE DEPARTMENT OF JUSTICE OR OTHER APPROPRIATE FEDERAL AGENCIES IN DEFENDING CLAIMS AGAINST THE UNITED STATES WHEN THE CLAIM IS BASED UPON AN INDIVIDUAL'S MENTAL OR PHYSICAL CONDITION AND IS ALLEGED TO HAVE ARISEN BECAUSE OF THE INDIVIDUAL'S PARTICIPA-

TION IN ACTIVITIES OF A FEDERAL GOVERNMENT SUPPORTED RESEARCH PROJECT).

4. IN THE EVENT THE DEPARTMENT DEEMS IT DESIRABLE OR NECESSARY, IN DETERMINING WHETHER PARTICULAR RECORDS ARE REQUIRED TO BE DISCLOSED UNDER THE FREEDOM OF INFORMATION ACT, DISCLOSURE MAY BE MADE TO THE DEPARTMENT OF JUSTICE FOR THE PURPOSE OF OBTAINING ITS ADVICE.

5. THE DEPARTMENT CONTEMPLATES THAT IT WILL CONTRACT WITH A PRIVATE FIRM FOR THE PURPOSE OF COLLECTING, ANALYZING, AGGREGATING, OR OTHERWISE REFINING RECORDS IN THIS SYSTEM. RELEVANT RECORDS WILL BE DISCLOSED TO SUCH CONTRACTOR. THE CONTRACTOR SHALL BE REQUIRED TO MAINTAIN PRIVACY ACT SAFEGUARDS WITH RESPECT TO SUCH RECORDS.

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

Storage: RECORDS ARE STORED IN VARIOUS WAYS INCLUDING FILE FOLDERS, COMPUTER CARDS, COMPUTER TAPES OR DISKS, MICROFICHE, AUDIO OR VIDEO TAPES, AND INDEX CARDS. NORMALLY, THE FACTUAL DATA, WITH STUDY CODE NUMBERS, ARE STORED ON COMPUTER TAPE OR DISK, WHILE THE KEY TO PERSONAL IDENTIFIERS IS STORED SEPARATELY, WITHOUT FACTUAL DATA, IN PAPER FILES.

Retrievability: DURING DATA COLLECTION STAGES AND FOLLOWUP, IF ANY, RETRIEVAL BY PERSONAL IDENTIFIER (E.G., NAME OR MEDICAL RECORD NUMBER) IS NECESSARY. DURING THE DATA ANALYSIS STAGE, DATA ARE NORMALLY RETRIEVED BY THE VARIABLES OF INTEREST (E.G., DIAGNOSIS, AGE, OCCUPATION).

Safeguards:

(A) PHYSICAL - PHYSICAL SECURITY IS ACHIEVED BY STORING RECORDS IN LOCKED ROOMS, LOCKED FILE CABINETS, AND/OR SECURE COMPUTER FACILITIES. ACCESS TO PERSONAL IDENTIFIERS IS SAFEGUARDED BY LOCKED FILES AND BY SEPARATING DATA FROM IDENTIFIERS AS MUCH AS POSSIBLE. DATA STORED IN COMPUTERS IS SECURED IN VARIOUS WAYS, INCLUDING ACCESS THROUGH THE USE OF KEY WORDS KNOWN ONLY TO AUTHORIZED PERSONNEL.

(B) PROCEDURAL - COLLECTION AND MAINTENANCE OF THE INFORMATION IS DONE IN A MANNER CONSISTENT WITH LEGISLATION AND REGULATIONS IN THE PROTECTION OF HUMAN SUBJECTS, INFORMED CONSENT, AND CONFIDENTIALITY. WHEN DBE OR A CONTRACTOR PROVIDES ANONYMOUS DATA TO RESEARCH SCIENTISTS FOR ANALYSIS, STUDY NUMBERS WHICH CAN BE MATCHED TO PERSONAL IDENTIFIERS WILL BE ELIMINATED OR REPLACED BY THE DIVISION OR THE CONTRACTOR WITH RANDOM NUMBERS WHICH CANNOT BE SO MATCHED.

(C) AUTHORIZED PERSONNEL - ACCESS TO IDENTIFIERS AND TO THE CODE WHICH MATCHES STUDY MEMBERS WITH THEM IS STRICTLY LIMITED TO THE AUTHORIZED PERSONNEL WHOSE DUTIES REQUIRE SUCH ACCESS. PROCEDURES FOR DETERMINING AUTHORIZED ACCESS TO IDENTIFIED DATA ARE ESTABLISHED AS APPROPRIATE FOR EACH LOCATION. PERSONNEL WHO MAY BE SO AUTHORIZED INCLUDE THOSE DIRECTLY INVOLVED IN DATA COLLECTION AND IN THE DESIGN OF RESEARCH STUDIES, E.G., INTERVIEWERS AND INTERVIEWER SUPERVISORS; PROJECT MANAGERS; STATISTICIANS INVOLVED IN DESIGNING SAMPLING PLANS.

THE SAFEGUARDS DESCRIBED FOR COMPUTERIZED RECORDS ARE IN ACCORDANCE WITH PART 6, SYSTEMS SECURITY, OF THE DEPARTMENT'S ADP SYSTEMS MANUAL. THE SAFEGUARDS DESCRIBED FOR NONAUTOMATED RECORDS ARE IN ACCORDANCE WITH CHAPTER 45-13, IN THE GENERAL ADMINISTRATION MANUAL, AND THE SUPPLEMENTARY PHS CHAPTER.

Retention and disposal: IDENTIFIERS ARE RETAINED ONLY AS LONG AS THEY ARE NEEDED FOR THE PURPOSES OF THE CURRENT RESEARCH PROJECT, AND FOR FOLLOW-UP STUDIES GENERATED BY THE PRESENT STUDY. DISPOSAL OF IDENTIFIERS IS DONE ACCORDING TO THE STORAGE MEDIUM (E.G., ERASE COMPUTER TAPE, SHRED OR BURN INDEX CARDS, ETC.). A STAFF PERSON DESIGNATED BY THE SYSTEM MANAGER WILL OVERSEE AND WILL DESCRIBE AND CONFIRM THE DISPOSAL IN WRITING.

System manager(s) and address:

DIRECTOR, DIVISION OF BIOMETRY & EPIDEMIOLOGY
NATIONAL INSTITUTE OF MENTAL HEALTH
ALCOHOL, DRUG ABUSE AND MENTAL HEALTH ADMINISTRATION
PARKLAWN BUILDING
ROOM 18C-26, 5600 FISHERS LANE
ROCKVILLE, MD 20857

Notification procedure: TO DETERMINE IF A RECORD EXISTS, WRITE TO THE SYSTEM MANAGER AT THE ADDRESS ABOVE. PROVIDE INDIVIDUAL'S NAME; CURRENT ADDRESS; DATE OF BIRTH; DATE, PLACE AND NATURE OF PARTICIPATION IN SPECIFIC RESEARCH STUDY; NAME OF INDIVIDUAL OR ORGANIZATION ADMINISTERING THE RESEARCH STUDY (IF KNOWN); NAME OR DESCRIPTION OF THE RESEARCH STUDY (IF KNOWN); ADDRESS AT THE TIME OF PARTICIPATION; AND A NOTARIZED STATEMENT BY TWO WITNESSES ATTESTING TO THE INDIVIDUAL'S IDENTITY.

Record access procedures: SAME AS NOTIFICATION PROCEDURES. REQUESTERS SHOULD ALSO REASONABLY SPECIFY THE RECORD CONTENTS BEING SOUGHT.

AN INDIVIDUAL WHO REQUESTS NOTIFICATION OF, OR ACCESS TO, A MEDICAL RECORD SHALL, AT THE TIME THE REQUEST IS MADE, DESIGNATE IN WRITING A RESPONSIBLE REPRESENTATIVE WHO WILL BE WILLING TO REVIEW THE RECORD AND INFORM THE SUBJECT INDIVIDUAL OF ITS CONTENTS AT THE REPRESENTATIVE'S DISCRETION.

A PARENT OR GUARDIAN WHO REQUESTS NOTIFICATION OF, OR ACCESS TO, A CHILD'S OR INCOMPETENT PERSON'S MEDICAL RECORD SHALL DESIGNATE A FAMILY PHYSICIAN OR OTHER HEALTH PROFESSIONAL (OTHER THAN A FAMILY MEMBER) TO WHOM THE RECORD, IF ANY, WILL BE SENT. THE PARENT OR GUARDIAN MUST VERIFY RELATIONSHIP TO THE CHILD OR INCOMPETENT PERSON AS WELL AS HIS OR HER OWN IDENTITY.

Contesting record procedures: CONTACT THE OFFICIAL AT THE ADDRESS SPECIFIED UNDER NOTIFICATION PROCEDURES ABOVE AND REASONABLY IDENTIFY THE RECORD, SPECIFY THE INFORMATION BEING CONTESTED, AND STATE CORRECTIVE ACTION SOUGHT.

Record source categories: THE SYSTEM CONTAINS INFORMATION OBTAINED DIRECTLY FROM THE SUBJECT DIVIDUAL BY INTERVIEW (FACE-TO-FACE OR TELEPHONE), BY WRITTEN QUESTIONNAIRE, OR BY OTHER TESTS, RECORDING DEVICES OR OBSERVATIONS, CONSISTENT WITH LEGISLATION AND REGULATION REGARDING INFORMED CONSENT AND PROTECTION OF HUMAN SUBJECTS. INFORMATION IS ALSO OBTAINED FROM OTHER SOURCES, SUCH AS HEALTH AND MENTAL HEALTH CARE PROVIDERS, RELATIVES, GUARDIANS, AND CLINICAL MEDICAL RESEARCH RECORDS.

Systems exempted from certain provisions of the act: NONE.

[FR Doc. 81-28116 Filed 10-26-81; 8:45 am]

BILLING CODE 4110-88-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Privacy Act of 1974; Annual Publication of Systems of Records

AGENCY: Department of Health and Human Services; Public Health Service; National Institutes of Health.

ACTION: Privacy Act: Annual republication of notices of systems of records.

SUMMARY: The National Institutes of Health (NIH) is publishing this document to meet the requirement of the Privacy Act (5 U.S.C. 552a(e)(4)) to publish a notice describing the existence and character of each system of records at least once a year. This publication covers systems of records for which NIH is responsible.

This publication includes notices for new systems of records which have been published since the 1980 annual compilation. In addition, many of the notices which were published in the last annual publication have been modified to clarify the descriptions and to ensure that they are complete, accurate and timely. None of these changes requires a report of altered system to be sent to the Congress and the Office of Management and Budget. The notices are complete and accurate as of October 8, 1981.

SUPPLEMENTARY INFORMATION: These notices include several changes which have been made since the 1980 annual publication.

A. New Systems of Records. This publication includes the following new systems of records which have been published and became effective between August 21, 1980, and October 8, 1981:

(1) 09–25–0142, Clinical Research: Records of Subjects in Intramural Research, Epidemiology, Demography and Biometry Studies on Aging, HHS/NIH/NIA, published in the **Federal Register**, December 3, 1980, pp. 80186–89.

(2) 09–25–0143, Biomedical Research: Records of Subjects in Clinical, Epidemiologic and Biometric Studies of the National Institute of Allergy and Infectious Diseases, HHS/NIH/NIAID, published in the **Federal Register**, March 30, 1980, pp. 19324–27.

(3) 09–25–0147: Records of Participants in Programs and Respondents in Surveys Used to Evaluate Programs of the National Heart, Lung and Blood Institute, HHS/NIH/NHLBI, published in the **Federal Register** on August 25, 1981, pp. 44510–11.

(4) 09–25–0148: Contracted and Contract-Related Research: Records of Subjects in Clinical, Epidemiological and Biomedical Studies of the National Institute of Neurological and Communicative Disorders and Stroke, HHS/NIH/NINCDS, published in the **Federal Register** on August 20, 1981, pp. 42335–37.

(5) 09–25–0149: Records of Participants in Programs and Respondents in Surveys Used to Evaluate Programs of the National Institute of General Medical Sciences, HHS/NIH/NIGMS, published in the **Federal Register** on August 25, 1981, pp. 44513–14.

(6) 09–25–0150: Records of Participants in Programs and Respondents in Surveys Used to Evaluate Programs of the National Institute of Environmental Health Sciences, HHS/NIH/NIEHS, published in the **Federal Register** on August 25, 1981, pp. 44513–13.

B. Deleted Systems of Records. The following systems of records which appeared in the last annual publication have been deleted:

(1) 09–25–0097, Contracts: Division of Cancer Control and Rehabilitation, HHS/NIH/NCI. (The records in this system have been destroyed.)

(2) 09–25–0113, Administration: Professional Service Agreements (Medical/Legal Services), HHS/NIH/OD. (The records in this system have been refiled and are no longer retrieved by individual identifiers.)

C. Routine uses have been modified in several system notices. These modifications change the wording of the routine uses to make them clearer, but they do not involve or reflect any changes in policies or practices relating to disclosure outside of the agency.

(1) A routine use in system 09–90–0112 has been clarified to show that information may sometimes be disclosed during review of a grant application as well as after an award is made. Previously this routine use was worded:

"(9) To the grantee institution in connection with performance or administration under the terms and conditions of the award."

It has been amended to:

"(9) To the grantee institution in connection with performance or administration under the terms and conditions of the award, or in connection with problems that might arise in performance or administration if an award is made on a grant proposal."

This is a change in wording only. It does not involve any change in practice. Applicants' institutions are asked, for example, to supply information concerning human subjects of research and laboratory animals if they are involved in a grant proposal. If there are any questions concerning this information, they may be addressed to the appropriate official of the institution. Grant applicants are notified, in the instructions for preparing an application and elsewhere, of the substantial involvements of their institutions in the application.

(2) Several systems of records used either in patient care or in research had contained two routine uses permitting disclosure in court actions. One of these routine uses allowed the agency to defend itself in cases where individuals alleged that they had been harmed, either physically or mentally, by our activities. The other routine use allowed for a much broader release of information when necessary for defense. This routine use would permit, as a special case, disclosure of the type allowed by the first routine use. To eliminate this duplication, the two routine uses have been combined into one in any notice where they occurred. The combined routine use is:

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, for example, in defending against a claim based upon an individual's mental or physical condition and alleged to have arisen because of activities of the Public Health Service in connection with such individual, the Department may disclose such records as it deems desirable or necessary to the Department of Justice or other appropriate Federal agency to enable that agency to present an effective defense, provided that such disclosure is compatible with the purpose for which the records were collected.

D. Editorial changes have been made in a number of system notices in order to clarify or improve them. The most common changes are:

(1) Names of several systems have been altered because of transfer of responsibility for a system to a different organization;

(2) Names of several systems have been changed to give a better indication of the types of persons and records covered by the system;

(3) The names of organizations which had been indicated only by initials have now been spelled out.

Dated: October 8, 1981.

Thomas E. Malone, Ph. D.,

Acting Director.

Table of Contents

09-25-0001 Clinical Research: Patient records, HHS/NIH/NHLBI.

09-25-0002 Clinical Research: Patient Phonocardiogram Records, HHS/NIH/NHLBI.

09-25-0003 Administration: Authorized Radionuclide Users File, HHS/NIH/ORS.

09-25-0004 Administration: Registry of Individuals Exposed to Chemical Carcinogens, HHS/NIH/ORS.

09-25-0005 Administration: Library Circulation and User ID File, HHS/NIH/OD.

09-25-0007 Administration: NIH Employees Safety Shoes and Safety Glasses Issuance Program, HHS/NIH/ORS.

09-25-0008 Administration: Radiation Workers Monitoring, HHS/NIH/ORS.

09-25-0009 Clinical Research: Radiotherapy Patient File, HHS/NIH/ORS.

09-25-0010 Research Resources: Registry of Individuals Exposed to Microbial Agents, HHS/NIH/ORS.

09-25-0011 Clinical Research: Blood Donor Records, HHS/NIH/CC.

09-25-0012 Clinical Research: Candidate Normal Volunteer Records, HHS/NIH/CC.

09-25-0013 Clinical Research: Preadmission Medical Records, HHS/NIH/CC.

09-25-0014 Clinical Research: Student Records, HHS/NIH/CC.

09-25-0015 Clinical Research: Collaborative Clinical Epilepsy Research, HHS/NIH/NINCDS.

09-25-0016 Clinical Research: Collaborative Perinatal Project, HHS/NIH/NINCDS.

09-25-0019 Clinical Research: Individuals Referred for Genetic Counseling, HHS/NIH/NINCDS.

09-25-0020 Clinical Research: Genetics of Neurological Disorders, HHS/NIH/NINCDS.

09-25-0021 Clinical Research: Guam Patient/Control Registry, HHS/NIH/NINCDS.

09-25-0024 Clinical Research: Medical Neurology Branch Patients' Medical Histories, HHS/NIH/NINCDS.

09-25-0026 Clinical Research: Nervous System Studies, HHS/NIH/NINCDS.

09-25-0028 Clinical Research: Patient Medical Histories, HHS/NIH/NINCDS.

09-25-0031 Clinical Research: Serological and Virus Data on Participants in Studies Related to the Central Nervous System, HHS/NIH/NINCDS.

09-25-0033 International Activities: Fellowships Awarded by Foreign Organizations, HHS/NIH/FIC.

09-25-0034 International Activities: Scholars Program, HHS/NIH/FIC.

09-25-0035 International Activities: International Health Exchange Programs Participants, HHS/NIH/FIC.

09-25-0036 Grants: IMPAC (Grant/Contract Information), HHS/NIH/DRG.

09-25-0037 Clinical Research: Gerontology Research Center Longitudinal Aging Study, HHS/NIH/NIA.

09-25-0038 Clinical Research: Patient Data, HHS/NIH/NIADDK.

09-25-0039 Clinical Research: Diabetes Mellitus Research Study of Southwestern American Indians, HHS/NIH/NIADDK.

09-25-0040 Clinical Research: Southwestern American Indian Patient Data, HHS/NIH/NIADDK.

09-25-0041 Research Resources: Scientists Requesting Hormone Distribution, HHS/NIH/NIADDK.

09-25-0042 Clinical Research: National Institute of Dental Research Patient Records, HHS/NIH/NIDR.

09-25-0043 Clinical Research: Pharyngeal Development Patients, HHS/NIH/NIDR.

09-25-0044 Clinical Research: Sensory Testing Research Program, HHS/NIH/NIDR.

09-25-0046 Clinical Research: Catalog of Clinical Specimens from Patients, Volunteers and Laboratory Personnel, HHS/NIH/NIAID.

09-25-0048 Clinical Research: Blood or Parasite Donors for Serology-Epidemiology Parasite Research, HHS/NIH/NIAID.

09-25-0049 Clinical Research: Atlanta Federal Prison Malaria Research Projects, HHS/NIH/NIAID.

09-25-0050 Grants: Trainees Record System, HHS/NIH/NIAID.

09-25-0051 Grants: NIH Fellowship Payroll, HHS/NIH/DFM.

09-25-0053 Clinical Research: Participants in Vision Studies, HHS/NIH/NEI.

09-25-0054 Administration: Employees Receiving Accountable Property, HHS/NIH/ORS.

09-25-0055 Clinical Research: Baltimore Cancer Research Program Patients, HHS/NIH/NCI.

09-25-0057 Clinical Research: Burkitt's Lymphoma Registry, HHS/NIH/NCI.

09-25-0060 Clinical Research: Division of Cancer Treatment Clinical Investigations, HHS/NIH/NCI.

09-25-0064 Clinical Research: Japanese Hawaiian Cancer Studies, HHS/NIH/NCI.

09-25-0067 Clinical Research: National Cancer Incidence Surveys, HHS/NIH/NCI.

09-25-0068 Clinical Research: National Cancer Institute/American Cancer Society National Breast Cancer Screening of Antihypertensives, HHS/NIH/NCI

09-25-0069 NIH Clinical Center Admissions of the National Cancer Institute, HHS/NIH/NCI.

09-25-0074 Clinical Research: Veterans Administration Bladder & Prostate Cancer Clinical Trials, HHS/NIH/NCI.

09-25-0075 Administration: Principal Investigators Submitting Proposals for Protection from Research Risks, HHS/NIH/OD.

09-25-0077 Clinical Research: Biological Carcinogenesis Branch Human Specimen Program, HHS/NIH/NCI.

09-25-0078 Administration: Consultant File, HHS/NIH/NHLBI.

09-25-0084 Administration: Curricula Vitae of Scientists, Consultants, and Board and Commission Members, HHS/NIH/NIADDK.

09-25-0087 Administration: Employees and Consultants, HHS/NIH/NIAID.

09-25-0088 Clinical Research: Researchers Using H-2 Soluble Antigen and H-2 Antiserum, HHS/NIH/NIAID.

09-25-0089 Clinical Research: HLA Antiserum and Tray Users, HHS/NIH/NIAID.

09-25-0091 Administration: General Files on Employees, Donors and Correspondents, HHS/NIH/NEI.

09-25-0093 Administration: Authors, Reviewers and Members of the Journal of the National Cancer Institute, HHS/NIH/NCI.

09-25-0095 Contracts: Principal Investigators, Project Officers and Contract Specialists on Carcinogenesis Contracts & Intramural Projects, HHS/NIH/NCI.

09-25-0096 Contracts: National Cancer Institute Contract Management System Principal Investigators, Project Officers and Contract Specialists, HHS/NIH/NCI.

09-25-0098 Contracts: Carcinogenesis Extramural Program Principal Investigators, Project Officers and Contract Specialists, HHS/NIH/NCI.

09-25-0099 Clinical Research: Patient Medical Records, HHS/NIH/CC.

09-25-0100 Clinical Research: Neuropharmacology Studies, HHS/NIH/NINCDS.

09-25-0102 Administration: Grants Associates Programs Working Files, HHS/NIH/DRG.

09-25-0105 Administration: Health Records of Employees, Visiting Scientists, Fellows, Contractors and Relatives of Inpatients, HHS/NIH/OD.

09-25-0106 Administration: Executive Secretariat Correspondence Records, HHS/NIH/OD.

09-25-0108 Personnel: Guest Workers/Visiting Fellows/Student Scientist/Scientists Emeriti, HHS/NIH/DPM.

09-25-0112 Grants: Research, Research Training, Fellowship and Contruction Applications and Awards, HHS/NIH/OD.

09-25-0114 Contracts: Personal Services Contractors, HHS/NIH/NIGMS.

09-25-0115 Administration: Curricula Vitae of Consultants and Clinical Investigators, HHS/NIH/NIAID.

09-25-0116 Contracts: Medical Consultants Under Professional Services Contracts, HHS/NIH/NIAID.

09-25-0117 International Activities: US-Japan Program Panel Members, HHS/NIH/NIAID.

09-25-0118 Contracts: Professional Services Contractors, HHS/NIH/NCI.

09-25-0121 International Activities: Senior International Fellowships Program, HHS/NIH/FIC.

09-25-0123 Clinical Research: Clinical Trials Dealing with Fertility-Regulating Methods, HHS/NIH/NICHD.

09-25-0124 Administration: Pharmacology Research Associates, HHS/NIH/NIGMS.

09-25-0126 Clinical Research: National Heart, Lung, and Blood Institute Epidemiological and Biometric Studies, HHS/NIH/NHLBI.

09-25-0127 Clinical Research: Clinical Trials Dealing with Phototherapy for

Neonatal Hyperbilirubinemia, HHS/NIH/NICHD.

09–25–0128 Clinical Research: Neural Prosthesis & Biomedical Engineering Studies, HHS/NIH/NINCDS.

09–25–0129 Clinical Research: Clinical Research Studies dealing with Hearing, Speech, Language and Chemosensory Disorders, HHS/NIH/NINCDS.

09–25–0130 Clinical Research: Environmental Epidemiologic Studies in the Division of Cancer Cause and Prevention, HHS/NIH/NCI.

09–25–0131 Clinical Research: Clinical Epidemiologic Studies in the Divisioon of Cancer Cause and Prevention, HHS/NIH/NCI.

09–25–0133 Clinical Research: Kidney Transplant Histocompatibility Study (KTHS), HHS/NIH/NIAID.

09–25–0134 Clinical Research: Epidemiology Studies, National Institute of Environmental Health Sciences, HHS/NIH/NIEHS.

09–25–0135 Grants: PROPHET System Applicants' Research Prospectuses, HHS/NIH/DRR.

09–25–0137 Administration: Medical Library Management Intern Program, HHS/NIH/NLM.

09–25–0138 Biomedical Research: Studies of Possible Influence on Cognitive and Emotional Development of Children, HHS/NIH/NICHD.

09–25–0140 International Activities: Scientific Visitors at the National Institutes of Health, HHS/NIH/FIC

09–25–0141 Patient and Donor Records in Blood Component Support Program for the Division of Cancer Treatment, HHS/NIH/NCI.

09–25–0142 Clinical Research: Records of Subjects in Intramural Research, Epidemiology, Demography and Biometry Studies on Aging, HHS/NIH/NIA.

09–25–0143 Biomedical Research: Records of Subjects in Clinical, Epidemiologic and Biometric Studies of the National Institute of Allergy and Infectious Diseases, HHS/NIH/NIAID.

09–25–0147 Records of Participants in Programs and Respondents in Surveys Used to Evaluate Programs of the National Heart, Lung and Blood Institute, HHS/NIH/NHLBI.

09–25–0148 Contracted and Contract-Related Research: Records of Subjects in Clinical, Epidemiological and Biomedical Studies of the National Institute of Neurological and Communicative Disorders and Stroke, HHS/NIH/NINCDS.

09–25–0149 Records of Participants in Programs and Respondents in Surveys Used to Evaluate Programs of the National Institute of General Medical Sciences, HHS/NIH/NIGMS.

09–25–0150 Records of Participants in Programs and Respondents in Surveys Used to Evaluate Programs of the National Institute of Environmental Health Sciences, HHS/NIH/NIEHS.

09-25-0001

System name: Clinical Research: Patient Records, HHS/NIH/NHLBI

Security classification: None.

System location:

Building 10
National Institutes of Health
9000 Rockville Pike
Bethesda, MD 20205

Categories of individuals covered by the system: Patients of the National Heart, Lung and Blood Institute (NHLBI) under study at the National Institutes of Health (NIH).

Categories of records in the system: Medical histories, diagnostic studies, laboratory data, treatment.

Authority for maintenance of the system: 42 USC 241e, 287, 287a

Purpose(s):

1. For use by physicians in evaluation and treatment of patients under study at NIH.

2. To furnish patient data to patients, their families, and with patients' consent, to their private physicians.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Clinical research data are made available to approved or collaborating researchers, including HHS contractors and grantees.

Certain infectious diseases may be reported to state government as required by law.

Referrals may be made of assignments of research investigators and project monitors to specific research projects to the Smithsonian Institution to contribute to the Smithsonian Science Information Exchange.

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, for example in defending against a claim based upon an individual's mental or physical condition and alleged to have arisen because of activities of the Public Health Service in connection with such individual, the Department may disclose such records as it deems desirable or necessary to the Department of Justice or other appropriate Federal agency to enable that agency to present an effective defense, provided that such disclosure is compatible with the purpose for which the records were collected.

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

Storage: File folders, card index, laboratory books, computer memory.

Retrievability: Indexed by name or patient number.

Safeguards: 1. Employees who maintain records in this system are instructed to grant regular access only to authorized physicians and their assistants.

2. Records are kept in secure locked metal or wood file cabinets and, in some instances, in locked offices.

3. Access to files are strictly controlled by fiels staff.

Retention and disposal: Records are retained in accordance with the NIH Records Control Schedule, item 3000-G-3. The records control schedule may be obtained by writing to the system manager at the address below.

System manager(s) and address:

Administrative Officer
Division of Intramural Research, NHLBI
Building 10, NIH
9000 Rockville Pike
Bethesda, MD 20205

Notification procedure: To determine if a record exists, contact:

Privacy Coordinator, NHLBI
Building 31, Room 5A50, NIH
9000 Rockville Pike
Bethesda, MD 20205

An individual who requests notification of or access to a medical record shall, at the time the request is made, designate in writing, a responsible representative, who may be a physician, who will be willing to review the record and inform the subject individual of its contents at the representative's discretion.

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

Contesting record procedures: Contact the official under notification procedures above, and specify the information to be contested, the corrective action sought and the reasons for the correction.

Record source categories: Referring physicians, hospitals and medical centers, patients and families, results of procedures and testa of NIH patients.

Systems exempted from certain provisions of the act: one.

09-25-0002

System name: Clinical Research: Patient Phonocardiogram Records, HHS/NIH/NHLBI

Security classification: None.

System location:

Building 10, Room 6N258, NIH
9000 Rockville Pike
Bethesda, MD 20205

Write to System Manager at the address above for the address of the Federal Records Center where records from this system are stored.

Categories of individuals covered by the system: Heart surgery patients in the NIH Clinical Center with prostehtic valve dysfunction.

Categories of records in the system: Medical Records

Authority for maintenance of the system: 421 USC 241

Purpose(s):

For research to develop non-invasive diagnostic techniques for detecting prosthetic valve dysfunction.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Clinical research data are made available to approved or collaborating researchers, including HHS contractors and grantees.

Information may be used to respond to congressional inquiries for constituents concerning admission to the NIH Clinical Center.

Referrals may be made of assignments of research investigators and project monitors to specific research projects to the Smithsonian Institution to contribute to the Smithsonian Science Information Exchange.

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, for example in defending against a claim based upon an individual's mental or physical condition and alleged to have arisen because of activities of the Public Health Service in connection with such individual, the Department may disclose such records as it deems desirable or necessary to the Department of Justice or other appropriate Federal agency to enable that agency to present an effective defense, provided that such disclosure is compatible with the purpose for which the records were collected.

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

Storage: Records are stored on magnetic tapes, in log books, and in file folders.

Retrievability: Records are retrieved by name.

Safeguards: 1. Phonocardiograms are kept in the patient medical records file.

2. Records are available only to physicians and to authorized medical records personnel.

Retention and disposal: Records may be retired to a Federal Records Center and subsequently disposed of in accordance with the NIH records control schedule. The records control schedule may be obtained by writing to the system manager at the address below.

System manager(s) and address:

Senior Surgeon, Surgery Branch, NHLBI
Building 10, Room 6N256
9000 Rockville Pike
Bethesda, MD 20205

Notification procedure: To determine if a record exists, contact:

Privacy Coordinator, NHLBI
Building 31, Room 5A50, NIH
9000 Rockville Pike
Bethesda, MD 20205

An individual who requests notification of or access to a medical record shall, at the time the request is made, designate in writing, a responsible representative, who may be a physician, who will be willing to review the record and inform the subject individual of its contents at the representative's discretion.

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

Contesting record procedures: Contact the official under notification procedures above, and reasonably identify the record and specify the information to be contested, the corrective action sought and the reasons for the correction.

Record source categories: patient records.

Systems exempted from certain provisions of the act: None.

09-25-0003

System name: Administration: Authorized Radionuclide Users File, HHS/NIH/ORS.

Security classification: None.

System location:

Building 21, Room 116, NIH
9000 Rockville Pike
Bethesda, MD 20205

Write to System Manager at the address above for the address of the Federal Records Center where records from this system are stored.

Categories of individuals covered by the system: Research Investigators within NIH and outside holding NIH-NRC Board License for radioactive material.

Categories of records in the system: Radioactive material users.

Authority for maintenance of the system: 42 USC 241

Purpose(s):

To provide adequate administrative controls to assure compliance with NIH Radiation Safety policy.

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

Training and experience information transferred to place of new employment.

Personnel exposure data transferred to place of new employment.

Disclosure may be made to 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.

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided that such disclosure is compatible with the purpose for which the records were collected.

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

Storage: Records are stored in file cabinet.

Retrievability: Records are retrieved by name.

Safeguards: (1)Employees who maintain records in this system are instructed to grant regular access only to Staff Health Physicists, staff Physical Science Technicians, and administrative personnel of the branch.

(2) Records are generally stored in locked file cabinets or in cabinets that are in rooms that can be locked during off-duty hours.

(3) Access to files is strictly limited to Radiation Safety Branch personnel staff. Records may be removed from files only at the request of authorized personnel. For computerized records, access is controlled by the use of security codes known only to authorized users.

Retention and disposal: Records are retained in accordance with the NIH records control schedule, items 1300-B-13 through 16. The records control schedule may be obtained by writing to the system manager at the address below.

System manager(s) and address:

Chief, Health Physics Section, Radiation Safety Branch
Building 21, Room 233
9000 Rockville Pike
Bethesda, MD 20205

Notification procedure: Write to System Manager to determine if a record exists.

An individual who requests notification of or access to a medical record shall, at the time the request is made, designate in writing, a responsible representative, who may be a physician, who will be willing to review the record and inform the subject individual of its contents at the representative's discretion.

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

Contesting record procedures: Write to the official under notification procedures above, and reasonably identify the record and specify the information to be contested, the corrective action sought and the reasons for the correction.

Record source categories: Individual, previous employers and educational institutions.

Systems exempted from certain provisions of the act: None.

09-25-0004

System name: Administration: Registry of Individuals Exposed to Chemical Carcinogens, HHS/NIH/ORS.

Security classification: None.

System location:

Building 12, Computer Center
9000 Rockville Pike
Bethesda, MD 20205

Write to System Manager at the address above for the address of the Federal Records Center where records from this system are stored.

Categories of individuals covered by the system: Researchers, laboratory workers, and NIH employees potentially exposed to chemical carcinogens.

Categories of records in the system: Certain chemical carcinogens, work station locations, kinds of facilities.

Authority for maintenance of the system: 5 USC 7902, 29 USC 654

Purpose(s):

1. To serve as a basis for chemical carcinogen health and safety program.
2. To identify potential hazards.
3. To determine needs for educational programs.
4. To comply with OSHA Safety and Health Standards (29 CFR 1910)

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

Disclosure may be made to 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.

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided that such disclosure is compatible with the purpose for which the records were collected.

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

Storage: Records are stored on computer tapes.

Retrievability: Records are retrieved by name.

Safeguards: (1) Authorized Users: Employees who maintain records in this system are instructed to grant regular access only to physicians, nurses, and other occupational health professionals. Other one-

time and special access by other employees is granted on a need-to-know basis as specifically authorized by the system manager.

(2) Physical Safeguards: Records are stored on computer tapes and in locked desks in offices which are locked during off-duty hours.

(3) Procedural Safeguards: Access to the file is strictly controlled by the systems manager and records may be removed from files only at the request of the system manager or other suathorzed employee. Access to computerized records is controlled by the use of security codes known only to the authorized users.

Retention and disposal: Years at NIH: 20. Disposal methods include burning or shredding paper materials and erasing computer tapes.

System manager(s) and address:

Industrial Hygienist, Occupational Safety and Health Branch
Building 13, Room 3K04
9000 Rockville Pike
Bethesda, MD 20205

Notification procedure: Write to the System Manager to determine if a record exists. The requester must also verify his or her identity by providing either a notarization of the request or a written certification that the requester is who he or she claims to be and understands that the knowing and willful request for acquisition of a record pertaining to an individual under false pretenses is a criminal offense under the Act, subject to a five thousand dollar fine.

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

Contesting record procedures: Write to the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested, the corrective action sought and the reasons for the correction.

Record source categories: Employee and supervisor.

Systems exempted from certain provisions of the act: None.

09-25-0005

System name: : Administration: Library Circulation and User I.D. File HHS/NIH/OD.

Security classification: None.

System location:

Building 10, Room 1L25B
and
Building 12A, Room 3018
9000 Rockville Pike
Bethesda, MD 20205

Categories of individuals covered by the system: NIH employees.

Categories of records in the system: Library records.

Authority for maintenance of the system: 42 USC 241

Purpose(s):

Library material control.

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

Disclosure may be made to 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.

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided that such disclosure is compatible with the purpose for which the records were collected.

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

Storage: Records are stored on computer tape and disc, and on file cards.

Retrievability: Records are retrieved by name.

Safeguards: Authorized Users: Employees who maintain records in this system are instructed to grant regular access only to Library staff members who need to verify that Library identification cards have been issued to those Library users requesting services such as MEDLINE and other computer online bibliographic searches, translations and interlibrary loans. Other one-time and special access by other employees is granted on a need-to-know basis as specifically authorized by the system manager.

(2) Physical Safeguards: The office housing the cabinets and file drawers for storage of records are locked during all library off-duty hours. During all duty hours offices are attended by employees who maintain the files.

(3) Procedural Safeguards: Access to the file is strictly controlled by employees who maintain the files. Records may be removed from files only at the request of the system manager or other authorized employees. Access to computerized records is coltrolled by the use of security codes known only to authorized users.

Retention and disposal: Years at NIH: 3. Disposal methods include burning or shredding paper materials and erasing computer tapes.

System manager(s) and address:

Chief, Reader Service Section
Library Branch, Division of Research Services
Building 10, Room 1L21, NIH
9000 Rockville Pike
Bethesda, MD 20205
and
Librarian, Division of Computer Research and Technology
Building 12A, Room 3018, NIH
9000 Rockville Pike
Bethesda, MD 20205

Notification procedure: Write to the System Manager to determine if a record exists. The requester must also verify his or her identity by providing either a notarization of the request or a written certification that the requester is who he or she claims to be and understands that the knowing and willful request for acquisition of a record pertaining to an individual under false pretenses is a criminal offense under the Act, subject to a five thousand dollar fine.

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

Contesting record procedures: Write to the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested, the corrective action sought and the reasons for the correction.

Record source categories: Individual, NIH Library ID card data.

Systems exempted from certain provisions of the act: None.

09-25-0007

System name: Administration: NIH Safety Shoes and Safety Glasses Issuance Program. HHS/NIH/ORS.

Security classification: None.

System location:

Building 13, Room 3K04, NIH
9000 Rockville Pike
Bethesda, MD 20205

Write to the system manager at the address below for the address of any Federal Records Center where records from this system are stored.

Categories of individuals covered by the system: NIH employees who apply for safety shoes or safety glasses.

Categories of records in the system: Explanation of eye impact and foot hazard occupation.

Authority for maintenance of the system: 5 USC 7902

Purpose(s):

Records are used for proper distribution of safety glasses and safety shoes and for proof of delivery.

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

Disclosure may be made to 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.

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided that such

disclosure is compatible with the purpose for which the records were collected.

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

Storage: Records are stored in file folders.

Retrievability: Records are retrieved by name.

Safeguards: Access limited to personnel involved in the Safety Glasses and Shoes Program, to supervisors of employees who have requested safety glasses or shoes, and to personnel involved in accounting. Record storage locations are locked when not in use.

Retention and disposal: Years at NIH: Retained until employee terminates hazardous occupation.

System manager(s) and address:

Physical Science Technician
Building 21, Room 108, NIH
9000 Rockville Pike
Bethesda, MD 20205

Notification procedure: Write to the System Manager to determine if a record exists. The requester must also verify his or her identity by providing either a notarization of the request or a written certification that the requester is who he or she claims to be and understands that the knowing and willful request for acquisition of a record pertaining to an individual under false pretenses is a criminal offense under the Act, subject to a five thousand dollar fine.

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

Contesting record procedures: Write to the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested, the corrective action sought and the reasons for the correction.

Record source categories: Previous employer and education institutions.

Systems exempted from certain provisions of the act: None.

09-25-0008

System name: Administration: Radiation Workers Monitoring, HHS/NIH/ORS.

Security classification: None.

System location:

Building 21, Room 134, NIH
9000 Rockville Pike
Bethesda, MD 20205
and
Building 12, Computer Center
9000 Rockville Pike
Bethesda, MD 20205

Categories of individuals covered by the system: NIH workers using radioactive materials or radiation producing equipment.

Categories of records in the system: Radiation exposure incident reports, film badge exposure reports, urine and whole body counting reports.

Authority for maintenance of the system: 5 USC 7902

Purpose(s):

1. To assure legal compliance with requirement of Nuclear Regulatory Commission to maintain internal and external radiation exposure data and any radiation incident follow-up reports.
2. To monitor personnel exposures in order that they be maintained at the lowest levels reasonably achievable.

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

Transfer radiation exposure history to new employer or to Nuclear Regulatory Commission on their request.

Disclosure may be made to 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.

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided that such disclosure is compatible with the purpose for which the records were collected.

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

Storage: Records are stored in card file and on computer tapes.

Retrievability: Records are retrieved by name and group number.

Safeguards: Access limited to personnel (system manager and staff).

Retention and disposal: Years at NIH: indefinite.

System manager(s) and address:

Chief, Health Physics Section
Radiation Safety Branch
Building 21, Room 108, NIH
9000 Rockville Pike
Bethesda, MD 20205

Notification procedure: Write to the System Manager to determine if a record exists. The requester must also verify his or her identity by providing either a notarization of the request or a written certification that the requester is who he or she claims to be and understands that the knowing and willful request for acquisition of a record pertaining to an individual under false pretenses is a criminal offense under the Act, subject to a five thousand dollar fine.

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

Contesting record procedures: Write to the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested, the corrective action sought and the reasons for the correction.

Record source categories: Previous employer and education institutions, laboratory supervisor.

Systems exempted from certain provisions of the act: None.

09-25-0009

System name: Clinical Research: Radiotherapy Patient File, HHS/NIH/ORS.

Security classification: None.

System location:

Building 21, Room 108, NIH
9000 Rockville Pike
Bethesda, MD 20205

Write to System Manager at the address above for the address of the Federal Records Center where records from this system are stored.

Categories of individuals covered by the system: NIH patients who have received radiotherapy doses.

Categories of records in the system: Radiotherapy patient records including quantity of material given, type of material, workers involved in patient handling and any radiation exposure received by workers.

Authority for maintenance of the system: 5 USC 7902; 42 USC 241

Purpose(s):

To provide a legal record (for Nuclear Regulatory Commission and Food and Drug Administration review) of patients receiving therapeutic levels of radioactive materials.

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

Nuclear Regulatory Commission upon its request.

Clinical research data are made available to approved or collaborating researchers, including HHS contractors and grantees.

Information may be used to respond to congressional inquiries for constituents concerning admission to the NIH Clinical Center.

Referrals may be made of assignments of research investigators and project monitors to specific research projects to the Smithsonian Institution to contribute to the Smithsonian Science Information Exchange.

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided that such

disclosure is compatible with the purpose for which the records were collected.

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

Storage: Records are stored in file cabinet.

Retrievability: Records are retrieved by patient name.

Safeguards: Access limited to authorized personnel (system manager and staff).

Retention and disposal: Records are kept for six years after the final administration of radiotherapy to a patient. During the six years, records may be stored at a Federal Records Center.

System manager(s) and address:

Chief, Health Physics Section
Radiation Safety Branch
Building 21, Room 135, NIH
9000 Rockville Pike
Bethesda, MD 20205

Notification procedure: Write to the System Manager to determine if a record exists. The requester must also verify his or her identity by providing either a notarization of the request or a written certification that the requester is who he or she claims to be and understands that the knowing and willful request for acquisition of a record pertaining to an individual under false pretenses is a criminal offense under the Act, subject to a five thousand dollar fine.

A parent or guardian who requests notification of, or access to, a child's or incompetent person's medical record shall designate a family physician or other health professional (other than a family member) to whom the record, if any, will be sent. The parent or guardian must verify relationship to the child or incompetent person as well as his or her own identity.

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

Contesting record procedures: Write to the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested, the corrective action sought and the reasons for the correction.

Record source categories: Clinical Center, NIH, Radiopharmacy, NIH, individual patient.

Systems exempted from certain provisions of the act: None.

09-25-0010

System name: Research Resources: Registry of Individuals Exposed to Microbial Agents, HHS/NIH/ORS.

Security classification: None.

System location:

Building 12, NIH
9000 Rockville Pike
Bethesda, MD 20205

Write to System Manager at the address above for the address of the Federal Records Center where records from this system are stored.

Categories of individuals covered by the system: Individuals potentially exposed to biohazardous microbial agents.

Categories of records in the system: Microbial agents registry.

Authority for maintenance of the system: 42 USC 241

Purpose(s):

1. To serve as a base for health and safety for organizations involved in day-to-day operation of the program.
2. To identify potential hazards.
3. To determine needs for educational programs.
4. To identify scientists and laboratories with expertise in the use of particular biological agents.

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

Disclosure may be made to 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.

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided that such disclosure is compatible with the purpose for which the records were collected.

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

Storage: Records are stored in file folders and on magnetic tape.

Retrievability: Records are retrieved by name and Social Security Number for verification where the latter is voluntarily provided.

Safeguards: (1) Authorized Users: Employees authorized to use the records include safety staff in the Occupational Safety and Health Branch and the Chief, Occupational Medical Services who have been informed of the need for maintaining confidentiality of the records.

(2) Physical Safeguards: Office records are kept in closed cabinets or desks in offices which are locked during off-duty hours.

(3) Procedural Safeguards: Access to the file is strictly controlled by the systems manager and records may be removed from files only at the request of the system manager or other authorized employee. Access to computerized records is controlled by the use of security codes known only to the authorized users.

Retention and disposal: indefinite.

System manager(s) and address:

Chief, Safety Support Section
Building 13, Room 3K04, NIH
9000 Rockville Pike
Bethesda, MD 20205

Notification procedure: Write to the System Manager to determine if a record exists.

The requester must also verify his or her identity by providing either a notarization of the request or a written certification that the requester is who he or she claims to be and understands that the knowing and willful request for acquisition of a record pertaining to an individual under false pretenses is a criminal offense under the Act, subject to a five thousand dollar fine.

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

Contesting record procedures: Write to the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested, the corrective action sought and the reasons for the correction.

Record source categories: Supervisor and employee.

Systems exempted from certain provisions of the act: None.

09-25-0011

System name: Clinical Research: Blood Donor Records, HHS/NIH/CC.

Security classification: None.

System location:

Building 10A, Room 1E33, NIH
9000 Rockville Pike
Bethesda, MD 20205
and
Washington National Records Center
4205 Suitland Road
Suitland, Maryland

Categories of individuals covered by the system: Donors of blood and blood donations, blood types, phenotype. Laboratory results on each unit-record are hepatitis B antigen testing, serologic reactions on all blood samples, donations of blood or blood components.

Authority for maintenance of the system: 42 USC 263

Purpose(s):

1. To provide a means for contacting blood donors for patient care and research.
2. To provide a medical history of all donors for the transfusion records of each blood unit.

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

Clinical research data are made available to approved or collaborating researchers, including HHS contractors and grantees.

Certain infectious diseases may be reported to state government as required by law.

Disclosure may be made to 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.

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, for example in defending against a claim based upon an individual's mental or physical condition and alleged to have arisen because of activities of the Public Health Service in connection with such individual, the Department may disclose such records as it deems desirable or necessary to the Department of Justice or other appropriate Federal agency to enable that agency to present an effective defense, provided that such disclosure is compatible with the purpose for which the records were collected.

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

Storage: Records are stored in a computer file, on donor cards, and on microfilm.

Retrievability: Records are retrieved by name and Social Security Number for verification where the latter is voluntarily provided.

Safeguards: (1) Authorized Users: Access is granted only to the blood bank physicians, the Blood Bank's chief nurse and chief technologist, secretary to the Chief, Blood Bank, and the computer operator.

(2) Physical Safeguards: Record facilities are locked when system personnel are not present.

(3) Procedural Safeguards: Access to manual files is limited to authorized users. Access to computerized records is controlled by the use of security codes known only to the authorized users.

Retention and disposal: Donor cards are retained for 18 months and then microfilmed. Microfilm is retained indefinitely in accordance with the NIH Records Control Schedule, item 3000-E-50.

System manager(s) and address:

Chief, Blood Bank, CC
Building 10A, Room 1E33, NIH
9000 Rockville Pike
Bethesda, MD 20205

Notification procedure: Write to the System Manager to determine if a record exists. The requester must also verify his or her identity by providing either a notarization of the request or a written certification that the requester is who he or she claims to be and understands that the knowing and willful request for acquisition of a record pertaining to an individual under false pretenses is a criminal offense under the Act, subject to a five thousand dollar fine.

An individual who requests notification of or access to a medical record shall, at the time the request is made, designate in writing, a responsible representative, who may be a physician, who will be willing to review the record and inform the subject individual of its contents at the representative's discretion.

Record access procedures: To obtain access to a record, contact the system manager at the address specified above. Requesters should provide the same information as is required under the notification procedures above. Requesters should also reasonably specify the record contents being sought.

Contesting record procedures: Write to the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested, the corrective action sought and the reasons for the correction.

Record source categories: Data are collected from the individual.

Systems exempted from certain provisions of the act: None.

09-25-0012

System name: Clinical Research: Candidate Normal Volunteer Records, HHS/NIH/CC.

Security classification: None.

System location:

Building 10, Room 7D50, NIH
9000 Rockville Pike
Bethesda, MD 20205

Categories of individuals covered by the system: Normally healthy individuals who volunteer to participate in NIH studies.

Categories of records in the system: Program application, health questionnaire and record of participation.

Authority for maintenance of the system: 42 USC 241, 263

Purpose(s):

1. To determine suitability for participation in the normal volunteer program.

2. To document remuneration of normal volunteers.

3. To provide a record of participation to be used (a) in writing letters of recommendation/reference for the volunteer, and (b) preparing reports on the normal volunteer program.

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

Clinical research data are made available to approved or collaborating researchers, including HHS contractors and grantees.

Certain infectious diseases may be reported to state government as required by law.

Information may be used to respond to congressional inquiries for constituents concerning admission to the NIH Clinical Center.

Disclosure may be made to 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.

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

Storage: Program applications and health questionnaires are stored in file folders. Records of participation are stored on index cards.

Retrievability: Records are retrieved by name.

Safeguards: (1) Authorized Users: Access is granted only to the staff in the Office of Normal Volunteers and to NIH physicians who have requested the recruitment of volunteers for their clinical research projects.

(2) Physical Safeguards: Record facilities are locked when system personnel are not present.

(3) Procedural Safeguards: Access to the files is strictly controlled by the files staff. Records may be removed from the file only at the request of the system manager or other authorized employees.

Retention and disposal: Program applications and health questionnaires are kept for 18 months after an individual leaves NIH or, in the case of applications which are eligible but not accepted, until the application is one year old.

System manager(s) and address:

Chief, Normal Volunteer Program
Building 10, Room 7D50 NIH
9000 Rockville Pike
Bethesda, MD 20205

Notification procedure: Write to the System Manager to determine if a record exists. The requester must also verify his or her identity by providing either a notarization of the request or a written certification that the requester is who he or she claims to be and understands that the knowing and willful request for acquisition of a record pertaining to an individual under false pretenses is a criminal offense under the Act, subject to a five thousand dollar fine.

An individual who requests notification of or access to a medical record shall, at the time the request is made, designate in writing, a responsible representative, who may be a physician, who will be willing to review the record and inform the subject individual of its contents at the representative's discretion.

A parent or guardian who requests notification of, or access to, a child's or incompetent person's medical record shall designate a family physician or other health professional (other than a family member) to whom the record, if any, will be sent. The parent or guardian must verify relationship to the child or incompetent person as well as his or her own identity.

Record access procedures: To obtain access to a record, contact:

Director, Clinical Center
Building 10, Room 1N212, NIH
9000 Rockville Pike
Bethesda, MD 20205

and provide the information described under Notification Procedures above. Requesters should also reasonably specify the record contents being sought.

Contesting record procedures: Write to the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested, the corrective action sought and the reasons for the correction.

Record source categories: Volunteer, sponsoring contractor.

Systems exempted from certain provisions of the act: None.

09-25-0013

System name: Clinical Research: Preadmission Medical Records, HHS/NIH/CC.

Security classification: None.

System location:

Building 31, Room 2B58, NIH

9000 Rockville Pike
Bethesda, MD 20205

Categories of individuals covered by the system: Potential patients.

Categories of records in the system: Medical history and letters from individuals and referring physicians.

Authority for maintenance of the system: 42 USC 241, 248.

Purpose(s):

To determine appropriateness of individual for participation in clinical research projects.

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

Information may be used to respond to congressional inquiries for constituents concerning admission to the NIH Clinical Center.

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

Storage: Records are stored in folders.

Retrievability: Records are retrieved by name.

Safeguards: (1) Authorized Users: The patient referral staff maintains the records in this system and grants regular access only to physicians and dentists participating in patient care at the Clinical Center, NIH.

(2) Physical Safeguards: All record facilities are locked when system personnel are not present.

(3) Procedural Safeguards: Access to the file is strictly controlled by the files staff. Records may be removed from the file only at the request of the system manager or other authorized employees.

Retention and disposal: Years at NIH: 3. Disposal methods include burning or shredding paper materials and erasing computer tapes.

System manager(s) and address:

Chief, Office of Clinical Reports & Inquiries
Building 31, Room 2B58 NIH
9000 Rockville Pike
Bethesda, MD 20205

Notification procedure: Write to the System Manager to determine if a record exists. The requester must also verify his or her identity by providing either a notarization of the request or a written certification that the requester is who he or she claims to be and understands that the knowing and willful request for acquisition of a record pertaining to an individual under false pretenses is a criminal offense under the Act, subject to a five thousand dollar fine.

An individual who requests notification of or access to a medical/dental record shall, at the time the request is made, designate in writing, a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion.

A parent or guardian who requests notification of, or access to, a child's or incompetent person's medical record shall designate a family physician or other health professional (other than a family member) to whom the record, if any, will be sent. The parent or guardian must verify relationship to the child or incompetent person as well as his or her own identity.

Record access procedures: To obtain access to a record, contact:

Director, Clinical Center
Building 10, Room 1N212, NIH
9000 Rockville Pike
Bethesda, MD 20205

and provide the information described under Notification Procedures above. Requesters should also reasonably specify the record contents being sought.

Contesting record procedures: Write to the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested, the corrective action sought and the reasons for the correction.

Record source categories: Referring physicians, subject individuals, families or members of Congress.

Systems exempted from certain provisions of the act: None.

09-25-0014

System name: Clinical Research: Student Records. HHS/NIH/CC.

Security classification: None.

System location:

Building 31, Room 4B04
and
Building 10, Room 1N-206
9000 Rockville Pike
Bethesda, MD 20205

Write to the system manager at the address below for the address of any Federal Records Center where records from this system are stored.

Categories of individuals covered by the system: Potential and accepted associates, medical students, and other students in NIH training programs.

Categories of records in the system: Application form, transcripts, references, evaluations.

Authority for maintenance of the system: 42 USC 241.

Purpose(s):

1. To identify candidates for clinical associate, clinical elective, and other training positions.
2. To maintain a permanent record of those individuals who have received clinical training at the NIH for historical and reference uses.

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

Information may be used to respond to congressional inquiries for constituents concerning admission to the program.

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

Storage: Records are stored in file folders.

Retrievability: Records are retrieved by name and year.

Safeguards: (1) Authorized Users: Employees who maintain records in this system are instructed to grant regular access only to health care personnel of the NIH who are involved in the evaluation and selection of training candidates.

(2) Physical Safeguards: Records are maintained in locked cabinets with access limited to authorized personnel (systems manager and staff).

(3) Procedural Safeguards: Access to the file is strictly controlled by the files staff. Records may be removed from the file only at the request of the system manager or other authorized employees.

Retention and disposal: Years at NIH: Records may be retired to a Federal Records Center and subsequently disposed of in accordance with the NIH records control schedule. The records control schedule may be obtained by writing to the system manager at the address below.

System manager(s) and address:

Associate Director, CC
Building 10, Room 1N206 NIH
9000 Rockville Pike
Bethesda, MD 20205

Notification procedure: Write to the System Manager to determine if a record exists. The requester must also verify his or her identity by providing either a notarization of the request or a written certification that the requester is who he or she claims to be and understands that the knowing and willful request for acquisition of a record pertaining to an individual under false pretenses is a criminal offense under the Act, subject to a five thousand dollar fine.

An individual who requests notification of or access to a medical/dental record shall, at the time the request is made, designate in writing, a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion.

A parent or guardian who requests notification of, or access to, a child's or incompetent person's medical record shall designate a family physician or other health professional (other than a family member) to whom the record, if any, will be sent. The parent or guardian must verify relationship to the child or incompetent person as well as his or her own identity.

Record access procedures: To obtain access to a record, contact the system manager at the above address and provide the information described under Notification Procedures above. Requesters should also reasonably specify the record contents being sought.

Contesting record procedures: Write to the system manager the address specified above, and reasonably identify the record and specify the information to be contested, the corrective action sought and the reasons for the correction.

Record source categories: Applicants, universities and teachers.

Systems exempted from certain provisions of the act: None.

09-25-0015

System name: Clinical Research: Collaborative Clinical Epilepsy Research. HHS/NIH/NINCDS.

Security classification: None.

System location:

Building 12, NIH
9000 Rockville Pike.
Bethesda, MD 20205

Write to the system manager at the address below for the address of any Federal Records Center where records from this system are stored.

Categories of individuals covered by the system: Patients participating in clinical epilepsy research sponsored by the National Institute of Neurological and Communicative Disorders and Stroke (NINCDS).

Categories of records in the system: Clinical data.

Authority for maintenance of the system: 42 USC 241, 289a, 289c

Purpose(s):

Clinical research on epilepsy, specifically neurophysiological studies of patients and new drug studies designed to improve treatment of epilepsy.

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

Clinical research data are made available to approved or collaborating researchers, including HHS contractors and grantees.

Disclosure may be made to 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.

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, for example in defending against a claim based upon an individual's mental or physical condition and alleged to have arisen because of activities of the Public Health Service in connection with such individual, the Department may disclose such records as it deems desirable or necessary to the Department of Justice or other appropriate Federal agency to enable that agency to present an effective defense, provided that such disclosure is compatible with the purpose for which the records were collected.

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

Storage: Records are stored in file folders, and on magnetic tape and discs.

Retrievability: Records are retrieved by identifying number.

Safeguards: (1) Authorized Users: Employees who maintain records in this system are instructed to grant access to HHS researchers or the staff of the Epilepsy Branch. No other use is permitted without specific permission of the System Manager.

(2) Physical Safeguards: Records are kept in a location which is locked during non-duty hours.

(3) Procedural Safeguards: Records are used in the system location only and are returned to file cabinets at the end of each working day. Location is attended at all times during working hours. Personnel having access to system have received Privacy Act training.

Retention and disposal: Years at NIH: 10. Years at Federal Records Center: 15.

System manager(s) and address:

Chief, Epilepsy Branch, NINCDS
Federal Building, Room 114
7550 Wisconsin Avenue
Bethesda, MD 20205

Notification procedure: To determine if a record exists, write to:

Head, Administrative Management Section, NINCDS
Building 31, Room 8A47, NIH
9000 Rockville Pike
Bethesda, MD 20205

The requester must also verify his or her identity by providing either a notarization of the request or a written certification that the requester is who he or she claims to be and understands that the knowing and willful request for acquisition of a record pertaining to an individual under false pretenses is a criminal offense under the Act, subject to a five thousand dollar fine.

An individual who requests notification of or access to a medical/dental record shall, at the time the request is made, designate in writing, a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion.

A parent or guardian who requests notification of, or access to, a child's or incompetent person's medical record shall designate a family physician or other health professional (other than a family member) to whom the record, if any, will be sent. The parent or guardian must verify relationship to the child or incompetent person as well as his or her own identity.

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

Contesting record procedures: Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested, the corrective action sought and the reasons for the correction.

Record source categories: Clinical treatment records from physicians, nurses and other sources of care.

Systems exempted from certain provisions of the act: None.

09-25-0016

System name: Clinical Research: Collaborative Perinatal Project HHS/NIH/NINCDS.

Security classification: None.

System location:

Federal Building, NIH
7550 Wisconsin Ave.
Bethesda, MD 20205

Write to the system manager at the address below for the address of any Federal Records Center where records from this system are stored.

Categories of individuals covered by the system: Women in the perinatal study of NIH during their preganancies, their children, husbands, fathers of children and other family members.

Categories of records in the system: Medical histories and examinations.

Authority for maintenance of the system: 42 USC 241, 289a, 289c

Purpose(s):

Biomedical and behavioral research by HHS scientists to discover leads to the developmental disorders of childhood by relating events of pregnancy, labor and delivery, infancy and early childhood to subsequent development of the child.

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

A record may be disclosed for a research purpose, when the Department:(A)has determined that the use or disclosure does not violate legal or policy limitations under which the record was provided, collected, or obtained;(B)has determined that the research purpose (1) cannot be reasonably accomplished unless the record is provided in individually identifiable form, and (2) warrants the risk to the privacy of the individual that additional exposure of the record might bring;(C)has required the recipient to (1) establish reasonable administrative, technical, and physical safequards to prevent unauthorized use or disclosure of the record, (2) remove or destroy the information that identifies the individual at the earliest time at which removal or destruction can be accomplished consistent with the purpose of the research project, unless the recipient has presented adequate justification of a research or health nature for retaining such information, and (3) make no further use or disclosure of the record except (a) in emergency circumstances affecting the health or safety of any individual, (b) for use in another research project, under these same conditions, and with written authorization of the Department, (c) for disclosure to a properly identified person for the purpose of an audit related to the research project, if information that would enable research subjects to be identified is removed or destroyed at the earliest opportunity consistent with the purpose of the audit, or (d) when required by law;(D)has secured a written statement attesting to the recipient's understanding of, and willingness to abide by these provisions.

Certain infectious diseases are reported to state government as required by law.

Disclosure may be made to 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.

Referrals may be made of assignments of research investigators and project monitors to specific research projects to the Smithsonian Institution to contribute to the Smithsonian Science Information Exchange, Inc.

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States

where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, for example in defending against a claim based upon an individual's mental or physical condition and alleged to have arisen because of activities of the Public Health Service in connection with such individual, the Department may disclose such records as it deems desirable or necessary to the Department of Justice or other appropriate Federal agency to enable that agency to present an effective defense, provided that such disclosure is compatible with the purpose for which the records were collected.

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

Storage: Records are stored in file folders, on punch cards and magnetic tape, computer printouts, and on microfilm.

Retrievability: Records are retrieved by identifying number assigned to the mother.

Safeguards: (1) Authorized Users: Employees who maintain records in this system are instructed to grant access to HHS researchers and data processing support staff only upon receiving an approved written request from the System Manager which specifies the data to be received and the intended use of the data. A list of authorized users is maintained.

(2) Physical Safeguards: Records are in an area with no other use which is locked when system not in use.

(3) Procedural Safeguards: Personnel having access are trained in Privacy requirements. Records of access to the system are maintained. Records are used in the system area or other designated work area.

Retention and disposal: Years at NIH: indefinite. Some records are sent to the Federal Records Center and held for 3 years.

System manager(s) and address:

Chief, Developmental Neurology Branch
National Institute of Neurological and Communicative
Disorders and Stroke (NINCDS)
Federal Building, NIH
7550 Wisconsin Avenue
Bethesda, MD 20205

Notification procedure: To determine if a record exists, write to:

Head, Administrative Management Section, NINCDS
Building 31, Room 8A47, NIH
9000 Rockville Pike
Bethesda, MD 20205

The requester must also verify his or her identity by providing either a notarization of the request or a written certification that the requester is who he or she claims to be and understands that the knowing and willful request for acquisition of a record pertaining to an individual under false pretenses is a criminal offense under the Act, subject to a five thousand dollar fine.

An individual who requests notification of or access to a medical/dental record shall, at the time the request is made, designate in writing, a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion.

A parent or guardian who requests notification of, or access to, a child's or incompetent person's medical record shall designate a family physician or other health professional (other than a family member) to whom the record, if any, will be sent. The parent or guardian must verify relationship to the child or incompetent person as well as his or her own identity.

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

Contesting record procedures: Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested, the corrective action sought and the reasons for the correction.

Record source categories: Mother, child, father, biomedical examiners, hospital & clinic records, schools.

Systems exempted from certain provisions of the act: None.

09-25-0017

System name: Clinical Research: Epidemiology Studies Files. HHS/NIH/NINCDS.

Security classification: None.

System location:

Federal Building, NIH
7550 Wisconsin Ave.
Bethesda, MD 20205

Categories of individuals covered by the system: (1) Persons with Multiple Sclerosis in the Comanche County study of NIH.

(2) Persons with Polymyositis in the NIH study.

(3) Persons with Creutzfeld-Jacob Disease in the NIH study.

(4) Guam Construction Workers: Admissions to hospitals with diagnosis of stroke 1972-3.

(5) Persons with Multiple Sclerosis who have a twin and who are participants in the NIH study.

(6) Person with Parkinson's Disease in NIH-related studies.

(7) Registered nurses in the NIH study who were exposed to infectious diseases in the course of patient treatment during their pregnancies.

(8) Persons with ulcers who participated in the Veterans' Administration study.

Categories of records in the system: Medical findings and outcome.

Authority for maintenance of the system: 42 USC 241, 289a, 289c

Purpose(s):

Epidemiological research by HHS scientists and their authorized collaborators on a number of disease states: Polymyositis, Creutzfeld-Jacob Disease, Stroke, Multiple Sclerosis, Parkinson's Disease, nurses exposed to infectious diseases during pregnancy, and ulcers.

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

Clinical research data are made available to approved or collaborating researchers, including HHS contractors and grantees.

Information may be used to respond to congressional inquiries for constituents concerning admission to the NIH Clinical Center.

Referrals may be made of assignments of research investigators and project monitors to specific research projects to the Smithsonian Institution to contribute to the Smithsonian Science Information Exchange, Inc.

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, for example in defending against a claim based upon an individual's mental or physical condition and alleged to have arisen because of activities of the Public Health Service in connection with such individual, the Department may disclose such records as it deems desirable or necessary to the Department of Justice or other appropriate Federal agency to enable that agency to present an effective defense, provided that such disclosure is compatible with the purpose for which the records were collected.

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

Storage: Records are stored in file folders.

Retrievability: Records are retrieved by name.

Safeguards: Records are stored in the Federal Records Center with access limited to specific cases authorized by the system manager.

Retention and disposal: Records are retained and subsequently disposed of in accordance with the NIH Records Control Schedule, item 3000-G-3. The records control schedule may be obtained by writing to the system manager at the address below. Inactive records are stored in a Federal Records Center

System manager(s) and address:

Head, Section of Epidemiology
National Institute of Neurological and Communicative Disorders and Stroke (NINCDS)
Federal Building, Room 7C10A
7550 Wisconsin Ave
Bethesda, MD 20205

Notification procedure: To determine if a record exists, write to:

Head, Administrative Management Section, NINCDS
Building 31, Room 8A47, NIH
9000 Rockville Pike
Bethesda, MD 20205

The requester must also verify his or her identity by providing either a notarization of the request or a written certification that the requester is who he or she claims to be and understands that the knowing and willful request for acquisition of a record pertaining to an individual under false pretenses is a criminal offense under the Act, subject to a five thousand dollar fine.

An individual who requests notification of or access to a medical/dental record shall, at the time the request is made, designate in writing, a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion.

A parent or guardian who requests notification of, or access to, a child's or incompetent person's medical record shall designate a family physician or other health professional (other than a family member) to whom the record, if any, will be sent. The parent or guardian must verify relationship to the child or incompetent person as well as his or her own identity.

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

Contesting record procedures: Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested, the corrective action sought and the reasons for the correction.

Record source categories: Hospital and physicians' records.

Systems exempted from certain provisions of the act: None.

09-25-0019

System name: Clinical Research: Genetic Counseling. HHS/NIH/NINCDS.

Security classification: None.

System location:

Federal Building, NIH
7550 Wisconsin Ave.
Bethesda, MD 20205

ite to the system manager at the address below for the address of any Federal Records Center where records from this system are stored.

Categories of individuals covered by the system: Individuals referred to NIH by their physicians for advice about genetic problems in their families.

Categories of records in the system: Family histories, medical histories, laboratory findings, physicians reports.

Authority for maintenance of the system: 42 USC 241, 289a, 289c

Purpose(s):

Research by HHS scientists and approved collaborators to assess the effectiveness and value of gentic counseling for individuals referred by physicians for advice about genetic problems in their families.

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

Clinical research data are made available to approved or collaborating researchers, including HHS contractors and grantees.

Certain infectious diseases are reported to state government as required by law.

Disclosure may be made to 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.

Referrals may be made of assignments of research investigators and project monitors to specific research projects to the Smithsonian Institution to contribute to the Smithsonian Science Information Exchange, Inc.

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, for example in defending against a claim based upon an individual's mental or physical condition and alleged to have arisen because of activities of the Public Health Service in connection with such individual, the Department may disclose such records as it deems desirable or necessary to the Department of Justice or other appropriate Federal agency to enable that agency to present an effective defense, provided that such disclosure is compatible with the purpose for which the records were collected.

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

Storage: Records are stored in file folders.

Retrievability: Records are retrieved by name.

Safeguards: (1) Authorized Users: Employees who maintain records in this system are instructed to grant access only to HHS researchers or their authorized collaborators.

(2) Physical Safeguards: Records are locked in a cabinet during non-working hours in a location also locked during non-working hours.

(3) Procedural Safeguards: Persons having access to this system are trained in Privacy Act requirements. Location is attended at all times during working hours.

Retention and disposal: Records are retained and disposed of in accordance with the NIH Records Control Schedule, item 3000-G-3. A copy of the schedule may be obtained by writing to the system manager at the address below. Inactive records may be retired to a Federal Records Center.

System manager(s) and address:

Research Geneticist, Developmental Neurology Branch
Federal Building, Room 7C10A
7550 Wisconsin Ave
Bethesda, MD 20205

Notification procedure:

To determine if a record exists, contact:
Head, Administrative Management Section, NINCDS
Building 31, Room 8A47, NIH
9000 Rockville Pike
Bethesda, MD 20205

The requester must also verify his or her identity by providing either a notarization of the request or a written certification that the requester is who he or she claims to be and understands that the knowing and willful request for acquisition of a record pertaining to an individual under false pretenses is a criminal offense under the Act, subject to a five thousand dollar fine.

An individual who requests notification of or access to a medical/dental record shall, at the time the request is made, designate in writing, a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion.

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

Contesting record procedures: Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested, the reasons for the correction, and the corrective action sought.

Record source categories: Referring physicians.

Systems exempted from certain provisions of the act: None.

09-25-0020

System name: Clinical Research: Genetics of Neurological Disorders. HHS/NIH/NINCDS.

Security classification: None.

System location:

Federal Building, NIH
7550 Wisconsin Ave.
Bethesda, MD 20205

Write to the system manager at the address below for the address of any Federal Records Center where records from this system are stored.

Categories of individuals covered by the system: Individuals with hereditary nervous system disorders and their unaffected relatives in the NIH study.

Categories of records in the system: Family histories, medical histories, laboratory findings.

Authority for maintenance of the system: 42 USC 241, 289a, 289c

Purpose(s):

Research by HHS scientists on the genetics of diseases and disorders of the nervous system including inheritance, rates of gene mutation, population characteristics, detection of the hetereozygous state, and defects in metabolism.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: data are made available to approved or collaborating researchers, including HHS contractors and grantees.

Information may be used to respond to congressional inquiries for constituents concerning admission to the NIH Clinical Center.

Referrals may be made of assignments of research investigators and project monitors to specific research projects to the Smithsonian Institution to contribute to the Smithsonian Science Information Exchange, Inc.

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the

Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, for example in defending against a claim based upon an individual's mental or physical condition and alleged to have arisen because of activities of the Public Health Service in connection with such individual, the Department may disclose such records as it deems desirable or necessary to the Department of Justice or other appropriate Federal agency to enable that agency to present an effective defense, provided that such disclosure is compatible with the purpose for which the records were collected.

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

Storage: Records are stored in file folders and on index cards.

Retrievability: Records are retrieved by name and ID number.

Safeguards: (1) Authorized Users: Employees who maintain records in this system are instructed to grant access only to HHS researchers or their authorized collaborators.

(2) Physical Safeguards: Records are locked in a cabinet during non-working hours in a location also locked during non-working hours.

(3) Procedural Safeguards: Persons having access to this system are trained in Privacy Act requirements. Location is attended at all times during working hours.

Retention and disposal: Records are retained and disposed of in accordance with the NIH Records Control Schedule, item 3000-G-3. A copy of the schedule may be obtained by writing to the system manager at the address below. Inactive records may be retired to a Federal Records Center.

System manager(s) and address:

Research Geneticist
Developmental Neurology Branch
Federal Building, Room 8C16A
7550 Wisconsin Ave
Bethesda, MD 20205

Notification procedure: To determine if a record exists, contact:

Head, Administrative Management Section, NINCDS
Building 31, Room 8A47, NIH
9000 Rockville Pike
Bethesda, MD 20205

The requester must also verify his or her identity by providing either a notarization of the request or a written certification that the requester is who he or she claims to be and understands that the knowing and willful request for acquisition of a record pertaining to an individual under false pretenses is a criminal offense under the Act, subject to a five thousand dollar fine.

An individual who requests notification of or access to a medical record shall, at the time the request is made, designate in writing, a responsible representative, who may be a physician, who will be willing to review the record and inform the subject individual of its contents at the representative's discretion.

A parent or guardian who requests notification of, or access to, a child's or incompetent person's medical record shall designate a family physician or other health professional (other than a family member) to whom the record, if any, will be sent. The parent or guardian must verify relationship to the child or incompetent person as well as his or her own identity.

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

Contesting record procedures: Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested, the reasons for the correction, and the corrective action sought.

Record source categories: Patients, relatives, physicians, hospital records.

Systems exempted from certain provisions of the act: None.

09-25-0021

System name: Clinical Research: Guam Patient/Control Registry. HHS/NIH/NINCDS.

Security classification: None.

System location:

Building 36, Room 5D03, NIH
9000 Rockville Pike
Bethesda, MD 20205

Write to the system manager at the address below for the address of any Federal Records Center where records from this system are stored.

Categories of individuals covered by the system: Research patients of NIH on Guam.

Categories of records in the system: Medical and demographic data.

Authority for maintenance of the system: 42 USC 241, 289a, 289c

Purpose(s):

Biomedical research on patients by HHS scientists who study selected diseases and conditions found on the island of Guam in the Pacific.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: data are made available to approved or collaborating researchers, including HHS contractors and grantees.

Certain infectious diseases are reported to Territorial authorities as required by law.

Disclosure may be made to 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.

Referrals may be made of assignments of research investigators and project monitors to specific research projects to the Smithsonian Institution to contribute to the Smithsonian Science Information Exchange, Inc.

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, for example in defending against a claim based upon an individual's mental or physical condition and alleged to have arisen because of activities of the Public Health Service in connection with such individual, the Department may disclose such records as it deems desirable or necessary to the Department of Justice or other appropriate Federal agency to enable that agency to present an effective defense, provided that such disclosure is compatible with the purpose for which the records were collected.

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

Storage: Records are stored in file folders, on punch cards, magnetic tape, index cards, and print-out sheets.

Retrievability: Records are retrieved by name and ID number.

Safeguards: (1) Authorized Users: Employees who maintain records in this system are instructed to grant access only to HHS researchers or their authorized collaborators.

(2) Physical Safeguards: Location is locked during non-working hours and records are returned to location at end of working day.

(3) Procedural Safeguards: Persons having access to records are informed of the Privacy Act requirements and location is attended at all times during the working day.

Retention and disposal: Records are retained and disposed of in accordance with the NIH Records Control Schedule, item 3000-G-3. A copy of the schedule may be obtained by writing to the system manager at the address below. Inactive records may be retired to a Federal Records Center.

System manager(s) and address:

Director, Intramural Research
National Institute of Neurological and Communicative Disorders and Stroke (NINCDS)
Building 36, Room 5A05, NIH
9000 Rockville Pike
Bethesda, MD 20205

Notification procedure: To determine if a record exists, contact:

Head, Administrative Management Section, NINCDS
Building 31, Room 8A47, NIH
9000 Rockville Pike
Bethesda, MD 20205

The requester must also verify his or her identity by providing either a notarization of the request or a written certification that the requester is who he or she claims to be and understands that the knowing and willful request for acquisition of a record pertaining to an individual under false pretenses is a criminal offense under the Act, subject to a five thousand dollar fine.

An individual who requests notification of or access to a medical/dental record shall, at the time the request is made, designate in writing, a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion.

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

Contesting record procedures: Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested, the reasons for the correction, and the corrective action sought.

Record source categories: Individuals and their families.

Systems exempted from certain provisions of the act: None.

09-25-0024

System name: Clinical Research: Medical Neurology Branch Patients' Medical Histories. HHS/NIH/NINCDS.

Security classification: None.

System location:

Building 10, Room 10-18, NIH
9000 Rockville Pike
Bethesda, MD 20205

Write to the system manager at the address below for the address of any Federal Records Center where records from this system are stored.

Categories of individuals covered by the system: Patients in the Medical Neurology Branch, National Institutes of Neurological and Communicative Disorders and Stroke (NINCDS).

Categories of records in the system: Medical history.

Authority for maintenance of the system: 42 USC 241, 289a, 289c

Purpose(s):

Clinical research by HHS scientists and their authorized collaborators on the neuromuscular diseases, e.g., muscular dystrophy and myasthenia gravis.

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

Clinical research data are made available to approved or collaborating researchers, including HHS contractors and grantees.

Certain infectious diseases are reported to state government as required by law.

Information may be used to respond to congressional inquiries for constituents concerning admission to the NIH Clinical Center.

Referrals may be made of assignments of research investigators and project monitors to specific research projects to the Smithsonian Institution to contribute to the Smithsonian Science Information Exchange, Inc.

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, for example in defending against a claim based upon an individual's mental or physical condition and alleged to have arisen because of activities of the Public Health Service in connection with such individual, the Department may disclose such records as it deems desirable or necessary to the Department of Justice or other appropriate Federal agency to enable that agency to present an effective defense, provided that such disclosure is compatible with the purpose for which the records were collected.

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

Storage: Records are stored in file folders.

Retrievability: Records are retrieved by name, ID number and by diagnosis.

Safeguards: (1) Authorized Users: Employees who maintain records in this system are instructed to grant access only to the Chief, Medical Neurology Branch, or designated collaborators and assistants.

(2) Physical Safeguards: Records are locked in a cabinet during non-working hours in a location also locked during non-working hours.

(3) Procedural Safeguards: Personnel having access to system are informed of Privacy Act requirements. Records are returned to files at end of each working day.

Retention and disposal: Records are retained and disposed of in accordance with the NIH Records Control Schedule, item 3000-G-3. A copy of the schedule may be obtained by writing to the system manager at the address below. Inactive records may be retired to a Federal Records Center.

System manager(s) and address:

Chief, Medical Neurology Branch NINCDS
Building 10, Room 10D-18, NIH
9000 Rockville Pike
Bethesda, MD 20205

Notification procedure: To determine if a record exists, contact:

Head, Administrative Management Section, NINCDS
Building 31, Room 8A47, NIH
9000 Rockville Pike
Bethesda, MD 20205

The requester must also verify his or her identity by providing either a notarization of the request or a written certification that the requester is who he or she claims to be and understands that the knowing and willful request for acquisition of a record pertaining to an individual under false pretenses is a criminal offense under the Act, subject to a five thousand dollar fine.

An individual who requests notification of or access to a medical/dental record shall, at the time the request is made, designate in writing, a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion.

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

Contesting record procedures: Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested, the reasons for the correction, and the corrective action sought.

Record source categories: Referring physicians.

Systems exempted from certain provisions of the act: None.

09-25-0026

System name: Clinical Research: Nervous System Studies. HHS/NIH/NINCDS.

Security classification: None.

System location:

Building 36, Room 5B20, NIH
9000 Rockville Pike
Bethesda, MD 20205

Write to the system manager at the address below for the address of any Federal Records Center where records from this system are stored.

Categories of individuals covered by the system: Research patients in NIH-related studies having nervous system disorders.

Categories of records in the system: Medical and demographic data.

Authority for maintenance of the system: 42 USC 241, 289a, 289c

Purpose(s):

Clinical research by HHS scientists on patients with special diseases of the nervous system, with particular emphasis on those diseases known or thought to be caused by slow or latent viruses.

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

Clinical research data are made available to approved or collaborating researchers, including HHS contractors and grantees.

Certain infectious diseases are reported to state government as required by law.

Information may be used to respond to congressional inquiries for constituents concerning admission to the NIH Clinical Center.

Referrals may be made of assignments of research investigators and project monitors to specific research projects to the Smithsonian Institution to contribute to the Smithsonian Science Information Exchange, Inc.

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of

its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, for example in defending against a claim based upon an individual's mental or physical condition and alleged to have arisen because of activities of the Public Health Service in connection with such individual, the Department may disclose such records as it deems desirable or necessary to the Department of Justice or other appropriate Federal agency to enable that agency to present an effective defense, provided that such disclosure is compatible with the purpose for which the records were collected.

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

Storage: Records are stored in file folders, on magnetic tape, and on computer print-out sheets.

Retrievability: Records are retrieved by name, disease and attending physician name.

Safeguards: (1) Authorized Users: Employees who maintain records in this system are instructed to grant access only to scientists on the staff of the Central Nervous System Studies Laboratory and their assistants.

(2) Physical Safeguards: Records are kept in a locked location.

(3) Procedural Safeguards: Personnel having access to system are informed of Privacy Act requirements.

Retention and disposal: Records are retained and disposed of in accordance with the NIH Records Control Schedule, item 3000-G-3. A copy of the schedule may be obtained by writing to the system manager at the address below. Inactive records may be retired to a Federal Records Center.

System manager(s) and address:

Chief, Central Nervous System Studies Lab.
Building 31, Room 5B20, NIH
9000 Rockville Pike
Bethesda, MD 20205

Notification procedure: To determine if a record exists, contact:

Head, Administrative Management Section, NINCDS
Building 31, Room 8A47, NIH
9000 Rockville Pike
Bethesda, MD 20205

The requester must also verify his or her identity by providing either a notarization of the request or a written certification that the requester is who he or she claims to be and understands that the knowing and willful request for acquisition of a record pertaining to an individual under false pretenses is a criminal offense under the Act, subject to a five thousand dollar fine.

An individual who requests notification of or access to a medical/dental record shall, at the time the request is made, designate in writing, a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion.

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

Contesting record procedures: Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested.

Record source categories: From attending physicians.

Systems exempted from certain provisions of the act: None.

09-25-0028

System name: Clinical Research: Patient Medical Histories. HHS/NIH/NINCDS.

Security classification: None.

System location:

Building 10 & Building 31, NIH
9000 Rockville Pike
Bethesda, MD 20205

Write to the system manager at the address below for the address of any Federal Records Center where records from this system are stored.

Categories of individuals covered by the system: Past and present patients of the National Institute of Neurological and Communicative Disorders and Stroke (NINCDS), and individuals being referred for admission to the NIH Clinical Center.

Categories of records in the system: Medical histories and diagnoses.

Authority for maintenance of the system: 42 USC 241, 289a, 289c

Purpose(s):

Clinical research on various diseases of the nervous system by HHS scientists and their authorized collaborators, with the specific aim of improving patient care and treatment by evaluating therapeutic procedures.

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

Clinical research data are made available to approved or collaborating researchers, including HHS contractors and grantees.

Certain infectious diseases are reported to state government as required by law.

Information may be used to respond to congressional inquiries for constituents concerning admission to the NIH Clinical Center.

Referrals may be made of assignments of research investigators and project monitors to specific research projects to the Smithsonian Institution to contribute to the Smithsonian Science Information Exchange, Inc.

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, for example in defending against a claim based upon an individual's mental or physical condition and alleged to have arisen because of activities of the Public Health Service in connection with such individual, the Department may disclose such records as it deems desirable or necessary to the Department of Justice or other appropriate Federal agency to enable that agency to present an effective defense, provided that such disclosure is compatible with the purpose for which the records were collected.

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

Storage: Records are stored in file folders.

Retrievability: Records are retrieved by name.

Safeguards: (1) Authorized Users: Employees who maintain records in this system are instructed to grant access only to HHS researchers and their authorized collaborators.

(2) Physical Safeguards: Records are kept locked in a file cabinet when not in use and in a location which is locked during nonworking hours.

(3) Procedural Safeguards: Records are returned to the files at the close of each working day and are used only in the system location or in a designated work area.

Retention and disposal: Records are retained and disposed of in accordance with the NIH Records Control Schedule, item 3000-G-3. A copy of the schedule may be obtained by writing to the system manager at the address below. Inactive records may be retired to a Federal Records Center.

System manager(s) and address:

Director of Intramural Research, NINCDS
Building 36, Room 5A05, NIH
9000 Rockville Pike
Bethesda, MD 20205

Notification procedure: To determine if a record exists, contact:

Head, Administrative Management Section, NINCDS
Building 31, Room 8A47, NIH
9000 Rockville Pike
Bethesda, MD 20205

The requester must also verify his or her identity by providing either a notarization of the request or a written certification that the requester is who he or she claims to be and understands that the knowing and willful request for acquisition of a record pertaining to an individual under false pretenses is a criminal offense under the Act, subject to a five thousand dollar fine.

An individual who requests notification of or access to a medical/dental record shall, at the time the request is made, designate in writing, a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion.

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

Contesting record procedures: Contact the official at the address specified under notification procedures above, and reasonably identi-

fy the record and specify the information to be contested, the corrective action sought and the reasons for the correction.

Record source categories: Referring and attending physicians, hospital records.

Systems exempted from certain provisions of the act: None.

09-25-0031

System name: Clinical Research: Serological and Virus Data in Studies Related to the Central Nervous System. HHS/NIH/NINCDS.

Security classification: None.

System location:

Building 36, Room 5D04, NIH
9000 Rockville Pike
Bethesda, MD 20205

Write to System Manager at the address below for the address of any Federal Records Center where records from this system are stored.

Categories of individuals covered by the system: Patients with possible perinatal, acute or chronic diseases and normal volunteers in NIH-related studies pertaining to the central nervous system.

Categories of records in the system: Laboratory findings for viruses.

Authority for maintenance of the system: 42 USC 241, 289a, 289c.

Purpose(s):

Clinical research by HHS scientists and their authorized collaborators and research on blood serum, specifically to discover the role of infections (particularly those caused by a virus) in diseases of the central nervous system and also to study the role of vaccines in these diseases.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: data are made available to approved or collaborating researchers, including HHS contractors and grantees.

Certain infectious diseases are reported to State Government as required by law.

Information may be used to respond to Congressional inquiries for constituents concerning admission to the NIH Clinical Center.

Referrals may be made of assignments of research investigators and project monitors to specific research projects to the Smithsonian Institution to contribute to the Smithsonian Science Information Exchange, Inc.

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, for example in defending against a claim based upon an individual's mental or physical condition and alleged to have arisen because of activities of the Public Health Service in connection with such individual, the Department may disclose such records as it deems desirable or necessary to the Department of Justice or other appropriate Federal agency to enable that agency to present an effective defense, provided that such disclosure is compatible with the purpose for which the records were collected.

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

Storage: Records are stored on papers and in file filders.

Retrievability: Records are retrieved by name and number.

Safeguards: (1) Authorized Users: Employees who maintain records in this system are instructed to grant access only to HHS scientists and their assistants and authorized collaborators.

(2) Physical Safeguards: Records are kept in cabinets which are locked at all times that system is not in use, in a location which is also locked when system is not in use

(3) Procedural Safeguards: Personnel having access to system have been trained in Pravacy Act requirements. Records are used in a designated work area and the system location is attended at all times during working hours.

Retention and disposal: Years at NIH: 15.

Years at Federal Records Center: 20.

System manager(s) and address:

Chief, Infectious Diseases Branch, Intramural Research Program
Building 36, Room 5D04, NIH
9000 Rockville Pike
Bethesda, MD 20205

Notification procedure: To determine if a record exists, contact:

Head, Admin. Management Section, NINCDS
Building 31, Room 8A47, NIH
9000 Rockville Pike
Bethesda, MD 20205

The requester must also verify his or her identity by providing either a notarization of the request or a written certification that the requester is who he or she claims to be and understands that the knowing and willful request for acquisition of a record pertaining to an individual under false pretenses is a criminal offense under the Act, subject to a five thousand dollar fine.

An individual who requests notification of or access to a medical/dental record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion.

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

Contesting record procedures: Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested, and state the corrective action sought.

Record source categories: Hospital records; volunteers and laboratory data.

Systems exempted from certain provisions of the act: None.

09-25-0033

System name: International Activities: Fellowships Awarded by Foreign Organizations. HHS/NIH/FIC.

Security classification: None.

System location:

Building 38A, Room 615, NIH
9000 Rockville Pike
Bethesda, MD 20205

Write to System Manager at the address above for the address of any Federal Records Center where records from this system are stored.

Categories of individuals covered by the system: U.S. citizens qualified in health-related sciences submitting applications through NIH for fellowships for study abroad.

Categories of records in the system: Applications and associated records and reports.

Authority for maintenance of the system: 42 USC 2421

Purpose(s):

(1) To assist U.S. citizens in obtaining fellowships from foreign organizations, Fogarty International Center (FIC) program staff collects applications and submits them to the Division of Research Grants for technical review. Afterwards, the applications are sent to the awarding organization in Switzerland, Sweden or France. These foreign countries make the selection for award.

(2) For program review and evaluation.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: After review by the operating agency review panel the applications and all supporting documents are forwarded to the foreign organizations or agencies making awards.

In addition, such application may be made available to authorized employees and agents of the US including the General Accounting Office, for purposes of investigations, inspections and audits, and, in appropriate cases, to the Department of Justice for prosecution under civil and criminal laws.

Disclosure may be made to 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.

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided that such disclosure is compatible with the purpose for which the records were collected.

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

Storage: Records are stored in file folders.

Retrievability: Records are retrieved by name and fellowship number.

Safeguards: Access limited to authorized personnel (system manager and his staff).

Retention and disposal: Years at NIH: 1. Number of years held at Federal Records Center before disposal: 5.

System manager(s) and address:

Chief, International Research Awards Branch, FIC
Building 38A, Room 615, NIH
9000 Rockville Pike
Bethesda, MD 20205

Notification procedure: Requests for notification of or access to records should be addressed to the system manager, as listed above. The requester must also verify his or her identity by providing either a notarization of the request or a written certification that the requester is who he or she claims to be and understands that the knowing and willful request for acquisition of a record pertaining to an individual under false pretenses is a criminal offense under the Act, subject to a five thousand dollar fine.

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

Contesting record procedures: Contact the official under notification procedures above, and reasonably identify the record and specify the information to be contested, and state the corrective action sought.

Record source categories: Applicants and persons supplying references.

Systems exempted from certain provisions of the act: None.

09-25-0034

System name: International Activities: Scholars Program. HHS/NIH/FIC.

Security classification: None.

System location:

Building 16A, Room 102, NIH
9000 Rockville Pike
Bethesda, MD 20205

Write to System Manager at the address above for the address of any Federal Records Center where records are stored.

Categories of individuals covered by the system: Distinguished U.S. science leaders and scholars invited to accept NIH scholarships.

Categories of records in the system: Employment and education histories; references.

Authority for maintenance of the system: 42 USC 2421.

Purpose(s):

This program was established to facilitate the exchange of ideas among distinguished science leaders and scholars who spend from 3 to 12 months in residence at NIH. Biographical information and references are assembled by Fogarty International Center (FIC) program staff for use by the operating agency review committee, and invitations are extended by the Director, FIC.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: made available to authorized employees and agents of the US, including the General Accounting Office, for purposes of investigations, inspections and audits, and in appropriate cases, to the Department of Justice for prosecution under civil and criminal laws.

Disclosure may be made to 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.

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided that such disclosure is compatible with the purpose for which the records were collected.

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

Storage: Records are stored in file folders and on magnetic tapes.

Retrievability: Records are retrieved by name.

Safeguards: (1) Authorized Users: Employees who maintain records in this system are instructed to grant regular access only to FIC program staff. Other one-time and special access by other employees is granted on a need-to-know basis as specifically authorized by the system manager.

(2) Physical Safeguards: The records are maintained in locked file cabinets, and offices are locked during off-duty hours.

(3) Procedural Safeguards: Access to files is strictly controlled by files staff. Records may be removed from files only at the request of the system manager or other authorized employees.

Retention and disposal: Years at NIH: 1. Number of years held at Federal Records Center before disposal: 5.

System manager(s) and address:

Chief, Scholars Program, FIC
Building 16A, Room 102, NIH
9000 Rockville Pike
Bethesda, MD 20205

Notification procedure: Requests for notification of or access to records should be addressed to the system manager, as listed above. The requester must also verify his or her identity by providing either a notarization of the request or a written certification that the requester is who he or she claims to be and understands that the knowing and willful request for acquisition of a record pertaining to an individual under false pretenses is a criminal offense under the Act, subject to a five thousand dollar fine.

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

Contesting record procedures: Contact the official under notification procedures above, and reasonably identify the record and specify the information to be contested, and state the corrective action sought.

Record source categories: Information obtained from invitees, reference sources, and persons supplying recommendations.

Systems exempted from certain provisions of the act: None.

09-25-0035

System name: International Activities: International Health Exchange Programs Participants, HEW/NIH/FIC.

Security classification: None.

System location:

Building 38-A, Room 612, NIH
9000 Rockville Pike
Bethesda, MD 20205

Write to system manager at the address below for the address of the Federal Records Center where records are stored.

Categories of individuals covered by the system: US citizens applying for participation in international health exchange programs through NIH.

Categories of records in the system: Applications and associated records and reports.

Authority for maintenance of the system: 42 USC 2421.

Purpose(s):

US citizens with backgrounds relating to the health sciences submit applications for study in countries with which the US has health exchange agreements. Fogarty International Center (FIC) prepares the applications for review by an operating agency review committee which makes the awards. FIC applies to foreign ministries for their approval. Information is transmitted to the PHS Office of International Health. Reports by returnees disseminated as appropriate.

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

To qualified experts not within the definition of Department employees as prescribed in Department Regulations for opinions as a part of the application review process.

Information is furnished to pertinent staff of the relevant foreign ministry for acceptance purposes.

Applications are made available to authorized employees and agents of the United States, including the General Accounting Office, for the purpose of inspections and audits, and, in appropriate cases, to the Department of Justice for investigation under civil and criminal laws.

In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is

likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

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

Storage: Records are stored in file folders.

Retrievability: Records are retrieved by name.

Safeguards: 1. Authorized Users: Employees who maintain records in this system are instructed to grant regular access only to FIC program staff. Other one-time and special access by other employees is granted on a need-to-know basis as specifically authorized by the system manager.

2. Physical Safeguards: Records are kept in locked file cabinets. Offices are locked during off-duty hours.

3. Procedural Safeguards: Access to files is strictly controlled by files staff. Files may be only at the request of the system manager or other authorized employee.

Retention and disposal: Years at NIH: 1. At Federal Records Center: 5.

System manager(s) and address:

Coordinator, US-Foreign Health Exchange Program
Building 38-A, Room 612, NIH
9000 Rockville Pike
Bethesda, MD 20205

Notification procedure: Write to system manager to determine if a record exists. The requester must also verify his or her identity by providing either a notarization of the request or a written certification that the requester is who he or she claims to be and understands that the knowing and willful request for acquisition of a record pertaining to an individual under false pretenses is a criminal offense under the Act, subject to a five thousand dollar fine.

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

Contesting record procedures: Contact the official under notification procedures above, and reasonably identify the record and specify the information to be contested, and state the corrective action sought and the reasons for the correction.

Record source categories: Information is obtained from applicants and individuals who supply references.

Systems exempted from certain provisions of the act: None.

09-25-0036

System name: Grants: IMPAC (Grant/Contract Information), HHS/NIH/DRG.

Security classification: None.

System location:

Westwood Building,
5333 Westbard Avenue
Bethesda, MD 20205
and
Building 12, NIH Computer Center
9000 Rockville Pike
Bethesda, MD 20205

Categories of individuals covered by the system: Applicant and Principal Investigators; Program Directors; NRSA Trainees and Fellows; Research Career Awardees; and Public Advisory Committee Members.

Categories of records in the system: Applications, awards, associated records and trainee appointments.

Authority for maintenance of the system: 42 USC 241c, 58 Stat. 691c & d repealed.

Purpose(s):

grant programs of the Public Health Service. Services are provided in the areas of grant application assignment and referral, initial review, council review, award processing and grant accounting. The data base is used to provide complete, accurate, and up-to-date reports to all levels of management.

(2)To maintain communication with former fellows and trainees who have incurred a payback obligation through the National Research Service Award Program.

(3)To maintain current and historical information pertaining to the establishment of chartered public advisory committees of the National Institutes of Health and the appointment of their members.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: be made of assignments of research investigators and project monitors to specific research projects to the Smithsonian Institution to contribute to the Smithsonian Science Information Exchange, Inc.

To the cognizant audit agency for auditing.

Disclosure may be made to 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.

To qualified experts not within the definition of Department employees as prescribed in Department Regulations for opinions as a part of the application review process.

To a Federal agency, in response to its request, in connection with the letting of a contract, or the issuance of a license, grant or other benefit by the requesting agency, to the extent that the record is relevant and necessary to the requesting agency's decision in the matter.

A record may be disclosed for a research purpose, when the Department:(A)has determined that the use or disclosure does not violate legal or policy limitations under which the record was provided, collected, or obtained;(B)has determined that the research purpose (1) cannot be reasonably accomplished unless the record is provided in individually identifiable form, and (2) warrants the risk to the privacy of the individual that additional exposure of the record might bring;(C)has required the recipient to (1) establish reasonable administrative, technical, and physical safeguards to prevent unauthorized use or disclosure of the record, (2) remove or destroy the information that identifies the individual at the earlies time at which removal or destruction can be accomplished consistent with the purpose of the research project, unless the recipient has presented adequate justification of a research or health nature for retaining such information, and (3) make no further use or disclosure of the record except (a) in emergency circumstances affecting the health or safety of any individual, (b) for use in another research project, under these same conditions, and with written authorization of the Department, (c) for disclosure to a properly identified person for the purpose of an audit related to the research project, if information that would enable research subjects to be identified is removed or destroyed at the earliest opportunity consistent with the purpose of the audit, or (d) when required by law;(D)has secured a written statement attesting to the recipient's understanding of, and willingness to abide by these provisions.

The Department contemplates that it may contract with a private firm for the purpose of collating, analyzing, aggregating or otherwise refining records in this system. Relevant records will be disclosed to such a contractor. The contractor will be required to maintain Privacy Act safeguards with respect to such records.

To the grantee institution in connection with performance or administration under the conditions of the award.

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided that such disclosure is compatible with the purpose for which the records were collected.

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

Storage: Records are stored on discs and magnetic tapes.

Retrievability: Records are retrieved by name, application, grant or contract ID number.

Safeguards: 1. Authorized Users: Employees who maintain records in this system are instructed to grant regular access only to PHS extramural staff. Other one-time and special access by other employees is granted on a need-to-know basis as specifically authorized by the system manager.

2. Physical Safeguards: Physical access to the DRG Remote Job Entry work area is restricted. Offices are locked during off-duty hours.

3. Procedural Safeguards: Access to source data files is strictly controlled by files staff. Records may be removed from files only at the request of the system manager or other authorized employee.

Access to computer files is controlled by the use of registered accounts, registered initials, keywords, etc. The computer system maintains an audit record of all attempted and successful requests for access.

Retention and disposal: Records are retained in accordance with the NIH Records Control Schedule, item 4000-A-2, which allows IMPAC records to be kept as long as there is an administrative need for the information.

System manager(s) and address:

Chief, Statistics and Analysis Branch
Division of Research Grants
Westwood Building
5333 Westbard Avenue
Bethesda, MD 20205

Notification procedure: To determine if a record exists write to:

Privacy Act Coordinator
Division of Research Grants
Westwood Building
5333 Westbard Avenue
Bethesda, MD 20205

The requester must also verify his or her identity by providing either a notarization of the request or a written certification that the requester is who he or she claims to be and understands that the knowing and willful request for acquisition of a record pertaining to an individual under false pretenses is a criminal offense under the Act, subject to a five thousand dollar fine.

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

Contesting record procedures: Contact the official under notification procedures above, and reasonably identify the record and specify the information to be contested, and state the corrective action sought and the reasons for the correction.

Record source categories: Individual, individual's educational institution and refereences.

Systems exempted from certain provisions of the act: None.

09-25-0037

System name: Clinical Research: Gerontology Research Center Longitudinal Aging Study, HHS/NIH/NIA.

Security classification: None.

System location:

Building 12, NIH
9000 Rockville Pike
Bethesda, MD 20205

Write to System Manager at the address above for the address of the Federal Records Center where records from this system are stored.

Categories of individuals covered by the system: Voluntary participants in the Gerontology Research Center (GRC) Longitudinal Aging Study.

Categories of records in the system: Medical histories, psychological and physical test results.

Authority for maintenance of the system: 42 USC 241, 289k-2, k-4.

Purpose(s):

2. Epidemiological research on the human aging process.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Disclosure may be made to HHS contractors, grantees and collaborating researchers and their staff in order to accomplish the research purpose for which the records are collected. The recipients are required to protect such records from improper disclosure. The recipients are required to protect such records from improper disclosure.

Certain infectious diseases are reported to state governments as required by law.

Information may be used to respond to congressional inquiries for constituents concerning admission to the NIH Clinical Center.

Referrals may be made of assignments of research investigators and project monitors to specific research projects to the Smithsonian Institution to contribute to the Smithsonian Science Information Exchange, Inc.

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, for example when the claim is based upon an individual's mental or physical condition and is alleged to have arisen because of activities of the Public Health Service in connection with such individual, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided that such disclosure is compatible with the purpose for which the records were collected.

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

Storage: Records are stored in file folders and on computer files.

Retrievability: Records are retrieved by ID number.

Safeguards: 1. Authorized Users: Employees who maintain records in this system are instructed to grant regular access only to the clinical, research and support staff of the GRC. Other one-time and special access by other employees is granted on a need-to-know basis as specifically authorized by the system manager.

2. Physical Safeguards: Hard copy files are kept in locked file cabinets.

3. Procedural Safeguards: Access to manual files is strictly controlled by files staff. Files may be only at the request of the system manager or other authorized employee. Access to computer files is controlled through security codes known only to authorized users.

Retention and disposal: Records are retained in accordance with the NIH Records Control Schedule, item 3000-G-3. The records control schedule may be obtained by writing to the system manager at the address below.

System manager(s) and address:

Chief, Clincial Physiology Branch, GRC
Baltimore City Hospitals
Baltimore, MD 21224

Notification procedure: Write to System Manager to determine if a record exists. The requestor must also verify his or her identity by providing either a notarization of the request or a written certification that the requestor is who he or she claims to be and understands that the knowing and willful request for acquisition of a record pertaining to an individual under false pretenses is a criminal offense under the Act, subject to a five thousand dollar fine.

Individuals seeking notification of or access to medical records should designate a representative (including address) who may be a physician, other health professional, or other responsible individual, who would be willing to review the record and inform the subject individual of its contents, at the representative's discretion.

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

Contesting record procedures: Contact the official under notification procedures above, and reasonably identify the record and specify the information to be contested, and state the corrective action sought and the reasons for the correction.

Record source categories: Individuals, research staff, test results.

Systems exempted from certain provisions of the act: None.1 09-25-0038

System name: Clinical Research: Patient Data, HHS/NIH/NIADDK.

Security classification: None.

System location:

Building 10, Room 9N222, NIH
9000 Rockville Pike
Bethesda, MD 20205

Write to system manager at the address below for the address of the Federal Records Center where records from this system are stored.

Categories of individuals covered by the system: Patients of the National Institute of Arthritis, Diabetes, Digestive and Kidney Diseases (NIADDK).

Categories of records in the system: Patient history, demographic data, miscellaneous correspondecne with patients.

Authority for maintenance of the system: 42 USC 241, 281a, 289c.

Purpose(s):

(1) Care and treatment of patients with arthiritic, metabolic or digestive diseases;

(2) Experimentation and investigation on the etiology, treatment and prevention of arthritic, metabolic or digestive diseases;

(3) Administration of these clinical and research programs.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: be made to HHS contractors, grantees and collaborating researchers and their staff in order to accomplish the research purpose for which the records are collected. The recipients are required to protect such records from improper disclosure.

Certain infectious diseases are reported to state governments as required by law.

Information may be used to respond to congressional inquiries for constituents concerning admission to the NIH Clinical Center.

Referrals may be made of assignments of research investigators and project monitors to specific research projects to the Smithsonian Institution to contribute to the Smithsonian Science Information Exchange, Inc.

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, for example in defending against a claim based upon an individual's mental or physical condition and alleged to have arisen because of activities of the Public Health Service in connection with such individual, the Department may disclose such records as it deems desirable or necessary to the Department of Justice or other appropriate Federal agency to enable that agency to present an effective defense, provided that such disclosure is compatible with the purpose for which the records were collected.

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

Storage: Records are stored in file folders and on magnetic tape.

Retrievability: Records are retrieved by name.

Safeguards: 1. Authorized Users: Employees who maintain records in this system are instructed to grant regular access only to physicians, scientists and support staff of the NIADDK whose duties require the use of such information. Other one-time and special access by other employees is granted on a need-to-know basis as specifically authorized by the system manager.

2. Physical Safeguards: Records are kept in a limited access area. Offices are locked during off-duty hours. Input data for computer files is coded to avoid individual identification.

3. Procedural Safeguards: Access to manual files is strictly controlled by files staff. Files may be only at the request of the system manager or other authorized employee. Access to computer files is controlled through security codes known only to authorized users. Access codes are changed frequently.

Retention and disposal: Records are retained in accordance with the NIH Records Control Schedule, item 3000-G-3. The records control schedule may be obtained by writing to the system manager at the address below.

System manager(s) and address:

Chief, Clinical Investigations, NIADDK
Building 10, Room 9N222, NIH
9000 Rockville Pike
Bethesda, MD 20205

Notification procedure: To determine if a record exists write to:

Administrative Officer
Building 31, Room 9A46, NIH
9000 Rockville Pike
Bethesda, MD 20205

The requester must also verify his or her identity by providing either a notarization of the request or a written certification that the requester is who he or she claims to be and understands that the knowing and willful request for acquisition of a record pertaining to an individual under false pretenses is a criminal offense under the Act, subject to a five thousand dollar fine.

An individual who requests notification of or access to a medical/dental record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion.

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

Contesting record procedures: Contact the official under notification procedures above, and reasonably identify the record and specify the information to be contested, and state the corrective action sought and the reasons for the correction.

Record source categories: Institute clincial records.

Systems exempted from certain provisions of the act: None.

09-25-0039

System name: Clinical Research: Diabetes Mellitus Research Study of Southwestern American Indians, HHS/NIH/NIADDK.

Security classification: None.

System location:

Building 12, NIH
9000 Rockville Pike
Bethesda, MD 20205

Write to system manager at the address below for the address of the Federal Records Center where records from this system are stored.

Categories of individuals covered by the system: Southwestern American Indians and Caucasian spouses of some who were participants in the NIH Diabetes Mellitus Research Study.

Categories of records in the system: Name, address, demographic data, patient history and control numbers.

Authority for maintenance of the system: 42 USC 241, 289a, 289c.

Purpose(s):

(1) To gain information on high prevalence of diabetes, arthritis, gall bladder and related diseases among Southwestern American Indians;

(2) For statistical analysis to investigate frequency and distribution of the above disorders;

(3) Data is shared with the Indian Health Service which has primary care responsibility for American Indians.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: be made to HHS contractors, grantees and collaborating researchers and their staff in order to accomplish the research purpose for which the records are collected. The recipients are required to protect such records from improper disclosure.

Certain infectious diseases are reported to state governments as required by law.

Disclosure may be made to 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.

Referrals may be made of assignments of research investigators and project monitors to specific research projects to the Smithsonian Institution to contribute to the Smithsonian Science Information Exchange, Inc.

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, for example in defending against a claim based upon an individual's mental or physical condition and alleged to have arisen because of activities of the Public Health Service in connection with such individual, the Department may disclose such records as it deems desirable or necessary to the Department of Justice or other appropriate Federal agency to enable that agency to present an effective defense, provided that such disclosure is compatible with the purpose for which the records were collected.

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

Storage: Records are stored on magnetic tapes.

Retrievability: Records are retrieved by name.

Safeguards: 1. Authorized Users: Employees who maintain records in this system are instructed to grant regular access only to scientists and statistical staff of the Epidemiology Branch, National Institute of Arthritis, Diabetes, Digestive and Kidney Diseases (NIADDK). Other one-time and special access by other employees is granted on a need-to-know basis as specifically authorized by the system manager.

2. Physical Safeguards: Input data for computer files is coded immediately after collection to avoid individual identification. Records are kept in a limited access area equipped with a monitored burglar alarm system.

3. Procedural Safeguards: Access is strictly controlled through security codes known only to authorized users. Access codes are changed following departure of any authorized user.

Retention and disposal: Records are retained in accordance with the NIH Records Control Schedule, item 3000-G-3. The records

control schedule may be obtained by writing to the system manager at the address below.

System manager(s) and address:

Chief, Phoenix Clinical Research Section
Phoenix Area Indian Hospital, Room 541
Phoenix, Arizona 85016

Notification procedure: To determine if a record exists write to:

Administrative Officer
Building 31, Room 9A46, NIH
9000 Rockville Pike
Bethesda, MD 20205

The requester must also verify his or her identity by providing either a notarization of the request or a written certification that the requester is who he or she claims to be and understands that the knowing and willful request for acquisition of a record pertaining to an individual under false pretenses is a criminal offense under the Act, subject to a five thousand dollar fine.

An individual who requests notification of or access to a medical/dental record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion.

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

Contesting record procedures: Contact the official under notification procedures above, and reasonably identify the record and specify the information to be contested, and state the corrective action sought and the reasons for the correction.

Record source categories: Institute clinical records.

Systems exempted from certain provisions of the act: None.

09-25-0040

System name: Clinical Research: Southwestern American Indian Patient Data, HHS/NIH/NIADDK.

Security classification: None.

System location:

Phoenix Area Indian Hospital, Room 541
Phoenix, Arizona 85016

Write to system manager at the address below for the address of the Federal Records Center where records from this system are stored.

Categories of individuals covered by the system: Patients of the National Institute of Arthritis, Diabetes, Digestive and Kidney Diseases (NIADDK) being treated at the Phoenix Area Indian Hospital. 6

Medical history, treatment schedules, diagnostic records.

Authority for maintenance of the system: 42 USC 241, 289a, 289c.

Purpose(s):

(1) Used by clinicians and support staff of the Phoenix Clinical Research Section for treatment of NIADDK patients, and for research related to such treatment.

(2) Records are forwarded to the Indian Health Service which maintains records after patient discharge in case follow-up or later treatment is necessary.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: be made to HHS contractors, grantees and collaborating researchers and their staff in order to accomplish the research purpose for which the records are collected. The recipients are required to protect such records from improper disclosure.

Certain infectious diseases are reported to state governments as required by law.

Disclosure may be made to 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.

Referrals may be made of assignments of research investigators and project monitors to specific research projects to the Smithsonian Institution to contribute to the Smithsonian Science Information Exchange, Inc.

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, for example in defending against a claim based upon an individual's mental or physical condition and alleged to have arisen because of activities of the Public Health Service in connection with such individual, the Department may disclose such records as it deems desirable or necessary to the Department of Justice or other appropriate Federal agency to enable that agency to present an effective defense, provided that such disclosure is compatible with the purpose for which the records were collected.

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

Storage: Records are stored in file folders.

Retrievability: Records are retrieved by name and patient number.

Safeguards: Records are maintained in secured areas and containers, with personnel screening to prevent unauthorized access. Charge-out records are maintained on records charged out from the files.

Retention and disposal: Records are retained and destroyed according to the same standards that apply to other medical records of the Indian Health Service.

System manager(s) and address:

Chief, Phoenix Clinical Research Section
Phoenix Area Indian Hospital, Room 541
4212 North 16th Street
Phoenix, Arizona 85016

Notification procedure: To determine if a record exists write to:

Administrative Officer, NIADDK
Building 31, Room 9A46, NIH
9000 Rockville Pike
Bethesda, MD 20205

The requester must also verify his or her identity by providing either a notarization of the request or a written certification that the requester is who he or she claims to be and understands that the knowing and willful request for acquisition of a record pertaining to an individual under false pretenses is a criminal offense under the Act, subject to a five thousand dollar fine.

An individual who requests notification of or access to a medical/dental record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion.

A parent or guardian who requests notification of, or access to, a child's or incompetent person's medical record shall designate a family physician or other health professional (other than a family member) to whom the record, if any, will be sent. The parent or guardian must verify relationship to the child or incompetent person as well as his or her own identity.

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

Contesting record procedures: Contact the official under notification procedures above, and reasonably identify the record and specify the information to be contested, and state the corrective action sought and the reasons for the correction.

Record source categories: Clinicians of the Phoenix Clinical Research Section.

Systems exempted from certain provisions of the act: None.

09-25-0041

System name: Research Resources: Scientists Requesting Hormone Distribution, HHS/NIH/NIADDK.

Security classification: None.

System location:

Westwood Building, Room 605, NIH
5333 Westbard Avenue
Bethesda, MD 20205

Categories of individuals covered by the system: Scientists requesting hormones from the National Institute of Arthritis, Diabetes, Digestive and Kidney Diseases (NIADDK).

Categories of records in the system: Justification for request for hormones, including requester's competence.

Authority for maintenance of the system: 42 USC 241, 263, 289a, 289c.

Purpose(s):

(1) For review of applications requesting hormones and antibodies for research purposes, prior to awarding these substances.

(2) To determine if the requester is qualified to receive these materials.

(3) To determine if requests for human hormones for clinical research follow acceptable protocols. In this connection, records may be disclosed to the Food and Drug Administration.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Contractors for distribution of various hormones to requestors.

Disclosure may be made to 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.

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided that such disclosure is compatible with the purpose for which the records were collected.

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

Storage: Records are stored in file folders.

Retrievability: Records are retrieved by name.

Safeguards: 1. Authorized Users: Employees who maintain records in this system are instructed to grant regular access only to staff working for the contractor who need the records for hormone distribution, to NIH staff who supervise the Hormone Distribution Program, and, as approved by the system manager, to scientists and physicians who may have need of the information for research.

2. Physical Safeguards: Records are kept in cabinets in offices which are locked during off-duty hours and which have alarms.

3. Procedural Safeguards: Access to files is strictly controlled by files staff. Files may be obtained only at the request of the system manager or other authorized employee.

Retention and disposal: Years at NIH: 3.

System manager(s) and address:

Hormone Distribution Officer
Westwood Building, Room 605, NIH
5333 Westbard Avenue
Bethesda, MD 20205

Notification procedure: To determine if a record exists write to:

Administrative Officer, NIADDK
Building 31, Room 9A46, NIH
9000 Rockville Pike
Bethesda, MD 20205

The requester must also verify his or her identity by providing either a notarization of the request or a written certification that the requester is who he or she claims to be and understands that the knowing and willful request for acquisition of a record pertaining to an individual under false pretenses is a criminal offense under the Act, subject to a five thousand dollar fine.

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

Contesting record procedures: Contact the official under notification procedures above, and reasonably identify the record and specify the information to be contested, and state the corrective action sought and the reasons for the correction.

Record source categories: Data is obtained from the individual.

Systems exempted from certain provisions of the act: None.

09-25-0042

System name: Clinical Research: National Institute of Dental Research Patient Records, HHS/NIH/NIDR.

Security classification: None.

System location:

Building 10, Room 1B20, NIH
9000 Rockville Pike
Bethesda, MD 20205

Write to system manager at the address below for the address of the Federal Records Center where records from this system are stored.

Categories of individuals covered by the system: Patients and other participants in current and past research projects of the National Institute of Dental Research (NIDR).

Categories of records in the system: Medical and dental histories, dental pathologies and therapies.

Authority for maintenance of the system: 42 USC 241, 288a.

Purpose(s):

(1) To record the diagnosis and treatment of patients with diseases of the mouth, tongue, teeth and surrounding tissues;

(2) To record the normal condition of the mouth, tongue, teeth and surrounding tissues of individuals referred to the dental clinic;

(3) To provide clinical data for research into the etiology, treatment and prevention of oral diseases;

(4) For review and planning of the NIDR clinical program.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: be made to HHS contractors, grantees and collaborating researchers and their staff in order to accomplish the clinical and research purposes for which the records are collected. The recipients are required to protect such records from improper disclosure.

Certain infectious diseases are reported to state governments as required by law.

Information may be used to respond to congressional inquiries for constituents concerning admission to the NIH Clinical Center.

Referrals may be made of assignments of research investigators and project monitors to specific research projects to the Smithsonian Institution to contribute to the Smithsonian Science Information Exchange, Inc.

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, for example, when a claim is based upon an individual's mental or physical condition and is alleged to have arisen because of activities of the Public Health Service in connection with such individual, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided that such disclosure is compatible with the purpose for which the records were collected.

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

Storage: Records are stored in file folders.

Retrievability: Records are retrieved by name and hospital ID number.

Safeguards: 1. Authorized Users: Employees who maintain records in this system are instructed to grant regular access only to dentists, physicians, dental hygienists, dental assistants and other health care personnel involved in the care and treatment of patients in the NIDR dental clinic, and to referring professionals. Other one-time and special access by other employees is granted on a need-to-know basis as specifically authorized by the system manager.

2. Physical Safeguards: Records are stored in a cabinet which is locked at all times when not in use.

3. Procedural Safeguards: Access is controlled by clerical staff of the Dental Clinic during clinic hours, and by the Officer of the Day when the clinic is closed.

Retention and disposal: Records are retained in accordance with the NIH Records Control Schedule, item 3000-G-3. The records control schedule may be obtained by writing to the system manager at the address below.

System manager(s) and address:

Chief, Clinical Investigations and Patient Care Branch, NIDR
Building 10, Room 2B01, NIH
9000 Rockville Pike
Bethesda, MD 20205

Notification procedure: To determine if a record exists contact:

NIDR Privacy Act Coordinator
Westwood Building , Room 551
5333 Westbard Avenue
Bethesda, MD 20205

The requester must also verify his or her identity by providing either a notarization of the request or a written certification that the requester is who he or she claims to be and understands that the knowing and willful request for acquisition of a record pertaining to an individual under false pretenses is a criminal offense under the Act, subject to a five thousand dollar fine.

An individual who requests notification of or access to a medical/dental record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion.

A parent or guardian who requests notification of, or access to, a child's or incompetent person's medical record shall designate a family physician or other health professional (other than a family member) to whom the record, if any, will be sent. The parent or guardian must verify relationship to the child or incompetent person as well as his or her own identity.

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

Contesting record procedures: Contact the official under notification procedures above, and reasonably identify the record and specify the information to be contested, and state the corrective action sought and the reasons for the correction.

Record source categories: Individual, parents or guardians.

Systems exempted from certain provisions of the act: None.

09-25-0043

System name: Clinical Research: Pharyngeal Development Patients, HHS/NIH/NIDR.

Security classification: None.

System location:

Building 10, Room 5N256, NIH
9000 Rockville Pike
Bethesda, MD 20205

Write to system manager at the address below for the address of the Federal Records Center where records from this system are stored.

Categories of individuals covered by the system: Patients referred to the National Institute of Dental Research (NIDR) who have abnormalities of the mouth and pharynx.

Categories of records in the system: Medical records.

Authority for maintenance of the system: 42 USC 241, 288a.

Purpose(s):

(1) To record the medical/dental histories of patients with diseases and/or impairments of the mouth and pharynx;

(2) For research into the causes and treatment of patients with diseases and/or impairments of the mouth and pharynx;

(3) For review and planning of the Oral and Pharyngeal Development Section program.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: be made to HHS contractors, grantees and collaborating researchers and their staff in order to accomplish the clinical and research purposes for which the records are collected. The recipients are required to protect such records from improper disclosure.

Certain infectious diseases are reported to state governments as required by law.

Information may be used to respond to congressional inquiries for constituents concerning admission to the NIH Clinical Center.

Referrals may be made of assignments of research investigators and project monitors to specific research projects to the Smithsonian Institution to contribute to the Smithsonian Science Information Exchange, Inc.

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, for example, when a claim is based upon an individual's mental or physical condition and is alleged to have arisen because of activities of the Public Health Service in connection with such individual, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided that such disclosure is compatible with the purpose for which the records were collected.

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

Storage: Records are stored in file folders.

Retrievability: Records are retrieved by name and diagnosis.

Safeguards: 1. Authorized Users: Employees who maintain records in this system are instructed to grant regular access only to Oral and Pharyngeal Development Section staff, to scientist colleagues by invitation of the principal investigator and to referring professionals. Other one-time and special access by other employees is granted on a need-to-know basis as specifically authorized by the system manager.

2. Physical Safeguards: Records are stored in 'red sealed' rooms which are locked at all times when not in use.

3. Procedural Safeguards: Access is controlled by Oral and Pharyngeal Development Section staff.

Retention and disposal: Records are retained in accordance with the NIH Records Control Schedule, item 3000-G-3. The records control schedule may be obtained by writing to the system manager at the address below.

System manager(s) and address:

Chief, Oral and Pharyngeal Development Section , NIDR
Building 31, Room 3B10, NIH
9000 Rockville Pike
Bethesda, MD 20205

Notification procedure: To determine if a record exists contact:

NIDR Privacy Act Coordinator
Westwood Building , Room 551
5333 Westbard Avenue
Bethesda, MD 20205

The requester must also verify his or her identity by providing either a notarization of the request or a written certification that the requester is who he or she claims to be and understands that the knowing and willful request for acquisition of a record pertaining to an individual under false pretenses is a criminal offense under the Act, subject to a five thousand dollar fine.

An individual who requests notification of or access to a medical/dental record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion.

A parent or guardian who requests notification of, or access to, a child's or incompetent person's medical record shall designate a family physician or other health professional (other than a family member) to whom the record, if any, will be sent. The parent or guardian must verify relationship to the child or incompetent person as well as his or her own identity.

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

Contesting record procedures: Contact the official under notification procedures above, and reasonably identify the record and specify the information to be contested, and state the corrective action sought and the reasons for the correction.

Record source categories: Individual patient or family members, referring clinician or health agency.

Systems exempted from certain provisions of the act: None.

09-25-0044

System name: Clinical Research: Sensory Testing Research Program, HHS/NIH/NIDR.

Security classification: None.

System location:

Building 31, Room 3B08, NIH
9000 Rockville Pike
Bethesda, MD 20205

Write to system manager at the address below for the address of the Federal Records Center where records from this system are stored.

Categories of individuals covered by the system: Infants, children and adults participating in the Sensory Testing Research Program of the National Institute of Dental Research (NIDR).

Categories of records in the system: Test results, extracts from medical records.

Authority for maintenance of the system: 42 USC 241, 288a.

Purpose(s):

(1) To record the medical/dental histories of individuals participating in the Sensory Testing Research Program;

(2) To record the results of taste tests of individuals participating in the Sensory Testing Research Program;

(3) For research on the sensitivity of the tongue to touch and to taste stimulation;

(4) For review and planning of the Oral and Pharyngeal Development Section program.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: be made to HHS contractors, grantees and collaborating researchers and their staff in order to accomplish the clinical and research purposes for which the records are collected. The recipients are required to protect such records from improper disclosure.

Certain infectious diseases are reported to state governments as required by law.

Information may be used to respond to congressional inquiries for constituents concerning admission to the NIH Clinical Center.

Referrals may be made of assignments of research investigators and project monitors to specific research projects to the Smithsonian Institution to contribute to the Smithsonian Science Information Exchange, Inc.

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, for example, when a claim is based upon an individual's mental or physical condition and is alleged to have arisen because of activities of the Public Health Service in connection with such individual, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided that such disclosure is compatible with the purpose for which the records were collected.

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

Storage: Records are stored in file folders and data books.

Retrievability: Records are retrieved by name, date of observation and age of subject.

Safeguards: 1. Authorized Users: Employees who maintain records in this system are instructed to grant regular access only to Oral and Pharyngeal Development Section staff, to scientist colleagues by invitation of the principal investigator and to referring professionals. Other one-time and special access by other employees is granted on a need-to-know basis as specifically authorized by the system manager.

2. Physical Safeguards: Records are stored in 'red sealed' rooms which are locked at all times when not in use.

3. Procedural Safeguards: Access is controlled by Oral and Pharyngeal Development Section staff.

Retention and disposal: Records are retained in accordance with the NIH Records Control Schedule, item 3000-G-3. The records control schedule may be obtained by writing to the system manager at the address below.

System manager(s) and address:

Research Physiologist, Oral and Pharyngeal Development Section , NIDR
Building 31, Room 3B10, NIH
9000 Rockville Pike
Bethesda, MD 20205

Notification procedure: To determine if a record exists contact:

NIDR Privacy Act Coordinator
Westwood Building , Room 551
5333 Westbard Avenue
Bethesda, MD 20205

The requester must also verify his or her identity by providing either a notarization of the request or a written certification that the requester is who he or she claims to be and understands that the knowing and willful request for acquisition of a record pertaining to an individual under false pretenses is a criminal offense under the Act, subject to a five thousand dollar fine.

An individual who requests notification of or access to a medical/dental record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion.

A parent or guardian who requests notification of, or access to, a child's or incompetent person's medical record shall designate a family physician or other health professional (other than a family member) to whom the record, if any, will be sent. The parent or guardian must verify relationship to the child or incompetent person as well as his or her own identity.

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

Contesting record procedures: Contact the official under notification procedures above, and reasonably identify the record and specify the information to be contested, and state the corrective action sought and the reasons for the correction.

Record source categories: Cooperating clinician or health agency, family members.

Systems exempted from certain provisions of the act: None.

09-25-0046

System name: Clinical Research: Catalog of Clinical Specimens from Patients, Volunteers and Laboratory Personnel, HHS/NIH/NIAID.

Security classification: None.

System location:

Building 7, Rooms 301 and 202, NIH
9000 Rockville Pike
Bethesda, MD 20205

Write to system manager at the address below for the address of the Federal Records Center where records from this system are stored.

Categories of individuals covered by the system: Patients, volunteers, laboratory personnel in the National Institute of Allergy and Infectious Diseases (NIAID).

Categories of records in the system: Clinical specimens, attendant data and laboratory results.

Authority for maintenance of the system: 42 USC 241, 289a, 289c.

Purpose(s):

For diagnostic and epidemiologic studies of viral respiratory diseases and hepatitis, conducted by NIAID staff.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: be made to HHS contractors, grantees and collaborating researchers and their staff in order to accomplish the research purpose for which the records are collected. The recipients are required to protect such records from improper disclosure.

Certain infectious diseases are reported to state governments as required by law.

Information may be used to respond to congressional inquiries for constituents concerning admission to the NIH Clinical Center.

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, for example, when a claim is based upon an individual's mental or physical condition and is alleged to have arisen because of activities of the Public Health Service in connection with such individual, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided that such disclosure is compatible with the purpose for which the records were collected.

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

Storage: Records are stored in data books.

Retrievability: Records are retrieved by name, patient or study number.

Safeguards: 1. Authorized Users: Employees who maintain records in this system are instructed to grant regular access only to HHS scientists conducting research,and staff whose duties require the use of such information. Other one-time and special access by other employees is granted on a need-to-know basis as specifically authorized by the system manager.

2. Physical Safeguards: Data books are kept in locked rooms. Offices are locked during off-duty hours.

3. Procedural Safeguards: Access to files is strictly controlled by files staff. Files may be only at the request of the system manager or other authorized employee.

Retention and disposal: Records are retained in accordance with the NIH Records Control Schedule, item 3000-G-3. The records control schedule may be obtained by writing to the system manager at the address below.

System manager(s) and address:

Chief, Respiratory Viruses Section, NIAID
Building 7, Room 301, NIH

9000 Rockville Pike
Bethesda, MD 20205
and
Chief, Hepatitis Virus Section, NIAID
Building 7, Room 202, NIH
9000 Rockville Pike
Bethesda, MD 20205

Notification procedure: To determine if a record exists, write to

Privacy Act Coordinator, NIAID
Room 705
Westwood Building
5333 Westbard Avenue
Bethesda, Maryland, 20205

The requester must also verify his or her identity by providing either a notarization of the request or a written certification that the requester is who he or she claims to be and understands that the knowing and willful request for acquisition of a record pertaining to an individual under false pretenses is a criminal offense under the Act, subject to a five thousand dollar fine.

Record access procedures: Same as notification procedure above. Requesters should also reasonably specify the record contents being sought.

Contesting record procedures: Contact the official under notification procedures above, and reasonably identify the record and specify the information to be contested, and state the corrective action sought and the reasons for the correction.

Record source categories: Hospital records, field study records and collaborating scientists.

Systems exempted from certain provisions of the act: None.

09-25-0048

System name: Clinical Research: Serology-Epidemiology Parasite Research, HHS/NIH/NIAID.

Security classification: None.

System location:

Rocky Mountain Laboratory, NIH
Hamilton, MT 59840

Write to system manager at the address below for the address of the Federal Records Center where records from this system are stored.

Categories of individuals covered by the system: Blood or parasite donors participating in serology-epidemiology parasite research of the National Institute of Allergy and Infectious Diseases (NIAID).

Categories of records in the system: Results of blood tests and possible case histories.

Authority for maintenance of the system: 42 USC 241, 289a, 289c.

Purpose(s):

For serologic and epidemiologic studies on parasitic and rickettsial diseases (Rocky Mountain spotted fever, in particular) conducted by NIAID staff.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: be made to HHS contractors, grantees and collaborating researchers and their staff in order to accomplish the research purpose for which the records are collected. The recipients are required to protect such records from improper disclosure.

Certain infectious diseases are reported to state governments as required by law.

Disclosure may be made to 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.

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, for example, when a claim is based upon an individual's mental or physical condition and is alleged to have arisen because of activities of the Public Health Service in connection with such individual, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided that such disclosure is compatible with the purpose for which the records were collected.

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

Storage: Records are stored in file folders.

Retrievability: Records are retrieved by name.

Safeguards: 1. Authorized Users: Employees who maintain records in this system are instructed to grant regular access only to HHS scientists conducting research,and staff whose duties require the use of such information. Other one-time and special access by other employees is granted on a need-to-know basis as specifically authorized by the system manager.

2. Physical Safeguards: Offices are locked during off-duty hours.

3. Procedural Safeguards: Access to files is strictly controlled by files staff. Files may be only at the request of the system manager or other authorized employee.

Retention and disposal: Records are retained in accordance with the NIH Records Control Schedule, item 3000-G-3. The records control schedule may be obtained by writing to the system manager at the address below.

System manager(s) and address:

Administrative Officer
Rocky Mountain Laboratory, NIH
Hamilton, MT 59840

Notification procedure: To determine of a record exists write to

Privacy Act Coordinator, NIAID
Room 705
Westwood Building
Westbard Avenue
Bethesda, MD 20205

The requester must also verify his or her identity by providing either a notarization of the request or a written certification that the requester is who he or she claims to be and understands that the knowing and willful request for acquisition of a record pertaining to an individual under false pretenses is a criminal offense under the Act, subject to 5,000 dollar fine.

Individuals seeking notification of or access to medical records should designate a representative (including address) who may be a physician, other health professional, or other responsible individual, who would be willing to review the record and inform the subject individual of its contents, at the representative's discretion.

Record access procedures: Same as notification procedure above. Requesters should also reasonably specify the record contents being sought.

Contesting record procedures: Contact the official under notification procedures above, and reasonably identify the record and specify the information to be contested, and state the corrective action sought and the reasons for the correction.

Record source categories: Personal physician of donor and state health departments.

Systems exempted from certain provisions of the act: None.

09-25-0049

System name: Clinical Research: Atlanta Federal Prison Malaria Research Projects, HHS/NIH/NIAID.

Security classification: None.

System location:

Building 8, Room 326, NIH
9000 Rockville Pike
Bethesda, MD 20205

Write to system manager at the address below for the address of the Federal Records Center where records from this system are stored.

Categories of individuals covered by the system: Prisoners in the Atlanta Federal Prison who have volunteered to participate in malaria research studies of the National Institute of Allergy and Infectious Diseases (NIAID).

Categories of records in the system: Medical history records.

Authority for maintenance of the system: 42 USC 241, 289a, 289c.

Purpose(s):

For malaria research studies of the NIAID.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: diseases are reported to state governments as required by law.

A record may be disclosed for a research purpose, when the Department:(A)has determined that the use or disclosure does not violate legal or policy limitations under which the record was provided, collected, or obtained;(B)has determined that the research purpose (1) cannot be reasonably accomplished unless the record is provided in individually identifiable form, and (2) warrants the risk to the privacy of the individual that additional exposure of the record might bring;(C)has required the recipient to (1) establish reasonable

administrative, technical, and physical safeguards to prevent unauthorized use or disclosure of the record, (2) remove or destroy the information that identifies the individual at the earlies time at which removal or destruction can be accomplished consistent with the purpose of the research project, unless the recipient has presented adequate justification of a research or health nature for retaining such information, and (3) make no further use or disclosure of the record except (a) in emergency circumstances affecting the health or safety of any individual, (b) for use in another research project, under these same conditions, and with written authorization of the Department, (c) for disclosure to a properly identified person for the purpose of an audit related to the research project, if information that would enable research subjects to be identified is removed or destroyed at the earliest opportunity consistent with the purpose of the audit, or (d) when required by law;(D)has secured a written statement attesting to the recipient's understanding of, and willingness to abide by these provisions.

Disclosure may be made to 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.

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, for example, when a claim is based upon an individual's mental or physical condition and is alleged to have arisen because of activities of the Public Health Service in connection with such individual, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided that such disclosure is compatible with the purpose for which the records were collected.

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

Storage: Records are stored in file folders.

Retrievability: Records are retrieved by name.

Safeguards: 1. Authorized Users: Employees who maintain records in this system are instructed to grant regular access only to HHS scientists conducting research,and staff whose duties require the use of such information. Authorized users are located in the Malaria Section, Laboratory of Parasitic Diseases, NIAID. Other one-time and special access by other employees is granted on a need-to-know basis as specifically authorized by the system manager.

2. Physical Safeguards: Offices are locked during off-duty hours.

3. Procedural Safeguards: Access to files is strictly controlled by files staff. Files may be only at the request of the system manager or other authorized employee.

Retention and disposal: Records are retained in accordance with the NIH Records Control Schedule, item 3000-G-3. The records control schedule may be obtained by writing to the system manager at the address below.

System manager(s) and address:

Head, Malaria Section, NIAID
Building 8, Room 326, NIH
9000 Rockville Pike
Bethesda, MD 20205

Notification procedure: To determine of a record exists write to

Privacy Act Coordinator, NIAID
Room 705
Westwood Building
Westbard Avenue
Bethesda, MD 20205

The requester must also verify his or her identity by providing either a notarization of the request or a written certification that the requester is who he or she claims to be and understands that the knowing and willful request for acquisition of a record pertaining to an individual under false pretenses is a criminal offense under the Act, subject to 5,000 dollar fine.

An individual who requests notification of or access to a medical/dental record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion.

Record access procedures: Same as notification procedure above. Requesters should also reasonably specify the record contents being sought.

Contesting record procedures: Contact the official under notification procedures above, and reasonably identify the record and specify the information to be contested, and state the corrective action sought and the reasons for the correction.

Record source categories: Individuals, referring physicians, collaborating scientists, hospitals.

Systems exempted from certain provisions of the act: None.

09-25-0050

System name: Grants: Trainees Record System, HHS/NIH/NIAID.

Security classification: None.

System location:

Westwood Building, Room 735
5333 Westbard Avenue
Bethesda, MD 20205

Categories of individuals covered by the system: Trainees under training grants of the National Institute of Allergy and Infectious Diseases (NIAID).

Categories of records in the system: Name of trainee, amount of support, scientific discipline code, level of degree, date of training.

Authority for maintenance of the system: 42 USC 2891-1, 58 Stat. 691c & d repealed, 64 Stat. 44.

Purpose(s):

To prepare reports on currently supported NIAID trainees for review and evaluation by the Office of the Director, Extramural Activities Program, and by the Office of the Director, NIAID.

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

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

Storage: Records are stored on card files and magnetic tapes.

Retrievability: Records are retrieved by name.

Safeguards: 1. Authorized Users: Employees who maintain records in this system are instructed to grant regular access only to NIAID staff whose duties require the use of such information. Authorized users are located in the Program Analysis and Evaluation Branch, Extramural Activities Program, NIAID. Other one-time and special access by other employees is granted on a need-to-know basis as specifically authorized by the system manager.

2. Physical Safeguards: Access to computer facilities is by card key. The building is locked during off-duty hours.

3. Procedural Safeguards: Access to files is strictly controlled by files staff. Files may be only at the request of the system manager or other authorized employee. For machine-readable records, access is controlled by the use of security codes known only by authorized users.

Retention and disposal: Records are retained for six years after a grant is closed out.

System manager(s) and address:

Head, Data Control Section, NIAID
Westwood Building 733
5333 Westbard Avenue
Bethesda, MD 20205

Notification procedure: To determine if a record exists write to:

Privacy Act Coordinator, NIAID
Division of Research Grants
Westwood Building 705
5333 Westbard Avenue
Bethesda, MD 20205

The requester must also verify his or her identity by providing either a notarization of the request or a written certification that the requester is who he or she claims to be and understands that the knowing and willful request for acquisition of a record pertaining to an individual under false pretenses is a criminal offense under the Act, subject to a five thousand dollar fine.

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

Contesting record procedures: Contact the official under notification procedures above, and reasonably identify the record and specify the information to be contested, and state the corrective action sought and the reasons for the correction.

Record source categories: Report of appointment of trainee.

Systems exempted from certain provisions of the act: None.

09-25-0051

System name: Grants: NIH Fellowship Payroll, HHS/NIH/DFM.

Security classification: None.

System location:

Building 31, Room B1B07, NIH
9000 Rockville Pike
Bethesda, MD 20205

Write to the system manager at the address below for the address of any Federal Records Center where records from this system are stored.

Categories of individuals covered by the system: Recipients of NIH Fellowships.

Categories of records in the system: Recipient's name, address and social security number (SSN), payroll data.

Authority for maintenance of the system: 58 Stat. 691c repealed, 42 USC 2891-1.

Purpose(s):

To report income subject to tax and taxes withheld to the Internal Revenue Service.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: agencies having the power to subpoena other federal agencies' records, such as the Internal Revenue Service or the Civil Rights Commission, issue a subpoena to the Department for records in this system of records, the Department will make such records available.

Disclosure may be made to 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.

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided that such disclosure is compatible with the purpose for which the records were collected.

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

Storage: Records are stored in file folders.

Retrievability: Records are retrieved by name.

Safeguards: Offices are locked during off-duty hours.

Retention and disposal: Records are retained for one year at NIH and for 9 years at the Washington National Records Center.

System manager(s) and address:

Chief, Federal Assistance Accounting Branch
Building 31, Room B1B07, NIH
9000 Rockville Pike
Bethesda, MD 20205

Notification procedure: Write to the system manager to determine if a record exists. The requester must also verify his or her identity by providing either a notarization of the request or a written certification that the requester is who he or she claims to be and understands that the knowing and willful request for acquisition of a record pertaining to an individual under false pretenses is a criminal offense under the Act, subject to a five thousand dollar fine.

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

Contesting record procedures: Contact the official under notification procedures above, and reasonably identify the record and specify the information to be contested, and state the corrective action sought and the reasons for the correction.

Record source categories: Individual fellow and notice of fellowship award.

Systems exempted from certain provisions of the act: None.

09-25-0053

System name: Clinical Research: Vision Studies. HHS/NIH/NEI.

Security classification: None.

System location:

Building 10, Room 10N325, NIH
9000 Rockville Pike
Bethesda, MD 20205

Write to System Manager at the address above for the address of the Federal Records Center where records from this system are stored.

Categories of individuals covered by the system: Patients of Intramural Research Clinical Studies, National Eye Institute.

Categories of records in the system: Medical history as relevant to vision research.

Authority for maintenance of the system: 42 USC 241, 289i, 289k.

Purpose(s):

1. To gather photographic evidence of various stages or progressions of certain visual disorders;2. To record certain diagnostic test results (such as color vision testing) in the compilation of empirical data to support research evaluations.

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

Disclosure may be made to HHS contractors, grantees and collaborating researchers and their staff in order to accomplish the research purpose for which the records are collected. The recipients are required to protect such records from improper disclosure.

Information may be used to respond to Congressional inquiries for constituents concerning admission to the NIH Clinical Center.

Certain infectious diseases may be reported to State Government as required by law.

Referrals may be made of assignments of research investigators and project monitors to specific research projects to the Smithsonian Institution to contribute to the Smithsonian Science Information Exchange, Inc.

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, for example in defending against a claim based upon an individual's mental or physical condition and alleged to have arisen because of activities of the Public Health Service in connection with such individual, the Department may disclose such records as it deems desirable or necessary to the Department of Justice or other appropriate Federal agency to enable that agency to present an effective defense, provided that such disclosure is compatible with the purpose for which the records were collected.

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

Storage: Records are stored in file cabinets.

Retrievability: Records are retrieved by name and cross referenced by anatomical entity.

Safeguards: Employees who maintain records in this system are instructed to grant regular access only to HHS scientists conducting research and physicians treating the patient whose records are involved. Other one-time and special access by other employees is granted on a need-to-know basis as specifically authorized by the System Manager. File cabinets are in locked rooms and access to files is strictly controlled. Specifically, records may be removed from files only at the request of the System Manager or authorized employees.

Retention and disposal: Records are retained in accordance with the NIH Records Control Schedule, item 3000-G-3. The records control schedule may be obtained by writing to the system manager at the address below.

System manager(s) and address:

Clinical Director
Building 10, Room 10N313, NIH
9000 Rockville Pike
Bethesda, MD 20205

Notification procedure: To determine if a record exists, contact:

Executive Officer
Building 31, Room 6A05, NIH
9000 Rockville Pike
Bethesda, MD 20205

The requester must also verify his or her identity by providing either a notarization of the request or a written certification that the requester is who he or she claims to be and understands that the knowing and willful request for acquisition of a record pertaining to an individual under false pretenses is a criminal offense under the Act, subject to a five thousand dollar fine.

An individual who requests notification of or access to a medical/dental record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion.

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

Contesting record procedures: Contact the official under notification procedures above, and reasonably identify the record and specify the information to be contested, and state the corrective action sought.

Record source categories: Medical examinations conducted by and under the direction of the research investigators.

Systems exempted from certain provisions of the act: None.

09-25-0054

System name: Administration: Property Accounting. HHS/NIH/ORS.

Security classification: None.

System location:

Building 13, Room 2W35, NIH
9000 Rockville Pike
Bethesda, MD 20205

NIH Computer Center, Building 12
9000 Rockville Pike
Bethesda, MD 20205

Write to System Manager at the address above for the address of the Federal Records Center where records from this system are stored.

Categories of individuals covered by the system: Employees of the National Institutes of Health who are issued tools or card keys.

Categories of records in the system: Property management.

Authority for maintenance of the system: 5 USC 301; 5 USC 5901; 5 USC 7903; 40 USC 318a; 42 USC 241.

Purpose(s):

Used for tool and card keys issuance and control.

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

Disclosure may be made to 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.

In the event that a system of records maintained by this agency to carry out its functions indicates 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, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether federal, 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.

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided that such disclosure is compatible with the purpose for which the records were collected.

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

Storage: Records are stored in file folders, and on computer-sensible media.

Retrievability: Records are retrieved by name.

Safeguards: Textual records are stored in offices which are locked when not in use. Computer files are password protected.

Retention and disposal: Records are kept until two years after an item is released by an individual.

System manager(s) and address: For tools:

Administrative Officer, DES
Building 13, Room 2W35, NIH
9000 Rockville Pike
Bethesda, MD 20205

For card keys:

Security Specialist, DAS
Building 31, Room B1C06, NIH
9000 Rockville Pike
Bethesda, MD 20205

Notification procedure: Write to the System Manager to determine if a record exists. The requester must also verify his or her identity by providing either a notarization of the request or a written certification that the requester is who he or she claims to be and understands that the knowing and willful request for acquisition of a record pertaining to an individual under false pretenses is a criminal offense under the Act, subject to a five thousand dollar fine.

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

Contesting record procedures: Write to the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested, and the corrective action sought.

Record source categories: Data is obtained from the individual.

Systems exempted from certain provisions of the act: None.

09-25-0055

System name: Clinical Research: Baltimore Cancer Research Program Patients. HEW/NIH/NCI.

Security classification: None.

System location:

Baltimore Cancer Research Program
22 South Green Street
Baltimore, MD 21202

Write to System Manager at the address above for the address of the Federal Records Center where records are stored.

Categories of individuals covered by the system: Cancer patients treated at the Baltimore, Md. Cancer Research Program.

Categories of records in the system: Medical records.

Authority for maintenance of the system: 42 USC 241, 281, 282.

Purpose(s):

Research by staff to determine cancer survival rates based on modes of treatment.

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

Disclosure may be made to HHS contractors, grantees and collaborating researchers and their staff in order to accomplish the research purpose for which the records are collected. The recipients are required to protect such records from improper disclosure.

Disclosure may be made to 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.

Disclosure may be made to a contractor when the Department contemplates that it will contract with a private firm for the purpose of collating, analyzing, aggregating or otherwise refining records in this system. Relevant records will be disclosed to such a contractor. The contractor shall be required to maintain Privacy Act safeguards with respect to such records.

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, for example in defending against a claim based upon an individual's mental or physical condition and alleged to have arisen because of activities of the Public Health Service in connection with such individual, the Department may disclose such records as it deems desirable or necessary to the Department of Justice or other appropriate Federal agency to enable that agency to present an effective defense, provided that such disclosure is compatible with the purpose for which the records were collected.

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

Storage: Records are stored in file folders.

Retrievability: Records are retrieved by patient number.

Safeguards: 1. Authorized Users: Employees who maintain records in this system are instructed to grant regular access only to physicians, scientists and support staff of the National Cancer Institute whose duties require the use of such information. Other one-time and

special access by other employees is granted on a need-to-know basis as specifically authorized by the system manager.

2. Physical Safeguards: Records are kept in limited access areas. Offices are locked during off-duty hours.

3. Procedural Safeguards: Access to manual files is strictly controlled by files staff. Files may be only at the request of the system manager or other authorized employee.

Retention and disposal: Records are retained in accordance with the NIH Records Control Schedule, item 3000-G-3. The records control schedule may be obtained by writing to the system manager at the address below.

System manager(s) and address:

Administrative Officer
Baltimore Cancer Research Program
22 South Green Street
Baltimore, MD 21202

Notification procedure: Write to System Manager to determine if a record exists. The requester must also verify his or her identity by providing either a notarization of the request or a written certification that the requester is who he or she claims to be and understands that the knowing and willful request for acquisition of a record pertaining to an individual under false pretenses is a criminal offense under the Act, subject to a five thousand dollar fine.

An individual who requests notification of or access to a medical/dental record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion.

A parent or guardian who requests notification of, or access to, a child's or incompetent person's medical record shall designate a family physician or other health professional (other than a family member) to whom the record, if any, will be sent. The parent or guardian must verify relationship to the child or incompetent person as well as his or her own identity.

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

Contesting record procedures: Contact the official under notification procedures above, and reasonably identify the record and specify the information to be contested, and state the corrective action sought.

Record source categories: Patients' personal physicians, NIH staff treating the patients or performing tests, and patients themselves.

Systems exempted from certain provisions of the act: None.

09-25-0057

System name: Clinical Research: Burkitt's Lymphoma Registry. HHS/NIH/NCI.

Security classification: None.

System location:

Building 37, Room 1B28
9000 Rockville Pike
Bethesda, MD 20205

Write to System Manager at the address above for the address of the Federal Records Center where records from this system are stored.

Categories of individuals covered by the system: Patients with Burkitt's Lymphoma in the registry of the National Cancer Institute.

Categories of records in the system: Clinical abstracts, pathology reports, and other laboratory correspondence with attending physicians.

Authority for maintenance of the system: 42 USC 241, 281, 282.

Purpose(s):

Epidemiologic research on Burkitt's Lymphoma.

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

Disclosure may be made to HHS contractors, grantees and collaborating researchers and their staff in order to accomplish the research purpose for which the records are collected. The recipients are required to protect such records from improper disclosure.

Disclosure may be made to 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. it will contract with a private firm for the purpose of collating, analyzing, aggregating or otherwise refining records in this system. Relevant records will be disclosed to such a contractor. The contractor shall be required to maintain Privacy Act safeguards with respect to such records.

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, for example in defending against a claim based upon an individual's mental or physical condition and alleged to have arisen because of activities of the Public Health Service in connection with such individual, the Department may disclose such records as it deems desirable or necessary to the Department of Justice or other appropriate Federal agency to enable that agency to present an effective defense, provided that such disclosure is compatible with the purpose for which the records were collected.

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

Storage: Records are stored in file folders.

Retrievability: Records are retrieved by name.

Safeguards: 1. Authorized Users: Employees who maintain records in this system are instructed to grant regular access only to physicians, scientists and support staff of the National Cancer Institute whose duties require the use of such information. Other one-time and special access by other employees is granted on a need-to-know basis as specifically authorized by the system manager.

2. Physical Safeguards: Records are kept in a limited access area. Offices are locked during off-duty hours.

3. Procedural Safeguards: Access to manual files is strictly controlled by files staff. Files may be only at the request of the system manager or other authorized employee.

Retention and disposal: Records are retained in accordance with the NIH Records Control Schedule, item 3000-G-3. The records control schedule may be obtained by writing to the system manager at the address below.

System manager(s) and address:

Head, Clinical Studies Section
Medical Officer, Laboratory of Viral Carcinogenesis
Landow Building, Room 8C18
9000 Rockville Pike
Bethesda, MD 20205

Notification procedure: Write to System Manager to determine if a record exists. The requester must also verify his or her identity by providing either a notarization of the request or a written certification that the requester is who he or she claims to be and understands that the knowing and willful request for acquisition of a record pertaining to an individual under false pretenses is a criminal offense under the Act, subject to a five thousand dollar fine.

An individual who requests notification of or access to a medical/dental record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion.

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

Contesting record procedures: Contact the official under notification procedures above, and reasonably identify the record and specify the information to be contested, and state the corrective action sought.

Record source categories: Hospitals, Pathology Reports, Medical Histories.

Systems exempted from certain provisions of the act: None.

09-25-0060

System name: Clinical Research: Division of Cancer Treatment Clinical Investigations. HHS/NIH/NCI.

Security classification: None.

System location:

Building 10, Room 3B18, NIH
9000 Rockville Pike
Bethesda, MD 20205
and
Frederick Cancer Research Center
Building 426
Frederick, Maryland 21701

Categories of individuals covered by the system: All patients who have been hospitalized in the National Cancer Institute.

Categories of records in the system: Medical records.

Authority for maintenance of the system: 42 USC 241, 281, 282.

Purpose(s):

1. Patient care and treatment. 2. Epidemiological research.

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

Disclosure may be made to HHS contractors, grantees and collaborating researchers and their staff in order to accomplish the research purpose for which the records are collected. The recipients are required to protect such records from improper disclosure.

Disclosure may be made to 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.

Disclosure may be made to a contractor when the Department contemplates that it will contract with a private firm for the purpose of collating, analyzing, aggregating or otherwise refining records in this system. Relevant records will be disclosed to such a contractor. The contractor shall be required to maintain Privacy Act safeguards with respect to such records.

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, for example in defending against a claim based upon an individual's mental or physical condition and alleged to have arisen because of activities of the Public Health Service in connection with such individual, the Department may disclose such records as it deems desirable or necessary to the Department of Justice or other appropriate Federal agency to enable that agency to present an effective defense, provided that such disclosure is compatible with the purpose for which the records were collected.

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

Storage: Records are stored on magnetic tapes and on index cards.

Retrievability: Records are retrieved by patient name or number.

Safeguards: 1. Authorized Users: Employees who maintain records in this system are instructed to grant regular access only to physicians, scientists and support staff of the National Cancer Institute, or its contractors, whose duties require the use of such information. Other one-time and special access by other employees is granted on a need-to-know basis as specifically authorized by the system manager.

2. Physical Safeguards: Records are kept in a limited access area. Offices are locked during off-duty hours. Input data for computer files is coded to avoid individual identification.

3. Procedural Safeguards: Access to manual files is strictly controlled by files staff. Files may be only at the request of the system manager or other authorized employee. Access to computer files is controlled through security codes known only to authorized users. Access codes are changed frequently.

Retention and disposal: Records are retained in accordance with the NIH Records Control Schedule, item 3000-G-3. The records control schedule may be obtained by writing to the system manager at the address below.

System manager(s) and address:

Chief, Biometric Research Branch
Building 10, Room 3B16
9000 Rockville Pike
Bethesda, MD 20205
and
Chief, Clinical Investigations Section
Biological Response Modifiers Program
Frederick Cancer Research Center
Building 426
Frederick, Maryland 21701

Notification procedure: Write to system manager for the appropriate location to determine if a record exists. The requester must also verify his or her identity by providing either a notarization of the request or a written certification that the requester is who he or she claims to be and understands that the knowing and willful request for acquisition of a record pertaining to an individual under false pretenses is a criminal offense under the Act, subject to a five thousand dollar fine.

An individual who requests notification of or access to a medical/dental record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion.

A parent or guardian who requests notification of, or access to, a child's or incompetent person's medical record shall designate a family physician or other health professional (other than a family member) to whom the record, if any, will be sent. The parent or guardian must verify relationship to the child or incompetent person as well as his or her own identity.

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

Contesting record procedures: Contact the official under notification procedures above, and reasonably identify the record and specify the information to be contested, and state the corrective action sought.

Record source categories: Hospital medical records, referring physician, referring hospitals, clinical laboratories, patient contact, and Central Tumor Registries.

Systems exempted from certain provisions of the act: None.

09-25-0064

System name: Clinical Research: Japanese Hawaiian Cancer Studies. HHS/NIH/NCI.

Security classification: None.

System location:

Building 12, NIH
9000 Rockville Pike
Bethesda, MD 20205

Write to System Manager at the address above for the address of the Federal Records Center where records from this system are stored.

Categories of individuals covered by the system: Hawaiians of Japanese descent who were/are patients diagnosed with cancer of certain sites or with gastric ulcers, and normal controls.

Categories of records in the system: Medical, diet, residence & occupational history; clinical lab test results.

Authority for maintenance of the system: 42 USC 241, 281, 282.

Purpose(s):

Research into the causes of cancer, including precursor conditions and factors affecting the etiology and epidemiology of the disease.

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

Disclosure may be made to HHS contractors, grantees and collaborating researchers and their staff in order to accomplish the research purpose for which the records are collected. The recipients are required to protect such records from improper disclosure.

Disclosure may be made to 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.

Disclosure may be made to a contractor when the Department contemplates that it will contract with a private firm for the purpose of collating, analyzing, aggregating or otherwise refining records in this system. Relevant records will be disclosed to such a contractor. The contractor shall be required to maintain Privacy Act safeguards with respect to such records.

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, for example in defending against a claim based upon an individual's mental or physical condition and alleged to have arisen because of activities of the Public Health Service in connection with such individual, the Department may disclose such records as it deems desirable or necessary to the Department of Justice or other appropriate Federal agency to enable that agency to present an effective defense, provided that such disclosure is compatible with the purpose for which the records were collected.

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

Storage: Records are stored on magnetic tape and microfiche and in file folders and on slides.

Retrievability: Records are retrieved by name or ID number.

Safeguards: 1. Authorized Users: Employees who maintain records in this system are instructed to grant regular access only to physicians, scientists and support staff of the National Cancer Institute whose duties require the use of such information. Other one-time and special access by other employees is granted on a need-to-know basis as specifically authorized by the system manager.

2. Physical Safeguards: Records are kept in a limited access area. Offices are locked during off-duty hours. Input data for computer files is coded to avoid individual identification.

3. Procedural Safeguards: Access to manual files is strictly controlled by files staff. Files may be only at the request of the system manager or other authorized employee. Access to computer files is controlled through security codes known only to authorized users. Access codes are changed frequently.

Retention and disposal: Records are retained in accordance with the NIH Records Control Schedule, item 3000-G-3. The records control schedule may be obtained by writing to the system manager at the address below.

System manager(s) and address:

Chief, Biometry Branch
Landow Building, Room 5C03, NIH
7910 Woodmont Avenue
Bethesda, MD 20205

Notification procedure: Write to System Manager to determine if a record exists. The requester must also verify his or her identity by providing either a notarization of the request or a written certification that the requester is who he or she claims to be and understands that the knowing and willful request for acquisition of a record pertaining to an individual under false pretenses is a criminal offense under the Act, subject to a five thousand dollar fine.

An individual who requests notification of or access to a medical/dental record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion.

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

Contesting record procedures: Contact the official under notification procedures above, and reasonably identify the record and specify the information to be contested, and state the corrective action sought.

Record source categories: Information obtained from interview with cancer patients or their relatives, hospitalized controls, community and hospital records.

Systems exempted from certain provisions of the act: None.

09-25-0067

System name: Clinical Research: National Cancer Incidence Surveys. HHS/NIH/NCI.

Security classification: None.

System location:

Building 12, NIH
9000 Rockville Pike
Bethesda, MD 20205

Write to System Manager at the address above for the address of the Federal Records Center where records from this system are stored.

Categories of individuals covered by the system: Persons diagnosed as having cancer during 1969-71 in geographical areas of the US.

Categories of records in the system: Medical history, insurance and hospital cost data, and death records.

Authority for maintenance of the system: 42 USC 241, 281, 182.

Purpose(s):

Comparison of trends in cancer incidence between the second and third national cancer surveys, i.e. between 1969-71 and 1947.

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

Disclosure may be made to HHS contractors, grantees and collaborating researchers and their staff in order to accomplish the research purpose for which the records are collected. The recipients are required to protect such records from improper disclosure.

Disclosure may be made to 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.

Disclosure may be made to a contractor when the Department contemplates that it will contract with a private firm for the purpose of collating, analyzing, aggregating or otherwise refining records in this system. Relevant records will be disclosed to such a contractor. The contractor shall be required to maintain Privacy Act safeguards with respect to such records.

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, for example in defending against a claim based upon an individual's mental or physical condition and alleged to have arisen because of activities of the Public Health Service in connection with such individual, the Department may disclose such records as it deems desirable or necessary to the Department of Justice or other appropriate Federal agency to enable that agency to present an effective defense, provided that such disclosure is compatible with the purpose for which the records were collected.

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

Storage: Records are stored on microfiche and on magnetic tapes.

Retrievability: Records are retrieved by name and study number.

Safeguards: 1. Authorized Users: Employees who maintain records in this system are instructed to grant regular access only to physicians, scientists and support staff of the National Cancer Institute whose duties require the use of such information. Other one-time and special access by other employees is granted on a need-to-know basis as specifically authorized by the system manager.

2. Physical Safeguards: Records are kept in a limited access area. Offices are locked during off-duty hours. Input data for computer files is coded to avoid individual identification.

3. Procedural Safeguards: Access to manual files is strictly controlled by files staff. Files may be only at the request of the system manager or other authorized employee. Access to computer files is controlled through security codes known only to authorized users. Access codes are changed frequently.

Retention and disposal: Records are retained in accordance with the NIH Records Control Schedule, item 3000-G-3. The records control schedule may be obtained by writing to the system manager at the address below.

System manager(s) and address:

Chief, Demographic Analysis Section
Landow Building, Room 5B06, NIH
7910 Woodmont Avenue
Bethesda, MD 20205

Notification procedure: Write to System Manager to determine if a record exists. The requester must also verify his or her identity by providing either a notarization of the request or a written certification that the requester is who he or she claims to be and understands that the knowing and willful request for acquisition of a record pertaining to an individual under false pretenses is a criminal offense under the Act, subject to a five thousand dollar fine.

An individual who requests notification of or access to a medical/dental record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion.

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

Contesting record procedures: Contact the official under notification procedures above, and reasonably identify the record and specify the information to be contested, and state the corrective action sought.

Record source categories: Hospital medical records.

Systems exempted from certain provisions of the act: None.

09-25-0068

System name: Clinical Research: National Cancer Institute/American Cancer Society National Breast Cancer Screening of Antihypertensives. HHS/NIH/NCI.

Security classification: None.

System location:

Landow Building, Room B506, NIH
7910 Woodmont Avenue
Bethesda, MD 20205

Write to System Manager at the address above for the address of the Federal Records Center where records from this system are stored.

Categories of individuals covered by the system: Women screened for breast cancer by the National Cancer Institute/American Cancer Society-sponsored screening centers.

Categories of records in the system: Medical history questionnaires from all individuals; treatment questionnaires from physicians of individuals on antihypertensives.

Authority for maintenance of the system: 42 USC 241, 281, 282.

Purpose(s):

Epidemiological research to study factors possibly related to breast cancer. This program involves collaboration with the Food and Drug Administration.

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

Disclosure may be made to HHS contractors, grantees and collaborating researchers and their staff in order to accomplish the research purpose for which the records are collected. The recipients are required to protect such records from improper disclosure.

Disclosure may be made to 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.

Disclosure may be made to a contractor when the Department contemplates that it will contract with a private firm for the purpose of collating, analyzing, aggregating or otherwise refining records in this system. Relevant records will be disclosed to such a contractor. The contractor shall be required to maintain Privacy Act safeguards with respect to such records.

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, for example in defending against a claim based upon an individual's mental or physical condition and alleged to have arisen because of activities of the Public Health Service in connection with such individual, the Department may disclose such records as it deems desirable or necessary to the Department of Justice or other appropriate Federal agency to enable that agency to present an effective defense, provided that such disclosure is compatible with the purpose for which the records were collected.

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

Storage: Records are stored in file folders, on computer printouts and tapes.

Retrievability: Records are retrieved by patient name and number.

Safeguards: 1. Authorized Users: Employees who maintain records in this system are instructed to grant regular access only to physicians, scientists and support staff of the National Cancer Institute whose duties require the use of such information. Other one-time and special access by other employees is granted on a need-to-know basis as specifically authorized by the system manager.

2. Physical Safeguards: Records are kept in a limited access area. Offices are locked during off-duty hours. Input data for computer files is coded to avoid individual identification.

3. Procedural Safeguards: Access to manual files is strictly controlled by files staff. Files may be only at the request of the system manager or other authorized employee. Access to computer files is controlled through security codes known only to authorized users. Access codes are changed frequently.

Retention and disposal: Years at NIH: 5. Years at Federal Records Center: 10.

System manager(s) and address:

Chief, Demographic Analysis Section
Landow Building, Room 5B06, NIH
7910 Woodmont Avenue
Bethesda, MD 20205

Notification procedure: Write to System Manager to determine if a record exists. The requester must also verify his or her identity by providing either a notarization of the request or a written certification that the requester is who he or she claims to be and understands that the knowing and willful request for acquisition of a record pertaining to an individual under false pretenses is a criminal offense under the Act, subject to a five thousand dollar fine.

An individual who requests notification of or access to a medical/dental record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion.

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

Contesting record procedures: Contact the official under notification procedures above, and reasonably identify the record and specify the information to be contested, and state the corrective action sought.

Record source categories: Data is obtained from the individual, and if applicable, from the individual's physician with explicit permission.

Systems exempted from certain provisions of the act: None.

09-25-0069

System name: NIH Clinical Center Admissions of the National Cancer Institute: HHS/NIH/NCI.

Security classification: None.

System location:

Landow Building, Rm. 4C18 and 5C37
7910 Woodmont Avenue
Bethesda, MD 20205

Building 10, Rm 3C18, NIH,
9000 Rockville Pike
Bethesda, MD 20205

Building 31, Room 3A05, NIH
9000 Rockville Pike
Bethesda, MD 20205

Write to System Manager at the address above for the address of the Federal Records Center where records from this system are stored.

Categories of individuals covered by the system: Current and former cancer patients admitted to the NIH Clinical Center or the National Cancer Institute (NCI).

Categories of records in the system: Medical histories, reports and correspondence.

Authority for maintenance of the system: 42 USC 241, 281, 282.

Purpose(s):

National Cancer Institute physicians and supporting staff are involved in the cause and diagnosis of disease and the treatment of patients, requiring the maintenance of working files to chart progress, responses to treatment, etc.

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

Disclosure may be made to HHS contractors, grantees and collaborating researchers and their staff in order to accomplish the research purpose for which the records are collected. The recipients are required to protect such records from improper disclosure.

Disclosure may be made to 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.

Disclosure may be made to a contractor when the Department contemplates that it will contract with a private firm for the purpose of collating, analyzing, aggregating or otherwise refining records in this system. Relevant records will be disclosed to such a contractor. The contractor shall be required to maintain Privacy Act safeguards with respect to such records.

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, for example in defending against a claim based upon an individual's mental or physical condition and alleged to have arisen because of activities of the Public Health Service in connection with such individual, the Department may disclose such records as it deems desirable or necessary to the Department of Justice or other appropriate Federal agency to enable that agency to present an effective defense, provided that such disclosure is compatible with the purpose for which the records were collected.

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

Storage: Records are stored in file folders and on computer files.

Retrievability: Records are retrieved by name.

Safeguards: 1. Authorized Users: Employees who maintain records in this system are instructed to grant regular access only to physicians, scientists and support staff of the National Cancer Institute and the Clinical Center whose duties require the use of such information. Other one-time and special access by other employees is granted on a need-to-know basis as specifically authorized by the system manager.

2. Physical Safeguards: Records are kept in limited access areas. Offices are locked during off-duty hours. Input data for computer files is coded to avoid individual identification.

3. Procedural Safeguards: Access to manual files is strictly controlled by files staff. Files may be only at the request of the system manager or other authorized employee. Access to computer files is controlled through security codes known only to authorized users. Access codes are changed frequently.

Retention and disposal: Records are retained in accordance with the NIH Records Control Schedule, item 3000-G-3. The records control schedule may be obtained by writing to the system manager at the address below.

System manager(s) and address: Appendix II

Chief, Clinical Genetics Section
Division of Cancer Cause and Prevention
Landow Bldg., Rm. A521, NIH
7910 Woodmont Avenue
Bethesda, Maryland 20205

Chief, Biometric Research Branch
Division of Cancer Treatment
Building 10, Room 3B16
9000 Rockville Pike
Bethesda, MD 20205

Administrative Officer
Division of Cancer Biology and Diagnosis
Building 31, Room 3A05, NIH
9000 Rockville Pike
Bethesda, MD 20205

Notification procedure: Write to system manager to determine if a record exists. The requester must also verify his or her identity by providing either a notarization of the request or a written certification that the requester is who he or she claims to be and understands that the knowing and willful request for acquisition of a record pertaining to an individual under false pretenses is a criminal offense under the Act, subject to a five thousand dollar fine.

An individual who requests notification of or access to a medical/dental record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion.

A parent or guardian who requests notification of, or access to, a child's or incompetent person's medical record shall designate a family physician or other health professional (other than a family member) to whom the record, if any, will be sent. The parent or guardian must verify relationship to the child or incompetent person as well as his or her own identity.

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

Contesting record procedures: Contact the official under notification procedures above, and reasonably identify the record and specify the information to be contested, and state the corrective action sought.

Record source categories: Patients' personal physicians, NIH staff treating the patients or performing tests, and patients themselves.

Systems exempted from certain provisions of the act: None.

09-25-0074

System name: Clinical Research: Veterans Administration Bladder & Prostate Cancer Clinical Trials. HHS/NIH/NCI.

Security classification: None.

System location:

Building 12, NIH
9000 Rockville Pike
Bethesda, MD 20205

Write to System Manager at the address above for the address of the Federal Records Center where records from this system are stored.

Categories of individuals covered by the system: Veterans Administration patients with bladder or prostate cancer.

Categories of records in the system: Medical & treatment history.

Authority for maintenance of the system: 42 USC 241, 281, 282.

Purpose(s):

Research by staff to compare treatments of bladder and prostate cancer, develop statistical methodolgy, and trace the natural history of the disease under study.

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

Disclosure may be made to HHS contractors, grantees and collaborating researchers and their staff in order to accomplish the research purpose for which the records are collected. The recipients are required to protect such records from improper disclosure.

Disclosure may be made to 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.

Disclosure may be made to a contractor when the Department contemplates that it will contract with a private firm for the purpose of collating, analyzing, aggregating or otherwise refining records in this system. Relevant records will be disclosed to such a contractor. The contractor shall be required to maintain Privacy Act safeguards with respect to such records.

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, for example in defending against a claim based upon an individual's mental or physical condition and alleged to have arisen because of activities of the Public Health Service in connection with such individual, the Department may disclose such records as it deems desirable or necessary to the Department of Justice or other appropriate Federal agency to enable that agency to present an effective defense, provided that such disclosure is compatible with the purpose for which the records were collected.

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

Storage: Records are stored in files and on computer tapes and discs.

Retrievability: Records are retrieved by name.

Safeguards: 1. Authorized Users: Employees who maintain records in this system are instructed to grant regular access only to physicians, scientists and support staff of the National Cancer Institute whose duties require the use of such information. Other one-time and special access by other employees is granted on a need-to-know basis as specifically authorized by the system manager.

2. Physical Safeguards: Records are kept in a limited access area. Offices are locked during off-duty hours. Input data for computer files is coded to avoid individual identification.

3. Procedural Safeguards: Access to manual files is strictly controlled by files staff. Files may be only at the request of the system manager or other authorized employee. Access to computer files is controlled through security codes known only to authorized users. Access codes are changed frequently.

Retention and disposal: Records are retained in accordance with the NIH Records Control Schedule, item 3000-G-3. The records control schedule may be obtained by writing to the system manager at the address below.

System manager(s) and address:

Computer Systems Manager
Landow Building, Room 5C08, NIH
7910 Woodmont Avenue
Bethesda, MD 20205

Notification procedure: Write to System Manager to determine if a record exists. The requester must also verify his or her identity by providing either a notarization of the request or a written certification that the requester is who he or she claims to be and understands that the knowing and willful request for acquisition of a record pertaining to an individual under false pretenses is a criminal offense under the Act, subject to a five thousand dollar fine.

An individual who requests notification of or access to a medical/dental record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion.

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

Contesting record procedures: Contact the official under notification procedures above, and reasonably identify the record and specify the information to be contested, and state the corrective action sought.

Record source categories: Hospitals.

Systems exempted from certain provisions of the act: None.

09-25-0075

System name: Administration: Principal Investigators Submitting Proposals for Protection from Research Risks. HHS/NIH/OD.

Security classification: None.

System location:

Westwood Building, Room 3A-12
5333 Westbard Avenue
Bethesda, MD 20205

Categories of individuals covered by the system: Persons submitting research proposals to the National Institutes of Health involving risks to subjects or matters pertaining to the protection of the rights and welfare of human research subjects.

Categories of records in the system: Research protocol, identification of Principal Investigator, institution.

Authority for maintenance of the system: 42 USC 241(c) (g).

Purpose(s):

Monitoring of research proposals that may involve undue risks to subjects or ethical considerations.

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

Disclosure may be made to 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.

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided that such disclosure is compatible with the purpose for which the records were collected.

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

Storage: Records are stored on card file.

Retrievability: Records are retrieved by name of Principal Investigator.

Safeguards: Records are maintained in offices which are monitored during business hours and are locked during off-duty hours.

Retention and disposal: Records are kept for 6 years after the end of a research project or 6 years after final action in any case involving litigation.

System manager(s) and address:

Director, OPRR
Westwood Building, Room 3A-18, NIH
5333 Westbard Avenue
Bethesda, MD 20205

Notification procedure: Write to System Manager to determine if a record exists. The requester must also verify his or her identity by providing either a notarization of the request or a written certification that the requester is who he or she claims to be and understands that the knowing and willful request for acquisition of a record pertaining to an individual under false pretenses is a criminal offense under the Act, subject to a five thousand dollar fine.

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

Contesting record procedures: Contact the official under notification procedures above, and reasonably identify the record and specify the information to be contested, and state the corrective action sought.

Record source categories: Proposals submitted by individuals, but identified by employees or consultants of HHS as possibly involving undue hazards.

Systems exempted from certain provisions of the act: None.

09-25-0077

System name: Clinical Research: Biological Carcinogenesis Branch Human Specimen Program. HHS/NIH/NCI.

Security classification: None.

System location:

Landow Bldg., Rm. 9A22
7910 Woodmont Avenue
Bethesda, MD 20205

Write to System Manager at the address above for the address of the Federal Records Center where records from this system are stored.

Categories of individuals covered by the system: Cancer and other patients, and normal donors of biopsy and tumor specimens, seen at clinically-oriented organizations under contract to the National Cancer Institute. Both adults and children are covered.

Categories of records in the system: Medical history and diagnostic information about the donor, information on the type of specimen, location of repository (if specimen is stored before use), and distribution record.

Authority for maintenance of the system: 42 USC 241, 281, 282.

Purpose(s):

1. For cancer research, using by-products of cancer treatment such as biopsy and tumor specimens that would normally be discarded, to allow interpretation of experimental results;
2. To project future research needs;
3. To monitor and evaluate contractor procurement performance;
4. To monitor and evaluate the NCI distribution system .

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

Disclosure may be made to 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.

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided that such disclosure is compatible with the purpose for which the records were collected.

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

Storage: File folders, magnetic tape, discs.

Retrievability: Retrieved by name of donor and cross-referenced by identifying number, procurement source, and various epidemiological characteristics.

Safeguards: 1. Authorized Users: Employees who maintain records in this system are instructed to grant regular access only to physicians, scientists and support staff of the National Cancer Institute whose duties require the use of such information. Other one-time and special access by other employees is granted on a need-to-know basis as specifically authorized by the system manager.

2. Physical Safeguards: Records are kept in a limited access area. Offices are locked during off-duty hours. Input data for computer files is coded to avoid individual identification.

3. Procedural Safeguards: Access to manual files is strictly controlled by files staff. Files may be only at the request of the system manager or other authorized employee. Access to computer files is controlled through security codes known only to authorized users.

Retention and disposal: Records are retained in accordance with the NIH Records Control Schedule, item 3000-G-3. The records control schedule may be obtained by writing to the system manager at the address below.

System manager(s) and address:

Deputy Chief, Biological Carcinogenesis Branch
Division of Cancer Cause and Prevention
Landow Building, Room 9A-22
National Institutes of Health
9000 Rockville Pike
Bethesda, MD 20205

Notification procedure: Write to System Manager to determine if a record exists. The requester must also verify his or her identity by providing either a notarization of the request or a written certification that the requester is who he or she claims to be and understands that the knowing and willful request for acquisition of a record pertaining to an individual under false pretenses is a criminal offense under the Act, subject to a five thousand dollar fine.

An individual who requests notification of or access to a medical/dental record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion.

A parent or guardian who requests notification of, or access to, a child's or incompetent person's medical record shall designate a family physician or other health professional (other than a family

member) to whom the record, if any, will be sent. The parent or guardian must verify relationship to the child or incompetent person as well as his or her own identity.

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

Contesting record procedures: Contact the official under notification procedures above, and reasonably identify the record and specify the information to be contested, and state the corrective action sought.

Record source categories: Specimen Report Form filled out by the organization providing specimens.

Systems exempted from certain provisions of the act: None.

09-25-0078

System name: Administration: Consultant File. HHS/NIH/NHLBI.

Security classification: None.

System location:

Westwood Building
5333 Westbard Avenue
Bethesda, MD 20205

Categories of individuals covered by the system: List of consultants available for use in evaluation of National Heart, Lung and Blood Institute special grants and contracts.

Categories of records in the system: Names, resumes, lists of publications.

Authority for maintenance of the system: 42 U.S.C. 241(d), 281.

Purpose(s):

1. To identify and select experts and consultants for program reviews and evaluations.
2. For use in evaluation of NHLBI special grants and contracts.

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

Disclosure may be made to 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.

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided that such disclosure is compatible with the purpose for which the records were collected.

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

Storage: Computer disk and file folders.

Retrievability:

Safeguards: 1. Data on computer files is accessed by keyword known only to authorized users. 2. Rooms where records are stored are locked when not in use.

Retention and disposal: Records are kept until the individual is no longer available for consultation.

System manager(s) and address:

Systems Analyst, DEA, NHLBI
Westwood Building, Room 5A-15
5333 Westbard Avenue
Bethesda, MD 20205

Notification procedure: To determine is a record exists, contact:

Privacy Act Coordinator, NHLBI
Building 31, Room 5A-50, NIH
9000 Rockville Pike
Bethesda, MD 20205

The requester must also verify his or her identity by providing either a notarization of the request or a written certification that the requester is who he or she claims to be and understands that the knowing and willful request for acquisition of a record pertaining to an individual under false pretenses is a criminal offense under the Act, subject to a five thousand dollar fine.

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

Contesting record procedures: Contact the official under notification procedures above, and reasonably identify the record and specify the information to be contested, and state the corrective action sought.

Record source categories: Subject individual.

Systems exempted from certain provisions of the act: None.

09-25-0084

System name: Administration: Curricula Vitae. HHS/NIH/NIADDK

Security classification: None.

System location:

Building 31, Room 9A04, NIH
9000 Rockville Pike
Bethesda, MD 20205

Write to System Manager at the address above for the address of the Federal Records Center where records are stored.

Categories of individuals covered by the system: Consultants, scientists, advisory board and commission members.

Categories of records in the system: Employment, education, personal and achievement histories.

Authority for maintenance of the system: 42 USC 241(d) 289a.

Purpose(s):

1. To communicate information to the public regarding awards received, presentation of papers, and promotions of National Institute of Arthritis, Diabetes, Digestive and Kidney Diseases (NIADDK) scientists and administrative personnel.
2. To respond to requests for current biographical information about NIADDK scientists.

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

Disclosure may be made to 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.

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided that such disclosure is compatible with the purpose for which the records were collected.

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

Storage: Records are stored in file folders.

Retrievability: Records are retrieved by name.

Safeguards: 1. Authorized Users: Employees who maintain records in this system are instructed to grant regular access only to professional and support staff of the Office of Scientific and Technical Reports, NIADDK.

2. Physical Safeguards: Records are stored in a locked file cabinet.

2. Procedural Safeguards: Access to files is limited by files staff. Records may be removed from files only at the request of authorized employees.

Retention and disposal: Years at NIH: 5. Disposal methods include burning or shredding paper materials and erasing computer tapes.

System manager(s) and address:

Information Officer, NIADDK
Building 31, Room 9A03, NIH
9000 Rockville Pike
Bethesda, MD 20205

Notification procedure: Write to System Manager to determine if a record exists. The requester must also verify his or her identity by providing either a notarization of the request or a written certification that the requester is who he or she claims to be and understands that the knowing and willful request for acquisition of a record pertaining to an individual under false pretenses is a criminal offense under the Act, subject to a five thousand dollar fine.

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

Contesting record procedures: Contact the official under notification procedures above, and reasonably identify the record and specify the information to be contested, and state the corrective action sought.

Record source categories: Individuals.

Systems exempted from certain provisions of the act: None.

09-25-0087

System name: Administration: Employees and Consultants. HHS/NIH/NIAID.

Security classification: None.

System location:

Building 31, Room 7A32, NIH
9000 Rockville Pike
Bethesda, MD 20205

Write to System Manager at the address below for the address of the Federal Records Center where records from this system are stored.

Categories of individuals covered by the system: Current and former key professional employees of the Institute and consultants.

Categories of records in the system: Press releases, curriculum vitae, nominations for awards and photographs.

Authority for maintenance of the system: 42 USC 241(d) 289a.

Purpose(s):

For background records to provide public announcements on National Institute of Allergy and Infectious Diseases (NIAID) Council members, advisors and guest lecturers.

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

Disclosure may be made to 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.

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

Storage: Stored in file folders.

Retrievability: Retrieved by name.

Safeguards: 1. Authorized Users: Employees who maintain records in this system are instructed to grant regular access only to staff whose duties require the use of such information. Authorized users are located in the Office of the Director, NIAID. Other one-time and special access by other employees is granted on a need-to-know basis as specifically authorized by the system manager.

2. Physical Safeguards: Records in this system are stored in file folders which are kept in locked cabinets. The buiing is locked during off duty hours.

3. Procedural Safeguards: Access to files is strictly controlled by files staff. Records may be removed from files only at the request of the system manager or other authorized employee.

Retention and disposal: Records are kept until no longer needed for reference.

System manager(s) and address:

Chief, Office of Research Reporting & Public Response
Building 31, Room 7A32, NIH
9000 Rockville Pike
Bethesda, MD 20205

Notification procedure: To determine if a record exists, write to

NIAID Privacy Act Coordinator
Room 705
Westwood Building
5333 Westbard Avenue
Bethesda, MD 20205

The requester must also verify his or her identity by providing either a notarization of the request or a written certification that the requester is who he or she claims to be and understands that the knowing and willful request for acquisition of a record pertaining to an individual under false pretenses is a criminal offense under the Act, subject to a five thousand dollar fine.

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

Contesting record procedures: Contact the System Manager at the address above, and reasonably identify the record and specify the information to be contested, and state the corrective action sought and the reasons for the correction.

Record source categories: Individuals and newspaper clippings.

Systems exempted from certain provisions of the act: None.

09-25-0088

System name: Clinical Research: Researchers Using H-2 Soluble Antigen and H-2 Antiserum. HHS/NIH/NIAID.

Security classification: None.

System location:

Westwood Building, Room 707
5333 Westbard Avenue
Bethesda, Maryland 20205

Write to System Manager at the address below for the address of the Federal Records Center where records from this system are stored.

Categories of individuals covered by the system: Scientific investigators concerned with histocompatibility typing who have applied for research materials.

Categories of records in the system: Applications for research materials.

Authority for maintenance of the system: 42 USC 241, 263, 289a, 289c.

Purpose(s):

1. To maintain a record of active investigators using the research reagents (mouse major histocompatability complex (MHC) antisera which includes H2, IA, LY, and THY; and H-2 antigens which includes A, B, D and K), thereby facilitating feedback and exchange of information about the reagents among the investigators.
2. To control quantities of scarce regeants.
3. To collect data for reports to the Office of the Director, Immunology and Allergic and Immunologic Diseases Program, and to the Office of the Director, National Institute of Allergy and Infectious Diseases (NIAID), for program review and planning.

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

Data regarding scientific investigators may be published in reagents catalogue and may be used to respond to public inquiries.

Disclosure may be made to 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.

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

Storage: Records in this system are stored on index cards, in file folders and on computer tapes and discs.

Retrievability: Records are retrieved by name.

Safeguards: 1. Authorized Users: Employees who maintain records in this system are instructed to grant regular access only to NIAID staff whose duties require the use of such information. Authorized users are located in the Immunobiology and Immunochemistry Branch, Immunology and Allergic and Immunologic Diseases Program (IAIDP), NIAID. Other one-time and special access by other employees is granted on a need-to-know basis as specifically authorized by the system manager.

2. Physical Safeguards: Textual records are stored in offices which are locked when not in use. Access to computer facilities is by keycard. The building is locked during off-duty hours.

3. Procedural Safeguards: Access to files is strictly controlled by files staff. Records may be removed from files only at the request of the system manager or other authorized employee. For computerized records, access is controlled by the use of security codes known only to authorized users.

Retention and disposal: Years at NIH: Indefinite.

System manager(s) and address:

Chief, Immunobiology and Immunochemistry Branch, IAIDP
Westwood Building, Room 752
5333 Westbard Avenue
Bethesda, MD 20205

Notification procedure: To determine if a record exists, write to

NIAID Privacy Act Coordinator
Room 705
Westwood Building
5333 Westbard Avenue
Bethesda, MD 20205.

The requester must also verify his or her identity by providing either a notarization of the request or a written certification that the requester is who he or she claims to be and understands that the knowing and willful request for acquisition of a record pertaining to an individual under false pretenses is a criminal offense under the Act, subject to a five thousand dollar fine.

Record access procedures: Same as Notification Procedures above. Requesters should also reasonably specify the record contents being sought.

Contesting record procedures: Contact the System Manager at the address above, and reasonably identify the record and specify the

information to be contested, and state the corrective action sought and the reasons for the correction.

Record source categories: Individuals.

Systems exempted from certain provisions of the act: None.

09-25-0089

System name: Clinical Research: HLA Antiserum and Tray Users. HHS/NIH/NIAID.

Security classification: None.

System location:

Westwood Building, Room 754
5333 Westbard Avenue
Bethesda, MD 20205

Write to System Manager at the address below for the address of the Federal Records Center where records from this system are stored.

Categories of individuals covered by the system: Scientific and clinical investigators concerned with histocompatibility typing and immunological research who have applied for research materials.

Categories of records in the system: Applications for research materials.

Authority for maintenance of the system: 42 USC 241, 263, 289a, 289c

Purpose(s):

1. To maintain a record of active investigators using the research reagents (histocompatibility testing sera, homozygous typing cells and tissue typing trays), thereby facilitating feedback and exchange about the reagents among the investigators.
2. To control quantities of scarce reagents.
3. To collect data for reports to the Office of the Director, Immunology and Allergic and Immunologic Diseases Program and to the Office of the Director, NIAID, for program review and planning.

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

Data regarding investigators may be published in reagents catalogue and may be used to respond to public inquiries.

Disclosure may be made to 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.

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

Storage: Records are stored in file folders and on machine-readable media.

Retrievability: Records are retrieved by name.

Safeguards: 1. Authorized Users: Employees who maintain records in this system are instructed to grant regular access only to NIAID staff whose duties require the use of such information. Authorized users are located in the Genetics and Transplantation Biology Branch, Immunology and Allergic and Immunologic Diseases Program, NIAID. Other one-time and special access by other employees is granted on a need-to-know basis as specifically authorized by the system manager.

2. Physical Safeguards: Records in this system are stored on index cards, in file folders and on computer tapes and discs. The building is locked during off-duty hours.

3. Procedural Safeguards: Access to files is strictly controlled by files staff. Records may be removed from files only at the request of the system manager or other authorized employee. For computerized records, access is controlled by the use of security codes known only to authorized users.

Retention and disposal: Years at NIH: Indefinite.

System manager(s) and address:

Chief, Genetics and Transplantation Branch, IAIDP
Westwood Building, Room 752
5333 Westbard Avenue
Bethesda, MD 20205

Notification procedure: To determine if a record exists, write to

NIAID Privacy Act Coordinator
Room 705
Westwood Building
5333 Westbard Avenue
Bethesda, MD 20205

The requester must also verify his or her identity by providing either a notarization of the request or a written certification that the requester is who he or she claims to be and understands that the knowing and willful request for acquisition of a record pertaining to an individual under false pretenses is a criminal offense under the Act, subject to a five thousand dollar fine.

Record access procedures: Same as Notification Procedures above. Requesters should also reasonably specify the record contents being sought.

Contesting record procedures: Contact the System Manager at the address above, and reasonably identify the record and specify the information to be contested, and state the corrective action sought and the reasons for the correction.

Record source categories: Individuals.

Systems exempted from certain provisions of the act: None.

09-25-0091

System name: Administration: General Files on Employees, Donors and Correspondents. HHS/NIH/NEI.

Security classification: None.

System location:

Building 31, Room 6A03, NIH
9000 Rockville Pike
Bethesda, MD 20205

Write to System Manager at the address below for the address of the Federal Records Center where records from this system are stored.

Categories of individuals covered by the system: Donors of gifts, employees, correspondents of the National Eye Institute (NEI).

Categories of records in the system: Budget, administrative services, correspondence.

Authority for maintenance of the system: 42 USC 289i.

Purpose(s):

1. To authorize and approve payment of official travel;
2. To identify certain donors of unconditional gifts to the National Eye Institute ;
3. To record certain delegations, permit holders, and submitters of suggestions;
4. To maintain a mailing list of persons in the vision research community;
5. To provide service or information to specific requesters;
6. To maintain accountability records of federal property custodians;
7. To communicate with collaborating investigators in vision research.

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

Disclosure may be made to 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.

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

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

Storage: Records are stored in file folders.

Retrievability: Records are retrieved by name and subject area.

Safeguards: Employees who maintain records in this system are instructed to grant regular access only to staff with designated responsibilities directly related to the purpose for which the records are kept. Other one-time and special access by other employees is granted on a need-to-know basis as specifically authorized by the system manager.

Retention and disposal: Years at NIH: 1. Disposal methods include burning or shredding paper materials.

System manager(s) and address:

Executive Officer, NEI
Building 31, Room 6A05, NIH
9000 Rockville Pike
Bethesda, MD 20205

Notification procedure: To determine if a record exists, write to

Records Management Officer, NEI
Building 31, Room 6A31, NIH

9000 Rockville Pike
Bethesda, MD 20205

The requester must also verify his or her identity by providing either a notarization of the request or a written certification that the requester is who he or she claims to be and understands that the knowing and willful request for acquisition of a record pertaining to an individual under false pretenses is a criminal offense under the Act, subject to a five thousand dollar fine.

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

Contesting record procedures: Contact the official under notification procedures above, and reasonably identify the record and specify the information to be contested, and state the corrective action sought and the reasons for the correction.

Record source categories: Individuals.

Systems exempted from certain provisions of the act: None.

09-25-0093

System name: Administration: Authors, Reviewers and Members of the Journal of the National Cancer Institute. HHS/NIH/NCI.

Security classification: None.

System location:

Westwood Building, Room 850
5333 Westbard Avenue
Bethesda, MD 20205

Write to System Manager at the address below for the address of the Federal Records Center where records are stored.

Categories of individuals covered by the system: Authors and manuscript reviewers and members of the Journal of the National Cancer Institute (JNCI) editorial board.

Categories of records in the system: Accepted, rejected and pending manuscripts and reviewing comments.

Authority for maintenance of the system: 42 USC 241, 281

Purpose(s):

Manuscript review by NCI staff of manuscripts submitted for possible publication or oral presentations.

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

Disclosure may be made to 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.

Disclosure may be made to qualified experts not within the definition of Department employees for opinions as a part of the review of manuscripts.

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

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

Storage: Records are stored in file folders.

Retrievability: Records are retrieved by name and manuscript number.

Safeguards: Access limited to authorized personnel (system manager and his staff).

Retention and disposal: Years at NIH: 1. Disposal methods include burning or shredding.

System manager(s) and address:

Managing Editor, JNCI
Westwood Building, Room 850
5333 Westbard Avenue
Bethesda, MD 20205

Notification procedure: Write to System Manager to determine if a record exists. The requester must also verify his or her identity by providing either a notarization of the request or a written certification that the requester is who he or she claims to be and understands that the knowing and willful request for acquisition of a record pertaining to an individual under false pretenses is a criminal offense under the Act, subject to a five thousand dollar fine.

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

Contesting record procedures: Contact the official under notification procedures above, and reasonably identify the record and specify the information to be contested, and state the corrective action sought and the reasons for the correction.

Record source categories: Authors and reviewers.

Systems exempted from certain provisions of the act: None.

09-25-0095

System name: Contracts: Principal Investigators, Project Officers and Contract Specialists on Carcinogenesis Contracts & Intramural Projects. HHS/NIH/NCI.

Security classification: None.

System location:

Building 12, NIH
9000 Rockville Pike
Bethesda, MD 20205

Write to System Manager at the address below for the address of the Federal Records Center where records from this system are stored.

Categories of individuals covered by the system: Principal investigators, project officers, and contract specialists.

Categories of records in the system: Projects titles and descriptors and cost data.

Authority for maintenance of the system: 42 U.S.C. 241(g), 281.

Purpose(s):

Used by staff for general administrative purposes to assure compliance with contract and program requirements.

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

Disclosure may be made to 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.

Disclosure may be made to a contractor when the Department contracts with a private firm for the purpose of collating, analyzing, aggregating or otherwise refining records in this system. Relevant records will be disclosed to such a contractor. The contractor is required to protect such records from improper disclosure.

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, for example in defending against a claim based upon an individual's mental or physical condition and alleged to have arisen because of activities of the Public Health Service in connection with such individual, the Department may disclose such records as it deems desirable or necessary to the Department of Justice or other appropriate Federal agency to enable that agency to present an effective defense, provided that such disclosure is compatible with the purpose for which the records were collected.

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

Storage: Records are stored on magnetic tape.

Retrievability: Records are retrieved by name.

Safeguards: Locked buildings, locked computer room and computer tape vaults; key-card access to computer facilities, personnel screening,password protection of computer files.

Retention and disposal: Years at NIH: Records may be retired to a Federal Record Center and subsequently disposed of in accordance with the NIH records control schedule. The records control schedule may be obtained by writing to the system manager at the address below.

System manager(s) and address:

Coordinator, Information Activities, Technical Information Resources Branch,
Bioassay Testing Program, DCCP
Landow Building, Room 3A06
7910 Woodmont Avenue
Bethesda, MD 20205

Notification procedure: Write to System Manager to determine if a record exists. The requester must also verify his or her identity by providing either a notarization of the request or a written certifica-

tion that the requester is who he or she claims to be and understands that the knowing and willful request for acquisition of a record pertaining to an individual under false pretenses is a criminal offense under the Act, subject to a five thousand dollar fine.

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

Contesting record procedures: Contact the official under notification procedures above, and reasonably identify the record and specify the information to be contested, and state the corrective action sought and the reasons for the correction.

Record source categories: Contracts, proposals and annual reports.

Systems exempted from certain provisions of the act: None.

09-25-0096

System **name:** Contracts: National Cancer Institute Contract Management System Principal Investigators, Project Officers and Contract Specialists, HHS/NIH/NCI.

Security classification: None.

System location:

Building 12, NIH
9000 Rockville Pike
Bethesda, MD 20205

Write to System Manager at the address below for the address of the Federal Records Center where records from this system are stored.

Categories of individuals covered by the system: Principal investigators, project officers, and contract specialists.

Categories of records in the system: Contract projects administrative data (e.g., project titles and descriptions, contractor information, etc.), fiscal data (e.g., funding/cost data, obligations), and programmatic data (e.g., scientific classifications, scope of work).

Authority for maintenance of the system: 42 U.S.C. 241(g), 281.

Purpose(s):

(1) Provides administrative and financial information for administration and tracking of procurement activities of National Cancer Institute (NCI) contracts;

(2) Collects and maintains this information in an accurate and timely fashion for financial reporting and budgeting, as well as ad hoc queries on NCI contracting activities;.

(3) Provides pre-award tracking and milestone data used to monitor and administer the total procurement process.

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

Disclosure may be made to 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.

Disclosure may be made to a contractor when the Department contemplates that it will contract with a private firm for the purpose of collating, analyzing, aggregating or otherwise refining records in this system. Relevant records will be disclosed to such a contractor. The contractor shall be required to maintain Privacy Act safeguards with respect to such records.

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, for example in defending against a claim based upon an individual's mental or physical condition and alleged to have arisen because of activities of the Public Health Service in connection with such individual, the Department may disclose such records as it deems desirable or necessary to the Department of Justice or other appropriate Federal agency to enable that agency to present an effective defense, provided that such disclosure is compatible with the purpose for which the records were collected.

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

Storage: Records are stored on magnetic tapes and on-line discs.

Retrievability: Records are retrieved by name.

Safeguards: Locked buildings, limited access computer room, locked tape vaults, personnel screening; password protection of computer files.

Retention and disposal: Years at NIH: 10. Records may be retired to a Federal Records Center and subsequently disposed of in accordance with the NIH Records Control Schedule. Disposal methods include erasing computer tapes and shredding of printed output.

System manager(s) and address:

Manager, NCI Contract System
Research Contracts Branch
Blair Building, Room B-20
8300 Colesville Road
Silver Spring, MD 20910

Notification procedure: Write to System Manager to determine if a record exists. The requester must also verify his or her identity by providing either a notarization of the request or a written certification that the requester is who he or she claims to be and understands that the knowing and willful request for acquisition of a record pertaining to an individual under false pretenses is a criminal offense under the Act, subject to a five thousand dollar fine.

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

Contesting record procedures: Contact the official under notification procedures above, and reasonably identify the record and specify the information to be contested, and state the corrective action sought and the reasons for the correction.

Record source categories: Negotiated Contract and Summary of Negotiations/IMPAC Code Sheet, NIH forms 1759-1 and 1759-2.

Systems exempted from certain provisions of the act: None.

09-25-0098

System name: Contracts: Carcinogenesis Extramural Program Principal Investigators, Project Officers and Contract Specialists, HHS/NIH/NCI.

Security classification: None.

System location:

Building 12, NIH
9000 Rockville Pike
Bethesda, MD 20205

Write to System Manager at the address below for the address of the Federal Records Center where records are stored.

Categories of individuals covered by the system: Principal investigators, project officers, and contract specialists.

Categories of records in the system: Project titles and descriptions and cost data for Carcinogenesis Extramural Program, Division of Cancer Cause and Prevention, (DCCP) contracts.

Authority for maintenance of the system: 42 U.S.C. 241(g), 281.

Purpose(s):

Used by staff for general administrative purposes to assure compliance with contract program requirements.

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

Disclosure may be made to 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.

Disclosure may be made to a contractor when the Department contemplates that it will contract with a private firm for the purpose of collating, analyzing, aggregating or otherwise refining records in this system. Relevant records will be disclosed to such a contractor. The contractor shall be required to maintain Privacy Act safeguards with respect to such records.

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, for example in defending against a claim based upon an individual's mental or physical condition and alleged to have arisen because of activities of the Public Health Service in connection with such individual, the Department may disclose such records as it deems desirable or necessary to the Department of Justice or other appropriate Federal agency to enable that agency to present an effective defense, provided that such disclosure is compatible with the purpose for which the records were collected.

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

Storage: Records are stored on computer file and tapes.

Retrievability: Records are retrieved by name.

Safeguards: Locked buildings, locked rooms, personnel screening, locked computer room and computer tape vaults, key-card access to computer facility, password protection of computer files.

Retention and disposal: Years at NIH: 5. Disposal methods include erasing computer tapes.

System manager(s) and address:

Assistant Director for Extramural Activities, DCCP
Landow Bldg. Rm. 8C41
9000 Rockville Pike
Bethesda, MD 20205

Notification procedure: Write to System Manager to determine if a record exists. The requester must also verify his or her identity by providing either a notarization of the request or a written certification that the requester is who he or she claims to be and understands that the knowing and willful request for acquisition of a record pertaining to an individual under false pretenses is a criminal offense under the Act, subject to 5,000 dollar fine.

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

Contesting record procedures: Contact the official under notification procedures above, and reasonably identify the record and specify the information to be contested, and state the corrective action sought and the reasons for the correction.

Record source categories: Contracts, proposals, and annual reports.

Systems exempted from certain provisions of the act: None.

09-25-0099

System name: Clinical Research: Patient Medical Records. HHS/NIH/CC.

Security classification: None.

System location:

Building 10, Room 1N116
9000 Rockville Pike
Bethesda, MD 20205

Categories of individuals covered by the system: Registered Clinical Center patients. Some individuals not registered as patients but seen in Clinical Center for diagnostic tests.

Categories of records in the system: Medical treatment records.

Authority for maintenance of the system: 42 USC 241, 248.

Purpose(s):

1. To provide a continuous history of the treatment afforded individual patients in the Clinical Center;
2. To provide a data base for the clinical research conducted within the hospital.

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

Information may be used to respond to Congressional inquiries for constituents concerning admission to NIH Clinical Center.

Social Work Department may give pertinent information to community agencies to assist patients or their families.

Disclosure may be made to HHS contractors, grantees and collaborating researchers and their staff in order to accomplish the research purpose for which the records are collected. The recipients are required to protect such records from improper disclosure.

Certain infectious diseases are reported to State Government as required by law.

Referrals may be made of assignments of research investigators and project monitors to specific research projects to the Smithsonian Institution to contribute to the Smithsonian Science Information Exchange, Inc.

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, for example in defending against a claim based upon an individual's mental or physical condition and alleged to have arisen because of activities of the Public Health Service in connection with such individual, the Department may disclose such records as it deems desirable or necessary to the Department of Justice or other appropriate Federal agency to enable that agency to present an effective defense, provided that such disclosure is compatible with the purpose for which the records were collected.

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

Storage: Records are stored in file folders, on microfiche and computer tapes.

Retrievability: Records are retrieved by unit number and patient name.

Safeguards: (1) Authorized Users: Employees maintaining records in this system are instructed to grant regular access only to physicians and dentists and other health care professionals participating in patient care or for whom a specific authorization is on file.

(2) Physical Safeguards: All record facilities are locked when system personnel are not present.

(3) Procedural Safeguards: Access to files is strictly controlled by the system manager. Records may be removed only by system personnel following receipt of a request signed by an authorized user. Access to computerized records is controlled by the use of security codes known only to the authorized user. Codes are user- and function-specific.

Retention and disposal: Records are retained in accordance with the NIH Records Control Schedule, item 3000-E-22. The records control schedule may be obtained by writing to the system manager at the address below.

System manager(s) and address:

Chief, Medical Record Department
Building 10, Room 1N116
9000 Rockville Pike
Bethesda, Md. 20205

Notification procedure: To determine if a record exists, write to the system manager at the above address. The requester must provide tangible proof of identity, such as a driver's license. If no identification papers are available, the requester must verify his or her identity by providing either a notarization of the request or a written certification that the requester is who he or she claims to be and understands that the knowing and willful request for acquisition of a record pertaining to an individual under false pretenses is a criminal offense under the Act, subject to a five thousand dollar fine.

An individual who requests notification of or access to a medical/dental record shall, at the time the request is made, designate in writing a responsible representative. The representative may be a physician, or other health professional, or other responsible individual, who has indicated that he or she is willing to review the record and inform the subject individual of its contents at the representative's discretion. The subject individual will be granted direct access unless it is determined that such access is likely to have an adverse effect on him or her. In that case, the medical/dental record will be sent to the designated representative. The individual will be informed in writing if the record is sent to the representative.

A parent or guardian who requests notification of or access to a child's/incompetent person's record shall designate in writing a family physician or other health professional (other than a family member) to whom the record, if any, will be sent. The parent or guardian must verify relationship to the child/incompetent person as well as his/her own identity.

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

Contesting record procedures: Contact the system manager and reasonably identify the record and specify the information to be contested, and state the corrective action sought and the reasons for the correction.

Record source categories: Referring physicians, other medical facilities (with patient's consent), patients, relatives of patients.

Systems exempted from certain provisions of the act: None.

09-25-0100

System name: Clinical Research: Neuropharmacology Studies. HHS/NIH/NINCDS.

Security classification: None.

System location:

Building 36, Room 5A06
9000 Rockville Pike
Bethesda, MD 20205

Write to System Manager at the address below for the address of the Federal Records Center where records are stored.

Categories of individuals covered by the system: Patients in National Institute of Neurological and Communicative Disorders and Stroke (NINCDS) related studies concerning aspects of neuropharmacology.

Categories of records in the system: Medical data.

Authority for maintenance of the system: 42 USC 241, 289a, 289c.

Purpose(s):

Clinical research on the pharmacology in various diseases of the central nervous system and on the effectiveness and action of drugs as given to treat these diseases.

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

Disclosure may be made to HHS contractors, grantees and collaborating researchers and their staff in order to accomplish the research purpose for which the records are collected. The recipients are required to protect such records from improper disclosure.

Information may be used to respond to Congressional inquiries for constituents concerning admission to the NIH Clinical Center.

Certain infectious diseases are reported to State Government as required by law.

Referrals may be made of assignments of research investigators and project monitors to specific research projects to the Smithsonian Institution to contribute to the Smithsonian Science Information Exchange, Inc.

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

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

Storage: Records are stored in laboratory notebooks, file folders and on index cards.

Retrievability: Records are retrieved by name, diagnosis, data of laboratory determination.

Safeguards: (1) Authorized Users: Employees who maintain records in this system are instructed to grant access only to physicians and scientists working within a specific NIH laboratory.

(2) Physical Safeguards: Records are kept in a cabinet and locations which are locked during non-working hours.

(3) Procedural Safeguards: Persons having access to the system are trained in Privacy Act requirements. Records are used either in the system location or a designated work area. Records are returned to cabinets at the end of each working day. System location is attended at all times during working hours.

Retention and disposal: Records are retained in accordance with the NIH Records Control Schedule, item 3000-G-3. The records control schedule may be obtained by writing to the system manager at the address below.

System manager(s) and address:

Director, Intramural Research, NINCDS
Building 36, Room 5A05, NIH
9000 Rockville Pike
Bethesda, MD 20205

Notification procedure: To determine if a record exists write to

Head, Admin. Management Section, NINCDS
Building 31, Room 8A47, NIH
9000 Rockville Pike
Bethesda, MD 20205

The requester must also verify his or her identity by providing either a notarization of the request or a written certification that the requester is who he or she claims to be and understands that the knowing and willful request for acquisition of a record pertaining to an individual under false pretenses is a criminal offense under the Act, subject to a five thousand dollar fine.

An individual who requests notification of or access to a medical/dental record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion.

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

Contesting record procedures: Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested, and state the corrective action sought and the reasons for the correction.

Record source categories: Other medical, scientific and educational institutions; individual physicians in private practice.

Systems exempted from certain provisions of the act: None.

09-25-0102

System name: Administration: Grants Associates Program Working Files. HHS/NIH/DRG.

Security classification: None.

System location:

NIH, Bg. 31, Room 1B55
9000 Rockville Pike
Bethesda, MD 20205

Categories of individuals covered by the system: Grants Associates Training Program Participants

Categories of records in the system: Application, correspondence, curriculum vitae including summary of assignments, reports on assignments, critiques of courses.

Authority for maintenance of the system: 5 USC Part III; 42 USC 241c.

Purpose(s):

Records are maintained for program management:

1. to assist participants in obtaining maximum benefits from the Program;
2. to provide information, without individual identifiers or personal data, to current Grants Associates about assignments and other training opportunities;
3. to provide resumes to other HHS components for possible employment of Grants Associates;
4. for review and evaluation of changes in the Program.

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

To U.S. Office of Personnel Management for salary approval. Disclosure may be made to 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.

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

Storage: Records are stored in file folders.

Retrievability: Records are retrieved by name.

Safeguards: Access limited to authorized personnel (system manager and staff). Records are stored in locked cabinets in offices which are locked during off-duty hours.

Retention and disposal: Complete records are retained for 2 years after completion of the Grants Associate appointment. Curriculum vitae including summary of assignments are kept indefinitely. Disposal methods include burning or shredding paper materials.

System manager(s) and address:

Executive Secretary, Grants Associates Program
NIH, Bg. 31, Room 1B55
9000 Rockville Pike
Bethesda, MD 20205

Notification procedure: To determine if a record exists write to

Privacy Act Coordinator, DRG
Westwood Building, Room 448, NIH
5333 Westbard Avenue
Bethesda, MD 20205

The requester must also verify his or her identity by providing either a notarization of the request or a written certification that the requester is who he or she claims to be and understands that the knowing and willful request for acquisition of a record pertaining to an individual under false pretenses is a criminal offense under the Act, subject to a five thousand dollar fine.

Record access procedures: Same as Notification Procedures above. Requesters should reasonably specify the record contents sought.

Contesting record procedures: Write to the official at the address specified under access procedures above, and reasonably identify the record and specify the information to be contested, and the corrective action desired.

Record source categories: Individual, educational institution attended by individual, and personal references, and the Office of Personnel Management.

Systems exempted from certain provisions of the act: None.

09-25-0105

System name: Administration: Health Records of Employees, Visiting Scientists, Fellows, Contractors and Relatives of Inpatients. HHS/NIH/OD.

Security classification: None.

System location: 10, 13, 31, and 41

9000 Rockville Pike
Bethesda, MD 20205

Federal Building
7550 Wisconsin Avenue
Bethesda, MD 20205

Flow Laboratories, Inc.
1710 Chapman Avenue
Rockville, MD 20850

Rocky Mountain Laboratory
Hamilton, Montana 59840
Regional Federal Records Center

Categories of individuals covered by the system: Employees, fellows, visiting scientists, relatives of inpatients, visitors, contractors working on site.

Categories of records in the system: Medical records.

Authority for maintenance of the system: 5U.S.C. 7901

Purpose(s):

1. for medical treatment; upon researcher request;
2. with individual's written permission, release of record for research purposes to medical personnel;
3. upon request by HHS personnel offices: determination of fitness for duty, and for disability retirement and other separation actions, with copies to HHS personnel offices;
4. monitoring personnel to assure that safety standards are maintained.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Federal, State and local government agencies for adjudication of benefits under workman's compensation, and for disability retirement and other separation actions.

To District office of OPEC, Department of Labor with copies to the U.S. Office of Personnel Management for processing of disability retirement and other separation actions.

Upon non-HHS agency request, examination to determine fitness for duty with copies to requesting agency and to the U.S. Office of Personnel Management.

Disclosure may be made to 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.

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: 9A

File folder. 9B
Records are retrieved by name. 9C
are maintained in locked cabinets with access limited to authorized personnel (system manager and his staff).

Retention and disposal: Records are kept until 6 years after separation of an employee.

System manager(s) and address:

Occupational Medical Service
Building 10, Room B5A06, NIH
9000 Rockville Pike
Bethesda, MD 20205

Administrative Officer
Rocky Mountain Laboratory
Hamilton, Montana 59840

Notification procedure: Contact System Manager at appropriate treatment location listed above, to determine if a record exists. The requester must also verify his or her identity by providing either a notarization of the request or a written certification that the requester is who he or she claims to be and understands that the knowing and willful request for acquisition of a record pertaining to an individual under false pretenses is a criminal offense under the Act, subject to a five thousand dollar fine.

An individual who requests notification of or access to a medical/dental record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion.

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

Contesting record procedures: Contact the official under notification procedures above, and reasonably identify the record and specify the information to be contested, and state the corrective action sought and the reasons for the correction.

Record source categories: Data resulting from clinical and preventive services provided at treatment location. Data received from individual.

Systems exempted from certain provisions of the act: None.

09-25-0106

System name: Administration: Executive Secretariat Correspondence Records. HHS/NIH/OD.

Security classification: None.

System location:

Building 12A, NIH
9000 Rockville Pike
Bethesda, MD 20205

Categories of individuals covered by the system: Individuals who request information on NIH programs.

Categories of records in the system: Correspondence.

Authority for maintenance of the system: 5 USC 301 44 USC 3101.

Purpose(s):

1. To locate and follow-up correspondence to assure prompt reply.
2. Incoming correspondence is forwarded to other HHS components when a response from them is warranted.

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

Disclosure may be made to 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.

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

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

Storage: Records are stored by computer index and on file folders.

Retrievability: Records are retrieved by name, document number, date, and subject.

Safeguards: Access to textual records is limited to authorized personnel (system manager and staff). Computer files are password protected.

Retention and disposal: Records may are retained in accordance with the NIH records Control Schedule, items 1700-C-1 and 1700-C-2. The records control schedule may be obtained by writing to the system manager at the address below.

System manager(s) and address:

Director, Executive Secretariat
Building 1, Room 18, NIH
9000 Rockville Pike
Bethesda, MD 20205

Notification procedure: Write to System Manager to determine if a record exists. The requester must also verify his or her identity by providing either a notarization of the request or a written certification that the requester is who he or she claims to be and understands that the knowing and willful request for acquisition of a record pertaining to an individual under false pretenses is a criminal offense under the Act, subject to a five thousand dollar fine.

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

Contesting record procedures: Contact the official under notification procedures above, and reasonably identify the record and specify the information to be contested, and state the corrective action sought and the reasons for the correction.

Record source categories: Records are derived from incoming and outgoing correspondence.

Systems exempted from certain provisions of the act: None.

09-25-0108

System name: Personnel: Guest Workers/Visiting Fellows/Student Scientist/Scientists Emeriti HHS/NIH/DPM.

Security classification: None.

System location: Personnel and Administrative Offices of the National Institutes of Health (NIH).

Categories of individuals covered by the system: Individuals using NIH facilities who are not NIH employees.

Categories of records in the system: Personal information including name, address, date and place of birth, education, employment, purpose for which NIH facilities are desired, outside sponsor, and NIH sponsor.

Authority for maintenance of the system: 42 USC 241.

Purpose(s):

To document the individual's presence at NIH and to record that the individual is not performing a service for the government.

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

Disclosure may be made:

To U.S. Office of Personnel Management for program evaluation purposes;

To General Accounting Office for fund disbursement determinations;

To institutions providing financial support;

To the U.S. State Department for matters related to its mission regarding foreign visitors;

To 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.

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

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

Storage: File folders.

Retrievability: Records are retrieved by name.

Safeguards: The records are maintained in locked file cabinets with access limited to authorized personnel.

Retention and disposal: Years at NIH: 3 years after visit. Disposal methods include burning or shredding paper materials.

System manager(s) and address:

Assistant Director for Operations
Division of Personnel Management
Bldg. 1, Rm 19, NIH
9000 Rockville Pike
Bethesda, MD 20205

Notification procedure: To determine if a record exists, contact:

Privacy Act Coordinator, DPM
Building 31, Room 1C39, NIH
9000 Rockville Pike
Bethesda, MD 20205

The requester must also verify his or her identity by providing either a notarization of the request or a written certification that the requester is who he or she claims to be and understands that the knowing and willful request for acquisition of a record pertaining to an individual under false pretenses is a criminal offense under the Act, subject to a five thousand dollar fine.

Record access procedures: Contact the Personnel Officer or Administrative Officer in whose office the record is located and provide verification of identity as described under notification procedure above. Requesters should also reasonably specify the record contents being sought.

Contesting record procedures: Contact the Personnel Officer or Administrative Officer in whose office the record is located, and reasonably identify the record and specify the information to be contested, and state the corrective action sought and the reasons for the correction.

Record source categories: Individual, NIH sponsor, funding institution, State Department.

Systems exempted from certain provisions of the act: None.

09-25-0112

System name: Grants: Research, Research Training, Fellowship and Construction Applications and Awards. HHS/NIH/OD.

Security classification: None.

System location: See Appendix I.

Categories of individuals covered by the system: Grant applicants and Principal Investigators; Program Directors; Institutional and Individual Fellows; Research Career Awardees.

Categories of records in the system: Grant applications and review history, awards, financial records, progress reports and related correspondence.

Authority for maintenance of the system: 42 USC 241(c), (d), 276, 281, 287, 288, 289(a), (d), (e), (i), 289(k-2).

Purpose(s):

1. Information provided is used by NIH staff for review, award, and administration of grant programs.

2. Information is also used to maintain communication with former fellows who have incurred an obligation through the National Research Service Award Program.

3. Staff may also use curriculum vitae to identify candidates who may serve as ad hoc consultants or committee and council members in the grant peer review process.

4. As a part of the cost analysis of a proposed grant, a budget review is conducted of the percentage of time and effort listed under personnel category, equipment and supply categories, and other items listed under 'other' category.

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

Disclosure may be made:

(1) Of assignments of research investigators and project monitors to specific research projects to the Smithsonian Institution to contribute to the Smithsonian Science Information Exchange, Inc.

(2) To the Cognizant Audit Agency for auditing;

(3) In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

(4) To 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;

(5) To qualified experts not within the definition of Department employees as prescribed in Department Regulations for opinions as a part of the application review process;

(6) To a Federal agency, in response to its request, in connection with the letting of a contract, or the issuance of a license, grant or other benefit by the requesting agency, to the extent that the record is relevant and necessary to the requesting agency's decision on the matter;

(7) A record may be disclosed for a research purpose, when the Department:(A)has determined that the use or disclosure does not

violate legal or policy limitations under which the record was provided, collected, or obtained;(B)has determined that the research purpose (1) cannot be reasonably accomplished unless the record is provided in individually identifiable form, and (2) warrants the risk to the privacy of the individual that additional exposure of the record might bring;(C)has required the recipient to (1) establish reasonable administrative, technical, and physical safequards to prevent unauthorized use or disclosure of the record, (2) remove or destroy the information that identifies the individual at the earliest time at which removal or destruction can be accomplished consistent with the purpose of the research project, unless the recipient has presented adequate justification of a research or health nature for retaining such information, and (3) make no further use or disclosure of the record except (a) in emergency circumstances affecting the health or safety of any individual, (b) for use in another research project, under these same conditions, and with written authorization of the Department, (c) for disclosure to a properly identified person for the purpose of an audit related to the research project, if information that would enable research subjects to be identified is removed or destroyed at the earliest opportunity consistent with the purpose of the audit, or (d) when required by law;(D)has secured a written statement attesting to the recipient's understanding of, and willingness to abide by these provisions.

(8) To a private firm for the purpose of collating, analyzing, aggregating or otherwise refining records in a system. Relevant records will be disclosed to such a contractor. The contractor shall be required to maintain Privacy Act safeguards with respect to such records;

(9) To the grantee institution in connection with performance or administration under the terms and conditions of the award, or in connection with problems that might arise in performance or administration if an award is made on a grant proposal.

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

Storage: Stored in file folders, on computer tapes and discs, cards and in notebooks.

Retrievability: Retrieved by name and grant number.

Safeguards: A variety of physical and procedural safeguards are implemented, as appropriate, at the various locations of this system:

1. Authorized Users: Employees who maintain records in this system are instructed to grant regular access only to officials whose duties require use of the information. These officials include review groups, grants management staff, other extramural program staff, health scientist administrators, data processing and analysis staff and management officials with oversight responsibilities for extramural programs. Other one-time and special access is granted on an individual basis as specifically authorized by the system manager. Authorization for access to computerized files is controlled by the system manager or designated official and is granted on a 'need to know' basis. Lists of authorized users are maintained.

2. Physical 9C

Secured facilities, locked rooms, locked cabinets, personnel screening; records stored in order of grant numbers which are randomly assigned.

3. Procedural Safeguards: Access to file rooms and files strictly controlled by files staff or other designated officials; charge-out cards identifying users required for each file used; inactive records transferred to controlled storage in Federal Records Center in a timely fashion; retrieval of records from inactive storage controlled by the system manager or designated official and by the NIH Records Management Officer; computer files are password protected and access is actively monitored by the Computer Center to prevent abuse. Employees are given specialized training in the requirements of the Privacy Act as applied to the grants program.

Retention and disposal: Years at NIH: 1 year after close out except for Construction Grants which are retained for 3 years after closeout. Years at Federal Records Center: 5 years except for National Research Service Awards, 9 years and Construction Awards, 12 years.

System manager(s) and address: See Appendix II.

Notification procedure: Write to official at the address specified in Appendix II to determine if a record exists. The requester must also verify his or her identity by providing either a notarization of the request or a written certification that the requester is who he or she claims to be and understands that the knowing and willful request for acquisition of a record pertaining to an individual under false pretenses is a criminal offense under the Act, subject to a five thousand dollar fine.

Record access procedures: Write to the official at the address specified in Appendix IV to obtain access to a record, and provide the same information as is required under the Notification Procedures above. Requesters should also reasonably specify the record contents being sought.

Contesting record procedures: Contact the official at the address specified in Appendix II and reasonably identify the record and specify the information to be contested, and state the corrective action sought and the reasons for the correction.

Record source categories: Information submitted by applicant; supplemented by outside reviewers and internal staff.

Systems exempted from certain provisions of the act: None.

Appendix I System Location

National Cancer Institute
Westwood Building, Room 833
5333 Westbard Avenue
Bethesda, MD 20205

National Heart, Lung, and Blood Institute
Westwood Building, Room 7A11
5333 Westbard Avenue
Bethesda, MD 20205

National Library of Medicine
Building 38A, Room 5N509
8600 Rockville Pike
Bethesda, MD 20209

National Institute of Allergy and Infectious Diseases
Westwood Building, Room 722
5333 Westbard Avenue
Bethesda, MD 20205

National Institute of Arthritis, Diabetes, Digestive and Kidney Diseases
Westwood Building, Room.610
5333 Westbard Avenue
Bethesda, MD 20205

National Institute of Child Health and Human Development
Landow Building, Room A621
7910 Woodmont Avenue
Bethesda, MD 20205

National Institute on Aging
Building 31, Rm 5C39
9000 Rockville Pike
Bethesda, Maryland 20205

National Institute of Dental Research
Westwood Building, Room 518
5333 Westbard Avenue
Bethesda, MD 20205

National Institute of Environmental Health Sciences
Building 12, Room 1211
Research Triangle Park, North Carolina 27709

National Institute of General Medical Sciences
Westwood Building, Room 938
5333 Westbard Avenue
Bethesda, MD 20205

National Institute of Neurological and Communicative Disorders and Stroke
Federal Building, Room 10A12
7550 Wisconsin Avenue
Bethesda, MD 20205

National Eye Institute
Building 31, Room 6A47
9000 Rockville Pike
Bethesda, MD 20205

Division of Research Resources
Building 31, Room 5B34
9000 Rockville Pike
Bethesda, MD 20205

Washington National Records Center

4205 Suitland Road
Suitland, Maryland

Appendix II System Manager and Address

National Cancer Institute
Grants Privacy Act Coordinator
Room 8A18, Westwood Building
5333 Westbard Avenue
Bethesda, Maryland 20205

National Heart, Lung, and Blood Institute
Administrative Officer, Division of Extramural Affairs
Room 5A15, Westwood Building

National Library of Medicine
Associate Director for Extramural Programs
Building 38A, Room 5N505

National Institute of Allergy and Infectious Diseases
Chief, Grants Management Branch
Westwood Building, Room 710

National Institute of Arthritis, Diabetes, Digestive and Kidney Diseases
Grants Management Officer
Room 639, Westwood Building

National Institute of Child Health and Human Development
Chief, Office of Grants & Contracts
Room A621, Landow Building

National Institute on Aging
Grants Management Officer
Room 5C39, Building 31

National Institute of Dental Research
Grants Management Officer, NIDR
Room 518, Westwood Building

National Institute of Environmental Health Sciences
Grants Management Officer
Room 1211, Building 12, NIEHS

National Institute of General Medical Sciences
Grants Management Officer, NIGMS
Room 938, Westwood Building

National Institute of Neurological and Communicative Disorders and Stroke
Grants Management Officer
Room 1004A, Federal Building

National Eye Institute
Grants Management Officer
Room 6A52, Building 31

Division of Research Resources
Director, Office of Grants and Contracts Management
Room 5B34, Building 31

Appendix III Notification Procedures

National Cancer Institute
Chief, Grants Administration Branch
Room 8A18, Westwood Building

National Heart, Lung, and Blood Institute
Privacy Act Coordinator, NHLI
Room 5A50, Building 31

National Library of Medicine
See Appendix II.

National Institute of Allergy and Infectious Diseases
See Appendix II.

National Institute of Arthritis, Diabetes, Digestive and Kidney Diseases
Administrative Officer
Room 9A46, Building 31

National Institute of Child Health and Human Development
See Appendix II.

National Institute on Aging
See Appendix II.

National Institute of Dental Research
See Appendix II.

National Institute of Environmental Health Sciences
See Appendix II.

National Institute of General Medical Sciences
See Appendix II.

National Institute of Neurological and Communicative Disorders and Stroke
See Appendix II.

National Eye Institute
See Appendix II.

Division of Research Resources
See Appendix II.

Appendix IV Record Access Procedures

National Cancer Institute
Chief, Grants Administration Branch
Room 8A18, Westwood Building

National Heart, Lung and Blood Institute
See Appendix III.

National Library of Medicine
See Appendix II.

National Institute of Allergy and Infectious Diseases
Privacy Act Coordinator
Room 705, Westwood Bldg.

National Institute of Arthritis, Diabetes, Digestive and Kidney Diseases
See Appendix III.

National Institute of Child Health and Human Development
See Appendix II.

National Institute on Aging
See Appendix II.

National Institute of Dental Research

Grants Management Officer,
NIDR
Room 518
Westwood Building

National Institute of Environmental Health Sciences
See Appendix II.

National Institute of General Medical Sciences
Privacy Act Coordinator
Room 9A05, Westwood Building

National Institute of Neurological and Communicative Disorders and Stroke
Head, Administration Mgmt. Section
Room 8A47, Building 31

National Eye Institute
Administrative Officer
Room 6A31, Building 31

Division of Research Resources

Privacy Act Coordinator
Room 5B13, Building 31

09-25-0114

System name: Contracts: Personal Services Contractors. HHS/NIH/NIGMS.

Security classification: None.

System location:

Westwood Building, Room 9A09
5333 Westbard Avenue
Bethesda, Md. 20205

Write to System Manager at the address below for the address of the Federal Records Center where records are stored.

Categories of individuals covered by the system: Individuals under contract with the National Institute of General Medical Sciences (NIGMS).

Categories of records in the system: Work qualifications, description of services to be performed.

Authority for maintenance of the system: 42 USC 241(d), 289e.

Purpose(s):

1. To maintain a record of agreed-upon services;2. For institute staff to use as a reference to monitor contractor's progress for the duration of the contract.

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

Disclosure may be made to 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.

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

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

Storage: Stored in file folders.

Retrievability: Retrieved by name of contractor.

Safeguards: Records are kept in locked file cabinets and access limited to authorized personnel (system manager and his staff).

Retention and disposal: Years at NIH: 3. Disposal methods include burning or shredding paper materials.

System manager(s) and address:

Administrative Officer, NIGMS
Westwood Building Room 9A09
5333 Westbard Avenue
Bethesda, Md. 20205

Notification procedure: Write to System Manager to determine if a record exists. The requester must also verify his or her identity by providing either a notarization of the request or a written certification that the requester is who he or she claims to be and understands that the knowing and willful request for acquisition of a record pertaining to an individual under false pretenses is a criminal offense under the Act, subject to a five thousand dollar fine.

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

Contesting record procedures: Contact the official under notification procedures above, and reasonably identify the record and specify the information to be contested, and state the corrective action sought and the reasons for the correction.

Record source categories: Individual.

Systems exempted from certain provisions of the act: None. 4

09-25-0115

System name: Administration: Curricula Vitae of Consultants and Clinical Investigators, HHS/NIH/NIAID

Security classification: None.

System location:

Building 31, Room 747, NIH
9000 Rockville Pike
Bethesda, MD 20205

Write to System Manager at the address below for the address of the Federal Records Center where records are stored.

Categories of individuals covered by the system: Consultants and Clinical Investigators under National Institute of Allergy and Infectious Diseases (NIAID) Investigational New Drug Applications.

Categories of records in the system: Curriculum vitae.

Authority for maintenance of the system: 42 USC 241(d) 289a.

Purpose(s):

1. To maintain a record of Investigational New Drug (IND) applications.

2. To appoint consultants to the Clinical Research Subpanel (CRS).

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

Disclosure may be made to 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.

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

Storage: Stored in books.

Retrievability: Retrieved by name.

Safeguards: 1. Authorized Users: Employees who maintain records in this system are instructed to grant regular access only to NIAID staff whose duties require the use of such information. Authorized users are located in the Clinical and Epidemiological Studies Branch, Microbiology and Infectious Diseases Program, NIAID. Other one-time and special access by other employees is granted on a need-to-know basis as specifically authorized by the system manager.

2. Physical Safeguards: Building is locked during off-duty hours.

3. Procedural Safeguards: Access to files is strictly controlled by files staff. Records may be removed from files only at the request of the system manager or other authorized employee.

Retention and disposal: Records are retained until no longer needed for reference.

System manager(s) and address:

Chief, Clinical and Epidemiological Studies Branch, NIAID
Building 31, Rm 7A49
9000 Rockville Pike
Bethesda, MD 20205

Notification procedure: To determine if a record exists, write to

NIAID Privacy Act Coordinator
Room 705
Westwood Building
5333 Westbard Avenue
Bethesda, MD 20205

The requester must also verify his or her identity by providing either a notarization of the request or a written certification that the requester is who he or she claims to be and understands that the knowing and willful request for acquisition of a record pertaining to an individual under false pretenses is a criminal offense under the Act, subject to a five thousand dollar fine.

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

Contesting record procedures: Contact the official at the address specified under access procedures above, and reasonably identify the record and specify the information to be contested, and state the corrective action sought and the reasons for the correction.

Record source categories: Individuals.

Systems exempted from certain provisions of the act: None.

09-25-0116

System name: Contracts: Medical Consultants Under Professional Services Contracts. HHS/NIH/NIAID.

Security classification: None.

System location:

Westwood Building, Room 750, NIH
5333 Westbard Avenue
Bethesda, MD 20205

Write to System Manager at the address below for the address of the Federal Records Center where records are stored.

Categories of individuals covered by the system: Medical consultants under contract with the National Institute of Allergy and Infectious Diseases (NIAID).

Categories of records in the system: Administrative files, biographical data.

Authority for maintenance of the system: 42 USC 241(d) 289a.

Purpose(s):

To prepare travel orders, professional services contracts, and honorarium forms for consultants to NIAID.

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

Disclosure may be made to 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.

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

Storage: Stored in card files.

Retrievability: Retrieved by name.

Safeguards: 1. Authorized Users: Employees who maintain records in this system are instructed to grant regular access only to NIAID staff whose duties require the ues of such information. Authorized users are located in the Development and Applications Branch, Microbiology and Infectious Disease Program, NIAID. Other one-time and special access by other employees is granted on a need-to-know basis as specifically authorized by the system manager.

2. Physical Safeguards: The building is locked during off-duty hours.

3. Procedural Safeguards: Access to files is strictly controlled by files staff. Records may be removed from files only at the request of the system manager or other authorized employee.

Retention and disposal: Records are retained for up to 6 years after final payment on a contract.

System manager(s) and address:

Chief, Development and Applications Branch, NIAID
Westwood Bldg., Rm. 750
5333 Westbard Ave.
Bethesda, MD 20205

Notification procedure: To determine if a record exists, write to

NIAID Privacy Act Coordinator
Room 705
Westwood Building
5333 Westbard Avenue
Bethesda, MD 20205

The requester must also verify his or her identity by providing either a notarization of the request or a written certification that the requester is who he or she claims to be and understands that the knowing and willful request for acquisition of a record pertaining to an individual under false pretenses is a criminal offense under the Act, subject to a five thousand dollar fine.

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

Contesting record procedures: Contact the official at the address specified under access procedures above, and reasonably identify the record and specify the information to be contested, and state the corrective action sought and the reasons for the correction.

Record source categories: Individuals.

Systems exempted from certain provisions of the act: None.

09-25-0117

System name: International Activities: US-Japan Program Panel Members, HHS/NIH/NIAID.

Security classification: None.

System location:

Westwood Buidling, Room 749
5333 Westbard Avenue
Bethesda, MD 20205

Write to System Manager at the address below for the address of the Federal Records Center where records are stored.

Categories of individuals covered by the system: Panel Members of the U.S.-Japan Cooperative Medical Science Program.

Categories of records in the system: Letters of appointment, curriculum vitae & correspondence.

Authority for maintenance of the system: 42 USC 241(d) 289a.

Purpose(s):

1. For use in administering the U.S.-Japan Cooperative Medical Science program.

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

Disclosure may be made to 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.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: 9A

9B

1. Authorized Users: Employees who maintain records in this system are instructed to grant access only to National Institute of Allergy and Infectious Diseases (NIAID) staff whose duties require the use of such information. Authorized users are located in ;the Microbiology and Infestious Diseases Program, NIAID. Other one-time and special access by other employees is granted on a need-to-know basis as specifically authorized by the system manager.

2. Physical 9C

Building is locked during off-duty hours.

3. Procedural Safeguards: Access to files is strictly controlled by files staff. Records may be removed from files only at the request of the system manager or other authorized employee.

Retention and disposal: Years at NIH: 2. Disposal methods include burning or shredding paper materials.

System manager(s) and address:

Special Assistant to the Director, Microbiology and Infectious Diseases Program, NIAID
Westwood Building, Room 749
5333 Westbard Avenue
Bethesda, MD 20205

Notification procedure: To determine if a record exists, write to

NIAID Privacy Act Coordinator
Room 705
Westwood Building
5333 Westbard Avenue
Bethesda, MD 20205

The requester must also verify his or her identity by providing either a notarization of the request or a written certification that the requester is who he or she claims to be and understands that the knowing and willful request for acquisition of a record pertaining to an individual under false pretenses is a criminal offense under the Act, subject to a five thousand dollar fine.

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

Contesting record procedures: Contact the official at the address specified under access procedures above, and reasonably identify the record and specify the information to be contested, and state the corrective action sought and the reasons for the correction.

Record source categories: Panel members.

Systems exempted from certain provisions of the act: None.

09-25-0118

System name: Contracts: Professional Services Contractors. HHS/NIH/NCI.

Security classification: None.

System location:

Building 31, Rm. 6A09, DCT
9000 Rockville Pike
Bethesda, Md. 20205

Building 31, Rm. 3A22, OD
9000 Rockville Pike
Bethesda, Md. 20205

Write to System Manager at the address below for the address of the Federal Records Center where records are stored.

Categories of individuals covered by the system: Individuals under contract with the National Cancer Institute.

Categories of records in the system: Professional Services Contracts.

Authority for maintenance of the system: 42 USC 241(d), 281.

Purpose(s):

Used by staff for general administrative purposes to assure compliance with contract program requirements.

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

Disclosure may be made to 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.

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States

where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

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

Storage: Stored in file folders.

Retrievability: Retrieved by name.

Safeguards: Records are maintained in offices which are locked when not in use. Access is limited to authorized personnel (system manager and staff).

Retention and disposal: Years at NIH: 5. Disposal methods include burning or shredding paper materials and erasing computer tapes.

System manager(s) and address:

Administrative Officer, DCT
Building 31, Room 3A50, NIH
9000 Rockville Pike
Bethesda, MD 20205

Administrative Officer, OD
Building 31, Room 11A29, NIH
9000 Rockville Pike
Bethesda, MD 20205

Notification procedure: Write to the appropriate System Manager listed above to determine if a record exists. The requester must also verify his or her identity by providing either a notarization of the request or a written certification that the requester is who he or she claims to be and understands that the knowing and willful request for acquisition of a record pertaining to an individual under false pretenses is a criminal offense under the Act, subject to a five thousand dollar fine.

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

Contesting record procedures: Contact the official under notification procedures above, and reasonably identify the record and specify the information to be contested, and state the corrective action sought and the reasons for the correction.

Record source categories: Individuals in the system.

Systems exempted from certain provisions of the act: None.

09-25-0121

System name: International Activities: Senior International Fellowships Program. HHS/NIH/FIC.

Security classification: None.

System location:

Bldg. 38A,Room 617, NIH
9000 Rockville Pike
Bethesda, MD, 20205
Write to System Manager at the address below for the address of the Federal Records Center where records from this system are stored.

Categories of individuals covered by the system: Applicants for Senior International Fellowships.

Categories of records in the system: Applications and associated records and reports.

Authority for maintenance of the system: 42 U.S.C. 242 e.

Purpose(s):

For award and administration of fellowships to outstanding faculty members in midcareer from U.S biomedical research and educational institutions for study abroad.

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

Each fellow's home institution receives a notice of award and funding for the fellowship.

Applications are made available to authorized employees and agents of the US, including the General Accounting Office for purposes of investigations, inspections and audits, and in appropriate cases, to the Department of Justice for proper action under civil and criminal laws.

Disclosure may be made to 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.

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

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

Storage: File folders; magnetic tapes.

Retrievability: Name and fellowship number.

Safeguards: (1) Authorized Users. Employees who maintain records in this system are instructed to grant regular access only to Fogarty International Center (FIC) program staff. Other one-time and special access by other employees is granted on a need-to-know basis as specifically authorized by the the system manager.

(2) Physical Safeguards. The records are maintained in locked file cabinets and offices are locked during off-duty hours.

(3) Procedural Safeguards. Access to files is strictly controlled by files staff. Records may be removed from files only at the request of the system manager or other authorized employees.

Retention and disposal: Number of years held at NIH: 1. Number of years held at Federal Records Center before disposal: 5.

System manager(s) and address:

Chief, International Research Awards Branch
Bldg. 38A, Room 617
9000 Rockville Pike
Bethesda, Md. 20205

Notification procedure: Requests for notification of or access to records should be addressed to the system manager, listed above. The requester must also verify his or her identity by providing either a notarization of the request or a written certification that the requester is who he or she claims to be and understands that the knowing and willful request for acquisition of a record pertaining to an individual under false pretenses is a criminal offense under the Act, subject to 5,000 dollar fine.

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

Contesting record procedures: Contact the official under notification procedures above, and reasonably identify the record and specify the information to be contested, and state the corrective action sought and the reasons for the correction.

Record source categories: Information obtained from applicants and persons supplying recommendations through the Division of Research Grants.

Systems exempted from certain provisions of the act: None.

09-25-0123

System name: Clinical Research: Clinical Trials Dealing with Fertility-Regulating Methods. HHS/NIH/NICHD.

Security classification: None.

System location:

Landow Bldg., Room C625
7910 Woodmont Ave.
Bethesda, Md. 20205
and at hospitals and medical centers under contract. A list of contractor sites may be obtained from the System Manager.

Categories of individuals covered by the system: Volunteers and patients in clinical trials dealing with male and female fertility-regulating methods.

Categories of records in the system: Medical records of subjects participating in clinical trials.

Authority for maintenance of the system: 42 USC 241(g), 289d.

Purpose(s):

1. Analysis of the effectiveness, side-effects and safety of various fertility-regulating approaches in male and female by the Contraceptive Development Branch, Center for Population Research, National Institute of Child Health and Human Development (NICHD), which receives data extracted by principal investigators from research records .

2. Program management.

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

1. Disclosure may be made to 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.

2. Certain infectious diseases are reported to state governments as required by law.

. In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, for example in defending against a claim based upon an individual's mental or physical condition and alleged to have arisen because of activities of the Public Health Service in connection with such individual, the Department may disclose such records as it deems desirable or necessary to the Department of Justice or other appropriate Federal agency to enable that agency to present an effective defense, provided that such disclosure is compatible with the purpose for which the records were collected.

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

Storage: File folders, computer tapes or disks.

Retrievability: Name or identifier codes.

Safeguards: The records are maintained in locked cabinets with access limited to authorized personnel (system manager, principal investigator and staff assigned to the project, project officer, contracting officer). For computerized records, records are retrieved by an coded number and personal identifiers, such as name or patient number, are deleted. Other safeguards established in accordance with Department standards and National Bureau of Standards guidelines (e.g. security codes) are used, limiting access to the authorized personnel stated.

Retention and disposal: One year to indefinitely, depending on the requirements of the specific study. Records are shredded, burned or erased.

System manager(s) and address:

Chief, Contraceptive Development Branch, Center for Population Research, NICHD
Landow Bldg., Room 7A04
7910 Woodmont Ave.
Bethesda, Maryland 20205

Notification procedure: To determine if a file exists, write to the System Manager and provide the following information:

1. Approximate dates and place of treatment.
2. Name of the study, if known.

The requester must also verify his or her identity by providing either a notarization of the request or a written certification that the requester is who he or she claims to be and understands that the knowing and willful request for acquisition of a record pertaining to an individual under false pretenses is a criminal offense under the Act, subject to a five thousand dollar fine.

An individual who requests notification of or access to a medical record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion.

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

Contesting record procedures: Write to system manager and reasonably identify the record and specify the information to be contested, and state the corrective action sought and the reasons for the correction.

Record source categories: Information provided by subjects and clinical investigators.

Systems exempted from certain provisions of the act: None.

09-25-0124

System name: Administration: Pharmacology Research Associates, HHS/NIH/NIGMS

Security classification: None.

System location:

National Institutes of Health
Westwood Bldg., Room 919
5333 Westbard Avenue
Bethesda, Maryland 20205

Write to System Manager at the address below for the address of the Federal Records Center where records are stored.

Categories of individuals covered by the system: Applicants for positions as Pharmacology Research Associates with the National Institute of General Medical Sciences (NIGMS).

Categories of records in the system: Individual application forms, academic transcripts and references.

Authority for maintenance of the system: 42 USC 209.

Purpose(s):

(1) For review, award, and administration of the Pharmacology Research Associate Program (PRAT).

(2) For consideration of the applicant by other NIH Associate Programs at the applicant's request.

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

Disclosure may be made to 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.

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

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

Storage: File folders.

Retrievability: By name of applicant.

Safeguards: The records are maintained in locked cabinets with access limited to authorized personnel (system manager and his/her staff assigned to the program).

Retention and disposal: 1. Records of applicants who are admitted to the program are kept not more than 5 years. 2. Records of applicants who are not admitted to the program are kept for one year. All records are shredded after proper time has elapsed.

System manager(s) and address:

Director, PRAT Program
Pharmacological Sciences, NIGMS
Westwood Bldg., Room 919
Bethesda, Maryland 20205

Notification procedure: To determine if a file exists, write to the System Manager and provide the following information: applicant's name, date of application.

The requester must also verify his or her identity by providing either a notarization of the request or a written certification that the requester is who he or she claims to be and understands that the knowing and willful request for acquisition of a record pertaining to an individual under false pretenses is a criminal offense under the Act, subject to a five thousand dollar fine.

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

Contesting record procedures: Write to system manager and reasonably identify the record and specify the information to be contested, and state the corrective action sought and the reasons for the correction.

Record source categories: Information provided by applicants, university registrars, and references.

Systems exempted from certain provisions of the act: None.

09-25-0126

System name: Clinical Research: National Heart, Lung, and Blood Institute Epidemiological and Biometric Studies.

Security classification: None.

System location: Records included in this system are located in hospitals, universities, research centers, research foundations, and coordinating centers under contract with the National Heart, Lung, and Blood Institute, and in NHLBI facilities in Bethesda, Maryland. A list of locations is available from the system manager.

Categories of individuals covered by the system: Participants in these studies include 1) individuals who have been or who are presently being treated by the National Heart, Lung, and Blood Institute, for diseases or conditions of the heart, lung, blood vessels and blood; 2) individuals whose physical, genetic, social, economic, environmental, behavioral or nutritional conditions or habits are being studied in relation to the incidence of heart, lung, blood vessel and blood diseases among human beings; and 3) normal volunteers who have agreed to provide control data germane to these studies.

Categories of records in the system: This system consists of a variety of clinical, medical, and statistical information resulting from or contained in research findings, medical histories, vital statistics, personal interviews, questionnaires, or direct observation. The system also includes records of current addresses of study participants, photographs, fingerprints, and correspondence from or about participants in these studies.

Authority for maintenance of the system: Sec. 412, 413 Public Health Service Act (42 U.S.C. 287a, 287b)

Purpose(s):

(1) Summaries of data resulting from these studies are used by the National Heart, Lung, and Blood Institute to monitor and evaluate the incidence of the diseases or the conditions under investigation and the relationship of various factors to the occurrence of these diseases.

(2) The summaries are also used for program planning and evaluation purposes.

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

1. Disclosure may be made to HHS contractors, grantees and collaborating researchers and their staff in order to accomplish the research purpose for which the records are collected. The recipients are required to protect such records from improper disclosure.

2. Referrals may be made of assignments of research investigators and project monitors to specific research projects to the Smithsonian Institution to contribute to the Smithsonian Science Information Exchange, Inc.

3. In the event the Department deems it desirable or necessary, in determining whether particular records are required to be disclosed under the Freedom of Information Act, disclosures may be made to the Department of Justice for the purpose of obtaining its advice.

4. Where the appropriate official of the Department, pursuant to the Department's Freedom of Information Regulation determines that it is in the public interest to disclose a record which is otherwise exempt from mandatory disclosure, disclosure may be made from this system of records.

5. The Department contemplates that it will contract with a private firm for the purpose of collating, analyzing, aggregating or otherwise refining records in this system. Relevant records will be disclosed to such a contractor. The contractor shall be required to maintain Privacy Act safeguards with respect to such records.

6. In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, for example in defending against a claim based upon an individual's mental or physical condition and alleged to have arisen because of activities of the Public Health Service in connection with such individual, the Department may disclose such records as it deems desirable or necessary to the Department of Justice or other appropriate Federal agency to enable that agency to present an effective defense, provided that such disclosure is compatible with the purpose for which the records were collected.

7. Disclosure may be made to organizations deemed qualified by the Secretary to carry out quality assessments, medical audits or utilization review.

8. Disclosure may be made to 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.

9. A record may be disclosed for a research purpose, when the Department:

(A)has determined that the use or disclosure does not violate legal or policy limitations under which the record was provided, collected, or obtained;

(B)has determined that the research purpose (1) cannot be reasonably accomplished unless the record is provided in individually identifiable form, and (2) warrants the risk to the privacy of the individual that additional exposure of the record might bring;

(C)has required the recipient to (1) establish reasonable administrative, technical, and physical safequards to prevent unauthorized use or disclosure of the record, (2) remove or destroy the information that identifies the individual at the earlies time at which removal or destruction can be accomplished consistent with the purpose of the research project, unless the recipient has presented adequate justification of a research or health nature for retaining such information, and (3) make no further use or disclosure of the record except (a) in emergency circumstances affecting the health or safety of any individual, (b) for use in another research project, under these same conditions, and with written authorization of the Department, (c) for disclosure to a properly identified person for the purpose of an audit related to the research project, if information that would enable research subjects to be identified is removed or destroyed at the earliest opportunity consistent with the purpose of the audit, or (d) when required by law;

(D)has secured a written statement attesting to the recipient's understanding of, and willingness to abide by these provisions.

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

Storage: Data may be stored in file folders, magnetic tapes or discs, punched cards, bound note books.

Retrievability: Name and/or participant identification number.

Safeguards: Access to or disclosure of information is limited to authorized researchers and NHLBI employees whose duties require the use of such information. Data stored in computers is accessed through the use of key words known only to principal investigatores or authorized personnel. All other information is stored in locked files. Locations are locked during non-working hours, and are attended at all times during working hours.

Retention and disposal: Records are retained and destroyed according to the authority of the NIH Records Control Schedule (HHS Records Management Manual, Appendix B-361), section 3000-G. For a copy of this authority, write to the 10

Associate Director for Epidemiology and Biometry
National Heart, Lung, and Blood Institute
Federal Building, 2C-08
7550 Wisconsin Avenue
Bethesda, MD 20205

Notification procedure: To determine if a record exists, contact:

NHLBI Privacy Coordinator
Building 31, NIH
9000 Rockville Pike
Bethesda, MD 20205

Requesters must provide the following information in writing:

1. Full name
2. Name and location of research study
3. Approximate dates of enrollment.

The requester must also verify his or her identity by providing either a notarization of the request or a written certification that the requester is who he or she claims to be and understands that the knowing and willful request for acquisition of a record pertaining to an individual under false pretenses is a criminal offense under the Act, subject to a five thousand dollar fine.

An individual who requests notification of or access to a medical/dental record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion.

A parent or guardian who requests notification of, or access to, a child's or incompetent person's medical record shall designate a family physician or other health professional (other than a family member) to whom the record, if any, will be sent. The parent or guardian must verify relationship to the child or incompetent person as well as his or her own identity.

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

Contesting record procedures: System Manager as indicated above. The contestor must reasonably specify in writing the record contents at issue and state the corrective action sought and the reasons for the correction.

Record source categories: Information contained in these records is obtained directly from individual participants and from medical and clinical research observations.

Systems exempted from certain provisions of the act: None.

09-25-0127

System name: Clinical Research: Clinical Trials Dealing with Phototherapy for Neonatal Hyperbilirubinemia, HHS/NIH/NICHD.

Security classification: None.

System location:

National Institute of Child Health and Human Development (NICHD)
Bldg. 31, Room 2A-50
9000 Rockville Pike
Bethesda, Maryland 20205
and six contract sites performing the trials (See Appendix).

Categories of individuals covered by the system: Patients in clinical trials dealing with phototherapy in the newborn.

Categories of records in the system: Individual medical and laboratory records of subjects participating in the study.

Authority for maintenance of the system: 42 U.S.C. 241(g), 289d.

Purpose(s):

To study the effects of phototherapy on the treatment of hyperbilirubinemia in newborns and the subsequent development of the patient.

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

1. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from that office made at the request of that individual, parents, or guardian.

2. Certain infectious diseases are reported to state governments as required by law.

3. Information may be given to a primary care physician when treatment or follow-up of a condition noted during the one-year examination given each patient in the study is indicated.

4. In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, for example in defending against a claim based upon an individual's mental or physical condition and alleged to have arisen because of activities of the Public Health Service in connection with such individual, the Department may disclose such records as it deems desirable or necessary to the Department of Justice or other appropriate Federal agency to enable that agency to present an effective defense, provided that such disclosure is compatible with the purpose for which the records were collected.

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

Storage: File folders, computer tapes or discs.

Retrievability: Name or identifier code.

Safeguards: (1) Authorized Users: Employees who maintain records in this system are instructed to grant access only to members of the Biometry Branch who are participating in the analysis to the Program Director and to Principal Investigators. All of those having access to the collected data are physicians involved in the study except for those in the Biometry Branch.

(2) Physical Safeguards: All material having the code by the hospital of origin is kept in locked cabinets.

(3) Procedural Safeguards: Access to files is strictly controlled by the Biometry Branch members. Records may be removed from files only with approval of the Program Director. For computerized records and analyses, access is controlled by the use of security codes known only to the Biometry Branch personnel involved. The computer system maintains an audit record of all attempted and successful requests for access.

Retention and disposal: One year to indefinitely, depending on the length of the patient follow-up required to complete the study. Records are shredded, burned or erased.

System manager(s) and address:

Chief, Section on Human Biochemical and Developmental Genetics, NPMB
Intramural Research Program, NICHD
Bldg. 10, 13N258
9000 Rockville Pike
Bethesda, Maryland 20205

Notification procedure: To determine if a file exists, write to the System Manager and provide the following information:

1. Approximate dates and place of treatment.

2. Name of the study, if known.

The requester must also verify his or her identity by providing either a notarization of the request or a written certification that the requester is who he or she claims to be and understands that the knowing and willful request for acquisition of a record pertaining to an individual under false pretenses is a criminal offense under the Act, subject to a five thousand dollar fine.

An individual who requests notification of or access to a medical record shall, at the time the request is made, designate a responsible representative in writing who will be willing to review the record and inform the subject individual of its contents at the representative's discretion.

A parent or guardian who requests notification of, or access to, a child's or incompetent person's medical record shall designate a family physician or other health professional (other than a family member) to whom the record, if any, will be sent. The parent or guardian must verify relationship to the child or incompetent person as well as his or her own identity.

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

Contesting record procedures: Write to system manager and reasonably identify the record and specify the information to be contested, and state the corrective action sought and the reasons for the correction.

Record source categories: Information provided by subjects and clinical investigators.

Systems exempted from certain provisions of the act: None.

APPENDIX

N01-HD-4-2818

University of Cincinnati
College of Medicine
Cincinnati, Ohio 45219

Principal Investigator:
James M. Sutherland, M.D.

N01-HD-4-2819

State University of New York
Downstate Medical Center
450 Clarkson Avenue
Brooklyn, NY 11203

Principal Investigator:
Dr. Audrey K. Brown

N01-HD-4-2820

Virginia Commonwealth University
Medical College of Virginia
1200 East Broad Street
Richmond, VA 23298

Principal Investigator:
Harold M. Maurer, M.D.

NO1-HD-4-2821

Long Island Jewish Hillside Medical Center
New Hyde Park
New York 11041

Principal Investigator:
Philip J. Lipsitz, M.D.

N01-HD-4-2822

Albert Einstein College of Medicine,
Yeshiva University
1300 Morris Park Avenue
Bronx, NY 10461

Principal Investigator:
Lawrence M. Gartner, M.D.

N01-HD-4-2823

Professional Staff Association of the LAC/USC Medical Center
Women's Hospital, Room 919L
1240 Mission Road
Los Angeles, CA 90033

Principal Investigators:
Joan E. Hodgman, M.D.
Paul U. K. Wu, M.D.

09-25-0128

System name: Clinical Research: Neural Prosthesis & Biomedical Engineering Studies. HHS/NIH/NINCDS.

Security classification: None.

System location:

Federal Building, Room 120
7550 Wisconsin Ave.
Bethesda, Md 20205

and: (1) at hospitals and medical centers under contract, and (2) Federal Records Centers. A list of locations is available upon request from the system manager.

Categories of individuals covered by the system: Patients and normal volunteers, males and females, participating in clinical studies to determine the feasibility of neural prostheses, and in clinical studies related to the development of instrumentation for diagnosis and treatment of neurological and sensory disorders conducted under contract for the National Institute of Neurological and Communicative Disorders and Stroke (NINCDS).

Categories of records in the system: Clinical research data as related to studies which seek to determine the feasibility of neural prostheses and to develop instrumentation for diagnosis and treatment of neurological and sensory disorders.

Authority for maintenance of the system: 42 U.S.C. 421, 289a, 289c.

Purpose(s):

1. Clinical research on the development of neural prosthesis (artificial devices) to enhance function of individuals with various disorders of the central nervous system.

(2) Research on the development of new instruments to improve diagnosis and treatment of disorders of the nervous system.

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

1. Disclosure may be made to HHS contractors, grantees and collaborating researchers and their staff in order to accomplish the research purpose for which the records are collected. The recipients are required to protect such records from improper disclosure.

2. Disclosure may be made to 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.

3. In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, for example in defending against a claim based upon an individual's mental or physical condition and alleged to have arisen because of activities of the Public Health Service in connection with such individual, the Department may disclose such records as it deems desirable or necessary to the Department of Justice or other appropriate Federal agency to enable that agency to present an effective defense, provided that such disclosure is compatible with the purpose for which the records were collected.

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

Storage: Records are stored in file folders.

Retrievability: Records are retrieved by name.

Safeguards: (1) Authorized Users: Employees who maintain records in this system are instructed to grant access only to HHS scientists and their authorized collaborators.

(2) Physical Safeguards: Records are kept in a locked room when not in use.

Retention and disposal: Records are retained in accordance with the NIH Records Control Schedule, item 3000-G-3. The records control schedule may be obtained by writing to the system manager at the address below.

System manager(s) and address:

Director, Fundamental Neurosciences Program, NINCDS
Federal Building, Room 120
7550 Wisconsin Ave
Bethesda, MD 20205

Notification procedure: Write to:

Head, Administrative Management Section, NINCDS
Building 31, Room 8A47
9000 Rockville Pike
Bethesda, MD 20205

and ask if a file with your name exists in the Neural Prothesis or Biomedical Engineering Studies.

The requester must also verify his or her identity by providing either a notarization of the request or a written certification that the requester is who he or she claims to be and understands that the knowing and willful request for acquisition of a record pertaining to an individual under false pretenses is a criminal offense under the Act, subject to a five thousand dollar fine.

An individual who requests notification of or access to a medical record shall, at the time the request is made, designate in writing, a responsible representative, who may be a physician, who will be willing to review the record and inform the subject individual of its contents at the representative's discretion.

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

Contesting record procedures: Write to system manager and reasonably identify the record and specify the information to be contested, and state the corrective action sought and the reasons for the correction.

Record source categories: Patients, patients' families, hospital records and clinical investigators.

Systems exempted from certain provisions of the act: None.

09-25-0129

System name: Clinical Research: Clinical Research Studies dealing with Hearing, Speech, Language and Chemosensory Disorders. HHS/NIH/NINCDS.

Security classification: None.

System location:

National Institute of Neurological and Communicative Disorders and Stroke (NINCDS)
Federal Building, NIH
7550 Wisconsin Avenue
Bethesda, MD 20205

and at hospitals, medical centers, universities and educational settings under contract. Inactive records may be stored at a Federal Records Center. A list of locations is available upon request from the System Manager at the address below.

Categories of individuals covered by the system: Patients and normal volunteers participating in clinical research studies dealing with hearing, speech, language and chemosensory disorders.

Categories of records in the system: Medical findings, clinical research data, medical and educational histories and research data on the hearing, speech, language, cognition and chemosensory systems of subjects being tested.

Authority for maintenance of the system: 42 U.S.C. 241, 289a, 289c.

Purpose(s):

Clinical research on the disorders of speech, language, and hearing to discover factors leading to these disorders and to improve prevention, diagnoses, and treatment.

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

1. Disclosure may be made to HHS contractors, grantees and collaborating researchers and their staff in order to accomplish the research purpose for which the records are collected. The recipients are required to protect such records from improper disclosure.

2. Disclosure may be made to 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.

3. In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, for example in defending against a claim based upon an individual's mental or physical condition and alleged to have arisen because of activities of the Public Health Service in connec-

tion with such individual, the Department may disclose such records as it deems desirable or necessary to the Department of Justice or other appropriate Federal agency to enable that agency to present an effective defense, provided that such disclosure is compatible with the purpose for which the records were collected.

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

Storage: Records are stored in file folders.

Retrievability: Name or identifier code.

Safeguards: (1) Employees who maintain the system are instructed to grant access only to the principal investigator and staff assigned to a particular project, and to other authorized personnel (project officer, contracting officer).

(2) Physical Safeguards: Records are locked in cabinets when not in actual use and system location is locked during non-working hours.

(3) Procedural Safeguards: Personnel having access to system are trained in Privacy Act requirements. Records are returned to locked file cabinets at end of working day.

Retention and disposal: Years at NIH: one year to indefinitely, depending on the requirements of the specific study. Following completion of a specific study all individual identification are removed, or the records destroyed.

System manager(s) and address:

Director, Communicative Disorders Program, NINCDS
Federal Building, NIH
7550 Wisconsin Avenue
Bethesda, Md. 20205

Notification procedure: Write to:

Head, Administrative Management Section, NINCDS
Building 31, Room 8A47
9000 Rockville Pike
Bethesda, Maryland 20205

and ask if a file exists with your name in studies of Communication Disorders Program. Please supply the following information:

1. Approximate date and place of examination and/or treatment.
2. Name of the study, if known.

The requester must also verify his or her identity by providing either a notarization of the request or a written certification that the requester is who he or she claims to be and understands that the knowing and willful request for acquisition of a record pertaining to an individual under false pretenses is a criminal offense under the Act, subject to a five thousand dollar fine.

An individual who requests notification of or access to a medical record shall, at the time the request is made, designate in writing, a responsible representative, who may be a physician, who will be willing to review the record and inform the subject individual of its contents at the representative's discretion.

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

Contesting record procedures: Write to system manager and reasonably identify the record, specify the information to be contested, and state the corrective action sought and the reasons for the correction.

Record source categories: Information provided by patients, patients' families, hospital records, school records, and clinical investigators.

Systems exempted from certain provisions of the act: None.

09-25-0130

System name: Clinical Research: Environmental Epidemiologic Studies in the Division of Cancer Cause and Prevention, HHS/NIH/NCI.

Security classification: None.

System location:

Landow Building, Room 3C07
7910 Woodmont Ave.
Bethesda, Md. 20205
and
Bldg. 12, NIH
9000 Rockville Pike
Bethesda, Md. 20205

and at hospitals, medical schools, universities, research institutions, commercial organizations, state agencies, and collaborating government agencies. A list of locations and contracts is available upon request from the System Manager.

Categories of individuals covered by the system: Patients with cancer and other environmentally caused diseases, (e.g., birth defects), patients with other diseases (e.g., heart disease), normal and other persons (e.g., family members) for the purpose of making comparisons.

Categories of records in the system: Medical records, progress reports, correspondence, epidemiological computerized data and records on biological specimens (e.g., blood, tumors, urine, etc.).

Authority for maintenance of the system: 42 U.S.C. 241, and 282.

Purpose(s):

To determine: (1) factors or substances in the environment which cause cancer;

(2) ways in which these factors or substances may cause cancer;

(3) characteristics of persons who may be particularly susceptible to the environmental factor(s) or substance(s) and/or to cancer.

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

1. Disclosure may be made to HHS contractors, grantees and collaborating researchers and their staff in order to accomplish the research purpose for which the records are collected. The recipients are required to protect such records from improper disclosure.

2. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of the individual.

3. The Department contemplates that it will contract with a private firm for the purpose of collating, analyzing, aggregating or otherwise refining records in this system. Relevant records will be disclosed to such a contractor. The contractor shall be required to maintain Privacy Act safeguards with respect to such records.

4. In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, for example in defending against a claim based upon an individual's mental or physical condition and alleged to have arisen because of activities of the Public Health Service in connection with such individual, the Department may disclose such records as it deems desirable or necessary to the Department of Justice or other appropriate Federal agency to enable that agency to present an effective defense, provided that such disclosure is compatible with the purpose for which the records were collected.

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

Storage: File folders, microfilm, charts, graphs, computer tapes, disks, and punch cards.

Retrievability: By name and/or code number.

Safeguards: HHS contractors and collaborating researchers are required to comply with the provisions of the Privacy Act and with Department Regulations. Subjects participating in a clinical study are advised that their identity will only be known to those who are involved in conducting the study and that any published findings will be in a format which precludes individual identification. Data are kept in secured areas with access limited to authorized personnel (system manager, project officer, contracting officer, collaborating researchers, staff, and HHS contractors). Data transmitted to the NCI are in a form which precludes individual identification. For computerized records the contractor is required to comply, where appropriate, with Department standards and National Bureau of Standards Guidelines. For example, access is controlled by the use of security codes known only to authorized personnel.

Retention and disposal: One year to indefinitely depending on the project. Hard copy burned; computer tapes and disks erased.

System manager(s) and address:

Chief, Environmental Epidemiology Branch
National Cancer Institute
Landow Building, Room 3C29
7910 Woodmont Avenue
Bethesda, Maryland 20205

Notification procedure: To determine if a file exists, write to system manager and provide the following information:

a. System name: Environmental Epidemiologic Studies in the Division of Cancer Cause and Prevention
b. Complete name at time of study
c. Facility and home address at the time the study was undertaken
d. Date(s) at the time the information was provided (if known)
e. Birthdate

f. Disease type (if known)

The requester must also verify his or her identity by providing either a notarization of the request or a written certification that the requester is who he or she claims to be and understands that the knowing and willful request for acquisition of a record pertaining to an individual under false pretenses is a criminal offense under the Act, subject to 5,000 dollar fine.

Individuals seeking notification of or access to medical records should designate a representative (including address) who may be a physician, other health professional, or other responsible individual who would be willing to review the record and inform the subject individual of its contents, at the representative's discretion.

A parent or guardian who requests notification of, or access to, a child's or incompetent person's medical record shall designate a family physician or other health professional (other than a family member) to whom the record, if any, will be sent. The parent or guardian must verify relationship to the child or incompetent person as well as his or her own identity.

Record access procedures: Write to system manager and specify the record sought. The same information required above for notification is also needed for access.

Contesting record procedures: Write to system manager and specify the record and the part(s) to be contested, and state the corrective action sought and the reasons for the correction.

Record source categories: HHS agencies, institutions under contract to the U.S. Government, universities, medical schools, hospitals, research institutions, commercial institutions, state agencies, other U.S. Government agencies, patients and normal volunteers, physicians, research investigators and other collaborating personnel.

Systems exempted from certain provisions of the act: None.

09-25-0131

System name: Clinical Research: Clinical Epidemiologic Studies in the Division of Cancer Cause and Prevention, HHS/NIH/NCI.

Security classification: None.

System location: Building, Room A521

7910 Woodmont Ave.
Bethesda, Md. 20205
and
Bldg. 12, NIH
9000 Rockville Pike
Bethesda, Md. 20205

and at hospitals, medical schools, universities, research institutions, commercial organizations, state agencies, and collaborating government agencies. A list of locations and contracts is available upon request made to the System Manager.

Categories of individuals covered by the system: Patients with cancer and related diseases, (e.g., birth defects), patients with other diseases (e.g., heart disease), normal and other persons (e.g., family members) for the purpose of making comparisons.

Categories of records in the system: Medical records, progress reports, correspondence, epidemiological computerized data and records on biological specimens (e.g., blood, tumors, urine, etc.).

Authority for maintenance of the system: 42 U.S.C. 241, and 282.

Purpose(s):

To determine: (1) factors or substances in the environment which cause cancer;

(2) ways in which these factors or substances may cause cancer;

(3) characteristics of persons who may be particularly susceptible to the environmental factor(s) or substance(s) and/or to cancer.

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

1. Disclosure may be made to HHS contractors, grantees and collaborating researchers and their staff in order to accomplish the research purpose for which the records are collected. The recipients are required to protect such records from improper disclosure.

2. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of the individual.

3. The Department contemplates that it will contract with a private firm for the purpose of collating, analyzing, aggregating or otherwise refining records in this system. Relevant records will be disclosed to such a contractor. The contractor shall be required to maintain Privacy Act safeguards with respect to such records.

4. In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, for example in defending against a claim based upon an individual's mental or physical condition and alleged to have arisen because of activities of the Public Health Service in connection with such individual, the Department may disclose such records as it deems desirable or necessary to the Department of Justice or other appropriate Federal agency to enable that agency to present an effective defense, provided that such disclosure is compatible with the purpose for which the records were collected.

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

Storage: File folders, microfilm, charts, graphs, computer tapes, discs, and punch cards.

Retrievability: By name and/or code number.

Safeguards: HHS contractors and collaborating researchers are required to comply with the provisions of the Privacy Act and with Department Regulations. Subjects participating in a clinical study are advised that their identity will only be known to those who are involved in conducting the study and that any published findings will be in a format which precludes individual identification. Data are kept in secured areas with access limited to authorized personnel (system manager, project officer, contracting officer, collaborating researchers, staff, and HHS contractors). Data transmitted to the NCI are in a form which precludes individual identification. For computerized records the contractor is required to comply, where appropriate, with Department standards and National Bureau of Standards Guidelines. For example, access is controlled by the use of security codes known only to authorized personnel.

Retention and disposal: One year to indefinitely depending on the project. Hard copy burned; computer tapes and discs erased.

System manager(s) and address:

Chief, Clinical Epidemiology Branch
National Cancer Institute
Landow Building, Room 5A21
7910 Woodmont Avenue
Bethesda, Maryland 20205

Notification procedure: To determine if a file exists, write to system manager and provide the following information:

a. System name
b. Complete name at time of study
c. Facility and home address at the time the study was undertaken
d. Date(s) at the time the information was provided (if known)
e. Birthdate
f. Disease type (if known)

The requester must also verify his or her identity by providing either a notarization of the request or a written certification that the requester is who he or she claims to be and understands that the knowing and willful request for acquisition of a record pertaining to an individual under false pretenses is a criminal offense under the Act, subject to a five thousand dollar fine.

Medical Records: Individuals seeking notification of or access to medical records should designate a representative (including address) who may be a physician, other health professional, or other responsible individual who would be willing to review the record and inform the subject individual of its contents, at the representative's discretion.

A parent or guardian who requests notification of, or access to, a child's or incompetent person's medical record shall designate a family physician or other health professional (other than a family member) to whom the record, if any, will be sent. The parent or guardian must verify relationship to the child or incompetent person as well as his or her own identity.

Record access procedures: Write to system manager and specify the record sought. The same information required above for notification is also needed for access

Contesting record procedures: Write to system manager and specify the record and the part(s) to be contested, and state the corrective action sought and the reasons for the correction.

Record source categories: HHS agencies, institutions under contract to the U.S. Government, universities, medical schools, hospitals, research institutions, commercial institutions, state agencies, other U.S. Government agencies, patients and normal volunteers, physicians, research investigators and other collaborating personnel.

Systems exempted from certain provisions of the act: None.

09-25-0133

System name: Clinical Research: Kidney Transplant Histocompatibility Study (KTHS) HHS/NIH/NIAID.

Security classification: None.

System location: Records included in this system are located in hospitals, research foundations, and universities under contract, in Federal Records Centers and in the National Institute of Allergy and Infectious Diseases (NIAID) facilities in Bethesda, Md. Write to the system manager at the address below for the addresses of current locations.

Categories of individuals covered by the system: Patients who have received kidney transplants and donors of kidneys transplanted at participating institutions during the period January 1, 1974, through December 31, 1976.

Categories of records in the system: Clinical and medical records containing information on clinical examinations, laboratory findings, and related research records. For kidney recipients, a demographic profile is also included.

Authority for maintenance of the system: 42 U.S.C. 241(g) and 289c.

Purpose(s):

(1) To study the relevance of tissue typing to the out come of kidney transplants.

(2) To study the influence of organ preservation techniques and various surgical and medical therapies on the outcome of kidney transplants.

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

1. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of the individual.

2. In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, for example in defending against a claim based upon an individual's mental or physical condition and alleged to have arisen because of activities of the Public Health Service in connection with such individual, the Department may disclose such records as it deems desirable or necessary to the Department of Justice or other appropriate Federal agency to enable that agency to present an effective defense, provided that such disclosure is compatible with the purpose for which the records were collected.

3. Disclosure may be made to HHS contractors, grantees and collaborating researchers and their staff in order to accomplish the research purpose for which the records are collected. The recipients are required to protect such records from improper disclosure.

4. Disclosure may be made to organizations deemed qualified by the Secretary to carry out quality assessments, medical audits or utilization review.

5. Certain infectious diseases are reported to State Governments as required by law.

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

Storage: File folders, punched cards, and magnetic tapes or discs.

Retrievability: Information is retrieved by name and location of study and by transplant number.

Safeguards: 1. Authorized Users: Employees who maintain records in this system are instructed to grant regular access only to NIAID staff whose duties require the use of such information. Authorized users are located in the Genetics and Transplantation Biology Branch, Immunology and Allergic and Immunologic Diseases Program, NIAID.

2. Physical Safeguards: Records in this system are stored in locked cabinets. Access to the computer files is by key word.

3. Procedural Safeguards- Access to files is strictly controlled by files staff. Records may be removed from files only at the request of the system manager or other authorized employee. For computerized records, access is controlled by the use of security codes known only to authorized users.

Retention and disposal: Records are retained for five years to indefinitely, depending on the requirements of the study. Records are burned or erased.

System manager(s) and address:

Chief, Genetics and Transplantation Biology Branch, IAIDP
National Institute of Allergy and Infectious Diseases, NIH
Westwood Building, Room 752
5333 Westbard Avenue
Bethesda, Maryland, 20205

Notification procedure: To determine if a record exists, write to:

Privacy Act Coordinator, NIAID
Westwood Building, Room 705
5333 Westbard Avenue
Bethesda, Maryland 20205

and provide the following information:

1. Full name
2. Name and location of clinical trial facility
3. Approximate dates of enrollment in the research study

The requester must also verify his or her identity by providing either a notarization of the request or a written certification that the requester is who he or she claims to be and understands that the knowing and willful request for acquisition of a record pertaining to an individual under false pretenses is a criminal offense under the Act, subject to a five thousand dollar fine.

An individual who requests notification of or access to a medical record shall, at the time the request is made, designate a responsible representative in writing who will be willing to review the record and inform the subject individual of its contents at the representative's discretion.

A parent or guardian who requests notification of, or access to, a child's or incompetent person's medical record shall designate a family physician or other health professional (other than a family member) to whom the record, if any, will be sent. The parent or guardian must verify relationship to the child or incompetent person as well as his or her own identity.

Record access procedures: Same as notification procedure. Requesters should also reasonably specify the record contents being sought.

Contesting record procedures: Write to system manager, and reasonably identify the record, and specify the information to be contested, and state the corrective action sought and the reasons for the correction.

Record source categories: Information contained in these records is obtained directly from individual participants and from medical records and clinical research observations.

Systems exempted from certain provisions of the act: None.

09-25-0134

System name: Clinical Research: Epidemiology Studies, National Institute of Environmental Health Sciences. HHS/NIH/NIEHS

Security classification: None.

System location:

National Institute of Environmental Health Services (NIEHS)
Environmental Biometry Branch
P. O. Box 12233
Research Triangle Park
North Carolina 27709

and at hospitals, medical schools, universities, research institutions, commercial organizations, state agencies, and collaborating government agencies. Inactive records may be stored in a Federal Records Center. A list of locations and contracts is available upon request made to the System Manager.

Categories of individuals covered by the system: Adults and minors, both male and female, with known or suspected diseases, maladies, chemical or biological contaminations, as well as normal or non-suspect individuals and minors in control or study groups for the purposes of comparison. Individuals included in this system of records normally have volunteered to participate in the study and voluntarily provided information for inclusion in the system. The participants may be, but are not limited to, patients; workers subject to specific environments; individuals selected because of social, nutritional, physical, genetic and economic conditions and behavioral characteristics; and members of the general population subject to the variety of contaminants present in the environment.

Categories of records in the system: This system consists of a variety of records pertinent to an individual's current health status: medical history; occupational history and work environments; and selected items of personal data such as smoking habits, family size, family medical history and domiciles. Examples of information which may be included in this system are name, Social Security Number, date of birth, weight, height, sex, race, medical history, blood type, laboratory results, examination findings, current and previous medications received, list of employers, descriptions of the work environment, substances or compounds routinely handled or exposed to, and a history of current and previous residences.

Authority for maintenance of the system: 42U.S.C. 241.

Purpose(s):

National Institute of Environmental Health Sciences uses the data collected to:

1. Determine whether or not general conditions, chemicals and/or other substances found in the environment have effects on the health and well being of individuals or groups of individuals;

2. Determine how these conditions, chemicals or other substances, acting by themselves or in combination, produce adverse effects on health;

3. Identify individual or group characteristics that make a person susceptible to chemical contamination, disease or other adverse health effects from these environmental conditions or agents ;

4. Determine whether there is a general or background level of exposure or other chemical effects in a local area, regional area, or nationally as well as within general or specific work environments;

5. Develop and/or validate epidemiologic or laboratory methods for detecting adverse effects due to environmental exposures;

6. Determine the scientific basis for advising regulatory agencies such as the Environmental Protection Agency, the National Institute of Occupational Safety and Health and the Department of Labor's Occupational Safety and Health Administration regarding the adverse health effects of substances and conditions found in the environment;

7. Determine the scientific basis for advising local, state, other governmental agencies and international governments regarding the adverse health effects of substances and conditions found in the environment;

8. Determine the scientific basis for advising the Congress, industry, workers, scientific or public agencies and other interested parties regarding the known orpotential for adverse health effects from exposure to substances or conditions found in the environment.

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

1. Disclosure may be made to HHS contractors, grantees and collaborating researchers and their staff in order to accomplish the research purpose for which the records are collected. The recipients are required to protect such records from improper disclosure.

2. Disclosure may be made to a congressional office from the record of the individual in response to an inquiry from the congressional office, made at the request of the individual, and in the case of a minor, the minor's parent or legal guardian.

3. Referrals may be made of assignments of research investigators and project monitors to specific research projects to the Smithsonian Institution to contribute to the Smithsonian Science Information Exchange, Inc.

4. In the event the Department deems if desirable or necessary, in determining whether particular records are required to be disclosed under the Freedom of Information Act, disclosure may be made to the Department of Justice for the purpose of obtaining its advice.

5. Where the appropriate official of the Department, pursuant to the Department's Freedom of Information Regulation determines that it is in the public interest to disclose a record which is otherwise exempt from a mandatory disclosure, disclosure may be made from this system of records.

6. The Department contemplates that it will contract with a private firm for the purpose of collating, analyzing, aggregating or otherwise refining records in this system. Relevant records will be disclosed to such a contractor. The contractor shall be required to maintain Privacy Act safeguards with respect to such records.

7. In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, for example in defending against a claim based upon an individual's mental or physical condition and alleged to have arisen because of activities of the Public Health Service in connection with such individual, the Department may disclose such records as it deems desirable or necessary to the Department of Justice or other appropriate Federal agency to enable that agency to present an effective defense, provided that such disclosure is compatible with the purpose for which the records were collected.

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

Storage: Information is stored in one of a combination of the following mediums: file folders, data forms, punch card, magnetic tape discs.

Retrievability: Information is retrieved by personal identifier such as name or code number. Social security numbers which are supplied on a voluntary basis also are used for retrieval.

Safeguards: Access to the information is controlled by the Project Officer or his representative at remote locations. Contractors or collaborating researchers, by formal agreement, comply with the provisions of the Privacy Act and Department regulations. Hard copy data is maintained in locked file cabinets at the National Institute of Environmental Health Sciences or remote study locations. Information stored in computer systems is accessible only through proper sequencing of signal commands and access codes specifically assigned to the Project Officer or contractor in accordance with Departmental standards and National Bureau of Standards guidelines. Subjects directly participating in studies are advised that their identity is known only to those persons involved in conducting the study, and that any published findings will be in a format which precludes individual identification.

Retention and disposal: The records are maintained until they are no longer required for the research purpose(s) for which the record was established. The records are destroyed by shredding, burning, or other appropriate means so as to render them illegible. Computer tapes and discs are erased.

System manager(s) and address:

Chief, Biometry Branch
National Institute of Environmental Health Sciences
P. O. Box 12233
Research Triangle Park
North Carolina 27709

Notification procedure: Normally, individuals would know whether a file existed on the basis of their voluntary participation and provision of data. However, individuals may write to the system manager to determine if a file exists. In writing, they should provide the following data:

a. Complete name at the time of the study.
b. Birthdate.
c. Home address at the time of the study.
d. The facility where the examination was given or information otherwise collected.
e. Date, or approximate dates when information was collected or an examination conducted.
f. Name of study if known.
g. A current name, address and telephone number where they can be reached.

The requester must also verify his or her identity by providing either a notarization of the request or a written certification that the requester is who he or she claims to be and understands that the knowing and willful request for acquisition of a record pertaining to an individual under false pretenses is a criminal offense under the Act, subject to a five thousand dollar fine.

An individual who requests notification of or access to a medical or dental record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's description.

A parent or guardian who requests notification of, or access to, a child's or incompetent person's medical record shall designate a family physician or other health professional (other than a family member) to whom the record, if any, will be sent. The parent or guardian must verify relationship to the child or incompetent person as well as his or her own identity.

Record access procedures: The same information as outlined under notification procedures is needed for access to records. The request should be addressed to the System Manager.

Contesting record procedures: Write to the System Manager and specify the record and the information to be contested, and state the corrective action sought and the reasons for the correction.

Record source categories: HHS agencies, institutions under contract to the U.S. Government, universities, medical schools, hospitals, commercial, institutions, labor and trade organizations, State agencies, international agencies, foreign governments, other U.S. Government agencies, patients and normal volunteers, physicians, researchers and other collaborating personnel.

Systems exempted from certain provisions of the act: None.

09-25-0135

System name: Grants: PROPHET System Applicants Research Prospectuses. HHS/NIH/DRR.

Security classification: None.

System location:

Bldg. 31, Rm. 6A06, NIH
9000 Rockville Pike
Bethesda, MD 20205

Write to System Manager at the address below for the address of the Federal Records Center where records may be stored.

Categories of individuals covered by the system: Applicants for access to the facilities and services of the PROPHET System, a unique national computer resource for the study of chemical/biological interrelationships.

Categories of records in the system: (a) descriptions of the research objectives of the applicant individuals or groups and their plans for use of the PROPHET system in support of their research; (b) biographical sketches of all key individuals associated with the prospectuses; (c) evaluation documents; (d) related correspondence

Authority for maintenance of the system: 42 U.S.C. 241(a)

Purpose(s):

The system is used exclusively in support of the Chemical/Biological Information-Handling (CBIH) program management--i.e., technical merit review of prospectuses, allocation of PROPHET services, analysis and evaluation of ongoing activities, and program planning.

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

Disclosure may be made:

1. Of assignments of research investigators and project monitors to specific research projects to the Smithsonian Institution to contribute to the Smithsonian Science Information Exchange, Inc.

2. To the Cognizant Audit Agency for auditing.

3. In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

4. To 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.

5. To qualified experts not within the definition of Department employees as prescribed in Department Regulations for opinions as a part of the application review process.

6. To a Federal agency, in response to its request, in connection with the letting of a contract, or the issuance of a license, grant or other benefit by the requesting agency, to the extent that the record is relevant and necessary to the requesting agency's decision on the matter.

7. A record may be disclosed for a research purpose, when the Department:

(A)has determined that the use or disclosure does not violate legal or policy limitations under which the record was provided, collected, or obtained;

(B)has determined that the research purpose (1) cannot be reasonably accomplished unless the record is provided in individually identifiable form, and (2) warrants the risk to the privacy of the individual that additional exposure of the record might bring;

(C)has required the recipient to (1) establish reasonable administrative, technical, and physical safeguards to prevent unauthorized use or disclosure of the record, (2) remove or destroy the information that identifies the individual at the earlies time at which removal or destruction can be accomplished consistent with the purpose of the research project, unless the recipient has presented adequate justification of a research or health nature for retaining such information, and (3) make no further use or disclosure of the record except (a) in emergency circumstances affecting the health or safety of any individual, (b) for use in another research project, under these same conditions, and with written authorization of the Department, (c) for disclosure to a properly identified person for the purpose of an audit related to the research project, if information that would enable research subjects to be identified is removed or destroyed at the earliest opportunity consistent with the purpose of the audit, or (d) when required by law;

(D)has secured a written statement attesting to the recipient's understanding of, and willingness to abide by these provisions.

8. To a private firm for the purpose of collating, analyzing, aggregating or otherwise refining records in a system. Relevant records will be disclosed to such a contractor. The contractor shall be required to maintain Privacy Act safeguards with respect to such records.

9. To the grantee institution in connection with performance or administration under the terms and conditions of the award.

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

Storage: File folders.

Retrievability: System is indexed by name of principal individual associated with the prospectus and by program identification number.

Safeguards: The records are maintained in cabinets in the office of the Program Director, CBIH. Access is limited to authorized personnel, i.e., system manager and staff, and review committee members.

Retention and disposal: Number of years held at NIH: 2 Disposal methods include burning or shredding paper materials.

System manager(s) and address:

Program Director
Chemical/Biological Information-Handling Program
Division of Research Resources
Bldg. 31, Rm. 6A-04
National Institutes of Health
9000 Rockville Pike
Bethesda, MD 20205

Notification procedure: To determine if a record exists, write to the Program Director, Chemical/Biological Information-Handling Program at address listed above and ask if a file exists with your name in the PROPHET System Research Prospectuses.

The requester must also verify his or her identity by providing either a notarization of the request or a written certification that the requester is who he or she claims to be and understands that the knowing and willful request for acquisition of a record pertaining to an individual under false pretenses is a criminal offense under the Act, subject to a five thousand dollar fine.

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

Contesting record procedures: Write to system manager and reasonably identify the record, specify the information to be contested, and state the corrective action sought and the reasons for the correction.

Record source categories: The information is provided by the individuals themselves and by NIH consultants who assess the scientific and technical merit of the prospectuses.

Systems exempted from certain provisions of the act: None.

09-25-0137

System name: Administration: Medical Library Management Intern Program, HHS/NIH/NLM.

Security classification: None.

System location:

Council on Library Resources
One Dupont Circle, NW
Suite 620
Washington, D.C. 20036

Categories of individuals covered by the system: Persons applying for admission to the Medical Library Management Intern Program.

Categories of records in the system: Qualifications statements based on education, experience, and training; evaluations; correspondence; references; and the panel recommendations.

Authority for maintenance of the system: 42 U.S.C. 276(a)(6); 42 U.S.C. 280b(b)(1).

Purpose(s):

To determine the eligibility and desirability of applicants to the intern program. The applications are reviewed by a panel of experts selected by the contractor.

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

Disclosure may be made to a panel of non-Federal Employees for the purpose of evaluating the applicants.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of the individual.

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her indi-

vidual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

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

Storage: Records are stored in file folders.

Retrievability: By name or code number.

Safeguards: The HHS contractor will comply with the provisions of the Privacy Act and with Department Regulations. Data are kept in secured areas with access limited to authorized personnel.

Retention and disposal: Files of unsuccessful applicants are retained for not more than one year, then destroyed. Those of successful candidates may be maintained for up to three years.

System manager(s) and address:

Project Officer
Medical Library Management Intern Program
Office of Extramural Programs
National Library of Medicine, Federal Building
Building 38A, Room 5S520
8600 Rockville Pike
Bethesda, Md. 20209

Notification procedure: Write to System Manager to determine if a record exists. The requester must also verify his or her identity by providing either a notarization of the request or a written certification that the requester is who he or she claims to be and understands that the knowing and willful request for acquisition of a record pertaining to an individual under false pretenses is a criminal offense under the Act, subject to a five thousand dollar fine.

Record access procedures: Written requests should be made to the System Manager and provide the same information as is required under the Notification Procedures below.

Contesting record procedures: Write to System Manager and specify the record and the part(s) to be contested, and state the corrective action sought and the reasons for the correction.

Record source categories: Applicant and applicant's personal references.

Systems exempted from certain provisions of the act: None.

09-25-0138

System name: Biomedical Research: Studies of Possible Influence on Cognitive and Emotional Development of Children, HHS/NIH/NICHD

Security classification: None.

System location:

National Institute of Child Health and Human Development
Bldg. 31, Room B2B15
9000 Rockville Pike
Bethesda, Maryland 20205

NIH
Bldg. 12
9000 Rockville Pike
Bethesda, Maryland 20205

Categories of individuals covered by the system: Adults and their children who have specifically agreed to participate in studies of the Social and Behavioral Sciences Branch.

Categories of records in the system: Psychological tests, observations and parental responses to questionnaires and interviews regarding various aspects of the child's development.

Authority for maintenance of the system: 42 USC 241, 289d.

Purpose(s):

To determine (1) prenatal and paranatal correlates of later development; (2) possible environmental influences on later development; (3) stability of development; and (4) possible early predictors of later cognitive and emotional difficulties.

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

1. Disclosure may be made to 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.

2. Certain infectious diseases are reported to state governments as required by law.

3. In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, for example in defending against a claim based upon an individual's mental or physical condition and alleged to have arisen because of activities of the Public Health Service in connection with such individual, the Department may disclose such records as it deems desirable or necessary to the Department of Justice or other appropriate Federal agency to enable that agency to present an effective defense, provided that such disclosure is compatible with the purpose for which the records were collected.

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

Storage: File folders, microfiche, computer tapes and discs.

Retrievability: Identifier codes

Safeguards: (1) Authorized Users: Employees who maintain records in this system are instructed to grant regular access to scientists and support staff of the Child and Family Research Branch, NICHD.

(2) Physical Safeguards: All records are kept in locked cabinets.

(3) Procedural Safeguards: Records may be removed from files only at the request of the system manager or other authorized users. For computerized records, access is controlled by the use of security codes known only to authorized users.

Retention and disposal: One year to five years depending on the study. Hard copy shredded; computer tapes and discs erased.

System manager(s) and address:

Chief, Child and Family Research Branch
National Institute of Child Health and Human Development
Bldg. 31, Room B2B15
9000 Rockville Pike
Bethesda, Maryland 20205

Notification procedure: To determine if a file exists, write to system manager and provide the following information:

a. System name as below,
b. Complete name at time of study
c. Home address at time the study was undertaken
d. Date(s) at the time information was provided (if known)
e. Birth date

An individual who requests notification of or access to a medical record shall at the time the request is made designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion.

A parent or guardian who requests notification of or access to a child's/incompetent person's record shall designate a family physician or other health professional (other than a family member) to whom the record, if any, will be sent. The parent or guardian must verify relationship to the child/incompetent person as well as his/her own identity.

The requester must also verify his or her identity by providing either a notarization of the request or a written certification that the requester is who he or she claims to be and understands that the knowing and willful request for acquisition of a record pertaining to an individual under false pretenses is a criminal offense under the Act, subject to a five thousand dollar fine.

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

Contesting record procedures: Write to system manager and reasonably identify the record and specify the information to be contested, and state the corrective action sought and the reasons for the correction.

Record source categories: Information provided by subjects, family, and clinical investigators.

Systems exempted from certain provisions of the act: None.

09-25-0140

System name: International Activities: Scientific Visitors at the National Institutes of Health, HHS/NIH/FIC

Security classification: None.

System location:

Fogarty International Center
Building 16
and
Division of Computer Research and Technology
Building 12

National Institutes of Health
9000 Rockville Pike
Bethesda, Maryland 20205

Ancillary records are located in laboratories where participants are assigned. Write to System Manager at the address below for the address of the Federal Records Center where records are stored.

Categories of individuals covered by the system: Health scientists (mainly foreign but some resident aliens and US citizens) at all levels of their postdoctoral careers who are invited to the National Institutes of Health campus for further training or to conduct research in their biomedical specialties.

Categories of records in the system: History of fellowship, employment and/or stay at NIH; education and references. For payroll purposes, social security numbers are requested of all applicants accepted into the program.

Authority for maintenance of the system: 42 U.S.C. 2421.

Purpose(s):

The program was established to facilitate the exchange of ideas among scientists at all levels of their postdoctoral research careers who spend from one to three years in the laboratories of NIH campus. Invitations are extended by the Directors of the institutes and other PHS agencies (FDA, ADAMHA).

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

1. Information is made available to authorized employees and agents of the US, including the General Accounting Office, for purposes of investigations, inspections and audits, and in appropriate cases, to the Department of Justice for prosecution under civil and criminal laws.

2. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of the individual.

3. In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

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

Storage: Records are stored in file folders and on file cards, magnetic tape and microfilm.

Retrievability: By name and country of citizenship.

Safeguards: (1) Authorized Users. Employees who maintain records in this system are instructed to grant regular access only to FIC program staff. Other one-time and special access by other employees is granted on a need-to-know basis as specifically authorized by the system manager.

(2) Physical Safeguards. The records are maintained in locked file cabinets, and offices are locked during off-duty hours.

(3) Procedural Safeguards. Access to files is strictly controlled by files staff. Records may be removed from files only at the request of the system manager or other authorized employees. For computerized records, access is controlled by the use of security codes known only to authorized users; access codes are changed periodically. The computer system maintains an audit record of all requests for access.

Retention and disposal: Records of successful applicants are retained indefinitely.

System manager(s) and address:

Chief, International Visitors Center
Fogarty International Center
Building 16, Room 202A
National Institutes of Health
9000 Rockville Pike
Bethesda, Maryland 20205

Notification procedure: Requests for notification of or access to records should be addressed to the system manager as listed above. Verification of identity is required.

Record access procedures: Same as notification procedure. Requesters should also reasonably specify the record contents being sought.

Contesting record procedures: Contact the official listed under notification procedure above, and reasonably identify the record, and specify the information to be contested, and state the corrective action sought and the reasons for the correction.

Record source categories: Applicants and persons supplying references.

Systems exempted from certain provisions of the act: None.

09-25-0141

System name: Patient and Donor Records in the Blood Component Support Program for the Division of Cancer Treatment, HHS/NIH/NCI.

Security classification: None.

System location:

Clinical Center
Room 3B-15, Building 10
National Institutes of Health (NIH)
9000 Rockville Pike
Bethesda, MD 20205.

Plateletpheresis Trailer, NIH Reservation
9000 Rockville Pike
Bethesda, MD 20205.

NIH Computer Center
Building 12
9000 Rockville Pike
Bethesda, MD 20205.

UCLA Computer System
University of California, Los Angeles
1000 Veteran Avenue
Los Angeles, CA 90024.

Categories of individuals covered by the system: Patients with cancer and normal volunteers with compatible HL-A blood types.

Categories of records in the system: Blood cell types, donor and patient names, dates of sample collections, hospital numbers (i.e. NIH patient numbers), reaction notes and compatibility evaluation, sera.

Authority for maintenance of the system: Section 301, 401, PHS Act (42 U.S. Code 241, 282).

Purpose(s):

This system provides for serological matching of blood platelets between donor blood and that of cancer patients treated with cytotoxic drugs. These drugs depress normal blood elements, including platelets. Infusion of platelets from normal donors prevents life-threatening hemorrhage.

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

Disclosure may be made to HHS contractors and collaborating researchers and their staffs for uses consistent with the purpose of this system of records. The recipients are required to protect such records from improper disclosure.

Disclosure may be made to 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.

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

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

Storage: File cards, computer tapes.

Retrievability: Donor names are retrieved by HL-A type, which is also listed for each patient. Patient records are retrieved by name or patient identification number.

Safeguards: The identity of subjects participating in a clinical study is known only to those who are involved in conducting the study, and any published findings will be in a format which precludes individual identification.

Data are kept in secured areas with access limited to authorized personnel. Authorized users of the system include the Community Blood and Plasma Service's site manager or designate, the NCI project officer or designate, and principal investigator or designate at the University of California, Los Angeles, in whose laboratory all

HL-A typings are performed and whose laboratory maintains and generates a computer file.

Textual records are in locked containers. For computerized records, where appropriate, access is controlled by the use of security codes known only to authorized personnel; computer terminals are locked; access codes are changed frequently.

Retention and disposal: Records are retained and disposed if in accordance with NIH records controls schedule, items 3000-E-36, 3000-E-50 and 3000-E-51 (HHS Records Management Manual, Appendix B-361). A copy of the records control schedule may be obtained by writing to the system manager at the address below.

System manager(s) and address:

Head, Experimental Hematology Section Pediatric Oncology Branch,
Division of Cancer Treatment
National Cancer Institute, NIH
Room 3B-15, Building 10
9000 Rockville Pike
Bethesda, MD 20205.

Notification procedure: To determine if a record exists write to system manager and provide following information:

a. System Name: Blood Component Support Program for the DCT, NCI.
b. Complete name at time of study/donation.
c. Facility and home address at time the study was undertaken.
d. Date(s) at the time the information was provided.
e. Birthdate.
f. Disease type (if applicable).

(1) Non-medical Records: Write to the System Manager and provide identity verification consisting of either a notarization of the request or a certification that the individual is who he or she claims to be, and understands that the knowing and willful request for acquisition of a record pertaining to the individual under false pretenses is a criminal offense under the Act, subject to a five thousand dollar fine.

(2) Medical Records: In addition to the information requested above, individuals seeking notification of or access to medical records should designate a representative (including address) who may be a physician, other health professional, or other responsible individual who would be willing to review the record and inform the subject individual of its contents, at therepresentative's discretion.

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

Contesting record procedures: Write to the system manager at the address below, specify the information being contested, and state the corrective action sought and the reasons for the correction.

Record source categories: HHS agencies, institutions under contract to the U.S. Government, universities, medical schools, hospitals, research institutions, commercial institutions, state agencies, other U.S. Government agencies, patients and blood donors, physicians, research investigators and other collaborating personnel.

Systems exempted from certain provisions of the act: None.

09-25-0142

System name: Clinical Research: Records of Subjects in Intramural Research, Epidemiology, Demography and Biometry Studies on Aging, HHS/NIH/NIA.

Security classification: None.

System location: Records included in this system will be located in hospitals and clinics, research centers and research foundations, and in facilities of the National Institute on Aging (NIA) in Bethesda, MD. They may be stored at Federal Records Centers. A list of locations is available upon request from the System Manager.

Categories of individuals covered by the system: Participants in these studies will include: (1) individuals whose physical, genetic, social, psychological, cultural, economic, environmental, behavioral, pharmacological, or nutritional conditions or habits are studied in relationship to the normal aging process and/or diseases and other normal or abnormal physical or psychological conditions of the aged, and (2) normal volunteers who are participants in such studies.

Categories of records in the system: This system will consist of a variety of health, demographic, and statistical information resulting from or contained in research findings, medical histories, vital statistics, personal interviews, questionnaires, or direct observations. The system will also include records of current addresses of study participants, fingerprints, and correspondence from or about participants in the studies. When supplied on a voluntary basis, Social Security numbers will also be included.

Authority for maintenance of the system: Authority is provided by Sections 301, Research Contracting, and 463-4, Research on Aging Act of 1974, of the Public Health Service Act (42 U.S.C. Sections 241g, 289k-4, k-5).

Purpose(s):

The National Institute on Aging will use the data collected

1. in research projects on (a) the health status of individuals and changes in health status over time, (b) the incidence and prevalence of certain diseases and problems of the aged in certain populations, and (c) the changes that take place as individuals age;

2. and for program planning and evaluation.

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

1. Records may be disclosed to HHS contractors, collaborating researchers and their staffs in order to accomplish the basic research purpose of this system. The recipients will be required to maintain Privacy Act safeguards with respect to such records.

2. Data may be disclosed to organizations deemed qualified by the Secretary to carry out quality assessment, medical audits or utilization review.

3. A record may be disclosed for a research purpose, when the Department:

(A) has determined that the use or disclosure does not violate legal or policy limitations under which the record was provided, collected, or obtained;

(B) has determined that the research purpose (1) cannot be reasonably accomplished unless the record is provided in individually identifiable form, and (2) warrants the risk to the privacy of the individual that additional exposure of the record might bring;

(C) has required the recipient to (1) establish reasonable administrative, technical, and physical safeguards to prevent unauthorized use or disclosure of the record, (2) remove or destroy the information that identifies the individual at the earlies time at which removal or destruction can be accomplished consistent with the purpose of the research project, unless the recipient has presented adequate justification of a research or health nature for retaining such information, and (3) make no further use or disclosure of the record except (a) in emergency circumstances affecting the health or safety of any individual, (b) for use in another research project, under these same conditions, and with written authorization of the Department, (c) for disclosure to a properly identified person for the purpose of an audit related to the research project, if information that would enable research subjects to be identified is removed or destroyed at the earliest opportunity consistent with the purpose of the audit, or (d) when required by law;

(D) has secured a written statement attesting to the recipient's understanding of, and willingness to abide by these provisions.

4. In the event the Department deems it desirable or necessary, in determining whether particular records are required to be disclosed under the Freedom of Information Act, disclosure may be made to the Department of Justice for the purpose of obtaining its advice.

5. In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided that such disclosure is compatible with the purpose for which the records were collected.

6. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of the individual.

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

Storage: Data may be stored in file folders, magnetic tapes or discs, punched cards, or bound notebooks. Stored data may include textual, photographic, X-ray, or other material.

Retrievability: Information will be retrieved by personal identifiers such as name, code number and/or Social Security number, when this is supplied on a voluntary basis.

Safeguards: Measures to prevent unauthorized disclosures are implemented as appropriate for each location and for the particular records maintained in each project. Each site implements personnel, physical and procedural safeguards such as the following:

(1)Authorized Users: Access will be limited to principal investigators, collaborating researchers and necessary support staff.

(2)Physical Safeguards: Hard copy data will be maintained in locked file cabinets. Information stored in computer systems will be accessible only through proper sequencing of signal commands and access codes specifically assigned to the Project Officer or contractor.

(3)Procedural Safeguards: Access to the information will be controlled directly by the Project Officer or his or her representative at remote locations, and by the system manager at NIA locations. Contractors and collaborating researchers will be notified that they are subject to the provisions of the Privacy Act, and will be required to make formal agreements to comply with these provisions.The particular safeguards implemented in each project are developed in accordance with chapter 45-13 and supplementing chapter PHS hf 45-13 of the HHS General Administration Manual and part 6, ADP Systems Security, of the HHS ADP Systems Manual, and the National Bureau of Standards Federal Information Processing Standards (FIPS Pub. 41 and FIPS Pub. 31).

Retention and disposal: Records at contractor facilities will be retained and disposed of under the specific terms established in each contract. Records at NIA facilities will be retained and disposed of under the authority of the NIH Records Control Schedule (HHS Records Management Manual, Appendix B-361, item 3000-G-3). Write to system manager for a copy of the authorized disposition.

System manager(s) and address:

Privacy Act Coordinator
National Institute on Aging
Building 31, NIH
9000 Rockville Pike
Bethesda, MD 20205

Notification procedure: To determine if a record exists, write to the System Manager at the address below and provide the following information in writing:

1. Full name at time of participation in the study,
2. Date of birth,
3. Home address at the time of study,
4. The facility where the examination was given or where information was collected,
5. Approximate date or dates of participation,
6. Name of study, if known,
7. Current name, address and telephone number.

The requester must also verify his or her identity by providing either a notarization of the request or a written certification that the requester is who he or she claims to be and understands that the knowing and willful request for acquisition of a record pertaining to an individual under false pretenses is a criminal offense under the Act, subject to a five thousand dollar fine.

An individual who requests notification of or access to a medical or dental record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's description.

Record access procedures: Contact the system manager at the above address and provide the same information as outlined under the notification procedures. Requesters should also reasonably specify the record contents being sought.

Contesting record procedures: Contact the System Manager at the address below. The contestor must reasonably identify the record, specify in writing the information being contested, and state the corrective action sought and the reasons for the correctionand the reasons for the correction.

Record source categories: Information will be obtained directly from individual participants and from medical and clinical research observations, or indirectly from existing source documents such as disease registries.

Systems exempted from certain provisions of the act: None.

09-25-0143

System name: Biomedical Research: Records of Subjects in Clinical, Epidemiologic and Biometric Studies of the National Institute of Allergy and Infectious Diseases, HHS/NIH/NIAID.

Security classification: None

System location: At National Institutes of Health facilities in Bethesda, Maryland, and at hospitals, medical schools, universities, research institutions, commercial organizations, state agencies, and collaborating Federal agencies. Inactive records may be retired to Federal Records Centers. A list of locations is available upon request from the System Manager.

Categories of individuals covered by the system: Patients with infectious diseases, immunologic diseases involving adverse reactions of the body (e.g. allergic reactions) and related diseases, normal healthy volunteers who serve as controls for comparison with patients, relatives of patients and other individuals whose characteristics or conditions are being studied for possible connections with the occurrence of the diseases under investigation.

Categories of records in the system: This system consists of a variety of clinical, medical, and epidemiological information resulting from or contained in direct observations, medical records and other histories, vital statistics reports, records on biological specimens (e.g., blood, urine, etc.), personal interviews, questionnaires, progress reports, correspondence or research findings.

Authority for maintenance of the system: Sections 301, Research and Investigation, and 431, Establishment of Institutes, of the Public Health Service Act (42 U.S.C 241, 289a).

Purpose(s):

This system will be used to support

1. Epidemiologic, clinical and biometric investigations into the causes, nature (morbidity and mortality), outcome, therapy and cost of infectious, immunologic and related diseases;

2. Review and evaluation of the progress of these research projects, and identification of and planning for improvements or for additional research.

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

1. Disclosure may be made to HHS contractors, grantees and collaborating researchers and their staff in order to accomplish the research purpose for which the records are collected. The recipients are required to protect such records from improper disclosure.

2. Disclosure may be made to organizations deemed qualified by the Secretary to carry out quality assessments, medical audits or utilization review.

3. A record may be disclosed for a research purpose, when the Department:

(A) has determined that the use or disclosure does not violate legal or policy limitations under which the record was provided, collected, or obtained;

(B) has determined that the research purpose (1) cannot be reasonably accomplished unless the record is provided in individually identifiable form, and (2) warrants the risk to the privacy of the individual that additional exposure of the record might bring;

(C) has required the recipient to (1) establish reasonable administrative, technical, and physical safeguards to prevent unauthorized use or disclosure of the record, (2) remove or destroy the information that identifies the individual at the earliest time at which removal or destruction can be accomplished consistent with the purpose of the research project, unless the recipient has presented adequate justification of a research or health nature for retaining such information, and (3) make no further use or disclosure of the record except (a) in emergency circumstances affecting the health or safety of any individual, (b) for use in another research project, under these same conditions, and with written authorization of the Department, (c) for disclosure to a properly identified person for the purpose of an audit related to the research project, if information that would enable research subjects to be identified is removed or destroyed at the earliest opportunity consistent with the purpose of the audit, or (d) when required by law;

(D) has secured a written statement attesting to the recipient's understanding of, and willingness to abide by these provisions.

4. In the event the Department deems it desirable or necessary, in determining whether particular records are required to be disclosed under the Freedom of Information Act, disclosures may be made to the Department of Justice for the purpose of obtaining its advice.

5. The Department contemplates that it may contract with one or more private firms for the purpose of collating, analyzing, aggregating or otherwise refining records in this system. Relevant records will be disclosed to such a contractor. The contractor will be required to maintain Privacy Act safeguards with respect to such records.

6. In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, for example in defending against a claim based upon an individual's mental or physical condition and alleged to have arisen because of activities of the Public Health Service in connec-

tion with such individual, the Department may disclose such records as it deems desirable or necessary to the Department of Justice or other appropriate Federal agency to enable that agency to present an effective defense, provided that such disclosure is compatible with the purpose for which the records were collected.

7. Disclosure may be made to 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.

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

Storage: Data may be stored in file folders, computer-accessible forms (e.g. tapes or discs), punched cards, bound notebooks, microfilm, charts, graphs, and X-rays.

Retrievability: Information is retrieved by name and/or participant identification number.

Safeguards: Access to or disclosure of information is limited to collaborating researchers, contractors and NIAID employees who are involved in the conduct, support or review and evaluation of the research activities supported by this system. Contractors and collaborating researchers are required to comply with the provisions of the Privacy Act and with Department regulations.

Data are kept in secured areas (e.g. rooms which are locked when not in regular use, buildings with controlled access). Data stored in computer-accessible form is accessed through the use of key words known only to principal investigators or authorized personnel; all other information is stored in locked files.

These and other appropriate safeguards are implemented in each project in accordance with chapter 45-13 of the HHS General Administration Manual, supplementary chapter PHS hf. 45-13, and part 6, Systems Security, of the HHS ADP Systems Manual.

Retention and disposal: Records at contractor facilities are retained and destroyed according to the terms of the contract. Records at NIAID facilities are retained and destroyed in accordance with the authority provided in the NIH Records Control Schedule (HHS Records Management Manual, Appendix B-361), item 3000-G-3, which allows the records to be kept until the system manager determines that the data has no further value for scientific research. Disposal methods include burning or shredding hard copy and erasing computer tapes and discs.

System manager(s) and address:

Chief, Epidemiology and Biometry Section
National Institute of Allergy and Infectious Diseases
Westwood Building, Room 739
Bethesda, Maryland 20205

Notification procedure: To determine if a record exists, write to

NIAID Privacy Act Coordinator
Room 705, Westwood Building
5333 Westbard Avenue
Bethesda, MD 20205

and provide the following information:

1. System name,
2. Complete name and home address at the time of the study,
3. Birthdate,
4. Facility conducting study,
5. Disease type (if known),
6. Approximate dates of enrollment in the research study.

The requester must also verify his or her identity by providing either a notarization of the request or a written certification that the requester is who he or she claims to be and understands that the knowing and willful request for acquisition of a record pertaining to an individual under false pretenses is a criminal offense under the Act, subject to 5,000 dollar fine.

An individual who requests notification of or access to a medical record shall, at the time the request is made, designate in writing, a responsible representative, who may be a physician, other health professional, or other responsible individual, who will be willing to review the record and inform the subject individual of its contents at the representative's discretion.

A parent or guardian who requests notification of, or access to, a child's or incompetent person's medical record shall designate a family physician or other health professional (other than a family member) to whom the record, if any, will be sent. The parent or guardian must verify relationship to the child or incompetent person as well as his or her own identity.

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

Contesting record procedures: Write to the system manager and reasonably identify the record, specify the information being contested and state the corrective action sought and the reasons for the correction.

Record source categories: Information contained in these records is obtained directly from individual participants, from physicians, research investigators and other collaborating persons and from medical records and clinical research observations at hospitals, HHS agencies, universities, medical schools, research institutions, commercial institutions, state agencies, collaborating Federal agencies.

Systems exempted from certain provisions of the act: None.

09-25-0147

System Name: Records of Participants in Programs and Respondents in Surveys Used to Evaluate Programs of the National Heart, Lung and Blood Institute, HHS/NIH/NHLBI.

Security Classification: None

System Location: Records in this system are located in National Institutes of Health (NIH) facilities in Bethesda, Maryland, or in facilities of contractors of the National Heart, Lung and Blood Institute (NHLBI). Inactive records may be retired to Federal Records Centers. The address of the NIH office responsible for records in this system is that of the System Manager listed below. The addresses of current locations at contractor sites and Federal Records Centers may be obtained by writing to the System Manager.

Categories of Individuals Covered by the System: Individuals covered by the system may include (1) patients of NHLBI or in NHLBI-sponsored programs, (2) participants in research studies supported by NHLBI, (3) recipients of grants, fellowships, traineeships or other awards from NHBI, (4) employees and consultants, (5) persons, such as researchers, health care professionals or patients, who use, receive or are aware of NHLBI programs and services, and (6) members of health professions or of the general public who provide opinions or suggestions for evaluating NHLBI programs and services.

Categories of Records in the System: This system consists of different sets of records used in evaluating different programs of the Institute. The type of data in any set of records depends on the scope of the particular evaluation study. As appropriate to the particular study, the data consists of two general types of information: (1) information identifying subject individuals, and (2) information which enables the institute to evaluate its programs and services.

(1) Identifying information usually consists of a name and address, but it might also include a patient identification number, grant number, Social Security Number, or other identifying number as appropriate to the particular group included in an evaluation study.

(2) Evaluative information varies according to the program which is being evaluated by a given study. Categories of evaluative information include personal and medical data on participants in clinical and research programs; publications, professional achievements and career history of employees, consultants and recipients of awards; and opinions and other information received directly from individuals in surveys and studies of NIH programs.

Authority for Maintenance of the System: Authority for this system comes from the basic legislation which defines the mission of the National Heart, Lung and Blood Institute (42 U.S.C. 229b, 241, 242*l*, 287 to 287i, 289*l*-1 to 289*l*-4).

Purpose of the System: This system supports evaluation of the methods, materials, activities and sevices used by NIH in fulfilling its legislated mandate to conduct and support biomedical research into the causes, prevention and cure of diseases, to support training of research investigators, and to support communication of biomedical information.

Routine **Uses of Records Maintained in the System, Including Categories of Users and the Purposes of Such Uses:**

1. Disclosure may be made to HHS contractors and collaborating researchers, organizations, and state and local officials for the purpose of improving the effectiveness of NIH programs. The recipients will be required to protect the confidentiality of such records.

2. The Department contemplates that it may contract with one or more private firms for the purpose of collating, analyzing, aggregating or otherwise refining records in this system. Relevant records will be disclosed to such a contractor. The contractor will be required to maintain Privacy Act safeguards with respect to such records.

3. Disclosure may be made to organizations deemed qualified by the Secretary to carry out quality assessments, medical audits or utilization review.

4. In the event the Department deems it desirable or necessary, in determining whether particular records are required to be disclosed under the Freedom of Information Act, disclosures may be made to the Department of Justice for the purpose of obtaining its advice.

5. Disclosure may be made to 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.

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

Storage: Data may be stored in file folders, bound notebooks, or computer-accessible forms (e.g. tapes, discs or punched cards).

Retrievability: Records are retrieved by name or identification number. However, sets of records are maintained separately for each evaluation study. There is no filing or retrieval system or list which covers all the sets of records in this system. Retrieval capability is limited to the particular evaluation study in which the records are used.

Safeguards: A variety of safeguards is implemented for the various sets of records included under this system according to the sensitivity of the data they contain. Information already in the public domain, such as titles and dates of publications, is not restricted. However, sensitive information such as personal or medical history or individually identified opinions, is protected according to the level of sensitivity of the data. Minimal safeguards for the protection of information which is not available to the general public include:

(1) *Authorized Users:* Regular access to information is limited to NIH or to contractor employees and collaborating researchers who are conducting, reviewing or contributing to the evaluation study. Other special access is granted only on a case-by-case basis, consistent with the restrictions required by the Privacy Act (e.g., when disclosure is required by the Freedom of Information Act), as authorized by the System Manager or designated responsible official.

(2) *Physical Safeguards:* Records are stored in closed or locked containers, in areas which are not accessible to unauthorized users, and in facilities which are locked when not in use.

(3) *Procedural Safeguards:* Access to records is controlled by responsible employees and is granted only to authorized individuals whose identities are properly verified. Data stored in computers is accessed only through the use of key words known only to authorized personnel.

In addition, sensitive records are kept in locked metal filing cabinets or in a secured room or closed containers at all times when not in use; sensitive records are not left exposed to unauthorized persons at any time.

These practices are in compliance with the standards of chapter 45-13 of the HHS General Administration Manual, supplementary chapter PHS hf: 45-13, and Part 6, Systems Security, of the HHS ADP Systems Manual.

Retention and Disposal: While reports, statistical compilations and final recommendations derived from the evaluation studies are permanent records which will be offered to the National Archives when 22 years old, individually identified records are kept for five years and then destroyed under the authority of the NIH Records Control Schedule (HHS Records Management Manual, Appendix B-361), item 1100-C-12. Disposal methods include burning or shredding hard copy and erasing computer tapes and discs.

System Manager and Address:

Director, Office of Program Planning and Evaluation, Building 31, Room 5A03, National Heart, Lung and Blood Institute (NHLBI), Bethesda, Maryland 20205.

Notification Procedure: To determine if a record exists, write to: NHLBI Privacy Act Coordinator, Building 31, Room 5A29, National Institutes of Health, Bethesda, MD 20016.

Requesters must provide the following information:

1. Full name.

2. Name and location of the evaluation study or other NHLBI program in which the requester participated.

3. Approximate dates of participation.

The requester must also verify his or her identity by providing either a notarization of the request or a written certification that the requester is who he or she claims to be and understands that the knowing and willful request for acquisition of a record pertaining to an individual under false pretenses is a criminal offense under the Act, subject to a 5,000 dollar fine.

An individual who requests notification of or access to a medical record shall, at the time the request is made, designate in writing, a responsbile representative, who may be a physician, other health professional, or other responsible individual, who will be willing to review the record and inform the subject individual of its contents at the representative's discretion.

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

Contesting record procedures: Write to the System Manager and reasonably identify the record, specify the information being contested and state the corrective action sought and the reasons for the correction.

Record source categories: Information contained in these records is obtained directly from individual participants, from other records maintained by the operating programs of NHLBI, its contractors, grantees or collaborating researchers, or from publicly available sources such as bibliographies.

Systems exempted from certain provisions of the Act: None.

09-25-0148

System name: Contracted and Contract-Related Research: Records of Subjects in Clinical, Epidemiological and Biomedical Studies of the National Insitute of Neurological and Communicative Disorders and Stroke, HHS/NIH/NINCDS.

Security classification: None.

System location: At National Institutes of Health facilities in Bethesda, Maryland, and at hospitals, medical schools, universities, research institutions, commercial organizations, state agencies, and collaborating Federal agencies. Inactive records may be retired to Federal Records Centers. A list of locations is available upon request from the respective System Managers of the subsystems included in this notice.

Categories of individuals covered by the system: Patients with neurological diseases, communicative disorders, stroke, and related diseases; normal, healthy volunteers who serve as controls for comparison with patients; relatives of patients; and other individuals whose characteristics or conditions are suited for possible connections with the occurrence of the diseases under investigations. Subject individuals include both adults and children.

Categories of records in the system: This system consists of a variety of clinical, biomedical, and epidemiological information resulting from or contained in direct observations, medical records and other histories, vital statistics reports, records on biological specimens (e.g., blood, urine, etc.), personal interviews, questionnaires, progress reports, correspondence, or research findings.

Authority for maintenance of the system: Sections 241, Research and Investigation, and 289a, Establishment of Institutes, of the Public Health Service Act (42 U.S.C. 301, 431).

Purpose of the system: This system will be used to support

(1) contracted and contract-related epidemiological, clinical and biometric investigations into the causes, nature, outcome, therapy, prevention and cost of neurologocal and communicative disorders and stroke;

(2) review and evaluation of the progress of these research projects, and identification and planning for improvements or for additional research.

Routine Uses of Records Maintained in the System, Including Categories of Users and the Purposes of Such Uses:

1. Disclosure may be made to HHS contractors, grantees and collaborating researchers and their staff in order to accomplish the research purpose for which the records are collected. The recipients are required to protect such records from improper disclosure.

2. Disclosure may be made to organizations deemed qualified by the Secretary to carry out quality assessments, medical audits or utilization review.

3. A record may be disclosed for a research purpose, when the Department:

(A) has determined that the use or disclosure does not violate legal or policy limitations under which the record was provided, collected, or obtained;

(B) has determined that the research purpose (1) cannot be reasonably accomplished unless the record is provided in individually identifiable form, and (2) warrants the risk to the privacy of the individual that additional exposure of the record might bring;

(C) has required the recipient to (1) establish reasonable administrative, technical, and physical safeguards to prevent unauthorized use or disclosure of the record, (2) remove or destroy the information that identifies the individual at the earliest time at which removal or destruction can be accomplished consistent with the purpose of the research project, unless the recipient has presented adequate justification of a research or health nature for retaining such information, and (3) make no further use or disclosure of the record except (a) in emergency circumstances affecting the health or safety of any individual, (b) for use in another research project, under these same conditions, and with written authorization of the Department, (c) for disclosure to a properly identified person for the purpose of an audit related to the research project, if information that would enable

research subjects to be identifed is removed or destroyed at the earliest opportunity consistent with the purpose of the audit, or (d) when required by law;

(D) has secured a written statement attesting to the recipient's understanding of, and willingness to abide by these provisions.

4. In the event the Department deems it desirable or necessary, in determining whether particular records are required to be disclosed under the Freedom of Information Act, disclosures may be made to the Department of Justice for the purpose of obtaining its advice.

5. The Department contemplates that it may contract with a private firm for the purpose of collating, analyzing, aggregating or otherwise refining records in this system. Relevant records will be disclosed to such a contractor. The contractor will be required to maintain Privacy Act safeguards with respect to such records.

6. In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, for example in defending against a claim based upon an individual's mental or physical condition and alleged to have arisen because of activities of the Public Health Service in connection with such individual, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided that such disclosure is compatible with the purpose for which the records were collected.

7. Disclosure may be made to 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.

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

Storage: Data may be stored in file folders, computer-accessible forms (e.g. tapes or discs), punched cards, bound notebooks, microfilm, charts, graphs and X-rays.

Retrievability: Information is retrieved by name and/or patient identification number.

Safeguards: Access to or disclosure of information is limited to collaborating researchers, contractors and employees, and other authorized biomedical researchers who are involved in the conduct, support or review and evaluation of the research activities supported by this system. Contractors and collaborating or other researchers are required to comply with the provisions of the Privacy Act and with HHS Privacy Act regulations.

Data are kept in secured areas (e.g. rooms which are locked when not in regular use, buildings with controlled access). Data stored in computer-accessible form is accessed through the use of key words known only to principal investigators or authorized personnel; all other information is stored in locked files.

These and other appropriate safeguards are implemented in each project in accordance with chapter 45–13 of the HHS General Administration Manual, supplementary chapter PHS hf. 45–13, and Part 6, Systems Security, of the HHS ADP Systems Manual.

Retention and disposal: Records at contractor facilities are retained and destroyed as specified in individual contracts. Records at NIH facilities are retained and destroyed in accordance with the NIH Records Control Schedule (HHS Records Management Manual, Appendix B–361), item 3000–G–3, which allows the records to be kept until the system manager determines that the data has no further value for scientific research. Disposal methods include burning or shredding hard copy and erasing computer tapes and discs.

System Managers and Addresses: NINCDS research activities are divided, functionally and administratively, into five programs and one office. In effect, there are six subsystems within this single umbrella system. System Managers have been designated for each subsystem as follows:

Chief, Office of Biometry and Field Studies, Federal Building, Room 7A12, 7550 Wisconsin Avenue, Bethesda, MD 20205.

Director, Communicative Disorders Program, Federal Building, Room 1C11, 7550 Wisconsin Avenue, Bethesda, MD 20205.

Director, Fundamental Neurosciences Program, Federal Building, Room 916, 7550 Wisconsin Avenue, Bethesda, MD 20205.

Director, Neurological Disorders Program, Federal Building, Room 716, 7550 Wisconsin Avenue, Bethesda, MD 20205.

Director, Stroke and Trauma Program, Federal Building, Room 8A08, 7550 Wisconsin Avenue, Bethesda, MD 20205.

Director, Intramural Research Program, NIH Building 36, Room 5A05, 9000 Rockville Pike, Bethesda, MD 20205.

Notification procedure: To determine if a record exists, write to: NINCDS Privacy Act Coordinator, Federal Building, Room 816, 7550 Wisconsin Avenue, Bethesda, MD 20205, and provide the following information:

1. system name,
2. complete name and home address at the time of the study,
3. birthdate,
4. facility conducting the study,
5. disease type (if known),
6. approximate dates of enrollment in the research study.

The requester must also verify his or her identity by providng either a notarization of the request or a written certification that the requester is who he or she claims to be and understands that the knowing and willful request for acquisition of a record pertaining to an individual under false pretenses is a criminal offense under the Act, subject to a 5,000 dollar fine.

Individuals seeking notification of or access to medical records should designate a representative (including address) who may be a physician, other health professional, or other responsible individual, who would be willing to review the record and inform the subject individual of its contents, at the representative's discretion.

A parent or guardian who requests notification of, or access to, a child's or incompetent person's medical record shall designate a family physician or other health professional (other than a family member) to whom the record, if any, will be sent. The parent or guardian must verify relationship to the child or incompetent person as well as his or her own identity.

Record access procedure: Same as notifications procedures. Requesters should also reasonably specify the record contents being sought.

Contesting record procedure: Write to the system manager and reasonably identify the record, specify the information being contested and state the corrective action sought and the reasons for the correction.

Record source categories: Information in these records is obtained directly from individual participants, and from physicians, research investigators and other collaborating persons, and from medical records and clinical research observations at hospitals, HHS agencies, universities, medical schools, research institutions, commercial institutions, state agencies, and collaborating Federal agencies.

Systems exempted from certain provisions of the Act: None.

09–25–0149

System Name: Records of Participants in Programs and Respondents in Surveys Used to Evaluate Programs of the National Institute of General Medical Sciences, HHS/NIH/NIGMS.

Security Classification: None.

System Location: Records in this system are located in National Institutes of Health (NIH) facilities in Bethesda, Maryland, or in facilities of contractors of the National Institute of General Medical Sciences (NIGMS). Inactive records may be retired to Federal Records Centers. The address of the NIH office responsible for records in this system is that of the System Manager listed below. The addresses of current locations at contractor sites and Federal Records Centers may be obtained by writing to the System Manager.

Categories of Individuals Covered by the System: Individuals covered by the system may include (1) patients of NIGMS or in NIGMS-sponsored programs, (2) participants in research studies supported by NIGMS, (3) recipients of grants, fellowships, traineeships or other awards from NIGMS, (4) employees and consultants, (5) persons, such as researchers, health care professionals or patients, who use, receive or are aware of NIGMS programs and services, and (6) members of health professions or of the general public who provide opinions or suggestions for evaluating NIGMS programs and services.

Categories of Records in the System: This system consists of different sets of records used in evaluating different programs of the Institute. the type of data in any set of records depends on the scope of the particular evaluation study. As appropriate to the particular study, the data consists of two general types of information: (1) information identifying subject individuals, and (2) information which enables the institute to evaluate its programs and services.

(1) Identifying information usually consists of a name and address, but it might also include a patient indentification number, grant number, Social Security Number, or other identifying number as appropriate to the particular group included in an evaluation study.

(2) Evaluative information varies according to the program which is being evaluated by a given study. Categories of evaluative information include personal and medical data on participants in clinical and

research programs; publications, professional achievements and career history of employees, consultants and recipients of awards; and opinions and other information recieved directly from individuals in surveys and studies of NIH programs.

Authority for Maintenance of the System: Authority for this system comes from the basic legislation which defines the mission of the National Institute of General Medical Sciences (42 U.S.C. 229b, 241, 242*l*, 289e, 289g, 289*l*-1 to 289*l*-4, 300b-1, 300d-21).

Purpose of the System: This system supports evaluation of the methods, materials, activities and services used by NIH in fulfilling its legislated mandate to conduct and support biomedical research into the causes, prevention and cure of diseases, to support training of research investigators, and to support communication of biomedical information.

Routine Uses of Records Maintained in the System, Including Categories of Users and the Purposes of Such Uses:

1. Disclosure may be made to HHS contractors and collaborating researchers, organizations, and state and local officials for the purpose of improving the effectiveness of NIH programs. The recipients will be required to protect the confidentiality of these records.

2. The Department contemplates that it may contract with one or more private firms for the purpose of collating, analyzing, aggregating or otherwise refining records in this system. Relevant records will be disclosed to such a contractor. The contractor will be required to maintain Privacy Act safeguards with respect to such records.

3. Disclosure may be made to organizations deemed qualified by the Secretary to carry out quality assessments, medical audits or utilization review.

4. In the event the Department deems it desirable or necessary, in determining whether particular records are required to be disclosed under the Freedom of Information Act, disclosures may be made to the Department of Justice for the purpose of obtaining its advice.

5. Disclosure may be made to 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.

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

Storage: Data may be stored in file folders, bound notebooks, or computer-accessible forms (e.g. tapes, discs or punched cards).

Retrievability: Records are retrieved by name or identification number. However, sets of records are maintained separately for each evaluation study. There is no filing or retrieval system or list which covers all the sets of records in this system. Retrieval capability is limited to the particular evaluation study in which the records are used.

Safeguards: A variety of safeguards is implemented for the various sets of records included under this system according to the sensitivity of the data they contain. Information already in the public domain, such as titles and dates of publications, is not restricted. However, sensitive information such as personal or medical history or individually identified opinions, is protected according to the level of sensitivity of the data.

Minimal safeguards for the protection of information which is not available to the general public include:

(1) *Authorized Users:* Regular access to information is limited to NIH or to contractor employees and collaborating researchers who are conducting, reviewing or contributing to the evaluation study. Other special access is granted only on a case-by-case basis, consistent with the restrictions required by the Privacy Act (e.g., when disclosure is required by the Freedom of Information Act), as authorized by the System Manager or designated responsible official.

(2) *Physical Safeguards:* Records are stored in closed or locked containers, in areas which are not accessible to unauthorized users, and in facilities which are locked when not in use.

(2) *Procedural Safeguards:* Access to records is controlled by responsible employees and is granted only to authorized individuals whose identities are properly verified. Data stored in computers is accessed only through the use of key words known only to authorized personnel.

In addition, sensitive records are kept in locked metal filing cabinets or in a secured room or closed containers at all times when not in use; sensitive records are not left exposed to unauthorized persons at any time.

These practices are in compliance with the standards of chapter 45-13 of the HHS General Administration Manual, supplementary chapter PHS hf: 45-13, and Part 6, Systems Security, of the HHS ADP Systems Manual.

Retention and Disposal: While reports, statistical compilations and final recommendations derived from the evaluation studies are permanent records which will be offered to the National Archives when 22 years old, individually identified records are kept for five years and then destroyed under the authority of the NIH Records Control Schedule (HHS Records Management Manual, Appendix B-361), Item 1100-C-12. Disposal methods include burning or shredding hard copy and erasing computer tapes and discs.

System Manager and Address:

Chief, Office of Program Analysis, National Institute of General Medical Sciences (NIGMS); Westwood Building 9A18, Bethesda, MD 20016.

Health Science Administrator, Cellular and Molecular Basis of Disease Program, National Institute of General Medical Sciences (NIGMS), Westwood Building, Room 907, Bethesda, Maryland 20205.

Notification Procedure: To determine if a record exists, write to: NIGMS Privacy Act Coordinator, Westwood Building, Room 9A10, National Institutes of Health, Bethesda, MD 20016.

Requesters must provide the following information:

1. Full name.

2. Name and location of the evaluation study or other NIGMS program in which the requester participated.

3. Approximate dates of participation.

The requester must also verify his or her identity by providing either a notarization of the request or a written certification that the requester is who he or she claims to be and understands that the knowing and willful request for acquisition of a record pertaining to an individual under false pretenses is a criminal offense under the Act, subject to a 5,000 dollar fine.

An individual who requests notification of or access to a medical record shall, at the time the request is made, designate in writing, a responsible representative, who may be a physician, other health professional, or other responsible individual, who will be willing to review the record and inform the subject individual of its contents at the representative's discretion.

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

Contesting record procedures: Write to the System Manager and reasonably identify the record, specify the information being contested and state the corrective action sought and the reasons for the correction.

Record source categories: Information contained in these records is obtained directly from individual participants, from other records maintained by the operating programs of NIGMS, its contractors, grantees or collaborating researchers, or from publicly available sources such as bibliographies.

Systems exempted from certain provisions of the Act: None.

09-25-0150

System Name: Records of Participants in Programs and Respondents in Surveys Used to Evaluate Programs of the National Institute of Environmental Health Sciences, HHS/NIH/NIEHS.

Security Classification: None.

System Location: Records in this system are located in National Institutes of Health (NIH) facilities in Research Triangle Park, North Carolina, or in facilities of contractors of the National Institute of Environmental Health Sciences (NIEHS). Inactive records may be retired to Federal Records Centers. The address of the NIH office responsible for records in this system is that of the System Manager listed below. The addresses of current locations at contractor sites and Federal Records Centers may be obtained by writing to the System Manager.

Categories of Individuals Covered by the System: Individuals covered by the system may include (1) patients of NIEHS or in NIEHS-sponsored programs, (2) participants in research studies supported by NIEHS, (3) recipients of grants, fellowships, traineeships or other awards from NIEMS, (4) employees and consultants, (5) persons, such as researchers, health care professionals or patients, who use, receive or are aware of NIEHS programs and services, and (6) members of health professions or of the general public who provide opinions or suggestions evaluating NIEHS programs and services.

Categories of Records in the System: This system consists of different sets of records used in evaluating different programs of the Institute. The type of data in any set of records depends on the scope of the particular evaluation study. As appropriate to the particular study, the data consists of two general types of information: (1) information identifying subject individuals, and (2) information which enables the institute to evaluate its programs and services.

(1) Identifying information usually consists of a name and address, but it might also include a patient identification number, grant

number, Social Security Number, or other identifying number as appropriate to the particular group included in an evaluation study.

(2) Evaluative information varies according to the program which is being evaluated by a given study. Categories of evaluative information include personal and medical data on participants in clinical and research programs; publications, professional achievements and career history of employees, consultants and recipients of awards; and opinions and other information received directly from individuals in surveys and studies of NIH programs.

Authority for Maintenance of the System: Authority for this system comes from the basic legislation which defines the mission of the National Institute of Environmental Health Sciences (42 U.S.C. 229b, 241, 242*l*, 289*l*-1 to 289*l*-4, 15 U.S.C. 793).

Purpose of the System: This system supports evaluation of the methods, materials, activities and services used by NIH in fulfilling its legislated mandate to conduct and support biomedical research into the causes, prevention and cure of diseases, to support training of research investigators, and to support communication of biomedical information.

Routine Uses of Records Maintained in the System, Including Categories of Users and the Purposes of Such Uses:

1. Disclosure may be made to HHS contractors and collaborating researchers, organizations, and state and local officials for the purpose of improving the effectiveness of NIH programs. The recipients will be required to protect the confidentiality of these records.

2. The Department contemplates that it may contract with one or more private firms for the purpose of collating, analyzing, aggregating or otherwise refining records in this system. Relevant records will be disclosed to such a contractor. The contractor will be required to maintain Privacy Act safeguards with respect to such records.

3. Disclosure may be made to organizations deemed qualified by the Secretary to carry out quality assessments, medical audits or utilization review.

4. In the event the Department deems it desirable or necessary, in determining whether particular records are required to be disclosed under the Freedom of Information Act, disclosures may be made to the Department of Justice for the purpose of obtaining its advice.

5. Disclosure may be made to 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.

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

Storage: Data may be stored in file folders, bound notebooks, or computer-accessible forms (e.g. tapes, discs or punched cards).

Retrievability: Records are retrieved by name or identification number. However, sets of records are maintained separately for each evaluation study. There is no filing or retrieval system or list which covers all the sets of records in this system. Retrieval capability is limited to the particular evaluation study in which the records are used.

Safeguard: A variety of safeguards is implemented for the various sets of records included under this system according to the sensitivity of the data they contain. Information already in the public domain, such as titles and dates of publications, is not restricted. However, sensitive information such as personal or medical history or individually identified opinions, is protected according to the level of sensitivity of the data.

Minimal safeguards for the protection of information which is not available to the general public include:

(1) *Authorized Users:* Regular access to information is limited to NIH or to contractor employees and collaborating researchers who are conducting, reviewing or contributing to the evaluation study. Other special access is granted only one a case-by-case basis, consistent with the restrictions required by the Privacy Act (e.g., when disclosure is required by the Freedom of Information Act), as authorized by the System Manager of designated responsible official.

(2) *Physical Safeguards:* Records are stored in closed or locked containers, in areas which are not accessible to unauthorized users, and in facilities which are locked when not in use.

(3) *Procedural Safeguards:* Access to records is controlled by responsible employees and is granted only to authorized individuals whose identities are properly verified. Data stored in computers is accessed only through the use of key words known only to authorized personnel.

In addition, sensitive records are kept in locked metal filing cabinets or in a secured room or closed containers at all times when not in use; sensitive records are not left exposed to unauthorized persons at any time.

These practices are in compliance with the standards of chapter 45-13 of the HHS General Administration Manual, supplementary chapter PHS hf: 45-13, and Part 6, Systems Security, of the HHS ADP Systems Manual.

Retention and Disposal: While reports, statistical compilations and final recommendations derived from the evaluation studies are permanent records which will be offered to the National Archives when 22 years old, individually identified records are kept for five years and then destroyed under the authority of the NIH Records Control Schedule (HHS Records Management Manual, Appendix B-361), item 1100-C-12. Disposal methods include burning or shredding hard copy and erasing computer tapes and discs.

System Manager and Addresse:

Program Analyst, Office of Program Planning and Evaluation, National Institute of Environmental Health Sciences (NIEHS), P.O. Box 12233, Research Triangle Park, N.C. 27709.

Notification Procedure: To determine if a record exists, write to: Program Analyst, Office of Program Planning and Evaluation, National Institute of Environmental Health Sciences (NIEHS), P.O. Box 12233, Research Triangle Park, N.C. 27709.

Requesters must provide the following information:

1. Full name.

2. Name and location of the evaluation study or other NIEHS program in which the requester participated.

3. Approximate dates of participation.

The requester must also verify his or her identity by providing either a notarization of the request or a written certification that the requester is who he or she claims to be and understands that the knowing and willful request for acquisition of a record pertaining to an individual under false pretenses is a criminal offense under the Act, subject to a 5,000 dollar fine.

An individual who requests notification of or access to a medical record shall, at the time the request is made, designate in writing, a responsible representative, who may be a physician, other health professional, or other responsibile individual, who will be willing to review the record and inform the subject individual of its contents at the representative's discretion.

Record access proceduress: Same as notification procedures. Requesters should also reasonably specify the record contents being sought.

Contesting record procedures: Write to the System Manager and reasonably identify the record, specify the information being contested and state the corrective action sought and the reasons for the correction.

Record source categories: Information contained in these records is obtained directly from individual participants, from other records maintained by the operating programs of NIEHS, its contractors, grantess or collaborating researchers, or from policy available sources such as bibliographies.

Systems exempted from certain provisions of the Act: None.

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BILLING CODE 4110-08-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control

Privacy Act of 1974; Annual Publication of System of Records

AGENCY: Department of Health and Human Services (DHHS); Public Health Service (PHS); Centers for Disease Control (CDC); and the National Institute for Occupational Safety and Health (NIOSH).

ACTION: CDC is publishing this document to meet the requirements of section 3(e)(4) of the Privacy Act (5 U.S.C. 552a), providing for annual publication of the existence and character of systems of records which are subject to the Act.

SUMMARY: This preamble summarizes significant changes to systems of individually identifiable records which have occurred since the 1980 annual publication. CDC/NIOSH have each added one new system of records which are 09–20–0159 and 09–20–0160. The new systems which were added since the 1980 annual publication were published for public comment on May 29, 1981 and August 10, 1981, as required by Office of Management and Budget (OMB) Circular A–108, Transmittal Memoranda No. 1 and No. 3, dated September 30, 1975, and May 17, 1976, respectively.

Notices of all systems of records currently maintained by CDC/NIOSH follow this preamble. The notices include modifications for the purposes of clarity, timeliness, and correctness, and are complete as of August 14, 1981.

SUPPLEMENTARY INFORMATION:

A. General Information:

1. The routine uses set forth in each notice describe permissible disclosures outside the Department of records in that system, which may be made without the consent of individuals who are the subjects of those records. Additional disclosures without consent of subject individuals are permitted by the Privacy Act itself in Section 3(b), as follows:

"(1) to those officers and employees of the agency which maintains the record who have a need for the records in the performance of their duties;

"(2) required under section 552 of this title (the Freedom of Information Act);

"(3) for a routine use as (described in the routine use section of each specific system notice);

"(4) to the Bureau of the Census for purposes of planning or carrying out a census or survey or related activity pursuant to the provisions of title 13;

"(5) to recipient who has provided the agency with advance adequate written assurance that the record will be used solely as a statistical research or reporting record, and the record is to be transferred in a form that is not individually identifiable;

"(6) to the National Archives of the United States as a record which has sufficient historical or other value to warrant its continued preservation by the United States Government, or for evaluation by the Administrator of General Services or his designee to determine whether the record has such value;

"(7) to another agency or to an instrumentality of any governmental jurisdiction within or under the control of the United States for a civil or criminal law enforcement activity if the activity is authorized by law, and if the head of the agency or instrumentality has made a written request to the agency which maintains the record specifying the particular portion desired and the law enforcement activity for which the record is sought;

"(8) to a person pursuant to a showing of compelling circumstances affecting the health or safety of an individual if, upon such disclosure, notification is transmitted to the last known address of such individual;⅛

"(9) to either House of Congress, or, to the extent of matter within its jurisdiction, any committee or subcommittee thereof, any joint committee of Congress or subcommittee of any such joint committee;

"(10) to the Comptroller General, or any of his authorized representatives, in the course of the performance of the duties of the General Accounting Office; or

"(11) pursuant to the order of a court of competent jurisdiction."

2. CDC/NIOSH has revised many of its systems notices this year to enhance clarity and specificity, as well as to incorporate normal updating changes, such as changes in designated system manager or in system location. Revisions for clarity and specificity included, but not limited to, the following:

a. Addition to the "Notification Procedure" or "Access Procedure" section of system explains the specific information which the system manager needs in order to verify that the subject individual is who he or she claims to be, in addition to the information needed in order to locate the records being sought.

b. Revision of the "Purpose(s)" and "Routine Uses" categories of system notices, where applicable, in order to provide greater specificity so that the compatibility of a given routine use with the purpose(s) of the system may be more easily observed. This review has, in some cases, resulted in the combination of certain routine uses. For example, the routine use which provides for disclosure to the Department of Justice to defend this Department in the event of litigation has been combined with the routine use which provides for disclosure to the Department of Justice when the claim is based upon an individual's mental or physical condition.

c. Scientific terminology has been rewritten in laymen's language to provide improved readability.

B. Specific Information:

1. The Notification Procedures were updated in all of the system notices.

2. Because of the lack of use of Retail Credit associations as a source of information, this reference was removed from the following systems: 09–20–0083, 0151, 0152, and 0153.

Readers who notice any inadvertent errors or omission in CDC/NIOSH system notices are invited to bring them to my attention at the following address:

Department of Health and Human Services,
Public Health Service,
Centers for Disease Control,
1600 Clifton Road, Room B–68,
Atlanta, Georgia 30333

Dated: August 31, 1981.

Joseph E. Salter,

Assistant Privacy Act Officer, CDC.

Table of Contents

Centers for Disease Control

09-20-0000 Cooperative Mycoses Study. HHS/CDC/OCD.
09-20-0001 Certified Interpreting Physician File. HHS/CDC/NIOSH.
09-20-0027 Radiation Exposure Records for NIOSH Employees. HHS/CDC/NIOSH.
09-20-0055 Research/Demonstration, and Training Grants, and Cooperative Agreements Application Files. HHS/CDC/NIOSH.
09-20-0059 Division of Training Mailing List. HHS/CDC/NIOSH.
09-20-0062 Diagnosis of Occupational Disease by Analysis of Body Fluids or Tissues through Biochemical or Clinical Chemical Analysis. HHS/CDC/NIOSH.
09-20-0063 Diagnostic Methods for Identification of Occupational Diseases through Biopsy and/or Autopsy Specimens. HHS/CDC/NIOSH.
09-20-0066 Surveillance of Persons on Isoniazid Preventive Treatment for Tuberculosis. HHS/CDC/CPS.
09-20-0087 Surveillance of Inadvertent Vaccination during Pregnancy. HHS/CDC/CPS.
09-20-0088 Subacute Sclerosing Panencephalitis Surveillance. HHS/CDC/CPS.
09-20-0089 Studies of Treatment of Tuberculosis and other Mycobacterioses. HHS/CDC/CPS.
09-20-0090 Studies of Testing for Tuberculosis and other Mycobacterioses. HHS/CDC/CPS.
09-20-0093 Tuberculosis Preventive Therapy Studies. HHS/CDC/CPS.
09-20-0094 Studies of Drug Resistant Tuberculosis Cases/Contacts. HHS/CDC/CPS.
09-20-0095 Varicela Zoster Immune Globulin Records on High Risk Immunosuppressed Children Exposed to Chickenpox. HHS/CDC/CPS.
09-20-0096 Tuskegee Study of Untreated Syphilis Medical Care Program. HHS/CDC/CPS.
09-20-0097 Studies of the Effects of BCG Vaccinations for Tuberculosis. HHS/CDC/CPS.
09-20-0098 Congenital Rubella Registry. HHS/CDC/CPS.
09-20-0102 Alien Mental Waiver Program. HHS/CDC/CPS.
09-20-0103. Alien Tuberculosis Follow-up Program. HHS/CDC/CPS.
09-20-0106 Specimen Handling for Testing and Related Data. HHS/CDC/CID.
09-20-0107 Dengue and Schistosomiasis Research Studies. HHS/CDC/CID.
09-20-0112 CDC Exchange Visitor and Guest Researcher Records. HHS/CDC/OAM.
09-20-0113 Epidemic Investigation Case Records. HHS/CDC/CID.
09-20-0117 Medical and Test Record Results of Individuals Involved in NIOSH Laboratory Studies. HHS/CDC/NIOSH.
09-20-0118 Study at Work-Sites where Agents Suspected of Being Occupational Hazards Exist. HHS/CDC/NIOSH.
09-20-0136 Epidemiologic Studies and Surveillance of Disease Problems. HHS/CDC/CID.
09-20-0137 Passport File. HHS/CDC/FMO.
09-20-0138 Epidemic Intelligence Service Officers Files. HHS/CDC/EPO.
09-20-0147 Occupational Health Epidemiological Studies. HHS/CDC/NIOSH.
09-20-0148 Results of Occupational Hearing Studies. HHS/CDC/NIOSH.
09-20-0149 General Industry Morbidity Studies. HHS/CDC/NIOSH.
09-20-0150 Morbidity Studies in Coal Mining Activities. HHS/CDC/NIOSH.
09-20-0151 Mortality Studies in Coal Mining Activities. HHS/CDC/NIOSH.
09-20-0152 Mortality Studies in Non-Coal Mining Activities. HHS/CDC/NIOSH.
09-20-0153 General Industry Mortality Studies. HHS/CDC/NIOSH.
09-20-0154 Medical and Laboratory Studies. HHS/CDC/NIOSH.
09-20-0155 Morbidity Studies in Metal and Non-Metal Mining Activities. HHS/CDC/NIOSH.
09-20-0156 Cytotechnologist Proficiency Answer Sheets and Test Results (Medicare). HHS/CDC/LIPO.
09-20-0157 Clinical Labosatory Technologists Proficiency Answer Sheets and Test Results (Medicare). HHS/CDC/LIPO.
09-20-0158 Independent Laboratory Directors Proficiency Answer Sheets and Exam Results (Medicare). HHS/CDC/LIPO.
09-20-0159 Records of Subjects in Certification, Testing and Safety Studies of Personal Protective Devices for Hazardous Work Environments. HHS/CDC/NIOSH.
09-20-0160 Records of Subject in Health Education Studies—HHS/CDC/CHPE.

09-20-0000

SYSTEM NAME:

Cooperative Mycoses Study. HHS/CDC/OCD.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Federal Records Center, 1557 St. Joseph Ave., East Point, Georgia 30344.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Adults and children who were infected with histoplasmosis, blastomycosis, coccidioidomycosis, aspergillosis, and other miscellaneous fungal infections, and who participated in the cooperative mycoses study conducted between 1947 and 1973 at the former CDC Kansas City Field Station, Ecological Investigations Division, Kansas City, Kansas.

CATEGORIES OF RECORDS IN THE SYSTEM:

Medical records and related papers.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Public Health Service Act, Section 301 (42 U.S.C. 241).

PURPOSE(S):

The study was to evaluate the treatment of systemic fungal diseases by the U.S. Public Health Service and clinicians in selected hospitals and sanitoriums.

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

Disclosure may be made to 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.

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

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

STORAGE:

All records are stored in file folders and approved FRC boxes at the Federal Records Center.

RETRIEVABILITY:

Records are indexed and retrieved by name.

SAFEGUARDS:

Electronic Anti-Intrusion Devices are in operation at the Federal Records Center (FRC). Only FRC Officials, the CDC Records Officer, and the System Manager are authorized to have access to the records. These safeguards are in compliance with HHS General Administration Manual, Part 45, Chapter 45–13 and PHS HF 45–13.

RETENTION AND DISPOSAL:

Records are maintained at the Federal Records Center for 16 years and are then destroyed by recycling process, unless needed for further study.

SYSTEM MANAGER(S) AND ADDRESS:

Director, International Health Program Office, Centers for Disease Control, Bldg. 1, Room 224, Atlanta, Georgia 30333.

NOTIFICATION PROCEDURE:

An individual may learn if a record exists about himself or herself by contacting the System Manager at the address above. Requesters in person must provide driver's license or other positive identification. Individuals who do not appear in person must either (1) submit a notarized request to verify their identity or (2) must certify that they are the individuals they claim to be and that they understand that the knowing and willful request for or acquisition of a record pertaining to an individual under false pretenses is a criminal offense under the Privacy Act subject to a $5,000 fine.

In addition, an individual who requests notification of, or access to, a medical record shall at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion.

A parent or guardian who requests notification of, or access to, a child's medical record shall designate a family physician or other health professional (other than a family member) to whom the record, if any, will be sent. The parent or guardian must verify relationship to the child by means of a birth certificate or court order, as well as verify that he or she is who he or she claims to be.

Finally, all of the following information must be provided when requesting notification: (1) full name; (2) approximate date(s) of the contact(s) with the Centers for Disease Control representative; (3) nature of the questionnaire or study in which the requester participated; (4) nature of the material desired.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. An individual who requests notification of, or access to a medical record shall at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion.

A parent or guardian who requests notification of, or access to, a child's/incompetent person's medical record shall designate a family physician or other health professional (other than a family member) to whom the record, if any, will be sent.

The parent or guardian must verify his/her relationship to the child/incompetent person by providing a birth certificate (or notarized copy), court order, or other competent evidence of guardianship.

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under Notification Procedures above and reasonably identify the record, specify the information being contested, and state the corrective action sought.

RECORD SOURCE CATEGORIES:

Individual medical records of patients in participating hospitals and sanitoriums.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

BILLING CODE 4110-86-M

09-20-0001

SYSTEM NAME:

Certified Interpreting Physician File. HHS/CDC/NIOSH.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Division of Respiratory Disease Studies (DRDS), National Institute for Occupational Safety and Health (NIOSH), 944 Chestnut Ridge Road, Morgantown, West Virginia 26505.

Data are also occasionally located at contractor sites as studies are developed, data collected, and reports written. A list of contractor sites where individually identifiable data is currently located is available upon request to the System Manager.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Physicians who have been certified to interpret X-rays under the Federal Coal Mine Health and Safety Act of 1969.

CATEGORIES OF RECORDS IN THE SYSTEM:

Physician's qualification.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Coal Mine Health and Safety Act Section 203(30 U.S.C. 843).

PURPOSE(S):

The main purpose is to provide certified physicians to read X-rays. Data is provided to the Social Security Administration to be used in approving Title IV benefits under the Act.

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

1. Name and address supplied to coal operators and x-ray facilities so that they may contact physicians to do work for them.

2. Name, address and Social Security number supplied to Department of Labor to be used in approving Title IV Benefits under the Act.

Disclosure may be made to 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.

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

Records subject to the Privacy Act will be disclosed to private firms for data entry, computer systems analysis and computer programming services. The contractor will promptly return all data entry records, and all computer work will be done on Government-owned computers. The contractors will be required to maintain Privacy Act safeguards.

In the event of litigation initiated at the request of NIOSH, the Institute may disclose such records as it deems desirable or necessary to the Department of Justice to enable the Department to effectively represent the Institute, provided such disclosure is compatible with the purpose for which the records were collected. The only types of litigative proceedings that NIOSH is authorized to request are (1) enforcement of a subpoena issued to an employer to provide relevant information, or (2) contempt citation against an employer for failure to

comply with a warrant obtained by the Institute.

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

STORAGE:

Computer printouts, microfilm, computer tape, computer disk.

RETRIEVABILITY:

Name or social security number is the index used to retrieve records. Social security numbers which are supplied on a voluntary basis are used for retrieval.

SAFEGUARDS:

24-hour guard service in building. Locked building; locked rooms. Personnel screening. Locked computer room and computer tape vaults. Locked file cabinets. Computer tapes are password protected.

Computerized records are protected by personnel screening, locked computer room, locked tape vaults, and lack of telecommunications.

RETENTION AND DISPOSAL:

Records are retained indefinitely unless disposal of a record is requested by the individual physician. Disposal methods include erasing computer tapes and burning or shredding printouts.

SYSTEM MANAGER(S) AND ADDRESS:

Program Management Officer, DRDS, NIOSH, 944 Chestnut Ridge Road, Morgantown, West Virginia 26505.

NOTIFICATION PROCEDURE:

An individual may learn if a record exists about herself/himself upon written request, with notarized signature if request is made by mail, or with suitable identification (i.e., driver's license, passport) if request is made in person. All individuals requesting records will be informed that anyone who knowingly and willfully requests access to a record pertaining to an individual under false pretenses is committing a criminal offense under the Act and subject to a maximum fine of 5,000 dollars.

To determine if a record exists, write to: Director, DRDS, NIOSH, 944 Chestnut Ridge Road, Morgantown, West Virginia 26505.

An individual who requests notification of or access to medical records shall, at the time the request is made, (1) provide a written notarized request designating a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion, (2) supply the name of the study, if known, (3) provide the approximate date and place of the study, if known, and (4) provide the approximate date and place of treatment or questionnaire administration.

RECORD ACCESS PROCEDURES:

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

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested.

RECORD SOURCE CATEGORIES:

Information is obtained directly from the individual.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-20-0027

SYSTEM NAME:

Radiation Exposure Records for NIOSH Employees. HHS/CDC/NIOSH.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Division of Safety Research (DSR), National Institute for Occupational Safety and Health (NIOSH), 944 Chestnut Ridge Road, Morgantown, West Virginia 26505

Division of Technical Services (DTS), NIOSH, Robert A. Taft Laboratories, 4676 Columbia Parkway, Cincinnati, Ohio 45226.

Data are also occasionally located at contractor sites, as studies are developed, data collected, and reports written. A list of contractor sites, where individually identifiable data is currently located, is available upon request to the System Manager.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Present and past NIOSH employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, x-ray exposure levels.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Occupational Safety and Health Act Section 19 (29 U.S.C. 668).

PURPOSE(S):

The purpose of this system is to maintain x-ray exposure records to prevent toxic exposure to harmful rays.

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

Disclosure may be made to 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.

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected. For example, records may be released to the Department of Justice in defending claims against the U.S. when the claim is based upon an individual's mental or physical condition and is alleged to have arisen because of activities of the Public Health Service in connection with such individual.

Records subject to the Privacy Act will be disclosed to private firms for data entry, computer systems analysis and computer programming services. The contractors will promptly return all data entry records, and all computer work will be done on Government-owned computers. The contractors will be required to maintain Privacy Act safeguards.

In the event of litigation initiated at the request of NIOSH, the Institute may disclose such records as it deems desirable or necessary to the Department of Justice to enable the Department to effectively represent the Institute, provided such disclosure is compatible with the purposes for which the records were collected. The only types of litigative proceedings that NIOSH is authorized to request are (1) enforcement of a subpoena issued to an employer to provide relevant information, or (2) contempt citation against an employer for failure to comply with a warrant obtained by the Institute.

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

STORAGE:

Manual files.

RETRIEVABILITY:

Name is the index used to retrieve records from this system.

SAFEGUARDS:

24-hour guard service in building
Locked building; locked rooms
Personnel screening
Locked file cabinets

RETENTION AND DISPOSAL:

Record copy maintained from three to ten years in accordance with retention schedules. Source documents for computer disposed of when no longer needed in the study, as determined by the system manager, and as provided in the signed consent form, as appropriate. Disposal methods include burning or shredding paper materials.

SYSTEM MANAGER(S) AND ADDRESS:

Physicist, Office of the Director, DSR, NIOSH, 944 Chestnut Ridge Road, Morgantown, West Virginia 26505.

Industrial Hygenist, OAMS, NIOSH, Robert A. Taft Laboratories, 4676 Columbia Parkway, Cincinnati, Ohio 45226.

NOTIFICATION PROCEDURE:

An individual may learn if a record exists about herself/himself upon written request, with notarized signature if request is made by mail, or with suitable identification (i.e., driver's license, passport) if request is made in person. All individuals requesting records will be informed that anyone who knowingly and willfully requests access to a record pertaining to an individual under false pretenses is committing a criminal offense under the Act and subject to a maximum fine of 5,000 dollars.

To determine if a record exists, write to:

Director, DSR, NIOSH, 944 Chestnut Ridge Road, Morgantown, West Virginia 26505.

An individual who requests notification of or access to medical records shall, at the time the request is made, (1) provide a written notarized request designating a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion, (2) supply the name of the study, if known, (3) provide the approximate date and place of the study, if known, and (4) provide the approximate date and place of treatment or questionnaire administration.

RECORD ACCESS PROCEDURES:

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

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested.

RECORD SOURCE CATEGORIES:

Information is obtained directly from the individual.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-20-0055

SYSTEM NAME:

Research/Demonstration, and Training Grants, and Cooperative Agreements Application Files. HHS/CDC/NIOSH.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Division of Research Grants, NIH, Westbard Bldg., Westbard Ave., Bethesda, Maryland, 20014.

Grants Administration and Review Branch, National Institute for Occupational Safety and Health (NIOSH), Parklawn Bldg., Rm. 8-63, 5600 Fishers Lane, Rockville, Maryland 20857.

Division of Training and Manpower Development, NIOSH, 4676 Columbia Pkwy., Cincinnati, Ohio 45226.

Grants Management Officer, NIOSH, Parklawn Bldg., Rm. 8-35, 5600 Fishers Lane, Rockville, Maryland 20857.

Date are also occasionally located at grantee sites as studies are developed, data collected, and reports written. A list of grantee sites where individually identifiable data is currently located is available upon request to the System Manager.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Applicants for occupational safety and health research and demonstration grants, and training grants.

CATEGORIES OF RECORDS IN THE SYSTEM:

Draft and final grant application and review history, awards, financial records and progress reports and related correspondence.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Occupational Safety and Health Act, Sections 20 and 21 (29 U.S.C. 669, 670).

PURPOSE(S):

The purpose of this system is to review grant applications for research and training and to administer funded grants. This information is provided to the National Institutes of Health and to components of NIOSH for review.

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

(1) Referrals may be made of assignments of research investigations and project monitors to specific research projects to the Smithsonian Institution to contribute to the Smithsonian Science Information Exchange, Inc.

(2) To the cognizant audit agency for auditing.

(3) In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

(4) To 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.

(5) To qualified experts not within the definition of Department employees as prescribed in Department regulations for opinions as a part of the application review process.

(6) To a Federal agency, in response to its request, in connection with the letting of a contract, or the issuance of a license, grant or other benefit by the requesting agency, to the extent that the record is relevant and necessary to the requesting agency's decision on the matter.

(7) To individuals and organizations deemed qualified by PHS to carry out specific research related to the review and award processes of PHS.

(8) To the grantee institution relative to performance or administration under the terms and conditions of the award.

(9) Records subject to the Privacy Act will be disclosed to private firms for data entry, computer systems analysis and computer programming services. The contractors will promptly return all data entry records, and all computer work will be done on Government-owned computers. The contractors will be required to maintain Privacy Act safeguards.

(10) In the event of litigation initiated at the request of NIOSH, the Institute may disclose such records as it deems desirable or necessary to the Department of Justice to enable the Department to effectively represent the Institute, provided such disclosure is compatible with the purpose for which the records were collected. The only types of litigative proceedings that NIOSH is authorized to request are (1) enforcement of a subpoena issued to an employer to provide relevant information, or (2) contempt citation against an employer for failure to comply with a warrant obtained by the Institute.

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

STORAGE:

5x8 cards, computer tapes and discs, notebooks and file folders.

RETRIEVABILITY:

Name is the index used to retrieve information.

SAFEGUARDS:

The records are maintained in locked cabinets with access limited to authorized personnel (system manager, principal investigator assigned to the project, project officer).

Computerized records are protected by personnel screening, password protection, locked computer rooms, and locked tape vaults.

RETENTION AND DISPOSAL:

Information is kept for one year beyond termination and then sent to the Federal Records Center for five years, after which it is destroyed. Unfunded applications are treated in the same manner. Draft applications are kept for one year or until an official application is received and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Grants Section, Procurement and Grants Management Branch (PGMP), Office of Administrative and Management Services (OAMS), National Institute for Occupational Safety and Health (NIOSH), Room 8-33, 5600 Fishers Lane, Rockville, Maryland 20857.

NOTIFICATION PROCEDURE:

To determine if a record exists, write to: Chief, PGMB, OAMS, NIOSH, Room 8-29, 5600 Fishers Lane, Rockville, Maryland 20857.

RECORD ACCESS PROCEDURES:

Contact the System Manager. Requesters should also reasonably specify the record contents being sought.

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested.

RECORD SOURCE CATEGORIES:

Information is obtained directly from the individual.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-20-0059

SYSTEM NAME:

Division of Training Mailing List. HHS/CDC/NIOSH.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Division of Training and Manpower Development (DTMD), National Institute for Occupational Safety and Health (NIOSH), 4676 Columbia Parkway, Cincinnati, Ohio 45226.

Parklawn Computer Center, 5600 Fishers Lane, Rockville, Maryland 20857.

Data are also occasionally located at contractor sites as studies are developed, data collected, and reports written. A list of contractor sites where individually identifiable data is currently located is available upon request to the System Manager.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons who have taken a NIOSH Training Course or who ask to be placed on the list.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name and address.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Occupational Safety and Health Act, Section 21 (29 U.S.C. 670).

PURPOSE(S):

The purpose of this system is to advise prospective students of upcoming NIOSH training course.

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

Disclosure may be made to 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.

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

Records subject to the Privacy Act will be disclosed to private firms for data entry, computer systems analysis and computer programming services. The contractors will promptly return all data entry records, and all computer work will be done on Government-owned computers. The contractors will be required to maintain Privacy Act safeguards.

In the event of litigation initiated at the request of NIOSH, the Institute may disclose such records as it deems desirable or necessary to the Department of Justice to enable the Department to effectively represent the Institute, provided such disclosure is compatible with the purpose for which the records were collected. The only types of litigative proceedings that NIOSH is authorized to request are (1) enforcement of a subpoena issued to an employer to provide relevant information, or (2) contempt citation against an employer for failure to comply with a warrant obtained by the Institute.

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

STORAGE:

Computer tapes, addressograph plates.

RETREVABILITY:

Name and Student Number are the indexes used to retrieve records from this system.

SAFEGUARDS:

24-hour guard service in building
Locked building; locked rooms
Personnel screening
Locked filed cabinets
Locked computer room and computer tape vaults; password protection on computerized files.

RETENTION AND DISPOSAL:

Record copy maintained from three to ten years in accordance with retention schedules. Source documents for computer disposed of when no longer needed in the study, as determined by the system manager, and as provided in the signed consent form, as appropriate. Disposal methods include erasing computer tapes and burning or shredding paper materials.

SYSTEM MANAGER(S) AND ADDRESS:

Audio Visual Production Officer, DTMD, NIOSH, 4676 Columbia Parkway, Cincinnati, Ohio 45226.

NOTIFICATION PROCEDURE:

To determine if a record exists, write to:

Director, DTMD, NIOSH, 4676 Columbia Parkway, Cincinnati, Ohio 45226.

RECORD ACCESS PROCEDURES:

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

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested.

RECORD SOURCE CATEGORIES:

Information is obtained directly from the individual.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-20-0082

SYSTEM NAME:

Diagnosis of Occupational Disease by Analysis of Body Fluids or Tissues through Biochemical or Clinical Chemical Analysis. HHS/CDC/NIOSH.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Division of Biomedical and Behavioral Science (DBBS), National Institute for Occupational Safety and Health (NIOSH), Robert A. Taft Laboratories, Cincinnati, Ohio 45226.

In addition, data is occasionally located at contractor sites where analyses are performed, data collected and reports written. A list of contractor sites where individually identifiable data is currently located is available upon request to the system manager.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Industrial workers.

CATEGORIES OF RECORDS IN THE SYSTEM:

Medical Records, information necessary to interpret the medical records, and results of clinical laboratory tests.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Occupational Safety and Health Act Section 20 (29 U.S.C. 669).

PURPOSE(S):

The purpose of this system is to maintain clinical laboratory results on individuals involved in NIOSH health hazard evaluations.

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

Test results furnished to physician who requests analysis.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressinal office made at the request of that individual.

In the event of litigation where the defendent is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected. For example, records may be released to the Department of Justice in defending claims against the U.S. when the claim is based upon an individual's mental or physical condition and is alleged to have arisen because of activities of the Public Health Service in connection with such individual.

Records subject to the Privacy Act will be disclosed to private firms for data entry, computer systems analysis and computer programming services. The contractors will promptly return all data entry records, and all computer work will be done on Government-owned computers. The contractors will be required to maintain Privacy Act safeguards.

In the event of litigation initiated at the request of NIOSH, the Institute may disclose such records as it deems desirable or necessary to the Department of Justice to enable the Department to effectively represent the Institute, provided such disclosure is compatible with the purpose for which the records were collected. The only types of litigative proceedings that NIOSH is authorized to request are (1) enforcement of a subpoena issued to an employer to provide relevent information, or (2) contempt citation against an employer for failure to comply with a warrant obtained by the Institute.

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

STORAGE:

Manual files.

RETRIEVABILITY:

Name or code is used to retrieve records from this system.

SAFEGUARDS:

Building guards
Personnel screening

RETENTION AND DISPOSAL:

Record copy maintained from three to ten years in accordance with retention schedules. Source documents for computer disposed of when no longer needed in the study, as determined by the system manager, and as provided in the signed consent form, as appropriate.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Clinical and Biochemical Support Section, DBBS, NIOSH, Robert A. Taft Laboratories, 4676 Columbia Parkway, Cincinnati, Ohio 45226.

NOTIFICATION PROCEDURE:

To determine if a record exists, write to:

Director, DBBS, NIOSH, Robert A. Taft Laboratories, 4676 Columbia Parkway, Cincinnati, Ohio 45226.

An individual who requests notification of or access to a medical record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion.

RECORD ACCESS PROCEDURES:

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

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested.

RECORD SOURCE CATEGORIES:

Private and industrial physicians.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-20-0063

SYSTEM NAME:

Diagnostic Methods for Identification of Occupational Diseases through Biopsy and/or Autopsy Specimens. HHS/CDC/NIOSH.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Division of Biomedical and Behavioral Science (DBBS) National Institute for Occupational Safety and Health (NIOSH) Robert A. Taft Laboratories, 4676 Columbia Parkway, Cincinnati, Ohio 45226.

Data are also occasionally located at contractor sites as studies are developed, data collected, and reports written. A list of contractor sites where individually identifiable data is currently located is available upon request to the System Manager.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Industrial workers.

CATEGORIES OF RECORDS IN THE SYSTEM:

Medical records, and information necessary to interpret the medical records.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Occupational Safety and Health Act Section 20 (29 U.S.C. 669).

PURPOSE(S):

The purpose of this system is to diagnose occupational diseases by tissue examination and analysis.

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

Test results are furnished to the physician who requests analysis.

Disclosure may be made to 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.

Portions of records (name, Social Security number if known, date of birth, and last known address) may be disclosed to one or more other sources selected from those listed in Appendix I, as applicable. This may be done solely for obtaining a determination as to whether or not an individual has died. The purpose of determining death is so that NIOSH may obtain death certificates, which state the cause of death, from the appropriate Federal, state, or local agency. Cause of death will enable NIOSH to evaluate whether excess occupationally related mortality is occuring.

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it seems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected. For example, records may be released to the Department of Justice in defending claims against the U.S. when the claim is based upon an individual's mental or physical condition and is alleged to have arisen because of activities of the Public Health Service in connection with such individual.

Records subject to the Privacy Act will be disclosed to private firms for data entry, computer systems analysis and computer programming services. The contractors will promptly return all data entry records, and all computer work will be done on Government-owned computers. The contractors will be required to maintain Privacy Act safeguards.

In the event of litigation initiated at the request of NIOSH, the Institute may disclose such records as it deems desirable or necessay to the Department of Justice to enable the Department to effectively represent the Institute, provided such disclosure is compatible with the purpose for which the records were collected. The only types of litigative proceedings that NIOSH is authorized to request are (1) enforcement of a subpoena issued to an employer to provide relevant information, or (2) contempt citation against an employer for failure to comply with a warrant obtained by the Institute.

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

STORAGE:

Manual files.

RETRIEVABILITY:

Name or code is used to retrieve records from this system.

SAFEGUARDS:

Building guards.

Personnel screening.

Computerized records are protected by locked computer rooms, locked tape vaults, and password protection.

RETENTION AND DISPOSAL:

Record copy maintained from three to ten years in accordance with retention schedules. Source documents for computer disposed of when no longer needed in the study, as determined by the System Manager, and as provided in the signed consent form, as appropriate.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Pathology Section, DBBS, NIOSH, Robert A. Taft Laboratories, 4676 Columbia Parkway, Cincinnati, Ohio 45226.

NOTIFICATION PROCEDURES:

An individual may learn if a record exists about herself/himself upon written request, with notarized signature if request is made by mail, or with suitable identification (i.e., driver's license, passport) if request is made in person. All individuals requesting records will be informed that anyone who knowingly and willfully requests access to a record pertaining to an individual under false pretenses is committing a criminal offense under the Act and subject to a maximum fine of 5,000 dollars.

To determine if a record exists, write to:

Director, DBBS, NIOSH, Robert A. Taft Laboratories, 4676 Columbia Parkway, Cincinnati, Ohio 45226.

An individual who requests notification of or access to medical records shall, at the time the request is made, (1) provide a written notarized request designating a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion, (2) supply the name of the study, if known, (3) provide the approximate date and place of the study, if known, and (4) provide

the approximate date and place of treatment or questionnaire administration.

RECORD ACCESS PROCEDURES:

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

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested.

RECORD SOURCE CATEGORIES:

Private and industrial physicians.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

Appendix I

Potential Sources for Determination of Vital Status
Military Records
Appropriate State Motor Vehicle Registration Departments
Appropriate State Drivers License Departments
Appropriate State Government Divisions of:
Assistance Payments (Welfare), Social Services, Medical Services,
Food Stamp Program, Child Support, Board of Corrections, Aging,
Indian Affairs, Workman's Compensation, Disability Insurance
Veteran's Administration Files
Appropriate employee union or association records
Appropriate company pension or employment records
Company group insurance records
Appropriate State Vital Statistics Offices
Life Insurance Companies
Railroad Retirement Board
Area Nursing Homes
Area Indian Trading Posts
Mailing List Correction Cards (U.S. Postal Service)
Letters and telephone conversations with relatives
Letters and telephone conversations with former employees of the same establishment as cohort member
Appropriate local newspaper (obituaries)

Billing Code 4110-87

09-20-0086

SYSTEM NAME:

Surveillance of Persons on Isoniazid Preventive Treatment for Tuberculosis. HHS/CDC/CPS.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Tuberculosis Control Division, Freeway Office Park—Rm. 127, Centers for Disease Control, Atlanta, Georgia 30333

and

Federal Records Center, 1557 St. Joseph Ave., East Point, Georgia 30344.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Children and adults who received isoniazid preventive therapy for tuberculosis in the following local and county health departments during the period July 1971–Dec. 1973: Mobile, Birmingham, San Francisco, Honolulu, New Orleans, Detroit, Albuquerque, Buffalo, Columbus, Ohio, Baltimore, Cincinnati, Cleveland, Tulsa, Bristol, Pa., Nashville, Richmond, Memphis, San Diego, Ft. Lauderdale, Toledo.

CATEGORIES OF RECORDS IN THE SYSTEM:

Medical records including history and physical examination, laboratory test results, x-ray results, medications prescribed, alcohol intake, smoking habits, etc.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Public Health Service Act, Section 301 (42 U.S.C. 241).

PURPOSE(S):

To monitor the incidence of overt liver disease in widely scattered geographic areas, among individuals receiving preventive therapy with isoniazid manufactured by different companies.

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

Records may be disclosed to health departments and other public health or cooperating medical authorities in connection with program evaluations and related collaborative efforts to deal more effectively with diseases and conditions of public health significance.

Disclosure may be made to 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.

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

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

STORAGE:

Cards and file folders are stored in boxes in the Federal Records Center. Computer tapes are stored in a fireproof vault.

RETRIEVABILITY:

Retrieved by the participant's name and study I.D. number.

SAFEGUARDS:

Locked buildings, locked rooms, personnel screening, locked computer rooms and tape vaults, password protection of computerized records, limited access to only authorized personnel i.e., medical officer, project manager, computer specialists, statistician, and statistical assistant. Two or more of these safeguards are used for all records covered by this system notice. The particular safeguards used are selected as appropriate for the type of records covered by each individual study or specific project. For computerized records, safeguards are in accordance with HHS/ADP System Security Manual, Part 6. The safeguards described for nonautomated records are in accordance with Chapter 45–13 in the General Administration Manual, and the supplementary PHS chapter.

RETENTION AND DISPOSAL:

Number of years held at CDC: 5 years. May be transferred to Federal Records Center when no longer needed for evaluation and analysis. Destroyed by paper recycling process after 15 years.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Tuberculosis Control Division, Freeway Park Building, Room 111, Centers for Disease Control, Atlanta, Georgia 30333.

NOTIFICATION PROCEDURE:

An individual may learn if a record exists about himself or herself by contacting the System Manager at the address above. Requesters in person must provide driver's license or other positive identification. Individuals who do not appear in person must either (1) submit a notarized request to verify their identity or (2) must certify that they are the individuals they claim to be and that they understand that the knowing and willful request for or acquisition of a record pertaining to an individual under false pretenses is a criminal offense under the Privacy Act subject to a $5,000 fine.

In addition, an individual who requests notification of, or access to, a medical record shall at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion.

A parent or guardian who requests notification of, or access to, a child's medical record shall designate a family physician or other health professional (other than a family member) to whom the record, if any, will be sent. The parent or guardian must verify relationship to the child by means of a birth certificate or court order, as well as verify that he or she is who he or she claims to be.

Finally, all of the following information must be provided when requesting notification: (1) full name; (2) approximate date(s) of the contact(s) with the Centers for Disease Control representative; (3) nature of the questionnaire or study in which the requester participated; (4) nature of the material desired.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. An individual who requests notification of, or access to a medical record shall at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion.

A parent or guardian who requests notification of, or access to, a child's/incompetent person's medical record shall designate a family physician or other health professional (other than a family member) to whom the record, if any, will be sent.

The parent or guardian must verify his/her relationship to the child/incompetent person by providing a birth certificate (or notarized copy), court order, or other competent evidence of guardianship.

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under Notification Procedures above and reasonably identify the record, specify the information being contested, and state the corrective action sought.

RECORD SOURCE CATEGORIES:

State and local health departments.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-20-0087

SYSTEM NAME:

Surveillance of Inadvertent Vaccination during Pregnancy, HHS/CDC/CPS.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Immunization Division, Building 6, Room 243, Centers for Disease Control, Atlanta, Georgia 30333.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Women who were vaccinated against rubella immediately preceding pregnancy or accidentally vaccinated during pregnancy. Included in the records system are minors.

CATEGORIES OF RECORDS IN THE SYSTEM:

Medical Histories.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Public Health Service Act, Section 301, 361 (42 U.S.C. 244, 264).

PURPOSE(S):

To maintain surveillance of pregnant women who received live virus vaccines.

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

Disclosure may be made to 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.

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

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

STORAGE:

File folders and computer tapes.

RETRIEVABILITY:

Records are retrieved by identifying code number.

SAFEGUARDS:

24-hour guard service in buildings, locked buildings, locked rooms, personnel screening, locked computer rooms and tape vaults, password protection of computerized records, limited access to only authorized personnel, i.e., project managers and computer operators. Two or more of these safeguards are used for all records covered by this system notice. The particular safeguards used are selected as appropriate for the type of records covered by each individual study or specific project. For computerized records, safeguards are in accordance with HHS/ADP System Security Manual, Part 6. The safeguards described for nonautomated records are in accordance with Chapter 45-13 in the General Administration Manual, and the supplementary PHS chapter.

RETENTION AND DISPOSAL:

Number of years held at CDC: 5 years. May be transferred to Federal Records Center when no longer needed for evaluation and analysis. Destroyed by paper recycling process after 20 years, unless needed for further study.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Center for Prevention Services, Building 1, Room 3007, Centers for Disease Control, Atlanta, Georgia 30333.

NOTIFICATION PROCEDURE:

An individual may learn if a record exists about himself or herself by contacting the System Manager at the address above. Requesters in person must provide driver's license or other positive identification. Individuals who do not appear in person must either (1) submit a notarized request to verify their identity or (2) must certify that they are the individuals they claim to be and that they understand that the knowing and willful request for or acquisition of a record pertaining to an individual under false pretenses is a criminal offense under the Privacy Act subject to a $5,000 fine.

In addition, an individual who requests notification of, or access to, a medical record shall at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion.

A parent or guardian who requests notification of, or access to, a child's

medical record shall designate a family physician or other health professional (other than a family member) to whom the record, if any, will be sent. The parent or guardian must verify relationship to the child by means of a birth certificate or court order, as well as verify that he or she is who he or she claims to be.

Finally, all of the following information must be provided when requesting notification: (1) full name; (2) approximate date(s) of the contact(s) with the Centers for Disease Control representative; (3) nature of the questionnaire or study in which the requester participated; (4) nature of the material desired.

In addition, an individual who requests notification of, or access to, a medical record shall at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion.

A parent or guardian who requests notification of, or access to, a child's medical record shall designate a family physician or other health professional (other than a family member) to whom the record, if any, will be sent. The parent or guardian must verify relationship to the child by means of a birth certificate or court order, as well as verify that he or she is who he or she claims to be.

Finally, all of the following information must be provided when requesting notification: (1) full name; (2) approximate date(s) of the contact(s) with the Centers for Disease Control representative; (3) nature of the questionnaire or study in which the requester participated; (4) nature of the material desired.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. An individual who requests notification of, or access to a medical record shall at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion.

A parent or guardian who requests notification of, or access to, a child's/incompetent person's medical record shall designate a family physician or other health professional (other than a family member) to whom the record, if any, will be sent.

The parent or guardian must verify his/her relationship to the child/incompetent person by providing a birth certificate (or notarized copy), court order, or other competent evidence of guardianship.

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under Notification Procedures above and reasonably identify the record, specify the information being contested, and state the corrective action sought.

RECORD SOURCE CATEGORIES:

Private physicians.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-20-0088

SYSTEM NAME:

Subacute Sclerosing Panencephalitis Surveillance. HHS/CDC/CPS.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Immunization Division, Building 6, Room 243, Centers for Disease Control, Atlanta, Georgia 30333.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Patients, including adults and children, with diagnosis SSPE.

CATEGORIES OF RECORDS IN THE SYSTEM:

Epidemiological and clinical histories.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Public Health Service Act, Section 301 (42 U.S.C. 241).

PURPOSE(S):

To understand better the disease of panencephalitis among persons who have received vaccination against measles.

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

Disclosure may be made to 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.

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

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

STORAGE:

Computer tapes are maintained in locked vault.

RETRIEVABILITY:

Records are retrieved by identifying code number.

SAFEGUARDS:

24-hour guard service in buildings, locked buildings, locked rooms, personnel screening, locked computer rooms and tape vaults, password protection of computerized records, limited access to only authorized personnel, i.e., project managers and computer operators. Two or more of these safeguards are used for all records covered by this system notice. The particular safeguards used are selected as appropriate for the type of records covered by each individual study. For computerized records, safeguards are in accordance with HHS/ADP System Security Manual, Part 6. The safeguards described for nonautomated records are in accordance with Chapter 45-13 in the General Administration Manual, and the supplementary PHS chapter.

RETENTION AND DISPOSAL:

Number years held at CDC: 10 years. May be transferred to Federal Records Center when no longer needed for evaluation and analysis. Destroyed by paper recycling process after 20 years, unless needed for further study.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Center for Prevention Services, Building 1, Room 3007, Centers for Disease Control, Atlanta, Georgia 30333.

NOTIFICATION PROCEDURE:

An individual may learn if a record exists about himself or herself by contacting the System Manager at the address above. Requesters in person must provide driver's license or other positive identification. Individuals who do not appear in person must either (1) submit a notarized request to verify their identity or (2) must certify that they are the individuals they claim to be and that they understand that the knowing and willful request for or acquisition of

a record pertaining to an individual under false pretense is a criminal offense under the Privacy Act subject to a $5,000 fine.

In addition, an individual who requests notification of, or access to, a medical record shall at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion.

A parent or guardian who requests notification of, or access to, a child's medical record shall designate a family physician or other health professional (other than a family member) to whom the record, if any, will be sent. The parent or guardian must verify relationship to the child by means of a birth certificate or court order, as well as verify that he or she is who he or she claims to be.

Finally, all of the following information must be provided when requesting notification: (1) full name; (2) approximate date(s) of the contact(s) with the Centers for Disease Control representative; (3) nature of the questionnaire or study in which the requester participated; (4) nature of the material desired.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. An individual who requests notification of, or access to a medical record shall at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion.

A parent or guardian who requests notification of, or access to, a child's/incompetent person's medical record shall designate a family physician or other health professional (other than a family member) to whom the record, if any, will be sent.

The parent or guardian must verify his/her relationship to the child's/incompetent person by providing a birth certificate (or notarized copy), court order, or other competent evidence of guardianship.

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under Notification Procedures above and reasonably identify the record, specify the information being contested, and state the corrective action sought.

RECORD SOURCE CATEGORIES:

Private physicians.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-20-0089

SYSTEM NAME:

Studies of Treatment of Tuberculosis and other Mycobacterioses. HHS/CDC/CPS.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Tuberculosis Control Division, Freeway Park Building, Rooms 145-149, Centers for Disease Control, Altanta, Georgia 30333.

and

Federal Records Center, 1557 St. Joseph Avenue, East Point, Georgia 30344.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Adults and children with tuberculosis or other mycobacterial disease being treated or observed by participating local or county health departments, clinics, and hospitals. (From 1959 until the present time).

CATEGORIES OF RECORDS IN THE SYSTEM:

Medical records.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Public Health Service Act, Section 301 (42 U.S.C. 241)

PURPOSE(S):

To determine the effectiveness and safety of treatments for tuberculosis and other mycobacterial disease is the purpose of the system. Data are used in statistical, aggregate form only.

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

Records may be disclosed to health departments and other public health or cooperating medical authorities in connection with program evaluations and related collaborative efforts to deal more effectively with diseases and conditions of public health significance.

A record may be disclosed for a research purpose, when the department:

(a) has determined that the use or disclosure does not violate legal or policy limitations under which the record was provided, collected, or obtained;

(b) has determined that the research purpose (1) cannot be reasonably accomplished unless the record is provided in individually identifiable form, and (2) warrants the risk to the privacy of the individual that additional exposure of the record might bring;

(c) has required the recipient to—(1) establish reasonable administrative, technical, and physical safeguards to prevent unauthorized use or disclosure of the record, and (2) remove or destroy the information that identifies the individual at the earliest time at which removal or destruction can be accomplish consistent with the purpose of the research project, unless the recipient has presented adequate justificiation of a research or health nature for retaining such information, and (3) make no further use or disclosure of the record except—(A) in emergency circumstances affecting the health or safety of any individual, (B) for use in another research proejct, under these same conditions, and with written authorization of the Department, (C) for disclosure to a properly identified person for the purpose of an audit related to the research project, if information that would enable research subjects to be identified is removed or destroyed at the earliest opportunity consistent with the purpose of the audit, or (D) when required by law;

(d) has secured a written statement attesting to the recipient's understanding of, and willingness to abide by these provisions.

Disclosure may be made to 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.

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable the Department to present an effective defense, provided such disclosure is compataible with the purpose for which the records were collected.

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

STORAGE:

Cards and file folders are stored in file cabinets or boxes. Magnetic computer tapes are stored in a fireproof vault.

RETRIEVABILITY:

Records are retrieved by the participant's name and study I.D. number.

SAFEGUARD:

Locked buildings, locked rooms, personnel screening, locked computer rooms and tape vaults, password protection of computerized records, limited access to only authorized personnel, i.e., project managers, system analysts, and computer operators. Two or more of these safeguards are used for all records covered by this system notice. The particular safeguards used are selected as appropriate for the type of records covered by each individual study or specific project. For computerized records, these safeguards are in accordance with HHS/ADP System Security Manual, Part 6. The safeguards described for nonauthomated records are in accordance with Chapter 45–13 in the General Administration Manual, and the supplemantary PHS chapter.

RETENTION AND DISPOSAL:

Number of years held at CDC: 5 years. May be transferred to Federal Records Center when no longer needed for evaluation and analysis. Destroyed by paper recycling process after 20 years, unless needed for further study.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Tuberculosis Control Division, Freeway Office Park, Room 111, Centers for Disease Control, Atlanta, Georgia 30333.

NOTIFICATION PROCEDURE:

An individual may learn if a record exists about himself or herself by contacting the System Manager at the address above. Requesters in person must provide driver's license or other positive identification. Individuals who do not appear in person must either (1) submit a notarized request to verify their identity or (2) must certify that they are the individuals they claim to be and that they understand that the knowing and willful request for or acquisition of a record pertaining to an individual under false pretenses is a criminal offense under the Privacy Act subject to a $5,000 fine.

In addition, an individual who requests notification of, or access to, a medical record shall at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion.

A parent or guardian who requests notification of, or access to, a child's medical record shall designate a family physician or other health professional (other than a family member) to whom the record, if any, will be sent. The parent or guardian must verify relationship to the child by means of a birth certificate or court order, as well as verify that he or she is who he or she claims to be.

Finally, all of the following information must be provided when requesting notification: (1) full name; (2) approximate date(s) of the contact(s) with the Centers for Disease Control representative; (3) nature of the questionnaire or study in which the requester participated; (4) nature of the material desired.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. An individual who requests notification of, or access to a medical record shall at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion.

A parent or guardian who request notification of, or access to, a child's/incompetent person's medical record shall designate a family physician or other health professional (other than a family member) to whom the record, if any, will be sent.

The parent or guardian must verify his/her relationship to the child/incompetent person by providing a birth certificate (or notarized copy), court order, or other competent evidence of guardianship.

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under Notification Procedures above and reasonably identify the record, specify the information being contested, and state the corrective action sought.

RECORD SOURCE CATEGORIES:

Individuals, local health departments, hospitals, and clinics.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-20-0090

SYSTEM NAME:

Studies of Testing for Tuberculosis and other Mycobacterioses. HHS/CDC/CPS.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Tuberculosis Control Division, Freeway Office Park, Rooms 237, 142, 127, Centers for Disease Control, Atlanta, Georgia 30333

and

Federal Records Center, 1557 St. Joseph Ave., East Point, Georgia 30344.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Study participants include patients, clientele, and employees of local and county health departments, hospitals, and other institutions currently observing and/or treating cases of tuberculosis and other mycobacterial disease. Participants include adults and children.

CATEGORIES OF RECORDS IN THE SYSTEM:

Medical records.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Public Health Service Act, Section 301 (42 U.S.C. 241).

PURPOSE(S):

To study the diagnostic value of tests used to identify persons infected with M. tuberculosis or sensitized by other mycobacteria. These records may also be used by the Food and Drug Administration in conducting research related to Investigational New Drugs (IND).

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

Test results will be returned to the collaborating physician or responsible hospital official.

Disclosure may be made to 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.

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

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

STORAGE:

Cards, file folders, and computer tapes.

RETRIEVABILITY:

Records are retrieved by name and I.D. number.

SAFEGUARDS:

Locked buildings, locked rooms, personnel screening, locked computer rooms and tape vaults, password protection of computerized records, limited access to only authorized personnel, i.e., project managers, system analysts, and computer operators. Two or more of these safeguards are used for all records covered by this system notice. The particular safeguards used are selected as appropriate for the type of records covered by each individual study or specific project. For computerized records, safeguards are in accordance with HHS/ADP System Security Manual, Part 6. The safeguards described for nonautomated records are in accordance with Chapter 45–13 in the General Administration Manual, and the supplementary PHS chapter.

RETENTION AND DISPOSAL:

Number of years held at CDC: 5 years. May be transferred to Federal Records Center when no longer needed for evaluation and analysis. Destroyed by paper recycling process after 20 years, unless needed for further study.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Tuberculosis Control Division, Freeway Park Building, Room 111, Atlanta, Georgia 30333.

NOTIFICATION PROCEDURE:

An individual may learn if a record exists about himself or herself by contacting the System Manager at the address above. Requesters in person must provide driver's license or other positive identification. Individuals who do not appear in person must either (1) submit a notarized request to verify their identity or (2) must certify that they are the individuals they claim to be and that they understand that the knowing and willful request for or acquisition of a record pertaining to an individual under false pretenses is a criminal offense under the Privacy Act subject to a $5,000 fine.

In addition, an individual who requests notification of, or access to, a medical record shall at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion.

A parent or guardian who requests notification of, or access to, a child's medical record shall designate a family physician or other health professional (other than a family member) to whom the record, if any, will be sent. The parent or guardian must verify relationship to the child by means of a birth certificate or court order, as well as verify that he or she is who he or she claims to be.

Finally, all of the following information must be provided when requesting notification: (1) full name; (2) approximate date(s) of the contact(s) with the Centers for Disease Control representative; (3) nature of the questionnaire or study in which the requester participated; (4) nature of the material desired.

RECORD ACCESS PROCEDURES:

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

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under Notification Procedures above and reasonably identify the record, specify the information being contested, and state the corrective action sought.

RECORD SOURCE CATEGORIES:

Individuals and hospitals.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-20-0093

SYSTEM NAME:

Tuberculosis Preventive Therapy Studies. HHS/CDC/CPS.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Tuberculosis Control Division, Freeway Office Park, Room 142, Centers for Disease Control, Atlanta, Georgia 30333

and

Federal Records Center, 1557 St. Joseph Ave, East Point, Georgia 30344.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Study participants, including adults and children, who were contacts to tuberculosis patients in Puerto Rico during 1957–1959. Also adults who had inactive tuberculosis during 1960–1964.

CATEGORIES OF RECORDS IN THE SYSTEM:

Medical records.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Public Health Service Act, Section 301 (42 U.S.C. 241).

PURPOSE(S):

To evaluate the safety and effectiveness of preventive tuberculosis therapy using the drug isoniazid.

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

Disclosure may be made to 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.

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

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

STORAGE:

Cards, file folders and computer tapes.

RETRIEVABILITY:

Records are retrieved by name.

SAFEGUARDS:

Locked buildings, locked rooms, personnel screening, locked computer rooms and tape vaults, password protection of computerized records, limited access to only authorized personnel, i.e., project managers and program analysts. Two or more of these safeguards are used for all records covered by this system notice. The particular safeguards used are selected as appropriate for the type of records covered by each individual study or specific project. For computerized records, safeguards are in accordance with HHS/ADP System Security Manual, Part 6. The safeguards described for nonautomated records are in accordance with Chapter 45–13 in the General Administration Manual, and the

supplementary PHS chapter. Departmental security guidelines will be followed.

RETENTION AND DISPOSAL:

Records are maintained at the Federal Records Center for 20 years and are then destroyed by recycling process, unless needed for further study.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Tuberculosis Control Division, Freeway Park Building, Room 111, Centers for Disease Control, Atlanta, Georgia 30333.

NOTIFICATION PROCEDURE:

An individual may learn if a record exists about himself or herself by contacting the System Manager at the address above. Requesters in person must provide driver's license or other positive identification. Individuals who do not appear in person must either (1) submit a notarized request to verify their identity or (2) must certify that they are the individuals they claim to be and that they understand that the knowing and willful request for or acquisition of a record pertaining to an individual under false pretenses is a criminal offense under the Privacy Act subject to a $5,000 fine.

In addition, an individual who requests notification of, or access to, a medical record shall at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion.

A parent or guardian who requests notification of, or access to, a child's medical record shall designate a family physician or other health professional (other than a family member) to whom the record, if any, will be sent. The parent or guardian must verify relationship to the child by means of a birth certificate or court order, as well as verify that he or she is who he or she claims to be.

Finally, all of the following information must be provided when requesting notification: (1) full name; (2) approximate date(s) of the contact(s) with the Centers for Disease Control representative; (3) nature of the questionnaire or study in which the requester participated; (4) nature of the material desired.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. An individual who requests notification of, or access to, a medical record shall at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion.

A parent or guardian who requests notification of, or access to, a child's/incompetent person's medical record shall designate a family physician or other health professional (other than a family member) to whom the record, if any, will be sent.

The parent or guardian must verify his/her relationship to the child/incompetent person by providing a birth certificate (or notarized copy), court order, or other competent evidence of guardianship.

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under Notification Procedures above and reasonably identify the record, specify the information being contested, and state the corrective action sought.

RECORD SOURCE CATEGORIES:

Participants and/or family members of participants.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-20-0094

SYSTEM NAME:

Studies of Drug Resistant Tuberculosis Cases/Contacts, HHS/CDC/CPS.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Tuberculosis Control Division, Freeway Park Building, Room 137, 142, 127, Centers for Disease Control, Atlanta, Georgia 30333

and

Federal Records Center, 1557 St. Joseph Ave., East Point, Georgia 30344.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

County and local health department patients, including adults and children, for whom routine treatment fails due to the resistance of the organisms to anti-tuberculosis drugs.

CATEGORIES OF RECORDS IN THE SYSTEM:

Medical records.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Public Health Service Act, Section 301 (42, U.S.C. 241).

PURPOSE(S):

To determine the best measures against drug resistant tuberculosis.

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

Records may be disclosed to health departments and other public health or cooperating medical authorities in connection with program evaluations and related collaborative efforts to deal more effectively with diseases and conditions of public health significance.

A record may be disclosed for a research purpose, when the Department:

(a) has determined that the use or disclosure does not violate legal or policy limitations under which the record was provided, collected, or obtained;

(b) has determined that the research purpose (1) cannot be reasonably accomplished unless the record is provided in individually identifiable form, and (2) warrants the risk to the privacy of the individual that additional exposure of the record might bring;

(c) has required the recipient to—(1) establish reasonable administrative technical, and physical safeguards to prevent unauthorized use or disclosure of the record, and (2) remove or destroy the information that identifies the individual at the earliest time at which removal or destruction can be accomplished consistent with the purpose of the research project, unless the recipient has presented adequate justification of a research or health nature for retaining such information, and (3) make no further use or disclosure of the record except—(A) in emergency circumstances affecting the health or safety of any individual, (B) for use in another research project, under these same conditions, and with written authorization of the Department, (C) for disclosure to a properly identified person for the purpose of an audit related to the research project, if information that would enable research subjects to be identified is removed or destroyed at the earliest opportunity consistent with the purpose of the audit, or (D) when required by law;

(d) has secured a written statement attesting to the recipient's understanding of, and willingness to abide by these provisions.

Disclosure may be made to 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. In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the

Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

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

STORAGE:

Cards, file folders and computer tapes.

RETRIEVABILITY:

Records are retrieved by I.D. number.

SAFEGUARDS:

Locked buildings, locked rooms, personnel screening, locked computer rooms and tape vaults, password protection of computerized records, limited access to only authorized personnel, i.e, project manager, program analysts, designated physicians and computer operators. Two or more of these safeguards are used for all records covered by this system notice. The particular safeguards used are selected as appropriate for the type of records covered by each individual study or specific project. For computerized records, safeguards are in accordance with HHS/ADP System Security Manual, Part 6. The safeguards described for nonautomated records are in accordance with Chapter 45–13 in the General Administration Manual, and the supplementary PHS Chapter.

RETENTION AND DISPOSAL:

Number of years held at CDC: 5 years. May be transferred to Federal Records Center when no longer needed for evaluation and analysis. Destroyed by paper recycling process after 20 years, unless needed for further study.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Tuberculosis Control Division, Freeway Park Building, Room 111, Centers for Disease Control, Atlanta, Georgia 30333.

NOTIFICATION PROCEDURE:

An individual may learn if a record exists about himself or herself by contacting the System Manager at the address above. Requesters in person must provide driver's license or other positive identification. Individuals who do not appear in person must either (1) submit a notarized request to verify their identity or (2) must certify that they are the individuals they claim to be and that they understand that the knowing and willful request for an acquisition of a record pertaining to an individual under false pretenses is a criminal offense under the Privacy Act subject to a $5,000 fine.

In addition, an individual who requests notification of, or access to, a medical record shall at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion.

A parent or guardian who requests notification of, or access to, a child's medical record shall designate a family physician or other health professional (other than a family member) to whom the record, if any, will be sent. The parent or guardian must verify relationship to the child by means of a birth certificate or court order, as well as verify that he or she is who he or she claims to be.

Finally, all of the following information must be provided when requesting notification: (1) full name; (2) approximate date(s) of the contact(s) with the Centers for Disease Control representative; (3) nature of the questionnaire or study in which the requester participated; (4) nature of the material desired.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. An individual who requests notification of, or access to a medical record shall at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion.

A parent or guardian who requests notification of, or access to, a child's/incompetent person's medical record shall designate a family physician or other health professional (other than a family member) to whom the record, if any, will be sent.

The parent or guardian must verify his/her relationship to the child/incompetent person by providing a birth certificate (or notarized copy), court order, or other competent evidence of guardianship.

CONTESTING RECORD PROCEDURES:

Contract the official at the address speicfied under Notification procedures above and resonably identify the record, specify the information being contested, and state the corrective action sought.

RECORD SOURCE CATEGORIES:

State and local health departments, and laboratories.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09–20–0095

SYSTEM NAME:

Varicela Zoster Immune Globulin Records on High Risk Immunosuppressed Children Exposed to Chickenpox. HHS/CDC/CPS.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Immunization Division, Bldg. 6, Rm. 243, CDC, Atlanta, Georgia 30333.

and

Federal Records Center, 1557 St. Joseph Ave., East Point, Georgia 30344.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

High risk immunosuppressed children (e.g., children whose natural immune response is low) who are exposed to chickenpox.

CATEGORIES OF RECORDS IN THE SYSTEM:

Epidemiological and clinical histories.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Public Health Service Act, Section 301 (42 U.S.C. 241).

PURPOSE(S):

To evaluate measures used against chickenpox.

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

Disclosure may be made to 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.

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or

her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department of present an effective defense, provided such disclosure is compatible with the purposes for which the records were collected.

The Department contemplates that it will contract with a private firm for the purpose of collating, analyzing, aggregating or otherwise refining records in this system. Relevant records will be disclosed to such a contractor. The contractor shall be required to maintain Privacy Act safeguards with respect to such records.

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

STORAGE:

Cards, file folders, and computer tapes.

RETRIEVABILITY:

Records are retrieved alphabetically by name.

SAFEGUARDS:

24-hour guard service in buildings, locked buildings, locked rooms, personnel screening, locked computer rooms and tape vaults, password protection of computerized records, limited access to only authorized personnel, i.e., project managers and program analysts. Two or more of these safeguards are used for all records covered by this system notice. The particular safeguards used are selected as appropriate for the type of records covered by each individual study or specific project. For computerized records, safeguards are in accordance with HHS/ADP System Security Manual, Part 6. The safeguards described for nonautomated records are in accordance with Chapter 45–13 in the General Administration Manual, and the supplementary PHS chapter.

RETENTION AND DISPOSAL:

Number of years held at CDC: 5 years. May be transferred to Federal Records Center when no longer needed for evaluation and analysis. Destroyed by paper recylcing process after 20 years, unless needed for further study.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Center for Prevention Services, Bldg. 1, Rm. 2047, Centers for Disease Control, Atlanta, Georgia 30333.

NOTIFICATION PROCEDURE:

An individual may learn if a record exists about himself or herself by contacting the System Manager at the address above. Requesters in person must provide driver's license or other positive identification. Individuals who do not appear in person must either (1) submit a notarized request to verify their identify or (2) must cerify that they are the individuals they claim to be and that they understand that the knowing and willful request for or acquisition of a record pertaining to an individual under false pretenses is a criminal offense under the Privacy Act subject to a $5,000 fine.

In addition, an individual who requests notification of, or access to, a medical record shall at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion.

A parent or guardian who requests notification of, or access to, a child's medical record shall designate a family physician or other health professional (other than a family member) to whom the record, if any, will be sent. The parent or guardian must verify relationship to the child by means of a birth certificate or court order, as well as verify that he or she is who he or she claims to be.

Finally, all of the following information must be provided when requesting notification: (1) full name; (2) approximate date(s) of the contact(s) with the Centers for Disease Control representative; (3) nature of the questionnaire or study in which the requester participated; (4) nature of the material desired.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. An individual who requests notification of, or access to a medical record shall at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the represenative's discretion.

A parent of guardian who requests notification of, or access to, a child's/incompetent person's medical record shall designate a family physician or other health professional (other than a family member) to whom the record, if any, will be sent.

The parent or guardian msut verify his/her relationship to the child/incompetent person by providing a birth certificate (or notarized copy), court order, or other competent evidence of guardianship.

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under Notification Procedures above and reasonably identify the record, specify the information being contested, and state the corrective action sought.

RECORD SOURCE CATEGORIES:

Private physicians.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09–20–0096

SYSTEM NAME:

Tuskegee Study of Untreated Syphilis Medical Care Program. HHS/CDC/CPS.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Center for Prevention Services, Bldg. 1, Room 3007, CDC, Atlanta, Georgia 30333.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Adult participants in the study and their family members.

CATEGORIES OF RECORDS IN THE SYSTEM:

Medical records.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Public Health Act, Section 301 (42 U.S.C. 241).

PURPOSE(S):

To determine eligibility for medical care for participants and their family members and to maintain status of participants in litigation.

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

A record may be disclosed for a research purpose, when the Department:

(a) has determined that the use or disclosure does not violate legal or policy limitations under which the record was provided, collected, or obtained;

(b) has determined that the research purpose (1) cannot be reasonably accomplished unless the record is provided in individually identifiable form, and (2) warrants the risk to the privacy of the individual that additional exposure of the record might bring;

(c) has required the recipient to—(1) establish reasonable administrative, technical, and physical safeguards to prevent unauthorized use or disclosure of the record, and (2) remove or destroy the information that identifies the

individual at the earliest time at which removal or destruction can be accomplished consistent with the purpose of the research project, unless the recipient has presented adequate justification of a research or health nature for retaining such information, and (3) make no further use or disclosure of the record except—(A) in emergency circumstances affecting the health or safety of any individual, (B) for use in another research project, under these same conditions, and with written authorization of the Department, (C) for disclosure to a properly identified person for the purpose of an audit related to the research project, if information that would enable research subjects to be identified is removed or destroyed at the earliest opportunity consistent with the purpose of the audit, or (D) when required by law;

(d) has secured a written statement attesting to the recipient's understanding of, and willingness to abide by these provisions.

Information may be furnished to courts of competent jurisdiction and to attorneys for legal purposes.

Records may be disclosed to health departments and other public health or cooperating medical authorities in connection with program evaluations and related collaborative efforts to deal more effectively with diseases and conditions of public health significance.

Disclosure may be made to 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.

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

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

STORAGE:

File Folders.

RETRIEVABILITY:

Records are retrieved alphabetically by name.

SAFEGUARDS:

24-hour guard service in buildings, locked buildings, locked rooms, personnel screening. Limited access to only authorized personnel, i.e., management officials and staff who review and approve payments of medical costs. Two or more or these safeguards are used for all records covered by this system notice. The particular safeguards used are selected as appropriate for the specific type of records. Safeguards are in accordance with HHS/ADP System Security Manual, Part 6. The Safeguards described for nonautomated records are in accordance with Chapter 45–13 in the General Administration Manual, and the supplementary PHS chapter.

RETENTION AND DISPOSAL:

Number of years held at CDC: Indefinite period, pending completion of litigation. Records may be retired to a Federal Record Center and subsequently disposed of in accordance with CDC's Records Control schedule. The records control schedule may be obtained by writing to the system manager at the address below.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Center for Prevention Services, Bldg. 1, Rm 3007, CDC, Atlanta, Georgia 30333.

NOTIFICATION PROCEDURE:

An individual may learn if a record exists about himself or herself by contacting the System Manager at the address above. Requesters in person must provide driver's license or other positive identification. Individuals who do not appear in person must either (1) submit a notarized request to verify their identity or (2) must certify that they are the individuals they claim to be and that they understand that the knowing and willful request for or acquisition of a record pertaining to an individual under false pretenses is a criminal offense under the Privacy Act subject to a $5,000 fine.

In addition, an individual who requests notification of, or access to, a medical record shall at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion.

A parent or guardian who requests notification of, or access to a child's medical record shall designate a family physician or other health professional (other than a family member) to whom the record, if any, will be sent. The parent or guardian must verify relationship to the child by means of a birth certificate or court order, as well as verify that he or she is who he or she claims to be.

Finally, all of the following information must be provided when requesting notification: (1) full name; (2) approximate date(s) of the contract(s) with the Centers for Disease Control representative; (3) nature of the questionnaire of study in which the requester participated; (4) nature of the material desired.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. An individual who requests notification of, or access to a medical record shall at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion.

A parent or guardian who requests notification of, or access to, a child's/incompetent person's medical record shall designate a family physican or other health professional (other than a family member) to whom the record, if any, will be sent.

The parent or guardian must verify his/her relationship to the child/incompetent person by providing a birth certificate (or notarized copy), court order, or other competent evidence of guardianship.

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under Notification Procedures above and reasonably identify the record, specify the information being contested, and state the corrective action sought.

RECORD SOURCE CATEGORIES:

Participants and family members of participants entitled to medical care; Social Security Administration for Medicare information; and state welfare departments for information on Medicaid.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-20-0097

SYSTEM NAME:

Studies of the Effects of BCG Vaccinations for Tuberculosis. HHS/CDC/CPS.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Federal Records Center, 1557 St. Joseph Ave., East Point, Georgia 30344.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Adults and children who received BCG vaccinations during 1950 at county health clinics in Muscogee County, Georgia, Russell County, Alabama, and at the Las Lomas Public Health Clinic in Rio Piedros, Puerto Rico.

CATEGORIES OF RECORDS IN THE SYSTEM:

Medical records, including skin tests and x-ray results.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Public Health Service Act, Section 301 (42 U.S.C. 241).

PURPOSE(S):

To determine the effectiveness and safety of BCG vaccinations for the prevention of tuberculosis.

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

A record may be disclosed for a research purpose, when the Department:

(a) has determined that the use or disclosure does not violate legal or policy limitations under which the record was provided, collected, or obtained;

(b) has determined that the research purpose (1) cannot be reasonably accomplished unless the record is provided in individually identifiable form, and (2) warrants the risk to the privacy of the individual that additional exposure of the record might bring;

(c) has required the recipient to—(1) establish reasonable administrative, technical, and physical safeguards to prevent unauthorized use or disclosure of the record, and (2) remove or destroy the information that identifies the individual at the earliest time at which removal or destruction can be accomplished consistent with the purpose of the research project, unless the recipient has presented adequate justification of a research or health nature for retaining such information, and (3) make no further use or disclosure of the record except—(A) in emergency circumstances affecting the health or safety of any individual, (B) for use in another research project, under these same conditions, and with written authorization of the Department, (C) for disclosure to a properly identified person for the purpose of an audit related to the research project, if infomation that would enable research subjects to be identified is removed or destroyed at the earliest opportunity consistent with the purpose of the audit, or (D) when required by law;

(d) has secured a written statement attesting to the recipient's understanding of, and willingness to abide by these provisions.

Records may be disclosed to Health Departments and other public health or cooperating medical authorities in connection with program evaluations and related collaborative effects to deal more effectively with diseases and conditions of public health significance.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressinal office made at the request of that individual.

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

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

STORAGE:

Cards and file folders.

RETRIEVABILITY:

Records are retrieved by name.

SAFEGUARDS:

Locked buildings, locked rooms, personnel screening. Limited acces to only authorized personnel, i.e., program managers and computer operators. Two or more of these safeguards are used for all records covered by this system notice. The particular safeguards used are selected as appropriate for the type of records covered by each individual study or specific project. For computerized records, safeguards are in accordance with HHS/ADP System Security Manual, Part 6. The safeguards described for nonautomated records are in accordance with Chapter 45–13 in the General Administration Manual, and the supplementary PHS chapter.

RETENTION AND DISPOSAL:

Records are transferred to Federal Records Center when no longer needed for evaluation and analysis. Destroyed by paper recycling process after 15 years, unless needed for further study.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Tuberculosis Control Division, Freeway Park Building, Room 111, Centers for Disease Control, Atlanta, Georgia 30333.

NOTIFICATION PROCEDURE:

An individual may learn if a record exists about himself or herself by contacting the System Manager at the address above. Requesters in person must provide driver's license or other positive identification. Individuals who do not appear in person must either (1) submit a notarized request to verify their identity or (2) must certify that they are the individuals they claim to be and that they understand that the knowing and willful request for or acquisition of a record pertaining to an individual under false pretenses is a criminal offense under the Privacy Act subject to a $5,000 fine.

In addition, an individual who requests notification of, or access to, a medical record shall at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion.

A parent or guardian who requests notification of, or access to, a child's medical record shall designate a family physician or other health professional (other than a family member) to whom the record, if any, will be sent. The parent or guardian must verify relationship to the child by means of a birth certificate or court order, as well as verify that he or she is who he or she claims to be.

Finally, all of the following information must be provided when requesting notification: (1) full name; (2) approximate date(s) of the contact(s) with the Centers for Disease Control representative; (3) nature of the questionnaire or study in which the requester participated; (4) nature of the material desired.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. An individual who requests notification of, or access to a medical record shall at the time the request is made, designate in writing a responsible representative who will be willing to review the record

and inform the subject individual of its contents at the representative's discretion.

A parent or guardian who requests notification of, or access to, a child's/incompetent person's medical record shall designate a family physician or other health professional (other than a family member) to whom the record, if any, will be sent.

The parent or guardian must verify his/her relationship to the child/incompetent person by providing a birth certificate (or notarized copy), court order, or other competent evidence of guardianship.

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under Notification Procedures above and reasonably identify the record, specify the information being contested, and state the corrective action sought.

RECORD SOURCE CATEGORIES:

Participants and family members of participants in the Commonwealth of Puerto Rico, Muscogee County, Georgia, and Russell County, Alabama.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-20-0098

SYSTEM NAME:

Congenital Rubella Registry. HHS/CDC/CPS.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Immunization Division, Building 6, Room 243, Centers for Disease Control, Atlanta, Georgia 30333.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Patients with diagnosis of rubella at birth.

CATEGORIES OF RECORDS IN THE SYSTEM:

Epidemiological and clinical histories.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Public Health Service Act, Section 301 (42 U.S.C. 241).

PURPOSE(S):

To monitor incidence of congenital rubella (e.g., existing at birth but not hereditary) and its relationship to rubella vaccination.

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

Disclosure may be made to 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.

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

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

STORAGE:

Cards and file folders are stored in lockable file cabinets.

RETRIEVABILITY:

Records are retrieved by identifying code number.

SAFEGUARDS:

24-hour guard service in buildings, locked buildings, locked rooms, personnel screening. Limited access to only authorized personnel, i.e., project managers and systems analysts. Two or more of these safeguards are used for all records, covered by this system notice. The particular safeguards used are selected as appropriate for the type of records covered by each individual study or specific project. The safeguards described for nonautomated records are in accordance with Chapter 45-13 in the General Administration Manual, and the supplementary PHS chapter.

RETENTION AND DISPOSAL:

Records are transferred to Federal Records Center when no longer needed for evaluation and analysis. Destroyed by paper recycling process after 20 years, unless needed for further study.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Center for Prevention Services, Building 1, Room No. 2047, Centers for Disease Control, Atlanta, Georgia 30333.

NOTIFICATION PROCEDURE:

An individual may learn if a record exists about himself or herself by contacting the System Manager at the address above. Requesters in person must provide driver's license or other positive identification. Individuals who do not appear in person must either (1) submit a notarized request to verify their identity or (2) must certify that they are the individuals they claim to be and that they understand that the knowing and willful request for or acquisition of a record pertaining to an individual under false pretenses is a criminal offense under the Privacy Act subject to a $5,000 fine.

In addition, an individual who requests notification of, or access to, a medical record shall at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion.

A parent or guardian who requests notification of, or access to, a child's medical record shall designate a family physician or other health professional (other than a family member) to whom the record, if any, will be sent. The parent or guardian must verify relationship to the child by means of a birth certificate or court order, as well as verify that he or she is who he or she claims to be.

Finally, all of the following information must be provided when requesting notification: (1) full name; (2) approximate date(s) of the contract(s) with the Centers for Disease Control representative; (3) nature of the questionnaire or study in which the requester participated; (4) nature of the material desired.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. An individual who requests notification of, or access to a medical record shall at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion.

A parent or guardian who requests notification of, or access to, a child's/incompetent person's medical record shall designate a family physician or other health professional (other than a family member) to whom the record, if any, will be sent.

The parent or guardian must verify his/her relationship to the child/incompetent person by providing a birth

certificate (or notarized copy), court-order, or other competent evidence of guardianship.

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under Notification Procedures above and reasonably identify the record, specify the information being contested, and state the corrective action sought.

RECORD SOURCE CATEGORIES:

Private physicians.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-20-0102

SYSTEM NAME:

Alien Mental Waiver Program. HHS/CDC/CPS.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

International Health Information and Visa Medical Activity, Centers for Disease Control, Quarantine Division, Building D, Freeway Office Park, Room 208, Atlanta, Georgia 30333

and

Federal Records Center, 1557 St. Joseph Ave., East Point, Georgia 30344.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Immigrant aliens with waivers of excludability who are mentally retarded or who have an attack of insanity.

CATEGORIES OF RECORDS IN THE SYSTEM:

Medical history files.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Public Health Service Act Section 325 (42 U.S.C. 252); Immigration and Nationality Act Section 212(g) (8 U.S.C. 1182(g)).

PURPOSE(S):

To comply with the requirements of Section 212(g) of the Immigration and Nationality Act, CDC must receive and maintain medical records on aliens who apply for waivers of excludability due to mental retardation or a previous attack of insanity. CDC uses medical records to process the initial applications for such waivers and for periodic medical surveillance and evaluation of individual cases.

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

Department of State (DOS) or Immigration and Naturalization Service (INS) obtains initial medical examinations and submits to Quarantine Division of CDC. Final diagnosis returned to submitter. Alien or sponsor furnishes copy of medical file to local health care facility in U.S.

Disclosure may be made to 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.

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

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

STORAGE:

Individual file folders.

RETRIEVABILITY:

Records are retrieved by name.

SAFEGUARDS:

Locked buildings, locked rooms, personnel screening. Limited access to only authorized personnel, i.e., program manager and immediate staff members. Two or more of these safeguards are used for all records, covered by this system notice. The particular safeguards used are selected as appropriate for the type of records covered by each individual study or specific project. The safeguards described for nonautomated records are in accordance with Chapter 45-13 in the General Administration Manual, and the supplementary PHS chapter.

RETENTION AND DISPOSAL:

Records are held at CDC for 6 years, and are then transferred to the Federal Records Center when no longer needed for evaluation and analysis. Destroyed by paper recycling process after 4 years, unless needed for further study.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Center for Prevention Services, Room 3007, Bldg. 1, Centers for Disease Control, Atlanta, Georgia 30333.

NOTIFICATION PROCEDURE:

An individual may learn if a record exists about himself or herself by contacting the System Manager at the address above. Requesters in person must provide driver's license or other positive identification. Individuals who do not appear in person must either (1) submit a notarized request to verify their identity or (2) must certify that they are the individuals they claim to be and that they understand that the knowing and willful request for or acquisition of a record pertaining to an individual under false pretenses is a criminal offense under the Privacy Act subject to a $5,000 fine.

In addition, an individual who requests notification of, or access to a medical record shall at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion.

A parent or guardian who requests notification of, or access to, a child's medical record shall designate a family physician or other health professional (other than a family member) to whom the record, if any, will be sent. The parent or guardian must verify relationship to the child by means of a birth certificate or court order, as well as verify that he or she is who he or she claims to be.

Finally, all of the following information must be provided when requesting notification: (1) full name; (2) approximate date(s) of the contact(s) with the Centers for Disease Control representative; (3) nature of the questionnaire or study in which the requester participated; (4) nature of the material desired.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. An individual who requests notification of, or access to a medical record shall at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion.

A parent or guardian who requests notification of, or access to, a child's/incompetent person's medical record shall designate a family physician or other health professional (other than a family member) to whom the record, if any, will be sent.

The parent or guardian must verify his/her relationship to the child/incompetent person by providing a birth

certificate (or notarized copy), court order, or other competent evidence of guardianship.

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under Notification Procedures above and reasonably identify the record, specify the information being contested, and state the corrective action sought.

RECORD SOURCE CATEGORIES:

Prior to alien's arrival in the U.S., medical information is submitted by Department of State and/or Justice Department (INS); after arrival, medical reports submitted by medical specialist, schools, or institutions.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-20-0103

SYSTEM NAME:

Alien Tuberculosis Follow-up Program. HHS/CDC/CPS.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

International Health Information and Visa Medical Activity, Quarantine Division, Building D, Freeway Office Park, Room 208, Centers for Disease Control, Atlanta, Georgia 30333.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Immigrant Aliens with Tuberculosis.

CATEGORIES OF RECORDS IN THE SYSTEM:

Medical history.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Public Health Service Act Section 325 (42 U.S.C. 252); Immigration and Nationality Act Section 212(g)(8 U.S.C. 1182(g)).

PURPOSE(S):

To provide a record system for the surveillance and periodic medical evaluation of immigrant aliens with tuberculosis.

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

Disclosure may be made to the state health department, the courts or city health department, the private physician or other health care facility that will provide the medical care for the immigrant alien.

Disclosure may be made to 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.

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

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

STORAGE:

Card files.

RETRIEVABILITY:

Records are retrieved by name, by year of arrival, and by State of initial settlement in the United States.

SAFEGUARDS:

Locked buildings, locked rooms, personnel screening. Limited access to only authorized personnel, i.e., designated members of Quarantine Division and Tuberculosis Division. Two or more of these safeguards are used for all records covered by this system notice. The particular safeguards used are selected as appropriate for the type of records covered by each individual study or specific project. The safeguards described for nonautomated records are in accordance with Chapter 45-13 in the General Administration Manual, and the supplementary PHS chapter.

RETENTION AND DISPOSAL:

Number of years held at CDC: 2 years. Destroyed by paper recycling process after 2 years.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Center for Prevention Services, Room 3007, Bldg. 1, CDC, Atlanta, Georgia 30333.

NOTIFICATION PROCEDURE:

An individual may learn if a record exists about himself or herself by contacting the System Manager at the address above. Requesters in person must provide driver's license or other positive identification. Individuals who do not appear in person must either (1) submit a notarized request to verify their identify or (2) must certify that they are the individuals they claim to be and that they understand that the knowing and willful request for or acquisition of a record pertaining to an individual under false pretenses is a criminal offense under the Privacy Act subject to a $5,000 fine.

In addition, an individual who requests notification of, or access to, a medical record shall at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion.

A parent or guardian who requests notification of, or access to, a child's medical record shall designate a family physician or other health professional (other than a family member) to whom the record, if any, will be sent. The parent or guardian must verify relationship to the child by means of a birth certificate or court order, as well as verify that he or she is who he or she claims to be.

In addition, an individual who requests notification of, or access to, a medical record shall at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion.

A parent or guardian who requests notification of, or access to, a child's medical record shall designate a family physician or other health professional (other than a family member) to whom the record, if any, will be sent. The parent or guardian must verify relationship to the child by means of a birth certificate or court order, as well as verify that he or she is who he or she claims to be.

Finally, all of the following information must be provided when requesting notification: (1) full name; (2) approximate date(s) of the contact(s) with the Centers for Disease Control representative; (3) nature of the questionnaire or study in which the requester participated; (4) nature of the material desired.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. An individual who requests notification of, or access to a medical record shall at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion.

A parent or guardian who requests notification of, or access to, a child's/incompetent person's medical record shall designate a family physician or other health professional (other than a family member) to whom the record, if any, will be sent.

The parent or guardian must verify his/her relationship to the child/incompetent person by providing a birth certificate (or notarized copy), court order, or other competent evidence of guardianship.

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under Notification Procedures above and reasonably identify the record, specify the information being contested, and state the corrective action sought.

RECORD SOURCE CATEGORIES:

Information obtained from alien's visa medical documents at port of entry by Quarantine Inspectors.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-20-0106

SYSTEM NAME:

Specimen Handling for Testing and Related Data. HHS/CDC/CID.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Center for Infectious Diseases, Scientific Services Program, Bldg. 4—Room 35, Centers for Disease Control, Atlanta, Georgia 30333

Hepatitis and Enteric Viral Diseases Division, Center for Infectious Diseases, Centers for Disease Control, Room 123, 4402 North 7th St., Phoenix, Ariz. 85014.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Adults and children whose specimens have been submitted to CDC for testing.

CATEGORIES OF RECORDS IN THE SYSTEM:

Results of diagnostic tests involving microbiology, clinical chemistry, hematology, immunology, genetics and pathology.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Public Health Service Act, Section 301 (42 U.S.C. 241).

PURPOSE(S):

For documentation of test results which are returned to submitter. Used between specialty units for research purposes; and for epidemiological investigations for epidemic causes, prevention family groupings of diseases, and geographical location of specific diseases; also, used by epidemiologists and researchers in determining drug resistance of specific organisms.

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

A record may be disclosed for a research purpose, when the Department:

(a) has determined that the use or disclosure does not violate legal or policy limitations under which the record was provided, collected, or obtained;

(b) has determined that the research purpose (1) cannot be reasonably accomplished unless the record is provided in individually identifiable form, and (2) warrants the risk to the privacy of the individual that additional exposure of the record might bring;

(c) has required the recipient to—(1) establish reasonable administrative, technical, and physical safeguards to prevent unauthorized use or disclosure of the record, and (2) remove or destroy the information that identifies the individual at the earliest time at which removal or destruction can be accomplished consistent with the purpose of the research project, unless the recipient has presented adequate justification of a research or health nature for retaining such information, and (3) make no further use or disclosure of the record except—(A) in emergency circumstances affecting the health or safety of any individual, (B) for use in another research project, under these same conditions, and with written authorization of the Department, (C) for disclosure to a properly identified person for the purpose of an audit related to the research project, if information that would enable research subjects to be identified is removed or destroyed at the earliest opportunity consistent with the purpose of the audit, or (D) when required by law;

(d) has secured a written statement attesting to the recipient's understanding of, and willingness to abide by these provisions. To individuals and organizations deemed qualified by the Secretary to carry out quality assessment, medical audits, and utilization review. The Department contemplates that it will contract with a private firm for the purposes of collating, analysing, aggregating, or otherwise refining records in this system. Relevant records will be disclosed to such a contractor. The contractor shall be required to maintain Privacy Act safeguards with respect to such records.

Records may be disclosed to Health Departments and other public health or cooperating medical authorities in connection with program evaluations and related collaborative efforts to deal more effectively with diseases and conditions of public health significance.

Disclosure may be made to 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.

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

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

Records are stored on computer tapes, discs, microfilm and file folders.

STORAGE:

Original Form—file folders; microfilm copies—computer storage.

RETRIEVABILITY:

Retrieved by: name or designated number furnished by the submitter, CDC identifying number, microfilm number.

SAFEGUARDS:

24-hour guard service in buildings locked buildings, locked rooms, personnel screening, locked computer rooms and tape vaults, password protection of computerized records, limited access to designated scientists, researchers and system managers. Two or more of these safeguards are used for all records covered by this system notice. The particular safeguards used are selected as appropriate for the type of records covered by each individual study or specific project. For computerized records, safeguards are in accordance with HHS/ADP System Security Manual, Part 6. The safeguards described for nonautomated records are in accordance with Chapter 45-13 in the General Administration Manual, and the supplementary PHS Chapter.

RETENTION AND DISPOSAL:

Number of years held at CDC: 10 years and then destroyed by paper recycling process.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Center for Infectious Diseases, Building 1—Room 6007, CDC Atlanta, Georgia 30333

Director, Epidemiology Program Office, Room 5009, Building 1, CDC, Atlanta, Georgia 30333

San Juan Investigations Division, CID, Centers for Disease Control, San Juan, Puerto Rico

Director, Center for Prevention Services, Centers for Disease Control, Building 1, Room 2047, Atlanta, Georgia 30333

Federal Records Center, 1557 St. Joseph Ave., East Point, Georgia 30344 and

Director, Hepatitis and Enteric Viral Diseases Division, Room 123, 4402 North 7th Street, Phoenix, Arizona 85014.

NOTIFICATION PROCEDURE:

An individual may learn if a record exists about himself or herself by contacting the System Manager at the address above. Requesters in person must provide driver's license or other positive identification. Individuals who do not appear in person must either (1) submit a notarized request to verify their identity or (2) must certify that they are the individuals they claim to be and that they understand that the knowing and willful request for or acquisition of a record pertaining to an individual under false pretenses is a criminal offense under the Privacy Act subject to a $5,000 fine.

In addition, an individual who requests notification of, or access to, a medical record shall at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion.

A parent or guardian who requests notification of, or access to, a child's medical record shall designate a family physician or other health professional (other than a family member) to whom the record, if any, will be sent. The parent or guardian must verify relationship to the child by means of a birth certificate or court order, as well as verify that he or she is who he or she claims to be.

Finally, all of the following information must be provided when requesting notification: (1) full name; (2) approximate date(s) of the contact(s) with the Centers for Disease Control representative; (3) nature of the questionnaire or study in which the requester participated; (4) nature of the material desired.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. An individual who requests notification of, or access to a medical record shall at the time request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion.

A parent or guardian who requests notification of, or access to, a child's/incompetent person's medical record shall designate a family physician or other health professional (other than a family member) to whom the record, if any, will be sent.

The parent or guardian must verify his/her relationship to the child/incompetent person by providing a birth certificate (or notarized copy), court order, or other competent evidence of guardianship.

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under Notification Procedures above and reasonably identify the record, specify the information being contested, and state the corrective action sought.

RECORD SOURCE CATEGORIES:

Approved public health laboratories, Federal medical facilities, some private physicians.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-20-0107

SYSTEM NAME:

Dengue and Schistosomiasis Research Studies. HHS/CDC/CID.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

San Juan Investigations Activity, Center for Infectious Diseases, Centers for Disease Control, San Juan, Puerto Rico.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Adults and children who participated as patients and controls in these ongoing studies during the past 20 years.

CATEGORIES OF RECORDS IN THE SYSTEM:

Demographic and health behavioral information on individuals in study community.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Public Health Service Act, Section 301 (42 U.S.C. 241).

PURPOSE(S):

The record system is used in the evaluation of the control programs for the tropical diseases schistosomiasis and dengue.

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

A record may be disclosed for a research purpose, when the Department:

(a) has determined that the use or disclosure does not violate legal or policy limitations under which the record was provided, collected, or obtained;

(b) has determined that the research purpose (1) cannot be reasonably accomplished unless the record is provided in individually identifiable form, and (2) warrants the risk to the privacy of the individual that additional exposure of the record might bring;

(c) has required the recipient to—(1) establish reasonable administrative, technical, and physical safeguards to prevent unauthorized use or disclosure of the record, and (2) remove or destroy the information that identifies the individual at the earliest time at which removal or destruction can be accomplished consistent with the purpose of the research project, unless the recipient has presented adequate justification of a research or health nature for retaining such information, and (3) make no further use or disclosure of the record except—(A) in emergency circumstances affecting the health or safety of any individual, (B) for use in another research project, under these same conditions, and with written authorization of the Department, (C) for disclosure to a properly identified person for the purpose of an audit related to the research project, if information that would enable research subjects to be identified is removed or destroyed at the earliest opportunity consistent with the purpose of the audit, or (D) when required by law;

(d) has secured a written statement attesting to the recipient's understanding of, and willingness to abide by these provisions. To individuals and organizations deemed qualified by the Secretary to carry out quality assessment, medical audits or utilization review. The Department

contemplates that it will contract with a private firm for the purposes of collating, analyzing, aggregating or otherwise refining records in this system. Relevant records will be disclosed to such a contractor. The contractor shall be required to maintain Privacy Act safeguards with respect to such records.

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

Information transferred to Puerto Rico Health Department.

Disclosure may be made to 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.

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

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

STORAGE:

Stored on computed discs, cards and listings.

RETRIEVABILITY:

Indexed and retrieved by I.D. number.

SAFEGUARDS:

24-hour guard service in buildings, locked buildings, locked rooms, personnel screening, locked computer rooms and tape vaults, password protection of computerized records, limited access to only authorized personnel, i.e., project managers, designated researchers, and computed operators. Two or more of these safeguards are used for all records covered by this system notice. The particular safeguards used are selected as appropriate for the type of records covered by each individual study or specific project. For computerized records, these safeguards are established in accordance with HHS/ADP System Security Manual, Part 6. The safeguards described for nonautomated records are in accordance with Chapter 45–13 in the General Administration Manual, and the supplementary PHS chapter.

RETENTION AND DISPOSAL:

Number of years at CDC: 2 years. May be transferred to Federal Records Center when no longer needed for evaluation and analysis. Destroyed by paper recycling process after 10 years, unless needed for further study.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Center for Infectious Diseases, Building 1, Room 6007, Centers for Disease Controls, Atlanta, Georgia 30333.

NOTIFICATION PROCEDURE:

An individual may learn if a record exists about himself or herself by contacting the System Manager at the address above. Requesters in person must provide driver's license or other positive identification. Individuals who do not appear in person must either (1) submit a notarized request to verify their identity or (2) must certify that they are the individuals they claim to be and that they understand that the knowing and willful request for or acquisition of a record pertaining to an individual under false pretenses is a criminal offense under the Privacy Act subject to a $5,000 fine.

In addition, an individual who requests notification of, or access to, a medical record shall at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion.

A parent or guardian who requests notification of, or access to, a child's medical record shall designate a family physician or other health professional (other than a family member) to whom the record, if any, will be sent. The parent or guardian must verify relationship to the child by means of a birth certificate or court order, as well as verify that he or she is who he or she claims to be.

Finally, all of the following information must be provided when requesting notification: (1) full name; (2) approximate date(s) of the contact(s) with the Centers for Disease Control representative; (3) nature of the questionnaire or study in which the requester participated; (4) nature of the material desired.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. An individual who requests notification of, or access to a medical record shall at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion.

A parent or guardian who requests notification of, or access to, a child's/incompetent person's medical record shall designate a family physician or other health professional (other than a family member) to whom the record, if any, will be sent.

The parent or guardian must verify his/her relationship to the child/incompetent person by providing a birth certificate (or notarized copy), court order, or other competent evidence of guardianship.

CONTESTING RECORD PROCEDURES:

Contact the offical at the address specified under Notification Procedures above and reasonably identify the record, specify the information being contested, and state the corrective action sought.

RECORD SOURCE CATEGORIES:

Directly from participants in the studies.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09–20–0112

SYSTEM NAME:

CDC Exchange Visitor and Guest Researcher Records, HHS/CDC/OAM.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

CDC, Personnel Management Office, Commissioned Corps & Fellow Program Section, Bldg. 1, Room 1042, Centers for Disease Control, Atlanta, Georgia 30333.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Visiting Fellows, Visiting Associates, Visiting Scientists, Staff Fellows, Guest Researchers.

CATEGORIES OF RECORDS IN THE SYSTEM:

Applications, request for appointment, bibliography, curriculum vitae, letters of reference.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Public Health Service Act Section 207(g), (h), 208 and 301 (42 U.S.C. 209(g), (h), 210 and 301).

PURPOSE(S):

This system is utilized by Center officials for the purpose of review of applications and supporting documents in order to award fellowships; and for the determinations regarding salary or stipend increase.

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

Disclosure may be made to 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.

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

STORAGE:

File folders and computer tapes.

RETRIEVABILITY:

The system is accessed by name of the individual, exchange visitor or guest researcher.

SAFEGUARDS:

24-hour guard service in buildings, locked buildings, locked file rooms, locked computer rooms and tape vaults, password protection of computerized records, limited access to only authorized personnel. Two or more of these safeguards are used for all records covered by this system notice. The particular safeguards used are selected as appropriate for the types of records covered by each individual study. For computerized records, safeguards are in accordance with HHS/ADP System Security Manual, Part 6. The safeguards described for nonautomated records are in accordance with Chapter 45–13 in the General Administration Manual, and the supplementary PHS chapter.

RETENTION AND DISPOSAL:

Number years held at CDC: 2. How destroyed: shredded.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Personnel Management Office, Commissioned Corps & Fellow Program, Bldg. 1, Room 1042, CDC, Atlanta, Georgia 30333.

NOTIFICATION PROCEDURE:

An individual may learn if a record exists about himself or herself by contacting the System Manager at the address above. Requesters in person must provide driver's license or other positive identification. Individuals who do not appear in person must either (1) submit a notarized request to verify their identity or (2) must certify that they are the individuals they claim to be and that they understand that the knowing and willful request for or acquisition of a record pertaining to an individual under false pretenses is a criminal offense under the Privacy Act subject to a $5,000 fine.

In addition, an individual who requests notification of, or access to, a medical record shall at the time the request is made, designate, in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion.

A parent or guardian who requests notification of, or access to, a child's medical record shall designate a family physician or other health professional (other than a family member) to whom the record, if any, will be sent. The parent or guardian must verify relationship to the child by means of a birth certificate or court order, as well as verify that he or she is who he or she claims to be.

Finally, all of the following information must be provided when requesting notification: (1) full name; (2) approximate date(s) of the contact(s) with the Centers for Disease Control representative; (3) nature of the questionnaire or study in which the requester participated; (4) nature of the material desired.

RECORD ACCESS PROCEDURES:

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

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under Notification Procedures above and reasonably identify the record, specify the information being contested, and state the corrective action sought.

RECORD SOURCE CATEGORIES:

Secured from applicant.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09–20–0113

SYSTEM NAME:

Epidemic Investigation Case Records. HHS/CDC/CID.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Center for Infectious Diseases, Centers for Disease Control, Atlanta, Georgia 30333.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Adults and children with communicable disease, their contacts, others with possible exposure and appropriate controls.

CATEGORIES OF RECORDS IN THE SYSTEM:

Medical histories, case reports, line listings, hand sort cards.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Public Health Service Act, Section 301, 361 (42 U.S.C. 241, 264).

PURPOSE(S):

The records system is used by professional personnel at the Centers for Disease Control for more complete knowledge of the disease/condition in the following ways: (1) An examination of existing files enables investigators to determine areas that have been adequately investigated and to specify those that might be pursued or (2) records may later be examined in the light of future discoveries and proven associations so that relevant data collected at the time of the outbreak may be analyzed and reassessed.

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

These records are considered to be the records of state and/or local health departments and are left with them at the end of the investigations. These health departments may then identify persons with disease and/or others contacted during the investigations to control, prevent, or treat disease, or for follow-up evaluation including collection of appropriate biological specimens. CDC may or may not request duplicate copies of these records for further analysis following completion of the field investigation. Private physicians may also be supplied pertinent medical information from these records.

Disclosure may be made to 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.

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to

represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

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

STORAGE:

Records are stored in file folders and on computer tape.

RETRIEVABILITY:

Retrieved alphabetically by name.

SAFEGUARDS:

24-hour guard service in buildings, locked buildings, locked rooms, personnel screening, locked computer rooms and tape vaults, password protection of computerized records, limited access to only authorized personnel. Two or more of these safeguards are used for all records covered by this system notice. The particular safeguards used are selected as appropriate for the type of records covered by each individial study or specific project. Departmental security guidelines will be followed. For computerized records, safeguards are in accordance with HHS/ADP Systems Manual, Part 6. The safeguards described for nonautomated records are in accordance with Chapter 45–13 in the General Administration Manual, and the supplementary PHS chapter.

RETENTION AND DISPOSAL:

Number of years held at CDC: 4 years. May be transferred to Federal Records Center when no longer needed for evaluation and analysis. Destroyed by paper recycling process after 16 years.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Center for Infectious Diseases, Building 1—Room 6007, Centers for Disease Control Atlanta, Georgia 30333

Director, Epidemiology Program, Building 1, Room 5009, Centers for Disease Control, Atlanta, Georgia 30333

Director, Center for Prevention Services, Building 1—Room 2047, Centers for Disease Control, Atlanta, Georgia 30333

NOTIFICATION PROCEDURE:

An individual may learn if a record exists about himself or herself by contacting the System Manager at the address above. Requesters in person must provide driver's license or other positive identification. Individuals who do not appear in person must either (1) submit a notarized request to verify their identity or (2) must certify that they are the individuals they claim to be and that they understand that the knowing and willful request for or acquisition of a record pertaining to an individual under false pretenses is a criminal offense under the Privacy Act subject to a $5,000 fine.

In addition, an individual who requests notification of, or access to, a medical record shall at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion.

A parent or guardian who requests notification of, access to, a child's medical record shall designate a family physician or other health professional (other than a family member) to whom the record, if any, will be sent. The parent or guardian must verify relationship to the child by means of a birth certificate or court order, as well as verify that he or she is who he or she claims to be.

Finally, all of the following information must be provided when requesting notification: (1) full name; (2) approximate date(s) of the contact(s) with the Centers for Disease Control representative; (3) nature of the questionnarie or study in which the requester participated; (4) nature of the material desired.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. An individual who requests notification of, or access to a medical record shall at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion.

A parent or guardian who requests notification of, or access to, a child's/incompetent person's medical record shall designate a family physician or other health professional (other than a family member) to whom the record, if any, will be sent.

The parent or guardian must verify his/her relationship to the child/incompetent person by providing a birth certificate (or notarized copy), court order, or other competent evidence of guardianship.

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under Notification Procedures above and reasonably identify the record, specify the information being contested, and state the corrective action sought.

RECORD SOURCE CATEGORIES:

Patients, state and local health departments, and private physicians.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

BILLING CODE 4110-86-M

09-20-0117

SYSTEM NAME:

Medical and Test Record Results of Individuals Involved in NIOSH Laboratory Studies. HHS/CDC/NIOSH.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Division of Biomedical and Behavioral Sciences (DBBS), National Institute for Occupational Safety and Health (NIOSH), Robert A. Taft Laboratories, 4676 Columbia Parkway, Cincinnati, Ohio 45226.

In addition, data is occasionally located at field work sites and contractor sites, as studies are developed, data collected, and reports written. A list of field and contractor sites, where individually identifiable data are currently located is available upon request to the system manager.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Volunteer subjects from the general population.

CATEGORIES OF RECORDS IN THE SYSTEM:

Occupational history, medical history, results of medical tests, demographic data, results of psychological and psychometric tests, and data necessary to interpret the medical results.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Occupational Safety and Health Act Section 20 (29 U.S.C. 669).

PURPOSE(S):

This system is to develop composite data summaries to support the development of criteria for occupational safety and health standards, and to provide other recommendations for improving worker safety and health.

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

Disclosure may be made to 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.

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected. For example, records may be released to the Department of Justice in defending claims against the U.S. when the claim is based upon an individual's mental or physical condition and is alleged to have arisen because of activities of the Public Health Service in connection with such individual.

Records subject to the Privacy Act will be disclosed to private firms for data entry, computer systems analysis and computer programming services. The contractors will promptly return all data entry records, and all computer work will be done on Government-owned computers. The contractors will be required to maintain Privacy Act safeguards.

In the event of litigation initiated at the request of NIOSH, the Institute may disclose such records as it deems desirable or necessary to the Department of Justice to enable the Department to effectively represent the Institute, provided such disclosure is compatible with the purpose for which the records were collected. The only types of litigative proceedings that NIOSH is authorized to request are (1) enforcement of a subpoena issued to an employer to provide relevant information, or (2) contempt citation against an employer for failure to comply with a warrant obtained by the Institute.

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

STORAGE:

Manual files, computer cards, computer tapes, computer listings, microfilm.

RETRIEVABILITY:

Name and case number are the indexes used to retrieve records from this system.

SAFEGUARDS:

Evening guard service in building

Locked building; locked rooms

Personnel screening

Locked computer room and computer tape vaults

Locked file cabinets; password protection on computerized files.

Two or more of these safeguards are used for all records covered by this system notice. The particular safeguards used are selected as appropriate for the type of records required by each individual study.

RETENTION AND DISPOSAL:

Personal identifiers are destroyed as soon as they are no longer necessary for the protection of the individuals involved. Computer tapes are erased; paper records are shredded or burned.

SYSTEM MANAGER(S) AND ADDRESS:

Staff Assistant, DBBS NIOSH, Robert A. Taft Laboratories, 4676 Columbia Parkway, Cincinnati, Ohio 45226.

NOTIFICATION PROCEDURE:

An individual may learn if a record exists about herself/himself upon written request, with notarized signature if request is made by mail, or with suitable identification (i.e., driver's license, passport) if request is made in person. All individuals requesting records will be informed that anyone who knowingly and willfully requests access to a record pertaining to an individual under false pretenses is committing a criminal offense under the Act and subject to a maximum fine of 5,000 dollars.

To determine if a record exists, write to: Director, DBBS, NIOSH, Robert A. Taft Laboratories, 4676 Columbia Parkway, Cincinnati, Ohio 45226.

An individual who requests notification of or access to medical records shall, at the time the request is made, (1) provide a written notarized request designating a responsible respresentative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion, (2) supply the name of the study, if known, (3) provide the approximate date and place of the study, if known, and (4) provide the approximate date and place of treatment of questionnaire administration.

RECORD ACCESS PROCEDURES:

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

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested.

RECORD SOURCE CATEGORIES:

Information is obtained directly from the individual.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-20-0118

SYSTEM NAME:

Study at Work-Sites where Agents Suspected of Being Occupational Hazards Exist. HHS/CDC/NIOSH.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Division of Biomedical and Behavioral Science, (DBBS), National Institute for Occupational Safety and Health (NIOH), Robert A. Taft Laboratories, 4676 Columbia Parkway, Cincinnati, Ohio 45226.

In addition, data is occasionally located at field work sites and contractor sites as studies are developed, data collected, and reports written. A list of field and contractor sites where individually identifiable data is currently located is available upon request to the system manager.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Subjects employed at specific sites under study.

CATEGORIES OF RECORDS IN THE SYSTEM:

Occupational history, medical history, results of medical tests, demographic data, employee records, psychological and psychometric tests, and data necessary to interpret the medical results.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Occupational Safety and Health Act Section 20 (29 U.S.C. 669).

PURPOSE(S):

This system is to determine the relationship between worker exposure to hazardous agents or stressors and occupational disease. This information is used to recommend procedures to

reduce the incidence of occupational disease.

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

Disclosure may be made to 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.

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected. For example, records may be released to the Department of Justice in defending claims against the U.S. when the claim is based upon an individual's mental or physical condition and is alleged to have arisen because of activities of the Public Health Service in connection with such individual.

Records subject to the Privacy Act will be disclosed to private firms for data entry, computer systems analysis and computer programming services. The contractors will promptly return all data entry records, and all computer work will be done on Government-owned computers. The contractors will be required to maintain Privacy Act safeguards.

In the event of litigaton initiated at the request of NIOSH, the Institute may disclose such records as it deems desirable or necessary to the Department of Justice to enable the Department to effectively represent the Institute, provided such disclosure is compatible with the purpose for which the records were collected. The only types of litigative proceedings that NIOSH is authorized to request are (1) enforcement of a subpoena issued to an employer to provide relevant information, or (2) contempt citation against an employer for failure to comply with a warrant obtained by the Institute.

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

STORAGE:

Manual files, computer cards, computer tapes, computer listings, microfilm.

RETRIEVABILITY:

Name and case number are the indexes used to retrieve records from this system.

SAFEGUARDS:

Evening guard service in building. Locked building; locked rooms. Personnel screening. Locked computer room and computer tape vaults. Locked file cabinets; password protection on computer files.

Two or more of these safeguards are used for all records covered by this system notice. The particular safeguards used are selected as appropriate for the type of records required by each indiyidual study.

RETENTION AND DISPOSAL:

Personal identifiers are destroyed as soon as the system has stabilized, and statistical summaries can be run. Computer tapes are erased; paper records are shredded or burned.

SYSTEM MANAGER(S) AND ADDRESS:

Staff Assistant, DBBS, NIOSH, Robert A. Taft Laboratories, 4676 Columbia Parkway, Cincinnati, Ohio 45226.

NOTIFICATION PROCEDURE:

An individual may learn if a record exists about herself/himself upon written request, with notorized signature if request is made by mail, or with suitable identification (i.e., driver's license, passport) if request is made in person. All individuals requesting records will be informed that anyone who knowingly and willfully requests access to a record pertaining to an individual under false pretenses is committing a criminal offense under the Act and subject to a maximum fine of 5,000 dollars.

To determine if a record exists, write to: Director, DBBS, NIOSH, Robert A. Taft Laboratories, 4676 Columbia Parkway, Cincinnati, Ohio 45226.

An individual who requests notification of or access to medical records shall, at the time the request is made, (1) provide a written notorized request designating a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion, (2) supply the name of the study, if known, (3) provide the approximate date and place of the study, if known, and (4) provide the approximate date and place of treatment or questionnaire administration.

RECORD ACCESS PROCEDURES:

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

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested.

RECORD SOURCE CATEGORIES:

Information is obtained directly from the individual and from employee records.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

BILLING CODE 4110-87-M

09-20-0136

SYSTEM NAME:

Epidemiologic Studies and Surveillance of Disease Problems, HHS/CDC/CID

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Director, Center for Infectious Diseases, Bldg. 1, Room 6007, Centers for Disease Control, Atlanta, Georgia 30333.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Adults and children with reported diseases and other preventable conditions of public health significance; also included are control group participants.

CATEGORIES OF RECORDS IN THE SYSTEM:

Case reports, line listings, hand sort cards, medical records, questionnaires, and related documents.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Public Health Service Act, Sec. 301 [42 U.S.C. 241]

PURPOSE(S):

This record system enables CDC officials to better understand disease patterns in the U.S., develop programs for prevention and control of health problems, and communicate new knowledge to the health community.

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

A record may be disclosed for a research purpose, when the Department:

(a) has determined that the use or disclosure does not violate legal or policy limitations under which the record was provided, collected, or obtained;

(b) has determined that the research purpose (1) cannot be reasonably accomplished unless the record is provided in individually identifiable form, and (2) warrants the risk to the privacy of the individual that additional exposure of the record might bring;

(c) has required the recipient to—(1) establish reasonable administrative, technical, and physical safeguards to prevent unauthorized use or disclosure of the record, and (2) remove or destroy the information that identifies the individual at the earliest time at which removal or destruction can be accomplished consistent with the purpose of the research project, unless the recipient has presented adequate justification of a research or health nature for retaining such information, and (3) make no further use or disclosure of the record except—(A) in emergency circumstances affecting the health or safety of any individual, (B) for use in another research project, under these same conditions, and with written authorization of the Department, (C) for disclosure to a properly identified person for the purpose of an audit related to the research project, if information that would enable research subjects to be identified is removed or destroyed at the earliest opportunity consistent with the purpose of the audit, or (D) when required by law;

(d) has secured a written statement attesting to the recipient's understanding of, and willingness to abide by these provisions.

To individuals and organizations deemed qualified by the Secretary to carry out quality assessment, medical audits or utilization review.

The Department is under contract with private firms for the purposes of collating, analyzing, aggregating or otherwise refining records in this system. Relevant records are maintained by the contractors. The contractors are required to maintain Privacy Act safeguards with respect to such records.

Records may be disclosed to Health Departments and other public health or cooperating medical authorities in connection with program evaluations and related collaborative efforts to deal more effectively with diseases and conditions of public health significance.

Disclosure may be made to 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.

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

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

STORAGE:

Computer tapes and file folders.

RETRIEVABILITY:

By name of individual and by identification number.

SAFEGUARDS:

24-hour guard service in buildings, locked buildings, locked rooms, personnel screening, locked computer rooms and tape vaults, password protection of computerized records, limited access to only authorized personnel, i.e., designated researchers, epidemiologists, and their clerical staffs. Two or more of these safegards are used for all records covered by this system notice. The particular safeguards used are selected as appropriate for the type of records covered by each individual study or specific project. Departmental security guidelines will be followed. For computerized records, safeguards are in accordance with HHS/ADP System Security Manual, Part 6. The safeguards described for nonautomated records are in accordance with Chapter 45-13 in the General Administration Manual, and the supplementary PHS chapter.

RETENTION AND DISPOSAL:

Record copy of study reports maintained from three to ten years in accordance with retention schedules. Source documents for computer disposed of when no longer needed by program official. Personal identifiers may be deleted from records when no longer needed in the study as determined by the system manager, and as provided in the signed consent form, as appropriate.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Center for Infectious Diseases, Bldg. 1, Rm. 6007, Centers for Disease Control, Atlanta, Georgia 30333.

Epidemiology Program Office, Bldg. 1 Rm. 5009, Centers for Disease Control, Atlanta, Georgia 30333.

NOTIFICATION PROCEDURE:

An individual may learn if a record exists about himself or herself by contacting the System Manager at the address above. Requesters in person must provide driver's license or other positive identification. Individuals who do not appear in person must either (1) submit a notarized request to verify their identity or (2) must certify that they are the individuals they claim to be and that they understand that the knowing and willful request for or acquisition of a record pertaining to an individual under false pretenses is a criminal offense under the Privacy Act subject to a $5,000 fine.

In addition, an individual who requests notification of, or access to, a medical record shall at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion.

A parent or guardian who requests notification of, or access to, a child's medical record shall designate a family physisian or other health professional (other than a family member) to whom the record, if any, will be sent. The parent or guardian must verify relationship to the child by means of a birth certificate or court order, as well as verify that he or she is who he or she claims to be.

Finally, all of the following information must be provided when requesting notification: (1) full name; (2) approximate date(s) of the contact(s) with the Centers for Disease Control representative; (3) nature of the questionaire or study in which the requester participated; (4) nature of the material desired.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. An individual who requests notification of, or access to, a medical record shall at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject

individual of its contents at the representative's discretion.

A parent or guardian who requests notification of, or access to, a child's/incompetant person's medical record shall designate a family physician or other health professional (other than a family member) to who the record, if any, will be sent.

The parent or guardian must verify his/her relationship to the child/incompetent person by providing a birth certificate (or notarized copy), court order, or other competent evidence of guardianship.

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested.

RECORD SOURCE CATEGORIES:

Individuals, private physicians, state and local health departments, and other health care providers.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-20-0137

SYSTEM NAME:

Passport File. HHS/CDC/FMO.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Financial Management Office, PFy Building, Room 107B, Centers for Disease Control, Atlanta, Georgia 30333.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

CDC employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Passport status records.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301.

PURPOSE(S):

To show status of passports of CDC employees who travel to foreign countries on official business.

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

Disclosure may be made to 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.

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

STORAGE:

File folders.

RETRIEVABILITY:

Retrieved by name.

SAFEGUARDS:

Locked buildings, locked rooms, personnel screening, limited access to Financial Management Office personnel only. The safeguards described for nonautomated records are in accordance with Chapter 45-13 in the General Administration Manual, and the supplementary PHS chapter.

RETENTION AND DISPOSAL:

Number years held at CDC: 5. When passports expire or when they are cancelled, they are returned to the subject individual. If the individual does not wish to receive the cancelled or expired passport, the document is destroyed by shredding.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Financial Management Office, PFy Building, Room 200, Centers for Disease Control, Atlanta, Georgia 30333.

NOTIFICATION PROCEDURE:

An individual may learn if a record exists about himself or herself by contacting the System Manager at the address above. Requesters in person must provide driver's license or other positive identification. Individuals who do not appear in person must either (1) submit a notorized request to verify their identity or (2) must certify that they are the individuals they claim to be and that they understand that the knowing and willful request for or acquisition of a record pertaining to an individual under false pretenses is a criminal offense under the Privacy Act subject to a $5,000 fine.

In addition, an individual who requests notification of, or access to, a medical record shall at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion.

A parent or guardian who requests notification of, or access to, a child's medical record shall designate a family physician or other health rofessional (other than a family member) to whom the record, if any, will be sent. The parent or guardian must verify relationship to the child by means of a birth certificate or court order, as well as verify that he or she is who he or she claims to be.

Finally, all of the following information must be provided when requesting notification: (1) full name; (2) approximate date(s) of the contact(s) with the Centers for disease Control representative; (3) nature of the questionnaire or study in which the requester participated; (4) nature of the material desired.

RECORD ACCESS PROCEDURES:

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

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under Notification Procedures above and reasonably identify the record, specify the information being contested, and state the corrective action sought.

RECORD SOURCE CATEGORIES:

CDC employees.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-20-0138

SYSTEM NAME:

Epidemic Intelligence Service Officers Files. HHS/CDC/EPO.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Epidemiology Program Office, Bldg. 1, Rm. 5014 (1976 to present), Centers for Disease Control, Atlanta, Georgia 30333

and

Federal Records Center (1960-1976), 1557 St. Joseph Ave., East Point, Georgia 30344.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

EIS Officers—Current, alumni and applicants.

CATEGORIES OF RECORDS IN THE SYSTEM:

Applications, interview materials, letters of recommendations, call to duty papers.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Public Health Service Act Sections 203,207 (42 U.S.C. 204 and 209).

PURPOSE(S):

The system is designed to process individual applications for the epidemic intelligence service officer program, and to assess a candidate's suitability for a position in the program.

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

Disclosure may be made to 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.

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

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

STORAGE:

File folders.

RETRIEVABILITY:

Retrieved by name.

SAFEGUARDS:

24-hour guard service in buildings, locked buildings, locked rooms, personnel screening, limited access to only authorized personnel, i.e., Office director and immediate staff. The safeguards described for nonautomated records are in accordance with Chapter 45–13 in the General Administration Manual, and the supplementary PHS chapter.

RETENTION AND DISPOSAL:

Number of years held at CDC: 4 years. May be transferred to Federal Records Center. Destroyed by paper recycling process after 16 years.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Epidemiology Program Office, Bldg. 1, Rm. 5009, Centers for Disease Control, Atlanta, Georgia 30333.

NOTIFICATION PROCEDURE:

An individual may learn if a record exists about himself or herself by contacting the System Manager at the address above. Requesters in person must provide driver's license or other positive identification. Individuals who do not appear in person must either (1) submit a notarized request to verify their identity or (2) must certify that they are the individuals they claim to be and that they understand that the knowing and willful request for or acquisition of a record pertaining to an individual under false pretenses is a criminal offense under the Privacy Act subject to a $5,000 fine.

In addition, an individual who requests notification of, or access to, a medical record shall at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion.

A parent or guardian who requests notificaton of, or access to, a child's medical record shall designate a family physician or other health professional (other than a family member) to whom the record, if any, will be sent. The parent or guardian must verify relationship to the child by means of a birth certificate or court order, as well as verify that he or she is who he or she claims to be.

Finally, all of the following information must be provided when requesting notification: (1) full name; (2) approximate date(s) of the contact(s) with the Centers for Disease Control representative; (3) nature of the quesitionnaire or study in which the requester participated; (4) nature of the material desired.

RECORD ACCESS PROCEDURES:

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

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under Notification Procedures above and reasonably identify the record, specify the information being contested, and state the corrective action sought.

RECORD SOURCE CATEGORIES:

Educational institutions, previous employers.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

BILLING CODE 4110-86

09-20-0147

SYSTEM NAME:

Occupational Health Epidemiological Studies. HHS/CDC/NIOSH.

SECURITY CLASSIFICATON:

None.

SYSTEM LOCATION:

Division of Surveillance, Hazard Evaluation, and Field Studies (DSHEFS), National Institute for Occupational Safety and Health (NIOSH), 4676 Columbia Parkway, Cincinnati, Ohio 45226

Federal Records Center, Dayton, Ohio 45439

Parklawn Computer Center, Production Control Section, Tape Library, Room 2–B–70, 5600 Fishers Lane, Rockville, Maryland 20857.

In addition, data is occasionally located at field work sites and contractor sites as studies are developed, data collected and reports written. A list of field and contractor sites where individually identifiable data is currently located is available upon request to the System Manager.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Industrial workers exposed to physical and/or chemical agents that may damage the human body in any way. Some examples are: 1) organic carcinogens, 2) inorganic carcinogens, 3) mucosal or dermal irritants, 4) fibrogenic materials, 5) acute toxic agents including sensitizing agents, 6) neurotoxic agents, 7) mutogenic (male and female) and teratogenic agents, 8) bio-accumulating non-carcinogen agents, and 9) chronic vascular disease causing agents.

CATEGORIES OF RECORDS IN THE SYSTEM:

Physical exams, sputum cytology results, questionnaires, demographic information, smoking history, occupational histories, previous and current employment records, urine test records, X-rays, medical history, pulmonary function test records, medical disability forms, blood test records, drivers license data, hearing test results, spirometry results. The specific types of records to be collected and maintained are determined by the needs of the individual study.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Public Health Service Act, Section 301 (42 U.S.C. 241); Occupational Safety and Health Act Section 20 (20 U.S.C. 669); Coal Mine Health and Safety Act Section 501 (30 U.S.C. 951).

PURPOSE(S):

Studies carried out under this system are to evaluate mortality of occupatonally related diseases to determine the cause and prevention of diseases of industrial origin, and lead toward future prevention of occupationally related diseases.

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

Disclosure may be made to 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.

Portions of records (name, Social Security number if known, date of birth, and last known address) may be disclosed to one or more other sources selected from those listed in Appendix I, as applicable. This may be done solely for obtaining a determination as to whether or not an individual has died. The purpose of determining death is so that NIOSH may obtain death certificates, which state the cause of death, from the appropriate Federal, state of local agency. Cause of death will enable NIOSH to evaluate whether excess occupationally related mortality is occurring.

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected. For example, records may be released to the Department of Justice in defending claims against the U.S. when the claim is based upon an individual's mental or physical condition and is alleged to have arisen because of activities of the Public Health Service in connection with such individual.

Records subject to the Privacy Act will be disclosed to private firms for data entry, computer systems analysis and computer programming services. The contractors will promptly return all data entry records, and all computer work will be done on Government-owned computers. The contractors will be required to maintain Privacy Act safeguards.

Test data which would indicate the existence of cancer may be provided to the State Cancer Registry where the State has a legally constituted cancer registry program which provides for the confidentiality of information.

Certain communicable diseases may be reported to State and/or local Health Departments where the State has a legally constituted reporting program for communicable diseases and which provides for the confidentiality of the information.

In the event of litigation initiated at the request of NIOSH, the Institute may disclose such records as it deems desirable or necessary to the Department of Justice to enable the Department to effectively represent the Institute, provided such disclosure is compatible with the purpose for which the records were collected. The only types of litigative proceedings that NIOSH is authorized to request are (1) enforcement of a subpoena issued to an employer to provide relevant information, or (2) contempt citation against an employer for failure to comply with a warrant obtained by the Institute.

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

STORAGE:

Manual files, computer files, card files, microfilm, microfiche, and other files as appropriate.

RETRIEVABILITY:

Name, assigned number, plant name, year tested are some of the indices used to retrieve records from these systems. Other retrieval methods are utilized as individual research dictates.

SAFEGUARDS:

Locked buildings, locked rooms, locked file cabinets, personnel screening, locked computer room and computer tape vaults, 24-hour guard service, password protection of computerized records, limited access to only authorized personnel. Two or more of the safeguards are used for all records covered by this system notice. The particular safeguards used are selected as appropriate for the type of records covered by an individual study.

RETENTION AND DISPOSAL:

Records will be maintained from three to twenty years in accordance with retention schedules. Every attempt will be made to strip personal identifiers from records and destroy the records when they are no longer needed. Any paper records which are disposed of will be shredded or burned and computer tapes will be erased.

SYSTEM MANAGER(S) AND ADDRESS:

Program Management Officer (PMO), DSHEFS, F-1, 4676 Columbia Parkway, Cincinnati, Ohio 45226.

NOTIFICATION PROCEDURE:

An individual may learn if a record exists about herself/himself upon written request, with notarized signature if request is made by mail, or with suitable identification (i.e., driver's license, passport) if request is made in person. All individuals requesting records will be informed that anyone who knowingly and willfully requests access to a record pertaining to an individual under false pretenses is committing a criminal offense under the Act and subject to a maximum fine of 5,000 dollars.

To determine if a record exists, write to: Director, DSHEFS, F-1, 4676 Columbia Parkway, Cincinnati, Ohio 45226.

An individual who requests notification of or access to medical records shall, at the time the request is made, (1) provide a written notarized request designating a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion, (2) supply the name of the study, if known, (3) provide the approximate date and place of the study, if known, and (4) provide the approximate date and place of treatment or questionnaire administration.

RECORD ACCESS PROCEDURES:

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

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested.

RECORD SOURCE CATEGORIES:

Vital status information is obtained from Federal, state and local governments and other available sources selected from those listed in Appendix I. Information is obtained directly from the individual and employer records, whenever possible.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

Appendix I—Potential Sources for Determination of Vital Status

Military Records
Appropriate State Motor Vehicle Registration Departments
Appropriate State Drivers License Departments
Appropriate State Government Divisions of:
Assistance Payments (Welfare), Social Services, Medical Services;

Food Stamp Program, Child Support, Board of Corrections, Aging;
Indian Affairs, Workman's Compensation, Disability Insurance
Retail Credit Association Follow up
Veteran's Administration Files
Appropriate employee union or association records
Appropriate company pension of employment records
Company group insurance records
Appropriate State Vital Statistics Offices
Life Insurance Companies
Railroad Retirement Board
Area Nursing Homes
Area Indian Trading Posts
Mailing List Correction Cards (U.S. Postal Service)
Letters and telephone conversations with relatives
Letters and telephone conversations with former employees of the same establishment as cohort member
Appropriate local newspaper (obituaries)
Social Security Administration
Internal Revenue Service

09-20-0148

SYSTEM NAME:

Results of Occupational Hearing Studies. HHS/CDC/NIOSH.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Division of Biomedical and Behavioral Science (DBBS), National Institute for Occupational Safety and Health (NIOSH), Robert A. Taft Laboratories, 4676 Columbia Parkway, Cincinnati, Ohio 45226.

In addition, data is occasionally located at field work sites and contractor sites as studies are developed, data collected and reports written. A list of field and contractor sites where individually identifiable data is currently located is available upon request from the Systems Manager.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Workers exposed to noise at a harmful or potentially hazardous level and individuals selected as control groups.

CATEGORIES OF RECORDS IN THE SYSTEM:

Physical examinations, results of laboratory tests (physiological, acceleration measures, performance tests); results of hearing tests, hearing acuity tests, occupational histories, medical history, demographic data, related medical information. The specific types of records to be collected and maintained are determined by the needs of the individual study.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Occupational Safety and Health Act, Section 20 (29 U.S.C. 669); Federal Coal Mine Safety and Health Act (30 U.S.C. 669 Section 20)

PURPOSE(S):

This system is to assist in the development of standards for occupational exposure to hazards.

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

Disclosure may be made to 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.

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department of any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected. For example, records may be released to the Department of Justice in defending claims against the U.S. when the claim is based upon an individual's mental or physical condition and is alleged to have arisen because of activities of the Public Health Service in connection with such individual.

Records subject to the Privacy Act will be disclosed to private firms for data entry, computer systems analysis and computer programming services. The contractors will promptly return all data entry records, and all computer work will be done on Government-owned computers. The contractors will be required to maintain Privacy Act safeguards.

In the event of litigation initiated at the request of NIOSH, the Institute may disclose such records as it deems desirable or necessary to the Department of Justice to enable the Department to effectively represent the Institute, provided such disclosure is compatible with the purpose for which the records were collected. The only types of litigative proceedings that NIOSH is authorized to request are (1) enforcement of a subpoena issued to an employer to provide relevant information, or (2) contempt citation against an employer for failure to comply with a warrant obtained by the Institute.

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

STORAGE:

Manual files, computer tapes, microfilm, computer cards, index audiogram files, audiogram questionnaire forms.

RETRIEVABILITY:

Name, case number and study number are the indices used to retrieve records from this system.

SAFEGUARDS:

24-hour guard service in buildings, locked buildings, personnel screening, access limited to authorized personnel. In most instances information is related to individual identifiers by case numbers. The file of individual case number relationships is available to a limited group of people. Computerized records are protected by locked computer rooms, locked computer tape vaults, and password protection.

RETENTION AND DISPOSAL:

Record copy maintained from three to ten years in accordance with retention schedules. Source documents for computer disposed of when no longer needed in the study, as determined by the system manager, and as provided in the signed consent form as appropriate. Disposal methods include erasing computer tapes and burning or shredding printouts.

SYSTEM MANAGER(S) AND ADDRESS:

Industrial Hygiene Engineer, Noise Section, Physical Agents Effects Branch, DBBS, NIOSH, 4676 Columbia Parkway, Cincinnati, Ohio 45226.

NOTIFICATION PROCEDURE:

An individual may learn if a record exists bout herself/himself upon written request, with notarized signature if request is made by mail, or with suitable identification (i.e., driver's license, passport) if request is made in person. All individuals requesting records will be informed that anyone who knowingly and willfully requests access to a record pertaining to an individual under false pretenses is committing a criminal offense under the Act and subject to a maximum fine of 5,000 dollars.

To determine if a record exists, write to: Director, DBBS, NIOSH, 4676

Columbia Parkway, Robert A. Taft Laboratories, Cincinnati, Ohio 45226.

An individual who requests notification of or access to medical records shall, at the time the request is made, (1) provide a written notarized request designating a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion, (2) supply the name of the study, if known, (3) provide the approximate date and place of the study, if known, and (4) provide the approximate date and place of treatment or questionnaire administration.

RECORD ACCESS PROCEDURES:

Same as notification procedures.

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under notification procedures above.

RECORD SOURCE CATEGORIES:

Information is obtained directly from the individual, and employee records. Many of the hearing test results were obtained from Doctors Memorial Hospital Hearing and Speech Center, Atlanta, Ga.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-20-0149

SYSTEM NAME:

General Industry Morbidity Studies. HHS/CDC/NIOSH.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Division of Respiratory Disease Studies (DRDS) National Institute for Occupational Safety and Health (NIOSH) Morgantown, West Virginia 26505.

In addition, data is occasionally located at field collection sites and contractor sites as studies are developed, data collected, and reports written. A list of field and contrator sites where individually identifiable data is currently located is available upon request to the System Manager.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons working, or having worked at workplaces not identified as surface mining or below ground mining operations and exposed or potentially exposed to substances which are known or suspected respiratory irritants or carcinogens. Also included are those individuals in the general population who have been selected as a control group.

CATEGORIES OF RECORDS IN THE SYSTEM:

Previous and current employment records, medical and occupational histories, demographic data, X-rays, smoking histories, results of medical tests such as pulmonary function data and spirometry test results, permission forms, industrial environmental data, and questionnaires. The specific types of records to be collected and maintained are determined by the research needs of the specific study.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Occupational Safety and Health Act Section 20 (29 U.S.C. 669); Federal Coal Mine Health and Safety Act, Section 501 (30 U.S.C. 951).

PURPOSE(S):

The purpose of the system is to investigate occupationally related diseases and to determine the cause and prevention of such diseases.

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

Data may be sent to State Vital Statistics Divisions to obtain death certificates, and to Missing Person Location Agencies to find those individuals who cannot otherwise be located.

Disclosure may be made to 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.

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her offical capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected. For example, records may be released to the Department of Justice in defending claims against the U.S. when the claim is based upon an individual's mental or physical condition and is alleged to have arisen because of activities of the Public Health Service in connection with such individual.

Records subject to the Privacy Act will be disclosed to private firms for data entry, computer systems analysis and computer programming services. The contractors will promptly return all data entry records, and all computer work will be done on Government-owned computers. The contractors will be required to maintain Privacy Act safeguards.

Test data which would indicate the existence of cancer may be provided to the State Cancer Registry where the State has a legally constituted cancer registry program which provides for the confidentiality of information.

Certain communicable diseases may be reported to State and/or local Health Departments where the State has a legally constituted reporting program for communicable diseases and which provides for the confidentiality of the information.

In the event of litigation initiated at the request of NIOSH, the Institute may disclose such records as it deems desirable or necessary to the Department of Justice to enable the Department to effectively represent the Institute, provided such disclosure is compatible with the purpose for which the records were collected. The only types of litigative proceedings that NIOSH is authorized to request are (1) enforcement of a subpoena issued to an employer to provide relevant information, or (2) contempt citation against an employer for failure to comply with a warrant obtained by the Institute.

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

STORAGE:

Computer tape, cards, and printouts; microfiche; X-rays; and manual files.

RETRIEVABILITY:

Plant name, study, name, and/or assigned numerical identifiers are some of the indices used to retrieve records from this system. Social Security numbers, supplied on a voluntary basis may occasionally be used for data retrieval.

SAFEGUARDS:

24-hour guard service in buildings, locked buildings, locked rooms, personnel screening, locked computer rooms and tape vaults, password protection of computerized records, limited access to only authorized personnel. Two or more of these safegards are used for all records

covered by this system notice. The particular safeguards used are selected as appropriate for the type of records covered by each individual study.

RETENTION AND DISPOSAL:

Record copy maintained in accordance with retention schedules. Source documents for computer disposed of when no longer needed in the study, as determined by the system manager, and as provided in the signed consent form, as appropriate. Disposal methods include burning or shredding paper materials, and erasing computed tapes.

SYSTEM MANAGER(S) AND ADDRESS:

Program Management Officer (PMO), DRDS, NIOSH, 944 Chestnut Ridge Road, Morgantown, West Virginia 26505.

NOTIFICATION PROCEDURE:

An individual may learn if a record exists about herself/himself upon written request, with notarized signature if request is made by mail, or with suitable identification (i.e., driver's license, passport) if request is made in person. All individuals requesting records will be informed that anyone who knowingly and willfully requests access to a record pertaining to an individual under false pretenses is committing a criminal offense under the Act and subject to a maximum fine of 5,000 dollars.

To determine if a record exists, write to: Director, DRDS, NIOSH, 944 Chestnut Ridge Road, Morgantown, West Virginia 26505.

An individual who requests notification of or access to medical records shall, at the time the request is made, (1) provide a written notarized request designating a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion, (2) supply the name of the study, if known, (3) provide the approximate date and place of the study, if known, and (4) provide the approximate date and place of treatment or questionnaire administration.

RECORD ACCESS PROCEDURES:

Same as notification procedures.

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested.

RECORD SOURCE CATEGORIES:

Information is obtained directly from the individual and from employee records.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-20-0150

SYSTEM NAME:

Morbidity Studies in Coal Mining Activities. HHS/CDC/NIOSH.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Division of Respiratory Disease Studies (DRDS) National Institute for Occupational Safety and Health (NIOSH), 944 Chestnut Ridge Road, Morgantown, West Virginia 26505.

Data is also occasionally located at field collection sites and contractor sites, as studies are developed, data collected, and reports written. A list of field and contractor sites where individually identifiable data is currently located is available upon request to the System Manager.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons working or having worked at coal mining operations and exposed or potentially exposed to substances which are known or suspected respiratory irritants or carcinogens. Also included are those individuals in the general population who have been selected as a control group.

CATEGORIES OF RECORDS IN THE SYSTEM:

Previous and current employment records, medical and occupational histories, demographic data, X-rays, smoking histories, results of medical tests such as pulmonary function data, spirometry test results, permission forms, industrial environmental data, and questionnaires. The specific types of records to be collected and maintained are determined by the research needs of the specific study.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Coal Mine Health and Safety Act Section 501 (30 U.S.C. 9511); Section 203 (30 U.S.C. 843); Occupational Safety and Health Act Section 20 (29 U.S.C. 669).

PURPOSE(S):

The purpose of this system is to investigate occupationally related diseases and to determine the cause and prevention of such diseases.

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

Disclosure may be made to 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.

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected. For example, records may be released to the Department of Justice in defending claims against the U.S. when the claim is based upon an individual's mental or physical condition and is alleged to have arisen because of activities of the Public Health Service in connection with such individual.

Some data is sent to the Mining Enforcement and Safety Administration, Department of the Interior to report incidence of pneumoconiosis.

Records subject to the Privacy Act will be disclosed to private firms for data entry, computer systems analysis and computer programming services. The contractors will promptly return all data entry records, and all computer work will be done on Government-owned computers. The contractors will be required to maintain Privacy Act safeguards.

Test data which would indicate the existence of cancer may be provided to the State Cancer Registry where the state has a legally constituted cancer registry program which provides for the confidentiality of information.

Certain communicable diseases may be reported to state and/or local Health Departments where the state has a legally constituted reporting program for communicable diseases and which provides for the confidentiality of the information.

In the event of litigation initiated at the request of NIOSH, the Institute may disclose such records as it deems desirable or necessary to the Department of Justice to enable the

Department to effectively represent the Institute, provided such disclosure is compatible with the purpose for which the records were collected. The only types of litigative proceedings that NIOSH is authorized to request are (1) enforcement of a subpoena issued to an employer to provide relevant information, or (2) contempt citation against an employer for failure to comply with a warrant obtained by the Institute.

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

STORAGE:

Computer tape, cards, and printouts; microfiche; X-rays, and manual files.

RETRIEVABILITY:

Plant name, study, name, and/or assigned numerical identifiers are some of the indices used to retrieve records from this system. Social Security numbers, supplied on a voluntary basis, may occasionally be used for data retrieval.

SAFEGUARDS:

24-hour guard service in buildings, locked buildings, locked rooms, personnel screening, locked computer room and tape vaults, password protection of computerized records, limited access to only authorized personnel. Two or more of these safeguards are used for all records covered by this system notice. The particular safeguards used are selected as appropriate for the type of records covered by each individual study.

RETENTION AND DISPOSAL:

Record copy maintained in accordance with retention schedules. Source documents for computer disposed of when no longer needed in the study, as determined by the system manager, and as provided in the signed consent form, as appropriate. Disposal methods include burning or shredding paper materials, and erasing computer tapes.

SYSTEM MANAGER(S) AND ADDRESS:

Program Management Officer (PMO), DRDS, NIOSH, 944 Chestnut Ridge Road, Morgantown, West Virginia 26505.

NOTIFICATION PROCEDURE:

An individual may learn if a record exists about herself/himself upon written request, with notarized signature if request is made by mail, or with suitable identification (i.e., driver's license, passport) if request is made in person. All individuals requesting records will be informed that anyone who knowingly and willfully requests access to a record pertaining to an individual under false pretenses is committing a criminal offense under the Act and subject to a maximum fine of 5,000 dollars.

To determine if a record exists, write to: Director, DRDS, NIOSH, 944 Chestnut Ridge Road, Morgantown, West Virginia 26505.

An individual who requests notification of or access to medical records shall, at the time the request is made, (1) provide a written notarized request designating a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion, (2) supply the name of the study, if known, (3) provide the approximate date and place of the study, if known, and (4) provide the approximate date and place of treatment or questionnaire administration.

RECORD ACCESS PROCEDURES:

Same as notification procedures.

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested.

RECORD SOURCE CATEGORIES:

Information is obtained directly from the individual and from employee records.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-20-0151

SYSTEM NAME:

Mortality Studies in Coal Mining Activities. HHS/CDC/NIOSH.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Division of Respiratory Disease Studies (DRDS), National Institute for Occupational Safety and Health (NIOSH), 944 Chestnut Ridge Road, Morgantown, West Virginia 26505.

Data is also occasionally located at field collection sites and contractor sites as studies are developed, data collected, and reports written. A list of field and contractor sites where individually identifiable data is currently located is available upon request to the System Manager.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons working, or having worked at coal mining operations and exposed or potentially exposed to substances which are known or suspected respiratory irritants or carcinogens. Also included are those individuals in the general population who have been selected as a control group.

CATEGORIES OF RECORDS IN THE SYSTEM:

Previous and current employment records, medical and occupational histories, demographic data, X-rays, smoking histories, results of medical tests such as pulmonary function data and spirometry test results, permission forms, industrial environmental data, and questionnaires. The specific types of records to be collected and maintained are determined by the research needs of the specific study.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Public Health Service Act, Section 301 (42 U.S.C. 241). Coal Mine Health and Safety Act, Section 501 (30 U.S.C. 951).

PURPOSE(S):

The purpose of this system is to investigate occupationally related diseases and to determine the cause and prevention of such diseases.

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

Data may be sent to State Vital Statistics Divisions to obtain death certificates, and to Missing Person Location Agencies to find those individuals who cannot otherwise be located.

Disclosure may be made to 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.

Portions of records (name, social security number if known, date of birth, and last known address) may be disclosed to one or more other sources selected from those listed in Appendix I, as applicable. This may be done solely for obtaining a determination as to whether or not an individual has died. The purpose of determining death is so that NIOSH may obtain death certificates, which state the cause of death, from the appropriate Federal, State, or local agency. Cause of death will enable NIOSH to evaluate whether excess occupationally-related mortality is occurring.

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any

employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected. For example, records may be released to the Department of Justice in defending claims against the U.S. when the claim is based upon an individual's mental or physical condition and is alleged to have arisen because of activities of the Public Health Service in connection with such individual.

Records subject to the Privacy Act will be disclosed to private firms for data entry, computer systems analysis and computer programming services. The contractors will promptly return all data entry records, and all computer work will be done on Government-owned computers. The contractors will be required to maintain Privacy Act safeguards.

In the event of litigation initiated at the request of NIOSH, the Institute may disclose such records as it deems desirable or necessary to the Department of Justice to enable the Department to effectively represent the Institute, provided such disclosure is compatible with the purpose for which the records were collected. The only types of litigative proceedings that NIOSH is authorized to request are (1) enforcement of a subpoena issued to an employer to provide relevant information, or (2) contempt citation against an employer for failure to comply with a warrant obtained by the Institute.

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

STORAGE:

Computer tape, cards, and printouts; microfiche; X-rays; and manual files.

RETRIEVABILITY:

Plant name, study, name, and/or assigned numerical identifiers are some of the indices used to retrieve records from this system. Social security numbers, supplied on a voluntary basis may occasionally be used for data retrieval.

SAFEGUARDS:

Locked buildings, locked rooms, 24 hour guard service, locked file cabinets, locked computer rooms and tape vaults, password protection of computerized records, limited access to only authorized personnel. Two or more of these safeguards are used for all records covered by this system notice. The particular safeguards used are selected as appropriate for the type of records covered by an individual study.

RETENTION AND DISPOSAL:

Record copy maintained in accordance with retention schedules. Source documents for computer disposed of when no longer needed in the study, as determined by the system manager, and as provided in the signed consent form, as appropriate. Disposal methods include burning or shredding paper materials and erasing computer tapes.

SYSTEM MANAGER(S) AND ADDRESS:

Program Management Office (PMO), DRDS, NIOSH, 944 Chestnut Ridge Road, Morgantown, West Virginia 26505.

NOTIFICATION PROCEDURE:

An individual may learn if a record exists about herself/himself upon written request, with notarized signature if request is made by mail, or with suitable identification (i.e., driver's license, passport) if request is made in person. All individuals requesting records will be informed that anyone who knowingly and willfully requests access to a record pertaining to an individual under false pretenses is committing a criminal offense under the Act and subject to a maximum fine of 5,000 dollars.

To determine if a record exists, write to: Director, DRDS, NIOSH, 944 Chestnut Ridge Road, Morgantown, West Virginia 26505.

An individual who requests notification of or access to medical records shall, at the time the request is made, (1) provide a written notarized request designating a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion, (2) supply the name of the study, if known, (3) provide the approximate date and place of the study, if known, and (4) provide the approximate date and place of treatment or questionnaire adminstration.

RECORD ACCESS PROCEDURES:

Same as notification procedures.

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested.

RECORD SOURCE CATEGORIES:

Information is obtained directly from the individual and from death certificates.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

Appendix I—Potential Sources for Determination of Vital Status

Military Records
Appropriate State Motor Vehicle Registration Departments

Appropriate State Drivers License Departments
Appropriate State Government Divisions of:
Assistance Payments (Welfare), Social Services, Medical Services;
Food Stamp Program, Child Support, Board of Corrections, Aging; Indian Affairs, Workman's Compensation, Disability Insurance
Veteran's Administration Files
Appropriate employee union or association records
Appropriate company pension or employment records
Company group insurance records
Appropriate State Vital Statistics Offices
Life Insurance Companies
Railroad Retirement Board
Area Nursing Homes
Area Indian Trading Posts
Mailing List Correction Cards (U.S. Postal Service)
Letters and telephone conversations with relatives
Letters and telephone conversations with former employees of the same establishment as cohort member
Appropriate local newspaper (obituaries)
Social Security Administration
Internal Revenue Service

09-20-0152

SYSTEM NAME:

Mortality Studies in Non-Coal Mining Activities. HHS/CDC/NIOSH.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Division of Respiratory Disease Studies (DRDS), National Institute for Occupational Safety and Health (NIOSH), 944 Chestnut Ridge Road, Morgantown, West Virginia 26505.

Data is also occasionally located at field collection sites and contractor sites as studies are developed, data collected, and reports written. A list of field and

contractor sites where individually identifiable data is currently located is available upon request to the System Manager.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons working, or having worked at mining operations other than coal operations and exposed or potentially exposed to substances which are known or suspected respiratory irritants or carcinogens. Also included are those individuals in the general population who have been selected as a control group.

CATEGORIES OF RECORDS IN THE SYSTEM:

Previous and current employment records, medical and occupational histories, demographic data, X-rays, smoking histories, results of medical tests such as pulmonary function data and spirometry test results, permission forms, industrial environmental data, and questionnaires. The specific types of records to be collected and maintained are determined by the research needs of the specific study.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Public health Service Act Section 301(42 U.S.C. 241); Federal Metal and Nonmetallic Mine Safety Act Section 4 (30 U.S.C. 723); Occupational Safety and Health Act Section 20 (29 U.S.C. 669).

PURPOSE(S):

The purpose of this system is to investigate occupationally related diseases and to determine the cause and prevention of such diseases.

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

Data may be sent to State Vital Statistics Divisions to obtain death certificates, and to Missing Person Location Agencies to find those individuals who cannot otherwise be located.

Disclosure may be made to 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.

Portions of records (name, Social Security number if known, date of birth, and last known address) may be disclosed to one or more other sources selected from those listed in Appendix I, as applicable. This may be done solely for obtaining a determination as to whether or not an individual has died. The purpose of determining death is so that NIOSH may obtain death certificates, which state the cause of death, from the appropriate Federal, State, or local agency. Cause of death will enable NIOSH to evaluate whether excess occupationally related mortality is occurring.

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected. For example, records may be released to the Department of Justice in defending claims against the U.S. when the claim is based upon an individual's mental or physical condition and is alleged to have arisen because of activities of the Public Health Service in connection with such individual.

Records subject to the Privacy Act will be disclosed to private firms for data entry, computer systems analysis and computer programming services. The contractors will promptly return all data entry records, and all computer work will be done on Government-owned computers. The contractors will be required to maintain Privacy Act safeguards.

In the event of litigation initiated at the request of NIOSH, the Institute may disclose such records as it deems desirable or necessary to the Department of Justice to enable the Department to effectively represent the Institute, provided such disclosure is compatible with the purpose for which the records were collected. The only types of litigative proceedings that NIOSH is authorized to request are (1) enforcement of a subpoena issued to an employer to provide relevant information, or (2) contempt citation against an employer for failure to comply with a warrant obtained by the Institute.

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

STORAGE:

Computer tape, cards and printouts; microfiche; X-rays; and manual files.

RETRIEVABILITY:

Plant name, study, name, and/or assigned numerical identifiers are some of the indices used to retrieve records from this system. Social security numbers, supplied on a voluntary basis may occasionally be used for data retrieval.

SAFEGUARDS:

24-hour guard service in buildings, locked buildings, locked rooms, personnel screening, locked computer rooms and tape vaults, password protection of computerized records, limited access to only authorized personnel. Two or more of these safeguards are used for all records covered by this system notice. The particular safeguards used are selected as appropriate for the type of records covered by each individual study.

RETENTION AND DISPOSAL:

Record copy maintained in accordance with retention schedules. Source documents for computer disposed of when no longer needed in the study, as determined by the system manager, and as provided in the signed consent form as appropriate. Disposal methods include erasing computer tapes and burning or shredding paper materials.

SYSTEM MANAGER(S) AND ADDRESS:

Program Management Officer (PMO), DRDS, NIOSH, 944 Chestnut Ridge Road, Morgantown, West Virginia 26505.

NOTIFICATION PROCEDURE:

An individual may learn if a record exists about herself/himself upon written request, with notarized signature if request is made by mail, or with suitable identification (i.e., driver's license, passport) if request is made in person. All individuals requesting records will be informed that anyone who knowingly and willfully requests access to a record pertaining to an individual under false pretenses is committing a criminal offense under the Act and subject to a maximum fine of 5,000 dollars.

To determine if a record exists, write to: Director, DRDS, NIOSH, 944 Chestnut Ridge Road, Morgantown, West Virginia 26505.

An individual who requests notification of or access to medical records shall, at the time the request is made, (1) provide a written notarized request designating a responsible representative who will be willing to review the record and inform the subject individual of its contents at the

representative's discretion, (2) supply the name of the study, if known, (3) provide the approximate date and place of the study, if known, and (4) provide the approximate date and place of treatment or questionnaire administration.

RECORD ACCESS PROCEDURES:

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

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested.

RECORD SOURCE CATEGORIES:

Information is obtained from the individual, company personnel records, from death certificates, and from industry and union records.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

Appendix I—Potential Sources for Determination of Vital Status

Military Records
Appropriate State Motor Vehicle Registration Departments
Appropriate State Drivers License Departments
Appropriate State Government Divisions of Assistance Payments (Welfare), Social Services, Medical Services; Food Stamp Program, Child Support, Board of Corrections, Aging; Indian Affairs, Workman's Compensation, Disability Insurance
Veteran's Administration Files
Appropriate employee union or association records
Appropriate company pension or employment records
Company group insurance records
Appropriate State Vital Statistics Offices
Life Insurance Companies
Railroad Retirement Board
Area Nursing Homes
Area Indian Trading Posts
Mailing List Correction Cards (U.S. Postal Service)
Letters and telephone conversations with relatives
Letters and telephone conversation with former employees of the same establishment as cohort member
Appropriate local newspaper (obituaries)
Social Security Administration
Internal Revenue Service

09-20-0153

SYSTEM NAME:

General Industry Mortality Studies. HHS/CDC/NIOSH.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Division of Respiratory Disease Studies (DRDS), National Institute for Occupational Safety and Health (NIOSH), 944 Chestnut Ridge Road, Morgantown, West Virginia 26505.

Data is also occasionally located at field collection sites and contractor sites as studies are developed, data collected, and reports written. A list of field and contractor sites where individually identifiable data is currently located is available upon request to the System Manager.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons working, or having worked at workplaces not identified as surface mining or below ground mining operations and exposed or potentially exposed to substances which are known or suspected respiratory irritants or carcinogens. Also included are those individuals in the general population who have been selected as a control group.

CATEGORIES OF RECORDS IN THE SYSTEM:

Previous and current employment records, medical and occupational histories, demographic data, X-rays, smoking histories, results of medical tests such as pulmonary function data and spirometry test results, permission forms, industrial environmental data, and questionaires. The specific types of records to be collected and maintained are determined by the research needs of the specific study.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Occupational Safety and Health Act Section 20 (29 U.S.C. 669); Public Health Service Act; Section 301 (42 U.S.C. 141).

PURPOSE(S):

The purpose of this system is to investigate occupationally related diseases and to detemine the cause and prevention of such diseases.

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

Data may be sent to State Vital Statistics Divisions to obtain death certificates, and to Missing Person Location Agencies to find those individuals who cannot otherwise be located.

Disclosure may be made to 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.

Portions of records (name, Social Security number if known, date of birth, and last known address) may be disclosed to one or more other sources selected from those listed in Appendix I, as applicable. This may be done solely for obtaining a determination as to whether or not an indivdual has died. The purpose of determining death is so that NISOH may obtain death certificates, which state the cause of death, from the appropriate Federal, State, or local agency. Cause of death will enable NIOSH to evaluate whether excess occupationally related mortality is occuring.

In the event of litigation where the defendant is (a) the Department , any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected. For example, records may be released to the Department of Justice in defending claims against the U.S. when the claim is based upon an individual's mental or physical condition and is alleged to have arisen because of activities of the Public Health Service in connection with such individual.

Records subject to the Privacy Act will be disclosed to private firms for data entry, computer systems analysis and computer programming services. The contractors will promptly return all data entry records, and all computer work will be done on Government-owned computers. The contractors will be required to maintain Privacy Act safeguards.

In the event of litigation initiated at the request of NIOSH, the Institute may disclose such records as it deems desirable or necessary to the Department of Justice to enable the Department to effectively represent the Institute, provided such disclosure is compatible with the purpose for which the records were collected. The only types of litigative proceedings that NIOSH is authorized to request are (1) enforcement of a subpoena issued to an employer to provide relevant information, or (2) contempt citation against an employer for failure to comply with a warrant obtained by the Institute.

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

STORAGE:

Computer tape cards, and printouts; microfiche; X-rays; and manual files.

RETRIEVABILITY:

Plant name, study, name, and/or assigned numerical identifiers are some of the indices used to retrieve records from this system. Social Security numbers, supplied on a voluntary basis may occasionally be used for data retrieval.

SAFEGUARDS:

24-hour guard service in buildings, locked buildings, locked rooms, personnel screening, locked computer room and tape vaults, password protection of computerized records, limited access to only authorized personnel. Two or more of these safeguards are used for all records covered by this system notice. The particular safeguards used are selected as appropriate for the type of records covered by such individual study.

RETENTION AND DISPOSAL:

Record copy maintained in accordance with retention schedules. Source documents for computer disposed of when no longer needed in the study, as determined by the system manager, and as provided in the signed consent form, as appropriate. Disposal methods include burning or shredding paper materials and erasing computer tapes.

SYSTEM MANAGER(S) AND ADDRESS:

Program Management Officer (PMO), DRDS, NIOSH, 944 Chestnut Ridge Road, Morgantown, West Virginia 26505.

NOTIFICATION PROCEDURE:

An individaul may learn if a record exists about herself/himself upon written request, with notarized signature if request is made by mail, or with suitable identification (i.e., driver's license, passport) if request is made in person. All individuals requesting records will be informed that anyone who knowingly and willfully requests access to a record pertaining to an individual under false pretenses is committing a criminal offense under the Act and subject to a maximum fine of 5,000 dollars.

To determine if a record exists, write to: Director, DRDS, NIOSH, 944 Chestnut Ridge Road, Morgantown, West Virginia 26505.

An individual who requests notification of or access to medical records shall, at the time the request is made, (1) provide a written notarized request designating a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion, (2) supply the name of the study, if known, (3) provide the approximate date and place of the study, if known, and (4) provide the approximate date and place of treatment or questionnaire administration.

RECORD ACCESS PROCEDURES:

Same as notification procedures.

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested.

RECORD SOURCE CATEGORIES:

Information is obtained directly from the individual, from employee records, from death certificates, and from industry and trade union records.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

Appendix I—Potential Sources for Determination of Vital Status

Military Records
Appropriate State Motor Vehicle Registration Departments
Appropriate State Drivers License Departments
Appropriate State Government Divisions of: Assistant Payment (Welfare), Social Services, Medical Services; Food Stamp Program, Child Support, Board of Corrections, Aging; Indian Affairs, Workman's Compensation, Disability Insurance
Veterans' Administration Files
Appropriate employee union or association records
Appropriate company pension or employment records
Company group insurance records
Appropriate State Vital Statistics Offices
Life Insurance Companies
Railroad Retirement Board
Area Nursing Homes
Area Indian Trading Posts
Mailing List Correction Cards (U.S. Postal Service)
Letters and telephone conversations with relatives
Letters and telephone conservations with former employees of the same establishment as cohort member
Appropriate local newspaper (obituaries)
Social Security Administration
Internal Revenue Service

09-20-0154

System name:

Medical and Laboratory Studies. HHS/CDC/NIOSH.

Security classification:

None.

System location:

Division of Respiratory Disease Studies (DRDS), National Institute for Occupational Safety and Health (NIOSH), 944 Chestnut Ridge Road, Morgantown, West Virginia 26505.

Data are also occasionally located at contractor sites as studies are developed, data collected, and reports written. A list of contractor sites where individually identifiable data is currently located is available upon request to the System Manager.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have had physical examinations at DRDS or who have had biochemical tests done on various samples submitted to DRDS.

CATEGORIES OF RECORDS IN THE SYSTEM:

Analysis of biochemical data, occupational and medical histories, and results of medical tests. The specific types of records to be collected and maintained are determined by the needs of the individual study.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Coal Mine Health and Safety Act Section 501 (30 U.S.C. 951), Occupational Safety and Health Act Section 20 (29 U.S.C. 669), Occupational Safety and Health Act Section 22(d) (29 U.S.C. 671(d); Federal Coal Mine Health and Safety Act Section 427(b).

PURPOSE(S):

The purpose of this system is to perform medical and epidemiological research, statistical analysis, and to identify early indicators of occupationally related diseases (biochemical indices); data is given to other NIOSH units for biochemical and epidemiological studies.

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

Data may be sent to State Vital Statistics Division to obtain death certificates, and to Missing Person Location Agencies to find those individuals who cannot otherwise be located.

Disclosure may be made to 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.

In the event of litigation where the defendant is (a) the Department, any

component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected. For example, records may be released to the Department of Justice in defending claims against the U.S. when the claim is based upon an individual's mental or physical condition and is alleged to have arisen because of activities of the Public Health Service in connection with such individual.

Records subject to the Privacy Act will be disclosed to private firms for data entry, computer systems analysis and computer programming services. The contractors will promptly return all data entry records, and all computer work will be done on Government-owned computers. The contractors will be required to maintain Privacy Act safeguards.

Test data which would indicate the existence of cancer may be provided to the State Cancer Registry where the State has a legally constituted cancer registry program which provides for the confidentiality of information.

Certain communicable diseases may be reported to State and/or local Health Departments where the State has a legally constituted reporting program for communicable diseases and which provides for the confidentiality of the information.

In the event of litigation initiated at the request of NIOSH, the Institute may disclose such records as it deems desirable or necessary to the Department of Justice to enable the Department to effectively represent the Institute, provided such disclosure is compatible with the purpose for which the records were collected. The only types of litigative proceedings that NIOSH is authorized to request are (1) enforcement of a subpoena issued to an employer to provide relevant information, or (2) contempt citation against an employer for failure to comply with a warrant obtained by the Institute.

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

STORAGE:

Computer tape, cards, and printouts; microfiche; X-rays; and manual files.

RETRIEVABILITY:

Name and case number are the indices used to retrieve records from this system.

SAFEGUARDS:

24-hour guard service in buildings, locked buildings, locked rooms, personnel screening, locked computer room and tape vaults, password protection of computerized records, limited access to only authorized personnel. Two or more of these safeguards are used for all records covered by this system notice. The particular safeguards used are selected as appropriate for the type of records covered by such individual study.

RETENTION AND DISPOSAL:

Record copy maintained in accordance with retention schedules. Source documents for computer disposed of when no longer needed in the study, as determined by the system manager, as provided in the signed consent form as appropriate. Disposal methods include erasing computer tapes and burning or shredding paper materials.

SYSTEM MANAGER(S) AND ADDRESS:

Project Management Officer, DRDS, NIOSH, 944 Chestnut Ridge Road, Morgantown, West Virginia 26505.

NOTIFICATION PROCEDURE:

An individual may learn if a record exists about herself/himself upon written request, with notarized signature if request is made by mail, or with suitable identification (i.e., driver's license, passport) of request is made in person. All individuals requesting records will be informed that anyone who knowingly and willfully requests access to a record pertaining to an individual under false pretenses is committing a criminal offense under the Act and subject to a maximum fine of 5,000 dollars.

To determine if a record exists, write to: Director, DRDS, NIOSH, 944 Chestnut Ridge Road, Morgantown, West Virginia 26505.

An individual who requests notification of or access to medical records shall, at the time the request is made, (1) provide a written notarized request designating a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion, (2) supply the name of the study, if known, (3) provide the approximate date and place of the study, if known, and (4) provide the approximate date and place of treatment or questionnaire administration.

RECORD ACCESS PROCEDURES:

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

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested.

RECORD SOURCE CATEGORIES:

Information is obtained directly from the individual.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-20-0155

SYSTEM NAME:

Morbidity Studies in Metal and Non-Metal Mining Activities. HHS/CDC/NIOSH.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Division of Respiratory Disease Studies (DRDS), National Institute For Occupational Safety and Health (NIOSH), 944 Chestnut Ridge Road, Morgantown, West Virginia 26505.

Data is also occasionally located at field collection sites and contractor sites as studies are developed, data collected, and reports written. A list of field and contractor sites where individually identifiable data is currently located is available upon request to the System Manager.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons working, or having worked at mining operations other than coal mining operations and exposed or potentially exposed to substances which are known or suspected respiratory irritants or carcinogens. Also included are those individuals in the general population who have been selected as a control group.

CATEGORIES OF RECORDS IN THE SYSTEM:

Previous and current employment records, medical and occupational histories, demographic data, X-rays,

smoking histories, results of medical tests such as pulmonary function data and spirometry test results, permission forms, industrial environmental data, and questionnaires. The specific types of records to be collected and maintained are determined by the research needs of the specific study.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Occupational Safety and Health Act Section 20 (29 U.S.C. 669); Public Health Service Act Section 301 (42 U.S.C. 241).

PURPOSE(S):

The purpose of this system is to investigate occupationally related diseases and to determine the cause and prevention of such diseases.

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

Data may be sent to State Vital Statistics Divisions to obtain death certificates, and to Missing Person Location Agencies to find those individuals who cannot otherwise be located.

Disclosure may be made to 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.

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected. For example, records may be released to the Department of Justice in defending claims against the U.S. when the claim is based upon an individual's mental or physical condition and is alleged to have arisen because of activities of the Public Health Service in connection with such individual.

Records subject to the Privacy Act will be disclosed to private firms for data entry, computer systems analysis and computer programming services. The contractors will promptly return all data entry records, and all computer work will be done on Government-owned computers. The contractors will be required to maintain Privacy Act safeguards.

Test data which would indicate the existence of cancer may be provided to the State Cancer Registry where the state has a legally constituted cancer registry program which provides for the confidentiality of information.

Certain communicable diseases may be reported to state and/or local Health Departments where the state has a legally constituted reporting program for communicable diseases and which provides for the confidentiality of the information.

In the event of litigation initiated at the request of NIOSH, the Institute may disclose such records as it deems desirable or necessary to the Department of Justice to enable the Department to effectively represent the Institute, provided such disclosure is compatible with the purpose for which the records were collected. The only types of litigation proceedings that NIOSH is authorized to request are (1) enforcement of a subpoena issued to an employer to provide relevant information, or (2) contempt citation against an employer for failure to comply with a warrant obtained by the Institute.

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

STORAGE:

Computer tape, cards, and printouts; microfiche; X-rays; and manual files.

RETRIEVABILITY:

Plant name, study name, and/or assigned numerical identifiers are some of the indices used to retrieve records from this system. Social Security numbers, supplied on a voluntary basis, may occasionally be used for data retrieval.

SAFEGUARDS:

24-hour guard service in buildings, locked buildings, locked rooms, personnel screening, locked computer room and tape vaults, password protection of computerized records, limited access to only authorized personnel. Two or more of these safeguards are used for all records covered by this system notice. The particular safeguards used are selected as appropriate for the type of records covered by such individual study.

RETENTION AND DISPOSAL:

Record copy maintained in accordance with retention schedules. Source documents for computer disposal of when no longer needed in the study, and as determined by the system manager, as provided in the signed consent form as appropriate. Disposal methods include computer tapes and burning or shredding paper material.

SYSTEM MANAGER(S) AND ADDRESS:

Program Management Officer, DRDS, NIOSH, 944 Chestnut Ridge Road, Morgantown, West Viginia 26505.

NOTIFICATION PROCEDURE:

An individual may learn if a record exists about herself/himself upon written request, with notarized signature if request is made by mail, or with suitable identification (i.e., driver's license, passport) if request is made in person. All individuals requesting records will be informed that anyone who knowingly and willfully requests access to a record pertaining to an individual under false pretenses is committing a criminal offense under the Act and subject to a maximum fine of 5,000 dollars.

To determine if a record exists, write to: Director, DRDS, NIOSH, 944 Chestnut Ridge Road, Morgantown, West Virginia 26505.

An individual who requests notification of or access to medical records shall, at the time the request is made, (1) provide a written notarized request designating a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion, (2) supply the name of the study, if known, (3) provide the approximate date and place of the study, if known, and (4) provide the approximate date and place of treatment or questionnaire administration.

RECORD ACCESS PROCEDURES:

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

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested.

RECORD SOURCE CATEGORIES:

Vital status information is obtained from Federal, state and local governments and other available sources. Information is obtained from the individual and from employer records.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-20-0156

SYSTEM NAME:

Cytotechnologist Proficiency Answer Sheets and Test Results (Medicare). HHS/CDC/LIPO.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Centers for Disease Control, Laboratory Improvement Program Office, Building 3, Room B49, 1600 Clifton Rd., N.E., Atlanta, Georgia 30333.

and

Federal Records Center, 1557 St. Joseph Ave., East Point, GA 30344

and

Professional Examination Service, 475 Riverside Drive, New York, N.Y. 10027.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Cytotechnologists.

CATEGORIES OF RECORDS IN THE SYSTEM:

Answer Sheets, Examination scores.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Social Security Act Sections 1123 (42 U.S.C. 1320a-2).

PURPOSE(S):

To maintain a record of examination scores in order to provide proficiency cards and test results to examinees.

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

Disclosure may be made to 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. In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Deprtment or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

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

STORAGE:

Computer tapes and computer-generated listings filed by discipline, by state, in file folders.

RETRIEVABILITY:

Listings and answer sheets are retrieved by examination, state, examinee's name and address, and examination number.

SAFEGUARDS:

Files are maintained in a combination lock file cabinet in a secured building. 24-hour guard service in buildings, locked buildings, locked rooms, personnel screening, locked computer rooms and tape vaults, password protection of computerized records, limited access to only authorized personnel. Two or more of these safeguards are used for all records covered by this system notice. For computerized records, safeguards are in accordance with HHS/ADP System Security Manual, Part 6. The safeguards decribed for nonautomated records are in accordance with Chapter 45-13 in the General Administration Manual, and the supplementary PHS chapter.

RETENTION AND DISPOSAL:

Lists are to be retained through fiscal year 1985. They will then be filed at Federal Records Center for a period of three years. If at the expiration of that time the records are no longer of use, FRC will be authorized to destroy by paper recycling process or shredding.

SYSTEM MANAGER(S) AND ADDRESS:

Association Director for Health Laboratory Manpower Development, Laboratory Improvement Program Office, Bldg. 3, Room B 49, Centers for Disease Control, 1600 Clifton Road, N.E., Atlanta, Georgia 30333.

NOTIFICATION PROCEDURE:

An individual may learn if a record exists about himself or herself by contacting the System Manager at the address above. Requesters in person must provide driver's license or other positive identification. Individuals who do not appear in person must either (1) submit a notarized request to verify their identity or (2) must certify that they are the individuals they claim to be and that they understand that the knowing and willful request for or acquisition of a record pertaining to an individual under false pretenses is a criminal offense under the Privacy Act subject to a $5,000 fine.

Finally, all of the following information must be provided when requesting notification: (1) full name; (2) approximate date(s) of the examination(s); (3) nature of the examination in which the requester participated; (4) nature of the material desired.

RECORD ACCESS PROCEDURES:

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

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under Notification Procedures above, and reasonably identify the record and specify the information to be contested.

RECORD SOURCE CATEGORIES:

Scored examinations.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-20-0157

SYSTEM NAME:

Clinical Laboratory Technologists Proficiency Answer Sheets and Test Results (Medicare). HHS/CDC/LIPO.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Laboratory Improvement Program Office, Bldg. 3, Room B49, Centers for Disease Control, 1600 Clifton Rd., N.E., Atlanta, Georgia 30333

and

Federal Records Center, 1557 St. Joseph Ave., East Point, GA 30344

and

Professional Examination Service, 475 Riverside Drive, New York, N.Y. 10027.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Clinical laboratory technologists.

CATEGORIES OF RECORDS IN THE SYSTEM:

Answer sheets. Examination scores.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Social Security Act Section 1123 (42 U.S.C. 1320a-2).

PURPOSE(S):

To maintain a record of examination scores in order to provide proficiency cards and test results to examinees.

When applicable, answer sheets are used to revalidate results.

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

Disclosure may be made to 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. In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

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

STORAGE:

Computer tapes and computer-generated listings filed by discipline, by State, in file folders.

RETRIEVABILITY:

Listings and answer sheets are retrieved by examination, State, examinee's name and address, and examination number.

SAFEGUARDS:

24-hour guard service in buildings, locked buildings, locked rooms, personnel screening, locked computer rooms and tape vaults, password protection of computerized records, limited access to only authorized personnel. Two or more of these safeguards are used for all records covered by this system notice. For computerized records, safeguards are in accordance with HHS/ADP System Security Manual, Part 6. The safeguards described for nonautomated records are in accordance with Chapter 45-13 in the General Administration Manual, and the supplementary PHS chapter.

RETENTION AND DISPOSAL:

Lists are to be retained through FY 1985. They will then be filed at Federal Records Center for a period of three years. If at the expiration of that time the records are no longer of use, FRC will be authorized to destroy by paper recycling process of shredding.

SYSTEM MANAGER(S) AND ADDRESS:

Associate Director for Health Laboratory Manpower Development, Laboratory Training and Consultation Division, Laboratory Improvement Program Office, Bldg. 3, Room B49, Centers for Disease Control, 1600 Clifton Road, N.E., Atlanta, Georgia 30333.

NOTIFICATION PROCEDURE:

An individual may learn if a record exists about himself or herself by contacting the System Manager at the address above. Requesters in person must provide driver's license or other positive identification. Individuals who do not appear in person must either (1) submit a notarized request to verify their identity or (2) must certify that they are the individuals they claim to be and that they understand that the knowing and willful request for or acquisition of a record pertaining to an individual under false pretenses is a criminal offense under the Privacy Act subject to a $5,000 fine.

Finally, all of the following information must be provided when requesting notification: (1) full name; (2) approximate date(s) of the examination(s); (3) nature of the examination in which the requester participated; (4) nature of the material desired.

RECORD ACCESS PROCEDURES:

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

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under Notification Procedures above, and reasonably identify the record and specify the information to be contested.

RECORD SOURCE CATEGORIES:

Scored examinations.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-20-0158

SYSTEM NAME:

Independent Laboratory Directors Proficiency Answer Sheets and Exam Results (Medicare), HHS/CDC/LIPO.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Laboratory Improvement Program Office, Building 3, Room B49, Centers for Disease Control, 1600 Clifton Rd., N.E., Atlanta, Georgia 30333.

and

Federal Records Center, 1557 St. Joseph Ave., East Point, GA 30344

and

Professional Examination Service, 475 Riverside Drive, New York, N.Y. 10027.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Independent laboratory directors.

CATEGORIES OF RECORDS IN THE SYSTEM:

Answer sheets. Examination scores.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Social Security Act Section 1123 (42 U.S.C. 1320a-2).

PURPOSE(S):

To maintain a record of examination scores in order to provide proficiency cards and test results to examinees. When applicable, answer sheets are used to revalidate results.

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

Disclosure may be made to 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. In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

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

STORAGE:

Computer tapes and computer-generated listings filed by discipline, by State, in file folders.

RETRIEVABILITY:

Listings and answer sheets are retrieved by examination, State,

examinee's name and address, and examination number.

SAFEGUARDS:

24-hour guard service in buildings, locked buildings, locked rooms, personnel screening, locked computer rooms and tape vaults, password protection of computerized records, limited access to only authorized personnel. Two or more of these safeguards are used for all records covered by this system notice. For computerized records, safeguards are in accordance with HHS/ADP System Security Manual, Part 6.The safeguards described for nonautomated records are in accordance with Chapter 45–13 in the General Administration Manual, and the supplementary PHS chapter.

RETENTION AND DISPOSAL:

Lists are to be retained through FY 1985. They will then be filed at Federal Records Center for a period of three years. If at the expiration of that time the records are no longer of use, FRC will be authorized to destroy by paper recycling process or shredding.

SYSTEM MANAGER(S) AND ADDRESS:

Associate Director for Health Laboratory Manpower Development, Laboratory Training and Consultation Division, Laboratory Improvement Program Office, Bldg. 3 Room B49, Centers for Disease Control, 1600 Clifton Road, N.E., Atlanta, Georgia 30333.

NOTIFICATION PROCEDURE:

An individual may learn if a record exists about himself or herself by contacting the System Manager at the address above. Requesters in person must provide driver's license or other positive indentification. Individuals who do not appear in person must either (1) submit a notarized request to verify their identity or (2) must certify that they are the individuals they claim to be and that they understand that the knowing and willful request for or acquisition of a record pertaining to an individual under false pretenses is a criminal offense under the Privacy Act subject to a $5,000 fine.

Finally, all of the following information must be provided when requesting notification: (1) full name; (2) approximate date(s) of the examination(s); (3) nature of the examination in which the requester participated; (4) nature of the material desired.

RECORD ACCESS PROCEDURES:

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

CONTESTING RECORD PROCEDURES:

Contact the offical at the address specified under Notification Procedures above, and reasonably identify the record and specify the information to be contested.

RECORD SOURCE CATEGORIES:

Scored examinations.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

BILLING CODE 4110-86-M

09-20-0159

SYSTEM NAME:

Records of Subjects in Certification, Testing and Safety Studies of Personal Protective Devices for Hazardous Work Environments. HHS/CDC/NIOSH.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Division of Safety Research (DSR), National Institute for Occupational Safety and Health (NIOSH), 944 Chestnut Ridge Road, Morgantown, West Virginia 26505.

Data are also occasionally located at field worksites and contractor sites as studies are developed, data collected and reports written. A list of field and contractor sites where individually identifiable data are currently located is available upon request to the System Manager.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals exposed to hazardous work environments and individuals selected as control groups will be covered by this system. Additionally, the system pertains to individuals selected to test the interaction between people, personal protection or safety equipment, users of such equipment, and a hazardous environment. Some examples include individuals selected to: perform respirator facepiece fit tests, evaluate hearing protectors, perform lifting and manual materials handling studies, perform strength test studies, and perform hand speed tests.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system will contain such records as physical examinations, questionnaires, results of laboratory tests (physiological acceleration measures, and performance tests), workplace performance records, results of hearing tests, occupational histories, medical histories, demographic data, and related medical information. The specific types of records to be collected and maintained are determined by the needs of the individual study.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

The Public Health Service Act, Section 301 (42 U.S.C. 241); the Occupational Safety and Health Act, Section 20 (29 U.S.C. 669); and the Coal Mine Health and Safety Act, Section 501 (30 U.S.C. 951).

PURPOSE(S):

The purpose of this system is to permit acquisition of information related to certification of personal protective equipment, hazard-measuring devices, and safety research studies.

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

Disclosures may be made to 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.

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected. For example, records may be released to the Department of Justice in defending claims against the U.S. when the claim is based upon an individual's mental or physical condition and is alleged to have arisen because of activities of the Public Health Service in connection with such individual.

In the event of litigation initiated at the request of NIOSH, the Institute may disclose such records as it deems desirable or necessary to the Department of Justice to enable the Department to effectively represent the Institute, provided such disclosure is compatible with the purpose for which the records were collected. The only types of litigative proceedings that NIOSH is authorized to request are (1) enforcement of a subpoena issued to an employer to provide relevant information, or (2) contempt citation

against an employer for failure to comply with a warrant obtained by the Institute.

Portions of records (name, Social Security number if known, date of birth, and last known address) may be disclosed to one or more sources selected from those listed in Appendix I. This may be done to determine if the individual has died so that a death certificate can be obtained. Knowing the cause of death will enable NIOSH to evaluate whether excess occupationally-related mortality is occuring.

Records subject to the Privacy Act will be disclosed to private firms for data entry, computer systems analysis, and computer programming services. The contractors will promptly return all data entry records, and all computer work will be done on Government-owned computer. The contractors will be required to maintain Privacy Act safeguards.

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

STORAGE:

Manual files, computer tape, microfilm, computer cards, index audiogram files, audiograms, questionnaire forms.

RETRIEVABILITY:

Name, assigned number, plant name, and year tested are some of the indices used to retrieve records from these systems. Other retrieval methods are utilized as individual research dictates.

SAFEGUARDS:

Locked buildings, locked rooms, locked file cabinets, personnel screening, locked computer room and computer tape vaults, 24-hour guard service, limited access only to authorized personnel. The particular safeguards used are selected as appropriate for the type of records covered by an individual study. For computerized records, safeguards are in accordance with Part 6, ADP Systems Security, of the HHS/ADP Systems Manual. Safeguards for non-automated records are in accordance with the NIOSH Sensitive Data Security Program Briefing Booklet.

RETENTION AND DISPOSAL:

Records will be maintained from three to twenty years in accordance with retention schedules. Personal identifiers will be stripped from records, and records will be destroyed when they are no longer needed. All paper records which are disposed of will be shredded or burned and computer tapes will be erased.

SYSTEM MANAGER(S) AND ADDRESS:

Program Management Officer (PMO), Division of Safety Research, NIOSH, 944 Chestnut Ridge Road, Morgantown, WV 26505.

NOTIFICATION PROCEDURE:

An individual may learn if a record exists about herself/himself upon written request, with notarized signature if request is made by mail, or with suitable identification (i.e., driver's license, passport) if request is made in person. All individuals requesting records will be informed that anyone who knowingly and willfully requests access to a record pertaining to an individual under false pretenses is committing a criminal offense under the Act and subject to a maximum fine of 5,000 dollars.

To determine if a record exists, write to: Director, Division of Safety Research, NIOSH, 944 Chestnut Ridge Road, Morgantown, WV 26505.

An individual who requests notification of or access to medical records shall, at the time the request is made, (1) provide a written notarized request designating a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion, (2) supply the name of the study, if known, (3) provide the approximate date and place of the study, if known, and (4) provide the approximate date and place of treatment or questionnaire administration.

RECORD ACCESS PROCEDURES:

Same as notification procedures.

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under notification procedures above and reasonably identify the record and specify the information to be contested.

RECORD SOURCE CATEGORIES:

Information needed is obtained either directly from the individual, or from employee records whenever possible. Other sources may include those listed in Appendix I.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

Appendix I

Potential Sources for Determination of Vital Status
- Military Records
- Appropriate State Motor Vehicle Registration Departments
- Appropriate State Drivers License Departments
- Appropriate State Government Divisions of: Assistance Payments (Welfare), Social Services, Medical Services, Food Stamp Program, Child Support, Board of Corrections, Aging, Indian Affairs, Workman's Compensation, Disability Insurance
- Veteran's Administration Files
- Appropriate employee union or association records
- Appropriate company pension or employment records
- Company group insurance records
- Appropriate State Vital Statistics Offices
- Life Insurance Companies
- Railroad Retirement Board
- Area Nursing Homes
- Area Indian Trading Posts
- Mailing List Correction Cards (U.S. Postal Service)
- Letters and telephone conversations with relatives
- Letters and telephone conversations with former employees of the same establishment as cohort member
- Appropriate Local Newspaper (Obituaries)
- Social Security Administration
- Internal Revenue Service

BILLING CODE 4110-87-M

09-20-0160

SYSTEM NAME:

Records of Subjects in Health Education Studies—HHS/CDC/CHPE.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Center for Health Promotion and Education, Centers for Disease Control, Building 14, Room 10, Atlanta, Georgia 30333.

A list of contractor sites is available upon request to the System Manager.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Adults and children, including teachers and students, who participate in studies and surveys designed to obtain data on their knowledge, attitudes, and reported behavior related to a variety of health problems and/or other potential preventable conditions of public health significance; also included are control group participants.

CATEGORIES OF RECORDS IN THE SYSTEM:

Responses to questionnaires by adults and children, including teachers and students, pertaining to health knowledge, attitude and behavior, site visit data, organizational data regarding health education in school curriculum, course content, medical histories, demographic data of the survey population as well as identification data for follow-up purposes.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Public Health Service Act, Sec. 301 Research and Investigations (42 U.S.C. 241).

PURPOSE(S):

This record system enables CDC officials to develop and evaluate existing health education programs for disease prevention and control, and to communicate new knowledge to the health community for the implementation of such programs.

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

Disclosure may be made to CDC contractors in the conduct of research studies covered by this system notice and in the preparation of scientific reports, in order to accomplish the stated purpose of the system. The recipients will be required to maintain Privacy Act safeguards with respect to such records.

Disclosure may be made to 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.

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

STORAGE:

Computer tapes and file folders.

RETRIEVABILITY:

Name of individual, identification number, school name and year tested are some of the indices used to retrieve records from this sytem.

SAFEGUARDS:

24-hour guard service in buildings, locked buildings, locked file rooms, locked computer rooms and tape vaults, password protection of computerized records, limited access to only authorized personnel. Designated researchers and their clerical staff are authorized personnel. Two or more of these safeguards are used for all records covered by this system notice. The particular safeguards used are selected as appropriate for the type of records covered by each individual study. For computerized records, safeguards are in accordance with HHS/ADP System Security Manual, Part 6. The safeguards described for nonautomated records are in accordance with Chapter 45–13 in the General Administration Manual, and the supplementary PHS chapter.

RETENTION AND DISPOSAL:

Source documents for computer disposed of when no longer needed by program official. Personal identifiers may be deleted from records when no longer needed in the study as determined by the system manager, and as provided in the signed consent form, as appropriate.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Research and Evaluation, Center for Health Promotion and Education, Centers for Disease Control, Bldg. 14, Room 10, Atlanta, Georgia 30333.

NOTIFICATION PROCEDURE:

An individual may learn if a record exists about himself or herself by contacting the System Manager at the address above. Requesters in person must provide positive identification. Individuals who do not appear in person must either (1) submit a notarized request to verify their identity, or (2) must certify that they are the individuals whom they claim to be and that they understand that the knowing and willful request for or acquisition of a record pertaining to an individual under false pretenses is a criminal offense under the Privacy Act subject to a $5,000 fine.

In addition, an individual who requests notification of, or access to, a medical record shall at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion.

A parent or guardian who requests notification of, or access to, a child's medical record shall designate a family physician or other health professional (other than a family member) to whom the record, if any, will be sent. The parent or guardian must verify relationship to the child by means of a birth certificate or court order, as well as verify that he or she is who he or she claims to be.

Finally, all of the following information must be provided when requesting notification: (1) full name; (2) approximate dates of the contact with the Centers for Disease Control representative; (3) nature of the study or questionnaire in which the requester participated; (4) nature of the material desired.

RECORD ACCESS PROCEDURES:

Same as notification procedures.

CONTESTING RECORD PROCEDURES:

Contact the system manager and reasonably identify the record, specify the information to be contested, and state the corrective action sought.

RECORD SOURCE CATEGORIES:

Individuals, and participating public and private schools which maintain records on enrolled students.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

Dated: August 18, 1981.

[FR Doc. 81-25911 Filed 10-26-81; 8:45 am]
BILLING CODE 4110-86-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Services Administration

Privacy Act of 1974; Annual Publication of Systems of Records

AGENCY: Health Services Administration (HSA); Public Health Service (PHS).

ACTION: HSA is publishing this document to meet the requirements of Section 3(e)(4) of the Privacy Act (5 U.S.C. 552(a)), providing for annual publication of the existence and character of systems of records which are subject to the Act.

SUMMARY: This preamble summarizes significant changes to systems of individually identifiable records which have occurred since the 1980 annual publication.

Notices of all systems of records currently maintained by the component organizations of HSA follow this preamble. The notices include modifications for the purposes of clarity, timeliness, and correctness, and are complete as of August 21, 1981. None of the modifications being made at this time meet the OMB criteria for a new or altered system report, or a period of public comment.

SUPPLEMENTARY INFORMATION:

A. General Information: Notices published below describe systems of records maintained by HSA.

The routine uses set forth in each notice describe permissible disclosures outside the Department of records in that system, which may be made without the consent of individuals who are the subjects of those records. Additional disclosures without consent of subject individuals are permitted by the Privacy Act itself in Section 3(b), as follows:

"(1) to those officers and employees of the agency which maintains the record who have a need for the record in the performance of their duties;

"(2) required under section 552 of this title [the Freedom of Information Act];

"(3) for a routine use as [described in the routine use section of each specific system notice];

"(4) to the Bureau of the Census for purposes of planning or carrying out a census or survey or related activity pursuant to the provisions of title 13;

"(5) to a recipient who has provided the agency with advance adequate written assurance that the record will be used solely as a statistical research or reporting record, and the record is to be transferred in a form that is not individually identifiable;

"(6) to the National Archives of the United States as a record which has sufficient historical or other value to warrant its continued preservation by the United States Government, or for evaluation by the Administrator of General Services or his designee to determine whether the record has such value;

"(7) to another agency or to an instrumentality of any government jurisdiction within or under the control of the United States for a civil or criminal law enforcement activity if the activity is authorized by law, and if the head of the agency or instrumentality has made a written request to the agency which maintains the record specifying the particular portion desired and the law enforcement activity for which the record is sought;

"(8) to a person pursuant to a showing of compelling circumstances affecting the health or safety of an individual if, upon such disclosure, notification is transmitted to the last known address of such individual;

"(9) to either House of Congress, or, to the extent of matter within its jurisdiction, any committee or subcommittee thereof, any joint committee of Congress or subcommittee of any such joint committee;

"(10) to the Comptroller General, or any of his authorized representatives, in the course of the performance of the duties of the General Accounting Office; or

"(11) pursuant to the order of a court of competent jurisdiction."

B. Transferred Systems of Records:

1. Those functions of the Bureau of Health Professions, Health Resources Administration dealing with the National Health Service Corps (NHSC) Scholarship Program and the Health Education Assistance Loan Program of the Department of Education (ED), Office of Postsecondary Education, Office of Student Financial Assistance were transferred to the Health Services Administration on November 25, 1980. This action combined all aspects of the NHSC in a single administrative agency. A new HSA Bureau, Bureau of Health Personnel Development Services (BHPDS) was created which included, among other responsibilities, all NHSC programs that were originally housed in Bureau of Community Health Services, HSA, the Bureau of Health Professions, HRA, and the Office of Postsecondary Education, ED. The old and new numbers of each of the HRA and ED systems transferred to HSA appear below with the date and page numbers of previous (1980) publication in the **Federal Register.**

The transfer of these systems involves no changes in the organization or use of records in the system which would require submission of a Report of Altered System to the Office of Management and Budget and to the Congress.

2. 1980 HRA record systems transferred to HSA are as follows:

09-15-0037—"Public Health Service Scholarship and National Health Service Corps Scholarship Programs." HHS/HSA/BHPDS. (Formerly 09-35-0007, HHS/HRA/BHPr, p. 84532, **Federal Register,** Dec. 22, 1980)

09-15-0038—"Disability Claims of the Nursing Student Loan Program." HHS/HSA/BHPDS. (Formerly 09-35-0021, HHS/HRA/BHPr, p. 84535, **Federal Register,** Dec. 22, 1980)

09-15-0039—"Disability Claims in the Health Professions Student Loan Program," HHS/HSA/BHPDS. (Formerly 09-35-0022, HHS/HRA/BHPr, p. 84536, **Federal Register,** Dec. 22, 1980)

09-15-0040—"Health Professions Student Loan Repayment Program." HHS/HSA/BHPDS. (Formerly 09-35-0023, HHS/HRA/BHPr, p. 84536, **Federal Register,** Dec. 22, 1980)

09-15-0041—"Health Professions Student Loan Cancellation." HHS/HSA/BHPDS. (Formerly 09-35-0024, HHS/HRA/BHPr, p. 84537, **Federal Register,** Dec. 22, 1980)

09-15-0042—"Physician Shortage Area Scholarship Program," HHS/HSA/BHPDS. (Formerly 09-35-0025, HHS/HRA/BHPr, p. 84537, **Federal Register,** Dec. 22, 1980)

09-15-0043—"Cuban Loan Program." HHS/HSA/BHPDS. (Formerly 09-35-0026, HHS/HRA/BHPr, p. 84538, **Federal Register,** Dec. 22, 1980)

3. 1980 ED record systems transferred to HSA are as follows:

09-15-0044—"Health Education Assistance Loan Program (HEAL) Loan Control Master File." HHS/HSA/BHPDS. (Formerly 18-40-0062, ED/OPSE/OSFA, p. 29654, **Federal Register,** June 2, 1980)

Readers who notice any inadvertent errors or omissions in HSA system notices are invited to bring them to my attention at the following address:

Department of Health and Human Services, Public Health Service, Health Services Administration, Office of the Administrator, Room 14A-03, 5600 Fishers Lane, Rockville, Maryland 20857.

Dated: August 10, 1981.

William H. Aspden, Jr.,

Associate Administrator for Management, HSA.

Table of Contents

09-15-0001 Division of Federal Employee Occupational Health, Employee Health Records. HHS/HSA/BMS.
09-15-0002 Record of Patients' Personal Valuables and Monies. HHS/HSA/BMS.
09-15-0003 Contract Physicians and Consultants. HHS/HSA/BMS.
09-15-0004 Federal Employee Occupational Health Data System. HHS/HSA/BMS.
09-15-0005 Dental Research—Evaluation of Restorative Materials. HHS/HSA/BMS.
09-15-0006 Cooperative Research Studies System: Coronary Artery Disease. HHS/HSA/BMS.
09-15-0007 Patients Medical Record System PHS Hospitals/Clinics. HHS/HSA/BMS.
09-15-0008 Emergency Non-PHS Treatment Authorization File. HHS/HSA/BMS.
09-15-0009 Cooperative Research Studies System: Pyelonephritis. HHS/HSA/BMS.
09-15-0010 Cooperative Research Studies System: Essential Hypertension. HHS/HSA/BMS.
09-15-0018 Unofficial Vital Records System. HHS/HSA/IHS.
09-15-0019 Health And Medical Records Systems. HHS/HSA/IHS.
09-15-0022 Accounts Receivable. HHS/HSA/BMS.
09-15-0026 Medical Fellowships and Educational Loans. HHS/HSA/OA.
09-15-0027 National Health Service Corps (NHSC), Bureau of Medical Services (BMS) and Indian Health Services (IHS) Pre-Applicant Recruitment and Provider File. HHS/HSA/BHPDS.
09-15-0028 PHS Clinical Affiliation Trainee Records. HHS/HSA/BMS.
09-15-0029 PHS Beneficiary-Contract Medical/Health Care Records. HHS/HSA/BMS.
09-15-0034 Health Care Provider Profile. HHS/HSA/BMS.
09-15-0037 Public Health Service Scholarship and National Health Service Corps Scholarship Programs. HHS/HSA/BHPDS.
09-15-0038 Disability Claims of the Nursing Student Loan Program. HHS/HSA/BHPDS.
09-15-0039 Disability Claims in the Health Professions Student Loan Program. HHS/HSA/BHPDS.
09-15-0040 Health Professions Student Loan Repayment Program. HHS/HSA/BHPDS.
09-15-0041 Health Professions Student Loan Cancellation. HHS/HSA/BHPDS.
09-15-0042 Physician Shortage Area Scholarship Program. HHS/HSA/BHPDS.
09-15-0043 Cuban Loan Program. HHS/HSA/BHPDS.
09-15-0044 Health Education Assistance Loan Program (HEAL) Loan Control Master File. HHS/HSA/BHPDS.

09-15-0001

SYSTEM NAME:

Division of Federal Employee Occupational Health, Employee Health Records. HHS/HSA/BMS.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

A current list of health unit sites is available by writing to the System Manager at the address below.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Federal employees enrolled in PHS/DFEOH Health Units.

CATEGORIES OF RECORDS IN THE SYSTEM:

Health records.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 USC 7901, 5 USC 8101, OMB Circular No. A-72.

PURPOSE(S):

Employees are provided occupational health services (on a voluntary basis). Data necessary to ensure proper diagnosis, treatment, and continuity of care are included in the employee health records.

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

Certain records may be disclosed to medical laboratories, medical consultants, or computer processing firms under a service contract agreement. Recipients are required to maintain adequate safeguard with respect to such records.

In the event of a change in sponsorship of a PHS/DFEOH health care unit or in a case of mass transfer of employees covered by a PHS/DFEOH health care unit to one served by a non-departmental organization, the health records will be transferred to the custodianship of the new organization.

Disclosure may be made to 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.

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect, the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

Disclosure may be made to the U.S. Department of Labor, Office of Worker's Compensation Program, of those files of persons claiming compensation benefits due to personal injury while on the job.

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

STORAGE:

File folders.

RETRIEVABILITY:

Alphabetically by last name.

SAFEGUARDS:

1. Authorized Users: DFEOH Health Unit personnel, physicians, nurses, and other allied health professionals.

2. Physical Safeguards: All documents are secured during lunch hours and nonworking hours in locked file cabinets or locked storage areas.

3. Procedural Safeguards: All users of personal information in connection with the performance of their jobs protect information from public view and from authorized personnel entering an unsupervised office. Access to records is strictly limited to those staff members trained in accordance with the DFEOH Manual of Operations, BMS Privacy Act Implementation Guidelines; HHS Ch 45-13 and Ch PHS.hf:45-13 of the General Administration Manual.

RETENTION AND DISPOSAL:

Number of years held at HSA—Period of service or 6 years if inactive. How destroyed: shredded and disposed of if inactive more than 6 years.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Division of Federal Employee Occupational Health

Bureau of Medical Services, Director, FOB #3, 6525 Belcrest Road, Hyattsville, Maryland 20782.

NOTIFICATION PROCEDURE:

To determine if a record exists, write to the System Manager at the address above. Individual must provide positive identification, such as driver's license, passport, voter registration card, union card, or a written certification verifying his or her identity. Individuals must provide treatment location and approximate date of treatment. Requesters should also reasonably specify the record contents being sought.

An individual who requests access to a medical record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion.

RECORD ACCESS PROCEDURE:

Same as notification procedures.

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified in the Notification Procedures above and reasonably identify the record, specify the information being contested, and state the corrective action sought.

RECORD SOURCE CATEGORIES:

Information is obtained from the Federal employee, the x-ray, laboratory, and EKG contractors, physician and nurse notes, OWCP and personnel office.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09–15–0002

SYSTEM NAME:

Record of Patients' Personal Valuables and Monies. HHS/HSA/BMS.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Financial Management offices—see appendix.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals admitted to PHS Hospitals.

CATEGORIES OF RECORDS IN THE SYSTEM:

Information regarding personal valuables, such as watches or rings, and monies checked in by the patients for safe-keeping.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Public Health Service Act Section 321 (42 U.S.C. 248).

PURPOSE(S):

The purpose of the system is to provide for the safekeeping of patients' valuables. Records may also be used by the HHS Audit Agency for audit purposes.

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

Disclosure may be made to 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.

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

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

STORAGE:

Valuables and monies are sealed in an envelope and filed in a locked safe.

RETRIEVABILITY:

Name and hospital record number.

SAFEGUARDS:

1. Authorized users: PHS facility personnel responsible for the security of valuables and monies, PHS facility cashiers, nurses, and physicians.

2. Physical Safeguards: All documents are protected during lunch hours and nonworking hours in locked file cabinets or locked storage areas.

3. Procedural Safeguards: All users or personal information in connection with the performance of their jobs protect information from public view and from unauthorized personnel entering an unsupervised office. Access to records is strictly limited to those staff members trained in accordance with the BMS Privacy Act Implementation Guidelines; HHS Ch 45–13 and Ch PHS.hf: 45–13 of the General Administration Manual.

RETENTION AND DISPOSAL:

Number of years held at HSA: Until audited by HHS Audit Agency. How destroyed: incinerator.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Financial Management Branch, BMS, 11th Floor, Federal Center Bldg. #3, 6525 Belcrest Rd., W. Hyattsville, MD 20782.

NOTIFICATION PROCEDURE:

Write to appropriate Financial Management office—as listed in appendix. Individual must provide positive identification, such as driver's license, passport, voter registration card, union card, or a written certification verifying his or her identity. Requesters should also reasonably specify the record contents being sought.

RECORD ACCESS PROCEDURE:

Same as notification procedures.

CONTESTING RECORD PROCEDURES:

Write to the official at the address specified in the notification procedures above, and reasonably identify the record, specify the information to be contested, and state the corrective action sought.

RECORD SOURCE CATEGORIES:

Patient and admission record.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

Appendix

Address all correspondence to, Director, USPHS Hospital, Attn: Chief, Financial Management, at the appropriate locations:

USPHS Hospital, 3100 Wyman Park Drive, Baltimore, MD 21211

USPHS Hospital, 77 Warren St., Boston (Brighton) Mass. 02135

USPHS Hospital, Carville, La 70721

USPHS Hospital, 2050 Space Park Drive, Nassau Bay, TX 77058

USPHS Hospital, 210 State St., New Orleans, La 70118

USPHS Hospital, 6500 Hampton Blvd., Larchmont, Norfolk, Va 23508

USPHS Hospital, 1131 14th Ave., South, Seattle, Wash., 98144

USPHS Hospital, Bay Street and Vanderbilt Avenue, Staten Island, New York 10304

USPHS Hospital, 15th Ave., & Lake St., San Francisco, Calif. 94118

09–15–0003

SYSTEM NAME:

Contract Physicians and Consultants. HHS/HSA/BMS.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

6525 Belcrest Road, Room 1100, Presidential Building, Hyattsville, Maryland 20782, and 9 USPHS Hospitals per appendix.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Medical and allied health professionals (e.g., physicians, nurses, physical therapists, and dentists) who have contracted with the Bureau of Medical Services to provide services to beneficiaries.

CATEGORIES OF RECORDS IN THE SYSTEM:

Duplicate of original contract and personal data qualifications.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Public Health Service Act Sections 321, 322 (42 U.S.C. 248, 249).

PURPOSE(S):

To monitor contract negotiations and compliance, to review credentials, and to collect statistical data required to manage the program.

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

Disclosure may be made to 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.

In the event that a system of records maintained by this agency to carry out its function indicates 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, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether state or local 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.

Where a contract between a component of the Department and a labor organization recognized under E.O. 11491 provides that the agency will disclose personal records relevant to the organization's mission, records in this system of records may be disclosed to such organization.

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

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

STORAGE:

File folders.

RETRIEVABILITY:

Name and contract number.

SAFEGUARDS:

1. Authorized Users: PHS supervisory medical officers, financial management staff and contracting personnel.

2. Physical Safeguards: All documents are protected during lunch hours and nonworking hours in locked file cabinets or locked storage areas.

3. Procedural Safeguards: All users of personal information in connection with the performance of their jobs protect information from public and from unauthorized personnel entering an unsupervised office. Access to records is strictly limited to those staff members trained in accordance with the BMS Privacy Act Implementation Guidelines; HHS Ch 45–13 and Ch PHS.hf:45–13 of the General Administration Manual.

RETENTION AND DISPOSAL:

Number of years held at HSA—1–3 years dependent upon renewal. Destroyed by shredding.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, General Services Branch, Bureau of Medical Services, 6525 Belcrest Road, Room 1100, Hyattsville, Maryland 20782.

NOTIFICATION PROCEDURE:

To determine if a record exists, write to the System Manager at the address above or the facility where the contract was negotiated. (See Appendix). The individual must provide positive identification, such as driver's license, passport, voter registration card, or written certification verifying his or her identity. Requesters should also reasonably specify the record contents being sought.

RECORD ACCESS PROCEDURE:

Same as notification procedures.

CONTESTING RECORD PROCEDURES:

Write to the official at the address specified in the notification procedures above, and reasonably identify the record, specify the information to be contested, and state the corrective action sought.

RECORD SOURCE CATEGORIES:

Medical, allied health professionals and dentists.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

Appendix

Director, USPHS Hospital, attn: General Supply Officer, 3100 Wyman Park Drive, Baltimore, Maryland 21211

Director, USPHS Hospital, attn: General Supply Officer, 77 Warren Street, Boston (Brighton), Mass. 02135

Director, USPHS Hospital, attn: General Supply Officer, Carville, Louisiana 70721

Director, USPHS Hospital, attn: General Supply Officer, 2050 Space Park Drive, Nassau Bay, TX 77058

Director, USPHS Hospital, attn: Office Services Manager, 210 State Street, New Orleans, Louisiana 70118

Director, USPHS Hospital, attn: Supply Officer, 6500 Hampton Boulevard, Norfolk, Virginia 23508

Director, USPHS Hospital, attn: General Services Officer, 15th Avenue and Lake Street, San Francisco, California 94118

Director, USPHS Hospital, attn: General Supply Officer, 1131 14th Avenue, S., Seattle, Washington 98144

Director, USPHS Hospital, attn: Supply Management Officer, Bay Street & Vanderbilt Avenue, Staten Island, N.Y. 10304.

09–15–0004

SYSTEM NAME:

Federal Employee Occupational Health Data System. HHS/HSA/BMS.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Bureau of Medical Services, 6525 Belcrest Road, Division of Federal Employee Occupational Health, W. Hyattsville, Maryland 20782.

CATEGORIES OF INDIVIDUALS COVERED BY SYSTEM:

Federal employees enrolled in PHS/DFEOH Health Units.

CATEGORIES OF RECORDS IN THE SYSTEM:

Health record derived data organized and presented for analysis and program planning purposes.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 7901, 5 U.S.C. 8101, OMB Circular No. A–72.

PURPOSES(S):

The system is designed to provide health record derived data for program analysis and planning purposes in a fashion to reduce the manual information processing workload unit physicians, nurses, and other health professionals.

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

U.S. Department of Labor, Officer of Worker's Compensation Program, may be given access to files of those persons claiming compensation benefits due to personal injury while on the job.

Certain records may be disclosed to medical laboratories, medical consultants, or computer processing firms under service contract agreement. Recipients are required to maintain adequate safeguards with respect to such records.

In the event of a change in sponsorship of a PHS/DFEOH health care unit or in a case of mass transfer of employees covered by a PHS/DFEOH health care unit to one served by a non-departmental organization, the health records will be transferred to the custodianship of the new organization.

Disclosure may be made to 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.

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

STORAGE:

Magnetic tape and disc.

RETRIEVABILITY:

Name and Social Security numbers, which are supplied on a voluntary basis, are used for retrieval.

SAFEGUARDS:

1. Authorized Users: DFEOH personnel, health unit physicians, nurses, and other allied health professionals.

2. Physical Safeguards: Magnetic tapes, discs, and other computer equipment and computerized date are stored in areas where fire and life safety codes are strictly enforced. Twenty-four hour, 7-day security guards perform random checks on the physical security of the data. All documents are protected during lunch hours and nonworking hours in locked file cabinets or locked storage areas.

3. Procedural Safeguards: A password is required to access the terminal and a data set name controls the release of data to only authorized users. All users of personal information in connection with the performance of their jobs protect information from public view and from unauthorized personnel entering an unsupervised office. Access to records is strictly limited to those staff members trained in accordance with the BMS Privacy Act Implementation Guidelines; HHS Ch 45-13 and Ch PHS.hf:45-13 of the General Administration Manual.

RETENTION AND DISPOSAL:

Number of years held at HSA—Permanently or until 5 years after record becomes inactive. Purged from computer and stored on computer tape for a period of 5 years after file becomes inactive.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Division of Federal Employee Occupational Health, Bureau of Medical Services, FCB #3 6526 Belcrest Road, Hyattsville, Maryland 20782.

NOTIFICATION PROCEDURE:

To determine if a record exists, write to the System Manager at the address above. Individuals must provide positive identification, such as driver's license, passport, voter registration card, union card, or a written certification verifying his or her identity. Individuals must provide treatment locations and approximate date of treatment. Requestors should also reasonably specify the record contents being sought. An individual who requests access to a medical/dental record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion.

RECORD ACCESS PROCEDURES:

Same as notification procedures.

CONTESTING RECORD PROCEDURES:

Write to the official at the address specified in the notification procedures above, and reasonably identify the record, specify the information to be contested, and state the corrective action sought.

RECORD SOURCE CATEGORIES:

Information is obtained from the Federal employee; the x-ray, laboratory, and EKG contractors; physician and nurse notes; OWCP and personnel office.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-15-0005

SYSTEM NAME:

Dental Research-Evaluation of Restorative Materials. HHS/HSA/BMS.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

USPHS Hospital, 15th Avenue and Lake Street, San Francisco, California 94118.

CATEGORIES OF INDIVIDUAL COVERED BY THE SYSTEM:

Retired Coast Guard, Seafarer, and uniformed service personnel who wished to participate in a research program utilizing dental restorative procedures.

CATEGORIES OF RECORDS IN THE SYSTEM:

Dental history, treatment and progress notes, x-rays and laboratory prescriptions and patient consent forms.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Public Health Service Act, Section 321 (42 U.S.C. 248).

PURPOSE(S):

To ascertain those factors which contribute to the longevity of dental restorative procedures and to provide a national basis for selection and use of restorative procedures which demonstrate superior longevity potential. If the subject is a PHS beneficiary, some information may be transferred from this system to his/her PHS dental record which is contained in the Patients Medical Record System PHS Hospital/Clinics HHS/HSA/BMS (09-15-007).

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

Disclosure may be made to 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.

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

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

STORAGE:

Magnetic disc, hard copies in file folders

RETRIEVABILITY:

Patient study number.

SAFEGUARDS:

1. Authorized Users: Immediate research staff, dental assistants and administrative personnel in the dental clinic.

2. Physical Safeguards: Magnetic tapes, discs, other competer equipment and other forms of computerized data are stored in areas where fire and life safety codes are strictly enforced. Twenty-four hour, 7-day security guards perform random checks on the physical security of the data. All documents are protected during lunch hours and nonworking hours in file cabinets or locked storage areas.

3. Procedural Safeguards: A password is required to access the terminal and a data set name controls the release of data to only authorized users. All users of personal information in connection with the performance of their jobs protect information from public view and from unauthorized personnel entering an unsupervised office. Access to records is strictly limited to those staff members trained in accordance with the BMS Privacy Act Implementation Guidelines; HHS Ch 45–13 and Ch PHS.hf:45–13 of the General Administration Manual and Part 6 of the Department's ADP Systems Manual.

RETENTION AND DISPOSAL:

Records held at hospital for 15 years or end of research project, after which records will be erased from magnetic tapes or discs, and hard copy data will be destroyed by shredding.

SYSTEM MANAGER(S) AND ADDRESS:

Director, USPHS Hospital, Attention: Research Coordinator, 15th Avenue and Lake Street, San Francisco, California 94118.

NOTIFICATION PROCEDURE:

To determine the existence of a record, write to the system manager. Individual must provide positive identification, such as driver's license, passport, voter registration card, union card, or a written certification verifying his or her identity. An individual who requests access to a medical/dental record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion. Requestors should also reasonably specify the record contents being sought.

RECORD ACCESS PROCEDURES:

Same as notification procedures.

CONTESTING RECORD PROCEDURES:

Write to the official at the address specified in the notification procedures above, and reasonably identify the record, specify the information to be contested, and state the corrective action sought.

RECORD SOURCE CATEGORIES:

Patient and Dental care team.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09–15–0006

SYSTEM NAME:

Cooperative Research Studies System: Coronary Artery Disease. HHS/HSA/BMS.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

USPHS Hospital, 210 State Street, New Orleans, LA 70118

USPHS Hospital, 15th Avenue and Lake Street, San Francisco, CA 94118

USPHS Hospital, Bay Street and Vanderbilt Ave., Staten Island, NY 10304

USPHS Hospital, 3100 Wyman Park Dr., Baltimore, Md. 21211.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Male patients at Public Health Service Hospitals who agreed to participate in the project. Some of the patients were part of a control group. Data was collected from 1966–1975.

CATEGORIES OF RECORDS IN THE SYSTEM:

Medical data including results of clinical examinations, laboratory tests, x-rays and ECGs.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Public Health Service Act, Sections 301, 321, (42 U.S.C. 241, 248).

PURPOSE(S):

To evaluate the efficacy of several drugs which may influence the long term therapy of coronary heart disease of men, age 30–64.

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

A record may be disclosed for a research purpose, when the Department:

(a) Has determined that the use or disclosure does not violate legal or policy limitations under which the record was provided, collected, or obtained;

(b) Has determined that the research purpose (1) cannot be reasonably accomplished unless the record is provided in individually identifiable form, and (2) warrants the risk to the privacy of the individual that additional exposure of the record might bring;

(c) Has required the recipient to—(1) establish reasonable administrative, technical, and physical safeguards to prevent unauthorized use or disclosure of the record, and (2) remove or destroy the information that identifies the individual at the earliest time at which removal or destruction can be accomplished consistent with the purpose of the research project, unless the recipient has presented adequate justification of a research or health nature for retaining such information, and (3) make no further use or disclosure of the record except—(A) in emergency circumstances affecting the health or safety of any individual, (B) for use in another research project, under these same conditions, and with written authorization of the Department, (C) for disclosure to a properly identified person for the purpose of an audit related to the research project, if information that would enable research subjects to be identified is removed or destroyed at the earliest opportunity consistent with the purpose of the audit, or (D) when required by law;

(d) Has secured a written statement attesting to the recipient's understanding of, and willingness to abide by these provisions.

Disclosure may be made to 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.

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records

as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

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

STORAGE:

Documents, magnetic tape, punch cards and hard copy.

RETRIEVABILITY:

Name; medical record number.

SAFEGUARDS:

1. Authorized Users: Research team, physicians, PHS statisticians, administrative personnel assigned to the research projects.

2. Physical Safeguards: Magnetic tapes, discs, other computer equipment and other forms of personal data are stored in areas where fire and life safety codes are stricty enforced. Twenty-four hour, 7-day security guards perform random checks on the physical security of the data. All documents are protected during lunch hours and nonworking hours in locked file cabinets or locked storage areas.

3. Procedural Safeguards: A password is required to access the terminal and a data set name controls the release of data to only authorized users. All users of personal information in connection with the performance of their jobs protect information from public view and from unauthorized personnel entering an unsupervised office.

RETENTION AND DISPOSAL:

Retained for life of the study. Destroyed by shredding. Hard copies and punch cards destroyed by shredding. Magnetic tape is erased.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Bureau of Medical Services, 6525 Belcrest Rd., Hyattsville, Md. 20782.

NOTIFICATION PROCEDURE:

To determine if a record exists, write to the System Manager or to the facility where treatment was provided. Individual must provide positive identification, such as driver's license, passport, voter's registration card, union card, or a written certification verifying his or her identity. An individual who requests access to a medical record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion. Requesters should also reasonably specify the record contents being sought.

RECORD ACCESS PROCEDURES:

Same as notification procedures.

CONTESTING RECORD PROCEDURES:

Write to the official at the address specified in the notification procedures above, and reasonably identify the record, specify the information to be contested, and state the corrective action sought.

RECORD SOURCE CATEGORIES:

Patient and patient's personal physician.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-15-0007

SYSTEM NAME:

Patients Medical Record System PHS Hospitals/Clinics. HHS/HSA/BMS.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

See appendices 1 and 2. Records are also located at Regional Federal Records Centers. (See Appendix 3).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals examined and/or treated at Public Health Service hospitals and clinics.

CATEGORIES OF RECORDS IN THE SYSTEM:

Medical examination, diagnostic and treatment data, information for proof of eligibility, social data such as address and birthdate, disease registers such as tumor and surgical procedure registers, treatment logs, summaries and correspondence.

AUTHORITY FOR MAINTENANCE:

Public Health Service Act, Section 321 (42 U.S.C. 248).

PURPOSE(S):

The purposes of this system are: To serve as a basis for planning patient care and for continuity in the evaluation of the patient's condition and treatment; to furnish documentary evidence of the course of the patient's medical evaluation, treatment and change in condition during the hospital stay, during an ambulatory care or emergency visit, or while being followed in a facility-based home care program; to document communications between the responsible practitioner and any other health professionals contributing to the patient's care and treatment; to assist in protecting the legal interests of the patient, the hospital or clinic and the responsible practitioners; and to provide data for use in facility management, continuing education, Department initiatives, quality assurance activities and research.

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

Disclosure may be made to:

(1) Any community health organization, government agency, private physician and/or company which has requested or arranged for an examination, treatment or care of an individual by the Bureau of Medical Services.

(2) Army, Navy, Air Force to report results of examination/treatment of uniformed service personnel and their dependents.

(3) Department of Transportation to report results of examination/treatment of uniformed service personnel and their dependents; and American seamen found to be suffering from conditions that render them hazardous to themselves or to others aboard ship;

(4) Department of Commerce to report results of examination/treatment of uniformed service and other personnel of that agency;

(5) Immigration and Naturalization Service to report results of examination/treatment of aliens examined and treated for and in behalf of that agency;

(6) Bureau of Prisons to report results of examination and treatment of patients examined and/or treated for and on behalf of the BP;

(7) Federal, State or private health benefit plans for billing purposes;

(8) U.S. Department of Labor, Office of Workers' compensation Program, for persons claiming compensation benefits due to personal injury while employed by the government;

(9) Organizations such as Joint Commission on Accreditation of Hospitals for accreditation of hospitals and clinics, and American Medical Association for accreditation of resident training programs. Medical records are used to document quality of service by health care providers.

(10) Health professions students serving an affiliation at the institution and their parent education program; students provide patient care and use medical records in performance of their duties.

(11) Non-agency physicians acting as consultants and laboratories performing tests for the continued care of the patient;

(12) Veterans Administration to assist uniformed service personnel, retirees and veterans to obtain medical care or benefits;

(13) Disclosure may be made to 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.

(14) Disclosure may be made to a private firm for the purpose of collating, analyzing, aggregating or otherwise refining records in this system; The contractor is required to maintain Privacy Act safeguards with respect to such records.

(15) A record may be disclosed for a research purpose, when the department: (a) has determined that the use or disclosure does not violate legal or policy limitations under which the record was provided, collected, or obtained; (b) has determined that the research purpose (1) cannot be reasonably accomplished unless the record is provided in individually identifiable form, and (2) warrants the risk to the privacy of the individual that additional exposure of the record might bring; (c) has required the recipient to—(1) establish reasonable administrative, technical, and physical safeguards to prevent unauthorized use or disclosure of the record, and (2) remove or destroy the information that identifies the individual at the earliest time at which removal or destruction can be accomplished consistent with the purpose of the research project, unless the receipient has presented adequate justification of a research or health nature for retaining such information, and (3) make no further use or disclosure of the record except—(A) in emergency circumstances affecting the health or safety of any individual, (B) for use in another research project, under these same conditions, and with written authorization of the Department, (C) for disclosure to a properly identified person for the purpose of an audit related to the research project, if information that would enable research subjects to be identified is removed or destroyed at the earliest opportunity consistent with the purpose of the audit, or (D) when required by law; (d) has secured a written statement attesting to the recipient's understanding of, and willingness to abide by these provisions.

(16) To organizations deemed qualified by the Secretary to carry out quality assessment, medical audits or utilization review;

(17) Information regarding the commission of crimes or the reporting of occurrences of communicable diseases, tumors, child abuse, births, deaths, alcohol or drug abuse, etc. as may be required to be disclosed by health providers and facilities by State law or regulation of the Department of Health or other agency of the state or its subdivision in which the facility is located. Disclosures may be made to organizations as specified by the State law or regulation such as births and deaths to vital statistics agency and crimes to law enforcement agencies.

Disclosure of the contents of records which pertain to patient identity, diagnosis, prognosis or treatment of alcohol or drug abuse is restricted under the provisions of the Confidentiality of Alcohol and Drug Abuse Patient Records Regulations 42 CFR, Part 2, as authorized by 21 USC 1175 and 42 USC 4582, as amended by P.L. 93–282. To the extent possible, identical restrictions are applied to the disclosure of the contents of records pertaining to individuals with other programs who are participating in employee assistance or employee counseling programs.

(18) In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with purpose for which the records were collected.

(19) To organizations or individuals with agreements to provide services to our facilities for the purpose of photocopying or abstracting medical record data.

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

STORAGE:

File folders, magnetic tape, punch cards, microfilm.

RETRIEVABILITY:

Indexed by name, register number, number control register, disease and operation, uniformed services service number which is the social security number. Those records indexed by SSN are retrieved in accordance with Sec. 7(a)(2)(B) of the Privacy Act.

SAFEGUARDS:

1. Authorized Users: Health care practitioners, and other allied health personnel, medical and allied health students and administrative personnel for determination of eligibility for care and facility management; qualified research personnel with approved protocol; DHHS, Commissioned Personnel Operation Division; and PHS Claims Officer.

2. Physical Safeguards: Magnetic tapes, discs, other computer equipment and other forms of personal data are stored in areas where fire and life safety codes are strictly enforced. Twenty-four hour, 7-day security guards perform random checks on the physical security of the data. All documents are protected during lunch hours and nonworking hours in locked file cabinets or locked storage areas.

3. Procedural Safeguards: A password is required to access the terminal and a data set name controls the release of data to only authorized users. All users of personal information in connection with the performance of their jobs protect information from public view and from unauthorized personnel entering an unsupervised office. Access to records is strictly limited to those staff members trained in accordance with the BMS Privacy Act Implementation Guidelines; HHS Ch 45–13 and Ch PHS.hf:45–13 of the General Administration Manual; and Part 6 of the Department's ADP Systems Manual.

RETENTION AND DISPOSAL:

Number of years held at HSA (since 1970)—5 years after last activity. Number of years held at Federal Record Center (See Appendix 3) before disposal—50 years active duty uniformed service personnel, 25 years all others. How destroyed: The disposal standard for these records may be obtained by writing to the System Manager at the address below.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Bureau of Medical Services Director, 6525 Belcrest Road, Hyattsville, Maryland 20782.

NOTIFICATION PROCEDURE:

To determine the existence of a record, write to the facility where treatment or service was rendered. Individual must provide positive identification, such as driver's license, passport, voter's registration card, union card, or a written certification verifying his or her identity. An individual who requests access to a medical/dental record shall, at the time the request is made, designate in writing a responsible

representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion. A parent or guardian who requests notification of access to a child's/incompetent person's record shall designate a family physician or other health professional (other than a family member) to whom the record, if any, will be sent. The parent or guardian must verify relationship to the child/incompetent person as well as his/her own identity. Requesters should also reasonably specify the record contents being sought.

RECORD ACCESS PROCEDURE:

Same as notification procedures.

CONTESTING RECORD PROCEDURE:

Contact the official at the address specified in the notification procedures above, and reasonably identify the record, specify the information to be contested, and state the corrective action sought.

RECORD SOURCE CATEGORIES:

Individual, health care personnel, other hospitals and physicians, employers, social agencies, maritime unions, shipping companies.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

Appendix 1

Director, USPHS Hospital, 3100 Wyman Park Drive, Baltimore, Maryland 21211

Director, USPHS Hospital, 77 Warren Street, Boston (Brighton), Massachusetts 02135

Dirctor, USPHS Hospital, 2050 Space Park Drive, Nassau Bay, TX 77058

Director, USPHS Hospital, 210 State Street, New Orleans, Louisiana 70118

Director, USPHS Hospital, 6500 Hampton Boulevard, Larchmont, Norfolk, Virginia 23508

Director, USPHS Hospital, 15th Avenyue and Lake Street, San Francisco, Calfiornia 94118

Director, USPHS Hospital, Box 3145, or 1131 14th Avenue South, Seattle, Washington 98144

Director, USPHS Hospital, Bay Street and Vanderbilt Avenue, Staten Island, New York 10304

Director, USPHS Hospital, Carville, Louisiana 70721

Director, Public Health Service Health Data Center, 10000 Aerospace Road, Warehouse No. 1, Lanham, Maryland 20706

Appendix 2

Director, USPHS outpatient clinic, 1600 Clifton Road, N.E., Atlanta, Georgia 30333

Director, USPHS Outpatient Clinic, 50 High Street, R. 609, Buffalo, New York 14203

Director, USPHS Outpatient Clinic, 214 Federal Building, 334 Meeting Street, Charleston, S.C. 29403

Director, USPHS Outpatient Clinic, 1439 S. Michigan Avenue, Chicago, Illinois 60605

Director, USPHS Outpatient Clinic, U.S. Post Office and Courthouse, 5th and Walnut Street, Cincinnati, Ohio 45202

Director, USPHS Outpatient Clinic, 1313 Superior Avenue, Cleveland, Ohio 44114

Director, USPHS Outpatient Clinic, 3100 East Jefferson Ave., Detroit, Michigan 48207

Director, USPHS Outpatient Clinic, Box 1410, or 591 Ala Moana Boulevard, Honolulu, Hawaii 96807

Director, USPHS Outpatient Clinic, 204 U.S. Customs Building, 701 San Jacinto Street, Houston, Texas 77002

Director, USPHS Outpatient Clinic, Box 4788 or Suite 118, Post Office Bldg., 311 West Monroe Street, Jacksonville, Florida 32201

Director, USPHS Outpatient Clinic, 969 Madison Avenue, Memphis, Tennessee 38104

Director, USPHS Outpatient Clinic, 51 S.W. 1st Avenue, Room 712, Miami, Florida 33130

Director, USPHS Outpatient Clinic, 125 Federal Building, Mobile, Alabama 36602

Director, USPHS Outpatient Clinic, 245 West Houston Street, New York, New York 10014

Director, USPHS Outpatient Clinic, Room 700, US Customs House, 2nd & Chestnut Sts., Philadephia, Pa. 19106.

Director, USPHS Outpatient Clinic, U.S. Post Office and Courthouse, 7th Avenue and Grant Street, Pittsburgh, Pa. 15219

Director, USPHS Outpatient Clinic, 209 Federal Office Building, 5th Street and Austin Avenue, Port Arthur, Texas 77640

Director, USPHS Outpatient Clinic, 331 Veranda Street, Portland, Maine 04103

Director, USPHS Outpatient Clinic, 220 Courthouse, Broadway and Main Street, Portland, Oregon 97205

Director, USPHS Outpatient Clinic, 1520 Market Street, St. Louis, Missouri 63103

Director, USPHS Outpatient Clinic, 2105 Fifth Avenue, San Diego, California 92101

Director, USPHS Outpatient Clinic, 6½ Fernandex Juncos Avenue, San Juan, Puerto Rico 00904

Director, USPHS Outpatient Clinic, 825 S. Beacon Street, San Pedro, California 90731

Director, USPHS Outpatient Clinic, 1602 Drayton Street, Savannah, Georiga 31402

Director, USPHS Outpatient Clinic, 601 Florida Avenue, Tampa, Florida 33601

Director, USPHS Outpatient Clinic, Switzer Bldg., 4th and C Streets SW., Washington, D.C. 20201

Appendix 3—Federal Records Centers

Areas Served

Maine, Vermont, New Hampshire, Massachusetts, Connecticut, and Rhode Island

Federal Archives & Records Center, GSA, 380 Trapelo Road, Walthan, MA 02154

New York, New Jersey, Puerto Rico, the Virgin Islands, and the Panama Canal Zone

Federal Archives & Records Center, GSA, Military Ocean Terminal, Bldg. 22, Bayonne, NJ 07002

Delaware and Pennsylvania east of Lancaster

Federal Archives & Records Center, GSA, 5000 Wissahickon Avenue, Philadelphia, PA 19144.

Pennsylvania except areas east of Lancaster

Federal Records Center, Defense Activities, Bldg. 308, Mechanicsburg, PA 17055

District of Columbia, Maryland, Virginia, and West Virginia

Washington National Records Center, GSA, Washington, DC 20409

North Carolina, South Carolina, Tennessee, Mississippi, Alabama, Georgia, Florida, and Kentucky

Federal Archives & Records Center, GSA, 1557 St. Joseph Avenue, East Point, GA 30344

Illinois, Wiconsin, and Minnesota

Federal Archives and Records Center, GSA, 7358 South Pulaski Road, Chicago, IL 60629

Indiana, Michigan, and Ohio

Federal Records Center, GSA, 3150 Bertwynn Drive, Dayton, OH 45439

Kansas, Iowa, Nebraska, and Missouri (except greater St. Louis area)

Federal Archives and Records Center, 2306 East Banister Road, Kansas City, MO 64131

Greater St. Louis, Missouri area

National Personnel Records Center, GSA (Civilian Personnel Records), 111 Winnebago Street, St. Louis, MO 63118

Texas, Oklahoma, Arkansas, Louisiana, and New Mexico

Federal Archives & Records Center, GSA, 4900 Hemphill Street, Building 1, Dock 1 (Shipping address) P.O. Box 6216, (mailing only address) Fort Worth, TX 76115

Colorado, Wyoming, Utah, Montana, North Dakota, and South Dakota

Federal Archives and Records Center, Bldg. 48, Denver Federal Center, P.O. Box 25307, Denver, Colorado 80225

Nevada (except Clark County), California (except Southern California), and American Samoa

Federal Archives & Records Center, GSA, 1000 Commodore Drive, San Bruno, CA 94066

Clark County Nevada, Southern California (Counties of: San Luis Obispo, Kern, San Bernadino, Santa Barbara, Ventura, Los Angeles, Riverside, Orange, Imperial, Inyo, and San Diego), and Arizona

Federal Archives & Records Center, GSA, 2400 Avila Road, Laguna Niguel, CA 92677

Washington, Oregon, Idaho, Alaska, Hawaii, and Pacific Ocean Area (except American Samoa)

Federal Archives & Records Center, GSA, 6125 Sand Point Way, Seattle, Wash. 98115.

09-15-0008

SYSTEM NAME:

Emergency Non-PHS Treatment Authorization File. HHS/HSA/BMS.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

See Appendices 1 and 2 to system notice 09-15-0007, Patients Medical Record System PHS Hospital/Clinics HHS/HSA/BMS.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who are eligible for emergency care paid for by the Public Health Service at non-Service medical facilities and who have had such care.

CATEGORIES OF RECORDS IN THE SYSTEM:

Eligibility information and reasons for emergency care.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Public Health Service Act, Section 321 (42 U.S.C. 248).

PURPOSE(S):

To determine eligibility for medical care by PHS; to document expenditure of public funds; to review and evaluate the quality of medical care.

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

Disclosure may be made to insurance companies for third party reimbursement.

Disclosure may be made to 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.

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

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

STORAGE:

Document files.

RETRIEVABILITY:

Name.

SAFEGUARDS:

1. Authorized Users: Administrative officials, physicians; or other health care professionals; financial management personnel, BMS; HHS Audit Agency for audit purposes.

2. Physical Safeguards: All documents are protected during lunch hours and nonworking hours in locked file cabinets and locked storage areas.

3. Procedural Safeguards: All users of personal information in connection with the performance of their jobs protect information from public view and from unauthorized personnel entering an unsupervised office. Access to records is strictly limited to those staff members trained in accordance with the BMS Privacy Act Implementation Guidelines; and HHS Ch 45-13; and Ch PHS.hf:45-13 of the General Administration Manual.

RETENTION AND DISPOSAL:

Number of years held at HSA: Until audited by HHS Audit Agency. Then destroyed by shredding or in incinerator.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Bureau of Medical Services, 6525 Belcrest Road, Hyattsville, Maryland 20782.

NOTIFICATION PROCEDURE:

To determine the existence of a record, write to the facility where treatment or service was rendered. Individual must provide positive identification, such as driver's license, passport, voter's registration card, union card, or a written certification verifying his or her identity. Requesters should also reasonably specify the record contents being sought.

RECORD ACCESS PROCEDURES:

Same as notification procedures.

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified in the notification procedures above, and reasonably identify the record, specify the information to be contested, and state the corrective action sought.

RECORD SOURCE CATEGORIES:

Individual or someone acting in his/her behalf, and providers of medical care.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-15-0009

SYSTEM NAME:

Cooperative Research Studies System: Pyelonephritis. HHS/HSA/BMS.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

See Appendix 1 to system notice 09-15-0007, Patients Medical Record System PHS Hospitals/Clinics HHS/HSA/BMS.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Patients at Public Health Service Hospitals who have agreed to participate in the project.

CATEGORIES OF RECORDS IN THE SYSTEM:

Medical data including clinical and laboratory evaluation.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Public Health Service Act, Section 321 (42 U.S.C. 248).

PURPOSE(S):

To determine the efficacy of certain medication to prevent recurrent urinary tract infections.

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

A record may be disclosed for a research purpose, when the Department:

(a) has determined that the use or disclosure does not violate legal or policy limitations under which the record was provided, collected, or obtained;

(b) has determined that the research purpose (1) cannot be reasonably accomplished unless the record is provided in individually identifiable form, and (2) warrants the risk to the privacy of the individual that additional exposure of the record might bring.

(c) has required the recipient to—(1) establish reasonable administrative, technical, and physical safeguards to prevent unauthorized use or disclosure of the record, and (2) remove or destroy the information that identifies the individual at the earliest time at which removal or destruction can be accomplished consistent with the purpose of the research project, unless recipient has presented adequate justification of a research or health nature for retaining such information, and (3) make no further use or

disclosure of the record except—(A) in emergency circumstances affecting the health or safety of any individual, (B) for use in another research project, under these same conditions, and with written authorization of the Department, (C) for disclosure to a properly identified person for the purpose of an audit related to the research project, if information that would enable research subjects to be identified is removed or destroyed at the earliest opportunity consistent with the purpose of the audit, or (D) when required by law;

(d) has secured a written statement attesting to the recipient's understanding of, and willingness to abide by these provisions.

Disclosure may be made to a private firm for the purpose of collating, analyzing, aggregating, or otherwise refining records in this system. The contractor is required to maintain Privacy Act safeguards with respect to such records.

Disclosure may be made to 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. In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

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

STORAGE:

Documents, magnetic tape, punch cards and hard copy.

RETRIEVABILITY:

Study number, name, hospital register number.

SAFEGUARDS:

Authorized Users: Research team, physicians, PHS statisticians, administrative personnel assigned to the research projects.

2. Physical Safeguards: Magnetic tapes, discs, other computer equipment and other forms of personal data are stored in areas where fire and life safety codes are strictly enforced. Twenty-four hour, 7-day security guards perform random checks on the physical security of the data.

3. Procedural Safeguards: A password is required to access the terminal and a data set name controls the release of data to only authorized users. All users of personal information in connection with the performance of their jobs protect information from public view and from unauthorized personnel entering an unsupervised office. Access to records is strictly limited to those staff members trained in accordance with the BMS Privacy Act Implementation Guidelines; HHS Ch 45–13 and Ch PHS.hf:45–13 of the General Administration Manual; and Part 6 of the Department's ADP Systems Manual.

RETENTION AND DISPOSAL:

Retained for life of research project. Then hard copies and punch cards are destroyed by shredding. Magnetic tapes are erased.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Bureau of Medical Services, 6525 Belcrest Road, Hyattsville, Maryland 20782.

NOTIFICATION PROCEDURE:

To determine the existence of a record, write to the facility where treatment or service was rendered. Individual must provide positive identification, such as driver's license, passport, voter's registration card, union card, or a written certification verifying his or her identity. An individual who requests access to a medical record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion. Requesters should also reasonably specify the record contents being sought.

RECORD ACCESS PROCEDURE:

Same as notification procedures.

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified in the notification procedures above, and reasonably identify the record, specify the information to be contested, and state the corrective action sought.

RECORD SOURCE CATEGORIES:

Individual and medical care system.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09–15–0010

SYSTEM NAME:

Cooperative Research Studies System: Essential Hypertension. HHS/HSA/BMS.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

See Appendix 1 to system notice 09–15–0007, Patients Medical Record System PHS Hospitals/Clinics HHS/HSA/BMS.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Cross-section of PHS beneficiaries and Federal employees who volunteered to participate in the research project.

CATEGORIES OF RECORDS IN THE SYSTEM:

Medical data (clinical examinations).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Public Health Service Act, Section 321 (42 U.S.C. 248).

PURPOSE(S):

Clinical trial to study the benefits of treating mild hypertension in middle age adults.

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

A record may be disclosed for a research purpose, when the Department:

(a) has determined that the use or disclosure does not violate legal or policy limitations under which the record was provided, collected, or obtained;

(b) has determined that the research purpose (1) cannot be reasonably accomplished unless the record is provided in individually identifiable form, and (2) warrants the risk to the privacy of the individual that additional exposure of the record might bring;

(c) has required the recipient to—(1) establish reasonable administrative, technical, and physical safeguards to prevent unauthorized use or disclosure of the record, and (2) remove or destroy the information that identifies the individual at the earliest time at which removal or destruction can be accomplished consistent with the purpose of the research project, unless the recipient has presented adequate justification of a research or health nature for retaining such information, and (3) make no further use or disclosure of the record except—(A) in emergency circumstances affecting the health or safety of any individual, (B) for use in another research project, under

these same conditions, and with written authorization of the Department, (C) for disclosure to a properly identified person for the purpose of an audit related to the research project, if information that would enable research subjects to be identified is removed or destroyed at the earliest opportunity consistent with the purpose of the audit, or (D) when required by law;

(d) has secured a written statement attesting to the recipient's understanding of, and willingness to abide by these provisions.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of the individual.

Disclosure may be made to a private firm for the purpose of collating, analyzing, aggregating, or otherwise refining records in this system. The contractor is required to maintain Privacy Act safeguards with respect to such records.

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

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

STORAGE:

Documents, magnetic tape, punch cards, and hard copies.

RETRIEVABILITY:

Study number, name, hospital register number.

SAFEGUARDS:

1. Authorized Users: Research team, physicians, PHS statisticians, administrative personnel assigned to the research projects.

2. Physical Safeguards: Magnetic tapes, discs, other computer equipment and other forms of personal data are stored in areas where fire and life safety codes are strictly enforced. Twenty-four hour, 7-day security guards perform random checks on the physical security of the data. All documents are protected during lunch hours and nonworking hours in locked file cabinets or locked storage areas.

3. Procedural Safeguards: A password is required to access the terminal and a data set name controls the release of data to only authorized users. All users of personal information in connection with the performance of their jobs protect information from public view and from unauthorized personnel entering an unsupervised office. Access to records is strictly limited to those staff members trained in accordance with the BMS Privacy Act Implementation Guidelines: HHS Ch 45–13 and Ch PHS.hf:45–13 of the General Administration Manual; and Part 6 of the Department's ADP Systems Manual.

RETENTION AND DISPOSAL:

Retained for the life of the research study. Then computer tape erased and hard copy documents and punched cards shredded.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Bureau of Medical Services, 6525 Belcrest Road, Hyattsville, Maryland 20782.

NOTIFICATION PROCEDURE:

To determine the existence of a record, write to the System Manager above and provide treatment location. Individual must provide positive identification, such as driver's license, passport, voter's registration card, union card, or a written certification verifying his or her identify. An individual who requests access to a medical record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion. Requesters should also reasonably specify the record contents being sought.

RECORD ACCESS PROCEDURES:

Same as notification procedures.

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified in the notification procedures above, and reasonably identify the record, specify the information to be contested, and state the corrective action sought.

RECORD SOURCE CATEGORIES: INDIVIDUAL AND MEDICAL CARE SYSTEM.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09–15–0018

SYSTEM NAME:

Unofficial Vital Records System. HHS/HSA/IHS.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Indian Health Service Area and Program Offices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

American Indian and Alaskan Native birth records.

CATEGORIES OF RECORDS IN THE SYSTEM:

Birth information. The records include paper copies or microfilm images of State records or machine readable data prepared by the State from records collected under the laws of each State for births. The records contain the demographic characteristics of individuals associated with each event. In addition the birth records include information on the characteristics of each live birth, the health status of the infant, and socioeconomic characteristics of the parents.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Public Health Service Act Section 321 (42 U.S.C. 258, 2001 et seq.).

PURPOSE(S):

Used in health care program development, analysis, and evaluation. Birth record is an unofficial copy of the State record which is used internally for aggregate statistical and planning purposes.

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

Disclosure may be made to a congressional office from the unofficial birth record of a subject individual in response to an inquiry from the congressional office made at the request of subject individual. Such disclosure will be made in conjunction with notification that the birth record is an unofficial copy of the State Record, thus it must be verified by the State Health Department from which the record came.

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or

(c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected. Such disclosure will be made in conjunction with notification that the birth record is an unofficial copy of the State Record, thus it must be verified by the State Health Department from which the record came.

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

STORAGE:

File folders in file cases; microfilm reels, computer cards and tapes.

RETRIEVABILITY:

Indexed by date of event, mother's name, state, and county of occurrence and residence.

SAFEGUARDS:

Stored in locked files and cabinets, located in secured areas. Only authorized individuals in the performance of their official duties are granted access to locked areas. Authorized individuals include maternal and child health personnel, health planners, statisticans, epidemiologists, demographers, and others concerned with problems of health, health care, and health hazards. Safeguards developed are in accordance with DHHS Administration Manual, Part 45, Chapter 45–13 and PHS.hf: 45–13.

RETENTION AND DISPOSAL:

Number of years held at IHS: Varies by IHS area from 1 year to permanently. How destroyed: Burned or shredded.

SYSTEM MANAGER(S) AND ADDRESS:

See Appendix.

NOTIFICATION PROCEDURE:

To determine if a record exists, write to the official at the appropriate address specified in the appendix. Supply date of birth, place of birth, father's name, and mother's maiden name.

RECORD ACCESS PROCEDURES:

Same as notification procedures.

CONTESTING RECORD PROCEDURES:

Write to the official at the address specified in the appendix and reasonably identify the record, specify the information to be contested, and state the corrective action sought. The information contested may only be changed in the unofficial vital records system and the State must be notified separately to change the official documents.

RECORD SOURCE CATEGORIES:

Source documents are obtained from State vital statistics offices and other jurisdictions. Information sources include parent(s) as well as the medical care provider.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

Appendix:

Director, Aberdeen Area Indian Health Service, Federal Building, 115 Fourth Avenue SE., Aberdeen, South Dakota 57401, Attn: Chief, Maternal and Child Health Branch

Director, Albuquerque Area Indian Health Service, Room 4005, Federal Office Building, 500 Gold Avenue, SW., Albuquerque, New Mexico 87101, Attn: Chief, Program Analysis & Statistics Br.

Director, Alaska Area Native Health Service, P.O. Box 7–741, Anchorage, Alaska 99510, Attn: Chief, Office of Systems Development

Program Director, Bemidji Program Office, Indian Health Service, 203 Federal Building, Box 768, Bemidji, Minnesota 56601, Attn: Privacy Act Coordinator

Director, Billings Area Indian Health Service, P.O. Box 2143, Billings, Montana 59103, Attn: Area Program Planning & Statistics Office

Director, Navajo Area Indian Health Service, P.O. Box G, Window Rock, Arizona 86515, Attn: Chief, Maternal and Child Health Br.

Director, Oklahoma City Area Indian Health Service, 388 Old Post Office and Court House Building, Oklahoma City, Oklahoma 73102–3477, Attn: Chief, Program Analysis & Statistics Br.

Director, Phoenix Area Indian Health Service, 801 East Indian School Road, Phoenix, Arizona 85014, Attn: Director, Office of Program Planning

Director, Portland Area Indian Health Service, Room 476, Federal Building, 1220 Southwest Third, Portland, Oregon 97204–2892, Attn: Chief, Program Planning & Statistics

Program Director, United Southeastern Tribes, Indian Health Service, Oak Towers Building, 1101 Kermit Drive, Nashville, Tennessee 37217–2191, Attn: Privacy Act Coordinator

Director, Tucson Program Office, Indian Health Service, P.O. Box 11340, Tucson, Arizona 85734, Attn: Chief, Community Health Status Surveillance

Director, California Program Office, Indian Health Service, 2800 Cottage Way, E–1831, Sacramento, California 95825, Attn: Privacy Act Coordinator

09–15–0019

SYSTEM NAME:

Health and Medical Records Systems, HHS/HSA/IHS.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Indian Health Service (IHS) hospitals, health centers, school health centers, health stations, field clinics, Service Units, Area and Program Offices (Appendix 1), and Regional Federal Records Centers (Appendix 2). Records may be located at hospitals and offices of health care providers who are under contract to IHS. A current list of contractor sites is available by writing to the appropriate System Manager (Area or Service Unit Director) at the address shown in Appendix 1.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals examined/treated by IHS staff and by contract health care providers.

CATEGORIES OF RECORDS IN THE SYSTEM:

Health and medical information including examination, diagnostic and treatment data, information for proof of eligibility, social data, disease registers, commitment registers, communicable disease registers, special program and/or discipline patient profiles and research studies, statistical summaries, contract care records, surgical logs, laboratory findings, emergency room logs, operation and/or disease index, nutrition and dietetic files, patients' social service/mental health care records, dental, nursing and eye care program files, delivery room logs, health care records, mental health files, obstetrical logs, child abuse and neglect registers, immunization registers, crippled children or handicapped children registers, hearing aid users file cards, detoxification case records, etc.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Public Health Service Act Section 321 (42 U.S.C. 248); 42 U.S.C. 2004a; Indian Self Determination and Education Assistance Act (25 U.S.C. 450); Snyder Act (25 U.S.C. 13); Health Care Improvement Act (25 U.S.C. 1601 et seq.); Construction of Community Hospitals Act (25 U.S.C. 2005–2005f); and the Indian Health Service Transfer Act (25 U.S.C. 2001).

PURPOSES:

Records retrieved in individually identifiable form provide a description

of the patient's illness, treatment administered, and the results achieved. Over time this record serves as a medical history of the total health care and medical treatment received by the individual. These records: assist in planning for further care of the patient; are an accurate record of the patient's health status, services received and recommeded; serve as a basis for planning future health programs; serve as a means of communication among members of the health care team who contribute to the patient's care; serve as a legal document of health care rendered; serve as a tool in evaluating quality of health care rendered; are used for research and continuing education.

Individually identifiable records may be released to the following two components of the Department of Health and Human Services for the purposes stated:

to the National Centers for Disease Control for their surveillance of various communicable diseases among persons residing within the United States;

to the National Institutes of Health for their review of the prevalence of particular diseases (i.e., malignant neoplasms, diabetes mellitus, arthritis, metabolism and digestive diseases) for various ethnic groups of the Nation.

A by-product of the information contained in this system of records is program health statistics which is used by IHS to evaluate the effect of the IHS health care delivery program.

Aggregated program statistics, which maintain the privacy of the subject individuals, may be provided by IHS upon request to the following components of the Department of Health and Human Services (HHS) for the purposes stated below. (Please note that this list is not all inclusive, as other entities of HHS may be provided aggregated statistics on a one-time need-to-know basis). Specifically, aggregated statistics may be provided:

to the National Center for Health Statistics, HHS, for its dissemination of aggregated health statistics for various ethnic groups of the Nation;

to the Assistant Secretary for Population Affairs for tracking of sterilizations provided through the use of Federal funds;

to the Health Care Financing Administration for the preparation of analytical studies related to Medicare and Medicaid reimbursement;

to the Office of the Assistant Secretary for Health and the Office of the Administrator of the Health Services Administration for program planning and review purposes;

to the Bureau of Community Health Services (BCHS), HSA, to assist in the designation of geographic locations in which BCHS may provide funds for the establishment of health care programs to improve the health status of the American Indian and Alaskan Native population.

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

1. Records in part or total may be disclosed to state, local or other authorized organizations which provide health services to American Indians and Alaskan Natives for the purpose of planning for or providing such services, billing third parties for that payment of care, and reporting results of medical examination, care and treatment.

2. Records in part or total may be disclosed to federal and non-federal school system which serve American Indians and Alaskan Natives for the purpose of student health maintenance. Response to the request for disclosure will be based upon the subject matter being requested, the justification for its receipt, and the manner in which it will be used so as to protect its confidential nature. Disclosure will not be made unless the patient's right to privacy will be protected by the recipient of the information.

3. Records in part or total may be disclosed to organizations deemed qualified by the Secretary to carry out quality assessment, medical audits, or utilization review.

4. Records in part or total may be disclosed to authorized organizations or individuals for conduct of analytical and evaluation studies sponsored by the Indian Health Service.

5. Records in part or total may be disclosed to a congressional office in response to an inquiry from that office made at the request of the subject individual.

6. A record may be disclosed for a research purpose, when the Department:

(a) has determined that the use or disclosure does not violate legal or policy limitations under which the record was provided, collected, or obtained;

(b) has determined that the research purpose (1) cannot be reasonably accomplished unless the record is provided in individually identifiable form, and (2) warrants the risk to the privacy of the individual that additional exposure of the record might bring;

(c) has required the recipient to -(1) establish reasonable administrative, technical, and physical safeguards to prevent authorized use or disclosure of the record, and (2) remove or destroy the information that identifies the individual at the earliest time at which removal or destruction can be accomplished consistent with the purpose of the research project, unless the recipient has presented adequate justification of a research or health nature for retaining such information, and (3) make no further use of disclosure of the record except—(A) in emergency circumstances affecting the health or safety of any individual, (B) for use in another research project, under these same conditions, and with written authorization of the Department, (C) for disclosure to a properly identified person for the purpose of an audit related to the research project, if information that would enable research subjects to be identified is removed or distroyed at the earliest opportunity consistent with the purpose of the audit, or (D) when required by law;

(d) has secured a written statement attesting to the recipient's understanding of, and willingness to abide by these provisions.

7. Information regarding the commission of crimes or the reporting of occurrences of communicable diseases, child abuse, births, deaths, alcohol or drug abuse, etc. may be disclosed by health providers and facilities to State and local agencies as required by State and local law.

8. Disclosure of the contents of records of individuals indicating alcohol or drug abuse which pertain to patient identity or the diagnosis, prognosis or treatement of alcohol or drug abuse is restricted under the provisions of the Confidentiality of Alcohol and Drug Abuse Patient Records Regulations 42 CFR, Part 2, as authorized by 21 U.S.C. 1175 and 42 U.S.C. 4582, as amended by P.L. 93–282.

9. In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee is his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

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

STORAGE:

File folders, ledgers, card files, microfiche, microfilm, punch cards, computer tapes, disc packs, and automatic or open shelf files.

RETRIEVABILITY:

Indexed by name, record number, and Social Security Number (SSN) and cross-indexed. SSN is supplied on a voluntary basis.

SAFEGUARDS:

All personnel including IHS personnel, IHS contractors and subcontractors who are involved with this system are made aware of their responsibilities under the provisions of the Privacy Act and are required to maintain Privacy Act safeguards with respect to such records. Access is limited to authorized personnel in the performance of their duties. (Authorized personnel include medical records personnel, health care providers, management personnel, authorized contractors, researchers, medical audit personnel and health care team members.) A list of personnel or categories of personnel having a demonstrable need for the records in the performance of their duties have been developed and are maintained. Procedures have been developed and implemented to review one-time requests for disclosure to personnel who may not be on the routine disclosure list. Records are not removed from the area in which they are maintained in the absence of proper charge-out procedures. Record storage areas, including file cabinets in offices, are not left unattended during office hours, including lunch hours. Persons who have a need to know are entrusted with records from this system of records and are instructed to safeguard the confidentiality of these records and to return such records when the need to know has expired. Instructions include the statutory penalties for noncompliance. Before an employee who will control disclosure of records can work with the records (i.e., employees who report to the system manager) the system manager or designee ensures that the employee has received training in the safeguards applicable to the records and is aware of the actions to take to restrict disclosure. Records are kept in locked metal filing cabinets or in a secured room at all times when not actually in use during working hours and at all times during nonworking hours. All other personally identifiable records are kept in closed containers (e.g., filing cabinets) at all times when not in actual use during working hours and at all times during nonworking hours. When copying records for authorized purposes, care is taken to ensure that any imperfect pages are not left in the reproduction room where they can be read, but are destroyed or obliterated. The safeguards described above for manual records in this system are in compliance with DHHS Chapter 45–13 in the General Administration Manual, and Supplemental Chapter PHS.hf:45–13, "Safeguarding Records Contained in Systems of Records". All requirements for the operation of an automated system of records as specified in Part 6 of the Department's ADP Systems Manual, "ADP System Security Policy" are enforced. In this regard magnetic tapes, discs, other computed equipment and other forms of personal data are stored in areas where fire and life safety codes are strictly enforced. A password is required to access terminal and a data set name controls the release of data to only authorized users.

RETENTION AND DISPOSAL:

Active records are maintained in the facility providing health services. For selected IHS health stations the record is stored in the facility to which the health station is administratively assigned. (See Appendix 1 for the mailing addresses of IHS facilities at which records in this system are stored and the mailing addresses for the system managers for this system.) Basic source statistical documents are maintained in IHS Area and Program Offices permanently. Inactive records at the facility are held from three to seven years and then are transferred to the appropriate Federal Records Center. (See Appendix 2 for Federal Record Centers). Records are retained at the Federal Records Centers 50 years for active duty uniformed services personnel; 25 years for all others. How destroyed: According to Federal Record Center practices.

SYSTEM MANAGER(S) AND ADDRESS:

See Appendix 1. The IHS Area/Program Office Directors and Service Unit Directors listed in Appendix 1 are System Managers. Other addresses listed in Appendix 1 are IHS facilities at which records are stored.

NOTIFICATION PROCEDURE:

Requests must be made to the appropriate System Manager (IHS Area/Program Office Director or Service Unit Director) listed in Appendix 1. An individual who requests notification of, or access to, a medical record shall at the time the request is made designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion.

Requests in person: A subject individual who appears in person at a specific location seeking access or disclosure of medical/dental records relating to him/her shall provide his/her name, current address, and at least one piece of tangible identification such as driver's license, passport, voter registration card, or union card. Identification papers with current photographs are preferred but not required. If a subject individual has no identification but is personally known to an agency employee, such employee shall make a written record verifying the subject individual's identity. Where the subject individual has no identification papers, the responsible agency official shall require that the subject individual certify in writing that he/she is the individual whom he/she claims to be and that he/she understands that the knowing and willful request or acquisition of records concerning an individual under false pretenses is a criminal offense subject to a $5,000 fine. In some situations additional identification may be requested. Some examples include the request for access to (1) records which contain sensitive information, (2) different records for persons with the same name, and (3) records which contain an apparent discrepancy between information contained in the record and that provided by the individual requesting access to the record. No verification of identity shall be required where the record is one which is required to be disclosed under the Freedom of Information Act.

Other names used: Where an individual is seeking to obtain information about himself/herself which may be retrieved by a different name or identifier than his/her current name or identifier, he/she shall be required to produce evidence to verify that he/she is the person whose record he/she seeks.

Requests by mail: Requests for information and/or access to records received by mail must contain information providing the identity of the writer and a reasonable description of the record desired. Written requests must contain the name and address of the requester, his/her date of birth and at least one piece of information which is also contained in the subject record, and his/her signature for comparison purposes. Where the written request

does not contain sufficient information, the Systems Manager shall inform the requester in writing that additional, specified information is required to process the request.

Requests by telephone: Since positive identification of the caller cannot be established, telephone requests are not honored.

Parents and legal guardians: Parents of minor children and legal guardians of legally incompetent individuals shall verify their own identification in the manner described above, as well as their relationship to the individual whose record is sought. A copy of the child's birth certificate or court order shall be presented. Minors or individuals who have been declared to be legally incompetent may have their rights under the Privacy Act invested in their parents or legal guardians. Individuals acting in loco parentis to minors, parents, legal guardians, and custodians may act on behalf of the individual for purposes of giving consent for disclosure and being informed of the purposes for which records are maintained. This provision is discretionary, and individuals who are minors are authorized to exercise the right given to them by the Privacy Act. The disclosure to parents, guardians, or individuals in loco parentis will be balanced with programs (i.e., family planning, disease prevention, treatment or containment) which by implication or expressed terms promised confidentiality. Such implied or expressed promises of confidentiality will be honored. State laws with respect to emancipated minors, will also be considered.

Signature: Where an individual is unable to sign his/her name when required, he/she shall make his/her mark and have the mark verified in writing by two additional persons.

RECORD ACCESS PROCEDURES:

Same as Notification Procedure.

CONTESTING RECORD PROCEDURES:

Write to the appropriate IHS Area/ Program Office Director or Service Unit Director at the address specified in Appendix 1 and reasonably identify the record, specify the information being contested, and state the corrective action sought.

RECORD SOURCE CATEGORIES:

Patient and/or family members, and health care personnel.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

Appendix 1

Director, Aberdeen Area Indian Health Service, Federal Building, 115 Fourth Avenue, S.E., Aberdeen, South Dakota 57401, ATTN: Chief, Health Records Branch

Director, Rapid City Service Unit, Rapid City Indian Hospital, Rapid City, South Dakota 57701

Director, Cheyenne River Service Unit, Eagle Butte Indian Hospital, Eagle Butte, South Dakota 57625

Director, Swiftbird Correctional Institution, Indian Health station, Gettysburg, South Dakota 57442

Director, Fort Berthold Service Unit, Minni-Tohe Indian Health Center, New Town, North Dakota 58763

Director, Fort Totten Service Unit, Fort Totten Indian Health Center, Fort Totten, North Dakota 58335

Director, Pine Ridge Service Unit, Pine Ridge Indian Hospital, Pine Ridge, South Dakota 57770

Officer in Charge, Wanblee Indian Health Center, Wanblee, South Dakota 57577

Director, Rosebud Service Unit, Rosebud Indian Hospital, Rosebud, South Dakota 57570

Director, Sisseton-Wahpeton Service Unit, Sisseton Indian Hospital, Sisseton, South Dakota 57262

Director, Flandreau Indian School Health Center, Flandreau, South Dakota 57028

Director, Wahpeton Indian School Health Center, Wahpeton, North Dakota 58075

Director, Standing Rock Service Unit, Fort Yates Indian Hospital, Fort Yates, North Dakota 58538

Director, McLaughlin Indian Health Center, McLaughlin, South Dakota 57642

Director, Turtle Mountain Service Unit, Belcourt Indian Hospital, Belcourt, North Dakota 58316

Director, Omaha-Winnebago Service Unit, Winnebago Indian Hospital, Winnebago, Nebraska 68071

Director, Yankton-Wagner Service Unit, Wagner Indian Hospital, Wagner, South Dakota 57380

Director, Santee Indian School Health Station, Niobrara, Nebraska 68760

Director, Bemidji Program Office, Indian Health Service, 203 Federal Building, Bemidji, Minnesota 56601, ATTN: Program Office Privacy Act Coordinator

Director, Kincheloe Indian Health Center, Kinross, Minnesota 49788

Director, Greater Leach Lake Service Unit, Cass Lake Indian Hospital, Cass Lake, Minnesota 56633

Director, Lac Courte Oreille Service Unit, Indian Health Service, P.O. Box 733, Hayward, Wisconsin 54843

Director, Reserve Indian Health Station, c/o Director, Lac Courte Oreille Service Unit, Indian Health Service, P.O. Box 733, Hayward, Wisconsin 54843

Director, Odenah Indian Health Station, Odenah, Wisconsin 54861

Director, Nett Lake Indian Health Station, Nett Lake, Minnesota 55772

Director, Red Lake Service Unit, Red Lake Indian Hospital, Red Lake, Minnesota 56671

Director Ponemah Indian Health Station, Ponemah, Minnesota 56666

Director, White Earth Service Unit, White Earth Indian Health Center, White Earth, Minnesota 56591

Director, Naytahwaush Indian School Health Station, Naytahwaush, Minnesota 56566

Director, Ponsford Indian School Health Station, Ponsford, Minnesota 56575

Director, Alaska Area Native Health Service, P.O. Box 7–741, Anchorage, Alaska 99510, ATTN: Chief, Health Records Branch

Director, Anchorage Service Unit, PHS Alaska Native Medical Center, P.O. Box 7–741 Anchorage, Alaska 99510

Director, Alaska Native Health Center, St. George Island, Alaska 99660

Director, Alaska Native Health Center, St. Paul Island, Alaska 99660

Director, Barrow Service Unit, Barrow Alaska Native Hospital, Barrow, Alaska 99723

Director, Bristol Bay Area Service Unit, Bristol Bay Area Alaska Native Hospital, Dillingham, Alaska 99576

Director, Interior Alaska Service Unit, Alaska Native Health Center, 1638 Cowless Street Fairbanks, Alaska 99701

Director, Tanana Alaska Native Hospital, Tanana, Alaska 99777

Director, Fort Yukon Alaska Native Health Center, Fort Yukon, Alaska 99740

Director, Kotzebue Service Unit, Kotzebue Alaska Native Hospital, Kotzebue, Alaska 99752

Director, Mt. Edgecumbe Service Unit, Mt. Edgecumbe Alaska Native Hospital, P.O. Box 4577, Sitka, Alaska 99835

Director, Juneau Alaska Native Health Center, Box 890, Juneau, Alaska 99802

Director, Ketchikan Alaska Native Health Center, 3289 Tongass Avenue, Ketchikan, Alaska 99901

Physician's Assistant, Metlakatla Alaska Native Health Center, Box 119, Metlakatla, Alaska 99926

Director, Yukon-Kuskokwim-Delta Service Unit, Yukon-Kuskokwim-Delta Regional Hospital, Indian Health Service, Bethel, Alaska 99559

Director, Albuquerque Area Indian Health Service, Room 4005, Federal Office Building, 500 Gold Avenue, S.W., Albuquerque, New Mexico 87101, ATTN: Chief, Health Records Branch

Director, Albuquerque Service Unit, Albuquerque Indian Hospital, 801 Vassar Drive, N.E., Albuquerque, New Mexico 87106

Director, Isleta Indian Health Center, c/o Albuquerque Indian Hospital—Field Health, 801 Vassar Drive, N.E., Albuquerque, New Mexico 87106

Director, Jemez Indian Health Center, c/o Albuquerque Indian Hospital—Field Health, 801 Vassar Drive, N.E., Albuquerque, New Mexico 87106

Chief, Dental Program, IHS Dental Training Center, Southwestern Indian Polytechincal Inst., 9168 Coors Road, N.W., P.O. Box 25927, Albuquerque, New Mexico 87125

Director, Indian School Health Center, Southwestern Indian Polytechnical Inst., 9168 Coors Road, N.W., P.O. Box 25927, Albuquerque, New Mexico 87125

Director, Alamo Indian Health Station, Alamo, New Mexico 87825

Director, Albuquerque Indian School Health Station, 1000 Menual S.W., Albuquerque, New Mexico 87107

Director, Magdalena Indian Health Station, Magdalena, New Mexico 87825

Director, Sandia Indian Health Station, Sandia, New Mexico 87047

Director, Santa Ana Indian Health Station, P.O. Box 580, Bernalillo, New Mexico 87004

Director, Zia Indian Health Station, General Delivery, San Ysidro, New Mexico 87053

Director, Mescalero Service Unit, Mescalero Indian Hospital, P.O. Box 210, Mescalero, New Mexico 88340

Director, Santa Fe Service Unit, Santa Fe Indian Hospital, Cerrillos Road, Santa Fe, New Mexico 87501

Director, Dulce Indian Health Center, Dulce, New Mexico 87528.

Director, Ignacio Indian Health Center, Ignacio, Colorado 81137

Director, Taos Indian Health Center, Taos, New Mexico 87571

Director, Towaoc Indian Health Center, Towaoc, Colorado 81334

Director, Santa Clara Indian Health Station, P.O. Box 477, Espanola, New Mexico 87532

Director, Santo Domingo Indian Health Station, Santo Domingo, New Mexico 87052

Director, San Juan Indian Health Station, San Juan, New Mexico 87566

Director, Conchiti Indian Health Station, Chochiti, New Mexico 87041

Director, San Felipe Indian Health Station, General Delivery, San Felipe Pueblo, New Mexico 87001

Director, White Mesa Indian Health Station, General Delivery, Towaoc, Colorado 81334

Director, Zuni-Ramah Service Unit, Zuni Indian Hospital, Zuni, New Mexico 87327

Director, Zuni Indian Health Station, Zuni, New Mexico 87327

Director, Acoma-Canoncito-Laguna Service Unit, Acoma-Canoncito-Laguna Indian Hospital, P.O. Box 130, San Fidel, New Mexico 87049

Director, Laguna Indian Health Center, P.O. Box 199, New Laguna, New Mexico 87038

Director, Canoncito Indian Health Center, c/o Acoma-Canoncito-Laguna Indian Hospital, P.O. Box 130, San Fidel, New Mexico 87049

Director, Billings Area Indian Health Service, P.O. Box 2143, Billings, Montana 59103, ATTN: Program Planning & Statistics Office

Director, PHS Indian School Health Center, P.O. Box 602, Bringham City, Utah 84302

Director, Blackfeet Service Unit, Browning Indian Hospital, Browning, Montana 59417

Director, Heart Butte Indian Health Station, Heart Butte, Montana 59448

Director, Crow Service Unit, Crow Indian Hospital, Crow Agency, Montana 59022

Director, Pryor Indian Health Station, Pryor, Montana 59066

Director, Flathead Service Unit, St. Ignatius Indian Health Center, St. Ignatius, Montana 59865

Director, Polson Indian Health Center, 320-B, 4th Avenue East, Polson, Montana 59860

Director, Fort Belknap Service Unit, Harlem Indian Hospital, Harlem, Montana 59526

Director, Hays Indian Health Center, Hays, Montana 59527

Director, Fort Peck Service Unit, Poplar Indian Health Center, Poplar, Montana 59255

Director, Wolf Point Indian Health Center, Wolf Point, Montana 59201

Director, Wind River Service Unit, Fort Washakie Indian Health Center, Fort Washakie, Wyoming 82514

Director, Arapahoe, Indian Health Center, Arapahoe, Wyoming 82510

Director, Northern Cheyenne Service Unit, Lame Deer Indian Health Center, Lame Deer, Montana 59043

Director, Rocky Boy's Service Unit, Rocky Boy's Indian Health Center, Box Elder, Montana 59521

Director, Navajo Area Indian Health Service, P.O. Box G, Window Rock, Arizona 86515, ATTN: Chief, Health Records Branch

Director, Chinle Service Unit, Chinle Indian Health Center, P.O. Box P.H., Chinle, Arizona 86503

Director, Many Farms Indian Health Center, c/o Chinle Indian Health Center, Chinle, Arizona 86503

Director, Many Farms Indian School Health Center, c/o Chinle Indian Health Center, Chinle, Arizona 86503

Director, Crownpoint Service Unit, Crownpoint Indian Hospital, Crownpoint, New Mexico 87313

Director, Fort Defiance Service Unit, Fort Defiance Indian Hospital, Fort Defiance, Arizona 86504

Medical Officer in Charge, Toyei Clinic, Indian Health Center, Fort Defiance, Arizona 86504

Director, Lower Greasewood Indian Health Center, Lower Greasewood, Arizona 86505

Director, Navajo Indian Health Center, c/o Fort Defiance Indian Hospital, Community Health Services, Fort Defiance, Arizona 86504

Director, Gallup Service Unit, Gallup Indian Medical Center, Gallup, New Mexico 87301

Medical Officer in Charge, Tohatchi Indian Health Center, Gallup, New Mexico 87301

Director, Fort Wingate Indian Health Center, Fort Wingate, New Mexico 87316

Medical Officer in Charge, Fort Wingate Indian School Health Center, Fort Wingate, New Mexico 87316

Director, Kayenta Service Unit, Kayenta Indian Health Center, Kayenta, Arizona 86033

Director, Shonto, Indian Health Center, Shonto, Arizona 86044

Director, Shiprock Service Unit, Shiprock Indian Hospital, Shiprock, New Mexico 87420

Director, Tes Nos Pos Indian Health Center, P.O. Drawer D, Tes Nos Pos, Arizona 86514

Director, Shiprock Indian Maternal & Child Health Center, c/o Shiprock Indian Hospital—Field Health, Shiprock, New Mexico 87420

Director, Sanostee Indian School Health Center, c/o Shiprock Indian Hospital—Field Health, Shiprock, New Mexico 87420

Director, Todalena Indian Boarding School Health Station, c/o Shiprock Indian Hospital—Field Health, Shiprock, New Mexico 87420

Director, Tuba City Service Unit, Tuba City Indian Hospital, Tuba City, Arizona 86045

Director, Tuba City Indian School Health Center, c/o Tuba City Indian Hospital, Tuba City, Arizona 86045

Medical Officer in Charge, Holbrook Indian School Health Center, Holbrook Boarding School, Holbrook, Arizona 86025

Director, Winslow Service Unit, Winslow Indian Health Center, Winslow, Arizona 86047

Director, Dilkon Indian Health Center, Star Route, Winslow, Arizona 86045

Director, Leupp Indian Health Center, c/o Winslow Indian Health Center, Community Health Services, Winslow, Arizona 86047

Director, Leupp Indian School Health Center, c/o Winslow Indian Health Center, Community Health Services, Winslow, Arizona 86047

Director, Oklahoma City Area Indian Health Service, 388 Old Post Office and Courthouse Bldg., Oklahoma City, Oklahoma 73102-3477, ATTN: Chief, Records Librarian Consultant

Director, Ada Service Unit, Ada Indian Hospital, 1001 North Country Club Drive, Box 1564, Ada, Oklahoma 74820

Director, Tishomingo Indian Health Center, Tishomingo, Oklahoma 73460

Director, Wewoka Indian Health Center, Wewoka, Oklahoma 74884

Director, Claremore Service Unit, Claremore Indian Hospital, Claremore, Oklahoma 74017

Director, Seneca Indian Health Station, Wyandotte, Oklahoma 74370

Director, Delaware District (Jay) Indian Health Center, Jay, Oklahoma 74346

Director, Okemah Indian Health Center, Okemah, Oklahoma 74859

Director, Okmulgee Indian Health Center, P.O. Box 1015, Okmulgee, Oklahoma 74447

Director, Miami Indian Health Center, P.O. Box 1498, Miami, Oklahoma 74354

Director, Locust Grove Indian Health Station, Locust Grove, Oklahoma 74352

Director, Sapulpa Indian Health Station, Sapulpa, Oklahoma 74066

Director, Seneca Indian School Health Station, Wyandotte, Oklahoma 74370

Director, Clinton Service Unit, Clinton Indian Hospital, Clinton, Oklahoma 73601

Director, Watonga Indian Health Center, Watonga, Oklahoma 73772

Director, Concho Indian School Health Center, Concho, Oklahoma 73022

Director, Kansas Service Unit, Holton Indian Health Center, Holton, Kansas 66436

Facility Director, Lawrence (Haskell) Indian School Health Center, Lawrence, Kansas 66044

Director, White Cloud Indian Health Station, White Cloud, Oklahoma 66094

Director, Lawton Service Unit, Lawton Indian Hospital, Lawton, Oklahoma 73501

Director, Anadarko Indian Health Center, Anadarko, Oklahoma 73005

Director, Riverside Indian School Health Center, Anadarko, Oklahoma 73005

Director, Carnegie Indian Health Center, Carnegie, Oklahoma 73015

Director, Pawnee Service Unit, Pawnee Indian Hospital, Pawnee, Oklahoma 74058

Director, Pawhuska Indian Health Center, Pawhuska, Oklahoma 74056

Director, White Eagle Indian Health Center, Route 4, Ponca City, Oklahoma 74601

Director, Chilocco, Indian School Health Station, Chilocco, Oklahoma 74635

Director, Shawnee Service Unit, Shawnee Indian Health Center, Shawnee, Oklahoma 74801

Director, Tahlequah Service Unit, W. W. Hastings Indian Hospital, 1120 Grand, Tahlequah, Oklahoma 74464

Director, Eufaula Indian Health Center, Locust Street, Eufaula, Oklahoma 74432

Director, D. K. Martin Indian Health Station, Stillwell, Oklahoma 74960

Director, USPHS Indian School Health Station, Sequoyah Institute, Tahlequah, Oklahoma 74464

Director, Sallisaw Indian Health Station, Sallisaw, Oklahoma 74955

Director, Talihina Service Unit, Talihina Indian Hospital, Talihina, Oklahoma 74571

Director, John Anderson Memorial Health Center, USPHS Indian Health Center, Broken Bow, Oklahoma 74728

Director, Hugo Indian Health Center, 109 E. Main, Hugo, Oklahoma 74743

Director, McAlester Indian Health Center, McAlester, Oklahoma 74501

Director, Jones Academy Indian Health Station, Hartshorne, Oklahoma 74547

Director, Phoenix Area Indian Health Service, 801 East Indian School Road, Phoenix, Arizona 85014, ATTN: Chief, Health Records Branch

Director, Colorado River Service Unit, Parker Indian Hospital, Route 1, P.O. Box 12, Parker, Arizona 85344

Director, Peach Springs Indian Health Center, Peach Springs, Arizona 86434

Director, Riverside Indian School Health Center, 8934 Magnolia, Riverside, California 92503

Director, Havasupai Indian School Health Station, Supai, Arizona 86435

Director, Fort Yuma Service Unit, Winterhaven Indian Hospital, P.O. Box 1368, Yuma, Arizona 85364

Director, Keams Canyon Service Unit, Keams Canyon Indian Hospital, P.O. Box 98, Keams Canyon, Arizona 86034

Director, Second Mesa Indian Health Center, General Delivery, Second Mesa, Arizona 86043

Director, Kaibab Indian Dental Clinic, Fredonia, Arizona 86022

Director, Owyhee Service Unit, Owyhee Indian Hospital, P.O. Box 212, Owyhee, Nevada 89832

Director, Goshute Indian Health Clinic, c/o Director Owyhee Service Unit, Owyhee Indian Hosptial, P.O. Box 212, Owyhee, Nevada 89832

Director, Phoenix Service Unit, Phoenix Indian Medical Center, 4212 North 16th St., Phoenix, Arizona 85016

Director, Salt River Indian Health Center, Route 1, Box 115, Scottsdale, Arizona 85257

Director, Gila Crossing Indian Health Clinic, Route 1, Box 770, Laveen, Arizona 85339

Director, Phoenix Indian School Health Center, c/o Phoenix Indian Medical Center, 4212 North 16th St., Phoenix, Arizona 85016

Director, Sacaton Service Unit, Sacaton Indian Hosptial, Sacaton, Arizona 85247

Director, San Carlos Service Unit, San Carlos Indian Hospital, San Carlos, Arizona 85550

Director, Bylas Indian Health Clinic, Bylas, Arizona 85530

Director, Schurz Service Unit, Schurz Indian Hosptial, Schurz, Nevada 89427

Director, Stewart Indian School Health Center, Stewart, Nevada 89437

Director, Unitah and Ouray Service Unit, Fort Duchesne Indian Health Center, P.O. Box 967, Roosevelt, Utah 84066

Director, Fort Duchesne Indian Dental Clinic, Roosevelt, Utah 84066

Director, Whiteriver Service Unit, Whiteriver Indian Hospital, Whiteriver, Arizona 85941

Director, Cibecue Indian Health Center, Cibecue, Arizona 85911

Director, Portland Area Indian Health Service, Room 476, Federal Building, 1220 Southwest Third Avenue, Portland, Oregon 97204–2892, ATTN: Chief, Health Records Branch

Director, Chemawa Indian School Health Center, 3750 Hazelgreen Road, N.E., Salem, Oregon 97303

Director, Colville Service Unit, Colville Indian Health Center, Nespelem, Washington 99155

Director, Inchelium Indian Health Center, Inchelium, Washington 99138

Director, Fort Hall Service Unit, Fort Hall Indian Health Center, P.O. Box 317, Fort Hall, Idaho 83203

Director, Blackfoot Indian Health Station, Blackfoot, Idaho 83221

Director, Northern Idaho Service Unit, Northern Idaho Indian Health Center, P.O. Drawer 367, Lapwai, Idaho 83540

Director, Kamiah Indian Health Station, Kamiah, Idaho 83536

Director, Coeur d'Alene Indian Health Station, Coeur d'Alene, Idaho 83814

Director, Warm Springs Service Unit, Warm Springs Indian Health Center, Warm Springs, Oregon 97761

Director, Puget Sound Service Unit, Kitsap Indian Health Center, 1212 South Judkins, Seattle, Washington, 98144

Director, Muckleshoot Indian Dental Clinic, 14812 S.E. 368th Place, Auburn, Washington 98002

Director, Port Gamble Indian Health Station, Port Gamble, Washington 98364

Director, Yakima Service Unit, Yakima Indian Health Center, Route 1, Box 1104, Toppenish, Washington 98948

Director, White Swan Indian Health Station, White Swan, Washington 98952

Director, Umatilla Service Unit, Yellowhawk Indian Health Center, P.O. Box 159, Pendleton, Oregon 97801

Director, Taholah Service Unit, Taholah Indian Health Center, P.O. Box 219, Taholah, Washington 98587

Director, Queets Indian Health Station, c/o Service Unit Director, Taholah Indian Health Center, P.O. Box 1148, Taholah, Washington 98587

Director, Oakville Indian Health Station, Oakville, Washington 98568

Director, Neah Bay Service Unit, Neah Bay Indian Health Center, P.O. Box 418, Neah Bay, Washington 98357

Director, La Push Indian Health Station, La Push, Washington 98350

Director, Lower Elwha Indian Health Station, Port Angeles, Washington 98362

Director, Northwest Washington Service Unit, Lummi Indian Health Center, 2592 Kwina Road, Bellingham, Washington 98225

Swinomish Indian Dental Program, P.O. Box 64, La Conner, Washington 98257

Director, Burlington Indian Health Station, Burlington, Washington 98233

Director, Deming Indian Health Station, Deming, Washington 98244

Director, Wellpinit Service Unit, Wellpinit Indian Health Center, P.O. Box 391, Wellpinit, Washington 99040

Director, Kalispel Indian Health Station, c/o Wellpinit Service Unit Director, Wellpinit Indian Health Center, P.O. Box 391, Wellpinit, Washington 99040

Director, Tucson Program Office, Indian Health Service, P.O. Box 11340, Tucson, Arizona 85734, ATTN: Privacy Act Coordinator

Director, Sells Service Unit, Sells Indian Hospital, Sells, Arizona 85634

Director, Santa Rosa Indian Health Center, Star Route, Box 71, Sells, Arizona 85634

Director, San Xavier Indian Health Center, Tucson, Arizona 85734

Program Office Director, United Southeastern Tribes, Indian Health Service, Oak Towers Building, 1101 Kermit Drive, Nashville, Tennessee 37217–2191, ATTN: Privacy Act Coordinator

Director, Cherokee Service Unit, Cherokee Indian Hospital, Cherokee, North Carolina 28719

Director, Choctaw Service Unit, Choctaw Indian Hospital, Route 7, Box 50–R, Philadelphia, Mississippi 39350

Program Office Director, California Program Office, Indian Health Service, 2800 Cottage Way, E–1831, Sacramento, California 95825, ATTN: Privacy Act Coordinator

APPENDIX 2—Federal Archives and Records Centers

District of Columbia, Maryland, except U.S. Court records for Maryland, Washington National Records Center, 4205 Suitland Road, Suitland, Maryland 20233

GSA Region 1—Maine, Federal Archives and Records Center, 330 Trapelo Road, Waltham, MA 02154

GSA Region 2—New York, Federal Archives and Records Center, Military Ocean Terminal, Bldg. 22, Bayonne, NJ 07002

GSA Region 3—Pennsylvania, Federal Records Center, Defense Activities Bldg. 308, Mechanicsburg, PA 17055

GSA Region 4—Mississippi and Florida, Federal Archives and Records Center, 1557 St. Joseph Avenue, East Point, GA 30344

GSA Region 5—Wisconsin, Minnesota and U.S. court records for Michigan, Federal Archives and Records Center, 7358 South Pulaski Rd., Chicago, IL 60629

GSA Region 5—Michigan except U.S. court records, Federal Records Center, 3150 Bertwynn Drive, Dayton, OH 45439

GSA Region 6—Kansas, Iowa and Nebraska, Federal Archives and Records Center, 2306 East Bannister Rd., Kansas City, MO 64131

GSA Region 7—Oklahoma, Louisiana and New Mexico, Federal Archives and Records Center, P.O. Box 6216, Ft. Worth, TX 76115

GSA Region 8—Colorado, Wyoming, Utah, Montana, North Dakota and South Dakota, Federal Archives and Records Center, Bldg. 48, Denver Federal Center, P.O. Box 25307, Denver, CO 80225

GSA Region 9—California, except Southern California, and Nevada, except Clark County, Federal Archives and Records Center, 1000 Commodore Drive, San Bruno, CA 94066

GSA Region 9—Arizona: Clark County, Nevada, and Southern California (counties of San Luis Obispo, Kern, San Bernardino, Santa Barbara, Ventura, Los Angeles, Riverside, Orange, Imperial, Inyo, and San Diego), Federal Archives and Records Center, 24000 Avila Road, Laguna Niguel, CA 92677

GSA Region 10—Washington, Oregon, Idaho and Alaska, Federal Archives and Records Center, 6125 Sand Point Way, Seattle, WA 98115

09–15–0022

SYSTEM NAME:

Accounts Receivable. HHS/HSA/BMS.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Financial Management Offices—see Appendix.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Patients, PHS employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Billing to individuals.

AUTHORITY FOR MAINTENANCE IN THE SYSTEM:

Public Health Service Act Section 321 (42 U.S.C. 248).

PURPOSE(S):

To bill and collect funds due the Federal Government. Records may be used by the HHS Audit Agency and HHS claims office for audit purposes.

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

Information may be provided to any government agency which had requested or arranged for treatment or care of an individual by the Bureau of Medical Services.

Disclosure may be made to 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.

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

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

STORAGE:

File folders.

RETRIEVABILITY:

Retrievable by name.

SAFEGUARDS:

1. Authorized Users: Billing clerks, cashiers, and BMS financial management personnel.

2. Physical Safeguards: All documents are protected during lunch hours and nonworking hours in locked file cabinets and locked storage areas.

3. Procedural Safeguards: All users of personal information in connection with the performance of their jobs protect information from public view and from unauthorized personnel entering an unsupervised office. Access to records is strictly limited to those staff members trained in accordance with the BMS Privacy Act Implementation Guidelines; and HHS Ch 45–13 and Ch PHS.hf:45–13 of the General Administration Manual.

RETENTION AND DISPOSAL:

Number of years held at HSA—Until audited. How destroyed: Incinerator.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Financial Management Branch, Bureau of Medical Services, 6525 Belcrest Rd., W. Hyattsville, Md. 20782.

NOTIFICATION PROCEDURE:

Contact the Financial Management Offices—as listed in the appendix. Individuals must provide positive identification, such as driver's license, passport, voter's registration card, union card, or a written certification verifying his or her identity.

RECORD ACCESS PROCEDURES:

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

CONTESTING RECORD PROCEDURES:

Write to appropriate Financial Management Officer as listed in the appendix and reasonably identify the record, specify the information to be contested, and state the corrective action sought.

RECORD SOURCE CATEGORIES:

From individual medical record.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

Appendix

Address all correspondence to:

Chief, Financial Management Branch, Bureau of Medical Services, 6525 Belcrest Rd., Hyattsville, Maryland 20782

Chief, Financial Managment, at the appropriate location below:

USPHS Hospital, 3100 Wyman Park Drive, Baltimore, Md. 21211

USPHS Hospital, 77 Warren St., Boston (Brighton), Mass. 02135

USPHS Hospital, Carville, La. 70721

USPHS Hospital, 2050 Space Park Drive, Nassau Bay, TX 77058

USPHS Hospital, 210 State St., New Orleans, La 70118

USPHS Hospital, 6500 Hampton Blvd., Larchmont, Norfolk, Virginia 23508

USPHS Hospital, 1131 14th Ave. South, Seattle, Wash. 98114
USPHS Hospital, Bay Street and Vanderbilt Avenue, Staten Island, New York 10304
USPHS Hospital, 15th Ave. and Lake St., San Francisco, Calif. 94118
USPHS Outpatient Clinic, Switzer Bldg., 4th & C St., SW., Washington, D.C. 20201
USPHS Outpatient Clinic, 1600 Clifton, Rd., NE., Atlanta, Georgia 30333

09-15-0026

SYSTEM NAME:

Medical Fellowships and Educational Loans. HHS/HSA/OA.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

DHHS/HSA/OA/OFS, Rm. 16-23, Parklawn Bldg., 5600 Fishers Lane, Rockville, MD. 20857, and Regional Federal Records Center.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Private Citizens (Loan Applicants).

CATEGORIES OF RECORDS IN THE SYSTEM:

Fellowship, Grants and Loans Applications.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Public Health Service Act Section 301 (42 U.S.C. 241).

PURPOSE(S):

To support the HSA's accounting system of obligations and payments.

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

Disclosure may be made to 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.

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any ot its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

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

STORAGE:

File folders.

RETRIEVABILITY:

Retrievable by name.

SAFEGUARDS:

Files are kept in locked metal filing cabinets and access to these files is limited to the accounting clerks, accountants and auditors that are performing the accounting function for this program. The files are not left unattended during office hours, including lunch hours. These procedures are in accordance with Chapter 45-13 of the General Administrative Manual, and Chapter PHS.hf: 45-13.

RETENTION AND DISPOSAL:

Number of years held at HSA: 2 yrs. 1 yr. warehouse. Number of years held at Federal Records Center before disposal: 7 yrs. How destroyed: in accordance with items 4.b and 4.c of Schedule 3, GSA General Records Schedules.

SYSTEM MANAGER(S) AND ADDRESS:

HSA-OA (HQ) Chief Accounting and Finance Branch, 5600 Fishers Lane, Parklawn Bldg., Rm. 16-23, Rockville, MD. 20857

and Records Center address:

Washington National Records Center, 4205 Suitland Road, Washington, D.C. 20409.

NOTIFICATION PROCEDURE:

Director, Office of Management Policy, HSA, Rm. 13A39, 5600 Fishers Lane, Rockville, MD. 20857.

RECORD ACCESS PROCEDURES:

Write to System Manager. Requesters should also reasonably specify the record contents being sought.

CONTESTING RECORD PROCEDURES:

Write to the System Manager and reasonably identify the record, specify the information to be contested, and state the corrective action sought.

RECORD SOURCE CATEGORIES:

Promissory note signed by the individual receiving the loan.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-15-0027

SYSTEM NAME:

National Health Service Corps (NHSC), Bureau of Medical Services (BMS) and Indian Health Services (IHS) Pre-Applicant Recruitment and Provider File. HHS/HSA/BHPOS

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

P.O. Box 1838, Presidential Building, 6525 Belcrest Road, Hyattsville, MD 20782.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

NHSC volunteer or scholarship applicants who wish to be assigned to critical health manpower shortage areas; applicants who wish to be assigned to the Public Health Service Bureau of Medical Services; individuals who indicate an interest in an assignment at an Indian Health Service location.

CATEGORIES OF RECORDS IN THE SYSTEM:

Employment data private practice data, and preference for site-selection, personal and professional background information.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Public Health Service Act, Section 333 (42 U.S.C. 254f); Public Health Service Act, Sec. 753 (42 U.S.C. 294V); Public Law 33-658 (42 U.S.C. 2001).

PURPOSE(S):

Matching applicant for assignment to health manpower shortage areas most suited to their interests; matching applicants for assignments to PHS hospitals or to IHS locations.

Users: Used by Regional Offices, IHS Area Offices and Service Units to pre-negotiate assignments, and used PHS-wide for recruitment programs.

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

Disclosure may be made to 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.

In the event of ligitation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that

Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

In the event that a system of records maintained by this agency to carry out its functions indicates 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, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether federal, 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.

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

STORAGE:

Manual files, computer tape and sisc, punched cards.

RETRIEVABILITY:

Applicant name and number.

SAFEGUARDS:

Locked area and file cabinets. ADP remote stations and files are locked during non-standard working hours, with periodic checks made by building security force. Individual files are in locked cabinets inside a secured area. Codes by which automated files may be accessed are changed periodically. This procedure also includes deletion of access codes when employees leave. New employees are briefed and the guard office is notified of all staff members authorized to be in secured area during non-standard working hours. The list is revised as employees are gained or lost. Backup files are maintained in an off-site facility with fire extinguishers and controlled entrances and exits.

Personnel authorized to have access to the system are limited to the system manager; director and staff of the Division of Monitoring and Analysis; and the chief and staff of the recruitment Services Branch, NHCS.

These safeguards are in compliance with chapter 45–13, General Administration Manual, and Part 6 of the Department's ADP Systems Manual.

RETENTION AND DISPOSAL:

Maintained for three years, the historical tapes are sent to a Federal records center and the initial record is destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Director, National Health Service Corps, P.O. Box 1838, Presidential Building, 6525 Belcrest Road, Hyattsville, Maryland 20782.

NOTIFICATION PROCEDURE:

Write to System Manager.

RECORD ACCESS PROCEDURES:

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

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under notification procedures above, and reasonably identify the record, specify the information to be contested, and state the corrective action sought.

RECORD SOURCE CATEGORIES:

Letters of inquiry, NHSC Site Selection Questionaire For Physicians, NHSC Site Selection Questionnaire for Dentists; NHSC Private Practice Option Agreements; BMS Physician Questionnaire; IHS Medical Student and Physician Questionnaire; and Bureau of Health Professions Development and Service scholarship source tape.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09–15–0028

SYSTEM NAME:

PHS Clinical Affiliation Trainee Records. HHS/HSA/BMS.

SYSTEM CLASSIFICATION:

None.

SYSTEM LOCATION:

See Appendices 1 and 2 to system notice 09–15–0007, Patients Medical Record System PHS Hospital/Clinics HHS/HSA/BMS.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Students in PHS training programs or serving clinical affiliation in Public Health Service Hospitals and Clinics.

CATEGORIES OF RECORDS IN THE SYSTEM:

Transcripts of past education application for training, training program staff and clinical supervisor evaluations and progress reports, course grades and evidence of completion of training requirements.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Public Health Service Act Sec. 321 (42 U.S.C. 248).

PURPOSE(S):

To provide communication between educational and supervisory staff for evaluation of trainees.

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

Disclosure may be made:

To Educational Program staff of affiliated college/university to provide reports of student trainee's progress in training;

To prospective employers for professional reference;

To representatives of medical/allied health training program accrediation of PHS Training Programs;

To professional boards or associations to certify the students' progress in or completion of training as required for professional license, registration certification, etc.

To 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.

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclosure such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

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

STORAGE:

File folders.

RETRIEVABILITY:

Alphabetically by last name.

SAFEGUARDS:

1. Authorized Users: Director of Education at the PHS Hospitals and Clinics, work and staff supervisors and administrative personnel.

2. Physical Safeguards: All documents are protected during lunch hours and nonworking hours in locked file cabinets and locked storage areas.

3. Procedural Safeguards: All users of personal information in connection with

the performance of their jobs protect information from public view and from unauthorized personnel entering an unsupervised office. Access to records is strictly limited to those staff members trained in accordance with the BMS Privacy Act Implementation Guidelines; and HHS Ch 45–13 and Ch PHS.hf:45–13 of the General Administration Manual.

RETENTION AND DISPOSAL:

Number of years held at HSA: 10 years, then destroyed by shredding.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Bureau of Medical Services, 6525 Belcrest Road, Hyattsville, Maryland 20782.

NOTIFICATION PROCEDURE:

The individual should contact the PHS facility where training was received giving name, date of birth and approximate dates of training to allow positive identification of the record.

RECORD ACCESS PROCEDURE:

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

CONTESTING RECORD PROCEDURES:

Contact the PHS facility mentioned at the address specified in the notification procedures above, and reasonably identify the record, specify the information to be contested, and state corrective action sought.

RECORD SOURCE CATEGORIES:

Individual, clinical supervisors, instructors, training program staff and administrative personnel of facility and affiliated college/university.

SYSTEMS EXEMPTED FROM CETAIN PROVISIONS OF THE ACT:

None.

09–15–0029

SYSTEM NAME:

PHS Beneficiary-Contract Medical/ Health Care Records. HHS/HSA/BMS.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

1. Director, Bureau of Medical Services, 6525 Belcrest Road, Hyattsville, MD 20782.

2. Director, PHS Hospital responsible for supervision of the area (See Appendix).

3. See Appendix 3 of Patient Medical Record System PHS Hospital/Clinics, 09–15–0007, for location of Federal Records Centers.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals (primarily American seamen) who are legally entitled to medical or health care by the Public Health Service and who have received medical or health care from health professionals or facilities under contract to the Public Health Service, Bureau of Medical Services.

CATEGORIES OF RECORDS IN THE SYSTEM:

May include any or all of the following medical history, diagnostic (laboratory/X-ray, etc.) and treatment data, sociologic information, eligibility data including employment history, master's certificate, uniformed services information (employing services, service numbers, duty station, etc.).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

PHS Act, Sections 321, 322, 326, (42 USC 248, 249, 253) PL 88–71, Section 1 (42 USC 253a).

PURPOSE(S):

To serve as a basis for planning patient care and for continuity in the evaluation of the patient's condition and treatment; to furnish documentary evidence of the course of the patient's medical evaluation and treatment; to document communications between the responsible practitioner and any other health professionals contributing to the patient's care and treatment; to verify patient eligibility; and to ensure quality assurance, and to monitor contract compliance.

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

Disclosure may be made:

To a non-agency physician, medical facility or laboratory for continued care of the patient;

To Department of Transportation and Department of Commerce to report results of examination and/or treatment of that agency's personnel or dependents;

To the Veterans Administration to assist uniformed services personnel, retirees and veterans to obtain medical care or benefits;

To the Coast Guard to report results of examination and/or treatment of American seamen found suffering from medical conditions that are hazardous to themselves or to others.

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 record is relevant and necessary to the requesting agency's decision on the matter.

To 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.

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

Information regarding the commission of crimes or the reporting of occurrences of communicable diseases, tumors, child abuse, births, deaths, alcohol or drug abuse, etc., as may be required to be disclosed by health providers and facilities by State Law or regulation of the Department of Health, or other agency of this state or its subdivision in which the facility is located. Disclosures will be made to organizations as specified by the State law or regulation, such as births and deaths to vital statistics agency and crimes to law enforcement agencies. Disclosure of the contents of records which pertain to patient identity, diagnosis, prognosis or treatment of alcohol or drug abuse is restricted under the provisions of the Confidentiality of Alcohol and Drug Abuse Patient Records Regulations 42 CFR, Part 2, as authorized by 21 USC 1175 and 42 USC 4582, as amended by P.L. 93–282.

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

STORAGE:

File folders.

RETRIEVABILITY:

Name, uniformed service number which is the Social Security number, and/or Z number. Those records indexed by SSN are maintained and retrieved in accordance with Sec. 7(a)(2)(B) of the Privacy Act.

SAFEGUARDS:

1. Authorized Users: supervisory contracting officials who review the contractor's records annually, doctors, dentists, nurses, allied health professionals and administrative staff in the contractor's office or facility.

2. Physical Safeguards: All documents are protected during lunch hours and nonworking hours in locked file cabinets and locked storage areas.

3. Procedural Safeguards: All users of personal information in connection with the performance of their jobs protect information from public view and from unauthorized personnel entering an unsupervised office. Access to records is strictly limited to those staff members trained in accordance with the BMS Privacy Act Implementation Guidelines; and HHS Ch 45–13; and Ch PHS.hf:45–13 of the General Administration Manual.

RETENTION AND DISPOSAL:

Retained in the contracting professional's facility files until the contract is terminated. Then turned over to the supervisory PHS Hospitals and Clinicas for transmittal to a new contracting professional or storage at a Federal Records Center. When stored in a Federal Records Center, active duty uniformed services personnel records are stored for 50 years, active duty uniformed service personnel, 25 years all others. Destruction at that time is in accordance with standard practices of the Federal Records Center.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Bureau of Medical Services, 6525 Belcrest Road, Hyattsville, Maryland 20782.

NOTIFICATION PROCEDURE:

Inquiries should be addressed to the director of the PHS facility supervising the area where care has been obtained from a contract source. (See listing in Appendix). Individual must provide name, beneficiary category, date of birth, service number/Z number (if applicable) and name and location of source of contract care. Identification such as driver's license, passport, voter's registration card, union card, or a written certification verifying the individual's identity is required. An individual who requests access to a medical record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion. Requesters should also reasonably specify the record contents being sought.

RECORD ACCESS PROCEDURES:

Same as notification procedures.

CONTESTING RECORD PROCEDURES:

Contact the official at the appropriate address specified in the notification procedures above, and reasonably dentify the record, specify the information to be contested, and state the corrective action sought.

RECORD SOURCE CATEGORIES:

Individual, employers, other medical care providers, families and social agencies.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

Appendix

HOSPITAL STATES, Director, USPHS Hospital, 3100 Wyman Park Drive, Baltimore, Maryland 21211

Serving: Delaware, District of Columbia, Illinois, Indiana, Iowa, Maryland, Michigan, Minnesota, Ohio, Pennsylvania, West Virginia, Wisconsin.

Director, USPHS Hospital, 77 Warren Street, Boston (Brighton), MA 02135

Serving: Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont.

Director, USPHS Hospital, 2050 Space Park Drive, Nassau Bay, TX 77058

Serving: Colorado, Kansas, New Mexico, Oklahoma, Texas.

Director, USPHS Hospital, 6500 Hampton Boulevard, Larchmont, Norfolk, VA 23508

Serving: Georgia, North Carolina, South Carolina, Virginia.

Director, USPHS Hospital, 210 State Street, New Orleans, LA 70118

Serving: Alabama, Arkansas, Canal Zone, Florida, Kentucky, Louisiana, Mississippi, Missouri, Puerto Rico, Tennessee, Virgin Islands

Director, USPHS Hospital, 15th Ave. and Lake Street, San Francisco, CA 94118

Serving: Arizona, California, Hawaii, Nevada, Utah.

Director, USPHS Hospital, P.O. Box 3145 or 1131 14th Avenue South, Seattle, WA 98144

Serving: Alaska, Idaho, Montana, Nebraska, North Dakota, Oregon, South Dakota, Washington, Wyoming.

Director, USPHS Hospital, Bay Street & Vanderbilt Avenue, Staten Island, NY 10304

Serving: New Jersey, New York.

Director, Public Health Service Health Data Center, 10000 Aerospace Road, Warehouse No. 1, Lanham, Maryland 20706

09–15–0034

SYSTEM NAME:

Health Care Provider Profile. HHS/HSA/BMS.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

See Appendix.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Physicians, dentists, other health care persons in PHS facilities who have primary responsibility for assessing condition of the patient, exercising independent judgment as to the care of the patient, and rendering service during a patient encounter.

CATEGORIES OF RECORDS IN THE SYSTEM:

Assignment data, demographic data, education, training and experience, specialty boards, record of continuing education credit.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Public Health Service Act, Section 321 (42 USC 248).

PURPOSE(S):

The records in this system are used to establish a research and management data base which provides a basis for determining the quality and efficacy of medical care as well as effective utilization of health care services.

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

1. Disclosure may be made to 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.

2. In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

3. Disclosure may be made to evaluation teams of the Joint Commission on Accreditation of Hospitals for hospital and clinic accreditation purposes only. Medical records are used to document quality of service provided by the PHS facility.

4. Records may be disclosed to the Professional Standards Review

Organizations (PSRO) review boards for evaluation of services covered by Medicare, Medicaid, and Maternal and Child Health programs.

5. Disclosure may be made to a private firm for the purpose of collating, analyzing, aggregating or otherwise refining records in this system. The contractor is required to maintain Privacy Act safeguards with respect to such records.

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

STORAGE:

Hard copy, computer printouts and magnetic tape.

RETRIEVABILITY:

The records are retrieved by the Provider Identification Number (PIN).

SAFEGUARDS:

1. Authorized Users: BMS management personnel, PHS Hospitals and Outpatient Clinics Directors, and administrative personnel assigned to the Program.

2. Physical Safeguards: Twenty-four hour, 7-day security guards perform random checks on the physical security of the data. All documents are protected during lunch hours and nonworking hours in locked file cabinets or locked storage areas.

3. Procedural Safeguards: Magnetic tapes, discs, other computer equipment and other forms of personal data are stored in areas where fire and life safety codes are strictly enforced. A password is required to access the terminal and a data set name controls the release of data to only authorized users. All users of personal information in connection with the performance of their jobs protect information from public view and from unauthorized personnel entering an unsupervised office. Access to records is strictly limited to those staff members trained in accordance with the BMS Privacy Act Implementation Guidelines; HHS Ch 45–13 and Ch PHS.hf:45–13 of the General Administration Manual; and Part 6 of the Department's ADP Systems Security Manual.

RETENTION AND DISPOSAL:

Records are maintained one year after the health care provider leaves the service of the Bureau of Medical Services. Destruction is by shredding of the hard copy or erasing of the tape.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Bureau of Medical Services, 6525 Belcrest Road, Hyattsville, Maryland 20782.

NOTIFICATION PROCEDURE:

Write to the system manager to determine if a record exists. Individual must provide positive identification, such as driver's license, possport, voter's registration card, union card, or a written certification verifying his or her identity.

RECORD ACCESS PROCEDURES:

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

CONTESTING RECORD PROCEDURES:

Write to the official at the address specified under the notification procedures above, and reasonably identify the record, specify the information to be contested, and state the corrective action sought.

RECORD SOURCE CATEGORIES:

Health care professionals assigned to the PHS general hospitals and outpatient clinics as listed in the Appendix.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

Appendix

Director, USPHS Hospital, 3100 Wyman Park Drive, Baltimore, MD 21211

Director, USPHS Hospital, 77 Warren Street, Boston (Brighton), MA 02135

Director, USPHS Hospital, 2050 Space Park Drive, Nassau Bay, TX 77058

Director, USPHS Hospital, 210 State Street, New Orleans, LA 70118

Director, USPHS Hospital, 6500 Hampton Boulevard, Larchmont, Norfolk, VA 23508

Director, USPHS Hospital, 15th Avenue and Lake Street, San Francisco, California 94118

Director, USPHS Hospital, Box 3145 or 1131, 14th Avenue South, Seattle, WA 98114

Director, USPHS Hospital, Bay Street and Vanderbilt Avenue, Staten Island, NY 10304

Director, USPHS Hospital, Carville, LA 70721

Director, USPHS Outpatient Clinic, 1600 Clifton Road NE., Atlanta, GA 30333

Director, USPHS Outpatient Clinic, Switzer Building, 4th and C Streets, SW., Washington, D.C. 20201

09–15–0037

SYSTEM NAME:

Public Health Service Scholarship and National Health Service Corps Scholarship Programs HHS/HSA/BHPDS.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Division of Health Services Scholarship, Center Building, Room G–17, 3700 East-West Highway, Hyattsville, Md. 20782.

Division of Computer Research and Technology, NIH Building 12, 9000 Rockville Pike, MD. 20205.

CATEGORIES OF INDIVIDUAL COVERED BY THE SYSTEM:

Applicants for and recipients of Public Health Service and National Health Service Crops/Scholarships.

CATEGORIES OF RECORD IN THE SYSTEM:

Application and associated forms; recipient records contain progress reports, payroll forms, deferment and placement data, and social security number.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

P.L. 92–585, and 42 U.S.C. 294t (section 751, PHS Act).

PURPOSE(S):

To select and monitor scholarship recipients. After award, the Health Service Administration and the Department's Central Payroll use the records for payment, tracking, deferment of service obligation, default, placement and claims determination.

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

Names, disciplines, current mailing addresses, and dates of graduation of scholarship recipients are to be made available to designated coordinators at each school of medicine, osteopathy, and dentistry participating in the Scholarship Program for the purpose of guiding and informing these recipients about the nature of their forthcoming professional service obligation in health manpower shortage areas.

Name of scholarship recipient, professional school he or she is attending, and the date of graduation are made available to health professions associations and other interested health professions groups which have responsibility for coordinating funds paid to students from Federal and other sources. A record may be disclosed for a research purpose, when the Department:

(A) has determined that the use of disclosure does not violate legal or policy limitations under which the record was provided, collected, or obtained;

(B) has determined that the research purpose (1) cannot be reasonably accomplished unless the record is provided in individually identifiable

form and (2) warrants the risk to the privacy of the individual that additional exposure of the record might bring;

(c) has required the recipient to—(1) establish reasonable administrative, technical, and physical safeguards to prevent unauthorized use or disclosure of the record, and (2) remove or destroy the information that identifies the individual at the earliest time at which removal or destruction can be accomplished consistent with the purpose of the research project, unless the recipient has presented adequate justification of a research or health nature for retaining such information, and (3) make no further use or disclosure of the record except:

(A) in emergency circumstances affecting the health or safety of any individual, (B) for use in another research project under these same conditions and with written authorization of the Department, (C) for disclosure to a properly identified person for the purpose an audit related to the research project if information that would enable research subjects to be identifed is removed or destroyed at the earliest opportunity consistent with the purpose of the audit, or (D) when required by law;

(d) has secured a written statement attesting to the recipient's understanding of, and willingness to abide by these provisions.

Disclosure may be made to 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.

In the event of litigation where the defendant is (a) the department, any component of the department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

In the event that a system of records maintained by this agency to carry out its functions indicates 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, the relevant records in the system of records may be referred, as a routine use, to the appropiate agency, whether federal, 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.

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

STORAGE:

File folders and magnetic tape.

RETRIEVABILITY:

Name, Award No., University, or Social Security Number.

SAFEGUARDS:

Locked file units, 24 hours guard service, locked computer room and tape vault, password protection of automated records, personal screening and limited access to only authorized personnel. (Safeguards are in accordance with Part 6, ADP Systems security, of the Department's ADP Systems Manual, and Chapter 45–13, Safeguarding Records Contained in System of Records, of the Department's General Administration Manual).

RETENTION AND DISPOSAL:

Records are disposed of in accordance with the Records Control Schedule of the Health Services Administration Contact the System Manager for the disposal standard.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Division of Health Services Scholarships, Center Building, Room G–17, 3700 East-West Highway, Hyattsville, Maryland 20782.

NOTIFICATION PROCEDURE:

To determine if a record exists contact the System Manager.

RECORD ACCESS PROCEDURES:

Contact the System Manager and give a reasonable description of the record.

CONTESTING RECORD PROCEDURES:

Contact the System Manager giving a reasonable description of the record, specify the information you want to contest, and state the corrective action sought.

RECORD SOURCE CATEGORIES:

Evaluation forms from school faculty at the request of the student applicant, educational institution attended, internship and/or residency training site Health Services Administration Commissioned Personnel, Operations Division Office of personnel Management/OASH.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09–15–0038

SYSTEM NAME:

Disability Claims of the Nursing Student Loan Program HHS/HSA/BHPDS.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Division of Student Services, Center Building, Room 9–50, 3700 East-West Highway, Hyattsville, MD. 20782.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Applicants for cancellation of nursing student loans due to disability.

CATEGORIES OF RECORDS IN THE SYSTEM:

Letter requests claiming disability, correspondence, payment determinations and medical records or reports.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Public Health Service Act Section 836(42 U.S.C. 297b).

PURPOSE(S):

To determine the validity of claims.

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

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of the individual.

In the event of litigation where the defendant is (a) the Department any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

In the event that a system of records maintained by this agency to carry out its functions indicates 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, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether federal, 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.

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

STORAGE:

File folders Medical records or reports are temporarily held during medical evaluation and then returned to and retained by nursing schools upon final determination of claim validity.

RETRIEVABILITY:

Name of individual.

SAFEGUARDS:

Locking file cabinets with access by authorized personnel only and general building security (Safeguards are in accordance with Part 6, ADP Systems security, of the Department's ADP Systems Manual, and Chapter 45–13, Safeguarding Records Contained in Systems of Records, of the Department's General Administration Manual).

RETENTION AND DISPOSAL:

Records are disposed of in accordance with the Records Control Schedule of the Health Services Administration Contact the System Manager for the disposal standard.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Student and Institutional Assistance Branch/Division of Student Services, Center Building, Room 9–50, 3700 East-West Highway, Hyattsville, Maryland 20782.

NOTIFICATION PROCEDURE:

To determine if a record exists contact the System Manager. An individual who requests notification of a medical/dental record shall at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion.

RECORD ACCESS PROCEDURES:

Contact the System Manager and give a reasonable description of the record. An individual who requests access of a medical/dental record shall at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion.

CONTESTING RECORD PROCEDURES:

Contact the System Manager giving a reasonable description of the record, specify the information you want to contest, and state the corrective action sought.

RECORD SOURCE CATEGORIES:

Individual claimants.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09–15–0039

SYSTEM NAME:

Disability Claims in the Health Professions Student Loan Program. HHS/HSA/BHPDS.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Division of Student Services, Center Building, Room 9–50, 3700 East-West Highway, Hyattsville, MD 20782.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Applicants for cancellation of health professions student loans due to disability. These health professions are included: medicine, dentistry, osteopathy, optometry, pharmacy, podiatry, veterinary medicine.

CATEGORIES OF RECORDS IN THE SYSTEM:

Letter requests claiming disability, correspondence, payment determinations and medical records or reports.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Public Health Service Act Section 741 (42 U.S.C. 294a).

PURPOSE(S):

To determine the validity of claims.

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

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that indivdual.

In the event of litigation where the defendant is (a) the Department any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

In the event that a system of records maintained by this agency to carry out its functions indicates a violation of 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, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether federal, 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.

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

STORAGE:

File folders, Medical records or reports are temporarily held during medical evaluation and then returned to and retained by nursing schools upon final determination of claim validity.

RETRIEVABILITY:

Name of individual.

SAFEGUARDS:

Locking file cabinets with access by authorized personnel only and general building security. (Safeguards are in accordance with Part 6, ADP Systems security, of the Department's ADP Systems Manual, and Chapter 45–13, Safeguarding Records Contained in Systems of Records, of the Department's General Administration Manual)

RETENTION AND DISPOSAL:

Records are disposed of in accordance with the Records Control Schedule of the Health Services Administration. Contact the System Manager for the disposal standard.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Student and Institutional Assistance Branch/Division of Student Services, Center Building, Room 9–50,

3700 East-West Highway, Hyattsville, Maryland 20782.

NOTIFICATION PROCEDURE:

To determine if a record exists contact the System Manager. An individual who requests notification of a medical/dental record shall at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion.

RECORD ACCESS PROCEDURES:

Contact the System Manager and give a reasonable description of the record. An individual who requests access of a medical/dental record shall at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of is contents at the representative's discretion.

CONTESTING RECORD PROCEDURES:

Contact the System Manager giving a reasonable description of the record, specify the information you want to contest, and state the corrective action sought.

RECORD SOURCE CATEGORIES:

Individuals claimants.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-15-0040

SYSTEM NAME:

Health Professions Student Loan Repayment Program. HHS/HSA/BHPDS.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Division of Student Services, Center Building, Room 9-50, 3700 East-West Highway, Hyattsville, MD. 20782.

Division of Computer Research and Technology, NIH Building 12, 9000 Rockville Pike, Bethesda, MD. 20205.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Applicants for repayment of health professions student loans—medicine, dentistry, osteopathy, optometry, pharmacy, podiatry, veterinary medicine.

CATEGORIES OF RECORDS IN THE SYSTEM:

Application and associated forms, correspondence.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Public Health Service Act Section 741(f) (42 U.S.C. 294a)(f).

PURPOSE(S):

To monitor repayment of health professions student loans.

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

Disclosure may be made to 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.

In the event of ligitation where the defendent is (a) the Department any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

In the event that a system of records maintained by this agency to carry out its functions indicates 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 a regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether federal, 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.

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

STORAGE:

File folders and magnetic tapes.

RETRIEVABILITY:

Name of individual.

SAFEGUARDS:

Locking file cabinets with access by a authorized personnel only password protection of automated record and general building security. (Safeguards are in accordance with Part 6, ADP Systems security, of the Department's ADP Systems Manual, and Chapter 45-13, Safeguarding Records Contained in Systems of Records, of the Department's General Administration Manual).

RETENTION AND DISPOSAL:

Records are disposed of in accordance with the Records Control Schedule of the Health Services Administration Contact the System Manager for the disposal standard.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Student and Institutional Assistance Branch/Division of Student Services, Center Building, Room 9-50, 3700 East-West Highway, Hyattsville, Maryland 20782.

NOTIFICATION PROCEDURE:

To determine if a record exists contact the System Manager.

RECORD ACCESS PROCEDURE:

Contact the System Manager and give a reasonable description of the record.

CONTESTING RECORD PROCEDURES:

Contact the System Manager giving a reasonable description of the record, specify the information you want to contest, and state the corrective action sought.

RECORD SOURCE CATEGORIES:

Applicant, applicant's health professions school and lending institutions.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-15-0041

SYSTEM NAME:

Health Professions Student Loan Cancellation. HHS/HSA/BHPDS.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Division of Student Services, Center Building, Room 9-50, 3700 East-West Highway, Hyattsville, MD. 20782.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Applicants for health professions student loan cancellation.

CATEGORIES OF RECORDS IN THE SYSTEM:

Application and associated forms, correspondence.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Public Health Service Act Section 741(f) (42 U.S.C. 294a)(f).

PURPOSE(S):

To make determinations on loan cancellations, for statistical reports and program evaluation.

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

Disclosure may be made to 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.

In the event of ligitation where the defendent is (a) the Department any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

In the event that a system of records maintained by this agency to carry out its functions indicates 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, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether federal, 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.

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

STORAGE:

File folders.

RETRIEVABILITY:

Name of individual.

SAFEGUARDS:

Locking file cabinets with access by authorized personnel only and general building security. (Safeguards are in accordance with Part 6, ADP Systems security, of the Department's ADP Systems Manual, and Chapter 45–13, Safeguarding Records Contained in Systems of Records, of the Department's General Administration Manual).

RETENTION AND DISPOSAL:

Records are disposed of in accordance with the Records Control Schedule of the Health Services Administration Contact the System Manager for the disposal standard.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Student and Institutional Assistance Branch/Division of Student Services, Center Building, Room 9–50, 3700 East-West Highway, Hyattsville, Maryland 20782.

NOTIFICATION PROCEDURE:

To determine if a record exists contact the System Manager.

RECORD ACCESS PROCEDURES:

Contact the System Manager and give a reasonable description of the record.

CONTESTING RECORD PROCEDURES:

Contact the System Manager giving a reasonable description of the record, specify the information you want to contest, and state the corrective action sought.

RECORD SOURCE CATEGORIES:

Applicant, school and State Health Authority.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09–15–0042

SYSTEM NAME:

Physician Shortage Area Scholarship Program. HHS/HSA/BHPDS.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Division of Health Services Scholarships, Center Building, Room G–15, 3700 East-West Highway, Hyattsville, Maryland 20782

Division of Computer Research and Technology, NIH Bldg. 12, 9000 Rockville Pike, Bethesda, Md. 20205

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Applicants for and recipients of Physician Shortage Area grants in the fields of medicine and osteopathy.

CATEGORIES OF RECORDS IN THE SYSTEM:

Grant applications, awards, and correspondence.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Health Professions Educational Assistance Act of 1976, Section 409(b) (42 U.S.C. 295g).

PURPOSE(S):

To select and monitor award recipients until the service obligation has been fulfilled.

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

Disclosure may be made to 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.

In the event of ligitation where the defendent is (a) the Department any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

In the event that a system of records maintained by this agency to carry out its functions indicates 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, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether federal, 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.

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

STORAGE:

File folders and magnetic tapes.

RETRIEVABILITY:

Name or program LD number.

SAFEGUARDS:

Locking file cabinets with access by authorized personnel only and general

building security. (Safeguards are in accordance with Part 6, ADP Systems security, of the Department's ADP Systems Manual, and Chapter 45–13, Safeguarding Records Contained in Systems of Records, of the Department's General Administration Manual).

RETENTION AND DISPOSAL:

Records are disposed of in accordance with the Records Control Schedule of the Health Services Administration Contact the System Manager for the disposal standard.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Division of Health Services Scholarships, Center Building, Room G–15, 3700 East-West Highway, Hyattsville, Maryland 20782.

NOTIFICATION PROCEDURE:

To determine if a record exists contact the System Manager.

RECORD ACCESS PROCEDURES:

Contact the System Manager and give a reasonable description of the record.

CONTESTING RECORD PROCEDURES:

Contact the System Manager giving a reasonable description of the record, specify the information you want to contest, and state the corrective action sought.

RECORD SOURCE CATEGORIES:

Applicant, and applicant's health profession school.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09–15–0043

SYSTEM NAME:

Cuban Loan Program HHS/HSA/BHPDS

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Division of Financing Services, Center Building, Room G–6, 3700 East-West Highway, Hyattsville, MD. 20782.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Applicants and recipients of Cuban Loan for medical students.

CATEGORIES OF RECORDS IN THE SYSTEM:

Applications, and associated forms correspondence.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

P.L. 87–510, Migration and Refugee Assistance Act of 1962, 76 Stat. 121.

PURPOSE(S):

To award, monitor award and collect student loans.

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

Disclosure may be made to 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.

In the event of litigation where the defendent is (a) the Department any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

In the event that a system of records maintained by this agency to carry out its functions indicates 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, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether federal, or foreign, charged with the responsibility of investigating or presecuting such violation or charged with enforcing or implementing the statute or rule, regulation or order issued pursuant thereto.

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

STORAGE:

Name of Individual.

SAFEGUARDS:

Locking file cabinets with access by authorized personnel only and general building security. (Safeguards are in accordance with Part 6, ADP Systems security, of the Department's ADP Systems Manual, and Chapter 45–13, Safeguarding Records Contined in Systems of Records, of the Department's General Administration Manual)

RETENTION AND DISPOSAL:

Records are disposed of in accordance with the Records Control Schedule of the Health Services Administration Contact the System Manager for the disposal standard.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Debt Management Branch/Division of Financing Services, Center Building, Room G–14, 3700 East-West Highway, Hyattsville, Maryland 20782.

NOTIFICATION PROCEDURE:

To determine if a record exists contact the System Manager.

RECORD ACCESS PROCEDURES:

Contact the System Manager and give a reasonable description of the record.

CONTESTING RECORD PROCEDURES:

Contact the System Manager giving a reasonable description of the record, specify the information you want to contest, and state the corrective action sought.

RECORD SOURCE CATEGORIES:

Applicant, and applicant's health profession school.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09–15–0044

SYSTEM NAME:

Health Education Assistance Loan Program (HEAL) Loan Control Master File. HHS/HSA/BHPDS.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Division of Student Services Health Education Assistance Loan Branch, Room 1165, 6525 Belcrest Road, Hyattsville, MD. 20782.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Applicants for and recipients of Health education assistance loans.

CATEGORIES OF RECORDS IN THE SYSTEM:

Contains name, social security number or other identifying number, birthdate, demographic background, educational status, loan location and status, financial information about the individual for whom the record is maintained. Contains lender and school identification.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title VII, Part C, Subpart I of the Public Health Service Act (42 U.S.C. 294–2941).

PURPOSE(S):

To determine the validity of claims.

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

Disclosure may be made to Federal, State, or local agencies, to private parties such as relatives, present and former employers business and personal associates, to guarantee agencies, to educational and financial institutions, to credit bureaus and collection agencies, and to agency contractors, in order to verify the identity of the applicant, to determine program eligibility and benefits to enforce the conditions or terms of the loan, to permit servicing or collecting of the loan to counsel the borrower in repayment efforts, to investigate possible fraud and abuse and to verify compliance with program regulations, or to locate a delinquent or defaulted borrower, and an educational agency or lending institution against which a complaint has been made.

Disclosure may be made to 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.

In the event of litigation where the defendent is (a) the department or any component of the department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

Data are utilized by HEAL Program staff to identify students participating in the HEAL Program; to determine eligibility of loan applicants; to determine loan status of borrower, to compute insurance premium for Federal insurance; to compile and generate managerial and statistical reports; and to update file and correct errors.

In the event that a system of records maintained by this agency to carry out its functions indicates 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, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether federal, 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.

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

STORAGE:

The file is maintained on magnetic tape and disk packs at the location noted at the beginning of this system (18–40–0082). A microfilm file will be kept in the same location and stored in a file cabinet.

RETRIEVABILITY:

Social Security Number or other identifying number to file and correct errors.

SAFEGUARDS:

The department has a contract with the Department of Education to provide ADP services to the HEAL Program. Under this contract all subcontractors will maintain automated data in accordance with provisions of the Education department ADP systems security standards. Direct access is restricted to authorized staff in performance of official duties. Maintained in locked cabinets.

RETENTION AND DISPOSAL:

The information is retained as long as the loan is unpaid. At the time of full payment computer tapes are erased and all paperwork is destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Health Education Assistant Loan Branch/Division of Student Services, Room 1165, 6525 Belcrest Road, Hyattsville, Maryland 20782.

NOTIFICATION PROCEDURE:

An individual should contact the system manager to determine whether a record exists for him or her. The individual should supply name, date of birth, and social security number or other identifying number whichever is appropriate.

RECORD ACCESS PROCEDURES:

An individual who is interested in seeing his or her record should contact the system manager, provide the information listed in notification procedure, and reasonably specify the record contents being sought.

CONTESTING RECORD PROCEDURES:

An individual who wishes to contest the content of his or her record in this system should contact the system manager, identify himself or herself and state, in writing, which portion of the record should be changed and provide a justification and authorization for the change. Record source categories: Information is obtained from applications, correspondence, medical records, necessary legal documentation, and reports from borrowers and their families, lenders, schools, medical reports, employers, credit agencies, and Federal and State government agencies.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 81–25914 Filed 10–26–81; 8:45 am]

BILLING CODE 4110–84–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

Privacy Act of 1974; Annual Publication of Systems of Records

AGENCY: Department of Health and Human Services (DHHS); Public Health Service (PHS); Food and Drug Administration (FDA).

ACTION: Annual republication of notices of systems of records.

SUMMARY: FDA publishes this document to meet the requirements of the Privacy Act, 5 U.S.C. 552a(e)(4). The listing of notices does not contain any material which would require a new or altered systems report as described in Office of Management and Budget (OMB) circular A-108. The notices do not contain any new routine uses. Nevertheless, they do include modifications for the purposes of clarity, timeliness and correctness and are complete as of August 14, 1981.

SUPPLEMENTARY INFORMATION:

A. *General Information:* The routine uses set forth in each notice describe permissible disclosures outside the Department of records in that system, which may be made without the consent of individuals who are the subjects of those records. Additional disclosures without consent of subject individuals are permitted by the Privacy Act in Section 3(b) as follows:

"(1) to those officers and employees of the agency which maintains the record who have a need for the record in the performance of their duties;

"(2) required under section 552 of this title [the Freedom of Information Act];

"(3) for a routine use as [described in the routine use section of each specific system notice];

"(4) to the Bureau of Census for purposes of planning or carrying out a census or survey or related activity pursuant to the provisions of Title 13;

"(5) to a recipient who has provided the agency with advance adequate written assurance that the record will be used solely as a statistical research or reporting record, and the record is to be transferred in a form that is not individually identifiable;

"(6) to the National Archives of the United States as a record which has sufficient historical or other value to warrant its continued preservation by the United States Government, or for evaluation of the Administrator of General Services or his designee to determine whether the record has such value;

"(7) to another agency or to an instrumentality of any government jurisdiction within or under the control of the United States for a civil or criminal law enforcement activity if the activity is authorized by law, and if the head of the agency or instrumentality has made a written request to the agency which maintains the record specifying the particular portion desired and the law enforcement activity for which the record is sought;

"(8) to a person pursuant to a showing of compelling circumstances affecting the health or safety of an individual if, upon such disclosure, notification is transmitted to the last known address of such individual;

"(9) to either House of Congress, or, to the extent of matter within its jurisdiction, any committee or subcommittee thereof, any joint committee of Congress or subcommittee of any such joint committee;

"(10) to the Comptroller General, or any of his authorized representatives in the course of the performance of the duties of the General Accounting Office; or

"(11) pursuant to the order of a court of competent jurisdiction."

B. *Altered Routine Uses:* FDA has made modifications to two routine uses. One of these, a routine use providing for disclosure to the Department of Justice in the event of litigation, is now optional and has been deleted from some system notices.

The other altered routine use is one providing for disclosure for research purposes. In system notice 09-10-0006, "Radiation Registry of Physicians," HHS/FDA/BRH, and in system notice 09-10-0017, "Epidemiological Research Studies of the Bureau of Radiological Health," HHS/FDA/BRH, FDA has deleted existing wording altogether and substituted new wording to provide greater specificity. The deleted wording was:

"[Disclosure may be made] to individuals and organizations deemed qualified by the Department to carry out research solely for the purpose of carrying out such research."

The new wording is:

"A record may be disclosed for a research purpose, when the Department has required the recipient to—(1) establish reasonable administrative, technical, and physical safeguards to prevent unauthorized use or disclosure of the record, (2) remove or destroy the information that identifies the individual at the earliest time at which removal or destruction can be accomplished consistent with the purpose of the research project, unless the recipient has presented adequate justification of a research or health nature for retaining such information, and (3) make no further use or disclosure of the record except—(A) in emergency circumstances affecting the health or safety of any individual, (B) for use in another research project, under these same conditions, and with written authorization of the Department, (C) for disclosure to a properly identified person for the purpose of an audit related to the research project, if information that would enable research subjects to be identified is removed or destroyed at the earliest opportunity consistent with the purpose of the audit, or (D) when required by law.

c. *Deleted Systems of Records:*

System notices which FDA has deleted were last published in the **Federal Register** on Decemeber 22, 1980 (Vol. 45, No. 247, Part VI). The page numbers in parentheses below refer to this publication. The notices deleted and the reasons for deletion, are:

09-10-0001 "Quality Assurance Program." HHS/FDA/EDRO (p. 84671). The system has been terminated, and the records have been destroyed.

09-10-0016—"Cancer Patients on Laetrile and Physicians." HHS/FDA/BD (p. 84681). No data were collected under this system and plans to do so have been cancelled.

D. *Other Changes:*

FDA has revised some of its system notices this year to enhance clarity and specificity, as well as to incorporate normal updating changes, such as changes in designated system manager or in system location.

Dated: August 11, 1981.

Gerald H. Deighton,

Acting Associate Commissioner for Public Affairs.

Table of Contents

09-10-0002 Regulated Industry Employee Enforcement Records. HHS/FDA/ACMO.
09-10-0003 FDA Credential Holder File. HHS/FDA/EDRO.
09-10-0004 Communications (Oral and Written) With the Public. HHS/FDA/ACMO.
09-10-0005 State Food and Drug Official File. HHS/FDA/EDRO.
09-10-0006 Radiation Registry of Physicians. HHS/FDA/BRH.
09-10-0007 Science Advisor Research Associate Program (SARAP). HHS/FDA/EDRO.
09-10-0008 Radiation Protection Program Personnel Monitoring System. HHS/FDA/BRH.
09-10-0009 Special Studies and Surveys on FDA-Regulated Products. HHS/FDA/ACMO.
09-10-0010 Bioresearch Monitoring Information System. HHS/FDA/BD.

09-10-0011 Certified Retort Operators HHS/FDA/BF.
09-10-0012 Association of Official Analytical Chemists [AOAC] Member File. HHS/FDA/AOAC.
09-10-0013 Employee Conduct Investigative Records. HHS/FDA/ACMO.
09-10-0014 Service Contractor Employee Investigative Records. HHS/FDA/ACMO.
09-10-0015 Blood Donors for Tissue Typing Sera and Cell Analysis and Related Research. HHS/FDA/BB.
09-10-0017 Epidemiological Research Studies of the Bureau of Radiological Health. HHS/FDA/BRH.
09-10-0018 Employee Identification Card Information Record. HHS/FDA/ACMO.

09-10-0002

SYSTEM NAME:

Regulated Industry Employee Enforcement Records. HHS/FDA/ACMO.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Administrative Services Branch (HFA-210), Associate Commissioner for Management and Operations, 5600 Fishers Lane, Rockville MD 20857.

Administrative Branches at Field/District Offices. For the location of Field/District Offices, see Appendix A.

For the location of Federal Archives and Records Centers, see Appendix B.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees of enterprises regulated by FDA and other individuals subject to FDA enforcement actions.

CATEGORIES OF RECORDS IN THE SYSTEM:

Includes correspondence, memoranda, inspection reports, and related documents that are investigatory material complied for law enforcement purposes.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Federal Food, and Drug and Cosmetic Act (21 U.S.C. 321 et seq.), the Public Health Service Act (42 U.S.C. 201 et seq.), and authority delegated to the Commissioner 21 CFR Part 5.

PURPOSE(S):

To provide records used by FDA employees in investigations of possible violations of the law.

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

Records that indicate violation or potential violation of law may be: (1) referred for investigation and possible enforcement action under the applicable Federal, state, or foreign laws to the Department of Justice; an appropriate state food and drug enforcement health agency or licensing authority; or, the government of a foreign country; or (2) disclosed in administrative or court proceedings in determining whether a record is relevant to an agency decision concerning documents of investigatory materials.

Where the appropriate official of the Department, pursuant to the Department's Freedom of Information Regulation, determines that it is in the public interest to disclose a record which is otherwise exempt from mandatory disclosure, disclosure may be made from this system of records.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from that congressional office at the request of that individual.

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

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

STORAGE:

Manual files are maintained in letter-size folders. Part of FDA's general records on regulated establishments.

RETRIEVABILITY:

Indexed by company or subject, sometimes with individual name in card cross-index. There is also an automated index to this system. FDA regulatory records lacking individual name indexes, such as its case file, and administrative files (AF), are not part of this system.

SAFEGUARDS:

All files are in locked cabinets in a secured area, locked buildings, locked rooms, and limited access to Administrative Services Branch authorized personnel.

RETENTION AND DISPOSAL:

Records may be retired to a Federal Records Center and subsequently disposed of in accordance with FDA's Records Control Schedule. The Records Control Schedule and disposal standard for these records may be obtained by writing to the system manager at the address below.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Administrative Services Branch (HFA-210), Associate Commissioner for Management and Operations, 5600 Fishers Lane, Rockville, MD 20857.

NOTIFICATION PROCEDURE:

To determine if a record exists, write to: FDA Privacy Act Coordinator (HFI-30), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857.

RECORD ACCESS PROCEDURES:

Same as Notification Procedure. Requesters should also reasonably specify the record contents being sought. Proof(s) of identity required include: (a) full name; (b) approximate date of record(s); (c) the nature of the material desired; (d) notarized signature. (These access procedures are in accordance with FDA Regulations (21 CFR 21.40)). Access to record systems which have been granted an exemption from the Privacy Act access requirement may be made at the discretion of the system manager. If access is denied to requested records, an appeal may be made to: Commissioner, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857.

CONTESTING RECORD PROCEDURES:

If access has been granted, contact the official at the address specified under Notification Procedure above and reaonably identify the record, specify the information to be contested, and state the corrective action sought. (These procedures are in accordance with FDA Regulations (21 CFR 21.50)).

RECORD SOURCE CATEGORIES:

Individual on whom the record is maintained, from third parties such as consumers, scientists, representatives of other companies, state agencies, or developed by FDA during investigations for law enforcement purposes.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

This system is exempt from access and contest and certain other provisions of the Privacy Act (5 U.S.C. 552a(C)(3), (d)((1) to (4), (e)(3), (e)(4)(G) to (H) and (f), to the extent that it includes investigatory material compiled for law enforcement purposes, including

criminal law enforcement purposes, where access would be likely to prejudice the conduct of the investigation.

Appendix A—Addresses and Working Hours of the Food and Drug Administration Field Offices

The following is a list of the Food and Drug Administration Field Offices, their addresses and working hours where individuals may have access to records in Food and Drug Administration Privacy Act Record Systems:

Boston District Office, Region I, 585 Commercial Street, Boston, MA 02109, Office hours: 8:00 a.m. to 4:30 p.m.

New York District Office, Region II, 850 3rd Avenue, Brooklyn, NY 11232, Office hours: 8:00 a.m. to 4:30 p.m.

Buffalo District Office, Region II, 599 Delaware Avenue, Buffalo, NY 14202, Office hours: 8:00 a.m. to 4:30 p.m.

Newark District Office, Region II, 20 Evergreen Place, East Orange, NJ 07018, Office hours: 8:00 a.m. to 4:30 p.m.

San Juan District Office, Region II, P.O. Box S–4427, San Juan, PR 00905, Office hours: 8:30 a.m. to 4:30 p.m.

Philadelpha District Office, Region III, 2nd and Chestnut Streets, Room 900, Philadelphia, PA 19106, Office hours: 8:00 a.m. to 4:30 p.m.

Baltimore District Office, Region III, 900 Madison Avenue, Baltimore, MD 21201, Office hours: 7:45 a.m. to 4:15 p.m.

Atlanta District Office, Region IV, 1182 Peachtree Street, NW., Atlanta, GA 30309, Office hours: 8:00 a.m. to 4:30 p.m.

Nashville District Office, Region IV, 297 Plus Park Boulevard, Nashville, TN 37217, Office hours: 8:00 a.m. to 4:30 p.m.

Orlando District Office, Region IV, P.O. Box 118, Orlando, FL 32802, Office hours: 8:00 a.m. to 4:30 p.m.

Chicago District Office, Region V, 433 S. Van Buren Street, Room 1222, Chicago, IL 60607, Working hours: 8:00 a.m. to 4:30 p.m.

Cincinnati District Office, Region V, 1141 Central Parkway, Cincinnati, Ohio 45202, Office hours: 8:00 a.m. to 4:30 p.m.

Detroit District Office, Region V, 1560 East Jefferson Avenue, Detroit, MI 48207, Office hours: 8:00 a.m. to 4:30 p.m.

Minneapolis District Office, Region V, 240 Hennepin Avenue, Minneapolis, MN 55401, Office hours: 8:00 a.m. to 4:30 p.m.

Dallas District Office, Region VI, 3032 Bryant Street, Dallas, TX 75204, Office hours: 8:00 a.m. to 4:30 p.m.

New Orleans District Office, Region VI, 4298 Elysian Fields Avenue, New Orleans, LA 70122, Office hours: 8:00 a.m. to 4:30 p.m.

Kansas City Field Office, Region VII, 1009 Cherry Street, Kansas City, MO 64106, Office hours: 8:00 a.m. to 4:30 p.m.

Denver Field Office, Region VIII, 721 19th Street, U.S. Customhouse, Denver, CO 80202, Working hours: 8:00 a.m. to 4:30 p.m.

San Francisco District Office, Region IX, U.N. Plaza Federal Office Building, Room 526, San Francisco, CA 94102, Working hours: 8:00 a.m. to 4:30 p.m.

Los Angeles District Office, Region IX, 1521 W. Pico Boulevard, Los Angeles, CA 90015, Office hours: 8:00 a.m. to 4:30 p.m.

Seattle Field Office, Region X, 909 1st Avenue, Room 5003, Seattle, WA 98104, Office hours: 8:00 a.m. to 4:30 p.m.

Minneapolis Center for Microbiological Investigations, 240 Hennepin Avenue, Minneapolis, MN 55401, Office hours: 8:00 a.m. to 4:30 p.m.

Winchester Engineering and Analytical Center, 109 Holton Street, Winchester, MA 10890, Office hours: 8:00 a.m. to 4:30 p.m.

Appendix B—General Services Administration Federal Archives and Records Centers

National Centers

District of Columbia, Maryland, Virginia, and West Virginia, except for U.S. court records for Maryland, Virginia, and West Virginia:

Washington National Records, Washington, D.C. 20409.

National Personnel Records Center (Civilian Personnel Records), 111 Winnebago Street, St. Louis, MO 63118.

National Personnel records Center (Military Personnel Records), 9700 Page Boulevard, St. Louis, MO 63132.

Regional Centers

GSA Region 1, Maine, Vermont, New Hampshire, Massachusetts, Connecticut and Rhode Island, Federal Archives and Records Center, 380 Trapelo Road, Waltham, MA 02154.

GSA Region 2, New York, New Jersey, Puerto Rico, the Virgin Islands, and the Panama Canal Zone, Federal Archives and Records Center, Military Ocean Terminal, Building 22, Bayonne, NJ 07002.

GSA Region 3, Delaware, Pennsylvania east of Lancaster, and U.S. court records for Maryland, Virginia, and West Virginia, Federal Archives and Records Center, 5000 Wissahickon Avenue, Philadelphia, PA 19144.

Pennsylvania except areas east of Lancaster, Federal Records Center, Defense Activities Building 308, Mechanicsburg, PA 17055.

GSA Region 4, North Carolina, South Carolina, Tennessee, Mississippi, Alabama, Georgia, Florida, and Kentucky, Federal Archives and Records Center, 1557 St. Joseph Avenue, East Point, GA 30344.

GSA Region 5, Illinois, Wisconsin, Minnesota, and U.S. court records for Indiana, Michigan, and Ohio, Federal Archives and Records Center, 7358 South Pulaski Road, Chicago, IL 60629.

Indiana, Michigan, and Ohio except U.S. court records, Federal Records Centers, 3150 Bertwynn Drive, Dayton, OH 45439.

GSA Region 6, Kansas, Iowa, Nebraska, and Missouri except greater St. Louis area, Federal Archives and Records Center, 2306 East Bannister Road, Kansas City, MO 64131.

Greater St. Louis area (Missouri only), National Personnel Records Center (Civilian Personnel Records), 111 Winnebago Street, St. Louis, MO 63118.

GSA Region 7, Texas, Oklahoma, Arkansas, Louisiana, and New Mexico, Federal Archives and Records Center, P.O. Box 6216, Fort Worth, TX 76115.

Shipping address only (do not use for mail), 4900 Hemphill Street, Building 1, Dock 1, Fort Worth, TX.

GSA Region 8, Colorado, Wyoming, Utah, Montana, North Dakota, and South Dakota, Federal Archives and Records Center, Building 48, Denver Federal Center, P.O. Box 25307, Denver, CO 80225.

GSA Region 9, American Samoa, California, except southern California, and Nevada, except Clark County, Federal Archives and Records Center, 1000 Commodore Drive, San Bruno, CA 94066.

Arizona; Clark County, Nevada; and southern California (counties of San Luis Obispo, Kern, San Bernardino, Santa Barbara, Venture, Los Angeles, Riverside, Orange, Imperial, Inyo, and San Diego), Federal Archives and Records Center, 24000 Avila Road, Laguna Niguel, CA 92677.

GSA Region 10, Washington, Oregon, Idaho, Alaska, Hawaii, and Pacific Ocean areas (except American Samoa), Federal Archives and Records Center, 6125 Sand Point Way, Seattle, WA 98115.

09–10–0003

SYSTEM NAME:

FDA Credential Holder File. HHS/FDA/EDRO.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

FDA Employees:

Services Management Section (HFA–212), Associate Commissioner for Management and Operations, 5600 Fishers Lane, Rockville, MD 20857.

Office Services Section (HFA–230), Associate Commissioner for Management and Operations, 200 C Street, SW, Washington, DC 20204.

Administrative Branch at Field/District Offices. For the location of Field/District Offices, see Appendix A to system notice 09–10–0002, Regulated Industry Employee Enforcement Records, HHS/FDA/ACMO.

State and local Employees:

Division of Federal-State Relations (HFO–30), 5600 Fishers Lane, Rockville, MD 20857.

Administrative Branch at Field/District Offices. For the location of Field/District Offices, see Appendix A to system notice 09–10–0002, Regulated Industry Employee Enforcement Records, HHS/FDA/ACMO.

For the location of Federal Archives and Record Centers, see Appendix B to system notice 09–10–0002, Regulated Industry Employee Enforcement Records, HHS/FDA/ACMO.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

FDA employees and state and local government employees who have been issued FDA credentials for enforcement activities.

CATEGORIES OF RECORDS IN THE SYSTEM:

Contains name, job title, social security number, sex, height, weight, date of birth, color of eyes and hair, duty status, and for state and local government employees, professional qualifications.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Sections 702 to 704, the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 372 to 374).

PURPOSE(S):

To issue or reissue credentials which are used to gain entry to regulated establishments.

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

Information may be disclosed to provide assurance to regulated enterprises that an individual is a duly designated enforcement officer and, in the case of state employees, an officer commissioned as an officer of the Department.

Disclosure may be made to 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.

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

STORAGE:

Maintained in letter-size manila folders or card files.

RETRIEVABILITY:

Indexed by name.

SAFEGUARDS:

Masterfile is in locked containers in secured area, locked rooms, and 24-hour guard service. Limited access to Administrative Services Branch, and Management and Operations Staff authorized personnel.

RETENTION AND DISPOSAL:

Records are retained as long as individual is a duly designated or commissioned official; inactive files destroyed after 6 months. The records are destroyed by shredding, burning, or other appropriate means so as to render them illegible.

SYSTEM MANAGER(S) AND ADDRESS:

FDA Employees:

Chief, Services Management Section (HFA-212), Associate Commissioner for Management and Operations, 5600 Fishers Lane, Rockville, MD 20857

Chief, Office Services Section (HFA-230), Associate Commissioner for Management and Operations, 200 C Street, SW, Washington, DC 20204

Administrative Branch at Field/District Offices. For the location of Field/District Offices, see Appendix A to system notice 09-10-0002, Regulated Industry Employee Enforcement Records, HHS/FDA/ACMO.

Federal-State Officer at Field/District Offices. For the location of Field District Offices, see Appendix A to system notice 09-10-0002, Regulated Industry Employee Enforcement Records, HHS/FDA/ACMO.

State Employees:

Director, Division of Federal-State Relations (HFO-30), 5600 Fishers Lane, Rockville, MD 20857

Administrative Branch at Field/District Offices. For the location of Field/District Offices, see Appendix A to system notice 09-10-0002, Regulated Industry Employee Enforcement Records, HHS/FDA/ACMO.

NOTIFICATION PROCEDURE:

To determine if a record exists, write to:

FDA Privacy Act Coordinator (HFI-30), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857.

State officials should provide state of employment.

RECORD ACCESS PROCEDURES:

Same as Notification Procedure. Requesters should also reasonably specify the record contents being sought. Proof(s) of identity required include: (a) full name; (b) approximate date of record(s); (c) the nature of the material desired; and (d) notarized signature. (These access procedures are in accordance with FDA regulations (21 CFR 21.40)).

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under Notification Procedure above and reasonably identify the record, specify the information to be contested, and state the corrective action sought. (These procedures are in accordance with FDA Regulations (21 CFR 21.50)).

RECORD SOURCE CATEGORIES:

Individual on whom the record is maintained.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-10-0004

SYSTEM NAME:

Communications (Oral and Written) With The Public. HHS/FDA/ACMO.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Administrative Services Branch (HFA-210), Associate Commissioner for Management and Operations, 5600 Fishers Lane, Rockville, MD 20857.

Office of Legislative Affairs (HFL-1), Associate Commissioner for Legislative Affairs, 5600 Fishers Lane, Rockville, MD 20857.

Administrative Branch at Field/District Offices. For the location of Field/District Offices, see Appendix A to system notice 09-10-0002, Regulated Industry Employee Enforcement Records, HHS/FDA/ACMO.

For the location of Federal Archives and Records Centers, see Appendix B to system notice 09-10-0002, Regulated Industry Employee Enforcement Records, HHS/FDA/ACMO.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals, other than employees of enterprises regulated by FDA, who communicate with FDA or, in some cases, are the subject of communications by others with FDA.

CATEGORIES OF RECORDS IN THE SYSTEM:

Includes correspondence from and to individuals, summaries of conversations prepared by FDA employees, and records prepared by FDA as a follow-up to consumer complaints, oral and written. Administrative Services Branch files include copies of correspondence received from the public, and the FDA reply. The Office of Legislative Affairs maintains duplicates of letters FDA sends to members of Congress and summaries of oral inquiries in files organized by members' names. The Office of Legislative Affairs maintains a manual control system and the Executive Secretariat, Office of the Commissioner, maintains an automated control system of pending correspondence needing reply.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321 et seq.); the Public Health Service Act (42 U.S.C. 201 et seq.), and authority delegated to the Commissioner (21 CFR 5.1).

PURPOSE(S):

To aid FDA employees in carrying out their responsibilities, e.g., responding to follow-up correspondence on complaints, requests for information, etc.

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

Records that indicate violation or potential violation of law may be disclosed in administrative or court proceedings.

In the event that a system of records maintained by this agency to carry out its functions indicates 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, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether federal, foreign, state, or local, 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.

Disclosure may be made to 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.

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

STORAGE:

Manual files are maintained in letter-size folders.

RETRIEVABILITY:

Records are arranged by company or by subject. A card index gives correspondent's name, date of letter, subject and location. An automated index is being implemented. Field offices file consumer complaints by complainant's names.

SAFEGUARDS:

All files are stored in locked cabinets in secured areas, locked buildings, locked rooms, locked file cabinets. Limited access to FDA employees who display an FDA identification card, GAO employees upon approval of GAO Liaison Officer, Operations Coordination Staff, OMO, employes of DHHS agencies other than FDA upon completion of agreement between FDA and the agency concerned, display of Governmental identification card and signing of the Commitment to Protect Privileged Information form.

RETENTION AND DISPOSAL:

Records may be retired to a Federal Records Center and subsequently disposed of in accordance with FDA's Records Control Schedule. The Records Control Schedule and disposal standard for these records may be obtained by writing to the system manager at the appropriate address below.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Administrative Services Branch (HFA-210), Associate Commissioner for Management and Operations, 5600 Fishers Lane, Rockville, MD 20857.

Office of Legislative Affairs (HFL-1), Associate Commissioner for Legislative Affairs, 5600 Fishers Lane, Rockville, MD 20857.

Administrative Branch at Field/District Offices. For the location of Field/District Offices, see Appendix A to system notice 09-10-0002, Regulated Industry Employee Enforcement Records, HHS/FDA/ACMO.

NOTIFICATION PROCEDURE:

To determine if a record exists, write to: FDA Privacy Act Coordinator (HFI-30), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857.

RECORD ACCESS PROCEDURES:

Same as Notification Procedure. Requesters should also reasonably specify the record contents being sought. Proof(s) of identity required include: (a) full name; (b) approximate date of record(s); (c) the nature of the material desired; and (d) notarized signature. (These access procedures are in accordance with FDA Regulations (21 CFR 21.40)).

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under Notification Procedure above and reasonably identify the record, specify the information to be contested, and state the corrective action sought. (These procedures are in accordance with FDA Regulations (21 CFR 21.50)).

RECORD SOURCE CATEGORIES:

Individual on whom the record is maintained or others (generally members of Congress) who write to FDA about them.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-10-0005

SYSTEM NAME:

State Food and Drug Official File, HHS/FDA/EDRO.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Division of Federal-State Relations (HFO-30), 5600 Fishers Lane, Rockville, MD 20857.

For the location of Federal Archives and Records Centers, see Appendix B to system notice 09-10-0002, Regulated Industry Employee Enforcement Records, HHS/FDA/ACMO.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

State Officials who have responsibilities related to those of the Food and Drug Administration.

CATEGORIES OF RECORDS IN THE SYSTEM:

Contains name, date of birth, education and professional experience, and state in which employed.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 702(a) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 372(a)).

PURPOSE(S):

To provide to FDA the names of State Officials who have responsibilities related to those of the Food and Drug Administration.

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

Disclosure may be made to 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.

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

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

STORAGE:

Maintained in letter-size manila folders.

RETRIEVABILITY:

Indexed by name and state.

SAFEGUARDS:

Maintained in locked files and locked cabinets within a secured area with 24-hour guard services. Limited access to the Office of Policy Management, and Division of Federal-State Relations employees engaged in contracts or any other activity involving commissioning.

RETENTION AND DISPOSAL:

Records are retained as long as individual is a state employee or until updated by the individual.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Division of Federal-State Relations (HFO-30), 5600 Fishers Lane, Rockville, MD 20857.

NOTIFICATION PROCEDURE:

To determine if a record exists, write to: FDA Privacy Act Coordinator (HFI-30), Food and Drug Administration, 5600 Fishers Lane, Rockville, Maryland 20857.

Provide name and State of employment.

RECORD ACCESS PROCEDURES:

Same as Notification Procedure. Requesters should also reasonably specify the record contents being sought. Proof(s) of identity required include: (a) full name; (b) approximate date of record(s); (c) the nature of the material desired; and (d) notarized signature. (These access procedures are in accordance with FDA Regulations (21 CFR 21.40)).

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under Notification Procedure above and reasonably identify the record, specify the information to be contested, and state the corrective action sought. (These procedures are in accordance with FDA Regulations (21 CFR 21.50)).

RECORD SOURCE CATEGORIES:

Individual on whom the record is maintained.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-10-0006

SYSTEM NAME:

Radiation Registry of Physicians. HHS/FDA/BRH.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Division of Biological Effects (HFX-100), Bureau of Radiological Health, Twinbrook Research Laboratory, 12709 Twinbrook Parkway, Rockville, MD 20857.

For the location of Federal Archives and Records Centers, see appendix B to system notice 09-10-0002, Regulated Industry Employee Enforcement Records, HHS/FDA/ACMO.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Radiologists and pathologists who were members of American College of Radiology or College of American Pathologists between 1961 and 1972.

CATEGORIES OF RECORDS IN THE SYSTEM:

Contains ID number, name, demographic characteristics, radiation exposure history, medical history of conditions affected by radiation, and date and cause of death, if deceased.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 356 of the Public Health Service Act (42 U.S.C. 263d) as amended by Pub. L. 90-602, the Radiation Control for Health and Safety Act.

PURPOSE(S):

To provide statistical analysis of compiled data for epidemiologic studies of long term effect of chronic exposure to low levels of ionizing radiation.

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

Records may be matched with outside agencies/educational institutions to obtain additional epidemiological, medical, and mortality information.

A record may be disclosed for a research purpose, when the Department has required the recipient to—(1) establish reasonable administrative, technical, and physical safeguards to prevent unauthorized use or disclosure of the record, (2) remove or destroy the information that identifies the individual at the earliest time at which removal or destruction can be accomplished consistent with the purpose of the research project, unless the recipient has presented adequate justification of a research or health nature for retaining such information, and (3) make no further use or disclosure of the record except—(A) in emergency circumstances affecting the health or safety of any individual, (B) for use in another research project, under these same conditions, and with written authorization of the Department, (C) for disclosure to a properly identified person for the purpose of an audit related to the research project, if information that would enable research subjects to be identified is removed or destroyed at the earliest opportunity consistent with the purpose of the audit, or (D) when required by law.

Disclosure may be made to 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.

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

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

STORAGE:

Maintained on microfiche, magnetic tape or disc, and punch cards. The original basic data forms in letter-size folders have been boxed and stored at a Federal Records Center.

RETRIEVABILITY:

Indexed by ID number. An individual identifier index is maintained separate from the data.

SAFEGUARDS:

Basic data identified by number only are stored in cabinets in a file area. The individual identifier index is stored in a locked cabinet. The building and controlling record section are locked. Locked computer rooms and tape vaults, password protection of computerized records, access limited to Bureau of Radiological Health Staff.

RETENTION AND DISPOSAL:

Records are retained as long as there is a foreseeable need for additional research and data analysis. Disposal methods include burning or shredding paper materials and erasing computer tapes.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Epidemiologic Studies Branch, Division of Biologic Effects (HFX–100), Bureau of Radiological Health, Twinbrook Research Laboratory, 12709 Twinbrook Parkway, Rockville, MD 20857.

Mailing address: 5600 Fishers Lane, Rockville, MD 20857.

NOTIFICATION PROCEDURE:

To determine if a record exists, write to: FDA Privacy Act Coordinator (HFI–30), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857.

An individual who requests notification of, or access to, a medical record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion. Proof(s) of identity required include: (a) full name; (b) approximate date of record(s); (c) the nature of the material desired; and (d) notarized signature.

RECORD ACCESS PROCEDURES:

Same as Notification Procedure. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with FDA Regulations (21 CFR 21.40)).

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under Notification Procedure above and reasonably identify the record, specify the information to be contested, and state the corrective action sought. (These procedures are in accordance with FDA Regulations (21 CFR 21.50)).

RECORD SOURCE CATEGORIES:

Individual on whom the record is maintained and death certificates.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09–10–0007

SYSTEM NAME:

Science Advisor Research Associate Program (SARAP). HHS/FDA/EDRO.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Research Branch, Division of Field Operations (HFO–620), Executive Director of Regional Operations, 5600 Fishers Lane, Rockville, MD 20857.

For the location of Federal Archives and Records Centers, see Appendix B to system notice 09–10–0002, Regulated Industry Employee Enforcement Records, HHS/FDA/ACMO.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

FDA field personnel who have applied to participate in full-time research effort under the program.

CATEGORIES OF RECORDS IN THE SYSTEM:

Contains name, curriculum vitae, description of research proposal, budget, and statement of career goals.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 702(a) of the Federal Food, Drug, and Cosmetic Act [(21 U.S.C. 372(a))]; Sections 301 of the Public Health Service Act (42 U.S.C. 241) and 311 of the PHS Act (42 U.S.C. 243).

PURPOSE(S):

To monitor the progress of research objectives of approved individual SARAP research projects.

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

Disclosure may be made to 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.

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

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

STORAGE:

Maintained in letter-size manila folders.

RETRIEVABILITY:

Indexed by name.

SAFEGUARDS:

Files are maintained in secured file containers or in secured file area with personnel screening, 24-hour guard services, and limited access to Research Branch support and technical staff, as well as District's Supervisory Investigators and Management employees.

RETENTION AND DISPOSAL:

Records may be retired to a Federal Records Center and subsequently disposed of in accordance with FDA's Records Control Schedule. The Records Control Schedule and disposal standard for these records may be obtained by writing the system manager at the address below.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Research Branch, Division of Field Science (HFO–620), Executive Director of Regional Operations, 5600 Fishers Lane, Rockville, MD 20857.

Proof(s) of identity required include: (a) full name; (b) approximate date of record(s); (c) the nature of material desired; and (d) notarized signature.

NOTIFICATION PROCEDURE:

To determine if a record exists, write to: FDA Privacy Act Coordinator (HFI–30), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857.

RECORD ACCESS PROCEDURES:

Same as Notification Procedure. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with FDA Regulations (21 CFR 21.40)).

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under Notification Procedure above and reasonably identify the record, specify the information to be contested, and state the corrective action sought. (These procedures are in accordance with FDA Regulations (21 CFR 21.50)).

RECORD SOURCE CATEGORIES:

Individual on whom the record is maintained.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-10-0008

SYSTEM NAME:

Radiation Protection Program Personnel Monitoring System. HHS/FDA/BRH.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Office of Health Affairs (HFX-3), Bureau of Radiological Health, 1901 Chapman Avenue, Rockville, MD 20857.

At the location of a selected qualified contractor who provides thermoluminescent badge service on an annual bid basis. A current list of contractor sites is available by writing to the system manager at the address below.

For the location of Federal Archives and Records Centers, see Appendix B to system notice 09-10-002, Regulated Industry Employee Enforcement Records, HHS/FDA/ACMO.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Personnel in clinics, laboratories, hospitals, research facilities, etc., who work with ionizing radiation sources required to be monitored by Nuclear Regulatory Commission regulations.

CATEGORIES OF RECORDS IN THE SYSTEM:

Contains name, date of birth, social security account number, job code, period of exposure, effective date, and radiation exposure value.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Atomic Energy Act of 1954 (68 Stat. 919 et seq.). Nuclear Regulatory Commission Regulations, 10 CFR Part 20.

PURPOSE(S):

To monitor incremental and accumulated exposure to ionizing radiation for radiation protection purposes.

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

Results are disclosed to employers, i.e., clinics, laboratories, etc.

Disclosure may be made to 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.

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

STORAGE:

Maintained on magnetic disc computer data bank, with back-up stored securely off-site. Hard copies are maintained in letter-size folders.

RETRIEVABILITY:

Indexed by name and by facility.

SAFEGUARDS:

Computer software is password protected and access is restricted by Resource Access Control Facility (RACF). Hard copies are filed in secured files, locked buildings, locked rooms and controlling security personnel stationed at key access points to the record area. Access limited to authorized Bureau of Radiological Health agency and contractor personnel. The contractor is required to maintain confidentiality safeguards with respect to these records.

RETENTION AND DISPOSAL:

Indefinite retention on magnetic disc.

SYSTEM MANAGER(S) AND ADDRESS:

Radiation Safety Officer (HFX-3), 5600 Fishers Lane, Rockville, MD 20857.

NOTIFICATION PROCEDURE:

To determine if a record exists, write to: FDA Privacy Act Coordinator (HFI-30), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857.

Proof(s) of identity required include: (a) full name; (b) approximate date of record(s); (c) the nature of the material desired; (d) notarized signature.

RECORD ACCESS PROCEDURES:

Same as Notification Procedure. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with FDA Regulations (21 CFR 21.40)).

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under Notification Procedure above and reasonably identify the record, specify the information to be contested, and state the corrective action sought. (These procedures are in accordance with FDA Regulations (21 CFR 21.50)).

RECORD SOURCE CATEGORIES:

Individual on whom the record is maintained.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-10-0009

SYSTEM NAME:

Special Studies and Surveys on FDA-Regulated Products. HHS/FDA/ACMO.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Negotiated Contracts Branch (HFA-510), Associate Commissioner for Management and Operations, 5600 Fishers Lane, Rockville, MD 20857.

A current list of contract sites is available by writing to the system manager at the address below.

For the location of Federal Archives and Records Centers, see Appendix B to system notice 09-10-0002, Regulated Industry Employee Enforcement Records, HHS/FDA/ACMO.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals, specialty groups, and households participating voluntarily in FDA-sponsored studies and surveys.

CATEGORIES OF RECORDS IN THE SYSTEM:

Data collected vary with each study/survey. Normal standard information for individuals, household members, or patient's medical records, varies but could include name, age, sex, marital status, address or locale of residence, etc. Nondemographic items relate to experience with, or opinions about, a particular product.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 701(a) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.).

PURPOSE(S):

Used to provide data on individuals, specialty groups, e.g., physicians and households participating voluntarily in FDA-sponsored studies and surveys.

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

Disclosure may be made to 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.

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the

purpose for which the records were collected.

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

STORAGE:

Questionnaires and data are filed in standard filing equipment. Some statistical data are stored on magnetic tape.

RETRIEVABILITY:

Accessed by ID number assigned by contractor during collection process. Individual files are maintained in agency and contractor's custody until all collection procedures are completed.

SAFEGUARDS:

Questionnaires and data are maintained in locked containers in secured area. Magnetic tapes are maintained in secure computer facilities with access limited to program personnel with knowledge of the computer password, which is changed periodically. Locked buildings, locked rooms, locked file cabinet, and locked tape valuts. Two or more of these safeguards are used for all records covered by this system notice. The particular safeguards used are selected as appropriate for the type of record covered by this system. The contractor is required to maintain confidentiality safeguards with respect to these records.

RETENTION AND DISPOSAL:

Questionnaires and data are retained until all statistical problems are resolved; then destroyed. The records are destroyed by shredding, burning, or other appropriate means so as to render them illegible.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Negotiated Contracts Branch (HFA–510), 5600 Fishers Lane, Rockville, MD 20857.

NOTIFICATION PROCEDURE:

To determine if a reocrd exists, write to: FDA Privacy Act Coordinator (HFI–30), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857.

An individual who requests notification of, or access to, a medical record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion.

RECORD ACCESS PROCEDURES:

Same as Notification Procedure. Requesters should also reasonably specify the record contents being sought. Proof(s) of identity required include: (a) full name; (b) approximate date of record(s); (c) the nature of the material desired; and if possible, the name of the person who collected the data; (e) notarized signature. (These access procedures are in accordance with FDA regulations (21 CFR 21.40)).

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under Notification Procedure above and reasonably identify the record, specify the information to be contested, and state the corrective action sought. (These procedures are in accordance with FDA Regulations (21 CFR 21.50)).

RECORD SOURCE CATEGORIES:

Individual on whom the record is maintained or patient's medical records, depending on the type of survey or study.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09–10–0010

SYSTEM NAME:

Bioresearch Monitoring Information System. HHS/FDA/BD.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Division of Scientific Investigations (HFD–180), Bureau of Drugs, 5600 Fishers Lane, Rockville, MD 20857.

For the location of Federal Archives and Records Centers, see Appendix B to system notice 09–10–0002, Regulated Industry Employee Enforcement Records, HHS/FDA/ACMO.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Clinical investigators who are conducting, or have conducted, clinical studies of new drugs under investigational new drug exemption requests.

CATEGORIES OF RECORDS IN THE SYSTEM:

Automated file is maintained on all clinical investigators; contains name, education, professional qualifications and background, and information on studies being conducted. Manual file contains, in addition to that same information, investigatory material collected by, or developed by, FDA, during investigations of possible violations of statutes and regulations governing new drug studies.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 505(i)(3), Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(i)(3)); 21 CFR Part 312 (New drugs for investigational use).

PURPOSE(S):

To provide the clinical investigators, who have conducted clinical studies, information on new drugs under investigational new drug exemption requests. To provide controls to assure that investigators meet requirements of statute or regulations governing new drug studies.

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

Records that indicate violation or potential violation of law may be: (1) referred for investigation and possible enforcement action under the Federal, State, or foreign laws to the Department of Justice, an appropriate State food and drug enforcement agency or licensing authority, or the government or a foreign country where studies are being or have been conducted; or (2) disclosed in administrative or court proceedings.

Where the appropriate official of the Department, pursuant to the Department's Freedom of Information Regulation, determines that it is in the public interest to disclose a record which is otherwise exempt from mandatory disclosure, disclosure may be made from this system of records.

Disclosure may be made to 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.

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

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

STORAGE:

Files compiled of investigations of possible violations of statutes and regulations are maintained in letter-size manila folders. Automated file is maintained on magnetic tape.

RETRIEVABILITY:

Indexed by name.

SAFEGUARDS:

All files, including printouts and computer output microfilm, are stored in secured areas, locked buildings, locked rooms, and locked tape vaults. Access is limited to staff of the Division of Scientific Investigations, and the Division of Drug Information Resources, Bureau of Drugs, and the District Consumer Safety Officers who gather data during inspections and investigations.

RETENTION AND DISPOSAL:

Records output from the system for referenced printout or computer output microfilm are retained for one update cycle, or quarterly. Disposal of records is accomplished through a disintegrator.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Division of Scientific Investigations (HFD–180), Bureau of Drugs, 5600 Fishers Lane, Rockville, MD 20857.

NOTIFICATION PROCEDURE:

To determine if a record exists, write to: FDA Privacy Act Coordinator, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857.

RECORD ACCESS PROCEDURES:

Same as Notification Procedure. Requesters should also reasonably specify the record contents being sought. Proof(s) of identity required include: (a) full name; (b) approximate date of record(s); (c) the nature of the material desired; (d) if possible, the name of the person who collected the data; (e) notarized signature. (These access procedures are in accordance with FDA Regulations (21 CFR 21.40)). Access to record systems which have been granted an exemption from the Privacy Act requirements may be made at the discretion of the system manager. If access is denied to requested records, an appeal may be made to: Commissioner, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857.

CONTESTING RECORD PROCEDURES:

If access has been granted, contact the official at the address specified under Notification Procedure above and reasonably identify the record, specify the information to be contested, and state the corrective action sought. (These procedures are in accordance with FDA Regulations (21 CFR 21.50)).

RECORD SOURCE CATEGORIES:

Individual on whom the record is maintained. Some material is obtained from third parties, e.g., drug companies, publications, or is developed by FDA.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

This system is exempt from access and contest and certain other provisions of the Privacy Act (5 U.S.C. 552a(c)(3), (d) (1) to (4), (e)(3), (e)(4) (G) to (H) and (f) to the extent that it includes investigatory material compiled for law enforcement purposes, including criminal law enforcement purposes, where access would be likely to prejudice the conduct of the investigation.

09–10–0011

SYSTEM NAME:

Certified Retort Opertors. HHS/FDA/BF.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Division of Food Technology (HFF–210), Bureau of Foods, 200 C Street, SW., Washington, DC 20204.

For the location of Federal Archives and Records Centers, see Appendix B to system notice 09–10–0002, Regulated Industry Employee Enforcement Records, HHS/FDA/ACMO.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Food industry employees who have attended courses of instruction relating to operation of retorts.

CATEGORIES OF RECORDS IN THE SYSTEM:

Contains name and training records.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 404 of the Federal Food, Drug and Cosmetic Act (21 U.S.C. 344); 21 CFR 128b.10.

PURPOSE(S):

To ascertain that programs exist in regulated establishments relating to food industry employees instructed in operating retorts.

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

Records in this system showing that a low-acid canned food establishment not having supervised canning retort operations may be: (1) referred for investigation and possible enforcement action against the company and responsible officials, to the Department of Justice, or appropriate State food and drug law enforcement agencies, or (2) disclosed in administrative or court proceedings in determining whether a record is relevant to an agency decision concerning documents of investigatory materials.

Most records in the system may be disclosed (1) under the Freedom of Information Act (5 U.S.C. 522) or (2) to a food company who may be advised as to whether an individual has satisfied FDA requirements.

Disclosure may be made to 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.

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

STORAGE:

Maintained in standard filing equipment and on magnetic tape.

RETRIEVABILITY:

Indexed by name.

SAFEGUARDS:

Magnetic tapes are stored in locked containers in secured area. Individual printouts/original hard copy records are stored in regular administrative files, maintained in secured file area or secured file containers. Locked buildings, and secured tape vaults. Limited access to Bureau of Foods Staff and Program/Planning Section authorized personnel.

RETENTION AND DISPOSAL:

Records may be retired to a Federal Records Center and subsequently disposed of in accordance with FDA's Records Control Schedule. The Records Control Schedule and disposal standard for these records may be obtained by writing to the system manager at the address below.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Division of Food Tehcnology (HFF–210), 200 C Street, SW., Washington, DC 20204.

NOTIFICATION PROCEDURE:

To determine if a record exists, write to: FDA Privacy Act Coordinator (HFI–30), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857.

RECORD ACCESS PROCEDURES:

Same as Notification Procedure. Requesters should also reasonably specify the record contents being sought. Proof(s) of identity required include: (a) full name: (b) approximate date of record(s); (c) the nature of the material desired; and (d) notarized signature. (These access procedures are in accordance with FDA Regulations (21 CFR 21.40)).

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under the Notification Procedure and reasonably identify the record, specify the information to be contested, and state the corrective action sought (These procedures are in accordance with FDA Regulations (21 CFR 21.50)).

RECORD SOURCE CATEGORIES:

Educational institutions that conduct retort operator training.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-10-0012

SYSTEM NAME:

Association of Official Analytical Chemists (AOAC) Member File. HHS/FDA/AOAC.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

FDA Liaison Office for AOAC, 200 C Street, SW., Washington, DC 20204.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

AOAC committee members, subcommittee members, referees and assoicate referees (employed by FDA, related Federal or state agencies, universities, or regulated industry). Shows individuals involved in AOAC scientific activities, e.g., developing methods for determining adulteration of food, drugs, etc.

CATEGORIES OF RECORDS IN THE SYSTEM:

Contains name, address, telephone number, and area of study.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 702(a) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 372(a); section 301 of the Public Health Service Act (42 U.S.C. 241).

PURPOSE(S):

To provide a service for AOAC on its committee membership. Primary use of the system is the preparation of an annual publication listing AOAC projects.

To provide a mailing list and to identify individuals who may be asked to assist FDA.

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

Provided to the Department of Agriculture, Environmental Protection Agency, and the various state agencies that have an interest in development of official analytical methods.

Disclosure may be made to 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.

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

STORAGE:

Maintained in letter-size manila folders, card file, and on magnetic tape.

RETRIEVABILITY:

Indexed by name.

SAFEGUARDS:

Masterfile is in locked containers in secured area. Individual files are maintained with other administrative files in locked file cabinets. Locked buildings, locked rooms, 24-hour guard service, locked tape vaults, and limited access to analytical chemists, physicists, and persons directly involved in AOAC activities.

RETENTION AND DISPOSAL:

Records are retained as long as an individual is a participating member, then destroyed. The records are destroyed by shredding, burning, or other appropriate means so as to render them illegible. Magnetic computer tapes and discs are erased.

SYSTEM MANAGER(S) AND ADDRESS:

FDA Liaison Officer for AOAC, 200 C Street, SW., Washington, DC 20204.

NOTIFICATION PROCEDURE:

To determine if a record exists, write to: FDA Privacy Act Coordinator (HFI-30), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857.

RECORD ACCESS PROCEDURES:

Same as Notification Procedure. Requesters should also reasonably specify the record contents being sought. Proof(s) of identity required include: (a) full name; (b) approximate date of record(s); (c) the nature of the material desired; and (d) notarized signature. (These access procedures are in accordance with FDA Regulations (21 CFR 21.40)).

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under Notification Procedure above and reasonably identify the record, specify the information to be contested, and state the corrective action sought. (These procedures are in accordance with FDA Regulations (21 CFR 21.50)).

RECORD SOURCE CATEGORIES:

Individual on whom the record is maintained.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-10-0013

SYSTEM NAME:

Employee Conduct Investigative Records. HHS/FDA/ACMO.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Policy Management Staff (HFA-20), Associate Commissioner for Management and Operations, 5600 Fishers Lane, Rockville, MD 20857.

For the location of Federal Archives and Records Centers, see Appendix B to system notice 09-10-0002, Regulated Industry Employee Enforcement Records, HHS/FDA/ACMO.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees or former employees, or special Government employees of FDA who are alleged to have violated FDA or Departmental regulations and/or Federal statutes.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system includes records relating to correspondence concerning an individual's employment status or conduct while employed by FDA. Examples of these records include: correspondence from employees, Members of Congress and members of the public alleging misconduct by an official of FDA. It also contains reports of investigations to resolve allegations of misconduct or violations of statutes, with related exhibits of statements, affidavits or records obtained during the investigation; reports of action taken by management deciding action on any misconduct substantiated by the investigation; and reports of legal action resulting from violations of statutes referred for prosecution.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; Title 18, U.S.C. (e.g., 18 U.S.C. 201, 203, 205, 207, 208, 209, 1905); 21 U.S.C. 331; 28 U.S.C. 535(b); 44 U.S.C. 3101; E.O. 10450 and 11222; 45 CFR Part 73.

PURPOSE(S):

To provide management with information needed to take actions against complaints or alleged violations. These complaints may be referred to the Office of Investigations and Security, Office of the Secretary, HHS.

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

Records that indicate violation or potential violation of law may be: (1) referred for investigation and possible enforcement action under the applicable Federal, state, or foreign laws to the Department of Justice; an appropriate state food and drug enforcement health agency or licensing authority; or the government of a foreign country; or (2) disclosed in administrative or court proceedings in determining whether a record is relevant to an agency decision concerning documents of investigatory materials.

Disclosure may be made to 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.

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

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

STORAGE:

Paper records, in folders, in file cabinets.

RETRIEVABILITY:

Alphabetical by name.

SAFEGUARDS:

Records are maintained in locked rooms within a locked secured area protected by a 24-hour building guard service. Limited access to Policy Management Staff and authorized Support Staff of the Management and Operations Section.

RETENTION AND DISPOSAL:

Records are retained until 5 years after termination of employment of subject individual or when no longer needed for reference. Disposal of records is accomplished by shredding, burning, or other appropriate means so as to render them illegible.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Policy Management Staff (HFA–20), Associate Commissioner for Management and Operations, 5600 Fishers Lane, Rockville, MD 20857.

NOTIFICATION PROCEDURE:

To determine if a record exists, write to: FDA Privacy Act Coordinator (HFI–30), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857.

RECORDS ACCESS PROCEDURES:

Same as Notification Procedure. Requesters should also reasonably specify the record contents being sought. Proof(s) of identity required include: (a) full name; (b) approximate date of record(s); (c) the nature of the material desired; (d) if possible, the name of the person who collected the data; (e) notarized signature. (These access procedures are in accordance with FDA Regulations (21 CFR 21.40).) Access to record systems which have been granted an exemption from the Privacy Act access requirement may be made at the discretion of the system manager. If access is denied to requested records, an appeal may be made to: Commissioner, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857.

CONTESTING RECORD PROCEDURES:

If access has been granted, contact the official at the address specified under Notification Procedure above and reasonably identify the record, specify the information to be contested, and state the corrective action sought. (These procedures are in accordance with FDA Regulations (21 CFR 21.50).)

RECORD SOURCE CATEGORIES:

Information in this system of records is obtained from FDA personnel and records, subjects of investigation, complaints, witnesses, other Federal agencies, State and local agencies, and personal observation by the investigator.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

This system is exempt from access and contest and certain other provisions of the Privacy Act (5 U.S.C. 552a (c)(3), (d) (1) to (4), (e)(3), (e)(4) (G) to (H), and (f)), to the extent that it includes investigatory material compiled for law enforcement purposes, including criminal law enforcement purposes.

09–10–0014

SYSTEM NAME:

Service Contractor Employee Investigative Records. HHS/FDA/ACMO.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Policy Management Staff (HFA–20), Associate Commissioner for Management and Operations, 5600 Fishers Lane, Rockville, MD 20857.

For the location of Federal Archives and Records Centers, see Appendix B to system notice 09–10–0002, Regulated Industry Employee Enforcement Records, HHS/FDA/ACMO.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees of service contractors who must have access to FDA-secured areas or FDA file/material; employees of contractors who provide janitorial, guard and maintenance services for FDA facilities.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system includes records of pre-employment checks of individuals who have access to FDA facilities during security hours, and correspondence concerning an individual's employment status or conduct while having such access. Examples of such correspondence include Reports of Investigations to resolve allegations of misconduct or of violations of law, with related exhibits of statements, affidavits or records obtained during the investigation; reports of action taken by management deciding action on any misconduct substantiated by the investigation; and reports of legal action resulting from violations of statutes referred for prosecution.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Title 18, U.S.C. (e.g., 18 U.S.C. 1905); 21 U.S.C. 331; 44 U.S.C. 3101.

PURPOSE(S):

To determine if the employees of service contractors shall have access to

FDA facilities. Also provides management with information to take actions on complaints or alleged violations. These complaints may be referred to the Office of Investigations and Security, Office of Secretary, HHS.

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

Records that indicate violation or potential violation of law may be: (1) referred for investigation and possible enforcement action under the applicable Federal, state, or foreign laws to the Department of Justice; an appropriate state food and drug enforcement health agency or licensing authority; or the government of a foreign country; or (2) disclosed in administrative or court proceedings in determining whether a record is relevant to an agency decision concerning documents of investigatory materials.

Disclosure may be made to 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.

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

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

STORAGE:

Paper records, in folders, in file cabinets.

RETRIEVABILITY:

Alphabetical by name.

SAFEGUARDS:

Records are maintained in locked rooms within a locked secured area protected by a 24-hour guard building service. Limited access to supervisors, analysts, and Policy Management Staff personnel.

RETENTION AND DISPOSAL:

Records are retained until 5 years after termination of employment of subject individual or when records are no longer needed for reference. Disposal of records is accomplished by shredding, burning, or other appropriate means so as to render them illegible.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Policy Management Staff (HFA–20), 5600 Fishers Lane, Rockville, MD. 30857.

NOTIFICATION PROCEDURE:

To determine if a record exists, write to: FDA Privacy Act Coordinator (HFI–30), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857.

RECORD ACCESS PROCEDURES:

Same as Notification Procedure. Requesters should also reasonably specify the record contents being sought. Proof(s) of identity required include: (a) full name; (b) approximate date of record(s); (c) the nature of the material desired; (d) if possible, the name of the person who collected the data; (e) notarized signature. (These access procedures are in accordance with FDA Regulations (21 CFR 21.40)). Access to record systems which have been granted an exemption from the Privacy Act access requirement may be made at the discretion of the system manager. If access is denied to requested records, an appeal may be made to: Commissioner, Food and Drug Administration, 5600 Fishers Lane, Rockville, Maryland 20857.

CONTESTING RECORD PROCEDURES:

If access has been granted, contact the official at the address specified in Notification Procedure above and reasonably identify the record, specify the information to be contested, and state the corrective action sought. (These procedures are in accordance with FDA Regulations (21 CFR 21.50)).

RECORD SOURCE CATEGORIES:

Information in this system of records is obtained from industrial, employment and police records; subjects of investigations; complaints; witnesses; other Federal agencies; state and local agencies; and personal observation by the investigator.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

This system is exempt from access and contest and certain other provisions of the Privacy Act (5 U.S.C. 552a(c)(3), (d)(1) to (4), (e)(3), (e)(4)(g) to (H), and (f), to the extent that it includes investigatory material compiled for law enforcement purposes, including criminal law enforcement purposes.

09–10–0015

SYSTEM NAME:

Blood Donors for Tissue Typing Sera and Cell Analysis and Related Research. HHS/FDA/BB.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Histocompatibility Laboratory, Division of Blood and Blood Products (HFB–200), Bureau of Biologics, 8800 Rockville Pike, Bethesda, Maryland 20205.

For the location of Federal Archives and Records Centers, see Appendix B to system notice 09–10–0002, Regulatory Industry Employee Enforcement Records, HHS/FDA/AMCO.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Volunteer blood donors and patients of the National Naval Medical Center and the National Institutes of Health Clinical Center requiring tissue typing who also volunteer to be part of the system.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records contain name, address, phone number, sex, religion, race, age, disease (if any), number of pregnancies, number of children, and the results of blood typing.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Public Health Service Act, section 351, 42 U.S.C. 262.

PURPOSE(S):

To provide data to be used in evaluating histocompatability testing sera submitted by manufacturers for approval and release on the market.

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

On occasion, the National Institutes of Health Clinical Center and the National Naval Medical Center request that the Bureau perform tissue typing for their patients. In these instances, it is necessary to provide the physician involved with precise data to properly identify the patient.

Disclosure may be made to 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.

Disclosure may be made to the Department of Justice or other

appropriate Federal agencies in defending claims against the United States when the claim is based upon an individual's mental or physical condition and is alleged to have arisen because of activities of the Public Health Service in connection with such individual.

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

STORAGE:

Standard filing equipment, and on magnetic tapes, and disks.

RETRIEVABILITY:

Usually by an assigned 'cell number.' Also, alphabetically, by name.

SAFEGUARDS:

Forms in locked filing equipment. Tapes and disks in secure computer facility with access limited to individuals having knowledge of 'password' which is changed periodically.

RETENTION AND DISPOSAL:

Records may be retired to a Federal Records Center and subsequently disposed of in accordance with FDA's Records Control Schedule. The Records Control and disposal standard for these records may be obtained by writing to the system manager at the address below.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Division of Blood and Blood Products (HFB–200), Histocompatibility Laboratory, Bureau of Biologics, 8800 Rockville Pike, Bethesda, MD 20205.

NOTIFICATION PROCEDURE:

To determine if a record exists, write to: FDA Privacy Act Coordinator (HFI–30), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857.

An individual who requests notification of, or access to, a medical record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion. Proof(s) of identity required include: (a) full name; (b) approximate date of record(s); (c) the nature of the material desired; and (d) notarized signature.

RECORD ACCESS PROCEDURES:

Same as Notification Procedure. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with FDA Regulations (21 CFR 21.40)).

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under Notification Procedure above and reasonably identify the record, specify the information to be contested, and state the corrective action sought. (These procedures are in accordance with FDA Regulations (21 CFR 21.50)).

RECORD SOURCE CATEGORIES:

Volunteer blood donors and patients of the National Naval Medical Center and the National Institutes of Health Clinical Center.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09–10–0017

SYSTEM NAME:

Epidemiological Research Studies of the Bureau of Radiological Health, HHS/FDA/BRH.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Epidemiologic Studies Branch (HFX–130), Division of Radiological Effects, Bureau of Radiological Health, Twinbrook Research Laboratory, 12709 Twinbrook Parkway, Rockville, MD 20857.

For the location of Federal Archives and Records Centers, see Appendix B to system notice 09–10–0002, Regulated Industry Employee Enforcement Records, HHS/FDA/ACMO.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons who have been exposed to radiation (ionizing, nonionizing, sonic) from either medical, occupational or environmental sources; patients with cancer, birth defects, or other diseases or conditions resulting from radiation exposure; unexposed persons (e.g., family members) for the purpose of making comparisons.

CATEGORIES OF RECORDS IN THE SYSTEM:

ID number, Social Security number which is supplied on a voluntary basis, name, demographic characteristics, radiation exposure, occupational and personal health histories, medical data, and information on or from death certificates, if deceased.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Public Health Service Act, Sections 301, 310, 354, 356 and 357, 42 U.S.C. 241, 242A, 263b, 263c and 263d. Federal Food, Drug, and Cosmetic Act, Section 702(a), 21 U.S.C. 372(a). Reorganization Plan No. 3 of 1970, Section 2.

PURPOSE(S):

To maintain records used by epidemiologists, statisticians, and authorized staff for epidemiological research and analyses on the effect of radiation exposure.

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

A record may be disclosed for a research purpose, when the Department has required the recipient to—(1) establish reasonable administrative, technical, and physical safeguards to prevent unauthorized use or disclosure of the record, (2) remove or destroy the information that identifies the individual at the earliest time at which removal or distruction can be accomplished consistent with the purpose of the research project, unless the recipient has presented adequate justification of a research or health nature for retaining such information, and (3) make no further use or disclosure of the record except—(A) in emergency circumstances affecting the health or safety of any individual, (B) for use in another research project, under these conditions, and with written authorization of the Department, (C) for disclosure to a properly identified person for the purpose of an audit related to the research project, if information that would enable research subjects to be identified is remove or destroyed at the earliest opportunity consistent with the purpose of the audit, or (D) when required by law.

Records in the system may be made available to Federal, state, and local agencies having an interest in protecting the public from the effects of radiation.

Disclosure may be made to 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.

In the event of litigation where the Defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity, (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components, or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that

Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

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

STORAGE:

Records are stored in file folders, on punch cards and on magnetic tape and discs, computer printouts and on microfiche.

RETRIEVABILITY:

Records are retrieved by name and number.

SAFEGUARDS:

Name listings and log books containing information to permit in the identification of an individual, and microfilmed records are kept in locked files with access limited to Epidemiologic Studies Branch authorized personnel and designated employees of the Bureau of Radiological Health. Data Collection instruments (questionnaires, report forms) are stored either in file cabinets after all identifiers are removed, in locked file cabinets, or a locked room. Locked buildings and password protection for computer files.

RETENTION AND DISPOSAL:

One year to permanently, depending on the length of patient follow-up required to complete all phases of the study. The records are destroyed by shredding, burning, or other appropriate means so as to render them illegible. Computer tapes and discs are erased.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Epidemiologic Studies Branch (HFX–130), Division of Biological Effects, Bureau of Radiological Health, 5600 Fishers Lane, Rockville, MD 20857.

NOTIFICATION PROCEDURE:

To determine if a record exists, write to: FDA Privacy Act Coordinator (HFI–30), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857.

RECORD ACCESS PROCEDURES:

Same as Notification Procedure. Requesters should also reasonably specify the record contents being sought. Proof(s) of identity required include: (a) full name; (b) approximate date of record(s); (c) the nature of the material desired; and (d) notarized signature. (These access procedures are in accordance with FDA Regulations (21 CFR 21.40).) An individual who requests notification of, or access to, a medical record shall at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion.

CONTESTING RECORD PROCEDURES;

Contact the official at the address specified under Notification Procedure above and reasonably identify the record, specify the information contested, and state the corrective action sought. (These procedures are in accordance with FDA Regulations (21 CFR 21.50).)

RECORD SOURCE CATEGORIES:

Individuals in the system of records, employers, health care providers and facilities, administrative and vital statistics agencies.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09–10–0018

SYSTEM NAME:

Employee Identification Card Information Record, HHS/FDA/ACMO.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Services Management Section (HFA–212), Associate Commissioner for Management and Operations, 5600 Fishers Lane, Rockville, MD 20857.

Office Services Section (HFA–230), Associate Commissioner for Management and Operations, 200 C Street SW., Washington, DC 20204.

Administrative Branch at Field/District Offices. For the location of Field/District Offices, see Appendix A to system notice 09–10–0002, Regulated Industry Employee Enforcement Records (HHS/FDA/ACMO).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Approximately 8,000 FDA employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Contains name, mailing routing code, office telephone, building, room number, birthdate, identification photograph, height, color of eyes, and type of appointment.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

40 U.S.C. 471, et seq; Management and Disposal of Government Property Act.

PURPOSE(S):

The system was designed to maintain a record of all holders of FDA identification cards, Forms FD 1887 and 1887h, for renewal and recovery purposes and to identify numbers of lost or stolen cards. The system may also be used at FDA Headquarters to locate employees whose names have not been entered in the FDA locator system.

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

Disclosure may be made to 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.

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

STORAGE:

Forms filed in folders in a locked filing cabinet. Computer tapes and discs stored in a locked safe.

RETRIEVABILITY:

Information is filed and retrieved by name and date of birth both on the forms and at Headquarters on a minicomputer.

SAFEGUARDS:

All Forms FD 2923 are kept in locked file cabinets. The minicomputers at Headquarters are maintained in secured areas with access limited to authorized personnel whose official duties required access for issuance, renewal, retrieval, and location purposes. ADP security safeguards meet the requirements of FDA's ADP Security Management Plan for the implementation of Part 6 'ADP Systems Security' of HHS ADP Systems Manual.

RETENTION AND DISPOSAL:

Records are maintained as long as the ID cards are valid. Computer tapes are erased immediately upon termination of employment and inactive forms are destroyed after 6 months by shredding.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Administrative Services Branch (HFA–210), Associate Commissioner for Management and Operations, 5600 Fishers Lane, Rockville, MD 20857.

NOTIFICATION PROCEDURE:

To determine if a record exists, write to: FDA Privacy Act Coordinator (HFI–30), Food and Drug Administration, 5600 Fishers Lane, Rockville, Maryland 20857.

In order to ascertain if a record exists, the individual must provide his/her name and any other names officially used during period of employment.

RECORD ACCESS PROCEDURES:

Same as Notification Procedure. Requesters should also reasonably specify the record contents being sought.

(These access procedures are in accordance with FDA Regulations (21 CFR 21.40)).

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under Notification Procedure above and reasonably identify the record, specify the information being contested, and state the corrective action sought. (These procedures are in accordance with FDA Regulations (21 CFR 21.50)).

RECORD SOURCE CATEGORIES:

Individual on whom the record is maintained.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 81-23912 Filed 10-26-81; 8:45 am]
BILLING CODE 4110-03-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Social Security Administration

Privacy Act of 1974; Annual Publication of Notices of Systems of Records

AGENCY: Social Security Administration (SSA), Department of Health and Human Services (HHS).

ACTION: Annual Publication of Notices of Systems of Records.

SUMMARY: In accordance with 5 U.S.C. 552a(e)(4), we are publishing notices of systems of records which SSA maintains. The notices are complete as of August 14, 1981, and do not contain any new statements of routine use that have not previously appeared in the **Federal Register** or other new material which would require a new report to Congress and the Office of Management and Budget as described in OMB Circular A-108; they do, however, contain editorial and general clarifying changes which make them accurate and complete. If any substantial errors appear in this publication, we will publish corrections in a later issue of the **Federal Register**.

SUPPLEMENTARY INFORMATION: We are reporting the following changes which have occurred since the previous annual publication of December 22, 1980, or which occurred prior to December 22 but did not appear in that issue.

I. *Publication of New Material in the* **Federal Register:** A. Since the December 22 publication we published one notice of a new system of records, 09-60-0212—Supplemental Security Income Operational Quality Maintenance System, HHS/SSA/OA (45 FR 16732, 3/13/81). In addition, on July 22, 1981, we revised system 09-60-0059—Earnings Recording and Self-Employment System, HHS/SSA/OEER, to include new routine uses (46 FR 37786, 7/22/81).

B. Effective with this publication, we are adding two additional systems to the list of system that SSA maintains. The systems appeared in the December 22 publication (45 FR 84436-84438) under the jurisdiction of the HHS Office of Refugee Resettlement (ORR). ORR, however, has been reorganized under the jurisdiction of SSA. The systems, with some minor revisions, are as follows:

1. 09-60-0217—Indochina Refugee, Refugee Financial Assistance System, HHS/SSA/ORR; and

2. 09-60-0218—Cuban Refugee Registration Records, HHS/SSA/ORR.

C. On September 10, 1980, and October 28, 1980, we revised a number of systems to include new statements of routine use. Those revised systems, however, did not appear in the December 22 publication; we, therefore, are identifying them in this publication. They are as follows:

1. 09-60-0003—Hearing File and Attorney Fee File, HHS/SSA/OHA, (45 FR 59639, 9/10/80);

2. 09-60-0004—Appeals File, HHS/SSA/OHA, (45 FR 59639, 9/10/80);

3. 09-60-0005—Administrative law Judge File, HHS/SSA/OHA, (45 FR 59639, 9/10/80);

4. 09-60-0006—Storage of Hearing Records: Tape Cassettes and Audiograph Discs, HHS/SSA/OHA, (45 FR 59639, 9/10/80);

5. 09-60-0038—Employee Identification Card Files (Building Passes), HHS/SSA/OMBP, (45 FR 59639, 9/10/80);

6. 09-60-0040—Quality Review System, HHS/SSA/OA, (45 FR 59639, 9/10/80);

7. 09-60-0042—Quality Review Casefile, HHS/SSA/OA, (45 FR 59640, 9/10/80);

8. 09-60-0045—Black Lung Payment System, HHS/SSA/OURV, (45 FR 71433, 10/28/80);

9. 09-60-0050—Completed Determination Record—Continuing Disability Determinations, HHS/SSA/OCO, (45 FR 59640, 9/10/80);

10. 09-60-0051—Administrative Disallowance Records for Technical Denials, HHS/SSA/OCO, (45 FR 59640, 9/10/80);

11. 09-60-0058—Master Files of Social Security Number Holders, HHS/SSA/OEER, (45 FR 59638, 9/10/80);

12. 09-60-0059—Earnings Recording and Self-Employment Income System, HHS/SSA/OEER, (45 FR 59638, 9/10/80);

13. 09-60-0077—Congressional Inquiry File, HHS/SSA/ARC-FO), (45 FR 59640, 9/10/80);

14. 09-60-0078—Public Inquiry Correspondence File, HHS/SSA/ARC-FO, (45 FR 59640, 9/10/80);

15. 09-60-0080—Problem Case File, HHS/SSA/ARC-FO, (45 FR 59640, 9/10/80);

16. 09-60-0081—Problem Case File (Supplemental Security Income), HHS/SSA/ARC-FO, (45 FR 59640, 9/10/80);

17. 09-60-0089—Claims Folders and Post-Adjudicative Records of Applicants for and Beneficiaries of Social Security Benefits, HHS/SSA/OCO, (45 FR 59638, 9/10/80); (45 FR 59640, 9/10/80) and (45 FR 71433, 9/28/80);

18. 09-60-0090—Master Beneficiary Record, HHS/SSA/OURV, (45 FR 59638, 9/10/80) and (45 FR 71435, 10/28/80);

19. 09-60-0094—Recovery Accounting for Overpayments, HHS/SSA/OURV, (45 FR 71436, 10/28/80);

20. 09-60-0097—Program Integrity Case Files, HHS/SSA/OA, (45 FR 59640, 9/10/80);

21. 09-60-0103—Supplemental Security Income Record, HHS/SSA/OURV, (45 FR 59638, 9/10/80), (45 FR 59641, 9/10/80) and (45 FR 71436, 10/28/80);

22. 09-60-0128—Retirement, Survivors and Disability Insurance Claims Study, HHS/SSA/OA, (45 FR 59641, 9/10/80);

23. 09-60-0129—Adjudication of Supplemental Security Income Claims Study, HHS/SSA/OA, (45 FR 59649, 9/10/81);

24. 09-60-0186—Litigation Master Record File, HHS/SSA/OR, (45 FR 59641, 9/10/80);

25. 09-60-0210—Record of Individuals Authorized Entry to Security Automated Data Processing Area, HHS/SSA/OMBP, (45 FR 59641, 9/10/80);

26. 09-60-0213—Quality Review of Hearing Process, HHS/SSA/OHA, (45 FR 59641, 9/10/80); and

27. 09-60-0214—Personal Identification Number File, HHS/SSA/OA, (45 FR 59641, 9/10/80).

II. *Deletion of Material From Publication:* A. Effective with this publication, we are deleting notices for the following systems from publication.

1. 09-60-0096—Control System for Delayed, Critical or Sensitive Case Inquiries, HHS/SSA/OURV.

We used this system to control and respond to certain public inquiries that were of a critical or sensitive nature. However, such inquiries also are controlled by our master correspondence control system, system 09-60-0002—Automated Controlled Correspondence Extraction System, HHS/SSA/OGA; we, therefore, are deleting the notice for system 09-60-0096 because it is a subsystem of system 09-60-0002 and, therefore, not necessary.

2. 09-60-0183—Matches of Social Security Administration, Department of Defense and Veterans Administration Data Relating Earnings History to Armed Forces Training Experience (Statistics), HHS/SSA/OP.

The functions for which we established this system are not being performed. We will dispose of any records which may be in the system and are deleting the applicable notice from publication.

3. 09-60-0197—Disability Studies Records and Extracts (Statistics), HHS/SSA/OP.

Experience has demonstrated that this system is more similar than different from another statistical system which we maintain, system 09-60-0196—Disability Studies Survey Records

(Statistics), HHS/SSA/OP. Both systems were established to accomplish the same purposes; however, they differed by using different methods to accomplish these purposes. We, therefore, are combining system 09–60–0197 with system 09–60–0196 and deleting the notice for system 09–60–0197.

4. 09–60–0201—Retirement and Survivors Studies Records and Extracts (Statistics), HHS/SSA/OP.

We are combining this system with system 09–60–0200—Retirement and Survivors Studies Survey Records (Statistics), HHS/SSA/OP and deleting the applicable notice on the same basis as that specified in item A.3 above.

5. 09–60–0204—Supplemental Security Income (SSI) Studies Records and Extracts (Statistics), HHS/SSA/OP.

We are combining this system with system 09–60–0203—Supplemental Security Income (SSI) Studies Survey Records (Statistics), HHS/SSA/OP and are deleting the applicable notice on the same basis as that specified in item A.3 above.

B. On September 10, 1980, we published a statement of routine use for system 09–60–0214—Personal Identification Number File, HHS/SSA/OA. The routine use provided for disclosure to the Department of the Treasury for the purpose of auditing SSA's compliance with safeguard provisions of the Internal Revenue Code of 1954 in maintaining tax return data. The routine use was published incorrectly with this system; we, therefore, are rescinding the routine use, effective with this publication.

III. *General Editorial and Clarifying Revisions:* A. In addition to the changes noted in items I and II above, we have done the following:

1. We have changed the name of a number of systems as indicated below:

a. 09–60–0005—Administrative Law Judge File, HHS/SSA/OHA, to 09–60–0005—Hearing Office File, HHS/SSA/OHA;

b. 09–60–0186—Litigation Master Record File, HHS/SSA/OR to 09–60–0186—SSA Litigation Tracking System, HHS/SSA/OR;

c. 09–60–0196—Disability Studies Survey Records (Statistics), HHS/SSA/OP to 09–60–0196—Disability Studies, Surveys, Records and Extracts (Statistics), HHS/SSA/OP;

d. 09–60–0200—Retirement and Survivors Studies Survey Records (Statistics), HHS/SSA/OP to 09–60–0200—Retirement and Survivors Studies, Surveys, Records and Extracts (Statistics), HHS/SSA/OP; and

e. 09–60–0203—Supplemental Security Income (SSI) Studies Surveys Records (Statistics), HHS/SSA/OP to 09–60–0203—Supplemental Security Income (SSI) Studies, Surveys, Records and Extracts (Statistics), HHS/SSA/OP.

The name changes of these systems more accurately reflect their purposes.

2. We also have added a routine use to system 09–60–0206—Repatriate Records System, HHS/SSA/OFA. The routine use, which provided for disclosure to the Department of Justice to defend a component or an employee of HHS, inadvertently was deleted from the system in the December 22, 1980, publication.

3. Additionally, we have made a number of minor housekeeping changes which make the notices accurate and complete.

Dated: August 26, 1981.

John A. Svahn,

Commissioner of Social Security.

SYSTEM NUMBER AND SYSTEM NAME

09-60-0001--Commissioner's Correspondence File, HHS/SSA/OC.
09-60-0002--Automated Controlled Correspondence Extraction System, HHS/SSA/OGA.
09-60-0003--Hearing File, HHS/SSA/OHA.
09-60-0004--Appeals File, HHS/SSA/OHA.
09-60-0005--Hearing Office File, HHS/SSA/OHA.
09-60-0008--Administrative Law Judge's File, HHS/SSA/OHA.
09-60-0009--Hearings and Appeals Case Control System, HHS/SSA/OHA.
09-60-0012--Listing and Alphabetical Name File (Folder) of Vocational Experts, Medical Advisors and Medical Consultants, HHS/SSA/OHA.
09-60-0013--Records of Usage of Medical Advisors and Medical Consultants, HHS/SSA/OHA.
09-60-0014--Curriculum and Professional Qualifications of Staff Physicians, Medical Advisors, Medical Consultants and Resume of Vocational Experts, HHS/SSA/OHA.
09-60-0015--List of Physicians Utilized as Readers of Black Lung X-Ray Films, HHS/SSA/OHA.
09-60-0017--Personnel Research and Merit Promotion Test Records, HHS/SSA/OMBP.
09-60-0030--Employee Housing Request Files, HHS/SSA/OMBP.
09-60-0031--Employee Production and Accuracy Records, HHS/SSA/OMBP.
09-60-0032--Debtor, Credit Credit Counseling and Consumer Protection, HHS/SSA/OMBP.
09-60-0033--Request for Review of Proposed Contracts with Experts and Consultants, HHS/SSA/OMBP.
09-60-0037--General Criminal Investigation Files, HHS/SSA/OMBP.
09-60-0038--Employee Identification Card Files (Building Passes), HHS/SSA/OMBP.
09-60-0040--Quality Review System, HHS/SSA/OA.
09-60-0042--Quality Review Case Files, HHS/SSA/OA.
09-60-0044--Disability Determination Service Processing File, HHS/SSA/ODP.
09-60-0045--Black Lung Payment System, HHS/SSA/OURV.
09-60-0046--Consultative Physician File, HHS/SSA/ODP.
09-60-0047--Critical Case Processing Time, HHS/SSA.
09-60-0049--Disability Data Record, HHS/SSA.
09-60-0050--Completed Determination Record - Continuing Disability Determinations, HHS/SSA.
09-60-0051--Administrative Disallowance Records for Technical Denials, HHS/SSA.
09-60-0052--Disposition of Vocational Rehabilitation Report to Social Security Administration, HHS/SSA/ODP.
09-60-0053--Reimbursement From Trust Fund for Vocational Rehabilitation Services, HHS/SSA/ODP.
09-60-0056--Vocational Rehabilitation Savings Calculations, HHS/SSA/ODP.
09-60-0057--Quality Evaluation Data Records, HHS/SSA/OA.
09-60-0058--Master Files of Social Security Number Holders, HHS/SSA/OEER.
09-60-0059--Earnings Recording and Self-Employment Income System, HHS/SSA/OEER.
09-60-0063--Resource Accounting and Project Management System, HHS/SSA/OS.
09-60-0065--Direct Input Source Documents, HHS/SSA/ARC-FO.
09-60-0066--Claims Development Record, HHS/SSA/ARC-FO.
09-60-0069--Record of Claims (Microfiche), HHS/SSA/ARC-FO.
09-60-0075--Congressional Bills File, HHS/SSA/ARC-FO.
09-60-0077--Congressional Inquiry File, HHS/SSA/ARC-FO.
09-60-0078--Public Inquiry Correspondence File, HHS/SSA/ARC-FO.
09-60-0080--Problem Case File, HHS/SSA/ARC-FO.
09-60-0081--Problem Case File (Supplemental Security Income), HHS/SSA/ARC-FO.
09-60-0082--Forced Payment File (Supplemental Security Income), HHS/SSA/ARC-FO.
09-60-0083--One Time Payment File, HHS/SSA/ARC-FO.
09-60-0084--Control File for Cases Before Presiding Officers, HHS/SSA/ARC-FO.
09-60-0085--Claims Leads, HHS/SSA/ARC-FO.
09-60-0089--Claims Folders and Post-Adjudicative Records of Applicants for and Beneficiaries of Social Security Benefits, HHS/SSA/OOPP.
09-60-0090--Master Beneficiary Record, HHS/SSA/OURV.
09-60-0091--Social Security Administration Claims Control System, HHS/SSA/OURV.
09-60-0092--Automated Control For Case Folders, HHS/SSA/OURV.
09-60-0094--Recovery Accounting for Overpayments, HHS/SSA/OURV.
09-60-0095--Health Insurance Overpayment Ledger Cards, HHS/SSA/OURV.
09-60-0097--Program Integrity Case Files, HHS/SSA/OA.
09-60-0102--Fee Ledger System for Representatives, HHS/SSA/OIP.
09-60-0103--Supplemental Security Income Record, HHS/SSA/OURV.
09-60-0110--Supplemental Security Income File of Refunds, HHS/SSA/OURV.
09-60-0111--Debit Voucher File (Supplemental Security Income), HHS/SSA/OURV.
09-60-0117--Age at First Payment of Retirement Insurance Benefits, HHS/SSA/OP.
09-60-0118--Non-Contributory Military Service Reimbursement System, HHS/SSA/OP.
09-60-0119--Special Age 72 Benefit Trust Fund Transfer Project, HHS/SSA/OP.
09-60-0128--Retirement, Survivors and Disability Insurance Claims Study, HHS/SSA/OA.
09-60-0129--Adjudication of Supplemental Security Income Claims Study, HHS/SSA/OA.
09-60-0148--Matches of Internal Revenue Service and Social Security Administration Data with Census Survey Data (Joint Social Security Administration/Census Statistics Development Project), HHS/SSA/OP.
09-60-0149--Matches of Internal Revenue Service and Social Security Administration Data (Joint Social Security Administration/Treasury Department Statistics Development Project), HHS/SSA/OP.
09-60-0159--Continuous Work History Sample (Statistics), HHS/SSA/OP.
09-60-0184--Hearing Office Master Calendar, HHS/SSA/OHA.
09-60-0186--SSA Litigation Tracking System, HHS/SSA/OR.
09-60-0196--Disability Studies Survey Records (Statistics), HHS/SSA/OP.
09-60-0198--Extramural Research Administrative File, HHS/SSA/OP.
09-60-0199--Extramural Survey (Statistics), HHS/SSA/OP.
09-60-0200--Retirement and Survivors Studies, Surveys, Records and Extracts (Statistics), HHS/SSA/OP.
09-60-0202--Old Age, Survivors and Disability Beneficiary and Worker Records and Extracts (Statistics), HHS/SSA/OP.
09-60-0203--Supplemental Security Income Studies, Records and Extracts (Statistics), HHS/SSA/OP.
09-60-0206--Repatriate Records System, HHS/SSA/OFA.
09-60-0208--Program Integrity Management Information and Control System, HHS/SSA/OA.
09-60-0209--Readership Surveys of the Office of Research and Statistics, HHS/SSA/OP.
09-60-0210--Record of Individuals Authorized Entry to the Secured Automated Data Processing Area (ADP) Area, HHS/SSA/OMBP.
09-60-0212--Supplemental Security Income Operational Quality Maintenance System, HHS/SSA/OA.
09-60-0213--Quality Review of Hearing Processing System, HHS/SSA/OHA.
09-60-0214--Personal Identification Number File, (PINFile), HHS/SSA/OA.
09-60-0216--Indochina Refugee, Refugee Financial Assistance System, HHS/SSA/ORR.
09-60-0217--Cuban Refugee Registration Records, HHS/SSA/ORR.

09-60-0001

System name: Commissioner's Correspondence File, HHS/SSA/OC.

Security classification: None.

System location:

Room 922 Altmeyer Building
6401 Security Boulevard
Baltimore, Maryland 21235

Room 656G Hubert H. Humphrey Building
200 Independence Avenue, S.W.
Washington, D.C. 20201

Categories of individuals covered by the system: Any person or group who may write directly to the Commissioner.

Categories of records in the system: The Commissioner's incoming personal correspondence.

Authority for maintenance of the system: Section 205 of the Social Security Act.

Purpose(s):

This system is established solely for reference when replying to subsequent inquiries.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Disclosure may be made as indicated below:

To 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.

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

Storage: Paper files, stored in filing cabinets; magnetic tape stored in secured enclosure.

Retrievability: SSA indexes files in this system by the name of the correspondent.

Safeguards: SSA maintains paper records in this system in locked cabinets. Computer records are accessed via confidential passwords. Data in this system are accessible to Executive Secretariat clerical staff only.

Retention and disposal: SSA destroys files in this system by shredding when deemed appropriate - we hold general corespondence 2 years. Computer files are archived after 6 months.

System manager(s) and address:

Chief, Support Services Staff
Executive Secretariat
922 Altmeyer Building
6401 Security Boulevard
Baltimore, Maryland 21235

Room 656G Hubert H. Humphrey Building
200 Independence Avenue, S.W.
Washington, D.C. 20201

Notification procedure: An individual can determine if this system contains a record pertaining to him or her by writing to the following address:

Office of the Commissioner
922 Altmeyer Building
6401 Security Boulevard
Baltimore, Maryland 21235

When requesting notification or access to a record in this system, an individual should refer to this system and provide his or her name and return address. These procedures are in accordance with HHS Regulations 45 CFR 5b.

Record access procedures: Same as notification procedures. Requesters should also reasonably specify the record contents being sought. These access procedures are in accordance with HHS Regulations 45 CFR 5b.

Contesting record procedures: Same as notification procedures. Requestors should also reasonably identify the record and specify the information to be contested. These procedures are in accordance with HHS Regulations 45 CFR 5b.

Record source categories: Incoming correspondence.

Systems exempted from certain provisions of the act: sNone.

09-60-0002

System name: Automated Controlled Correspondence Extraction System, HHS/SSA/OGA.

Security classification: None.

System location:

Office of Public Inquiries
6401 Security Boulevard
Baltimore, Maryland 21235.

Medicare Bureau
Health Care Financing Administration
6401 Security Boulevard
Baltimore, Maryland 21235

Office of Disability Operations
Dickenson Tower Building
1500 Woodlawn Drive
Baltimore, Maryland 21241

Office of Hearings and Appeals
Ballston Center
Tower 2
800 North Randolph Street
Arlington, Virginia 22204

Categories of individuals covered by the system: Records are maintained for individuals who forward a request for information directly to the Commissioner of the Social Security Administration and for individuals whose requests to members of Congress, the President, etc. are forwarded to the Commissioner for response.

Records also are maintained on social security beneficiaries or persons inquiring on their behalf who are reporting failure to receive a check or checks which they believe are due or are inquiring about other matters which have been determined to be of a critical or sensitive nature.

Categories of records in the system: Information is maintained in the system solely to aid in the control of correspondence through the various processing steps. Information in the records includes the following: name of individual involved, social security number (if given), name of third party inquirer (if present), type of correspondence, organizational component having initial responsibility for the inquiry, Congressman's name (if a congressional inquiry), inquiry source code (indicates which congressman's office referred an inquiry to SSA), address-to-code (official to whom inquiry is directed), signature code (official whose name will appear on the reply) computer identification code (10 digit code cross referred to the name of the individual), subject matter code, location of information (component within the Social Security Administration that received the inquiry and date of receipt), and response information (type and date of Social Security Administration response).

Authority for maintenance of the system: Sections 205(a) and 1631 of the Social Security Act, and Section 413 of the Federal Coal Mine Health and Safety Act (Black Lung).

Purpose(s):

This system is used to control processing of correspondence within the Social Security Administration Central Office complex and the Office of Hearings and Appeals in Arlington, Virginia, and to provide management information regarding the correspondence process.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Disclosure may be made as indicated below:

1. To 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.
2. To the inquirer; may include conatact with the Department of the Treasury to determine if payment was issued or check returned for cash.
3. To respond to the inquirer.
4. To the Department of the Treasury to determine if payment was issued or returned for cash.

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

Storage: The records are maintained on magnetic tape and computer discs.

Retrievability: The system is indexed by both name and by computer identification number, which are cross-referred.

Safeguards: Magnetic tape and disc files are protected through standard security measures used for all of the Social Security Administration's computer records. Paper records are subject to the same safeguards as all other information in the Social Security Administration relating to claims and beneficiary records--limited access to social security offices, limited employee access to those that have a need to know; all employees receive instruction in Social Security Administration confidentiality rules in an initial orientation. Guidelines contained in the FIPS PUB 41, Computer Security Guidelines for Implementing the Privacy Act of 1974; FIPS PUB 31, Guidelines for Automatic Data Processing Physical Security and Risk Management, and FIPS PUB 3, ADP System Security Required by the Privacy Act of 1974, were taken into account in development of these safeguards.

Retention and disposal: Records are maintained on-line in the system from the time of control until 13 months after the final response is released. Tape records are then maintained on magnetic tape for an additional 24 months before being erased.

System manager(s) and address:

Director, Office of Public Inquiries
Social Security Administration
6401 Security Boulevard
Baltimore, Maryland 21235

Notification procedure: An individual can determine if this system contains a record pertaining to him or her by writing to the following address:

Chief, Correspondence Systems and Analysis Branch, DCAP, OPI
Social Security Administration
6401 Security Boulevard
Baltimore, Maryland 21235

When requesting notification of or access to records, an individual should provide his or her name, the person to whom the inquiry was sent, and the date of the inquiry. These procedures are in accordance with HHS Regulations 45 CFR 5b.

Record access procedures: Same as notification procedures. Requesters should also reasonably specify the record contents being sought. These access procedures are in accordance with HHS Regulations 45 CFR 5b.

Contesting record procedures: Same as notification procedures. Requestors should also reasonably identify the record and specify the information to be contested. These procedures are in accordance with HHS Regulations 45 CFR 5b.

Record source categories: Records in this system are derived from inquiries directed to the Commissioner of the Social Security Administration from members of the public; from the individuals or someone acting on his/her behalf; the individual's claims record; and contacts within and outside the Social Security Administration.

Systems exempted from certain provisions of the act: None.

09-60-0003

System name: Hearing File and Attorney Fee File, HHS/SSA/OHA.

Security classification: None.

System location: Hearing File: Preparation of new hearing files was discontinued as of May 30, 1975. Files prepared prior to that date are still used, when available, by Office of Hearings and Appeals (OHA) employees at appropriate work stations. Existing files are maintained at:

Social Security Administration
Office of Hearings and Appeals
801 North Randolph Street
Arlington, Virginia 22203

Attorney Fee File: Attorney fee information is maintained primarily in the appropriate hearing offices (see Appendix G for address information).

When the Administrative Law Judge recommends approval of a requested fee amount which exceeds 3,000 dollars; or when there is a requested administrative review of fees initially authorized by the Administrative law Judge, the files are maintained by the regional chief Administrative Law Judge in the appropriate regional office (see Appendix G for address information).

Attorney fee files relating to requested administrative review of fees initially authorized by the regional chief Administrative law Judges are maintained at:

Social Security Administration
Office of Hearings and Appeals
200 Glebe Road
Arlington, Virginia 22203

Categories of individuals covered by the system: Claimants - Titles II, IX, XVI, XVIII, and Black Lung.

Categories of records in the system: When present, the hearing file generally contains: request for hearing, notice of hearing, 'Appearance at Hearing' Card signed by claimant, correspondence to claimant, representative, or other source of evidence, cassette recordings of hearing, HA-503 card (case control device), decision (or dismissal order), and any material otherwise in an Appeals File. The hearing file (when present) may also contain the following information which is otherwise maintained as attorney fee file: Attorney Fee Petition; Fee Authorization Order; related correspondence and control card; and when appropriate, request for administrative review and Attorney Fee Analyst recommendation.

Authority for maintenance of the system: Sections 205, 1631(d)(1), and 1872 of the Social Security Act, as amended, and Section 413(b) of the Federal Coal Mine Health and Safety Act, as amended.

Purpose(s):

The Hearing File is a working file for individual cases at the hearing level.

Attorney Fee Files are used in processing attorney fee petitions and to respond to correspondence and other inquiries related to representation of claimants.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Disclosure may be made as indicated below:

1. To 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.
2. In the event of litigation where the defendant is (a) the Department of Health and Human Services (HHS), any component of HHS or any employee of HHS in his or her official capacity, (b) the United States where HHS determines that the claim, if successful, is likely to directly affect the operations of HHS or any of its components, or (c) any HHS employee in his or her individual capacity where the Justice Department has agreed to represent such employee, HHS may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.
3. To applicants, claimants, beneficiaries, other than the subject individual, authorized representatives, experts, and other participants at a hearing to the extent necessary to pursue a claim or other matter on appeal.
4. To an attorney to the extent necessary to dispose of an attorney fee petition .
5. To the Internal Revenue Service, Department of the Treasury, as necessary, for the purpose of auditing the Social Security Administration's compliance with safeguard provisions of the Internal Revenue Code of 1954, as amended.

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

Storage: Hearing File folders are stored in filing cabinets (when active). Attorney Fee file control cards are stored in filing containers and paper folders on filing shelves.

Retrievability: Name and social security number.

Safeguards: Access to and use of these records are limited to those persons whose official duties require such access. All employees are instructed in Social Security Administration confidentiality rules as part of their initial orientation training.

Retention and disposal: After all actions are completed, hearing files are forwarded to to the Federal Archives Records Center. Attorney fee file folders are destroyed after 2 years, control card after 5 years.

System manager(s) and address:

Associate Commissioner
Office of Hearings and Appeals, Room 402
3833 North Fairfax Drive
Arlington, Virginia 22203

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

Social Security Administration
Office of Hearings and Appeals
P.O. Box 2518
Washington, D.C. 20013

When requesting notification of records, an individual should provide the name and social security number of the claimant. These procedures are in accordance with HHS Regulations 45 CFR 5b.

Record access procedures: Same as notification procedures. Requestors should also reasonable specify the records contents being sought. These access procedures are in accordance with HHS Regulations 45 CFR 5b.

Contesting record procedures: Same as notification procedures. Requestors should also reasonably identify the record and specify the information to be contested. These procedures are in accordance with HHS Regulations 45 CFR 5b.

Record source categories: Information in this system is derived from the claimant, his or her representative, appropriate members of the public, the Social Security Administration and other Government, State and local agencies.

Systems exempted from certain provisions of the act: None.

09-60-0004

System name: Appeals File, HHS/SSA/OHA.

Security classification: None.

System location:

Office of Hearings and Appeals
801 North Randolph Street
Arlington, Virginia 22203

Categories of individuals covered by the system: Claimants - supplemental security income; retirement, survivors, and disability insurance; health insurance; black lung; and claimants subject to professional standards review.

Categories of records in the system: This file generally contains: Hearing and Appeals analyst's recommendation to the Appeals Council; copies of correspondence and replies during processing of case; requests to Medical Support Staff and their comments, if not entered into the record; copies of Appeals Council actions on the case; notice of denial of request for review, order of remand, notice of granting review, decisions; copies of all post-adjudicative actions or correspondence; copies of transcripts when available.

Authority for maintenance of the system: Sections 205, 1631(d)(1), and 1872 of the Social Security Act, as amended, and section 413(b) of the Federal Coal Mine Health and Safety Act, as amended.

Purpose(s):

The Appeals File is established to be an internal working file used in connection with a recommendation to, or action by, the Appeals Council in an individual case. The Office of Hearings and Appeals creates the file when there is no hearing file. Members of the Appeals Council and their support staff use the Appeals File when working on cases on appeal and when handling post-adjudicative actions and correspondence.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Disclosure may be made as indicated below:

1. To 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.
2. In the event of litigation where the defendant is (a) the Department of Health and Human Services (HHS), any component of HHS or any employee of HHS in his or her official capacity, (b) the United States where HHS determines that the claim, if successful, is likely to directly affect the operations of HHS or any of its components, or (c) any HHS employee in his or her individual capacity where the Justice Department has agreed to represent such employee, HHS may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.
3. To the Internal Revenue Service, Department of the Treasury, as necessary, for the purpose of auditing the Social Security Administration's compliance with safeguard provisions of the Internal Revenue Code of 1954, as amended.

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

Storage: Paper folder file on filing shelves.

Retrievability: Social security number.

Safeguards: Access to and use of these records limited to those persons whose official duties require such access. All employees are instructed in Social Security Administration confidentiality rules as part of their initial orientation.

Retention and disposal: Destroyed 6 calendar months after appeals council final action where no court action is initiated. Destroyed 4 calendar months after final court action in active court cases.

System manager(s) and address:

Associate Commissioner
Office of Hearings and Appeals, Room 402
3833 North Fairfax Drive
Arlington, Virginia 22203

Notification procedure: An individual can determine if this system contains a record pertaining to him or her by writing to the following address:

Social Security Administration
Office of Hearings and Appeals
801 North Randolph Street
Arlington, Virginia 22203

When requesting notification, an individual should provide his or her name and social security number for identification. These procedures are in accordance with HHS Regulations 45 CFR 5b.

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

Contesting record procedures: Same as notification procedures. Requesters should also reasonably identify the record and specify the information to be contested. These procedures are in accordance with HHS Regulations 45 CFR 5b.

Record source categories: Claimant, representative, appropriate members of the public, Social Security Administration and other government, State and local agencies.

Systems exempted from certain provisions of the act: None.

09-60-0005

System name: Hearing Office File, HHS/SSA/OHA.

Security classification: None.

System location: All hearing offices (See Appendix G for address information).

Categories of individuals covered by the system: Claimants - supplemental security income; retirement, survivors, and disability insurance; health insurance; black lung; and claimants subject to professional standards review.

Categories of records in the system: File established in the hearing office of hearing actions taken on each particular case. The file may contain copies of the notice of Hearing, Decision on Dismissal, and the Exhibit List when one is prepared, copy of congressional inquiries and responses thereto as well as copies of postadjudicative material received and any responses made, but not official copies, which are placed in claims folders.

Authority for maintenance of the system: Sections 205, 1631(d)(1), and 1872 of the Social Security Act, as amended, and Section 413(b) of the Federal Coal Mine Health and Safety Act, as amended.

Purpose(s):

A reference as to the actions taken in a particular case at the hearing level. The Administrative Law Judge or hearing office staff uses the information to reply to future correspondence.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Disclosure may be made as indicated below:

1. To 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.
2. In the event of litigation where the defendant is (a) the Department of Health and Human Services (HHS), any component of HHS or any employee of HHS in his or her official capacity, (b) the United States where HHS determines that the claim, if successful, is likely to directly affect the operations of HHS or any of its components, or (c) any HHS employee in his or her individual capacity where the Justice Department has agreed to represent such employee, HHS may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.
3. To the Internal Revenue Service, Department of the Treasury,as necessary, for the purpose of auditing the Social Security Administration's compliance with safeguard provisions of the Internal Revenue Code of 1954, as amended.

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

Storage: Folder.

Retrievability: Alphabetically by claimants' names.

Safeguards: Limited access to Social Security Administration offices; limited employee access to need to know. All employees are instructed in Social Security Administration confidentiality rules as part of their initial orientation training.

Retention and disposal: File is destroyed 2 years after final action was taken.

System manager(s) and address:

Associate Commissioner
Office of Hearings and Appeals
Room 402
3833 North Fairfax Drive
Arlington, Virginia 22203

Notification procedure: An individual can determine if this system contains a record pertaining to him or her by writing the hearing office (see Appendix G for address information).

When requesting notification, an individual should provide his or her name, address, and social security number. The social security number would be helpful although it is not mandatory. These procedures are in accordance with HHS Regulations 45 CFR 5b.

Record access procedures: Same as notification procedures. Requesters should also reasonably specify the record contents being sought. These access procedures are in accordance with HHS Regulations, 45 CFR 5b.

Contesting record procedures: Same as notification procedures. Requesters should also reasonably identify the record and specify the information to be contested. These procedures are in accordance with HHS Regulations 45 CFR 5b.

Record source categories: Claimant, representative, appropriate members of the public, Social Security Administration and other government, State and local agencies.

Systems exempted from certain provisions of the act: None.

09-60-0006

System name: Storage of Hearing Records: Tape Cassettes and Audiograph Discs, HHS/SSA/OHA.

Security classification: None.

System location:

Office of Hearings and Appeals
801 North Randolph Street
Arlington, Virginia 22203

Categories of individuals covered by the system: Claimants - supplemental security income; retirement, survivors, and disability insurance; health insurance; black lung; and claimants subject to professional standards review.

Categories of records in the system: Recording of actual hearing before an administrative law judge.

Authority for maintenance of the system: Sections 205, 1631, and 1872 of the Social Security Act, as amended, and section 413(b) of the Federal Coal Mine Health and Safety Act, as amended.

Purpose(s):

The tape cassettes and audiograph discs system is the basic record of the hearing conducted in an individual case by the Administrative Law Judge. It is the source from which the documentary transcript is prepared. Social Security employees use the information as a reference to respond to subsequent correspondence and/or further appeal of the claim and to process an attorney fee petition when appropriate.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Disclosure may be made as indicated below:

1. To 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.
2. In the event of litigation where the defendant is (a) the Department of Health and Human Services (HHS), any component of HHS or any employee of HHS in his or her official capacity, (b) the United States where HHS determines that the claim, if successful, is likely to directly affect the operations of HHS or any of its components, or (c) any HHS employee in his or her individual capacity where the Justice Department has agreed to represent such employee, HHS may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.
3. To the Internal Revenue Service, Department of the Treasury,as necessary, for the purpose of auditing the Social Security Administration's compliance with safeguard provisions of the Internal Revenue Code of 1954, as amended.

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

Storage: Cassette tape, master tape reels, and disc storage containers.

Retrievability: The records are indexed by name and social security number.

Safeguards: The containers are housed on racks in a secure storage area with access to the records limited to employees with a job related need to know. All employees are instructed in Social Security Administration confidentiality rules as part of their initial orientation training.

Retention and disposal: Records are retained indefinitely.

System manager(s) and address:

Associate Commissioner
Office of Hearings and Appeals
Room 402
3833 North Fairfax Drive
Arlington, Virginia 22203

Notification procedure: An individual can determine if this system contains a record pertaining to him or her by writing to or visiting the following address:

Social Security Administration
Office of Hearings and Appeals
801 North Randolph Street
Arlington, Virginia 22203

When requesting notification, an individual should provide his or her name and social security number. These procedures are in accordance with HHS Regulations 45 CFR 5b.

Record access procedures: Same as notification procedures. Requesters should also reasonably specify the record contents being sought. These access procedures are in accordance with HHS Regulations 45 CFR 5b.

Contesting record procedures: Same as notification procedures. Requesters should also reasonably identify the record and specify the information to be contested. These procedures are in accordance with HHS Regulations 45 CFR 5b.

Record source categories: Claimant, representative, witnesses, administrative law judge and staff.

Systems exempted from certain provisions of the act: None.

09-60-0008

System name: Administrative Law Judge's Docket, HHS/SSA/OHA.

Security classification: None.

System location: All hearing offices (See Appendix G for address information).

Categories of individuals covered by the system: Claimants - supplemental security income; retirement, survivors, and disability insurance; health insurance; black lung; and claimants subject to professional standards review.

Categories of records in the system: A list of the cases pending before the administrative law judge.

Authority for maintenance of the system: Sections 205, 1631(d), and 1872 of the Social Security Act, as amended, and section 413(b) of the Federal Coal Mine Health and Safety Act, as amended.

Purpose(s):

This system enables the Administrative Law Judges to maintain control of his or her caseload.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Disclosure may be made as indicated below:

1. To 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.
2. In the event of litigation where the defendant is (a) the Department of Health and Human Services (HHS), any component of HHS or any employee of HHS in his or her official capacity, (b) the United States where HHS determines that the claim, if successful, is likely to directly affect the operations of HHS or any of its components, or (c) any HHS employee in his or her individual capacity where the Justice Department has agreed to represent such employee, HHS may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

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

Storage: Folder.

Retrievability: Social security number.

Safeguards: Access to and use limited to those persons whose official duties require such access. All employees are instructed in Social Security Administration confidentiality rules as part of their initial orientation training.

Retention and disposal: As each case is disposed of, it is removed from the list.

System manager(s) and address:

Associate Commissioner
Office of Hearings and Appeals, Room 402

3833 North Fairfax Drive
Arlington, Virginia 22203

Notification procedure: An individual can determine if this system contains a record pertaining to him or her by writing the hearing office (see Appendix G for address information).

When requesting notification, an individual should provide his or her name, social security number and address. These procedures are in accordance with HHS Regulations 45 CFR 5b.

Record access procedures: Same as notification procedures. Requesters should also reasonably specify the record contents being sought. These access procedures are in accordance with HHS Regulations 45 CFR 5b.

Contesting record procedures: Same as notification procedures. Requesters should also reasonably identify the record and specify the information to be contested. These procedures are in accordance with HHS Regulations 45 CFR 5b.

Record source categories: administrative law judge, from information on incoming cases.

Systems exempted from certain provisions of the act: None.

09-60-0009

System name: Hearings and Appeals Case Control System, HHS/SSA/OHA.

Security classification: None.

System location:

Office of Hearings and Appeals
801 North Randolph Street
Arlington, Virginia 22203
and each of the 10 regional offices (see Appendix G for address information)

Categories of individuals covered by the system: Claimants - supplemental security income; retirement, survivors, and disability insurance; health insurance; black lung; and claimants subject to professional standards review.

Categories of records in the system: Social security number, name, type of claim, last action on case/date, location of case (office), date of receipt, hearing request (date/type/schedule date/request for review date), administrative law judge, cross reference number.

Authority for maintenance of the system: Sections 205, 1631(d)(1), and 1872 of the Social Security Act, as amended, and section 413(b) of the Federal Coal Mine Health and Safety Act, as amended.

Purpose(s):

The Office of Hearings and Appeals uses this system to ascertain case location and status.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Disclosure may be made as indicated below:

1. To 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.
2. In the event of litigation where the defendant is (a) the Department of Health and Human Services (HHS), any component of HHS or any employee of HHS in his or her official capacity, (b) the United States where HHS determines that the claim, if successful, is likely to directly affect the operations of HHS or any of its components, or (c) any HHS employee in his or her individual capacity where the Justice Department has agreed to represent such employee, HHS may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

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

Storage: Magnetic tape with some punch card input.

Retrievability: Social security number.

Safeguards: Limited access to Social Security Administration offices; limited employee access to information on a need to know basis. SSA data processing security.

Retention and disposal: Until retirement to Federal Archives Records Center, then erased and returned to stock.

System manager(s) and address:

Associate Commissioner
Office of Hearings and Appeals, Room 402
3833 North Fairfax Drive
Arlington, Virginia 22203

Notification procedure: An individual can determine if this system contains a record pertaining to him or her by following the instructions below:

For cases at the appeals council write to:

Social Security Administration
Office of Hearings and Appeals
P.O. Box 2518
Washington, D.C. 20013

For cases at the Hearing Office write to the Hearing Office (see Appendix G for address information).

When requesting notification, an individual should provide his or her name and social security number. These procedures are in accordance with HHS Regulations 45 CFR 5b.

Record access procedures: Same as notification procedures. Requesters should also reasonably specify the record contents being sought. These access procedures are in accordance with HHS Regulations 45 CFR 5b.

Contesting record procedures: Same as notification procedures. Requesters should also reasonably identify the record and specify the information to be contested. These procedures are in accordance with HHS Regulations 45 CFR 5b.

Record source categories: Office employees.

Systems exempted from certain provisions of the act: None.

09-60-0012

System name: Listing and Alphabetical Name File (Folder) of Vocational Experts, Medical Advisors, and Medical Consultants, HHS/SSA/OHA.

Security classification: None.

System location:

Vocational Consultant Program Staff
Office of Hearings and Appeals
4040 North Fairfax Drive
Arlington, Virginia 22203
and
Manager, Appeals Council
Office of Hearings and Appeals
801 North Randolph Street
Arlington, Virginia 22203
and each hearing office (see Appendix G for address information)

Categories of individuals covered by the system: Individuals under contract to provide expert or consultative services to the Office of Hearings and Appeals.

Categories of records in the system: A list of all Vocational Experts and Medical Advisors under contract, who are within the area serviced by the hearing office , and their usage. A list of all Medical Consultants under contract for services in Central Office. In addition, a folder is kept for each expert containing name, social security number, a copy of the contract, qualifications, travel orders, invoices, and correspondence and other written records concerning usage as a expert, including evaluation or services.

Authority for maintenance of the system: Sections 205, 1631(d)(1), and 1872 of the Social Security Act, as amended and Section 413(b) of the Federal Coal Mine Health and Safety Act, as amended.

Purpose(s):

The purposes of this system are as follows: Listing alphabetically by name of vocational expert and medical advisor is used to select the expert or advisor on a rotational basis for use in a hearing case. Listing alphabetically by name of consultant is used to select a consultant as needed in a case before the Appeals Council. Records maintained in contractor files are used for carrying out administrative management responsibilities. These may be used in connection with budgetary planning, assessing services and usage, renewal of contracts, and preparing statistical or summary reports.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Disclosure may be made as indicated below:

1. To 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.

2. In the event of litigation where the defendant is (a) the Department of Health and Human Services (HHS), any component of HHS or any employee of HHS in his or her official capacity, (b) the United States where HHS determines that the claim, if successful, is likely to directly affect the operations of HHS or any of its components, or (c) any HHS employee in his or her individual capacity where the Justice Department has agreed to represent such employee, HHS may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

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

Storage: Folder in filing cabinet and computer storage devices--(medical advisor and medical consultant folders in Central Office in locked filing cabinets.

Retrievability: Alphabetically.

Safeguards: Access to and use are limited to those persons whose official duties require such access. All employees are instructed in Social Security Administration confidentiality rules as part of their initial training.

Retention and disposal: Retain for at least 2 years after expiration of contract at which time the record is deleted by erasing all machine readable records and by destroying all paper records.

System manager(s) and address:

Associate Commissioner
Office of Hearings and Appeals, Room 402
3833 North Fairfax Drive
Arlington, Virginia 22203
and each hearing office (see appendix G for address information).

Notification procedure: An individual can determine if this system contains a record pertaining to him or her by contacting the address specified under system location above, or writing to either the hearing office (see Appendix G for address information) or the address below:

Social Security Administration
Office of Hearings and Appeals
P.O. Box 2518
Washington, D.C. 20013

When requesting notification, an individual should provide his or her name, social security number, date of birth, and type of contract services. These procedures are in accordance with HHS Regulations 45 CFR 5b.

Record access procedures: Same as notification procedures. Requesters should also reasonably specify the record contents being sought. These access procedures are in accordance with HHS Regulations 45 CFR Section 5b.

Contesting record procedures: Same as notification procedures. Requesters should also reasonably identify the record and specify the information to be contested. These procedures are in accordance with HHS Regulations 45 CFR 5b.

Record source categories: Information either comes from the individual, from information supplied by the individual, or is provided by SSA officials.

Systems exempted from certain provisions of the act: None.

09-60-0013

System name: Records of Usage of Medical Advisors and Medical Consultants, HHS/SSA/OHA.

Security classification: None.

System location:

Manager, Appeals Council
Office of Hearings and Appeals
801 North Randolph Street
Arlington, Virginia 22203

Categories of individuals covered by the system: Medical Advisors and Medical Consultants.

Categories of records in the system: Records contains information about the usage of medical advisors and medical consultants such as the occasions on which each medical advisor or medical consultant supplied advice or services to the administrative law judges or the Appeals Council, respectively, amount of time involved, fees paid, and types of cases.

Authority for maintenance of the system: Sections 205, 1631(d)(1), and 1872 of the Social Security Act, as amended, and Section 413(b) of the Federal Coal Mine Health and Safety Act, as amended.

Purpose(s):

The purpose of this system is to provide information so OHA can measure the usage of medical advisors and medical consultants, and make its determinations on contract renewal. This system is used to prepare statistical or summary reports and counseling physicians about services.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Disclosure may be made as indicated below:

1. To 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.
2. In the event of litigation where the defendant is (a) the Department of Health and Human Services (HHS), any component of HHS or any employee of HHS in his or her official capacity, (b) the United States where HHS determines that the claim, if successful, is likely to directly affect the operations of HHS or any of its components, or (c) any HHS employee in his or her individual capacity where the Justice Department has agreed to represent such employee, HHS may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

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

Storage: Folders, or looseleaf binders in locked cabinets, magnetic tape and some punchcards.

Retrievability: Alphabetically by name of advisor or consultant.

Safeguards: Access to and use of these records are limited to OHA management and administrative employees whose official duties require such access.

Retention and disposal: Maintained as long as medical advisor or medical consultant is under contract and as long thereafter as deemed necessary for condiseration with subsequent contract application.

System manager(s) and address:

Associate Commissioner
Office of Hearings and Appeals
Room 402
3833 North Fairfax Drive
Arlington, Virginia 22203

Notification procedure: An individual can determine if this system contains a record pertaining to him or her by visiting the office specified under system location above, or by writing to the following address:

Social Security Administration
Office of Hearings and Appeals
P.O. Box 2518
Washington, D.C. 20013

When requesting notification, an individual should provide his or her name, social security number, and whether he or she is a medical adviser or medical consultant. Providing the social security number would be useful, but is not necessary. These procedures are in accordance with HHS Regulations 45 CFR 5b.

Record access procedures: Same as notification procedures. Requesters should also reasonably specify the record contents being sought. These access procedures are in accordance with HHS Regulations 45 CFR Section 5b.

Contesting record procedures: Same as notification procedures. Requesters should also reasonably identify the record and specify the information to be contested. These procedures are in accordance with HHS Regulations 45 CFR 5b.

Record source categories: Administrative law judges, Appeals Council, and supporting staffs.

Systems exempted from certain provisions of the act: None.

09-60-0014

System name: Curriculum Vitae and Professional Qualifications of Medical Officers and Medical Advisors and Medical Consultants and Resume of Vocational Experts, HHS/SSA/OHA.

Security classification: None.

System location:

Vocational Consultant Program Staff
Office of Hearings and Appeals
4040 North Fairfax Drive
Arlington, Virginia 22203

Manager, Appeals Council
Office of Hearings and Appeals
801 North Randolph Street
Arlington, Virginia 22203
and each Hearing office (See Appendix G for address information).

Categories of individuals covered by the system: Medical Officers, Medical Consultants, Vocational Experts and Medical advisors.

Categories of records in the system: Curriculum vitae and professional qualifications.

Authority for maintenance of the system: Sections 205, 1631(d)(1), and 1872 of the Social Security Act, as amended, and section 413(b) of the Federal Coal Mine Health and Safety Act, as amended.

Purpose(s):

This system is reproduced as appropriate for use as an exhibit in individual cases. The Administrative Law Judge or Appeals Council member uses the information to demonstrate the physician's professional background and expertise, and the vocational expert's professional background and expertise.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Disclosure may be made as indicated below:

1. To 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.
2. In the event of litigation where the defendant is (a) the Department of Health and Human Services (HHS), any component of HHS or any employee of HHS in his or her official capacity, (b) the United States where HHS determines that the claim, if successful, is likely to directly affect the operations of HHS or any of its components, or (c) any HHS employee in his or her individual capacity where the Justice Department has agreed to represent such employee, HHS may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.
3. To parties to a hearing.
4. To the claimant (who would be a third party in this instance).

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

Storage: Folders in filing cabinets.

Retrievability: Alphabetically by name of physician or vocational expert.

Safeguards: Access to and use of these records are limited to those persons whose official duties require such access. All employees are instructed in Social Security Administration confidentiality rules as part of their initial orientation training.

Retention and disposal: Maintained as long as medical officers are employed by the Office of Hearings and Appeals and medical advisor , medical consultant, or vocational expert is under contract.

System manager(s) and address:

Associate Commissioner
Office of Hearings and Appeals, Room 402
3833 North Fairfax Drive
Arlington, Virginia 22203

Notification procedure: An individual can determine if this system contains a record pertaining to him or her by visiting the address specified under system location above, or writing to the appropriate hearing office (see Appendix G for address information) or the address below:

Social Security Administration
Office of Hearings and Appeals
P.O. Box 2518
Washington, D.C. 20013

When requesting notification, an individual should provide his or her name, social security number, and indicate whether he or she is a medical officer, medical advisor, medical consultant, or vocational expert. Providing the social security number would be useful, but is not mandatory. These procedures are in accordance with HHS Regulations 45 CFR 5b.

Record access procedures: Same as notification procedures. Requesters should also reasonably specify the record contents being sought. These access procedures are in accordance with HHS Regulations 45 CFR Section 5b.

Contesting record procedures: Same as notification procedures. Requesters should also reasonably identify the record and specify the information to be contested. These procedures are in accordance with HHS Regulations 45 CFR 5b.

Record source categories: Information either comes from the individual, from information supplied by the individual or medical directories.

Systems exempted from certain provisions of the act: None.

09-60-0015

System name: List of Physicians Utilized as Readers of Black Lung X-Ray Films, HHS/SSA/OHA.

Security classification: None.

System location:

Office of Hearings and Appeals
801 North Randolph Street
Arlington, Virginia 22203

each Hearing Office (See Appendix G for address information)

Categories of individuals covered by the system: Physicians under contract utilized by OHA for X-ray reading in Black Lung cases.

Categories of records in the system: Copy of contract, professional qualifications and curriculum vitae of the physicians.

Authority for maintenance of the system: Section 413(b) of the Federal Coal Mine Health and Safety Act, as amended.

Purpose(s):

This system facilitates the selection of an appropriate physician to read black lung X-ray films in individual cases.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Disclosure may be made as indicated below:

1. To 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.
2. In the event of litigation where the defendant is (a) the Department of Health and Human Services (HHS), any component of HHS or any employee of HHS in his or her official capacity, (b) the United States where HHS determines that the claim, if successful, is likely to directly affect the operations of HHS or any of its components, or (c) any HHS employee in his or her individual capacity where the Justice Department has agreed to represent such employee, HHS may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

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

Storage: Folders in filing cabinets.

Retrievability: Alphabetically by name of physician.

Safeguards: Access to and use of these records are limited to those persons whose official duties require such access. All employees are instructed in Social Security Administration confidentiality rules as part of their initial orientation training.

Retention and disposal: Records are retained indefinitely.

System manager(s) and address:

Associate Commissioner
Office of Hearings and Appeals
Room 402
3833 North Fairfax Drive
Arlington, Virginia 22203

Notification procedure: An individual can determine if this system contains a record pertaining to him or her by contacting in writing or in person the appropriate hearing office (see Appendix G for hearing office address) or writing to the following address:

Social Security Administration
Office of Hearings and Appeals
P.O. Box 2518
Washington, D.C. 20013

When requesting notification, an individual should provide his or her name and social security number. Although the social security number is not mandatory, it would be useful in locating possible records in this system. These procedures are in accordance with HHS Regulations 45 CFR 5b.

Record access procedures: Same as notification procedures. Requesters should also reasonably specify the record contents being sought. These access procedures are in accordance with HHS Regulations 45 CFR Section 5b.

Contesting record procedures: Same as notification procedures. Requesters should also reasonably identify the record and specify the information to be contested. These procedures are in accordance with HHS Regulations 45 CFR 5b.

Record source categories: Information obtained from the individual.

Systems exempted from certain provisions of the act: None.

09-60-0017

System name: Personnel Research and Merit Promotion Test Records, HHS/SSA/OMBP.

Security classification: None.

System location:

Office of Human Resources
Office of Management, Budget, and Personnel
6401 Security Boulevard
Baltimore, Maryland 21235

Categories of individuals covered by the system: SSA employees.

Categories of records in the system: These records include tests, test scores, responses to test items and questionnaires, interview data, and special ratings of employees obtained in test validation and other research.

Authority for maintenance of the system: Title 5, U.S. Code Sec. 3301, Sec. 1303.

Purpose(s):

Personnel Research-System established for certain research projects such as those that involve longitudinal studies. Confidential and or protected information such as ratings or test materials will not be disclosed. Research data are collected on a project by project basis, and are used for the construction, analysis and validation of tests, for research on personnel measurement and selection methods and techniques such as performance evaluation or productivity. Many data are collected under conditions assuring their confidentiality. Personal information in this system of records is used by the Personnel Research and Planning Branch in its research activities. Merit Promotion Test and Assessment Center Systems-System established to be used as factors weighted under SSA Merit Promotion Programs. These records also may be used as a data source for management information for production of summary descriptive statistics and analytical studies in support of the function for which the records are collected or maintained, or for related personnel management functions or manpower studies.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Disclosure may be made as indicated below:

1. To the Civil Service Commission for personnel research purposes and for use of personal identifier such as employee name to identify employees included in research studies that extend over a period of time (longitudinal studies).
2. To 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.
3. In the event of litigation where the defendant is (a) the Department of Health and Human Services (HHS), any component of HHS or any employee of HHS in his or her official capacity, (b) the United States where HHS determines that the claim, if successful, is likely to directly affect the operations of HHS or any of its components, or (c) any HHS employee in his or her individual capacity where the Justice Department has agreed to represent such employee, HHS may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

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

Storage: Records are maintained in file folders, on punched cards, microfiche, computer tape, and computer storage.

Retrievability: Assessment Center, test, research, and other evaluation records are kept by one or more of the following: region or headquarters, name, social security number, date of participation, and type of test or assessment center.

Safeguards: Research branch members are briefed periodically on Privacy Act requirements to prevent unauthorized disclosure of or unauthorized access to covered records. Records are kept in locked files or rooms and are accessible only to the branch staff.

Retention and disposal: Test answer sheets are kept at least 1 year from taking. After that they are destroyed by burning. All other covered are kept indefinitely.

System manager(s) and address:

Director, Office of Human Resources
Office of Management, Budget and Personnel
6401 Security Boulevard
Baltimore, Maryland 21235

Notification procedure: When requesting notification of or access to records in this system, individuals should write to the system manager at the address above and provide their name, the name of this system, identifier where required, and place of SSA employment or former employment. These procedures are in accordance with HHS Regulations 45 CFR 5b.

Record access procedures: Same as notification procedures. Requestors should also reasonably specify the record contents being sought. These access procedures are in accordance with HHS Regulations 45 CFR 5b.

Contesting record procedures: Same as notification procedures. Requestors should reasonably identify the records and specify the information to be contested. These procedures are in accordance with HHS Regulations 45 CFR 5b.

Record source categories: Individual SSA employees, supervisors, assessment center assessors or data from SSA personnel files and records.

Systems exempted from certain provisions of the act: Under the provisions of 5 USC 552, Sec. K (6), which provides for exempting 'testing or examination material used solely to determine individual qualifications for appointment or promotion in the Federal service the disclosure of which would compromise the objectivity or fairness of the testing or examination process,' we exempt from disclosure all Social Security Administration merit promotion tests, test item files, answer keys, completed answer sheets, transmutation tables and schedules, and ratings given for the purpose of validating tests.

09-60-0030

System name: Employee Housing Request Files, HHS/SSA/OMBP.

Security classification: None.

System location:

Office of Human Resources
Office of Management, Budget, and Personnel
6401 Security Boulevard
Baltimore, Maryland 21235

Categories of individuals covered by the system: SSA employees who have requested housing counseling services.

Categories of records in the system: This system of records contains the employee's name, home address, position, grade, work location, work telephone number, housing assistance requested and assistance given.

Authority for maintenance of the system: Executive Order 11478.

Purpose(s):

Information in this system of records is used by housing counselors to assist employee in finding suitable housing.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Disclosure may be made as indicated below:

1. To 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.
2. In the event of litigation where the defendant is (a) the Department of Health and Human Services (HHS), any component of HHS or any employee of HHS in his or her official capacity, (b) the United States where HHS determines that the claim, if successful, is likely to directly affect the operations of HHS or any of its components, or (c) any HHS employee in his or her individual capacity where the Justice Department has agreed to represent such employee, HHS may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

3. (Statistical data) to U.S. Dept. of Housing and Urban Development.

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

Storage: Maintained in file folders.

Retrievability: Indexed by the employee's name.

Safeguards: Access to and use of these records are limited to those persons whose official duties require such access.

Retention and disposal: These records are maintained for 1 year and then destroyed.

System manager(s) and address:

Director, Office of Human Resources
6401 Security Boulevard
Baltimore, Maryland 21235

Notification procedure: An individual can determine if this system contains a record pertaining to him or her by contacting the system manager at the address shown above. When requesting notification, an individual should provide his or her name, clerk number or other identifier, and place of SSA employment or former employment. These procedures are in accordance with HHS Regulations 45 CFR 5b.

Record access procedures: Same as notification procedures. Requesters should also reasonably specify the record contents being sought. These access procedures are in accordance with HHS Regulations 45 CFR 5b.

Contesting record procedures: Same as notification procedures. Requesters should also reasonably identify the record ans specify the information to be contested. These procedures are in accordance with HHS Regulations 45 CFR 5b.

Record source categories: Information provided by the employee.

Systems exempted from certain provisions of the act: None.

09-60-0031

System name: Employee Production and Accuracy Records, HHS/SSA/OMBP.

Security classification: None.

System location:

Operating offices of SSA at the organizational level of the individual's employment.

Categories of individuals covered by the system: Current employees of SSA.

Categories of records in the system: Work measurement records with the following items: employee name, grade, organization unit and shift, social security number, clerk number, Supervisor's name, production data (monthly, weekly, daily), accuracy data, backlog information, error ratio, processing time data, operating and production control codes, leave usage.

Authority for maintenance of the system: 5 U.S.C. 301. Information is this system of records is used by SSA management for manpower planning and production control (to identify backlogs, and systems and procedure problems, manpower utilization, budget estimations, appraisal of employees).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Disclosure may be made as indicated below:

1. To 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.
2. In the event of litigation where the defendant is (a) the Department of Health and Human Services (HHS), any component of HHS or any employee of HHS in his or her official capacity, (b) the United States where HHS determines that the claim, if successful, is likely to directly affect the operations of HHS or any of its components, or (c) any HHS employee in his or her individual capacity where the Justice Department has agreed to represent such employee, HHS may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.
3. To the appropriate Federal, State, or local agency charged with the responsibility of investigating 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, if this system of records indicates that a violation may have occurred.
4. To the Department of Justice to obtain its advice if the HHS, Social Security Administration deems it desirable or necessary in determining whether particular records from this system are required to be disclosed under the Freedom of Information Act.
5. To Federal agencies who have the power to subpoena other Federal agencies' records upon receipt of a subpoena to HHS, Social Security Administration.
6. Where a contract between HHS, Social Security Administration and a labor organization recognized under Executive Order 11491 provides that HHS, Social Security Administration will disclose personal records relevant to the organization's mission.
7. Where the appropriate official of HHS, Social Security Administration, pursuant to the Department's Freedom of Information Regulation, determines that it is in the public interest to disclose a record which is otherwise exempt from mandatory disclosure.
8. To a contractor for the purpose of collating, analyzing, aggregating, or otherwise refining records in this system when HHS, Social Security Administration contracts with a private firm.

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

Storage: Maintained on punch cards, magnetic tape, and on paper forms in file cabinets.

Retrievability: Records in this system are indexed alphabetically and in social security number or clerk number sequence.

Safeguards: Information is this system is available to employees and management only on a need to know basis. For computerized records, electronically transmitted between Central Office and field office location (including organizations administering SSA programs under contractual agreements), systems securities are established in accordance with HHS standards and National Bureau of Standards guidelines. Safeguards include a lock/unlock password system, exclusive use of leased telephone lines, a terminal oriented transaction matrix, and an audit trail.

Retention and disposal: Records are kept for 2 years and destroyed.

System manager(s) and address:

Associate Commissioner
Office of Management, Budget, and Personnel
Room 800 Altmeyer Building
6401 Security Boulevard
Baltimore, Maryland 21235

Notification procedure: An individual can request notification of or access to records in this system by contacting his or her immediate supervisor and providing information necessary to identify the record being sought. These procedures are in accordance with HHS Regulations 45 CFR 5b.

Record access procedures: Same as notification procedures. These access procedures are in accordance with HHS Regulations 45 CFR 5b.

Contesting record procedures:

Same as notification procedures. Requesters should also reasonably identify the record and specify the information he or she is contesting. These procedures are in accordance with HHS Regulations 45 CFR 5b.

Record source categories: Employee completed cards or records completed by supervisor or control personnel, information furnished by timekeeper.

Systems exempted from certain provisions of the act: None.

09-60-0032

System name: Debtors, Credit Counseling and Consumer Protection, HHS/SSA/OMBP.

Security classification: None.

System location:

Office of Human Resources
Office of Management, Budget, and Personnel
6401 Security Boulevard
Baltimore, Maryland 21235

Categories of individuals covered by the system: Employees of SSA headquarters who request services or employees about whom the Administration receives written inquiries because of employees' alleged delinquency in paying taxes and just debts.

Categories of records in the system: Form SSA-3048:

Employee's name

Social Security Number
Telephone extension
Office, branch
Grade
Area of service
Nature of request including personal information as to finances that the employee voluntarily provides
Disposition, including employee's stated intentions
Record of letters or tax forms sent as replies and referrals made to community organizations
Copies of letters from employees to consumer agencies
Letters from creditors or their representatives and copies of our replies
Copies of tax levies against employees.

Authority for maintenance of the system: HHS Federal Personnel Manual, 735-4-10.B1.

Purpose(s):

Files in this system are used by staff members of the Employee Relations Branch for work processing, perspective in counseling and possible disciplinary action (DPO PCB) when indicated.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Disclosure may be made as indicated below:

1. To 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.
2. In the event of litigation where the defendant is (a) the Department of Health and Human Services (HHS), any component of HHS or any employee of HHS in his or her official capacity, (b) the United States where HHS determines that the claim, if successful, is likely to directly affect the operations of HHS or any of its components, or (c) any HHS employee in his or her individual capacity where the Justice Department has agreed to represent such employee, HHS may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

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

Storage: File folders.

Retrievability: iles in this system are indexed alphabetically by name.

Safeguards: Files are maintained in locked steel file cabinets.

Retention and disposal: Routine cases are destroyed by shredding after period of 1 year except for tax review which are kept indefinitely. Ongoing cases in which there is indepth counseling may be kept up to 3 years from date of last contact.

System manager(s) and address:

Director, Office of Human Resources
Social Security Administration
6401 Security Boulevard
Baltimore, Maryland 21235

Notification procedure: An individual can determine if this system contains a record pertaining to him or her by writing to the following address:

Director
Division of Personnel Operations
Social Security Administration
6401 Security Boulevard
Baltimore, Maryland 21235

When requesting notification, an individual should provide his or her name. These procedures are in accordance with HHS Regulations 45 CFR 5b.

Record access procedures: Same as notification procedures. Requesters should also reasonably specify the record contents being sought. These access procedures are in accordance with HHS Regulations 45 CFR 5b.

Contesting record procedures: Same as notification procedures. Requestors should also reasonably identify the record and specify the information being contested. These procedures are in accordance with HHS Regulations 45 CFR 5b.

Record source categories: Information obtained from employee, creditors, IRS, State Tax Division of various States. SSA Computer Printout 7887 Part I 'Locator' used to find telephone extension of employees.

Systems exempted from certain provisions of the act: None.

09-60-0033

System name: Requests for Review of Proposed Contracts with Experts and Consultants, HHS/SSA/OMBP.

Security classification: None.

System location:

Office of Human Resources
Office of Management, Budget, and Personnel
6401 Security Boulevard
Baltimore, Maryland 21235

Categories of individuals covered by the system: Individuals for whom personal service contracts are proposed.

Categories of records in the system: Form HEW 393 Purchase, Service, Stock Requisition and related correspondence concerning review by the Office of Human Resources in order to determine whether services should be obtained by the appoint or by the procurement method. Record may contain individual's name, education, work experience and qualifications, social security number, and date of birth.

Authority for maintenance of the system: 5 USC 3109.

Purpose(s):

Information is this system is used by GAO auditors with requested information concerning the reasons for recommendations made.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Disclosure may be made as indicated below:

1. To 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.
2. In the event of litigation where the defendant is (a) the Department of Health and Human Services (HHS), any component of HHS or any employee of HHS in his or her official capacity, (b) the United States where HHS determines that the claim, if successful, is likely to directly affect the operations of HHS or any of its components, or (c) any HHS employee in his or her individual capacity where the Justice Department has agreed to represent such employee, HHS may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

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

Storage: File cabinet.

Retrievability: Retrievable by name.

Safeguards: Lockable file.

Retention and disposal: Records are retained indefinite.

System manager(s) and address:

Director
Office of Human Resources
6401 Security Boulevard
Baltimore, Maryland 21235

Notification procedure: An individual can determine if this system contains a record pertaining to him or her by writing to the following address:

Director
Division of Personnel Policy, Data, and Research
6401 Security Boulevard
Baltimore, Maryland 21235

These procedures are in accordance with HHS Regulations 45 CFR 5b.

Record access procedures: Same as notification procedures. Requesters should also reasonably specify the record contents being sought. These procedures are in accordance with HHS Regulations 45 CFR 5b. Regulations, 45 CFR 5b.

Contesting record procedures: Same as notification procedures. Requesters should also reasonably identify the record and specify the information to be contested. These procedures are in accordance with HHS Regulations 45 CFR 5b.

Record source categories: Information furnished by individual and SSA Office and Office Management Component.

Systems exempted from certain provisions of the act: None.

09-60-0037

System name: General Criminal Investigations Files, HHS/SSA/OMBP.

Security classification: None.

System location:

Office of Management, Budget and Personnel
6401 Security Boulevard
Baltimore, Maryland 21235

Categories of individuals covered by the system: Reported violators of Federal and State criminal laws on Social Security Administration property.

Categories of records in the system: Investigative efforts to resolve reported crimes and evidence obtained for judicial prosecution.

Authority for maintenance of the system: Section 535 of Title 28, United States Code.

Purpose(s):

Information is this system is used to provide an official record of details of investigative efforts for use in administrative and or criminal procedings.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Disclosure may be made as indicated below:

1. To 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.
2. In the event of litigation where the defendant is (a) the Department of Health and Human Services (HHS), any component of HHS or any employee of HHS in his or her official capacity, (b) the United States where HHS determines that the claim, if successful, is likely to directly affect the operations of HHS or any of its components, or (c) any HHS employee in his or her individual capacity where the Justice Department has agreed to represent such employee, HHS may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.
3. To the appropriate Federal, State, or local agency charged with the responsibility of investigating 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, if this system of records indicates that a violation may have occurred.

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

Storage: Heavy-weight Kraft file folders in fireproof, locked, steel cabinets.

Retrievability: Files in this system are indexed alphabetically on separate index card homes of subjects of investigation.

Safeguards: Access limited in storage area to Protective Security Section only.

Retention and disposal: Files in this system are destroyed by shredding 3 years after final action.

System manager(s) and address:

Chief
Protective Security Branch
Office of Management, Budget and Personnel
6401 Security Boulevard
Baltimore, Maryland 21235

Notification procedure: An individual can determine if this system contains a record pertaining to him or her by sending a request in writing to the System Manager. The request should contain his or her full name, date of birth, as well as work location in the Social Security Administration.

These procedures are in accordance with HHS Regulations 45 CFR 5b.

Record access procedures: Per 5 U.S.C. 552a(k)(2), the records in this system are exempt from access by the individual named in the records. However, access to information which is a matter of public record or documents furnished by the individual will be permitted. Requestors should also reasonably specify the record contents being sought. These procedures are in accordance with HHS Regulations 45 CFR 5b.

Contesting record procedures: Same as notification procedures. Requestors should reasonably identify the records and specify the information to be contested. These procedures are in accordance with HHS Regulations 45 CFR 5b.

Record source categories: Information in files comes from interviews of persons believed knowledgeable about crimes under investigation who furnish relevant facts which can serve to identify possible violators and secure the conviction of the guilty.

Systems exempted from certain provisions of the act: Exemption of this system to the access provisions is claimed under section (k)(2) of the Privacy Act inasmuch as these records are investigatory materials compiled for law enforcement in anticipation of criminal proceeding. (See page 47413 of Federal Register of 8/8/75, Vol. 40, No. 196, Part V).

09-60-0038

System name: Employee Identification Card Files (Building Passes), HHS/SSA/OMBP.

Security classification: None.

System location:

Office of Management, Budget and Personnel
6401 Security Boulevard
Baltimore, Maryland 21235

Categories of individuals covered by the system: All social security employees. Non-social security employees who require continuous access to buildings; (e.g. employees of vendors and contractors).

Categories of records in the system: Name, social security number, office location, office telephone number, color code for type of pass and agency or firm name.

Authority for maintenance of the system: Federal Property Management Regulations, 41 CFR 101-20. 302 - Admission to Property.

Purpose(s):

Employee identification cards are used and in some instances required for admission to social security buildings. The file of application forms verify issue of an identification card to an employee and verify prior issuance in th event of loss or theft of the card.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Disclosure may be made as indicated below:

1. To 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.
2. In the event of litigation where the defendant is (a) the Department of Health and Human Services (HHS), any component of HHS or any employee of HHS in his or her official capacity, (b) the United States where HHS determines that the claim, if successful, is likely to directly affect the operations of HHS or any of its components, or (c) any HHS employee in his or her individual capacity where the Justice Department has agreed to represent such employee, HHS may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.
3. To the Internal Revenue Service, Department of the Treasury, as necessary, for the purpose of auditing the Social Security Administration's compliance with safeguard provisions of the Internal Revenue Code of 1954, as amended.

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

Storage: Information is maintained on Social Security Administration Forms 364, 365, 1860 and 3304.

Retrievability: Records derived from forms 364, 365 and 1860 are indexed by social security number. Forms 3304 are indexed by name.

Safeguards: Forms 364 and 365 are stored in locked files. Forms 1860 are destroyed after form 364 or 365 is issued. Forms 3304 are maintained in locked files.

Retention and disposal: Forms 364 and 365 are kept during the length of service of the individual and then destroyed; picture pass is forwarded to the SSA Commuter Information Center, Social Security Building, 6401 Security Boulevard, Baltimore, Maryland 21235, for destruction.

System manager(s) and address:

Director
Division of Management Services
Office of Management, Budget, and Personnel
6401 Security Boulevard
Baltimore, Maryland 21235

Notification procedure: An individual can determine if this system contains a record pertaining to him or her by contacting the following address:

Chief
Employee Services Section
Office of Management, Budget and Personnel
6401 Security Boulevard
Baltimore, Maryland 21235

For replacement card, individual is required to fill out Social Security Form 1860, Request for Photopass.

These procedures are in accordance with HHS Regulations 45 CFR 5b.

Record access procedures: Same as notification procedures. Requesters should also reasonably specify the record contents being sought. These procedures are in accordance with HHS Regulations 45 CFR 5b.

Contesting record procedures: Same as notification procedures. Requesters should also reasonably identify the record and specify the information to be contested. These procedures are in accordance with HHS Regulations 45 CFR 5b.

Record source categories: Information in these files is received from the Division of Personnel and Training Operations as well as individual employees, contractors, or vendors.

Systems exempted from certain provisions of the act: None.

09-60-0040

System name: Quality Review System, HHS/SSA/OA.

Security classification: None.

System location:

Office of Systems
6401 Security Boulevard
Baltimore, Maryland 21235

Categories of individuals covered by the system: Randomly selected applicants for and/or beneficiaries of:

a. Supplemental Security Income (SSI) payments under title XVI of the Social Security Act. Records of some SSI beneficiaries may have been transferred from State welfare rolls for Aid to the Aged, Blind, and Disabled.

b. Retirement, survivors, and disability insurance benefits under title II of the Social Security Act.

Categories of records in the system:

a. Supplemental Security Income Quality Review: Quality Review Data Base, selected casefile, contingency sample master file, quality assurance universe file, designated case file, designated case transmission file, designated case extract file, and sample control list. These records may contain: social security number, State and county of residence, type of claim, information regarding federally administered supplementation payments, social security claims numbers, living arrangements and family composition, income and medical information, sex, race, resources, third party contacts, and indications of processing errors.

b. Retirement and Survivors Insurance and Disability Insurance Quality Review: These records contain information regarding Federal payments and other information listed in (a) above.

Authority for maintenance of the system: Sections 205(a), 1631(d), and 1631(e) of the Social Security Act.

Purpose(s):

The Quality Review Data Base is used for accumulating and tabulating data to determine the accuracy of the entitlement status of applicants/beneficiaries and of benefit amounts paid under the retirement and survivors insurance program and the disability insurance program, and the eligibility status of applicants/beneficiaries and of benefit amounts paid under the supplemental security income program. Title XVI data also are used to calculate Federal fiscal liability case and gross dollar error rates for State supplementation funds administered by SSA. Other categories of records provide data necessary to complete the data base and to provide information to SSA's Field Assessment Office Divisions of Payment and Eligibility Quality and Field and Satellite Office so that they may review cases to obtain information on the general level of accuracy of the entire beneficiary rolls in the programs noted previously.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: With respect to SSI data, disclosure may be made as indicated below:

1. To the appropriate Federal agency charged with the responsibility for investigating 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, if this system of records indicates that a violation may have occurred.
2. To the Department of Justice to obtain its advice if HHS, Social Security Administration deems it desirable or necessary in determining whether particular records from this system are required to be disclosed under the Freedom of Information Act.
3. To a contractor for the purpose of collating, evaluating, analyzing, aggregating or otherwise refining records in this system when HHS, Social Security Administration contracts with a private firm. (The contractor shall be required to maintain Privacy Act safeguards with respect to such records.)
4. In the course of employee discipline or competence determination proceedings.
5. To members of the community and local, State, and Federal agencies in order to locate the individual (when his or her whereabouts are unknown), to establish the validity of evidence or to verify the accuracy of information presented by the applicant/beneficiary, representative payee, legal guardian or other representative of the applicant/beneficiary.
6. To State Welfare Departments pursuant to agreements with the Social Security Administration for the Federal administration of State supplementation payments.
7. To State agencies for administration of the Medicaid Quality Control system
8. To 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.
9. Where Federal agencies having the power to subpoena other Federal agencies' records, issue a subpoena to HHS or the Social Security Administration SSA will make such records available.
10. To the Internal Revenue Service, Department of the Treasury, as necessary, for the purpose of auditing the Social Security Administration's compliance with safeguard provisions of the Internal Revenue Code of 1954, as amended.

With respect to title II data, routine disclosure is made only as indicated in items 1, 2, 3, 4, 5, 8, and 9.

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

Storage: Magnetic tape and disks.

Retrievability: By any set of record characteristics; e.g., social security number, or name.

Safeguards: Tapes are stored in tape vault in the Division of Data Processing Operations, Office of Systems Operations, or in protected storage racks, disks in protected storage racks. The entire area is secured by guarded entrances, with admission limited to authorized personnel.

Retention and disposal: The Quality Review data base is retained indefinitely. Other records are erased after 30-500 days.

System manager(s) and address:

Director
Office of Payment and Eligibility Quality
Office of Assessment
6401 Security Boulevard
Baltimore, Maryland 21235

Notification procedure: An individual can determine if this system contains a record pertaining to him or her by writing to the following address:

Director
Division of Quality Review Policy and Sample Control
Office of Payment and Eligibility Quality
Office of Assessment
6401 Security Boulevard
Baltimore, Maryland 21235

An individual who requests notification of or access to a medical record shall, at the time he or she makes the request, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion. However, SSA will grant direct access to a subject individual if the responsible SSA official determines that direct access is not likely to have an adverse affect on him or her. If

the responsible SSA official is unable to make a determination, or makes the determination that some harm may occur to an individual, the official will send the record to the designated representative and inform the subject individual in writing that the records have been sent.

A parent or guardian who requests notification of or access to a minor's medical record shall at the time he or she makes the request designate a physician or other health professional (other than a family member) who will be willing to review the record and inform the parent or guardian of its contents at the physician's or health professional's discretion. These procedures are in accordance with HHS Regulations 45 CFR 5b.

Record access procedures: Same as notification procedures. Requesters should also reasonably specify the record contents being sought. These access procedures are in accordance with HHS Regulations 45 CFR 5b.

Contesting record procedures: Same as notification procedures. Requesters should also reasonably identify the record and specify the information to be contested. These procedures are in accordance with HHS 45 CFR 5b.

Record source categories: Information in the Social Security Administration Quality Review system is furnished by applicants for and beneficiaries of the retirement and survivors insurance program, the disability insurance program, and the supplemental security income program, representative payees of such individuals (where appropriate), Social Security Administration offices, other Federal and State agencies, and private sources.

Systems exempted from certain provisions of the act: None.

09-60-0042

System name: Quality Review Casefile, HHS/SSA/OA.

Security classification: None.

System location:

Office of Payment and Eligibility Quality
Office of Assessment

6401 Security Boulevard
Baltimore, Maryland 21235

Field (10) and Satellite (27) Offices
(See Appendices L.1 and L.2 for address information)

Categories of individuals covered by the system: Randomly selected applicants for and/or beneficiaries of:

a. Supplemental Security Income (SSI) payments under title XVI of the Social Security Act. Records of some SSI beneficiaries may have been transferred from State welfare rolls for Aid to the Aged, Blind, and Disabled.
b. Retirement, survivors, and disability insurance benefits under title II of the Social Security Act.

Categories of records in the system: The Quality Review Casefile contains information from SSA records and information obtained by Quality Review Specialists from retirement and survivors insurance, disability insurance and SSI applicants and or beneficiaries and from third party sources. These casefiles may contain information relating to any combination of these three programs.

Authority for maintenance of the system: Sections 205(a), 1631(d)(1) and 1631(e)(1)(B) of the Social Security Act.

Purpose(s):

Both title II and title XVI Quality Review Casefiles are used for accumulating data concerning the eligibility or entitlement of applicants/beneficiaries and of benefit amounts paid under the retirement, survivors, and disability insurance programs, and the supplemental security income program. Casefiles also provide data necessary to complete the Quality Review Data Base and to provide information to the Social Security Administration's Field Assessment Office Divisions of Payment and Eligibility Quality Field and Satellite Offices needed to review cases in order to obtain information on the general level of accuracy of the entire beneficiary rolls in the programs noted previously.

Data obtained from title XVI Quality Review Casefiles also are used to calculate the Federal fiscal liability case and gross dollar error rates for State supplementation funds administered by SSA.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: With respect to SSI data, disclosure may be made as indicated below:

1. To the appropriate Federal agency charged with the responsibility for investigating 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, if this system of records indicates that a violation may have occurred.
2. To the Department of Justice to obtain its advice if HHS, Social Security Administration deems it desirable or necessary in determining whether particular records from this system are required to be disclosed under the Freedom of Information Act.
3. To a contractor for the purpose of collating, evaluating, analyzing, aggregating or otherwise refining records in this system when HHS, Social Security Administration contracts with a private firm. (The contractor shall be required to maintain Privacy Act safeguards with respect to such records.)
4. In the course of employee discipline or competence determination proceedings.
5. To members of the community and local, State, and Federal agencies in order to locate the individual (when his or her whereabouts are unknown), to establish the validity of evidence or to verify the accuracy of information presented by the applicant/beneficiary, representative payee, legal guardian or other representative of the applicant/beneficiary.
6. To State Welfare Departments pursuant to agreements with the Social Security Administration for the Federal administration of State supplementation payments.
7. State agencies for administration of the Medicaid Quality Control system.
8. To 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.
9. Where Federal agencies having the power to subpoena other Federal agencies' records, issue a subpoena to HHS or the Social Security Administration, SSA will make such records available.
10. To the Internal Revenue Service, Department of the Treasury, as necessary, for the purpose of auditing the Social Security Administration's compliance with safeguard provisions of the Internal Revenue Code of 1954, as amended.

With respect to title II data, routine disclosure is made only as indicated in items 1, 2, 3, 4, 5, 8, and 9.

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

Storage: Manila folder.

Retrievability: The Quality Review Casefiles are retrieved only by social security number. Retrieval will be speedier if the individual's State of residence, program under which benefits were received and/or applied for, and sample selection month are supplied.

Safeguards: With respect to title XVI, Quality Review Casefiles are stored in the Field Assessment Satellite Offices that have jurisdictional responsibility for review of the selected sample cases. With respect to title II, Quality Review Casefiles are stored in the Field Assessment Office Divisions of Payment and Eligibility Quality, Field Offices and, where appropriate, in the Satellite Field Assessment Offices that have jurisdictional responsibility for review of the selected sample cases. All Quality Review Casefiles are stored either in locked cabinets and or locked rooms in space serviced by GSA guards. Access is limited to SSA employees with responsibility for reviewing and maintaining such casefiles and, in the case of SSI Quality Review Casefiles, to State Medicaid Quality Control employees pursuant to item above.

Retention and disposal:

a. Titles XVI Quality Review Casefile are retained for 18 months after the close of the 6-month period for which the cases were selected for quality review or until 36 months after fiscal settlement (Federal fiscal liability situation) for the sample period for which the individual case was selected is reached between SSA and the individual States, whichever is later.
b. Title II Quality Review Casefiles are retained for 18 months after the close of the 6 month sample period for which the cases were selected for review.

System manager(s) and address:

Director
Office of Payment and Eligibility Quality

Office of Assessment
6401 Security Boulevard
Baltimore, Maryland 21235

Notification procedure: An individual can determine if this system contains a record pertaining to him or her by writing to the Field Assessment Officer at the respective Field Assessment Office (see Appendix L.1 for address information).

An individual who requests notification of or access to a medical record shall, at the time he or she makes the request, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion. However, SSA will grant direct access to a subject individual if the responsible SSA official determines that direct access is not likely to have an adverse affect on him or her. If the responsible SSA official is unable to make a determination, or makes the determination that some harm may occur to an individual, the official will send the record to the designated representative and inform the subject individual in writing that the records have been sent.

A parent or guardian who requests notification of or access to a minor's medical record shall at the time he or she makes the request designate a physician or other health professional (other than a family member) who will be willing to review the record and inform the parent or guardian of its contents at the physician's or health professional discretion. These procedures are in accordance with HHS Regulations 45 CFR 5b.

Record access procedures: Same as notification procedures. Requesters should also reasonably specify the record contents being sought. These access procedures are in accordance with HHS Regulations 45 CFR 5b.

Contesting record procedures: Same as notification procedures. Requesters should also reasonably identify the record and specify the information being contested. These procedures are in accordance with HHS Regulations 45 CFR 5b.

Record source categories: Information in the Quality Review Casefile is furnished by applicant/ beneficiaries under the retirement and survivors insurance program, the disability insurance program, and the supplemental security income program, representatives of such individuals (where appropriate), Social Security Administration offices, and other Federal, State, and local agencies, and from private sources.

Systems exempted from certain provisions of the act: None.

09-60-0044

System name: Disability Determination Service Processing File, HHS/SSA/ODP.

Security classification: None.

System location: Each Disability Determination Services (DDS's) office. The name and address for each State DDS is shown in Appendix B.3.

Categories of individuals covered by the system: Claimants for Disability Insurance and Black Lung benefits, and Supplemental Security Income alleging a disability for whom the Disability Determination Service processes claims.

Categories of records in the system: Name and social security number of wage earner, claimant's name and address, date of birth, diagnosis, beginning and ending dates of disability, basis for determination, work history information, educational level, reexamination date (if applicable), date of application, names and titles of persons making or reviewing the determination and certain administrative data. Also included could be data relative to the location of the file and the status of the claim, copies of medical reports, and data relating to the evaluation and measurement of the effectiveness of claims policies.

Authority for maintenance of the system: 5 U.S.C. 301, 30 U.S.C. 923(b), and Sections 221, 1633, and 1634 of the Social Security Act.

Purpose(s):

The records are used primarily for the processing of disability and black lung claims for detection and correction of deficiencies and problems involved in this processing, and for case control purposes.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Disclosure may be as indicated below:

1. To State Vocational Rehabilitation agency or State crippled children's service agency (or another agency providing services to disabled children) for the consideration of rehabilitation services per sections 222 and 1615 of the Social Security Act.
2. To State audit agencies utilizing this information for verifying proper expenditure of Federal funds by the State in support of the Disability Determination Service (DDS).
3. To the Veterans Administration of information requested for purposes of determining eligibility for or amount of VA benefits, or verifying other information with respect thereto.
4. To congressional offices from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.
5. In response to legal process of interrogatories relating to the enforcement of an individual's child support or alimony obligations, as required by sections 459 and 461 of the Social Security Act.
6. In the event of litigation where the defendant is (a) the Department of Health and Human Services (HHS), any component of HHS or any employee of HHS in his or her official capacity, (b) the United States where HHS determines that the claim, if successful, is likely to directly affect the operations of HHS or any of its components, or (c) any HHS employee in his or her individual capacity where the Justice Department has agreed to represent such employee, HHS may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

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

Storage: Records are maintained in sectionalized files, magnetic tape or disk packs. The method of storage may vary from State to State.

Retrievability: Filed by social security number or alphabetically by the claimant or beneficiary's name depending on Disability Determination Service preference.

Safeguards: Accessible only to Disability Determination Service personnel and subject to the restrictions on disclosures under 5 U.S.C. 552(b)(6), 21 U.S.C. 1175, 42 U.S.C. 1306.

Retention and disposal: May vary from State to State according to the preference, but generally each State destroys its files over a period varying from 6 months to 36 months unless held in an inactive storage under security measures for a longer period.

System manager(s) and address:

Director
Office of Disability Programs
6401 Security Boulevard
Baltimore, Maryland 21235

Assistant Regional Commissioner, Programs (see Appendix B.2 for address information.

Notification procedure: An individual can determine if this system contains a record pertaining to him or her by contacting the Disability Determination Service Administrator, Disability Determination Services, C/O State in which he or she resides and/or information is likely to be maintained. (See Appendix B.3 for address information.)

An individual who requests notification of, or access to a medical record shall, at the time he or she makes the request, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion. However, SSA will grant direct access to a subject individual if the responsible SSA official determines that direct access is not likelly to have an adverse affect on him or her. If the responsible SSA official is unable to make a determination, or makes the determination that some harm may occur to an individual, the official will send the record to the designated respesentative and inform the subject individual in writing that the records have been sent.

A parent or guardian who request notification of, or access to a minor's medical record shall at the time he or she makes the request designate a physician or other health professional (other than a family member) who will be willing to review the record and inform the parent or guardian of its contents at the physician's discretion. These procedures are in accordance with HHS Regulations 45 CFR Section 5b.

Record access procedures: Same as notification procedures. Requesters should also reasonable specify the record contents being sought. These procedures are in accordance with HHS Regulations 45 CFR Section 5b.

Contesting record procedures: Same as notification procedures. Requesters should also reasonably identify the record and specify the information they are contesting. These procedures are in accordance with HHS Regulations 45 CFR Section 5b.

Record source categories: The information to support factors of entitlement and/or continuing eligibility originates from claimants or those acting on their behalf, physicians, hospitals, and other appropriate sources. Also, information is received from control data that monitors the location and status of the claim.

Systems exempted from certain provisions of the act: None.

09-60-0045

System name: Black Lung Payment System, HHS/SSA/OURV.

Security classification: None.

System location:

Office of Systems
6401 Security Boulevard
Baltimore, Maryland 21235

Categories of individuals covered by the system: All black lung beneficiaries currently entitled to receive a black lung benefit and beneficiaries terminated because of a termination event as defined in the Federal Coal Mine Health and Safety Act.

Categories of records in the system: The Black Lung Master Records consist of a payment master record and a benefit master record which are matched once a month. The payment master record reflects the social security number and the payment identification code under which black lung benefits are awarded and payment data such as the monthly payment amount; the scheduled payment amount; offset information; the number of beneficiaries on the account as well as the number of beneficiaries in the payment; the month of accrual; the month of debit; credit information; future month of adjustment diary dates; cross-reference information; payee name and address information, direct deposit data, and statistical information. The benefit master record contains a benefit record for each beneficiary on the account which includes the social security number, the payment and benefit identification codes, the payment status, the monthly benefit amount, the beneficiary's name, type of benefit, data of birth, race, sex, offset information, credit information, date of filing, date of entitlement, representative payee information, and statistical information.

Only the latest action taken is reflected on these records. The records may be in the following form: Payment Master Record Computer File; Benefit Master Record Computer File; Treasury Payment Tape File; Microfiche Files; Payment Reference Listing; Benefit Reference Listing.

Authority for maintenance of the system: Sections 413 and 415 of Part IV of the Federal Coal Mine Health and Safety Act (Black Lung).

Purpose(s):

The data on the Black Lung Master Records is used by Social Security employees for responding to inquiries; computer exception processing; conversion of benefits; end of the month reconcilations; statistical studies; to generate payment tapes for Treasury; and for exchange with the Department of Labor for administering provisions of the Title IV of the Black Lung Act.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Disclosure may be made as indicated below:

1. To 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.
2. In the event of litigation where the defendant is (a) the epartment of Health and Human Services (HHS), any component of HHS or any employee of HHS in his or her official capacity, (b) the United States where HHS determines that the claim, if successful, is likely to directly affect the operations of HHS or any of its components, or (c) any HHS employee in his or her individual capacity where the Justice epartment has agreed to represent such employee, HHS may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.
3. To the Office of the President for the purpose of responding to an individual pursuant to an inquiry from that individual or from a third party on his or her behalf.

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

Storage: Magnetic tape, paper.

Retrievability: By social security number.

Safeguards: Magnetic tape is protected through standard security measures used for all Social Security Administration computer records. Paper records are subject to the same safeguards as all other information in the Social Security Administration relating to claims and beneficiary records.

Retention and disposal: Magnetic tape records are retained up to 90 days. Paper records are usually destroyed after use, except where needed for documentation of the claims folder.

System manager(s) and address:

Director
Office of User Requirement and Validation
Baltimore, Maryland 21241

Notification procedure: An individual can determine if this system contains a record pertaining to him or her by contacting the system manager at the address shown above and furnishing his or her name, social security number, approximate date and place claim was filed, type of claim (disability, black lung, or supplemental security income), and return address. These procedures are in accordance with HHS Regulations 45 CFR 5b.

Record access procedures: Same as notification procedures. Requesters should also reasonably specify the record contents being sought. These access procedures are in accordance with HHS Regulations 45 CFR 5b.

Contesting record procedures: Same as notification procedures. Requesters should also reasonably identify the record and specify the information to be contested. These procedures are in accordance with HHS Regulations 45 CFR 5b.

Record source categories: The information for the Black Lung Master Records is furnished by the beneficiary at the time of filing for benefits via the application form and necessary proofs and during the period of entitlement when notices of events such as changes of address, work, marriage, etc., are given to the Social Security Administration by the beneficiary. This information is prepared for input to this system from the Black Lung claims folders.

Systems exempted from certain provisions of the act: None.

09-60-0046

System name: Consultative Physician's File, HHS/SSA/ODP.

Security classification: None.

System location: Offices of the Disability Determination Services (DDS) of each State that may currently maintain this type of file. The names and addresses of each DDS are in Appendix B.

Categories of individuals covered by the system: Physicians who have expressed a willingness to conduct consultative examinations for the DDS and, in some instances, other physicians with whom the DDS has contact. The latter are usually treating physicians.

Categories of records in the system: Information relative to a physician's speciality, past experience with him as to the promptness with which he submits reports, general thoroughness of his reports, etc., as well as perhaps comments on the physician's own preferences (such as appointment hours, etc.).

Authority for maintenance of the system: 5 U.S.C. 301, 30 U.S.C. 923(b), and Sections 221, 1633, and 1634 of the Social Security Act.

Purpose(s):

Disability Determination Services personnel utilize this information when considering the need for additional medical evidence in claims under titles II and XVI of the Social Security Act or title IV of the Federal Coal Mine Health and Safety Act.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Disclosure may be made as indicated below:

1. To 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.
2. In the event of litigation where the defendant is (a) the epartment of Health and Human Services (HHS), any component of HHS or any employee of HHS in his or her official capacity, (b) the United States where HHS determines that the claim, if successful, is likely to directly affect the operations of HHS or any of its components, or (c) any HHS employee in his or her individual capacity where the Justice epartment has agreed to represent such employee, HHS may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

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

Storage: Each DDS Maintains its own records and the method of storage may vary from State to State. Generally, the information is on a file card maintained in a standard card file cabinet.

Retrievability: Records are filed alphabetically and are retrieved manually by authorized personnel.

Safeguards: Only authorized Disability Determination Services personnel have access to these records. Personal information other than the name of the physician is subject to the disclosure restrictions of 5 U.S.C. 552(b)(6), 21 U.S.C. 1175, and 42 U.S.C. 1306.

Retention and disposal: Disability Determination Services policy as to retention and disposal varies from State to State, but generally, the file is purged upon death, retirement, or relocation of the physician.

System manager(s) and address:

Director
Office of Disability Programs
6401 Security Boulevard
Baltimore, Maryland 21235

Assistant Regional Commissioner, Programs (see Appendix B.2 for address information.

Notification procedure: An individual can determine if this system contains a record pertaining to him or her by writing the Disability Determination Services Administrator, Disability Determination Services, C/O State in which he or she resides and/or inforfmation is likely to be maintained (see Appendix B.3 for address information). These procedures are accordance with HHS Regulations 45 CFR 5b.

Record access procedures: Same as notification procedures. Requesters should also reasonably specify the record contents being sought. These access procedures are in accordance with HHS Regulations 45 CFR 5b.

Contesting record procedures: Same as notification procedures. Requesters should also reasonably identify the record and specify the information to be contested. These procedures are in accordance with HHS Regulations 45 CFR 5b.

Record source categories: Most information is obtained directly from the physician. Observations of Disability Determination Services personnel about the physician, such as a doctor's general promptness in filing reports, may occasionally be found in a physician's file.

Systems exempted from certain provisions of the act: None.

09-60-0047

System name: Critical Case Processing Time, HHS/SSA/OOPP.

Security classification: None.

System location:

Office of Data Services
6401 Security Boulevard
Baltimore, Maryland 21235

Categories of individuals covered by the system: Social security disability beneficiaries or claimants whose application for disability benefits is pending.

Categories of records in the system: Social security numbers of claimants and dates requests were received and processed.

Authority for maintenance of the system: Section 221 of the Social Security Act.

Purpose(s):

Records in this system are used monthly to prepare processing time reports.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Disclosure may be made as indicated below:

1. To 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.
2. To the Internal Revenue Service, Treasury Department, as necessary for the purpose of auditing the Social Security Administration's compliance with safeguard provisions of the Internal Revenue Code of 1954, as amended.

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

Storage: Magnetic tapes.

Retrievability: Access is by use of the social security number.

Safeguards: Only authorized personnel having a need for this information in the performance of their official duties have access to this data under stringent security measures involving guards, identity cards and photographs, etc.

Retention and disposal: Tapes are maintained until the decision is made at which time the record is erased.

System manager(s) and address:

SSA Privacy Officer
Baltimore, Maryland 21241

Notification procedure: An individual can determine if this system contains a record pertaining to him or her by contacting the system manager at the address shown above and furnishing his or her name, social security number, approximate date and place claim was file, type of claim (disability, black lung, or supplemental security income), and return address. These procedures are in accordance with HHS Regulations 45 CFR 5b.

Record access procedures: Same as notification procedures. Requesters should also reasonably specify the record contents being sought. These access procedures are in accordance with HHS Regulations 45 CFR 5b.

Contesting record procedures: Same as notification procedures. Requesters should also reasonably identify the record and specify the information to be contested. These procedures are in accordance with HHS Regulations 45 CFR 5b.

Record source categories: Records are prepared from control sheets showing date of requests, date request was processed and type of request.

Systems exempted from certain provisions of the act: None.

09-60-0049

System name: Disability Data Record, HHS/SSA/OOPP.

Security classification: None.

System location:

Office of Data Services
6401 Security Boulevard
Baltimore, Maryland 21235

Categories of individuals covered by the system: Social security disability beneficiaries or claimants whose application for a disability benefit has been allowed or denied.

Categories of records in the system: Social security numbers of the claimant and other demographic and statistical information relating to the disability decision.

Authority for maintenance of the system: Section 221 of the Social Security Act.

Purpose(s):

Information in this system is used to prepare various special studies.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Disclosure may be made as indicated below:

1. To 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.
2. to the Energy Resources Development Administration for their study of the long term effects of low-level radiation exposure.

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

Storage: Magnetic tapes.

Retrievability: Access is by use of the social security number.

Safeguards: Only authorized personnel having a need for this information in the performance of their official duties have access to this data under stringent security measures involving guards, identity cards and photographs, etc. For computerized records, electronically transmitted between Central Office and field office locations (including organizations administering SSA programs under contractual agreements), systems securities are established in accordance with the HHS ADP System Manual, 'Part 6, ADP System Security.' Safeguards include a lock/unlock password system, exclusive use of leased telephone lines, a terminal oriented transaction matrix, and an audit trail.

Retention and disposal: Tapes are maintained indefinitely.

System manager(s) and address:

SSA Privacy Officer
Baltimore, Maryland 21241

Notification procedure: An individual can determine if this system contains a record pertaining to him or her by contacting the system

manager at the address shown above and furnishing his or her name, social security number, approximate date and place claim was file, type of claim (disability, black lung, or supplemental security income), and return address.

An individual who requests notification of or access to a medical record shall, at the time he or she makes the request, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion. However, SSA will grant direct access to a subject individual if the responsible SSA official determines that direct access is not likely to have an adverse affect on him or her. If the responsible SSA official is unable to make a determination, or makes the determination that some harm may occur to an individual, the official will send the record to the designated representative and inform the subject individual in writing that the records have been sent.

A parent or guardian who requests notification of or access to a minor's medical record shall at the time he or she makes the request designate a physician or other health professional (other than a family member) who will be willing to review the record and inform the parent or guardian of its contents at the physician's or health professional's discretion. These procedures are in accordance with HHS Regulations 45 CFR 5b.

Record access procedures: Same as notification procedures. Requesters should also reasonably specify the record contents being sought. These access procedures are in accordance with HHS Regulations 45 CFR 5b.

Contesting record procedures: Same as notification procedures. Requesters should also reasonably identify the record and specify the information to be contested. These procedures are in accordance with HHS Regulations 45 CFR 5b.

Record source categories: The record contains data taken from the claim file which was obtained from the individual or someone acting on the individual's behalf.

Systems exempted from certain provisions of the act: None.

09-60-0050

System name: Completed Determination Record - Continuing Disability Determinations, HHS/SSA/OOPP.

Security classification: None.

System location:

Office of Data Services
6401 Security Boulevard
Baltimore, Maryland 21235

Categories of individuals covered by the system: Allowed disability claimants on which a continuing disability issue has occurred and a decision of continuance or cessation has been approved.

Categories of records in the system: Name and social security number of the individual and other data such as date of birth, District and State Agency Code, date disability began, type of claim, reasons for reopening, continuance or cessation code, date of termination (if applicable), date of completion, etc.

Authority for maintenance of the system: Section 221 of the Social Security Act.

Purpose(s):

This system is used to record the result of continuing disability investigations.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Disclosure may be made as indicated below:

1. To 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.
2. To the Internal Revenue Service, Department of the Treasury, as necessary, for the purpose of auditing the Social Security Administration's ccompliance with the safeguard provisions of the Internal Revenue Code of 1954, as amended.

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

Storage: Magnetic tapes.

Retrievability: Access is by use of the social security number.

Safeguards: Only authothized personnel having a need for this information in the performance of their official duties have access to this data under stringent security measures involving guards, identity cards, and photographs, etc.

Retention and disposal: Tapes are maintained indefinitely.

System manager(s) and address:

SSA Privacy Officer
3-F-1 Operations Building
6401 Security Boulevard
Baltimore, Maryland 21235

Notification procedure: An individual can determine if this system contains a record pertaining to him or her by contacting the system manager at the address shown above and furnishing his or her name, social security number, approximate date and place claim was file, type of claim (disability, black lung, or supplemental security income), and return address.

An individual who requests notification of or access to a medical record shall, at the time he or she makes the request, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion. However, SSA will grant direct access to a subject individual if the responsible SSA official determines that direct access is not likely to have an adverse affect on him or her. If the responsible SSA official is unable to make a determination, or makes the determination that some harm may occur to an individual, the official will send the record to the designated representative and inform the subject individual in writing that the records have been sent.

A parent or guardian who requests notification of or access to a minor's medical record shall at the time he or she makes the request designate a physician or other health professional (other than a family member) who will be willing to review the record and inform the parent or guardian of its contents at the physician's or health professional's discretion. These procedures are in accordance with HHS Regulations 45 CFR 5b.

Record access procedures: Same as notification procedures. Requesters should also reasonably specify the record contents being sought. These access procedures are in accordance with HHS Regulations 45 CFR 5b.

Contesting record procedures: Same as notification procedures. Requesters should also reasonably identify the record and specify the information to be contested. These procedures are in accordance with HHS Regulations 45 CFR 5b.

Record source categories: These records summarize information contained in the claims folder which was obtained from the individual or someone acting on the individual's behalf and from this individual's physician, or a physician performing a consultative examination or from hospitals and other treatment sources.

Systems exempted from certain provisions of the act: None.

09-60-0051

System name: Administrative Disallowance Records for Technical Denials, HHS/SSA/OOPP.

Security classification: None.

System location:

Office of Data Services
6401 Security Boulevard
Baltimore, Maryland 21235

Categories of individuals covered by the system: Any disability applicant whose claim has been disallowed for technical reasons, generally for failure to meet the insured status provisions at any time.

Categories of records in the system: The name and social security number of the claimant together with other pertinent data such as district office code, disallowance code, date claim filed, disallowance notice number and date processed.

Authority for maintenance of the system: Section 205(a) of the Social Security Act.

Purpose(s):

The record serves as a statistical and workload accounting source for disability decisions on applicants who never met, or do not meet, the insured status provisions in relation to the date disability began.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Disclosure may be made as indicated below:

1. To 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.
2. To the Internal Revenue Service, Department of the Treasury, as necessary, for the purpose of auditing the Social Security Administration's compliance with safeguard provisions of the Internal Revenue Code of 1954, as amended.

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

Storage: Magnetic tapes.

Retrievability: Access is by use of the social security number.

Safeguards: Only authorized personnel having a need for this information in the performance of their official duties have access to this data under stringent security measures involving guards, identity cards and photographs, etc.

Retention and disposal: Tapes are retained indefinitely.

System manager(s) and address:

SSA Privacy Officer
3-F-1 Operations Building
6401 Security Boulevard
Baltimore, Maryland 21235

Notification procedure: An individual can determine if this system contains a record pertaining to him or her by contacting the system manager at the address shown above and furnishing his or her name, social security number, approximate date and place claim was file, type of claim (disability, black lung, or supplemental security income), and return address. These procedures are in accordance with HHS Regulations 45 CFR 5b.

Record access procedures: Same as notification procedures. Requesters should also reasonably specify the record contents being sought. These access procedures are in accordance with HHS Regulations 45 CFR 5b.

Contesting record procedures: Same as notification procedures. Requesters should also reasonably identify the record and specify the information to be contested. These procedures are in accordance with HHS Regulations 45 CFR 5b.

Record source categories: The information for this record is taken from Form SSA-201B, Determination of Disallowance - Disability Claim which is completed by a Social Security Administration employee to document the reason for the determination.

Systems exempted from certain provisions of the act: None.

09-60-0052

System name: Disposition of Vocational Rehabilitation Report to Social Security Administration, HHS/SSA/ODP.

Security classification: None.

System location:

Office of Data Services
6401 Security Boulevard
Baltimore, Maryland 21235

Categories of individuals covered by the system: Disability beneficiaries accepted for vocational rehabilitation services under the reimbursement provisions and now reported as closed (no longer receiving service).

Categories of records in the system: The name and social security number of the disabled beneficiary together with other statistical information such as type of claim, closure status, date of closure, State vocational rehabilitation code, date of form etc.

Authority for maintenance of the system: Sections 222 and 1615 of the Social Security Act.

Purpose(s):

The record serves as a statistical and accounting source for beneficiaries involved in the vocational rehabilitation reimbursement program. The receipt of Notice of Closure, Form SSA-853 clears the control.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Disclosure may be made as indicated below:

To 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.

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

Storage: Magnetic tapes.

Retrievability: Access is by use of the social security number.

Safeguards: Only authorized personnel having a need for this information in the performance of their official duties have access to this data under stringent security measures involving guards, identity cards and photographs, etc.

Retention and disposal: Tapes are maintained indefinitely.

System manager(s) and address:

Director
Office of Disability Programs
6401 Security Boulevard
Baltimore, Maryland 21235

Notification procedure: An individual can determine if this system contains a record pertaining to him or her by contacting the system manager at the address shown above and furnishing his or her name, social security number, approximate date and place claim was file, type of claim (disability, or supplemental security income), and return address.

An individual who requests notification of or access to a medical record shall, at the time he or she makes the request, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion. However, SSA will grant direct access to a subject individual if the responsible SSA official determines that direct access is not likely to have an adverse affect on him or her. If the responsible SSA official is unable to make a determination, or makes the determination that some harm may occur to an individual, the official will send the record to the designated representative and inform the subject individual in writing that the records have been sent.

A parent or guardian who requests notification of or access to a minor's medical record shall at the time he or she makes the request designate a physician or other health professional (other than a family member) who will be willing to review the record and inform the parent or guardian of its contents at the physician's or health professional's discretion. These procedures are in accordance with HHS Regulations 45 CFR 5b.

Record access procedures: Same as notification procedures. Requesters should also reasonably specify the record contents being sought. These access procedures are in accordance with HHS Regulations 45 CFR 5b.

Contesting record procedures: Same as notification procedures. Requesters should also reasonably identify the record and specify the information to be contested. These procedures are in accordance with HHS Regulations 45 CFR 5b.

Record source categories: The data is extracted from Forms SSA-853 - Vocational Rehabilitation Report to Social Security Administration which is completed by State offices of vocational rehabilitation.

Systems exempted from certain provisions of the act: None.

09-60-0053

System name: Reimbursement from Trust Fund for Vocational Rehabilitation Services, HHS/SSA/ODP

Security classification: None.

System location:

Office of Data Services
6401 Security Boulevard
Baltimore, Maryland 21235

Categories of individuals covered by the system: Disabled beneficiaries referred and undergoing consideration for vocational rehabilitation services; costs of such services to be reimbursed from social security trust or general funds providing a beneficiary status exists.

Categories of records in the system: The name and social security number of the beneficiary as well as vocational rehabilitation state and district office code, type of claim, amount of benefit (at time of referral), date of request for status.

Authority for maintenance of the system: Sections 222 and 1615 of the Social Security Act.

Purpose(s):

This record serves as a control and monitor of vocational rehabilitation referral activity in the disability program in order to validate the use of trust funds and general funds expended for services rendered.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Disclosure may be made as indicated below:

To 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.

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

Storage: Magnetic tapes.

Retrievability: Access is by use of the social security number.

Safeguards: Only authorized personnel having a need for this information in the performance of their official duties have access to this data under stringent security measures involving guards, identity cards and photographs, etc.

Retention and disposal: Records are destroyed upon notification of closure from the State agency or upon expiration of five years from date record was created, whichever occurs first.

System manager(s) and address:

Director
Office of Disability Programs
6401 Security Boulevard
Baltimore, Maryland 21235

Notification procedure: An individual can determine if this system contains a record pertaining to him or her by contacting the system manager at the address shown above and furnishing his or her name, social security number, approximate date and place claim was file, type of claim (disability, black lung, or supplemental security income), and return address. These procedures are in accordance with HHS Regulations 45 CFR 5b.

Record access procedures: Same as notification procedures. Requesters should also reasonably specify the record contents being sought. These access procedures are in accordance with HHS Regulations 45 CFR 5b.

Contesting record procedures: Same as notification procedures. Requesters should also reasonably identify the record and specify the information to be contested. These procedures are in accordance with HHS Regulations 45 CFR 5b.

Record source categories: The basic record is prepared as the result of a written or teletyped request for benefit status from the State agency. Additional information is secured from the master beneficiary record and the supplementary security record files.

Systems exempted from certain provisions of the act: None.

09-60-0056

System name: Vocational Rehabilitation Savings Calculation, HHS/SSA/ODP.

Security classification: None.

System location:

Office of Data Services
6401 Security Boulevard
Baltimore, Maryland 21235

Categories of individuals covered by the system: Disability beneficiaries reported by State vocational rehabilitation agency as no longer receiving vocational rehabilitation service.

Categories of records in the system: The name and social security number of the beneficiary and identifying information about the notice of disclosure, the date of termination or reduction in benefits, if any, amount of benefit, amount of savings and other miscellaneous data.

Authority for maintenance of the system: Sections 222 and 1615 of the Social Security Act.

Purpose(s):

This record serves primarily as a source for furnishing statistical and benefit information on the vocational rehabilitation reimbursement program.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Disclosure may be made as indicated below:

To 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.

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

Storage: Magnetic tapes.

Retrievability: Access is by use of the social security number.

Safeguards: Only authorized personnel having a need for this information in the performance of their official duties have access to this data under stringent security measures involving guards, identity cards and photographs, etc.

Retention and disposal: Tapes are maintained indefinitely.

System manager(s) and address:

Director
Office of Disability Programs
6401 Security Boulevard
Baltimore, Maryland 21235

Notification procedure: An individual can determine if this system contains a record pertaining to him or her by contacting the system manager at the address shown above and furnishing his or her name, social security number, approximate date and place claim was file, type of claim (disability or supplemental security income), and return address.

Record access procedures: Same as notification procedures. Requesters should also reasonably specify the record contents being sought. These access procedures are in accordance with HHS Regulations 45 CFR 5b.

Contesting record procedures: Same as notification procedures. Requesters should also reasonably identify the record and specify the information to be contested. These procedures are in accordance with HHS Regulations 45 CFR 5b.

Record source categories: The information is extracted and compiled from the vocational rehabilitation closure report, the Master Beneficiary Record 09-60-0090, the Supplemental Security Income Record 09-60-0103, and the Earnings Recording and Self-Employment Income System 09-60-0059.

Systems exempted from certain provisions of the act: None.

09-60-0057

System name: Quality Evaluation Data Records, HHS/SSA/OA.

Security classification: None.

System location:

Office of Assessment
6401 Security Boulevard
Baltimore, Maryland 21235

Categories of individuals covered by the system: Individuals who have filed application for Social Security Disability Benefits and/or Supplementary Security Income Benefits.

Categories of records in the system: Social security numbers of claimants, demographic, diagnostic, and other types of data generated as a result of a review of the State actions on the claim.

Authority for maintenance of the system: Section 221 of the Social Security Act.

Purpose(s):

This system was established for the purpose of assisting in the assessment of quality of disability determinations made by State Disability Determination Services. Records are used to report monthly results of the review of the State disability determination process.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Disclosure may be made as indicated below:

To 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.

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

Storage: The system consists of tape, paper, and disk records.

Retrievability: The records are maintained in social security number sequence.

Safeguards: Records are subject to the same rules and safeguards as all other information in SSA relating to claims and beneficiary records. (See Appendix J).

Retention and disposal: The records are maintained for a period of 48 months.

System manager(s) and address:

Director
Office of Adjudication Process Quality
Dickinson Tower Building
1500 Woodlawn Drive
Baltimore, Maryland 21241

Notification procedure: An individual can determine if this system contains a record pertaining to him or her by writing to the system system manager at the address shown above and furnishing his or her social security number, name, approximate date and place claim was filed, type of claim (disability or supplemental security income), and address.

An individual who requests notification of or access to a medical record shall, at the time he or she makes the request, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion. However, SSA will grant direct access to a subject individual if the responsible SSA official determines that direct access is not likely to have an adverse affect on him or her. If the responsible SSA official is unable to make a determination, or

makes the determination that some harm may occur to an individual, the official will send the record to the designated representative and inform the subject individual in writing that the records have been sent.

A parent or guardian who requests notification of or access to a minor's medical record shall at the time he or she makes the request designate a physician or other health professional (other than a family member) who will be willing to review the record and inform the parent or guardian of its contents at the physician's or health professional's discretion. These procedures are in accordance with HHS Regulations 45 CFR 5b.

Record access procedures: Same as notification procedures. Requesters should also reasonably specify the record contents being sought. These access procedures are in accordance with HHS Regulations 45 CFR 5b.

Contesting record procedures: Same as notification procedures. Requesters should also reasonably identify the record and specify the information to be contested. These procedures are in accordance with HHS Regulations 45 CFR 5b.

Record source categories: Records are prepared from Form SSA 3094 and show decision, diagnosis and other information.

Systems exempted from certain provisions of the act: None.

09-60-0058

System name: Master Files of Social Security Number Holders, HHS/SSA/OEER.

Security classification: None.

System location:

Office of Systems
6401 Security Boulevard
Baltimore, Maryland 21235

Categories of individuals covered by the system: All individuals who have obtained social security numbers.

Categories of records in the system: This system contains all of the information received on original applications for social security numbers and any changes in the information on the applications that are submitted by the social security number holder. Cross-reference may be noted where multiple numbers have been issued to the same individual; and indication that benefit claim has been made under this social security number.

Authority for maintenance of the system: Sections and 205(a) abd 205(c)(2) of the Social Security Act.

Purpose(s):

Information in this is used for the following purposes:

(a) by SSA components for various title II, XVI and XVIII claims purposes including usage of the social security number itself as a case control number and a secondary beneficiary cross-reference control number for enforcement purposes and use of the social security number record data for verification of claimant identity factors and for other claims purposes related to establishing benefit entitlement;
(b) by SSA as a basic control for retained earnings information;
(c) by SSA as a basic control and data source to prevent issuance of multiple social security numbers;
(d) as the means to identify incorrectly reported names or social security numbers on earnings reports;
(e) for resolution of earnings discrepancy cases;
(f) for statistical studies;
(g) by the Department of Health and Human Services Audit Agency for auditing benefit payments under Social Security programs;
(h) by the HHS Office of Child Support Enforcement for locating deserting parents;
(i) by National Institute of Occupational Safety and Health for epidemiological research studies required by the Occupational Health and Safety Act of 1974;
(j) by the SSA Office of Refugee Resettlement for administering cuban refugee assistance payments; and
k) by the HHS Health Care Finance Administration for administering title XVIII claims.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information may be disclosed as indicated below:

1. Employers are notified of the social security number of an employee in order to complete their records for reporting FICA to the Social Security Administration pursuant to the Federal Insurance Contributions Act and Section 218 of the Social Security Act.
2. To State welfare agencies, upon written request, of the social security numbers of AFDC applicants or recipients.
3. To the Department of Justice (Federal Bureau of Investigation and United States Attorneys) for investigating and prosecuting violations of the Social Security Act.
4. To the Department of Justice (Immigration and Naturalization Service) for the identification and location of aliens.
5. To the Department of Justice (Federal Bureau of Investigation) and the Department of Treasury (United States Secret Service) for national security matters and in connection with threats on the life of the President or other dignitaries.
6. To the Railroad Retirement Board for administering provisions of the Railroad Retirement and Social Security Acts relating to railroad employment and for administering the railroad Unemployment Insurance Act.
7. To the Energy Research and Development Administration for their study of the long-term effects of low-level radiation exposure.
8. To the Treasury Department for tax administration as defined in 26 U.S.C. 6103 of the Internal Revenue Code and for investigating alleged theft, forgery, or unlawful negotiation of social security checks.
9. To 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.
10. To the Department of State for administering the Social Security Act in foreign countries.
11. To the American Institute on Taiwan for administering the Social Security Act on Taiwan.
12. To the Veterans Administration, Regional Office Philippines, for administering the Social Security Act in the Philippines.
13. To the Department of Interior for administering the Social Security Act in the Trust Territory of the Pacific Islands.
14. To the Department of Labor for administering provisions of title IV of the Federal Coal Mine Health and Safety Act and for studies of the effectiveness of training programs to combat poverty.
15. To the Veterans Administration for validation of the social security numbers of compensation/pensioners in order to provide the release of accurate pension/compensation data by the Veterans Administration to the Social Security Administration for social security program purposes.
16. To the Veterans Administration of information requested for purposes of determining eligibility for or amount of VA benefits, or verifying other information with respect thereto.
14. To Federal agencies who use the Social Security number as a numerical identifier in their recordkeeping systems, for the purpose of validating social security numbers.
17. In the event of litigation where the defendant is (a) the epartment of Health and Human Services (HHS), any component of HHS or any employee of HHS in his or her official capacity; (b) the United States where HHS determines that the claim, if successful, is likely to directly affect the operations of HHS or any of its components; or (c) any HHS employee in his or her individual capacity where the Justice epartment has agreed to represent such employee, HHS may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.
18. State Audit agencies for auditing State supplementation payments and medicaid eligibility considerations.
19. Information necessary to adjudicate claims filed under an international social security agreement that the United States has entered into pursuant to Section 233 of the Social Security Act may be disclosed to a foreign country which is a party to that agreement.
20. To Federal, State or local agencies (or agents on their behalf) for the purpose of validating social security numbers used in administering cash or noncash income maintenance programs or health maintenance programs.
21. To third party contacts in situations where the party to be contacted has, or is expected to have, information which will verify documents when the Social Security Administration is unable to determine if such documents are authentic.

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

Storage: Records in this system are maintained as paper forms, paper lists, punchcards, magnetic tape, microfilm, microfiche files, and disk with on-line access.

Retrievability: Records in this system are indexed both by social security number and name.

Safeguards: All magnetic tapes and disks are within an enclosure attended by security guards. Anyone entering or leaving this enclosure must have special badges issued only to authorized personnel. All microfilm, microfiche, and paper files are accessible only by authorized personnel who have a need to know.

For computerized records, electronically transmitted between Central Office and field office locations (including organizations administering SSA programs under contractual agreements), systems securities are established in accordance with the HHS ADP System Manual, 'Part 6, ADP System Security.' Safeguards include a lock/unlock password system, exclusive use of leased telephone lines, a terminal oriented transaction matrix, and an audit trail.

Expansion and improvement of SSA's telecommunications systems has resulted in terminals equipped with physical key locks. The terminals also are fitted with adapters to permit the future installation of data encryption devices and devices to permit the identification of terminals users.

Retention and disposal: All paper forms are retained until they are filmed or are entered on tape, and the accuracy verified, then they are destroyed by shredding. All tape, disks, microfilm, microfiche files are updated periodically. The out-of-date magnetic tapes and disks are erased. The out-of-date microfiche is shredded by the application of heat.

System manager(s) and address:

Director
Office of Enumeration and Earnings Records
6401 Security Boulevard
Baltimore, Maryland 21235

Notification procedure: An individual can determine if this system contains a record pertaining to him or her by providing his or her name and social security number, or if the social security number is not known, date of birth, place of birth, mother's maiden name, and father's name, and evidence of identity to the address shown under system manager above. These procedures are in accordance with HHS Regulations 45 CFR 5b.

Record access procedures: Same as notification procedures. Requesters should also reasonably specify the record contents being sought. These procedures are in accordance with HHS Regulations 45 CFR 5b.

Contesting record procedures: Same as notification procedures. Requesters should also reasonably identify the record and specify the information to be contested. These procedures are in accordance with HHS Regulations 45 CFR 5b.

Record source categories: Social security number applicants; or individual acting on their behalf. The social security number itself is assigned to the individual as a result of internal processes of this system.

Systems exempted from certain provisions of the act: None.

09-60-0059

System name: Earnings Recording and Self-Employment Income System, HHS/SSA/OEER.

Security classification: None.

System location:

Office of Systems
6401 Security Boulevard
Baltimore, Maryland 21235

Categories of individuals covered by the system: Any person who has been issued a social security number and who may or may not have earnings under social security or self-employment income; or any person requesting, reporting, or changing earnings information and/or inquiring about some aspect of the Social Security Act; or any person having a vested interested in a private pension fund.

Categories of records in the system: This system contains records of all social security number holders, their name, date of birth, sex, race, a summary of their yearly earnings; quarters of coverage, special employment codes (i.e., self-employment, military, agriculture, and railroad); benefit status and employer identification (i.e., employer identification numbers and pension plan numbers); minister waiver forms (i.e., forms filed by the clergy for the election or waiver of coverage under the Social Security Act); and correspondence received from individuals pertaining to the above mentioned items; as well as copies of the replies to such correspondence, employer pension plan identification numbers; and pension plan information (i.e., nature and form, and amount of vested benefits).

Authority for maintenance of the system: Sections 205(a) and 205(c)(2) of the Social Security Act, the Federal Records Act of 1950 (64 Stat. 583), and the Employee Retirement Income Security Act of 1974 (Public Law 93-406).

Purpose(s):

This system is used for the following purposes:

(a) as a primary working record file of all social security number holders;
(b) as a quarterly record detail file to provide full data in wage investigation cases;
(c) to provide information for determining amount of benefits;
(d) to record all incorrect or incomplete earnings items;
(d) to reinstate incorrectly or incompletely reported earnings items;
(f) to record the latest employer of a wage earner;
(g) for statistical studies;
(h) for identification of possible overpayments of benefits;
(i) for identification of individuals entitled to additional benefits;
(j) to provide information to employers and former employers for correcting or reconstructing earnings records and for social security tax purposes;
(k) to provide worker and self-employed individuals with earnings statements or quarters of coverage statements;
(l) to provide information to the HHS Audit Agency for auditing benefit payments under Social Security programs;
(m) to provide information to the National Institute for Occupational Health and Safety for epidemiological research studies required by the Occupational Health and Safety Act of 1974;
(n) to assist SSA correspondents in responding to general inquiries about social security, including their earnings or adjustments to earnings and in preparing responses to subsequent inquiries; and
(o) to store minister waivers, thus preventing an erroneous payment of social security benefits.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information may be disclosed from this system as indicated below:

1. To employers or former employers, including State social security administrators for correcting and reconstructing State employee earnings records and for social security purposes.
2. To the Treasury Department for investigating alleged theft, forgery, or unlawful negotiation of social security checks and for tax administration as defined in 26 U.S.C. 6103 of the Internal Revenue Code.
3. To the Railroad Retirement Board for administering provisions of the Railroad Retirement and Social Security Acts relating to railroad employment .
4. To the Department of Justice (Federal Bureau of Investigation and United States Attorneys) for investigating and prosecuting violations of the Social Security Act.
5. To the Department of Justice (Federal Bureau of Investigation) and the Department of Treasury United States Secret Service) for National security matters and in connection with threats on the life of the President or other dignitaries.
6. To the Energy Research and Development Administration for their study of low-level radiation exposure.
7. To 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.
8. To the Department of State for administering the Social Security Act in foreign countries.
9. To the American Institue on Taiwan for administering the Social Security Act on Taiwan.
10. To the Veterans Administration, Regional Office Philippines, for administering the Social Security Act in the Philippines.
11. To the Department of Interior for administering the Social Security Act in the Trust Territory of the Pacific Islands.
12. To State Audit agencies for auditing State supplementation payments and Medicaid eligibility considerations.
13. In the event of litigation where the defendant is (a) the epartment of Health and Human Services (HHS), any component of HHS or any employee of HHS in his or her official capacity, (b) the United States where HHS determines that the claim, if successful, is likely to directly affect the operations of HHS or any of its components, or (c) any HHS

employee in his or her individual capacity where the Justice epartment has agreed to represent such employee, HHS may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

14. In response to legal process or interrogatories relating to the enforcement of an individual's child support or alimony obligations, as required by sections 459 and 461 of the Social Security Act.
15. Information necessary to adjudicate claims filed under an international social security agreement that the United States has entered into pursuant to Section 233 of the Social Security Act may be disclosed to a foreign country which is a party to that agreement.
16. To Federal, State or local agencies (or agents on their behalf) for the purpose of validating social security numbers used in administering cash or noncash income maintenance programs or health maintenance programs.
17. Information pertaining to wages and self-employment income may be disclosed in response to requests from State welfare agencies under Sections 402(a)(29) and 411 of the Social Security Act for determining an individual's eligibility for aid or services under State plans for Aid to Families with Dependent Children and and the amount of such aid or services.
18. Tax return information (e.g., information with respect to net earnings from self-employment, wages, payments of retirement income which have been disclosed to SSA and business and employment addresses) may be disclosed, upon request, to officers and employees of the Department of Agriculture for purposes of, and to the extent necesssary in, determining an individual's eligibility for benefits, or the amount of benefits, under the food stamp program established under the Food Stamp Act of 1977.
19. Tax return information (e.g., information with respect to net earnings from self-employment, wages, payments of retirement income which have been disclosed to SSA and business and employment addresses) may be disclosed, upon written request, to officers and employees of a State food stamp agency for purposes of, and to the extent necesssary in, determining an individual's eligibility for benefits, or the amount of benefits, under the food stamp program established under the Food Stamp Act of 1977.
20. Tax return information (e.g., information with respect to net earnings from self-employment, wages, payments of retirement income which have been disclosed to SSA and business and employment addresses) may be disclosed, upon written request, to appropriate officers and employees of a State or local child support enforcement agency for purposes of, and to the extent necessary in, (a) establishing and collecting child support obligations form individuals who owe such obligations, and (b) locating those individuals, under a program established under title IV-D of the Social Security Act (42 U.S.C. 651ff).

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

Storage: Records in this system are maintained as paper forms, correspondence in manila folders on open shelving, paper lists, punchcards, microfilm, magnetic , and disk with on-line access tape files.

Retrievability: Records in this system are indexed by social security number, name, and employer idenfication number.

Safeguards: All magnetic and disks are within an enclosure attended by security guards. Anyone entering or leaving this enclosure must have special badges which are issued only to authorized personnel. All microfilm and paper files are accessible only by authorized personnel with a need to know.

For computerized records, electronically transmitted between Central Office and field office locations (including organizations administering SSA programs under contractual agreements), systems securities are established in accordance with the HHS ADP System Manual, 'Part 6, ADP System Security.' Safeguards include a lock/unlock password system, exclusive use of leased telephone lines, a terminal oriented transaction matrix, and an audit trail.

Expansion and improvement of SSA's telecommunications systems has resulted in terminals equipped with physical key locks. The terminals also are fitted with adapters to permit the future installation of data encryption devices and devices to permit the identification of terminals users.

Retention and disposal: All paper forms and cards are retained until they are filmed or are entered on tape and their accuracy is verified, then they are destroyed by shredding. All tapes, disks, and microfilm files are updated The out of date magnetic tapes and disks are erased. The out of date microfilm is shredded.

SSA retains correspondence 1 year when it concerns documents returned to individual, denials of confidential information, release of confidential information to an authorized third party and undeliverable material, for 4 years when it concerns information and evidence pertaining to coverage, wage, and self-employment determinations, or when the statute of limitations is involved, and permanently any material which affects future claims development especially coverage, wage, and self-employment determinations. Correspondence is destroyed, when appropriate, by shredding.

System manager(s) and address:

Director
Office of Enumeration and Earnings Records
6401 Security Boulevard
Baltimore, Maryland 21235

Notification procedure: An individual can determine if this system contains a record pertaining to him or her by providing his or her name, social security number, signature, or other personal identification and referring to this system to the address shown under system manager above.

Record access procedures: Same as notification procedures. Requesters should also reasonably specify the record contents being sought. These procedures are in accordance with HHS Regulations 45 CFR 5b.

Contesting record procedures: Same as notification procedures. Requesters should also reasonably identify the record and specify the information to be contested. These procedures are in accordance with HHS Regulations 45 CFR 5b.

Record source categories: Social security number applicants, employers, self-employed individuals, Department of Justice (Immigration and Naturalization Service), Department of Treasury (Internal Revenue Service), Master Beneficiary Record--09-60-0090 of the Social Security Administration, correspondence, replies to correspondence, and earnings modifications resulting from SSA internal processes.

Systems exempted from certain provisions of the act: None.

09-60-0063

System name: Resource Accounting and Project Management System, HHS/SSA/OS.

Security classification: None.

System location:

Office of Systems
6401 Security Boulevard
Baltimore, Maryland 21235

Categories of individuals covered by the system: All Employees of the Social Security Administration who are responsible for ADP-related workloads.

Categories of records in the system: Personnel, including skills and availability utilization, and machine resource expenditures by work effort for ADP-related workloads. Information is captured by use of clerk number to identify employee time and by information contained in computer run card to identify machine time. Time is associated to work effort by a project/service request/ task number structure. Data captured relating to work efforts includes: description of work, planned, authorized and obligated resources by skill category, responsible organizational component and responsible manager, user(s), priority and start and target dates.

Authority for maintenance of the system: Section 702 of the Social Security Act.

Purpose(s):

Information in this system is used to project and account for all Office of Systems personnel and machine resource expenditures as they relate to ADP-related workloads. Report packages and on-line capabilities are available for use by all levels of management within the SSA Office of Systems. Data included in the reports may be sorted in various ways to show information including personnel utilization, work effort in progress as well as budget and project status.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Disclosure may be made as indicated below:

To 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.

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

Storage: magnetic discs.

Retrievability: Personnel records are indexed based on clerk number assigned to Office of Systems personnel. Work efforts are identified by project service request number.

Safeguards: Information distributed to user and project managers. Records are accessible only by use of assigned secure passwords.

Retention and disposal: Active records will remain on-line until complete. Records will be purged on an annual basis with complete records transferred to tape for 2 years. At the end of 2 years, tapes are erased and returned to stock.

System manager(s) and address:

Director
Division of Strategic Planning and Integration
6401 Security Boulevard
Baltimore, Maryland 21235

Notification procedure: An individual can determine if this system contains a record pertaining to him or her by providing his or her name and clerk number to:

Chief
Resource Accounting Branch
Division of Strategic Planning and Integration
6401 Security Boulevard
Baltimore, Maryland 21235

Record access procedures: Same as notification procedures. Requesters should also reasonably specify the record contents being sought. These procedures are in accordance with HHS Regulations 45 CFR 5b.

Contesting record procedures: Same as notification procedures. Requesters should also reasonably identify the record and specify the information to be contested. These procedures are in accordance with HHS Regulations 45 CFR 5b.

Record source categories: Information is obtained from the individual or project managers.

Systems exempted from certain provisions of the act: None.

09-60-0065

System name: Direct Input Source Documents, HHS/SSA/ARC-FO.

Security classification: None.

System location: District and branch office (see Appendix F.1 for address information.)

Categories of individuals covered by the system: Beneficiaries and applicants for retirement, survivors, or disability social security benefits, supplemental security income payments or health insurance benefits.

Categories of records in the system: Notices of death, annual report of earnings, change in marital status, address or student status, etc.

Authority for maintenance of the system: Section 205(a) of the Social Security Act.

Purpose(s):

This system maintains information which is transmitted by wire to central file to make changes that affect benefits of an individual.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Disclosure may be made as indicated below:

To 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.

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

Storage: Documents are stored in file cabinets.

Retrievability: By name and social secuity number.

Safeguards: Usually available only to employees on a need to know basis.

Retention and disposal: Documents are retained 1 - 6 months and then destroyed by shredding or application of heat.

System manager(s) and address:

Assistant Regional Commissioner, Field Operations
(See Appendix F.2 for address information).

Notification procedure: An individual can determine if this system contains a record pertaining to him or her by contacting the most convenient district or branch manager (see Appendix F.1 for address information).

Record access procedures: Same as notification procedures. Requesters should also reasonably specify the record contents being sought. These procedures are in accordance with HHS Regulations 45 CFR 5b.

Contesting record procedures: Same as notification procedures. Requesters should also reasonably identify the record and specify the information to be contested. These procedures are in accordance with HHS Regulations 45 CFR 5b.

Record source categories: Beneficiaries, applicants and recipients.

Systems exempted from certain provisions of the act: None.

09-60-0066

System name: Claims Development Record, HHS/SSA/ARC-FO.

Security classification: None.

System location: District and branch office (see Appendix F.1 for address information.)

Categories of individuals covered by the system: Beneficiary, applicant, and inquirer for the various social security and black lung benefit programs.

Categories of records in the system: The file contains the name, address, and social security number of the individual. It also contains developmental notes concerning the requesting and receipt of documents required for processing a claim for benefits. Benefit amounts and date of entitlement may also be displayed.

Authority for maintenance of the system: Section 205(a) of the Social Security Act.

Purpose(s):

Information in this system is used as an interviewing tool, record of clearance of claims, and sometimes as a log of activity pertinent to continued entitlement to benefits.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Disclosure may be made as indicated below:

To 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.

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

Storage: 8 X 10 1/2 cards filed in standard file cabinets.

Retrievability: By name and social security number.

Safeguards: Usually available to personnel on a need to know basis.

Retention and disposal: Specific destruction dates established depending on whether a claim is allowed or disallowed. Generally maintained for 6 months and then destroyed.

System manager(s) and address:

Assistant Regional Commissioner, Field Operations
(See Appendix F.2 for address information).

Notification procedure: An individual can determine if this system contains a record pertaining to him or her by contacting the most convenient district or branch manager (see Appendix F.1 for address information).

Record access procedures: Same as notification procedures. Requesters should also reasonably specify the record contents being sought. These procedures are in accordance with HHS Regulations 45 CFR 5b.

Contesting record procedures: Same as notification procedures. Requesters should also reasonably identify the record and specify the information to be contested. These procedures are in accordance with HHS Regulations 45 CFR 5b.

Record source categories: Applicants, beneficiaries, recipients, inquiries and third parties.

Systems exempted from certain provisions of the act: None.

09-60-0069

System name: Record of Claims (Microfiche), HHS/SSA/ARC-FO.

Security classification: None.

System location: District and branch offices (see Appendix F.1 for address information); Assistant Regional Commissioner, Programs (see Appendix D.2 for address information); and teleservice Centers (see Appendix F.4 for address information).

Categories of individuals covered by the system: Beneficiaries and denied applicants for social security and health insurance benefits or supplemental security income payments.

Categories of records in the system: Certain individual's name, address, social security number, date of birth, payment history, perti-

nent information concerning entitlement to health insurance benefits, representative payee data, etc.

Authority for maintenance of the system: Sections 205(a) and 1631 of the Social Security Act.

Purpose(s):

This system is used by district, branch, regional and teleservice center offices to answer inquiries from beneficiaries. These offices also use it as a guide in development to determine continuing eligibility to benefits.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Disclosure may be made as indicated below:

To 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.

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

Storage: Microfiche stored in special metal cabinets.

Retrievability: By name and social security number.

Safeguards: Cabinets are locked at night. Usually available to personnel only on a need to know basis.

Retention and disposal: New microfiche received every 3 - 6 months. Old microfiche destroyed by application of heat.

System manager(s) and address:

Assistant Regional Commissioner, Field Operations
(See Appendix F.2 for address information).

Notification procedure: An individual can determine if this system contains a record pertaining to him or her by contacting the most convenient district or branch office or teleservice center manager (see Appendices F.1 and F.4, respectively, for address information). These procedures are in accordance with HHS Regulations 45 CFR 5b.

Record access procedures: Same as notification procedures. Requesters should also reasonably specify the record contents being sought. Thsese procedures are in accordance with HHS Regulations 45 CFR 5b.

Contesting record procedures: Same as notification procedures. Requesters should also reasonably identify the record and specify the information to be contested. These procedures are in accordance with HHS Regulations 45 CFR 5b.

Record source categories: Applicants.

Systems exempted from certain provisions of the act: None.

09-60-0075

System name: Congressional Bills File, HHS/SSA/OP.

Security classification: None.

System location:

Office of Legislative and Regulatory Policy
6401 Security Blvd.
Baltimore, Maryland 21235

Categories of individuals covered by the system: Members of Congress

Categories of records in the system: Listing of bills to amend the Social Security Act. Includes bill number, sponsor's name, state and party affiliation, date of introduction of bill, and a 3-digit subject code.

Authority for maintenance of the system: 5 U.S. Code 301

Purpose(s):

This system is used for the purposes of tracking social security legislation as it progresses in the Congress, and keeping a historical record and accounting of social security legislation.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Disclosure may be made as indicated below:

1. To 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.
2. To the public upon request of information contained in the file under provisions of the Freedom of Information Act.

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

Storage: Computer terminal (magnetic tape), and paper listings.

Retrievability: Bill name, subject matter, and name of sponsor.

Safeguards: Information is accessed on a limited need-to-know basis by staff of the Legislative Reference Office.

Retention and disposal: Retained for duration of each Congress. (Listing by subject matter is retained indefinitely.)

System manager(s) and address:

Legislative Reference Officer
Room 416 Altmeyer Building
6401 Security Boulevard
Baltimore, Maryland 21235

Notification procedure: An individual can determine if this system contains a record pertaining to him or her by writing to the system manager at the address shown above. These procedures are in accordance with HHS Regulations 45 CFR 5b.

Record access procedures: Same as notification procedures. Requesters shoull also reasonably specify the record contents being sought. These procedures are in accordance with HHS Regulations 45 CFR 5b.

Contesting record procedures: Same as notification procedures. Requesters should also reasonably identify the record and specify the information to be contested. These procedures are in accordance with HHS Regulations 45 CFR 5b.

Record source categories: Congressional Record.

Systems exempted from certain provisions of the act: None.

09-60-0077

System name: Congressional Inquiry File, HHS/SSA/ARC-FO.

Security classification: None.

System location: District and branch offices (see Appendix F.1 for address information); Assistant Regional Commissioner, Programs (see Appendix D.2 for address information); and teleservice centers (see Appendix F.4 for address information).

Categories of individuals covered by the system: Congressional representatives.

Categories of records in the system: Correspondence to and from congressional representatives.

Authority for maintenance of the system: Section 205(a) of the Social Security Act.

Purpose(s):

This system is used to control and respond to correspondence from congressional representatives.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Disclosure may be made as indicated below:

1. To 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.
2. To the Internal Revenue Service, Department of the Treasury, as necessary, for the purpose of auditing the Social Security Administration's compliance with safeguard provisions of the Internal Revenue Code of 1954, as amended.

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

Storage: Maintained in manila type folders.

Retrievability: Usually by name in alphabetical order.

Safeguards: Usually available to personnel on a need to know basis.

Retention and disposal: Generally retained for 6 months and may be retained longer.

System manager(s) and address:

Assistant Regional Commissioner, Field Operations
(See Appendix F.2 for address information).

Notification procedure: An individual can determine if this system a record pertaining to him or her by contacting the most convenient district or branch office (see Appendix F.1 for address information). These procedures are in accordance with HHS Regulations 45 CFR 5b.

Record access procedures: Same as notification procedures. Requesters should also reasonably specify the record contents being sought. These procedures are in accordance with HHS Regulations 45 CFR 5b.

Contesting record procedures: Same as notification procedures. Requesters should also reasonably identify the record and specify the information to be contested. These procedures are in accordance with HHS Regulations 45 CFR 5b.

Record source categories: Congressional representative.

Systems exempted from certain provisions of the act: None.

09-60-0078

System name: Public Inquiry Correspondence File, HHS/SSA/ARC-FO.

Security classification: None.

System location: District and branch offices (see Appendix F.1 for address information); Assistant Regional Commissioner, Programs (see Appendix D.2 for address information); and teleservice centers (see Appendix F.4 for address information).

Categories of individuals covered by the system: General public.

Categories of records in the system: Inquiries usually for benefit information.

Authority for maintenance of the system: Section 205(a) of the Social Security Act.

Purpose(s):

Information is maintained in this file in event an inquirer requests information or files a formal application for benefits. Consequently the information can be used as a filing date for benefit purposes.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Disclosure may be made as indicated below:

1. To 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.
2. To the Internal Revenue Service, Department of the Treasury, as necessary, for the purpose of auditing the Social Security Administration's compliance with safeguard provisions of the Internal Revenue Code of 1954, as amended.

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

Storage: Folders in standard file cabinets.

Retrievability: By name.

Safeguards: Usually available only to personnel on a need to know basis.

Retention and disposal: Destroyed after 1 year.

System manager(s) and address:

Assistant Regional Commissioner, Field Operations
(See Appendix F.2 for address information).

Notification procedure: An individual can determine if this system a record pertaining to him or her by contacting the most convenient district or branch office (see Appendix F.1 for address information). These procedures are in accordance with HHS Regulations 45 CFR 5b.

Record access procedures: Same as notification procedures. Requesters should also reasonably specify the record contents being sought. These procedures are in accordance with HHS Regulations 45 CFR 5b.

Contesting record procedures: Same as notification procedures. Requesters should also reasonably identify the record and specify the information to be contested. These procedures are in accordance with HHS Regulations 45 CFR 5b.

Record source categories: Information furnished by inquirer.

Systems exempted from certain provisions of the act: None.

09-60-0080

System name: Problem Case File, HHS/SSA/ARC-FO.

Security classification: None.

System location: District and branch office (see Appendix F.1 for address information.)

Categories of individuals covered by the system: Beneficiaries and applicants for social security benefits, health insurance, and black lung benefits.

Categories of records in the system: Beneficiary's name, address, social security number, nature of problem, and action being taken.

Authority for maintenance of the system: Sections 205(a) of the Social Security Act, and section 413(b) of the Federal Coal Mine Health and Safety Act (Black Lung).

Purpose(s):

This system is used to maintain information on difficult or continuing problem cases.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Disclosure may be made as indicated below:

1. To 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.
2. To the Internal Revenue Service, Department of the Treasury as, necessary, for the purpose of auditing the Social Security Administration's compliance with the safeguard provisions of the Internal Revenue Code of 1954, as amended.

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

Storage: Material is placed in manila type folders and stored in file drawers.

Retrievability: By name in alphabetical order.

Safeguards: File drawers are locked at night time.

Retention and disposal: File is broken down upon completion of the development. Pertinent documentation is sent to the reviewing office for permanent filing as a part of the claims folder.

System manager(s) and address:

Assistant Regional Commissioner, Field Operations
(See Appendix F.2 for address information).

Notification procedure: An individual can determine if this system a record pertaining to him or her by contacting the most convenient district or branch office (see Appendix F.1 for address information). These procedures are in accordance with HHS Regulations 45 CFR 5b.

Record access procedures: Same as notification procedures. Requesters should also reasonably specify the record contents being sought. These procedures are in accordance with HHS Regulations 45 CFR 5b.

Contesting record procedures: Same as notification procedures. Requesters should also reasonably identify the record and specify the information to be contested. These procedures are in accordance with HHS Regulations 45 CFR 5b.

Record source categories: Beneficiary or authorized representative.

Systems exempted from certain provisions of the act: None.

09-60-0081

System name: Problem Case File (Supplemental Security Income), HHS/SSA/ARC-FO.

Security classification: None.

System location: District and branch offices (see Appendix F.1 for address information); Assistant Regional Commissioner, Programs (see Appendix D.2 for address information); and teleservice centers (see Appendix F.4 for address information).

Categories of individuals covered by the system: Applicants for and recipients of supplemental security income payments.

Categories of records in the system: Listing of cases with date of eligibility in 1974 contains individual's name, social security number and in some cases additional information pertaining to factors of eligibility such as income, resources, and living arrangements. Claims folder containing application and documentation of factors of eligibility may also be in the file.

Authority for maintenance of the system: Section 1631 of the Social Security Act.

Purpose(s):

This system controls complex cases which require special expertise.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Disclosure may be made as indicated below:

1. To 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.
2. To the Internal Revenue Service, Department of the Treasury as, necessary, for the purpose of auditing the Social Security Administration's compliance with the safeguard provisions of the Internal Revenue Code of 1954, as amended.

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

Storage: Claims material is maintained in manila type folders. Also computerized paper listing.

Retrievability: By name and social security number.

Safeguards: Available on a need to know basis.

Retention and disposal: Retained indefinitely or until problem is resolved.

System manager(s) and address:

Assistant Regional Commissioner, Field Operations
(See Appendix F.2 for address information).

Notification procedure: An individual can determine if this system a record pertaining to him or her by writing to the address specified in Appendix F 3. These procedures are in accordance with HHS Regulations 45 CFR 5b.

Record access procedures: Same as notification procedures. Requesters should also reasonably specify the record contents being sought. These procedures are in accordance with HHS Regulations 45 CFR 5b.

Contesting record procedures: Same as notification procedures. Requesters should also reasonably identify the record and specify the information to be contested. These procedures are in accordance with HHS Regulations 45 CFR 5b.

Record source categories: Applications for supplemental security income as provided by applicant.

Systems exempted from certain provisions of the act: None.

09-60-0082

System name: Forced Payment File (Supplemental Security Income), HHS/SSA/ARC-FO.

Security classification: None.

System location: District and branch offices (see Appendix F.1 for address information); Assistant Regional Commissioner, Programs (see Appendix D.2 for address information); and teleservice centers (see Appendix F.4 for address information).

Categories of individuals covered by the system: Applicants for and recipients of supplemental security income payments.

Categories of records in the system: Paper listing containing name, social security number, and type of action being taken on the case.

Authority for maintenance of the system: Section 1631 of the Social Security Act.

Purpose(s):

This system is used to control cases which may require a special procedure for processing a claim for supplemental security income payments.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Disclosure may be made as indicated below:

To 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.

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

Storage: Paper listing.

Retrievability: By name and social security number.

Safeguards: Available to personnel on a need to know basis.

Retention and disposal: Retained for 1 year and then destroyed by shredding.

System manager(s) and address:

Assistant Regional Commissioner, Field Operations
(See Appendix F.2 for address information.)

Notification procedure: An individual can determine if this system contains a record pertaining to him or her by writing to the address specified in Appendix D.2.

Record access procedures: Same as notification procedures. Requesters should also reasonably specify the record contents sought. These access procedures are in accordance the HHS Regulations 45 CFR 5b.

Contesting record procedures: Same as notification procedures. Requesters should also reasonably identify the record and specify the information to be contested. These procedures are in accordance with HHS Regulations 45 CFR 5b.

Record source categories: Applications for supplemental security income payments as provided by applicants and redeterminations of SSI eligibility.

Systems exempted from certain provisions of the act: None.

09-60-0083

System name: One Time Payment File, HHS/SSA/ARC-FO.

Security classification: None.

System location: District and branch offices (see Appendix F.1 for address information); Assistant Regional Commissioner, Programs (see Appendix D.2 for address information); and teleservice centers (see Appendix F.4 for address information).

Categories of individuals covered by the system: Applicants for and recipients of supplemental security income.

Categories of records in the system: File contains name of applicant, social security number, amount paid, months for which paid. Some records may also include other data pertaining to eligibility factors such as income, resources, living arrangement, etc.

Authority for maintenance of the system: Section 1631 of the Social Security Act.

Purpose(s):

Information in this system is used by social security employees in cases where supplemental security income one time payments are made, and to insure that duplicate payments are not made.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Disclosure may be made as indicated below:

1. To 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.
2. To State audit agencies pursuant to agreements with HHS for auditing State supplementation payments.

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

Storage: 5 X 8 card, tally strips or copies of form SSA-8109 (SSI Manual Payment Computation Summary). Records, except for tally strips which are housed on a large drum type holder, are kept in file cabinets.

Retrievability: By name and social security number.

Safeguards: Access limited to employees on a need to know basis. Area secured at night--doors locked.

Retention and disposal: Retained indefinitely or until one-time payment has been posted to the system.

System manager(s) and address:

Assistant Regional Commissioner, Field Operations
(See Appendix F.2 for address information).

Notification procedure: An individual can determine if this system contains arecord pertaining to him or her by writing to the address specified in Appendix D.2. These procedures are in accordance with HHS Regulations 45 CFR 5b.

Record access procedures: Same as notification procedures. Requesters should also reasonably specify the record contents being sought. These procedures are in accordance with HHS Regulations 45 CFR 5b.

Contesting record procedures: Same as notification procedures. Requesters should also reasonably identify the record and specify the information to be contested. These procedures are in accordance with HHS Regulations 45 CFR 5b.

Record source categories: Applications for supplemental security income as provided by applicant.

Systems exempted from certain provisions of the act: None.

09-60-0084

System name: Control File for Cases Before Presiding Officers, HHS/SSA/ARC-FO.

Security classification: None.

System location: District and branch offices (see Appendix F.1 for address information); Assistant Regional Commissioner, Program (see Appendix D.2 for address information); and teleservice centers (see Appendix F.4 for address information).

Categories of individuals covered by the system: Applicants for supplemental security income payments.

Categories of records in the system: Card file contains individual's name, social security number, and chronological record of case processing. Claims file (if present) contains, in addition, factors of eligibility such as income, resources, living arrangements, etc.

Authority for maintenance of the system: Section 1631 of the Social Security Act.

Purpose(s):

This system maintains information which social security uses to answer inquiries from the applicant, social security district offices, and the Office of Hearings and Appeals.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Disclosure may be made as indicated below:

1. To 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.

2. In the event of litigation where the defendant is (a) the epartment of Health and Human Services (HHS), any component of HHS, or any employee of HHS in his or her official capacity; (b) the United States where HHS determines that the claim, if successful, is likely to directly affect the operations of HHS or any of its components; or (c) any HHS employee in his or her individual capacity where the Justice epartment has agreed to represent such employee, HHS may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

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

Storage: 5 X 8 card or SSA-250 (Development Worksheet). Claims material maintained in manila type folders.

Retrievability: By name and social security number.

Safeguards: Available to staff on a need to know basis.

Retention and disposal: Card files destroyed 4 months after effectuation takes place to make payments to applicant. Cases retained for at least 35 days from date of receipt from Presiding Officer to facilitate appeals process before forwarding for storage.

System manager(s) and address:

Assistant Regional Commissioner, Field Operations
(See Appendix F.2 for address information).

Notification procedure: An individual can determine if this system contains a record pertaining to him or her by writing to the address specified in Appendix F.3. These procedures are in accordance with HHS Regulations 45 CFR 5b.

Record access procedures: Same as notification procedures. Requesters should also reasonably specify the record contents being sought. These procedures are in accordance with HHS Regulations 45 CFR 5b.

Contesting record procedures: Same as notification procedures. Requesters should also reasonably identify the record and specify the information to be contested. These procedures are in accordance with HHS Regulations 45 CFR 5b.

Record source categories: Applications for supplemental security income as provided by applicant.

Systems exempted from certain provisions of the act: None.

09-60-0085

System name: Claims Leads, HHS/SSA/ARC-FO.

Security classification: None.

System location: District and branch office (not maintained by all offices) (see Appendix F.1 for address information).

Categories of individuals covered by the system: Individuals potentially eligible for benefits under Titles II, XVI, XVIII of the Social Security Act.

Categories of records in the system: Leads from mental hospital admissions, welfare, Internal Revenue Service, Veterans Administration, etc., who may be eligible for benefits under the various social security programs. Lead forms generally contain name and address of individual, date of birth, existence of a mental or physical impairment, data on dependents, last date worked, etc.

Authority for maintenance of the system: Section 205(a) of the Social Security Act.

Purpose(s):

This system maintains information which social security uses to initiate contact with individuals to determine their eligibility to benefits.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Disclosure may be made as indicated below:

To a congressional office from the record of an individual in response to a inquiry from the congressional office made at the request of that individual.

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

Storage: Letter size forms usually maintained in manila type folders and interfiled with pending claims and postentitlement file.

Retrievability: Filed by name in alphabetical order in claims pending file.

Safeguards: File drawers locked at night. Usually only available to personnel on a need to know basis.

Retention and disposal: Leads maintained until claim is taken or 6 months from date inquirer is invited by letter to file a claim, whichever is earliest.

System manager(s) and address:

Assistant Regional Commissioner, Field Operations
(See Appendix F.2 for address information).

Notification procedure: An individual can determine if this system contains a record pertaining to him or her by contacting the most convenient social security district or branch office (see Appendix F.1 for address and telephone information). These procedures are in accordance with HHS Regulations 45 CFR 5b.

Record access procedures: Same as notification procedures. Requesters should also reasonably specify the record contents being sought. These procedures are in accordance with HHS Regulations 45 CFR 5b.

Contesting record procedures: Same as notification procedures. Requesters should also reasonably identify the record and specify the information to be contested. These procedures are in accordance with HHS Regulations 45 CFR 5b.

Record source categories: Inquirer or third parties.

Systems exempted from certain provisions of the act: None.

09-60-0089

System name: Claims Folders for Post-Adjudicative Records of Applicants for and Beneficiaries of Social Security Benefits, HHS/SSA/OOPP.

Security classification: None.

System location:

The claims folders are generally set up in district or branch offices when claims for benefits are filed (see Appendix F.1 for address information). They are retained there until all development has been completed, and then transferred to the appropriate reviewing office as set out below. Supplemental security income claims folders are held in district or branch offices pending establishment of a payment record, or until the appeal period, in a denied claim situation, has expired. The folders are then transferred to a folder-staging facility in Chicago prior to transfer to the Chicago Federal Archives Records Center.

Retirement and survivors insurance claims folders are maintained primarily in social security program service centers. However, if an individual to which the claim pertains resides outside the United States or any of its possessions, the folder is maintained in the Office of International Policy. See Appendix A for address information regarding the Program Service Centers and the Office of International Policy.

Disability insurance claims folders for individuals under age 62 are maintained primarily in the Office of Disability Operations, or if the individual resides outside the United States or any of its possessions, the Office of International Policy. Disability insurance claims folders for disabled individuals over age 62 are maintained in the Program Service Centers or the Office of International Policy (see Appendix A for address information).

Claims folders relating to Black Lung claims are maintained in the Office of Disability Operations (see Appendix B.1 for address information).

Supplemental security income claims folders are maintained in the Chicago Federal Archives Records Center.

In addition, claims folders are transferred to numerous other locations throughout the Social Security Administration and the General Service Administration and infrequently may be temporarily transferred to other Federal agencies (Department of Justice, or Office of the General Counsel, Department of Health and Human Services). The disability claims folders are also transferred to State agencies for disability and vocational rehabilitation determinations (see Appendix B.3 for address information).

Categories of individuals covered by the system: Claimants for retirement, survivors, disability, health insurance, or black lung benefits or supplemental security income payments.

Categories of records in the system: The claims folder is established when a claim for benefits is filed. It contains application for benefits, earnings record information established and maintained by the Social Security Administration, documents supporting factors of entitlement and continuing eligibility, payment documentation, and correspondence to and from claimants and/or representatives.

It also may contain data collected as a result of inquiries or complaints; and evaluation and measurement study of effectiveness of claims policies. Separate files may be maintained of certain actions which are entered directly into the computer processes. These relate to reports of changes of address, work status, and other post-adjudicative reports.

Authority for maintenance of the system: Sections 202-205, 223, 226, 228, 1611, 1631, 1818, 1836, and 1840 of the Social Security Act and Section 411 of the Federal Coal Mine and Health Safety Act.

Purpose(s):

The claims folder constitutes the basic record for payments and determinations under the Social Security Act and the Federal Coal Mine Health and Safety Act (Black Lung Act). Data are used to produce and maintain the Master Beneficiary Record (09-60-0090) which is the automated payment system for retirement, survivors, and disability benefits; the Supplemental Security Income Record (09-60-0103) system for the aged, blind, and disabled payments; the Black Lung Payment System (09-60-0045) for black lung claims; and the Heatlh Insurance Billing and Collection Master Record system (09-70-0522) for hospital and supplementary medical (medicare) insurance benefits.

This paper file is controlled by the Social Security Administration Claims Control System (09-60-0091) while the claim is pending development for adjudication in the district or branch office, and by the Case Control System (09-60-0092) once the folder the folder has been transferred to the reviewing office (program service centers, Office of International Policy, or the Office of Disability Programs).

The claims folders are used throughout the Social Security Administration for the purposes of determining, organizing, and maintaining documents for making normal determinations as to eligibility for benefits, the amount of benefits, reviewing continuing eligibility, holding hearings or administrative review processes, and to ensure that proper adjustments are made based on events affecting entitlement. The folder may be referred to State Disability Determination Sections or Vocational Rehabilitation Agencies in disability cases. They may also be used for quality review, evaluation, and measurement studies, and other statistical and research purposes.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Disclosure may be made as indicated below:

1. To third party contacts in situations where the party to be contacted has, or is expected to have, information relating to the individual's capability to manage his/her affairs or his/her eligibility for or entitlement to benefits under the social security program when:
(a) The individual is unable to provide information being sought (an individual is considered to be unable to provide certain types of information when any of the following conditions exist:
(i) he/she is incapable or of questionable mental capability;
(ii) he/she cannot read or write;
(iii) he/she cannot afford the cost of obtaining the information;
(iv) a language barrier exists; or
(v) the custodian of the information will not, as a matter of policy provide it to the individual; or
(b) 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:
(i) his/her eligibility for benefits under the social security program;
(ii) the amount of his/her benefit payment; or
(iii) any case in which the evidence is being reviewed as a result of suspected abuse or fraud, concern for program integrity, or for quality appraisal, or evaluation and measurement activities.
2. To third party contacts where necessary to establish or verify information provived by representative payees or payee applicants.
3. To a person (or persons) on the rolls when a claim is filed by an individual which is adverse to the person on the rolls; that is:
(a) an award of benefits to a new claimant precludes an award to a prior claimant; or
(b) an award of benefits to a new claimant will reduce the benefit payments to the individual(s) on the rolls; but only for information concerning the facts relevant to the interests of each party in a claim.
4. To employers or former employers for correcting or reconstructing earnings records and for social security tax purposes only.
5. To the Treasury Department for collecting social security taxes or as otherwise pertinent to tax and benefit payment provisions of the Social Security Act, (including social security number verification services) and for investigating alleged theft, forgery, or unlawful negotiation of social security checks.
6. To the United States Postal Service for investigating alleged forgery of theft of social security checks.
7. To the Department of Justice for investigating and prosecuting violations of the Social Security Act to which criminal penalties attach, for representing the Secretary, and for investigating issues of fraud by agency officers or employees, or violation of civil rights.
8. To the Department of State for administering the Social Security Act in foreign countries.
9. To the American Institute on Taiwan for administering the Social Security Act on Taiwan.
10. To the Veterans Administration, Regional Office Philippines, for administering the Social Security Act in the Philippines.
11. To the Department of Interior for administering the Social Security Act in the Trust Territory of the Pacific Islands.
12. To the Railroad Retirement Board for administering provisions of the Social Security Act relating to railroad employment.
13. To State social security administrators for administration of agreements pursuant to section 218 (State and local).
14. To State audit agencies for auditing State supplementation payments and Medicaid eligibility considerations, and expenditures of Federal funds by the State in support of the Disability Determination Section (DDS).
15. To private medical and vocational consultants for use in making preparation for, or evaluating the results of, consultative medical examinations or vocational assessments which they were engaged to perform by the Social Security Administration or a State agency acting in accord with sections 221 or 1633.
16. To specified business and other community members and Federal, State, and local agencies for verification of eligibility for benefits under section 1631(e).
17. To institutions or facilities approved for treatment of drug addicts or alcoholics as a condition of the individual's eligibility for payment under section 1611e and as authorized by regulations issued by the Special Action Office for Drug Abuse Prevention.
18. To applicants, claimants, prospective applicants or claimants, other than the data subject, their authorized representatives or representative payees to the extent necessary to pursue social security claims and receive an account of benefit payments.
19. To 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.
20. In the event of litigation where the defendant is (a) the epartment of Health and Human Services (HHS), any component of HHS, or any employee of HHS in his or her official capacity; (b) the United States where HHS determines that the claim, if successful, is likely to directly affect the operations of HHS or any of its components; or (c) any HHS employee in his or her individual capacity where the Justice epartment has agreed to represent such employee, HHS may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.
21. In response to legal process or interrogatories relating to the enforcement of an individual's child support or alimony obligations, as required by sections 459 and 461 of the Social Security Act.
22. To Federal, State, or local agencies (or agents on their behalf) for administering income maintenance or health maintenance programs. Such disclosures include, but are not limited to, release of information to:
(a) the Railroad Retirement Board for administering provisions of the Railroad Retirement Act relating to railroad employment and for administering the Railroad Unemployment Insurance Act;
(b) the Veterans Administration for administering 38 U.S.C. 412, and upon request, information needed to determine eligibility for or amount of VA benefits or verifying other information with respect thereto;
(c) the Department of Labor for administering provisions of Title IV of the Federal Coal Mine Health and Safety Act

(d) State welfare departments for administering sections 205(c)(b)(i)(II) and 402(a)(25) of the Social Security Act requiring information information about assigned social security numbers for Aid to Families with Dependent Children program purposes only
(e) State agencies for making determinations of Medicaid eligibility; and
(f) State agencies for making determinations of food stamp eligibility under the food stamp program.
(g) To State Vocational Rehabilitation agencies or State crippled Children's service agencies (or other agencies providing services to disabled children) for consideration of rehabilitation services per sections 222a and 1615 of the Social Security Act.

23. To State welfare departments pursuant to agreements with the Social Security Administration for administration of State supplementation payments; for enrollment of welfare recipients for medical insurance under section 1843 of the Social Security Act; and for conducting independent quality assurance reviews of supplemental security income recipient records, provided that the agreement for Federal administration of the supplementation provides for such an independent review.
24. Information necessary to adjudicate claims filed under an international social security agreement that the United States has entered into pursuant to Section 233 of the Social Security Act may be disclosed to a foreign country that is a party to that agreement.
25. To the Internal Revenue Service, Department of the Treasury, for the purpose of auditing the Social Security Administration's compliance with safeguard provisions of the Internal Revenue Code of 1954, as amended.
26. To the Office of the President for responding to an individual pursuant to an inquiry received from that individual or from a third party on his or her behalf.

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

Storage: Claims folders are maintained in file cabinets by service area as set out in Location above.

Retrievability: Claims folders are filed by social security number.

Safeguards: Claims folders are protected through limited access to Social Security Administration records, limited employee access to need to know. All employees are instructed in Social Security Administration confidentiality rules as a part of their initial orientation training.

Retention and disposal: The claims folder is initially maintained in the reviewing office. Later, both active and inactive folders are transferred to the Federal Archives and Records Center for storage and inactive (no one is entitled to benefits) folders are scheduled for destruction. The time for retention prior to destruction is 5-year retention - no record of surviving potential beneficiaries; 20-year retention - withdrawn claims, claims disallowed or lump-sum death payments only, and 55-year retention - potential future claimants indicated in the file.

When a subsequent claim is filed on the social security number, the claims file is recalled from the Records Center. Similarly, the claims files may be recalled from the Records Center at any time by the Social Security Administration as necessary in the administration of social security programs.

System manager(s) and address:

SSA Privacy Officer
6401 Security Boulevard
Baltimore Maryland 21235

Notification procedure: An individual can determine if this system contains a record pertaining to him or her by contacting the most convenient social security office (see Appendix F.1 for address and telephone information).

When requesting notification, an individual should provide his or her name, social security number, the type of claim he or she filed (retirement, survivors, disability, health insurance, black lung special minimum payments, or supplemental security income; if more than one claim is filed, each should be identified), whether he or she is or has been receiving benefits, whether payments are being received under his or her own social security number, and if not, the name and social security number under which received, if benefits have not been received, the approximate date and place the claim was filed, and his or her address and/or telephone number.

An individual who requests notification of or access to a medical record shall, at the time he or she makes the request, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion. However, SSA will grant direct access to a subject individual if the responsible SSA official determines that direct access is not likely to have an adverse affect on him or her. If the responsible SSA official is unable to make a determination, or makes the determination that some harm may occur to an individual, the official will send the record to the designated representative and inform the subject individual in writing that the records have been sent.

A parent or guardian who requests notification of or access to a minor's medical record shall at the time he or she makes the request designate a physician or other health professional (other than a family member) who will be willing to review the record and inform the parent or guardian of its contents at the physician's or health professional's discretion. These procedures are in accordance with HHS Regulations 45 CFR 5b.

Record access procedures: Same as notification procedures. Requesters should also reasonably specify the information being sought. These procedures are in accordance with HHS Regulations 45 CFR 5b.

Contesting record procedures: Same as notification procedures. Requesters should also reasonably identify the record and specify the information to be contested. These procedures are in accordance with HHS Regulations 45 CFR 5b.

Record source categories: This information is obtained from the claimants, accumulated by the Social Security Administration from reports of employers or self-employed individuals, various local, State, and Federal agencies, claimant representatives and other sources to support factors of entitlement and continuing eligibilities.

Systems exempted from certain provisions of the act: None.

09-60-0090

System name: Master Beneficiary Record, HHS/SSA/OURV.

Security classification: None.

System location:

Office of Systems
6401 Security Boulevard
Baltimore, Maryland 21235

Categories of individuals covered by the system: All social security beneficiaries currently entitled to receive retirement, survivors, disability, and special minimum social security benefits; records for beneficiaries whose entitlement has been terminated because of a termination event as defined in the Social Security Act; and denied and disallowed cases.

Categories of records in the system: The master beneficiary data contains data applicable to all beneficiaries maintained on the record within a particular account and reflects the social security number under which benefits are awarded, the primary insurance amount (insured) or quarters of coverage required and earned (uninsured); provides information regarding benefit computation, insured status, use of railroad or military credits, and information for statistical and control purposes; contains the effective date of onset of disability for disability cases or date and proof of death for death cases; contains information pertinent to all beneficiaries receiving payment on the record and the name and address (including ZIP Code) of the payee, the servicing social security district office code and the amount of the monthly check payable; reflects any special status of a payment being made; contains statistical and identifying information for each individual on the record such as the beneficiary subscript, beneficiary name, date of birth, date of entitlement, sex, race, and benefit payment status; contains information for those beneficiaries enrolled in the health or supplemental medical insurance provision of the Social Security Act; contains information relating to annual reports of earnings, representative payee data, and cross-reference data pertinent to any other account on which the beneficiary may be entitled to benefits; and a chronological sequence of payment history for each beneficiary. The records may be in the following form:

Master Beneficiary Record Computer File; Online Data Base (Query and Response); Various Microform Files as follows: Master File - a master record in social security number order, Alpha File - an alphabetic list of beneficiaries, Transaction File - monthly supplement (accretions, deletions, and changes) to the master file, in social security number order, Offline Query and Response Treasury Payment Tape Files and Related Transaction Files, and Returned and Cancelled Check Files, and payment reference listing, Various One-

Time Work Tape Files used in computer sorting of records and in subsystems processing of the master beneficiary record. After use they are returned to stock.

Authority for maintenance of the system: Sections 202a-205, 223, 226, 228, 1818, 1836, 1840 and of the Social Security Act.

Purpose(s):

Data in this system are used by a broad range of social security employees for responding to inquiries, generating, followups on beneficiary reporting events, computer exception processing statistical studies, conversion of benefits, and to generate records for the Treasury Department. Data in this system are also available to the HHS Inspector General for use in the performance of his duties.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Disclosure may be made as indicated below:

1. To applicants or claimants, prospective applicants or claimants, other than the data subject, their authorized representatives or representative payees to the extent necessary to pursue social security claims and receive and account for benefit payments.
2. To third party contacts in situations where the party to be contacted has, or is expected to have, information relating to the individual's capability to manage his/her affairs or his/her eligibility for or entitlement to benefits under the social security program when:

(a) The individual is unable to provide information being sought (an individual is considered to be unable to provide certain types of information when):
(i) he/she is incapable or of questionable mental capability;
(ii) he/she cannot read or write;
(iii) he/she cannot afford the cost of obtaining the information;
(iv) a language barrier exists; or
(v) the custodian of the information will not, as a matter of policy, provide it to the individual; or
(b) 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:
(i) his/her eligibility for benefits under the social security program;
(ii) the amount of his/her benefit payment; or
(iii) any case in which the evidence is being reviewed as a result of suspected abuse or fraud, concern for program integrity, or for quality appraisal, or evaluation and measurement activities.

3. To third party contacts where necessary to establish or verify information provided by representative payees or payee appliants.
4. To a person (or persons) on the rolls when a claim is filed by another individual which is adverse to the person on the rolls:

(a) an award of benefits to a new claimant precludes an award to a prior claimant; or
(b) an award of benefits to a new claimant will reduce the benefit payments to the individual(s) on the rolls; but only for information concerning the facts relevant to the interests of each party in a claim.

5. To the Treasury Department for collecting social security taxes or as otherwise pertinent to tax and benefit payment provisions of the Social Security Act, (including social security number verfication services) and for investigating alleged theft, forgery, or unlawful negotiation of social security checks.
6. To the United States Postal Service for investigating alleged forgery or theft of social security checks.
7. To the Department of Justice for investigating and prosecuting violations of the Social Security Act to which criminal penalties attach, for representing the Secretary, and for investigating issues of fraud by agency officers or employees, or violation of civil rights.
8. To the Department of State for administering the Social Security Act in foreign countries.
9. To the American Institute on Taiwan for administering the Social Security Act on Taiwan.
10. To the Veterans Administration, Regional Office Philippines, for admiinistering the Social Security Act in the Philippines.
11. To the Department of Interior for administering the Social Security Act in the Trust Territory of the Pacific Islands.
12. Information necessary to adjudicate claims filed under an international social security agreement that the United States has entered into pursuant to Section 233 of the Social Security Act may be disclosed to a foreign country which is a party to that agreement.
13. To the Office of the President for the purpose of responding to an inquiry received from that individual or from a third party on his or her behalf.
14. To the Office of Education for determining eligibility of applicants for basic educational opportunity grants.
15. To the Railroad Retirement Board for administering provisions of the Social Security Act relating to railroad employment.
16. To the Bureau of Census when it performs as a collecting agent or data processor for research and statistical purposes directly relating to the Social Security Act.
17. To the Department of the Treasury, Office of Tax Analysis, for studying the effects of income taxes and taxes on earning.
18. To the Office of Personnel Management (formerly the Civil Service Commission) for the study of the relationship of civil service annuities to minimum social security benefits, and the effects on the trust fund.
19. To State social security administrators for administration of agreements pursuant to section 218 (State and local).
20. To the Energy Resources Development Administration for their study of the long-term effects of low-level radiation exposure.
21. To 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.
22. To contractors under contract to the Social Security Administration or under contract to another agency with funds provided by the Social Security Administration for the performance of research and statistical activities directly relating to the Social Security Act.
23. To the Department of Labor, for statistical studies of the relationship of private pensions and social security benefits to prior earnings.
24. In the event of litigation where the defendant is (a) the Department of Health and Human Services (HHS), any component of HHS, or any employee of HHS in his or her official capacity; (b) the United States where HHS determines that the claim, if successful, is likely to directly affect the operations of HHS or any of its components; or (c) any HHS employee in his or her individual capacity where the Justice Department has agreed to represent such employee, HHS may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.
25. In response to legal process or interrogatories relating to the enforcement of an individual's child support or alimony obligations, as required by sections 459 and 461 of the Social Security Act.
26. To Federal, State, or local agencies (or agents on their behalf) for administering income maintenance or health maintenance programs. Such disclosures include, but are not limited to, release of information to:

(a) the Railroad Retirement for administering provisions of the Railroad Retirement Act relating to railroad employment and for administering the Railroad Unemployment Insurance Act;
(b) the Veterans Administration for administering 38 U.S.C. 412, and upon request, for determining eligibility for or amount of VA benefits or verifying other information with respect thereto;
(c) State Welfare Departments for administering sections 205(c)(2)(B)(i)(II) and 401(a)(25) of the Social Security Act requiring information about assigned social security numbers for Aid Families with Dependent Children program purposes and for determining a recipient's eligibility under the AFDC program; and
(d) State agencies for administering the Medicaid program.

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

Storage: Magnetic tape, magnetic disk, microfilm, and paper.

Retrievability: Based on social security number on magnetic tape, disk, microfilm readers and printers, listings, and online computer terminals.

Safeguards: All magnetic tapes and discs are within an enclosure attended by security guards. Anyone entering or leaving this enclosure must have special badges which are issued only to authorized personnel. All microfilm and paper files are accessible only by authorized personnel with a need to know. For computerized records, electronically transmitted between Central Office and field office locations (including organizations administering SSA programs under contractual agreements), systems securities are established in accord-

ance with Department standards and National Bureau of Standards guidelines. Safeguards include a lock/unlock password system, exclusive use of leased telephone lines, a terminal oriented transaction matrix, and an audit trail.

Retention and disposal: Magnetic tape records are used to update the disc files and then are retained up to 90 days; the majority of magnetic tape reels are erased and returned to stock after processing is completed, while the disc files are continuously updated and retained indefinitely. Microfilm is disposed of by shredding after periodic replacement. of a complete file. Paper records are usually destroyed after use, by shredding, except where needed for documentation of the claims folder, in which case they are retained therein indefinitely (see notices for Claims Folders and Post-Adjudicative Records of Applicants for and Beneficiaries of Social Security Benefits, 09-60-0089).

System manager(s) and address:

Director
Office of User Requirements and Validation
6401 Security Boulevard
Baltimore, Maryland 21235

Notification procedure: An individual can determine if this system contains a record pertaining to him or her by contacting the most convenient social security office (see Appendix F.I for address information).

When requesting notification, an individual should furnish his or her social security claim number (social security number plus alphabetic symbols), name, address, and proper identification. These procedures are in accordance with HHS Regulations 45 CFR 5b.

Record access procedures: Same as notification procedures. Requesters should also reasonably specify the record contents being sought. These procedures are in accordance with HHS Regulations 45 CFR 5b.

Contesting record procedures: Same as notification procedures. Requesters should also reasonably identify the record and specify the information to be contested. These procedures are in accordance with HHS Regulations 45 CFR 5b.

Record source categories: The information for the Master Beneficiary Record comes primarily from the claims folder and/or is furnished by the beneficiary at the time of filing for benefits, via the application form and necessary proofs, and during the period of entitlement when notices of events such as changes of address, work, marriage, are given the Social Security Administration by the beneficiary; from States regarding health insurance third party premium payment/buy-in cases.

Systems exempted from certain provisions of the act: None.

09-60-0091

System name: Social Security Administration Claims Control System, HHS/SSA/OURV.

Security classification: None.

System location:

Office of Systems
6401 Security Boulevard
Baltimore, Maryland 21235

Categories of individuals covered by the system: A control record is established when a claim(s) for Retirement, Survivors, Disability, and/or Health Insurance Benefits is filed on a particular social security number (SSN). Only one record is established for each social security number even though more than one claim may be filed simultaneously--e.g., claims for the wage earner, his wife, and children on one social security number.

Categories of records in the system: The record content is: social security number and wage earner's name; the date the application was filed--for a few cases it is not included because it is not known when the record is established; the type of action--i.e., Retirement, Survivors, Disability, and/or Health Insurance Benefits; the potential month of entitlement--for monthly benefits this will be the first month for which benefits may be paid; the code for the district office that processed the application; the district office that released the claim to the State agency or program center; the present location of the claim; the date the claim was released by one office and received by another.

Authority for maintenance of the system: Section 205q of the Social Security Act--This provision necessitates a systems control of claims to ensure payment within prescribed time pars.

Purpose(s):

This record system is used to control claims from the point they originate in a district office until they are finally processed to completion and enables the Administration to identify those claims for which inordinate delays occur. Once identified, expeditious processing is initiated. Moreover, the data present in the system is useful in the reconstruction of a claim if the application were to be lost.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Disclosure may be made as indicated below:

To 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.

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

Storage: Magnetic tape and disk for online and offline retrieval.

Retrievability: Indexed by social security number.

Safeguards: Magnetic tape and disk records protected through standard security measures used for all SSA's computer records--limited access to Social Security Administration offices--limited employee access to computer facilities based on specific authorization.

For computerized records, electronically transmitted between Central Office and field office locations (including organizations administering SSA programs under contractual agreements), systems securities are established in accordance with HHS standards and National Bureau of Standards guidelines. Safeguards include a lock/unlock password system, exclusive use of leased telephone lines, a terminal oriented transaction matrix, and an audit trail.

Retention and disposal: The records on the magnetic tapes are purged when the decision of award or disallowance is made on the social security number or at 1 year from the date the record is established, whichever occurs first. The old versions of tapes are erased and returned to stock. The disk files are continuously updated and retained indefinitely.

System manager(s) and address:

Director
Office of User Requirements and Validation
6401 Security Boulevard
Baltimore, Maryland 21235

Notification procedure: An individual can determine if this system contains a record pertaining to him or her by contacting the most convenient social security office (see Appendix F for address information) and providing his or her social security claim number (social security number plus alphabetic symbols), name, address and proper identifiation. These procedures are in accordance with HHS Regulations 45 CFR 5b.

Record access procedures: Same as notification procedures. The data in this system are extremely limited since the system is a mechanism used by SSA to control and expedite the processing of claims. However, requesters who wish to reference this system, should provide their name, social security number, approximate date and place claim was filed, type of claim (retirement, survivors, disability, or health insurance), and return address or phone number. These procedures are in accordance with HHS Regulations 45 CFR 5b.

Contesting record procedures: Same as notification procedures. It is maintained that little of the data in this system is contestible, however, should an individual wish to contest it upon review, he or she may do so by contacting staff at the office specified under notification procedures above. If he or she decides to contest, he or she should reasonably identify the record and specify the information to be contested. These procedures are in accordance with HHS Regulations 45 CFR 5b.

Record source categories: The data are derived from the information furnished by the claimant on his application and by control data that is received as the claim is sent from the district office to other social security offices.

Systems exempted from certain provisions of the act: None.

09-60-0092

System name: Automated Control System for Case Folders, HHS/SSA/OURV.

Security classification: None.

System location: Program Service Centers and the Office of International Policy (see Appendix A for address information).

Office of Disability Programs (See Appendix B.I for address information).

Categories of individuals covered by the system: All claimants who have a social security number, have filed a claim under Titles II, retirement, survivors, and disability insurance; XVI, supplemental

security income, and XVIII, health insurance, of the Social Security Act, and whose claims have been processed through to a decision of award, disallowance, withdrawal, or termination such claims are in the adjudication process for reaching the aforementioned decisions.

Categories of records in the system: A control record by social security number containing data relative to the location of the claim serviced by one of the offices maintaining jurisdictional responsibility. Whether the claims folder is maintained in that office, temporarily or permanently transferred to another office within the Social Security Administration, a State disability, or vocational rehabilitation agency, or for storage in a Federal Records Center.

Authority for maintenance of the system: The payment provisions of the Social Security Act and Federal Coal Mine Health and Safety Act, Sections 202, 223, 226, 228, 1611, 1631, 1818, and 1836 of the Social Security Act and 411 of the Federal Coal Mine Health and Safety Act. The information for this system is derived from the claims filing process and duplicates, in fact, that set out in the Claims Folder Systems Notice, 09-60-0089.

Purpose(s):

This system is used by social security offices to identify the location of claims as well as enabling them to associate and process incoming material in a timely fashion. The identification and exact location feature assists SSA in meeting the standards of service to the public in processing and deciding claims for benefits. Data are also used to identify where operating weaknesses are to facilitate corrective action by management. Management data is also derived from the control records to provide statistical data relative to workloads, staffing, and manpower usage.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Disclosure may be made as indicated below:

To 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.

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

Storage: Magnetic disk storage files and magnetic tape files. usage.

Safeguards: Disk and tape files protected through standard security measures used for all of Social Security Administration's computer records--limited access to social security offices, and limited employee access to computer facilities based on specific authorizations.

Retention and disposal: The control records are maintained indefinitely. No provisions have been made to dispose of the control records nor is any contemplated as of now. When disk files are rewritten, the old disks are erased and returned to stock.

System manager(s) and address:

Director
Office of User Requirements and Validations
6401 Security Boulevard
Baltimore, Maryland 21235

Notification procedure: An individual can determine if this system contains a record pertaining to him or her by following the instructions below:

If the records relate to a retirement or survivors claims, the individual should contact the appropriate program service center (see Appendix A for social security number and address information).

If the individual named in the record resides outside the United States, or any of its possessions, or if the requested information relates to a foreign claim, the individual should write to the Office of International Policy (see Appendix A for address information).

Requests for other information should be forwarded to the Office of User Requirements and Validation at the address shown above under system manager. These procedures are in accordance with HHS Regulations 45 CFR 5b.

Record access procedures: Same as notification procedures. The data in this file is extremely limited since the system is a mechanism used by SSA to locate claims folders and claims in process. However, if an individual would like access to records in this system, he or she should provide his or her name, social security number, and related address to the appropriate address specified under notification procedures above. These procedures are in accordance with HHS Regulations 45 CFR 5b.

Contesting record procedures: Same as notification procedures. It is maintained that little of the data here is contestible, however, should an individual wish to contest it upon review, he or she may do so by writing to the appropriate address specified under notification procedures and reasonably identifying the record and specifying the information to be contested..

Record source categories: The control records are developed from recordings of cards containing social security numbers and coded location identifiers. Also, magnetic tape files prepared in Baltimore containing social security numbers and location identifications are provided to the jurisdictional offices to reflect the location of claims wherever located in Social Security Administration offices.

Systems exempted from certain provisions of the act: None.

09-60-0094

System name: Recovery Accounting for Overpayments, HHS/SSA/OURV.

Security classification: None.

System location:

Office of Systems
6401 Security Boulevard
Baltimore, Maryland 21235

Social Security Administration Program Service Centers
Office of International Policy (see Appendix A for Address information).

Office of Disability Operations
Baltimore, Maryland 21241

Lists of overpaid individuals, which are produced by this computer system, are maintained at each district or branch office (see Appendix F for address information).

Categories of individuals covered by the system: All social security beneficiaries who received an overpayment of benefits. All persons holding conserved (accumulated) funds received on behalf of a social security beneficiary. All persons who received social security payments on behalf of a beneficiary and were found to have misused those payments.

Categories of records in the system: Identifying characteristics of each overpayment or instance of misused or conserved funds. Name and address of the individual(s) involved. Recovery efforts made and the date of each action. Planned future actions.

Authority for maintenance of the system: Section 204(a) of the Social Security Act (42 United States Code 404(a)).

Purpose(s):

The users of this system are employees of district and branch offices, as well as selected personnel of social security program service centers, the Office of International Policy, and the Office of Disability Operations. The data are used to maintain control of overpayments and misused or conserved funds from the time of discovery to the final resolution and for the proper adjustments of payment and refund amounts. Data adjustment produce accounting and statistical reports at specified intervals.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Disclosure may be made as indicated below:

1. To 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.
2. 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.

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

Storage: Magnetic tape, magnetic disk and microfiche in the Bureau of Data Processing. Microfiche in program service centers, the Bureau of Disability Insurance and the Division of International Operations. Paper listings in district and branch offices.

Retrievability: Magnetic tape, magnetic disk and microfiche indexed by social security number.

Safeguards: Magnetic tape, magnetic disk, microfiche and paper records are protected through standard security measures used for all of the Social Security Administration's records--limited access to Social Security Administration offices--limited access to files to employees on a need to know basis.

Retention and disposal: Magnetic tape files are updated daily and retained for 10 days, after which the tapes are erased and returned to stock. The magnetic tape file produced in the last operation of the month is retained in security storage for a period of 30 days, after which the tapes are erased and returned to storage. The microfiche records are updated monthly, retained for one month after the month they are produced, and then destroyed by application of heat. Paper

listings are destroyed when overpayment issue is resolved or updated listing is received. The disk files are continuously updated and retained indefinitely.

System manager(s) and address:

Director
Office of User Requirements and Validation
6401 Security Boulevard
Baltimore, Maryland 21235

Notification procedure: An individual can determine if this system contains a record pertaining to him or her by contacting the most convenient social security office (see Appendix F for address information) or the appropriate program service center (see Appendix A for address information).

When requesting notification, an individual should provide his or her name, social security number, address, other information which will assist in locating the requested materials (e.g., data about a prior or current overpayment), and reference this system of records. These procedures are in accordance with HHS Regulations 45 CFR 5b.

Record access procedures: Same as notification procedures. Requesters should also reasonably accordance with HHS Regulations 45 CFR 5b.

Contesting record procedures: Same as notification procedures. Requesters should also reasonably identify the record and specify the information to be contested. These procedures are in accordance with HHS Regulations 45 CFR 5b.

Record source categories: The information for the computer files is received directly from beneficiaries, from district and branch offices, and as the result of earnings enforcement operations. The paper listings are updated as a result of the computer operations.

Systems exempted from certain provisions of the act: None.

09-60-0095

System name: Health Insurance Overpayment Ledger Cards, HHS/SSA/OURV.

Security classification: None.

System location:

Social Security Administration
Program Service Centers and
Office of International Policy (see Appendix A for address information).

Office of User Requirements and Validation
6401 Security Boulevard
Baltimore, Maryland 21241

Categories of individuals covered by the system: All social security health and supplemental medical insurance enrollees who received incorrect medicare payments or services, who are determined liable, and against whom it is not possible to adjust subsequent Part A (Hospital) or Part B (Supplementary Medical) benefits.

Categories of records in the system: A clerical record of each overpaid medicare benefit, name and address of the individual(s) involved. Recovery efforts made and the date of each action. Planned future actions.

Authority for maintenance of the system: Sections 1814, 1833 and 1870 of the Social Security Act.

Purpose(s):

The users of this system are selected employees of social security program service centers, the Office of International Policy, and the Office of Disability Operations. The information recorded by the program service centers is used to maintain control of medicare overpayments referred to the program service center from the Health Care Financing Administration for recovery action. In these cases, the Health Care Financing Administration is unable to recoup the overpayment by adjusting subsequent medicare benefits. The information on the ledger cards is also used to produce periodic accounting, management, and statistical reports.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Disclosure may be made as indicated below:

To 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.

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

Storage: Card stock in metal cabinets.

Retrievability: By social security number.

Safeguards: Records protected through standard security means for all of the Social Security Administration's clerical records (see Appendix J), limited access to buildings and limited access by employees on a need to know basis.

Retention and disposal: Retained in the program service center for a period of one year after collection efforts terminated and then transferred to the Federal Records Center where they are retained for 3 years, then destroyed.

System manager(s) and address:

Director
Office of User Requirements and Validation
6401 Security Boulevard
Baltimore, Maryland 21235

Notification procedure: An individual can determine if this system contains a record pertaining to him or her by following the following procedures:

If the requested records relate to a retirement or survivors claims, the individual should contact the appropriate social security program service center (based on social security number) (see Appendix A for address and social security number information).

If the individual named in the record resides outside the United States or its posessions, contact should be made to the Office of International Policy (see Appendix A for address information).

If the requested records relate to a disability claim, the individual should write to:

Office of Disability Operations
6401 Security boulevard
Baltimore, Maryland 21235

When requesting notification, an individual should provide his or her name, social security number, and reference this system. These procedures are in accordance with HHS Regulations 45 CFR 5b.

Record access procedures: Same as notification procedures. Requesters should also reasonably specify the record contents being sought. These procedures are in accordance with HHS Regulations 45 CFR 5b.

Contesting record procedures: Same as notification procedures. Requesters should also reasonably identify the record and specify the information to be contested. These procedures are in accordance with HHS Regulations 45 CFR 5b.

Record source categories: The information is received indirectly from the providers of Medicare services through the Health Care Financing Administrationand directly from the Health Care Financing Administration as a result of their audit procedures.

Systems exempted from certain provisions of the act: None.

09-60-0097

System name: Program Integrity Case Files, HHS/SSA/OA.

Security classification: None.

System location:

Office of Assessment
6401 Security Boulevard
Baltimore, Maryland 21235

Field Integrity Staff located in
Field Assessment Office (see Appendix L.1 for address information).

Categories of individuals covered by the system: Persons suspected of violating Federal law affecting the administration of programs under the responsibility of the Social Security Administration, including those against whom civil recovery action is being considered or pursued.

Categories of records in the system: Information maintained in each record includes the identity of the suspect, the nature of the alleged offense, documentation of the investigation into the alleged offense, and the disposition of the case by the Social Security Administration or the United States Attorney.

Authority for maintenance of the system: Sections 206, 208, 1106, 1107, 1631(d)(2), 1632, of the Social Security Act, and section 413 of the Federal Coal Mine Health and Safety Act.

Purpose(s):

The information in this system pertains to suspected violations and fraud investigations. Cases may move through several levels of the Social Security Administration organization at the district, regional

and/or central office locations during the course of documenting a suspected fraudulent situation.

Material in this system is used by SSA staff to determine if a violation of the penal provisions of the Social Security Act or related provisions of the United States Code has been committed. If so, such material is used as the basis for referral of the case to the Department of Justice for consideration of prosecution. The material is also used to determine the direction of investigation of potential fraud situations.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Disclosure may be made as indicated below:

1. to officers or employees of State government as well as the CHAMPUS program for use in conducting investigations of possible fraud or abuse against the title XIX or CHAMPUS program.
2. To States Attorneys in connection with State programs involving the Social Security Administration.
3. In cases involving fraudulent tax returns or forgery of social security checks are disclosed to the Treasury Department.
4. To the U.S. Postal Service for investigating alleged theft of social security checks.
5. To State and local polic authorities for the purposes of investigating the loss, theft, and/or forgery of Medicare checks.
6. To 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. In the event of litigation where the defendant is (a) the Department of Health and Human Services (HHS), any component of HHS, or any employee of HHS in his or her official capacity; (b) the United States where HHS determines that the claim, if successful, is likely to directly affect the operations of HHS or any of its components; or (c) any HHS employee in his or her individual capacity where the Justice Department has agreed to represent such employee, HHS may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.
8. To third party contacts for the purpose of establishing or negating a violation of the Social Security Act or related provisions of the U.S. Criminal Code.
9. To the Internal Revenue Service, Department of the Treasury, as necessary, for the purpose of auditing the Social Security Administration's compliance with safeguard provisions of the Internal Revenue Code of 1954, as amended.

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

Storage: Manual system, records maintained in manila folders and stored in filing cabinets.

Retrievability: Records are indexed and retrieved by social security number or by name of the subject of the investigation.

Safeguards: Records are maintained in locked filing cabinets and are accessed only by employees with a job-related need for the information.

Retention and disposal: Records may be retained 5 years after final disposition of the case. At the end of the retention period, the records are destroyed by shredding.

System manager(s) and address:

Director, Division of Program Integrity
Office of Security and Program Integrity
Office of Assessment
6401 Security Boulevard
Baltimore, Maryland 21235

Notification procedure: An individual can determine if this system contains a record pertaining to him or her by providing his or her name, social security number, any social security number on which he or she has filed for, or received benefits, the type of such claim, and current claim status.

An individual who requests notification of or access to a medical record shall, at the time he or she makes the request, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion. However, SSA will grant direct access to a subject individual if the responsible SSA official determines that direct access is not likely to have an adverse on him or her. If the responsible SSA official is unable to make a determination, or makes the determination that some harm may occur to an individual, the official will send the record to the designated representative and inform the subject individual in writing that the records have been sent.

A parent or guardian who requests notification of or access to a minor's medical record shall at the time he or she makes the request designate a physician or other health professional (other than a family member) who will be willing to review the record and inform the parent or guardian of its contents at the physician's or health professional's discretion. These procedures are in accordance with HHS Regulations 45 CFR 5b.

Record access procedures: Per 5 United States Code 522a (k)(2), the records in this system are exempt from access by the individual named in the records. However, access to information which is a matter of public record or documents furnished by the individual will be permitted.

Contesting record procedures: Same as above.

Record source categories: The information contained in this record system is the result of criminal investigation and may be derived from such sources as the suspect, witnesses, or Social Security Administration employees with a knowledge of the case.

Systems exempted from certain provisions of the act: Exemption of this system to the access provisions is claimed under section k(2) of the Privacy Act inasmuch as these records are investigatory materials compiled for program (law) enforcement in anticipation of a criminal proceeding. (See page 47413 of Federal Register of 10/8/75, Vol. 40, No. 196, Part V).

09-60-0102

System name: Fee Ledger System for Representatives, HHS/SSA/OIP.

Security classification: None.

System location: Records pertaining to representatives in retirement, survivors, disability, health insurance, supplemental security income and black lung benefit claims are maintained as indicated below:

Claims where a fee petition was processed through November 1974 involving retirement, survivors, disability and supplemental security income for the aged are located at:

Office of Insurance Programs
6401 Security Boulevard
Baltimore, Maryland 21235

Claims involving disability benefits, black lung and supplemental security income for the blind and disabled are located at:

Office of Disability Operations
6401 Security Boulevard
Baltimore, Maryland 21241

Claims that involve a hearing for disability, retirement, and survivors benefits, health insurance, black lung, or supplemental security income are located at:

Office of Hearings and Appeals
801 North Randolph Street
Arlington, Virginia 22203

Categories of individuals covered by the system: Attorneys and non-attorney representatives of claimants before the Social Security Administration.

Categories of records in the system: Name and address of representative, firm affiliation, if any, claimant's social security number, fee requested by representative, amount of fee approved by the Social Security Administration, amount withheld from claimant's past-due benefits, date the fee was approved, type of services rendered, reviewing and approving offices.

Authority for maintenance of the system: Sections 206 and 1631(d) of the Social Security Act, and section 413(b) of the Federal Coal Mine Health and Safety Act of 1969.

Purpose(s):

This system provides a statistical base for projections of workloads, trends, cost analyses of legislative proposals, and similar activities. Such information is supplied upon request to government agencies, the Congress, and the public.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Disclosure may be made as indicated below:

To 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.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The central reference files are maintained by the SSA Office of Insurance Programs on ledger cards, and kept in locked metal file cabinets. The SSA Office of Disability Operations and Office of Assistance Programs and the HHS Health Care Financing Administration maintain carbon copies of the petition to obtain approval of a fee for representing a social security claimant. These copies, when maintained, may include a copy of the Social Security Administration's authorization to charge and receive a fee, and are filed in metal filing cabinets in the case of the Office of Hearings and Appeals, they are maintained in metal file cabinets.

Retrievability: Records are generally indexed alphabetically by name of the representative. If the representative is an attorney and no specific name is furnished the record is filed according to the name of the firm. The Office of Hearings and Appeals, however, maintains its file based on social security number of the claimant.

Safeguards: Normal security measures are imposed (see Appendix J.1). Only those SSA employees with a job-related need for the information can have access to the records in this system.

Retention and disposal: Ledger records are retained by the Office of Disability Operations for a period of 5 years from the date of the latest entry. If no entries are recorded within this period, the record is destroyed. When the ledger is destroyed, the name, address of the representative, and at least one social security number of an involved claim, is recorded and indexed for indefinite retention. Copies of the representatives petition are maintained in the SSA Office of Insurance Programs for 1 to 2 years. The fee ledgers are maintained indefinitely, as are the records in the SSA Offices of Disability Operations (through November 1978), Assistance Programs, Hearings and Appeals.

System manager(s) and address: See location above for appropriate manager to contact.

Director, Office of Insurance Programs
6401 Security Boulevard
Baltimore, Maryland 21235

Director, Office of Disability Operations
6401 Security Boulevard
Baltimore, Maryland 21241

Director, Office of Hearings and Appeals
801 North Randolph Street
Arlington, Virginia 22203

Notification procedure: An individual can determine if this system contains a record pertaining to him or her by writing to the appropriate system manager (see location above above) at one of the addresses shown above. When the appropriate system manager cannot be identified, the individual may contact the Director, Office of Insurance Programs at the address shown under system manager above.

All requests for information should include the representative's name, address, type of claim, date the fee was approved, and the social security number under which the claim was filed. These procedures are in accordance with HHS Regulations 45 CFR 5b.

Record access procedures: Same as notification procedures. Requesters should also reasonably specify the record contents being sought. These procedures are in accordance with HHS Regulations 45 CFR 5b.

Contesting record procedures: Same as notification procedures. Requesters should also reasonably identify the record and specify the information to be contested. These procedures are in accordance with HHS Regulations 45 CFR 5b.

Record source categories: All information is extracted and compiled from forms SSA-1560, Petition to Obtain Approval of a fee for Representing a Social Security Claimant, which is completed by the representative and form SSA-1560A, Authorization to Charge and Receive a Fee, which is prepared by the Social Security Administration.

Systems exempted from certain provisions of the act: None.

09-60-0103

System name: Supplemental Security Income Record, HHS/SSA/OURV.

Security classification: None.

System location:

Office of Systems
6401 Security Boulevard
Baltimore, Maryland 21235

Regional, district and branch offices (see Appendices D.2 and F.1 for address information).

Categories of individuals covered by the system: This file contains a record for each individual who has applied for supplemental security income (SSI) payments including individuals who have requested an advance payment, and SSI recipients who have been overpaid and for each essential person associated with an SSI recipient.

Categories of records in the system: This file contains data regarding SSI eligibility, citizenship, residence, medicaid eligibility, eligibility for other benefits, alcoholism or drug addiction data, if applicable (disclosure of this information may be restricted by 21 U.S.C. 1175 and 42 U.S.C.), income data, resources, payment amounts, including overpayments amounts, and data and amount of advance payments, living arrangements, case folder location data, appellate decisions, if applicable, social security numbers used to identify a particular individual, and a history of changes to any of the preceding categories for all persons who have applied for SSI payments.

Authority for maintenance of the system: Sections 1602,1611, 1612, 1613, 1614, 1615, 1616, 1631, 1633, and 1634 of Title XVI of the Social Security Act.

Purpose(s):

Supplemental Security Income records begin in the social security district office where an individual files an application for supplemental security income payments. This application contains data which may be used to prove the identity of the applicant to determine his or her eligibility for supplemental security income payments and, in cases where eligibility is determined, to compute the amount of the payment. Information from the application, in addition to data used internally to control and process supplemental security income cases, is used to create the Supplemental Security Income Record (SSR). The SSR is also used as a means of providing a historical record of all activity on a particular individual's record. In addition, statistical data is derived from the SSR for acturial and management information purposes.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Disclosure may be made as indicated below:

1. To the Treasury Department to prepare supplemental security income benefit checks.
2. the States to establish the minimum income level for computation of State supplement;
3. To the following Federal and State agencies to prepare information for verification of benefit eligibility under section 1631(e):

a. Bureau of Indian Affairs
b. Civil Service Commission
c. Department of Agriculture
d. Department of Labor
e. Immigration and Naturalilzation Service
f. Internal Revenue Service
g. Railroad Retirement Board
h. State Pension Funds
i. State Welfare Offices
j. State Workmen's Compensation
k. Department of Defense
l. United States Coast Guard
m. Veterans Administration

4. To 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.
5. To identify title XVI eligibles under the age of 16 to State crippled children's agencies (or other agencies providing services to disabled children) for the consideration of rehabilitation services per section 1615 of the Social Security Act.
6. To contractors under contract to the Social Security Administration or under contract to another agency with funds provided by SSA for the performance of research and statistical activities directly relating to

Social Security Act.

7. To State audit agencies for auditing State supplementation payments and Medicaid eligibility consideration.
8. To effect and report the fact of Medicaid eligibility of title XVI recipients in the jurisdiction of those States which have elected Federal determinations of Medicaid eligibility of title XVI eligibles and to assist the States in administering the Medicaid program.
9. To identify title XVI eligibles in the jurisdiction of those States which have not elected Federal determinations of Medicaid eligibility in order to assist those States in establishing and maintaining Medicaid rolls and in administering the Medicaid program.
10. To enable States which have elected Federal administration of their supplementation programs to monitor changes in applicant/ recipient income, special needs, and circumstances.
11. To enable States which have elected to administer their own supplementation programs to identify SSI eligibles in order to determine the amount of their monthly supplemental payments.
12. To enable the States to assist in the effective and efficient administration of the supplemental security income program.
13. To enable those States which have an agreement with the Secretary, to carry out their functions with respect to Interim Assistance Reimbursement per Section 1631(g) of the Social Security Act.
14. To enable States to locate potentially eligible individuals and to make eligibility determinations for extensions of social services under the provisions of title XX.
15. To assist the States in determining initial and continuing eligibility in their income maintenance programs and for investigation and prosecution of conduct subject to criminal sanctions under these programs.
16. In the event of litigation where the defendant is (a) the Department of Health and Human Services (HHS), any component of HHS, or any employee of HHS in his or her official capacity; (b) the United States where HHS determines that the claim, if successful, is likely to directly affect the operations of HHS or any of its components; or (c) any HHS employee in his or her individual capacity where the Justice Department has agreed to represent such employee, HHS may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.
17. 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.
18. To the United States Postal Service for investigating the alleged theft, forgery or unlawful negotiation of supplemental security income checks.
19. To the Department of the Treasury for investigating the alleged theft, forgery or unlawful negotiation of supplemental security income checks.
20. To the Department of Education for determining the eligibility of applicants for Basic Educational Opportunity Grants.
21. To Federal, State or local agencies (or agents on their behalf) for administering cash or noncash income maintenance or health maintenance programs. Such disclosures include, but are not limited to, release of information to:

(a) the Veterans Administration upon request for determining eligibility for or amount of VA benefits or verifying other information with respect thereto;
(b) the Railroad Retirement Board for administering the Railroad Unemployment Insurance Act;
(c) to State agencies to determine eligibility for Medicaid;
(d) to State agencies to locate potentially eligible individuals and to make determinations of eligibility for the food stamp program; and
(e) to State agencies to administer energy assistance to low income groups under programs for which the States are responsible.

22. To the Internal Revenue Service, Department of the Treasury, as necessary, for the purpose of auditing the Social Security Administration's compliance with safeguard provisions of the Internal Revenue Code of 1954, as amended.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Magnetic tape, magnetic disc, and microfiche.

Retrievability: Magnetic tape, magnetic disc, and microfiche are indexed by social security number.

Safeguards: All magnetic tapes and magnetic discs are within an enclosure attended by security guards. Anyone entering or leaving that enclosure must have special badges which are only issued to authorized personnel. All authorized personnel having access to the magnetic records are subject to the penalties of the Privacy Act. The microfiche are stored in locked cabinets, and are accessible to employees only on a need-to-know basis. All Supplemental Security Income Record (State Data Exchange records) are protected in accordance with agreements between the Social Security Administration and the respective States regarding confidentiality, use, and redisclosure.

Retention and disposal: Original input transaction tapes received which contain initial claims and posteligibility actions are retained indefinitely although these are processed as received and incorporated into processing tapes which are updated to the master supplemental security income tape file on a monthly basis. All magnetic tapes appropriate to SSI information furnished specified Federal, State, and local agencies for verification of eligibility for benefits and under section 1631 (e) are retained, in in accordance with the Privacy Act accounting requirements, for at least 5 years or the life of the record, whichever is longer.

System manager(s) and address:

Director
Office of User Requirement and Validation
6401 Security Boulevard
Baltimore, Maryland 21235
Social Security District and Branch Offices (See Appendix F.1 for address information).

Notification procedure: An individual can determine if this system contains a record pertaining to him or her by writing to or visiting the most convenient social security district or branch office (see Appendix F.1 for address information).

An individual who requests notification of or access to a medical record shall, at the time he or she makes the request, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion. However, SSA will grant direct access to a subject individual if the responsible SSA official determines that direct access is not likely to have an adverse on him or her. If the responsible SSA official is unable to make a determination, or makes the determination that some harm may occur to an individual, the official will send the record to the designated representative and inform the subject individual in writing that the records have been sent.

A parent or guardian who requests notification of or access to a minor's medical record shall at the time he or she makes the request designate a physician or other health professional (other than a family member) who will be willing to review the record and inform the parent or guardian of its contents at the physician's or health professional's discretion. These procedures are in accordance with HHS Regulations 45 CFR 5b.

Record access procedures: Same as notification procedures. Requesters should also reasonably specify the record contents being sought. These procedures are in accordance with HHS Regulations 45 CFR 5b.

Contesting record procedures: Same as notification procedures. Requesters should also reasonably identify the record and specify the information to be contested. These procedures are in accordance with HHS Regulations 45 CFR 5b.

Record source categories: The information contained within the Supplemental Security Record is obtained for the most part from the applicant for SSI payments and is derived from the the system of records Claims Folders and Post-Adjudicative Records of Applicants for and Beneficiaries of Social Security Benefits (09-60-0089). The States also provide data affecting the Supplemental Security Record (State Data Exchange Files). affecting the Supplemental Security Income Record (State Data Exchange Files).

Systems exempted from certain provisions of the act: None.

09-60-0110

System name: Supplemental Security Income File of Refunds, HHS/SSA/OURV.

Security classification: None.

System location:

Office of User Requirement and Validation
6401 Security Boulevard
Baltimore, Maryland 21235

Categories of individuals covered by the system: This file contains refund records for any aged, blind, or disabled individual who was overpaid or not entitled.

Categories of records in the system: This file contains information about refunds sent in by persons who were overpaid or not entitled to Supplemental Security Income payments they received. Specific information is name of individual, social security number, date of refund, and amount of refund.

Authority for maintenance of the system: Sections 1602, 1611, and 1631 of Title XVI of the Social Security Act.

Purpose(s):

This file is established after supplemental security income refunds received have been recorded and deposited in the Federal Reserve bank. The money refunded is broken into Federal share and State share for accounting purposes. The information is input to the electronic system to be matched against the same information being entered by district offices. This serves as an audit.

The information in this system is keyed directly onto tape which are kept in SSA's tape library. The tapes are used to prepare cross reference listing and to input information into the system. Manual records are used to prepare responses from inquiries from district offices.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Disclosure may be made as indicated below:

1. To 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.
2. State audit agencies pursuant to agreements with HHS for auditing State supplementation payments.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The source document is filed in standard filing cabinets by bank deposit schedule number. The cross reference listing, in social security number sequence, by month is maintained in binders.

Retrievability: Listings are referenced by social security number.

Safeguards: The source documents and listings are kept in an area which is secured at night--doors locked.

Information is only furnished to other Social Security Administration components with limited access by employees on a need-to-know basis. The magnetic tapes are retained in secure storage areas accessible only to authorized persons within the Office of Systems. The storage area is controlled by marshalls responsible for insuring that only authorized personnel are admitted. Official identification badges or passes are required to gain entrance to the storage area. All employees having access to records have been notified of criminal sanctions for unauthorized disclosure of information on individuals.

Retention and disposal: The source documents and listings are being held indefinitely. Eventually they will be retired to the Federal Record Center. The tapes are stored in the Social Security tape library.

System manager(s) and address:

Director
Office of User Requirement and Validation
Social Security Administration
6401 Security Boulevard
Baltimore, Maryland 21235

Notification procedure: An individual can determine if this system contains a record pertaining to him or her by providing his or her name, social security number, pertinent information about his or her case, and the name of this system to the system manager at the address shown above. These procedures are in accordance with HHS Regulations 45 CFR 5b.

Record access procedures: Same as notification procedures. Requesters should also reasonably specify the record contents being sought. These procedures are in accordance with HHS Regulations 45 CFR 5b.

Contesting record procedures: Same as notification procedures. Requesters should also reasonably identify the record and specify the information to be contested. These procedures are in accordance with HHS Regulations 45 CFR 5b.

Record source categories: The receipt form completed by an employee in the social security district office plus the actual check, money order, etc., used to remit the money.

Systems exempted from certain provisions of the act: None.

09-60-0111

System name: Debit Voucher File (Supplemental Security Income), HHS/SSA/OURV.

Security classification: None.

System location:

Office of User Requirement and Validation
6401 Security Boulevard
Baltimore, Maryland 21235

Categories of individuals covered by the system: The file contains a record for aged, blind, or disabled individuals who have negotiated two checks for the same month incorrectly.

Categories of records in the system: The SF-1081, Voucher and Schedule of Withdrawals and Credits, is sent to the Office of Management, Budget and Personnel from the Department of Treasury billing the Social Security Administration for addition monies expended on their behalf. It contains the identification of the individual, name and social security number, and amount of money involved.

Authority for maintenance of the system: Sections 1602, 1611 and 1631 of Title XVI of the Social Security Act.

Purpose(s):

This system is used to maintain photocopies of erroneously negotiated supplemental security income checks as well as copies of bounced checks which the Treasury Department sends to the Social Security Administration (SSA), which SSA district and branch files and use for future reference when they attempt to collect the money from the individual. The money amount is allocated to the Federal share and State share for accounting purposes.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Disclosure may be made as indicated below:

1. To 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.
2. To State audit agencies pursuant to agreements with HHS for auditing State supplementation payments.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinets and binders.

Retrievability: Information in this system is indexed by social security number.

Safeguards: Access limited to employees on need to know basis. Area secured at night--doors locked.

Retention and disposal: The records are being held indefinitely. They will eventually be retired to the Federal Records Center.

System manager(s) and address:

Director
Office of User Requirement and Validation
Social Security Administration
6401 Security Boulevard
Baltimore, Maryland 21235

Notification procedure: An individual can determine if this system contains a record pertaining to him or her by providing his or her name, social security number, pertinent information about his or her case, and the name of this system to the system manager at the address shown above. These procedures are in accordance with HHS Regulations 45 CFR 5b.

Record access procedures: Same as notification procedures. Requesters should also reasonably specify the record contents being sought. These procedures are in accordance with HHS Regulations 45 CFR 5b.

Contesting record procedures: Same as notification procedures. Requesters should also reasonably identify the record and specify the information to be contested. These procedures are in accordance with HHS Regulations 45 CFR 5b.

Record source categories: Bureau of Government Financial Operations of the Department of the Treasury.

Systems exempted from certain provisions of the act: None.

09-60-0117

System name: Age at First Payment of Retirement Insurance Benefit, HHS/SSA/OP.

Security classification: None.

System location:

Office of Systems
6401 Security Boulevard
Baltimore, Maryland 21235

Categories of individuals covered by the system: Recently entitled retirement insurance beneficiaries.

Categories of records in the system: Payment history and demographic information.

Authority for maintenance of the system: Section 702 of the Social Security Act. (42 USC Sec. 902).

Purpose(s):

Information in this system is used for statistical purposes.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Disclosure may be made as indicated below:

To 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.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Data are stored on magnetic tape.

Retrievability: Individual records are identified by claim account number for statistical uses.

Safeguards: All magnetic tapes are retained in secure storage areas accessible only to authorized persons within the Bureau of Data Processing and Data Development. All employees having access to records have been notified of criminal sanctions for unauthorized disclosure of information on individuals.

Retention and disposal: This system is updated infrequently and magnetic tapes are returned to blank stock.

System manager(s) and address:

Deputy Chief Actuary, Short-Range Estimates
Office of the Actuary
Social Security Administration
6401 Security Boulevard
Baltimore, Maryland 21235

Notification procedure: An individual can determine if this system contains a record pertaining to him or her by writing to the system manager at the address shown above and providing his or her claim account number. These procedures are in accordance with HHS Regulations 45 CFR 5b.

Record access procedures: Same as notification procedures. Requesters should also reasonably specify the record contents being sought. These access procedures are in accordance with HHS Regulations 45 CFR 5b.

Contesting record procedures: Same as notification procedures. Requesters should also reasonably identify the record and specify the information to be contested.

Record source categories: Master Beneficiary Record, 09-60-0090.

Systems exempted from certain provisions of the act: None.

09-60-0118

System name: Non-Contributory Military Service Reimbursement System, HHS/SSA/OP.

Security classification: None.

System location:

Office of Systems
6401 Security Boulevard
Baltimore, Maryland 21235

Categories of individuals covered by the system: A sample of beneficiaries who have non-contributory military service credits.

Categories of records in the system: Covered earnings, benefit and payment status.

Authority for maintenance of the system: Section 217, 229, and 231 of the Social Security Act.

Purpose(s):

Data in this system are used for statistical purposes.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Disclosure may be made as indicated below:

To 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.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Data are stored on magnetic tape.

Retrievability: The file is indexed with claim account numbers

Safeguards: All mag-tape files are retained in secure storage areas accessible only to authorized persons within the Office of Enumeration and Earnings Records, Office of Management, Budget and Personnel, and Office of the Actuary. All employees having access to records have been notified of criminal sanctions for unauthorized disclosure of information on individuals.

Retention and disposal: This system is updated annually. At this time, we have no provision for the disposal of individual records.

System manager(s) and address:

Deputy Chief Actuary, Short-Range Estimates
Social Security Administration
Office of the Actuary
6401 Security Boulevard
Baltimore, Maryland 21235

Notification procedure: An individual can determine if this system contains a record pertaining to him or her by writing to the system manager at the address shown above. When requesting notification, an individual should provide his or her name and claim account number. These procedures are in accordance with HHS Regulations 45 CFR 5b.

Record access procedures: Same as notification procedures. Requesters should also reasonably specify the record contents being sought. These procedures are in accordance with HHS Regulations 45 CFR 5b.

Contesting record procedures: Same as notification procedures. Requesters should also reasonably identify the record and specify the information to be contested. These procedures are in accordance with HHS Regulations 45 CFR 5b.

Record source categories: Data in this system are derived from the Master Beneficiary Record (09-60-0090), the Claims Folders and Post-Adjudicative Record of Applicants for and Beneficiaries of Social Security Benefits (09-60-0089), and the Earnings Recording and Self-Employment System (09-60-0059).

Systems exempted from certain provisions of the act: None.

09-60-0119

System name: Special Age 72 Benefit Trust Fund Transfer Project, HHS/SSA/OP.

Security classification: None.

System location:

Office of Systems
6401 Security Boulevard
Baltimore, Maryland 21235

Categories of individuals covered by the system: Includes all individuals entitled under the Prouty amendments.

Categories of records in the system: Benefit entitlement, demographic information, and earnings records.

Authority for maintenance of the system: Section 223 of the Social Security Act.

Purpose(s):

The purpose of this system is to maintain information which SSA uses to determine an amount of money to be transferred from General Revenue to the Old Age and Survivors Insurance Trust Fund.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Disclosure may be made as indicated below:

To 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.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Data are stored on magnetic tape.

Retrievability: Individual records are identified by claim account number.

Safeguards: All magnetic tapes are retained in secure storage areas accessible only to authorized persons within the Bureau of Data Processing and Data Development. All employees having access to records have been notified of criminal sanctions for unauthorized disclosures of information on individuals.

Retention and disposal: This system is updated periodically and magnetic tapes are eventually returned to blank stock.

System manager(s) and address:

Deputy Chief Actuary, Short-Range Estimates
Social Security Administration
Office of the Actuary
6401 Security Boulevard
Baltimore, Maryland 21235

Notification procedure: An individual can determine if this system contains a record pertaining to him or her by providing his or her claim account number to the system manager at the address shown above.

These procedures are in accordance with HHS Regulations 45 CFR 5b.

Record access procedures: Same as notification procedures. Requesters should also reasonably specify the record contents being sought. These procedures are in accordance with HHS Regulations 45 CFR 5b.

Contesting record procedures: Same as notification procedures. Requesters should also reasonably identify the record and specify the information to be contested. These procedures are in accordance with HHS Regulations 45 CFR 5b.

Record source categories: Master Beneficiary Record (09-60-0090) and Earnings Recording and Self-Employment Income System (09-60-0059).

Systems exempted from certain provisions of the act: None.

09-60-0128

System name: Retirement, Survivors and Disability Insurance Claims Study, HHS/SSA/OA.

Security classification: None.

System location:

Office of Systems
6401 Security Boulevard
Baltimore, Maryland 21235

Office of Assessment
Division of Program Measurement and Evaluation
6401 Security Blvd.
Baltimore, Md. 21235

Social Security Administration program servcice centers and the Office of International Policy (see Appendix A for address information).

Office of Disability Operations
Baltimore, Maryland 21241

Categories of individuals covered by the system: National stratified probability sample of individuals allowed or denied benefits, as well as those awarded lump sum death benefits, beginning November 1964 for retirement and survivors claims, May 1966 for disability claims.

Categories of records in the system: Demographic characteristics of beneficiary, description of allegations, evidence and findings, and case control data.

Authority for maintenance of the system: Section 205 of the Social Security Act.

Purpose(s):

This is a study to evaluate the effectiveness of retirement, survivors, and disability insurance program policies. Data from this study are compiled for evaluative purposes, and subsequently stored in the claims folders. Adverse data received in the conduct of this study may be used to review earlier claims or post-adjudicative decisions.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Disclosure may be made as indicated below:

1. To 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.
2. To third parties for verification of information given by claimants.
3. To the Internal Revenue Service, Department of the Treasury, as necessary, for the purpose of auditing the Social Security Administration's compliance with safeguard provisions of the Internal Revenue Code of 1954, as amended.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: All information is recorded on magnetic tape and claims folders are returned to program service centers.

Retrievability: Identification sequence number.

Safeguards: All folders are kept in secure areas, accessible only to Division of Program Measurement and Evaluation personnel (i.e. statisticians, analyst, and programmer).

For computerized records, safeguards established in accordance with Department standards and National Bureau of Standards guidelines (e.g. security codes) will be used, limiting access to authorized personnel.

Retention and disposal: Disposal of file folders is conducted in accordance with Social Security Administration guidelines for Title II claims, while magnetic tapes are held for 5 years before being erased.

System manager(s) and address:

Director
Division of Program Measurement and Evaluation
Social Security Administration
6401 Security Boulevard
Baltimore, Md. 21235

Notification procedure: An individual can determine if this system contains a record pertaining to him or her by writing to the system manager at the address shown above. When requesting notification, an individual should provide the name of this system, social security number, and, for verification purposes, name (woman's maiden name, if applicable), address, date of birth and sex, and to ascertain whether the individual's record is in this system, the month and year in which the individual was allowed or denied benefits (retirement or disability). These procedures are in accordance with HHS Regulations 45 CFR 5b.

Record access procedures: Same as notification procedures. Requesters should also reasonably specify the record contents being sought. These procedures are in accordance with HHS Regulations 45 CFR 5b.

Contesting record procedures: Same as notification procedures. Requesters should also reasonably identify the record and specify the information to be contested. These procedures are in accordance with HHS Regulations 45 CFR 5b.

Record source categories: Earnings Recording and Self-Employment System (09-60-0059); Supplemental Security Income Record (09-60-0103); Claims Folders and Post-Adjudicative Records of Applicants for and Beneficiaries of Social Security Benefits (09-60-0089); and survey data collected by social security employees.

Systems exempted from certain provisions of the act: None.

09-60-0129

System name: Adjudication of Supplemental Security Income Claims Study, HHS/SSA/OA.

Security classification: None.

System location:

Office of Systems
6401 Security Boulevard
Baltimore, Maryland 21235

Office of Assessment
Division of Program Measurement and Evaluation
6401 Security Boulevard
Baltimore, Maryland 21235
Social Security Administration Program Service Centers and Office of International Policy (see Appendix for address information).

Office of Disability Operations
Baltimore, Maryland 21241

Categories of individuals covered by the system: National stratified probability sample of individual allowed or denied supplemental security income benefits since January 1975.

Categories of records in the system: Demographic characteristics of the beneficiary, description of allegations, evidence and findings, and case control data.

Authority for maintenance of the system: Sections 205 and 1631 of the Social Security Act.

Purpose(s):

This is a study to evaluate the effectiveness of supplemental security income program policies. Data from this study are compiled for evaluation purposes and subsequently stored in the claims folders system (09-60-0089). Adverse data received in the conduct of this study may be used to review earlier claims or post-adjudicative decisions.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Disclosure may be made as indicated below:

1. To third parties for verification of information given by claimants.

2. To 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.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: All records are stored on magnetic tape.

Retrievability: Identification sequence number.

Safeguards: All folders are kept in secure areas, accessible only to the Division of Program Measurement and Evaluation personnel (i.e. statisticians, analyst, and programmer). For computerized records, safeguards established in accordance with Department standards and National Bureau of Standards guidelines (e.g. security codes) will be used, limiting access to authorized personnel.

Retention and disposal: Disposal of file folders is conducted in accordance with Social Security Administration guidelines for Title XVI claims, while magnetic tapes are held for 5 years before being erased.

System manager(s) and address:

Director
Office of Assessment
Division of Program Measurement and Evaluation
Social Security Administration
6401 Security Boulevard
Baltimore, Md. 21235

Notification procedure: An individual can determine if this system contains a record pertaining to him or her by writing to the system manager at the address shown above. When requesting notification, an individual should provide the name of this system, social security number, and, for verification purposes, name (woman's maiden name, if applicable), address, date of birth and sex, and to ascertain whether the individual's record is in this system, the month and year in which the individual was allowed or denied supplemental security income payments. These procedures are in accordance with HHS Regulations 45 CFR 5b.

Record access procedures: Same as notification procedures. Requesters should also reasonably specify the record contents being sought. These procedures are in accordance with HHS Regulations 45 CFR 5b.

Contesting record procedures: Same as notification procedures. Requesters should also reasonably identify the record and specify the information to be contested. These procedures are in accordance with HHS Regulations 45 CFR 5b.

Record source categories: Master Beneficiary Record (09-60-0090); Earnings Recording and Self-Employment Income System (09-60-0059); Supplemental Security Income Record (09-60-0103); Claims Folders and Post-Adjudicative Records of Applicants for and Beneficiaries of Social Security Benefits (09-60-0089) (title II and title XVI claims folders); survey data collected by social security employees.

Systems exempted from certain provisions of the act: None.

09-60-0148

System name: Matches of Internal Revenue Service and Social Security Administration Data with Census Survey Data (Joint Social Security Administration/Census Statistics Development Project), HHS/SSA/OP.

Security classification: None.

System location:

Social Security Administration
6401 Security Blvd.
Baltimore, Maryland 21235

Social Security Administration
1875 Connecticut Avenue, N.W.
Washington, D.C. 20009

Bureau of the Census
Suitland, Maryland 20233

Categories of individuals covered by the system: Samples of United States civilian population and those Armed Forces personnel residing with their families as of March 1973, 1975, 1976 and subsequent periods to be determined.

Categories of records in the system: Basic demographic characteristics from Census survey-labor force, work experience and income items from the survey; Social Security Administration earnings and benefit record information; selected Internal Revenue Service tax return items.

Authority for maintenance of the system: Section 702 of the Social Security Act (42 USC, Section 902), and Title 13 U.S. Code, section 182 for Census participation.

Purpose(s):

This data file is used as the basis of microsimulations of tax and transfer programs. These microsimulations provide policy makers with information about the costs and effects of proposed changes in the social security tax and benefit structures and in the Federal income tax program. It is also used to estimate the number of nonfilers and the magnitude of the effects of noncompliance with IRS and SSA regulations. During those matching steps which occur at the Social Security Administration, identifiable data is solely under the control of a limited number of social security employees who are sworn to uphold the Census and IRS statutes as well as the confidentiality resstrictions of the Social Security Administration. Similar provisions are made for the handling of identifiable data from the project at the Census Bureau. Contractors provide storage of and remote terminal access to files which do not carry identifiers.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Disclosure may be made as indicated below:

(Through the Census Bureau) to 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.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are stored on magnetic tape.

Retrievability: Records are indexed by social security number during the matching steps at the Social Security Administration and Census but identifiers are not retained at the Social Security Administration after matching is completed.

Safeguards: Safeguards are established in accordance with the HHS ADP System Manual, Part 6, ADP System Security. Employees having access to records have been notified of criminal sanctions for unauthorized disclosure of information about individuals. Magnetic tapes or other files with personal identifiers, are retained in secured storage areas accessible only to authorized personnel. Microdata files prepared for purposes of research and analysis are purged of personal identifiers and are subject to procedural safeguards to assure anonymity.

Retention and disposal: Following the match, all identifiers are removed from the records kept at the Social Security Administration. The Census Bureau retains identifiers for possible longitudinal updating. Records with identifiers will be held in secure storage areas at the Census Bureau and will be disposed of as soon as they are determined to be no longer needed for Census or SSA analysis. Means of disposal will be appropriate to the record storage medium, e.g., erasure of tapes, shredding of printouts, etc. As long as identifiable records exist, a periodic review will be made at least every two years to determine the need for their retention.

System manager(s) and address:

Director
Office of Research and Statistics
Social Security Administration
Universal North Building/Room 1121
1875 Connecticut Avenue, N.W.
Washington, D.C. 20009

Notification procedure: This system contains limited data selected for statistical analysis which individuals would not ordinarily be interested in. Individuals inquiring about their records in SSA program should consult other SSA systems of records which contain more detailed information. However, if an individual wishes notification of or access to information that may be maintained during processing stages in this system, he/she should write to the system manager (at the above address) and provide the name of this system, his/her name and social security number (disclosure of the social security number is voluntary) and a description of the information being sought. (If an individual is unable or unwilling to provide his/her social security number, he/she should provide both parents names and date and place of birth to enable us to attempt to locate any requested records.) Also, to verify identity, he/she should provide name, address and date of birth. These procedures are in accordance with HHS Regulations 45 CFR 5b.

Record access procedures: Same as notification procedures. Except in transitory stages of preparation, files at SSA which are based on Census or Internal Revenue Service samples do not have personal identifiers, and cannot be located on an individual basis. Records with identifiers maintained at the Bureau of Census are considered by Census to be exempt from access.

Contesting record procedures: Same as notification procedures. Requesters should also reasonably identify the record and specify the

information to be contested. These procedures are in accordance with HHS Regulations 45 CFR 5b.

Record source categories: Social Security Administration Master Beneficiary Record (09-60-0090); Earnings Recording and Self-Employment Income System (09-60-0059); Internal Revenue tax returns; Census surveys; Supplemental Security Income Record (09-60-0103).

Systems exempted from certain provisions of the act: None.

09-60-0149

System name: Matches of Internal Revenue Service and Social Security Administration Data (Joint Social Security Administration/Treasury Department Office of Tax Analysis, Statistics Development Project), HHS/SSA/OP.

Security classification: None.

System location:

Social Security Administration
6401 Security Blvd.
Baltimore, Maryland 21235

Social Security Administration
1875 Connecticut Avenue, N.W.
Washington, D.C. 20009

Treasury Department
15th & Pennsylvania Ave., N.W. Washington, D.C. 20220

Categories of individuals covered by the system: Samples of persons by or on whose behalf Federal income or estate tax returns, or wages or self-employment earnings reports have been filed for 1970, 1972, 1975, 1977, 1979 and selected subsequent years.

Categories of records in the system: Social Security Administration demographic data; Social Security Administration earnings and benefit record information; tax return data.

Authority for maintenance of the system: Section 702 of the Social Security Act (42 USC, Section 902) and section 6103 of the Internal Revenue Code (26 U.S.C. 6103) for Treasury participation.

Purpose(s):

These files are used to develop data bases for SSA's Office of Research and Statistics studies of economic behavior, mortality, wealth, and occupation in the context of the income maintenance system; and for micro-economic analysis of income distribution. These data bases are used by the Office of Research and Statistics jointly with the Department of the Treasury's Office of Tax Analysis without identifiers for research and statistical projects sponsored by the Office of Research and Statistics, the Office of Tax Analysis and the Internal Revenue Service.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Disclosure may be made as indicated below:

1. (Through the Treasury Department) to 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.
2. To the Department of the Treasury, Office of Tax Analysis, in connection with statistical studies conducted for Social Security Administration and Department of the Treasury purposes.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are stored on magnetic tape.

Retrievability: Records are indexed by social security number during the searching steps at the Social Security Administration. Identifiers are retained at the Office of Tax Analysis for matching purposes which are carried out entirely at Treasury. Files without identifiers are used for statistical analysis.

Safeguards: Safeguards are established in accordance with the HHS ADP System Manual, Part 6, ADP System Security. Employees having access to records have been notified of criminal sanctions for unauthorized disclosure of information about individuals. Magnetic tapes or other files with personal identifiers, are retained in secured storage areas accessible only to authorized personnel. Microdata files prepared for purposes of research and analysis are purged of personal identifiers and are subject to procedural safeguards to assure anonymity.

Retention and disposal: Identifiable data are retained by the Social Security Administration only during the search process. Once searching is complete all computer tapes are turned over to the Treasury Department. A matched SSA Treasury file without identifiers is available to SSA and Treasury for research use. SSA does not have detailed Internal Revenue Service data with identifiers at any point in the matching process. The minimum amount of Internal Revenue Service data with identifiers needed to validate the processing is used by the Social Security Administration. Identifiers may be retained on the Treasury copies of intermediate and matched files in secure storage. The retention of these identifiers is needed exclusively for possible further matching: for example, with similar data for different years.

System manager(s) and address:

Director
Office of Research and Statistics
Social Security Administration
Universal North Building/Room 1121
1875 Connecticut Avenue, N.W.
Washington, D.C. 20009

Notification procedure: This system contains limited data selected for statistical analysis which individuals would not ordinarily be interested in. Individuals inquiring about their records in SSA program should consult other SSA systems of records which contain more detailed information. However, if an individual wishes notification of or access to information that may be maintained during processing stages in this system, he/she should write to the system manager (at the above address) and provide the name of this system, his/her name and social security number (disclosure of the social security number is voluntary) and a description of the information being sought. (If an individual is unable or unwilling to provide his/her social security number, he/she should provide both parents names and date and place of birth to enable us to attempt to locate any requested records.) Also, to verify identity, he/she should provide name, address and date of birth. These procedures are in accordance with HHS Regulations 45 CFR 5b.

Record access procedures: Same as notification procedures. Except in transitory stages of preparation, files at SSA do not have personal identifiers, and cannot be located on an individual basis.

Contesting record procedures: Same as notification procedures. Requesters should also reasonably identify the record and specify the information to be contested. These procedures are in accordance with HHS Regulations 45 CFR 5b.

Record source categories: Social Security Administration Master Beneficiary Record (09-60-0059); Earnings Recording and Self-Employment Income Record (09-60-0059); and Internal Revenue Service Federal income and estate tax returns.

Systems exempted from certain provisions of the act: None.

09-60-0159

System name: Continuous Work History Sample (Statistics), HHS/SSA/OP.

Security classification: None.

System location:

Office of Systems
6401 Security Boulevard
Baltimore, Maryland 21235

Categories of individuals covered by the system: A sample of persons with social security numbers issued through the cutoff date of the file. Included are those working for the Federal government and those covered by the Railroad Retirement Act, as well as those covered under social security.

Categories of records in the system: Demographic characteristics; employer information; type of work information; earnings information; self-employment information; insured status information; benefit status; geography information (residence).

Authority for maintenance of the system: Section 702 of the Social Security Act. (42 USC Sec. 902).

Purpose(s):

This system provides a one percent overview of SSA programs. With identifiers, the system is used by Office of Research and Statistics (ORS) staff in analysis and research of SSA programs, workloads, and revenue. Purged of identifiers, it has been an important resource for HHS planning and evaluation and for health research in the Health Care Financing Administration and the Public Health Services. Its wide scope and coverage of the income structure of the United States, make the data from the system useful to many agencies, including the Census Bureau and the Bureau of Economic Analysis, as a fundamental source of data.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Disclosure may be made as indicated below:

1. Department of Labor for administering provisions of Title IV of the Federal Coal Mine Health and Safety Act and for studies on the effectiveness of training programs to combat poverty;
2. To the Bureau of Census when it performs as a collecting agent or data processor for research and statistical purposes directly relating to the Social Security Act;
3. To 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;
4. To a Federal or State agency (or its agent) lawfully charged with the administration of a Federal or State unemployment compensation law or contribution or tax levied in connection therewith, for the purpose of such administration but solely for use in compiling statistics to be used in aggregated or anonymous forms.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Data are stored on magnetic tape.

Retrievability: The file is indexed with social security numbers.

Safeguards: Safeguards are established in accordance with the HHS ADP System Manual, Part 6, ADP System Security. Employees having access to records have been notified of criminal sanctions for unauthorized disclosure of information about individuals. Magnetic tapes or other files with personal identifiers, are retained in secured storage areas accessible only to authorized personnel. Microdata files prepared for purposes of research and analysis are purged of personal identifiers and are subject to procedural safeguards to assure anonymity.

Retention and disposal: This is a longitudinal sample. Records with identifiers will be retained as long as needed to permit addition of future earnings and other Social Security Administration program data for individuals in sample,.

System manager(s) and address:

Director, Office of Research and Statistics
Social Security Administration, Room 1121
1875 Connecticut Avenue, NW
Washington, D.C. 20009

Notification procedure: This system contains limited data selected for statistical analysis which individuals would not ordinarily be interested in. Individuals inquiring about their records in SSA program should consult other SSA systems of records which contain more detailed information. However, if an individual wishes notification of or access to information that may be maintained during processing stages in this system, he/she should write to the system manager (at the above address) and provide the name of this system, his/her name and social security number (disclosure of the social security number is voluntary) and a description of the information being sought. (If an individual is unable or unwilling to provide his/her social security number, he/she should provide both parents names and date and place of birth to enable us to attempt to locate any requested records.) Also, to verify identity, he/she should provide name, address and date of birth. These procedures are in accordance with HHS Regulations 45 CFR 5b.

Record access procedures: Same as notification procedures. Requesters should also reasonably specify the record contents being sought. These procedures are in accordance with HHS Regulations 45 CFR 5b.

Contesting record procedures: Same as notification procedures. Requesters should also reasonably identify the record and specify the information to be contested. These procedures are in accordance with HHS Regulations 45 CFR 5b.

Record source categories: Master Beneficiary Record (09-60-0090); Earnings Recording and Self-Employment Income System (09-60-0059); quarterly earnings items file; employer identification file; 'Notification of Personnel Action' (SF-50); Railroad Retirement Board Master File; Internal Revenue Service name and address file.

Systems exempted from certain provisions of the act: None.

09-60-0184

System name: Hearing Office Master Calendar, HHS/SSA/OHA.

Security classification: None.

System location: All Hearing Offices (See Appendix G for address information).

Categories of individuals covered by the system: Claimants - Titles II, IX, XVI, XVIII, and Black Lung.

Categories of records in the system: A list of all cases pending in the hearing office.

Authority for maintenance of the system: Sections 205, 1631(d)(1) and 1872 of the Social Security Act, as amended, and Section 413(b) of the Federal Coal Mine Health and Safety Act, as amended.

Purpose(s):

The purpose of this system is to enable the hearing office to ascertain the location of cases within the Office of Hearings and Appeals and maintain control of the pending case load.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Disclosure may be made as indicated below:

1. To a congressional office from record of an individual in response to an inquiry from the congressional office made at the request of that individual.
2. In the event of litigation where the defendant is (a) the Department of Health and Human Services (HHS), any component of HHS, or any employee of HHS in his or her official capacity; (b) the United States where HHS determines that the claim, if successful, is likely to directly affect affect the operations of HHS or any of its components; or (c) any HHS employee in his or her individual capacity where the Justice Department has agreed to represent such employee, HHS may disclose such records records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Folders in filing cabinets.

Retrievability: Social security number.

Safeguards: Limited access to SSA offices; limited employee access to need to know. All employees are instructed in Social Security Administration confidentiality rules as part of their initial orientation training.

Retention and disposal: As each case is disposed of, it is removed from the master calendar.

System manager(s) and address:

Associate Commissioner
Office of Hearings and Appeals, Room 402
3833 North Fairfax Drive
Arlington, Virginia 22203

Notification procedure: An individual can determine if this system contains a record pertaining to him or her by providing his or her name and social security number to the following address:

Social Security Administration
Office of Hearings and Appeals
801 North Randolph Street
Arlington, Virginia 22203

These procedures are in accordance with HHS Regulations 45 CFR 5b.

Record access procedures: Same as notification procedures. Requesters should also reasonably specify the record contents being sought. These procedures are in accordance with HHS Regulations 45 CFR 5b.

Contesting record procedures: Same as notification procedures. Requesters should also reasonably identify the record and specify the information to be contested. These procedures are in accordance with HHS Regulations 45 CFR 5b.

Record source categories: From hearing office personnel and from information on incoming cases.

Systems exempted from certain provisions of the act: None.

09-60-0186

System name: SSA Litigation Tracking System, HHS/SSA/OR.

Security classification: None.

System location:

Social Security Administration
Office of Regulations
Litigation Staff
3-B-6 Operations Building
Baltimore, MD 21235

Social Security Administration
Office of Data Services
6401 Security Boulevard
Baltimore, MD 212351815

Categories of individuals covered by the system: Individuals who are involved, as plaintiffs or defendents, in civil litigation concerning one or more of the programs administered by SSA.

Categories of records in the system: Complaints filed by individuals against the Secretary, HHS. Court orders and decisions regarding cases in litigation. Also, related litigation materials.

Authority for maintenance of the system: Section 205(a) Social Security Act (42 USC 405(a)).

Purpose(s):

Records maintained in this system are used by the Litigation Staff in the course of their responsibilities for formulating and coordinating responses to interrogatories and recommendations regarding the appeal of adverse court decisions. These records are also used to enable Staff to review and analyze court decisions and to direct the implementation of interim and final court orders.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Disclosure may be made as indicated below:

1. To 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.
2. In the event of litigation where the defendant is (a) the Department of Health and Human Services (HHS), any component of HHS, or any employee of HHS in his or her official capacity; (b) the United States where HHS determines that the claim, if successful, is likely to directly affect affect the operations of HHS or any of its components; or (c) any HHS employee in his or her individual capacity where the Justice Department has agreed to represent such employee, HHS may disclose such records records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.
3. To the Internal Revenue Service, Department of the Treasury, as necessary, for the purpose of auditing the Social Security Administration's compliance with safeguard provisions of the Internal Revenue Code of 1954, as amended.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in hard copy form and on magnetic tape.

Retrievability: The records are maintained alphabetically by plaintiff's name and numerically by social security number.

Safeguards: Paper files are maintained in locked file cabinets. Magnetic tape records are maintained in a secured area attended by security guards. Access to the secured area is electronically controlled and limited to those employees who have a need to enter it in the performance of their official duties. All personnel having access to the records have been informed of criminal sanctions for unauthorized disclosure of information relating to individuals.

Retention and disposal: Normally, records will be retained for two years after the expiration of the appeal period. Certain cases in which constitutional/policy issues are involved (e.g., Supreme Court cases) will be retained indefinitely by Litigation Staff. All other records will be transferred to OR Reference Room to be retained for history purposes.

System manager(s) and address:

Director
Office of Regulations
Social Security Administration
6401 Security Boulevard
Baltimore, Maryland 21235

Notification procedure: An individual can determine if this system contains a record pertaining to him or her by writing to the system manager at the address shown above. When requesting notification, an individual should provide his or her name, and for verification purposes, social security number, address, date of birth, and sex. Furnishing the social security number is voluntary, but it will make searching for an individual's record easier and avoid delay. These procedures are in accordance with HHS Regulations 45 CFR 5b.

Record access procedures: Same as notification procedures. Requesters should also reasonably specify the record contents being sought. These access procedures are in accordance with HHS Regulations 45 CFR 5b.

Contesting record procedures: Same as notification procedures. Requesters should also reasonably identify the record and specify the information to be contested. These procedures are in accordance with HHS Regulations 45 CFR 5b.

Record source categories: Systems of records maintained by SSA, namely 09-60-0089--Claims Folders and Post-Adjudicative Records of Applicants for and Beneficiaries of Social Security Benefits, HHS/SSA/OURV; 09-60-0090--Master Beneficiary Record, HHS/SSA/OURV; 09-60-0103-- Supplemental Security Income Record, HHS/SSA/OURV; plaintiff's complaints, court orders, court decisions and court directives.

Systems exempted from certain provisions of the act: None.

09-60-0196

System name: Disability Studies, Surveys, Records and Extracts (Statistics), HHS/SSA/OP.

Security classification: None.

System location:

Social Security Administration
6401 Security Blvd.
Baltimore, Maryland 21235

Bureau of the Census
Washington, D.C. 20233
Jeffersonville, Indiana 47130

Contractor sites: Addresses may be obtained by writing to the system manager (see below)

Categories of individuals covered by the system: Samples of persons who are present or potential recipients of SSA Disability payment/benefits, including specifically selected subsets of each category, also applicants/participants in State vocational rehabilitation programs. Samples of other persons regardless of status for purposes of comparison in the above categories.

Categories of records in the system: Socio-economic, demographic, medical and disability characteristics, attitudes, earnings and employment history, benefit information, and use of medical and rehabilitative services.

Authority for maintenance of the system: Section 702 of the Social Security Act (42 USC, Section 902); Title 13 of the U.S. Code, Section 182 for Census participation.

Purpose(s):

The purpose of this system is to collect data by the following methods: extraction from program records (including records compiled at the State level); and through surveys which may be augmented with with program data. The SSA Office of Research and Statistics uses this data to examine the medical, economic, and social consequences of limitations in work activity for the disabled person and his/her family; for program planning and evaluation; for evaluation of proposals for policy and legislative changes; for determinations of the characteristics of program applicants and benefit recipients, etc. Within SSA, tapes which have been purged of identifiers are used by the Office of Evaluation and the Office of Disability Programs. Public use extract tapes are furnished on request by mail to public and private organizations.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Disclosure may be made as indicated below:

1. To 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.
2. To contractor under contract to the Social Security Administration (SSA), or under contract to another agency with funds provided by SSA, for the performance of research and statistical activities directly related to the Social Security Act.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Data may be stored on hard copy questionnaire forms, microfilm, punch cards, magnetic tape, disc, or printouts.

Retrievability: Files are indexed by social security number or by SSA assigned case numbers. Files based on Census sample populations are indexed by Census assigned case numbers. These numbers are cross referenced at Census to social security numbers which are available only to Census employees or SSA staff who are Census special sworn employees.

Safeguards: Safeguards are established in accordance with the HHS ADP System Manual, Part 6, ADP System Security. Employees having access to records have been notified of criminal sanctions for unauthorized disclosure of information about individuals. Magnetic tapes or other files with personal identifiers, are retained in secured

storage areas accessible only to authorized personnel. Microdata files prepared for purposes of research and analysis are purged of personal identifiers and are subject to procedural safeguards to assure anonymity.

Retention and disposal: Hard copy questionnaires are destroyed when survey reports are completed. Records with identifiers are held in secure storage areas and are disposed of as soon as they are determined to be no longer need for SSA analysis. Means of disposal is appropriate to the record storage medium; e.g., erasure of tapes, shredding of printouts, etc. Periodic reviews are made to to determine the need for retention. In longitudinal studies, working files are purged of identifers and given randomly assigned case numbers. A separate link file is maintained in secure storage areas for updating with individual identifiers.

System manager(s) and address:

Director
Office of Research and Statistics
Social Security Administration
Universal North Building/Room 1121
1875 Connecticut Avenue, N.W.
Washington, D.C. 20009

Notification procedure: This system contains limited data selected for statistical analysis which individuals would not ordinarily be interested in. Individuals inquiring about their records in SSA programs should consult other SSA systems of records which contain more detailed information. However, if an individual wishes notification of or access to information in this system, he/she should write to the system manager (at the above address) and provide the name of this this system, his/her name and social security number (disclosure of the social security number is voluntary) and a description of the information being sought. (If an individual is unable or unwilling to provide his/her social security number, he/she should provide both parents names and date and place of birth to enable us to attempt to locate any request records.) Also, to verify identity, he/she should provide name, address, and date of birth. These procedures are in accordance with HHS Regulations 45 CFR 5b.

Record access procedures: Same as notification procedures. Except in transitory stages of preparation, files at SSA which are based on Census samples do not have personal identifiers, and cannot be located on an individual basis. Records with identifiers maintained at the Bureau of Census are considered by Census to be exempt from access.

Contesting record procedures: Same as notification procedures.

Record source categories: SSA administrative records; e.g., Master Beneficiary Record (09-60-0090); Earnings Recording and Self-Employment System (09-60-0059); and Claims Folders and Post-Adjudicative Records of Applicant for and Beneficiaries of Social Security Benefits (09-60-0089) (disability case folders, etc); survey data collected by contractor; Disability Data Record (09-60-0049); case service reports of the vocational rehabilitation agencies (R-300); Office of Hearing and Appeals Record Locator; Health Insurance Master Files; SSA Administrative awards file. Bureau of the Census records may be used as a sampling frame. collected by contractor. Bureau of the Census records may be used as a sampling frame.

Systems exempted from certain provisions of the act: None.

09-60-0198

System name: Extramural Research Administrative File, HHS/SSA/OP.

Security classification: None.

System location:

Social Security Administration
6401 Security Boulevard
Baltimore, Maryland 21235

Categories of individuals covered by the system: Personnel described in research project proposals submitted for grant or contract consideration.

Categories of records in the system: Professional qualifications and other relevant information about project personnel. Direct and indirect information on individual salaries may be included.

Authority for maintenance of the system: Section 702 of the Social Security Act (42 USC 902); Section 1110 of the Social Security Act (42 USC 1310).

Purpose(s):

With respect to administrative and personnel information kept on extramural research contracts and grants, the purpose is to ascertain the credentials of individuals and organizations proposing to do research for SSA, and to establish and maintain surveillance over the research projects being performed for SSA. This information is available to other components of SSA and HHS for administrative analysis.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Disclosure may be made as indicated below:

1. To 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.
2. To the court or to a party in connection with any civil or criminal action to which the Secretary is a party or otherwise involving a program administered by the Social Security Administration.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Data may be stored on hard copy forms, magnetic tape, disc, punch cards, or printouts, or in file cabinets.

Retrievability: Files are indexed by a Department of Health and Human Services-assisgned number.

Safeguards: Safeguards are established in accordance with the HHS ADP System Manual, 'Part 6, ADP System Security.' Employees having access to records have been notified of criminal sanctions for unauthorized disclosure of information about individuals. Magnetic tapes or other files with personal identifiers, are retained in secured storage areas accessible only to authorized personnel.

Retention and disposal: Records with identifiers will be held in secure storage areas and will be disposed of as soon as they are determined to be no longer needed for analysis. Means of disposal will be appropriate to the record storage medium, e.g., erasure of tapes, shredding of printouts, etc. As long as identifiable records exist, a periodic review will be made at least every two years to determine the need for their retention.

System manager(s) and address:

Director
Office of Research and Statistics
Social Security Administration
Universal North Bldg./Rm.1121
1875 Connecticut Avenue, N.W.
Washington, D.C. 20009

Notification procedure: If an individual wishes notification of or access to information that may be contained in this system, he/she should write to the system manager (at the address above) and provide the name of the system, his/her name, social security number (disclosure of the social security number is voluntary) and a description of the information being sought. (If an individual is unable or unwilling to provide his/her social security number, he/she should provide both parents names and date and place of birth to enable us to attempt to locate any requested records.) Also, to verify identity, he/she should provide name, address, and date of birth. These procedures are in accordance with HHS Regulations 45 CFR 5b.

Record access procedures: Same as notification procedures. Requesters should also reasonably specify the record contents being sought. These procedures are in accordance with HHS Regulations 45 CFR 5b.

Contesting record procedures: Same as notification procedures. Requesters should also reasonably identify the record and specify the information to be contested. These procedures are in accordance with HHS Regulations 45 CFR 5b.

Record source categories: Project proposals submitted for grant or contract consideration.

Systems exempted from certain provisions of the act: None.

09-60-0199

System name: Extramural Surveys (Statistics), HHS/SSA/OP.

Security classification: None.

System location:

Social Security Administration
6401 Security Blvd.
Baltimore, Maryland 21235

Contractor sites: Addresses may be obtained by writing to the system manager (see below)

Categories of individuals covered by the system: Samples of individuals who are current or potential recipients of benefits from Social Seucrity and related programs; personnel administering SSA and related programs.

Categories of records in the system: Socio-economic, demographic, medical and disability characteristics; attitudes concerning subjects

such as health, work experience, and family relationships; earnings and employment history, benefits, use of medical and rehabilitative services.

Authority for maintenance of the system: Section 702 of the Social Security Act (42 USC, Section 902) Section 1110 of the Social Security Act (42 USC, Section 1310).

Purpose(s):

The purpose of conducting extramural surveys at outside organizations for the Office of Research and Statistics is to obtain information on individuals who are current or potential recipients of benefits from social security and related programs. When the product is in the form of microdata it is available without personal identifiers to other SSA and HHS components for data processing and data manipulation.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Disclosure may be made as indicated below:

1. To 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.
2. To contractor under contract to the Social Security Administration (SSA), or under contract to another agency with funds provided by SSA, for the performance of research and statistical activities directly related to the Social Security Act.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Data may be stored on hard copy questionnaire forms, microfilm, punch cards, magnetic tape, disc, or printouts.

Retrievability: Files based on SSA sample populations are indexed by SSA-assigned case numbers or social security numbers. Files based on contractor sample populations are indexed by contractor-assigned case numbers which may be cross-referenced to social security numbers.

Safeguards: Safeguards are established in accordance with the HHS ADP System Manual, 'Part 6, ADP System Security.' Employees having access to records have been notified of criminal sanctions for unauthorized disclosure of information about individuals. Magnetic tapes or other files with personal identifiers, are retained in secured storage areas accessible only to authorized personnel. Microdata files prepared for purposes of research and analysis are purged of personal identifiers and are subject to procedural safeguards to assure anonymity.

Retention and disposal: Hard copy questionnaires will be destroyed when survey reports are completed. Records with identifiers will be held in secure storage areas and will be retained only as long as needed for analysis. Identifiers will be removed at the earliest possible time after data collection is completed.

The need to retain identifiers will be evaluated at the time each survey is completed. Records with identifiers will be disposed of as soon as they are determined to be no longer needed. Means of disposal will be appropriate to the record storage medium, e.g., erasure of tapes, shredding of printouts, etc.

As long as identifiable records exist, a periodic review will be made at least every two years to determine the need for their retention. In longitudinal studies, working files are stripped of identifiers and given randomly assigned case numbers. A separate link file will be maintained in secure storage for updating with individual identifiers.

System manager(s) and address:

Director
Office of Research and Statistics
Social Security Administration
Universal North Building/Room 1121
1875 Connecticut Avenue, N.W.
Washington, D.C. 20009

Notification procedure: This system contains limited data selected for statistical analysis which individuals would not ordinarily be interested in. Individuals inquiring about their records in SSA programs should should consult other SSA systems of records which contain more detailed information. However, if an individual wishes notification of or access to information in this system, he/she should write to the system manager (at the above address) and provide the name of this this system, his/her name and social security number (disclosure of the social security number is voluntary) and a description of the information being sought. (If an individual is unable or unwilling to provide his/her social security number, he/she should provide both parents names and date and place of birth to enable us to attempt to locate any requested records.) Also, to verify identity, he/she should provide name, address, and date of birth. These procedures are in accordance with HHS Regulations 45 CFR 5b.

Record access procedures: Same as notification procedures. Requesters should also reasonably specify the record contents being sought. These procedures are in accordance with HHS Regulations 45 CFR 5b.

Contesting record procedures: Same as notification procedures. Requesters should also reasonably identify the record and specify the information to be contested. These procedures are in accordance with HHS Regulations 45 CFR 5b.

Record source categories: Survey data obtained by the contractor; SSA administrative records.

Systems exempted from certain provisions of the act: None.

09-60-0200

System name: Retirement and Survivors Studies, Surveys, Records and Extracts (Statistics), HHS/SSA/OP.

Security classification: None.

System location:

Social Security Administration
Office of Systems
6401 Security Blvd.
Baltimore, Maryland 21235

Bureau of the Census
Washington, D.C. 20233
Jeffersonville, Indiana 47130

Social Security Administration
Office of Research and Statistics
1875 Connecticut Avenue, N.W.
Washington, D.C. 20009

Datacrown/SDL
770 Brookfield Road
Ottawa, Ontario
K1B 6J5

Contractor sites: Addresses may be obtained by writing to the system manager (see below)

Categories of individuals covered by the system: Sample groups of adults or children who are current, past or potential recipients of social security payments, or pension or survivor benefits from public or private sources; and samples of of other persons or families regardless of recipient or benefit status for purposes of comparison with persons or families in the above categories.

Categories of records in the system: Socio-economic, demographic, medical, insurance, welfare, attitudes, earnings, employment, and benefits.

Authority for maintenance of the system: Section 702 of the Social Security Act (42 USC, Section 902); Section 182, Title 13 of the U.S. Code for Census participation.

Purpose(s):

The purpose of this system is to collect data by the following methods: extraction from program records (including records compiled at the State level); and through surveys which may be augmented with program data. The statistical aggregated data provided by this system is used for program planning and evaluation purposes. Systems data typically exist with identifiers removed and are available to other SSA and HHS components for similar program analysis purposes.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Disclosure may be made as indicated below:

1. To 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.
2. To contractor under contract to the Social Security Administration (SSA), or under contract to another agency with funds provided by SSA, for the prformance of research and statistical activities directly related to the Social Security Act.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Data may be stored on hard copy questionnaire forms, microfilm, punch cards, magnetic tape, disc, or printouts.

Retrievability: Files are indexed by social security number or by SSA assigned case numbers. Files based on Census sample populations are indexed by Census assigned case numbers. These numbers are cross referenced at Census to social security numbers which are available only to Census employees or SSA staff who are Census special sworn employees.

Safeguards: Safeguards are established in accordance with the HHS ADP System Manual, 'Part 6, ADP System Security.' Employees having access to records have been notified of criminal sanctions for unauthorized disclosure of information about individuals. Magnetic tapes or other files with personal identifiers, are retained in secured storage areas accessible only to authorized personnel. Microdata files prepared for purposes of research and analysis are purged of personal identifiers and are subject to procedural safeguards to assure anonymity.

Retention and disposal: Hard copy questionnaires are destroyed when survey reports are completed. Records with identifiers are held in secure storage areas and are retained only as long as needed for SSA analysis. Identifiers are removed at the earliest possible time, after data collected is completed. Records with identifiers are disposed of as soon as they are detrmined to be no longer needed. Means of disposal are appropriate to the record medium, e.g., erasure of tapes, shredding of printouts, etc.

System manager(s) and address:

Director
Office of Research and Statistics
Social Security Administration
Universal North Building/Room 1121
1875 Connecticut Avenue, N.W.
Washington, D.C. 20009

Notification procedure: This system contains limited data selected for statistical analysis which individuals would not ordinarily be interested in. Individuals inquiring about their records in SSA programs should consult other SSA systems of records which contain more detailed information. However, if an individual wishes notification of or access to information in this system, he/she should write to the system manager (at the above address) and provide the name of this this system, his/her name and social security number (disclosure of the social security number is voluntary) and a description of the information being sought. (If an individual is unable or unwilling to provide his/her social security number, he/she should provide both parents names and date and place of birth to enable us to attempt to locate any request records.) Also, to verify identity, he/she should provide name, address, and date of birth. These procedures are in accordance with HHS Regulations 45 CFR 5b.

Record access procedures: Same as notification procedures. Except in transitory stages of preparation, files at SSA which are based on Census samples do not have personal identifiers, and cannot be located on an individual basis. Records with identifiers maintained at the Bureau of Census are considered by Census to be exempt from access.

Contesting record procedures: Same as notification procedures. Also, individuals should reasonable identify the record contents they are contesting.

Record source categories: Records in this system are derived from: SSA administrative records (e.g., the Master Beneficiary Record (09-60-0090); the Earnings Recording and Self-Employment Income System (09-60-0059); survey data collected by contractor. Bureau of the Census records may be used as a sampling frame.

Systems exempted from certain provisions of the act: None.

09-60-0202

System name: Old Age, Survivors and Disability Beneficiary and Worker Records and Extracts (Statistics), HHS/SSA/OP.

Security classification: None.

System location:

Social Security Administration
6401 Security Blvd.
Baltimore, Maryland 21235

Datacrown/SDL
770 Brookfield Road
Ottawa, Ontario
K1B 6J5
Contractor sites: Addresses may be obtained by writing to the system manager (see below)

Categories of individuals covered by the system: Groups of applicants for and recipients of social security old age, survivors, disability and black lung benefits; persons with taxable earnings; persons issued social security numbers. Most files are samples of selected subgroups.

Categories of records in the system: Socio-economic, demographic, medical and disability characteristics, earnings, employment history, benefits, and use of medical and rehabilitative services.

Authority for maintenance of the system: Section 702 of the Social Security Act (42 USC, Section 902).

Purpose(s):

The purpose of this system is to obtain research and statistical information about social security beneficiaries for use in various research and publication projects. Transfers to other components of HHS are made in summary form or with all identifiers suppressed. Transfers within the Office of Research and Statistics are the only transfers that include identifiers, except for a routine use.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Disclosure may be made as indicated below:

1. To 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.
2. To contractor under contract to the Social Security Administration (SSA), or under contract to another agency with funds provided by SSA, for the performance of research and statistical activities directly related to the Social Security Act.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Data may be stored on hard copy forms, magnetic tape, microfilm, disc, punch cards, or printouts.

Retrievability: Files are indexed by social security number.

Safeguards: Safeguards are established in accordance with the HHS ADP System Manual, 'Part 6, ADP System Security.' Employees having access to records have been notified of criminal sanctions for unauthorized disclosure of information about individuals. Magnetic tapes or other files with personal identifiers, are retained in secured storage areas accessible only to authorized personnel. Microdata files prepared for purposes of research and analysis are purged of personal identifiers and are subject to procedural safeguards to assure anonymity.

Retention and disposal: Records with identifiers will be held in secure storage areas and will be disposed of as soon as they are determined to be no longer needed for SSA analysis. Means of disposal will be appropriate to the record storage medium, e.g., erasure of tapes, shredding of printouts, etc.

As long as identifiable records exist, a periodic review will be made at least every two years to determine the need for their retention.

System manager(s) and address:

Director
Office of Research and Statistics
Social Security Administration
Universal North Building/Room 1121
1875 Connecticut Avenue, N.W.
Washington, D.C. 20009

Notification procedure: This system contains limited data selected for statistical analysis which individuals would not ordinarily be interested in. Individuals inquiring about their records in SSA programs should should consult other SSA systems of records which contain more detailed information. However, if an individual wishes notification of or access to information in this system, he/she should write to the system manager (at the above address) and provide the name of this this system, his/her name and social security number (disclosure of the social security number is voluntary) and a description of the information being sought. (If an individual is unable or unwilling to provide his/her social security number, he/she should provide both parents names and date and place of birth to enable us to attempt to locate any request records.) Also, to verify identity, he/she should provide name, address, and date of birth. These procedures are in accordance with HHS Regulations 45 CFR 5b.

Record access procedures: Same as notification procedures. Requesters should also reasonably specify the record contents being sought. These procedures are in accordance with HHS Regulations 45 CFR 5b.

Contesting record procedures: Same as notification procedures. Requesters should also reasonably identify the record and specify the information to be contested. These procedures are in accordance with HHS Regulations 45 CFR 5b.

Record source categories: Master Beneficiary Record (09-60-0090); Earnings Recording and Self-Employment Income System (09-60-

0059) and other SSA records related to earnings and applications for, or payment of benefits. For selected employers, lists of persons working in covered employment.

Systems exempted from certain provisions of the act: None.

09-60-0203

System name: Supplementary Security Income (SSI) Studies, Surveys, Records and Extracts (Statistics), HHS/SSA/OP.

Security classification: None.

System location:

Social Security Administration
6401 Security Blvd.
Baltimore, Maryland 21235

Social Security Administration
1875 Connecticut Avenue, N.W.
Washington, D.C. 20009

Bureau of the Census
Washington, D.C. 20233
Jeffersonville, Indiana 47130

Datacrown/SDL
770 Brookfield Road
Ottawa, Ontario
K1B 6J5
Contractor sites: Addresses may be obtained by writing to the system manager (see below)

Categories of individuals covered by the system: Sample groups of persons and families receiving or potentially eligible to receive welfare assistance under the SSI and related Federal/State welfare programs, including Aid to Families with Dependent Children, General Assistance, Emergency Assistance and Food Stamps; samples of specially selected subsets of persons from the above programs; other persons or families, regardless of SSI or poverty status, for use within the same system of records for comparison purposes with persons or families in the above categories; Federal/State personnel responsible for the administration of SSI and related welfare programs.

Categories of records in the system: Basic demographic characteristics; medical and disability information; socio-economic information; living conditions; attitudes; earnings and employment history, benefits; use of medical and rehabilitative services; participation in and benefits received under SSI and related Federal/State welfare programs.

Authority for maintenance of the system: Section 702 of the Social Security Act (42 USC, Section 902); Title 13 of the U.S. Code, section 182 for Census participation.

Purpose(s):

The purpose of this system is to collect data by the following methods: extraction from program records (including records compiled at the State level); and through surveys which may be augmented with program information. Basic data on SSI recipients and others are collected, analyzed and published by the SSA Office of Research and Statistics for program planning and evaluation purposes. Such information is then used in the budget process for legislative change and as a basis for studying the effectiveness of the SSI and related welfare programs in meeting the need of the target population served. Currently, access to microdata files with identifiers comprised of data from within this system is limited to Office of Research and Statistics researchers. Other components of HHS receive summary data or microdata without identifiers.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Disclosure may be made as indicated below:

1. To 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.
2. To contractor under contract to the Social Security Administration (SSA), or under contract to another agency with funds provided by SSA, for the performance of research and statistical activities directly related to the Social Security Act.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Data may be stored on hard copy questionnaire forms, microfilm, punch cards, magnetic tape, disc, or printouts.

Retrievability: Files are indexed by social security number or by SSA assigned case numbers. Files based on Census sample populations are cross referenced at Census to social security numbers which are available only to Census employees or SSA staff who are Census special sworn employees.

Safeguards: Safeguards are established in accordance with the HHS ADP System Manual, 'Part 6, ADP System Security.' Employees having access to records have been notified of criminal sanctions for unauthorized disclosure of information about individuals. Magnetic tapes or other files with personal identifiers, are retained in secured storage areas accessible only to authorized personnel. Microdata files prepared for purposes of research and analysis are purged of personal identifiers and are subject to procedural safeguards to assure anonymity.

Retention and disposal: Hard copy questionnaires will be destroyed when survey reports are completed. Records with identifiers will be held in secure storage areas and will be disposed of as soon as they are determined to be no longer needed for SSA analysis. Means of disposal are appropriate to the storage medium; e.g., erasure of tapes, shredding of printouts, etcs.

System manager(s) and address:

Director
Office of Research and Statistics
Social Security Administration
Universal North Building/Room 1121
1875 Connecticut Avenue, N.W.
Washington, D.C. 20009

Notification procedure: This system contains limited data selected for statistical analysis which individuals would not ordinarily be interested in. Individuals inquiring about their records in SSA programs should should consult other SSA systems of records which contain more detailed information. However, if an individual wishes notification of or access to information in this system, he/she should write to the system manager (at the above address) and provide the name of this this system, his/her name and social security number (disclosure of the social security number is voluntary) and a description of the information being sought. (If an individual is unable or unwilling to provide his/her social security number, he/she should provide both parents names and date and place of birth to enable us to attempt to locate any request records.) Also, to verify identity, he/she should provide name, address, and date of birth. These procedures are in accordance with HHS Regulations 45 CFR 5b.

Record access procedures: Same as notification procedures. Except in transitory stages of preparation, files at SSA which are based on Census samples do not have personal identifiers, and cannot be located on an individual basis. Records with identifiers maintained at the Bureau of Census are considered by Census to be exempt from access.

Contesting record procedures: Same as notification procedures.

Record source categories: Records in this system are derived from the Supplemental Security Income Record (09-60-0103); SSI applications; the Master Beneficiary (09-60-0090); the Earnings Recording and Self-Employment Income System (09-60-0059); the Claims Folders and Post-Adjudicative Records of Applicants for and Beneficiaries of Social Security Benefits System (09-60-0089) (disability case folders); program records of other Federal/State welfare programs; and/or survey data collected by contractor; the Disability Data Record (09-60-0049); health insurance master file and related files of the HHS Health Care Financing Administration and other SSA administrative records; and case service reports of the vocational rehabilitation agencies. Bureau of Census records may be used as a sampling frame.

Systems exempted from certain provisions of the act: None.

09-60-0206

System name: Repatriate Records System, HHS/SSA/OFA.

Security classification: None.

System location:

Social Security Administration
Office of Family Assistance
Special Programs Staff
Repatriate Program
2100 2nd Street, S.W. Room B320I
Washington, D.C. 20201

Categories of individuals covered by the system: U. S. Citizens and their dependents returned from foreign countries by the Department of State because of mental or physical illness, destitution, war, threat or war or international crisis.

Categories of records in the system: Identifying data such as name, date and place of birth, social security number, resources, employment, eligibility for other Federal, State or local programs and related data. Other categories include State and Regional reports, correspondence and accounting data, fun accounting data, educational data, and employment records and skills, financial reports, military service and civil and/or criminal records.

Authority for maintenance of the system: Public Law 86-571, Public Law 87-64 (Title XI of the Social Security Act, Section 1113).

Purpose(s):

This system provides a basis for the expenditure of Federal funds. Information is used for the administration of the repatriate program, by HHS regional staff, State and local health and welfare agencies, and other private and public agencies as required.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Disclosure may be made as indicated below:

1. To 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.
2. In the event of litigation where the defendant is (a) the Department of Health and Human Services (HHS), any component of HHS, or any employee of HHS in his or her official capacity; (b) the United States where HHS determines that the claim, if successful, is likely to directly affect the operations of HHS or any of its components; or (c) any HHS employee in his or her individual capacity where the Justice Department has agreed to represent such employee, HHS may disclose such records as it deem desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in individual case folders by program office. Records are indexed by name and stored in locked metal cabinets. Files are confidential.

Retrievability: Records are indexed by name and are maintained in alphabetical order.

Safeguards: Files are stored in metal cabinets with lock and key. Files are of a confidential nature and other personnel would not normally have access to their contents.

Retention and disposal: The policy is to maintain records for one year after closure transfer them to the Federal Records Center in Suitland, Maryland. Records are maintained for five years by the Federal Records Center prior to destruction. Some records are maintained in the active files for considerably longer periods.

System manager(s) and address:

Chief, U.S. Repatriate Program
Special Programs Staff, OFA, SSA, HHS
2100 2nd Street, S.W., Room B320H
Washington, D.C. 22024

Notification procedure: An individual can determine if this system contains a record pertaining to him or her by contacting the official at the address under system manager above. These procedures are in accordance with HHS Regulations 45 CFR 5b.

Record access procedures: Same as notification procedures. Requesters should also reasonably specify the record contents being sought. These procedures are in accordance with HHS Regulations 45 CFR 5b.

Contesting record procedures: Same as notification procedures. Requesters should also reasonably identify the record and specify the information to be contested. These procedures are in accordance with HHS Regulations 45 CFR 5b.

Record source categories: Information is secured from the individual or his relative and submitted to HHS by the Department of State.

Systems exempted from certain provisions of the act: None.

09-60-0208

System name: Program Integrity Case Control System, HHS/SSA/OA.

Security classification: None.

System location:

Office of Systems
6401 Security Boulevard
Baltimore, Maryland 21235

Categories of individuals covered by the system: All individuals suspected of criminal violations involving the supplemental security income (SSI) program.

Categories of records in the system: Information about the supplemental security income recipient, supplemental security income suspect, program integrity case development and information about the violation aspects of the case. Sections 1631(D)(2) and 1632 of the Social Security Act and 18 U.S.C.

Purpose(s):

Information in this system is routinely used by Division of Program Integrity staff (1) to monitor the progress of development of individual suspected fraud cases to insure timely resolution; and (2) for statistical analysis purposes to identify (a) types of cases which occur with such frequency as to suggest the need for revision of policies and procedures relative to establishing eligibility for payments and (b) trends and averages with respect to the processing time of such cases and their disposition under the Federal judicial system.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Disclosure may be made as indicated below:

1. To 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.
2. In the event of litigation where the defendant is (a) the Department of Health and Human Services (HHS), any component of HHS, or any employee of HHS in his or her official capacity; (b) the United States where HHS determines that the claim, if successful, is likely to directly affect the operations of HHS or any of its components; or (c) any HHS employee in his or her individual capacity where the Justice Department has agreed to represent such employee, HHS may disclose such records as it deem desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Magnetic tape and paper listings.

Retrievability: The Record of each individual is retrieved either by social security number, name, or case identification number. Information in this system is routinely used by Division of Program Integrity staff (1) to monitor the progress of development of individual suspected fraud cases to insure timely resolution and (2) for statistical analysis purposes to identify (a) types of cases which occur with such frequency as to suggest the need for revision of policies and procedures relative to establishing eligibility for payments and (b) trends and averages with respect to the processing time of such cases and their disposition under the Federal judicial system.

Safeguards: All data is encrypted on magnetic tapes. These tapes are retained in secure storage areas accessible only to authorized persons within the Office of Systems. The storage area is controlled by marshalls responsible for insuring that only authorized personnel are permitted. Official identification badges or passes are required to gain entrance to the storage area. All employees having access to records have been notified of criminal sanctions for unauthorized disclosure of information on individuals. Paper listings are locked in a secured area.

Retention and disposal: Indefinite retention for magnetic tapes. A procedure is available to select and delete any case that is deemed irrelevant. Paper listings are shredded when no longer needed.

System manager(s) and address:

Director, Division of Program Integrity
Office of Assessment
6401 Security Boulevard
Baltimore, Maryland 21235

Notification procedure: An individual can determine if this system contains a record pertaining to him or her by writing to the system manager at the address shown above. When requesting notification, an individual should provide his or her name, social security number, or card identification number as identifying information. These procedures are in accordance with HHS Regulations 45 CFR 5b.

Record access procedures: Same as notification procedures. Requesters should also reasonably specify the record contents being sought. These procedures are in accordance with HHS Regulations 45 CFR 5b.

Contesting record procedures: Same as notification procedures. Requesters should also reasonably identify the record and specify the

information to be contested. These procedures are in accordance with HHS Regulations 45 CFR 5b.

Record source categories: Information is provided by supplemental security income applicants, informants, Social Security Administration offices and other Federal, titles II and or XVI, State, or municipal agencies, by letter, telephone or in person.

Systems exempted from certain provisions of the act: None.

09-60-0209

System name: Readership Surveys of Office of Research and Statistics (ORS) Publications (statistics), HHS/SSA/OP.

Security classification: None.

System location:

Social Security Administration
1875 Connecticut Ave NW
Washington, DC 20009
Social Security Administration
6401 Security Blvd
Baltimore, MD 21235
and

Contractor sites: Addresses may be obtained by writing to the system manager (see below).

Categories of individuals covered by the system: Groups of readers and potential readers of ORS publications

Categories of records in the system: Type of access to publications, frequency and extent of use, relevance of publications to job and professional interests, socioeconomic and demographic characteristics, attitudes.

Authority for maintenance of the system: Section 702 of the Social Security Act (42 U.S.C.,Section 902).

Purpose(s):

The purpose of this system is to provide information about continued public use and reader interest as a measure of need for continued funding of publications programs.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Disclosure may be made as indicated below: the record

1. To a congressional office from of an individual in response to an inquiry from the congressional office made at the request of that individual.
2. To a contractor under contract to the Social Security Administration (SSA) or under contract to another agency with funds provided by SSA, for the performance of research and statistical activities directly related to the Social Security Act.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Data may be stored on hard copy questionaire forms, microfilm, punchcards, magnetic tape, disc, or printouts.

Retrievability: files based on lists of readers are indexed by name and/or by social security number or contractor-assigned case numbers.

Safeguards: Safeguards are established in accordance with the HHS ADP System Manual, 'Part 6, ADP System Security.' Employees having access to records have been notified of criminal sanctions for unauthorized disclosure of information about individuals. Magnetic tapes or other files with personal identifiers, are retained in secured storage areas accessible only to authorized personnel. Microdata files prepared for purposes of research and analysis are purged of personal identifiers and are subject to procedural safeguards to assure anonymity.

Retention and disposal: hard copy questionaires will be destroyed when survey reports are completed. Records with identifiers will be held in secure storage areas and will be retained only as long as needed for SSA analysis. Identifiers will be removed at the earliest possible time after data collection is completed.

The need to retain identifiers will be evaluated at the time each survey is completed. Records with identifiers will be disposed of as soon as they are determined to be no longer needed.. Means of disposal will be appropriate to the record storage medium: e.g., erasure of tapes, shredding of printouts, etc.

As long as identifible records exist, a periodic review will be made at least every 2 years to determine the need for their retention. In longitudinal studies, working files are stripped of identifiers maintained in secure storage for updating with individual identifiers.

System manager(s) and address:

Director Office of Research and Statistics
Social Security Administration
Universal North Building, room 1121
1875 Connecticut Avenue NW Washington, DC 20009

Notification procedure: This system contains limited data selected for statistical analysis which individuals would not normally be interested in. Individuals inquiring about their records in SSA programs should consult other SSA systems of records which contain more detailed information. However, if an individual wishes notification of or access to information in this system, he/she should write to the system manager (at the above address) and provide the name of this this system, his/her name and social security number (disclosure of the social security number is voluntary) and a description of the information being sought. (If an individual is unable or unwilling to provide his/her social security number, he/she should provide both parents names and date and place of birth to enable us to attempt to locate any requested records.) Also, to verify identity, he/she should provide name, address, and date of birth. These procedures are in accordance with HHS Regulations 45 CFR 5b.

Record access procedures: Same as notification procedures.

Contesting record procedures: Same as notification procedures.

Record source categories: Mailing lists maintained by ORS and by the Government Printing Office and survey data collected by SSA or contractor.

Systems exempted from certain provisions of the act: None

09-60-0210

System name: Record of Individuals Authorized Entry to Secured Automated Data Processing (ADP) Area, HHS/SSA/OS.

Security classification: None.

System location:

Office of Systems
Computer Center Building
6401 Security Boulevard
Baltimore, Maryland 21235

Categories of individuals covered by the system: Those individuals with a legitimate need who are authorized entry to the secured ADP area.

Categories of records in the system: This system contains the name, badge number, identity of employer, access level, a unique five-digit identifying number, and a nine-digit number which is either the social security number or driver's license number for each individual authorized to enter the secured ADP area.

Authority for maintenance of the system: 5 U.S.C. 552a(e)(10).

Purpose(s):

SSA uses records in this system to restrict access to the secured electronic data processing area. SSA also uses data in this system for management information purposes when necessary to ensure the security of the electronic data processing area.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Disclosure may be made as indicated below:

1. To 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.
2. In the event of litigation where the defendant is (a) the Department of Health and Human Services (HHS), any component of HHS, or any employee of HHS in his or her official capacity; (b) the United States where HHS determines that the claim, if successful, is likely to directly affect the operations of HHS or any of its components; or (c) any HHS employee in his or her individual capacity where the Justice Department has agreed to represent such employee, HHS may disclose such records as it deem desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.
3. To the Internal Revenue Service, Department of the Treasury, as necessary, for the purpose of auditing the Social Security Administration's compliance with safeguard provisions of the Internal Revenue Code of 1954, as amended.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: SSA stores records in this system on magnetic disk and paper form.

Retrievability: SSA retrieves magnetic disk records by name, badge number and the unique five-digit identifying number and paper records records alphabetically by name.

Safeguards: SSA maintains computerized records in a highly secured room within the secured area and hard copy records in a locked room. Only authorized ADP personnel and the Director, Office of Systems Operations (or his/her authorized representative) have access to these records. SSA has established system security for this system in accordance with the HHS ADP System Manual, 'Part 6, ADP System Security.'

Retention and disposal: SSA retains records in this system for the duration of an individual's authority to enter the secured area. When an individual is no longer authorized, SSA deletes information from magnetic disk and destroys paper records by shredding.

System manager(s) and address:

Associate Commissioner
Office of Systems
6401 Security Boulevard
Baltimore, Maryland 21235

Notification procedure: An individual can determine if this system contains a record pertaining to him or her by writing to the individual specified under system manager above. When requesting notification, an individual should provide his or her social security number, name, signature, or other personal identification and refer to this system. These procedures are in accordance with HHS Regulations 45 CFR 5b.

Record access procedures: Same as notification procedures. Requesters should also reasonably specify the record contents being sought. These access procedures are in accordance with HHS Regulations 45 CFR 5b.

Contesting record procedures: Same as notification procedures. Requesters should also reasonably identify the record and specify the information to be contested. These procedures are in accordance with HHS Regulations 45 CFR 5b.

Record source categories: SSA obtains information in this system from the individuals who are covered by the system.

Systems exempted from certain provisions of the act: None.

09-60-0212

System name: Supplemental Security Income Operational Quality Maintenance System, HHS/SSA/OA.

Security classification: None.

System location: Each Supplemental Security Income Analysis Branch (SSIAB) one of which is located in each of the 10 SSA Field Assessment Offices (FAO's) at Central Office in Baltimore, Maryland. See Appendix M for address information.

Categories of individuals covered by the system: Applicants for and recipients of supplemental security income (SSI) payments.

Categories of records in the system: Applicant's or recipient's name, social security number, date application or action is processed, payment status, type of case, and, if a deficiency is found, the type and source of the error.

Authority for maintenance of the system: Sections 702 and 1631 of the Social Security Act.

Purpose(s):

SSA regional management uses data derived from this system to measure and rank the quality of their field offices' performance, to identify policies and procedures that are being improperly interpreted and to identify training needs. These purposes are served on a national basis through analysis of the data by the SSA Office of Assessment at central office in Baltimore, Maryland.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information may be disclosed as indicated below:

To 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.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are stored in file folders, disk cartridges and on cassette tapes.

Retrievability: Where necessary, records are retrieved by social security number.

Safeguards: Claims review data input forms are stored in locked file cabinets. Automated records are maintained in accordance with the HHS ADP System Manual, "Part 6, ADP System Security." This includes maintaining the records in an enclosure attended by security guards and limiting access to the records to authorized personnel who have a need for them in the performance of their official duties.

Retention and disposal: Paper records are retained for 6 months and then destroyed by shredding. Disk cartridges and cassette tapes are retained for 12 months and then erased.

System manager(s) and address:

Director
Division of Assistance and Records Operations Quality
Office of Assessment
P.O. Box 17040
Baltimore, Maryland 21235

Notification procedure: Individuals may request notification of or access to records in this system by writing to the system manager at the above address or writing to the Field Assessment Officers listed in Appendix M. When requesting notification or access, individuals should provide their names and social security numbers (on a voluntary basis). If an individual is unable or unwilling to provide his/her social security number, we will require additional information in lieu of the number to aid in our efforts to attempt to locate requested records, e.g., date and place of birth and parents names. These procedures are in accordance with HHS Regulations 45 CFR 5b.

Record access procedures: Same as notification procedures. Also, the individual should reasonably specify the information he/she is accessing. These procedures are in accordance with HHS Regulations 45 CFR 5b.

Contesting record procedures: Same as notification procedures. Also, the individual should reasonably specify the information he/she is contesting. These procedures are in accordance with HHS Regulations 45 CFR 5b.

Record source categories: Information in this system is derived from an existing system maintained by SSA, the Claims Folders and Post-Adjudicative Records of Applicants for and Beneficiaries of Social Security Benefits, HHS/SSA/OOPP, 09-60-0089, and from review findings and analyses.

Systems exempted from certain provisions of the act: None.

09-60-0213

System name: Quality Review of Hearing Process, HHS/SSA/OHA.

Security classification: None

System location:

Office of Hearings and Appeals
3833 North Fairfax Drive
Arlington, Virginia 22203

Computer data is stored on tape at:

Office of Systems
6401 Security Boulevard
Baltimore, Maryland 21235

Categories of individuals covered by the system: Claimants/Applicants for social security and black lung benefits and supplemental security income payments; Administrative Law Judges.

Categories of records in the system: Social security number, name of claimant, claim type, hearing type, administrative law judge code, case processing locations and dates, administrative law judge and Appeals Council actions, claimant demographic and diagnostic information, aspects of case handling, identifiers which determine to what sample the case belongs.

Authority for maintenance of the system: Sections 205(a) and (b), 221(c), 702, 1631(d)(1), and 1872 of the Social Security Act, as amended, and Section 413(b) of the Federal Coal Mine Health and Safety Act, as amended.

Purpose(s):

SSA uses this system to analyze the handling of cases at the hearing level and in the preparation of studies and reports in order to improve the hearing process.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Disclosure may be made as indicated below:

1. To 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.

2. In the event of litigation where the defendant is (a) the Department of Health and Human Services (HHS), any component of HHS, or any employee of HHS in his or her official capacity; (b) the United States where HHS determines that the claim, if successful, is likely to directly affect the operations of HHS or any of its components; or (c) any HHS employee in his or her individual capacity where the Justice Department has agreed to represent such employee, HHS may disclose such records as it deem desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.
3. To the Internal Revenue Service, Department of the Treasury, as necessary, for the purpose of auditing the Social Security Administration's compliance with safeguard provisions of the Internal Revenue Code of 1954, as amended.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Magnetic tape and disks, paper and card records.

Retrievability: By social security number or name of the claimant/applicant; by administrative law judge code.

Safeguards: SSA maintains system security for this system in accordance with the HHS ADP System Manual, "Part 6, ADP System Security." SSA employees are able to access data elements only on a 'need-to-know' basis. SSA maintains magnetic tape and disk records in an enclosure attended by security guards. Anyone eentering or leaving the area must have a special badge which is issued only to personnel authorized to enter the area.

Retention and disposal: SSA maintains automated records for a period of 10 years and then erases them. Retention period for the paper and card records (including source documents) are:

1. Cases with no defects - 6 month after we issue the quarterly report;
2. Cases with nonserious defects, and/or involving protests by SSA components - 18 months after we issue the quarterly report; and
3. Cases with serious defects, and/or involving protests by SSA components - 5 years after we issue the quarterly report.

SSA destroys the paper records by shredding when no longer needed.

System manager(s) and address:

Associate Commissioner
Office of Hearings and Appeals
3833 North Fairfax Drive
Arlington, Drive 22203

Notification procedure: An individual can determine if this system contains a record pertaining to him or her by writing to the following address:

Director
Division of Appraisal
Office of Hearings and Appeals
3833 North Fairfax Drive
Arlington, Virginia 22203

An individual who requests notification of or access to a medical record shall, at the time he or she makes the request, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion. However, SSA will grant direct access to a subject individual if the responsible SSA official determines that direct access is not likely to have an adverse on him or her. If the responsible SSA official is unable to make a determination, or makes the determination some harm may occur to an individual, the official will sent the record to the designated representative and inform the subject individual in writing that the records have sent.

A parent or guardian who requests notification of, or access to, a minor's medical record shall, at the time he or she makes the request, designate a physician or other health professional (other than a family member) who will be willing to review the record and inform the parent or guardian of its contents at the physician's or health professional's discretion. These procedures are in accordance with HHS Regulations 45 CFR 5b.

Record access procedures: Same as notification procedures. In requesting access, it would be helpful if an individual furnished his or her social security number (SSN), which is the only unique identifier for each record. However, disclosure of the SSN is voluntary on the part of an individual and if he or she is unable or unwilling to supply the SSN, SSA will request the following information in lieu of the SSN: claimant's name and date of birth, name of the Administrative Law Judge who issued the disposition or the location of the Administrative Law Judge's hearing office, and the date and type of disposition rendered by the Administrative Law Judge.

Contesting record procedures: Same as notification procedures. Requesters should also reasonably identify the record and specify the information to be contested. These procedures are in accordance with HHS Regulations 45 CFR 5b.

Record source categories: The main source of data in this system is information in the system of records entitled Claims Folders and Post-Adjudicative Records of Applicants for and Beneficiaries of Social Security Benefits (09-60-0089). Another source of data is information furnished by claimants/applicants under the retirement, survivors, and disability insurance programs, the supplemental security income program, the black lung program, representatives of such individuals, (where appropriate), social security offices, and other Federal, State, and local agencies. Data also comes from private sources.

Systems exempted from certain provisions of the act: None.

09-60-0214

System name: Personal Identification Number File (PINFile) HHS/SSA/OA.

Security classification: None

System location:

Social Security Administration
6401 Security Boulevard
Baltimore, Maryland 21235

Categories of individuals covered by the system: Social Security Administration (SSA) employees, some Disability Determination Services (DDS) employees, and Health Care Financing Administration (HFCA) employees.

Categories of records in the system: Timekeeper number, name of employee (first 3 letters of last name), social security number, personal identification number for validation purposes, function code and access profile information.

Authority for maintenance of the system: Section 205(a) of the Social Security Act and 5 U.S.C. 552a(e)(10).

Purpose(s):

SSA uses the PinFile to limit access to computer based SSA information resources to specific individuals and to specific transactions. Its purpose is to minimize the risk of unauthorized access to SSA's files of personal data.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Disclosure may be made as indicated below:

1. To a congressional office from the record of an individual in response to an inquiry made at the request of that individual.
2. In the event of litigation where the defendant is (a) the Department of Health and Human Services (HHS), any component of HHS, or any employee of HHS in his or her official capacity; (b) the United States where HHS determines that the claim, if successful, is likely to directly affect the operations of HHS or any of its components; or (c) any HHS employee in his or her individual capacity where the Justice Department has agreed to represent such employee, HHS may disclose such records as it deem desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: SSA maintains records in the PINFile on magnetic disk as part of the data communication system. The disk file is written to tape daily for backup purposes.

Retrievability: SSA retrieves records from the PINFile by name, social security number, personal identification number, and timekeeper number.

Safeguards: Steps to minimize the unauthorized use of the PINFile include: (1) limiting access to data on file to regional and security officers and the SSA component systems security officers and (2) monitoring additions, deletions, and changes to the PINFile through daily reports, and (3) data base management system file protection routines.

Retention and disposal: Disk files are permanent; magnetic tape backup file maintained 7 operational days and then erased.

System manager(s) and address:

SSA Systems Security Officer
Social Security Administration
6401 Security Boulevard
Room 1-Q-25 Operations Building
Baltimore, Maryland 21235

Notification procedure: An individual can determine if this system contains a record pertaining to him or her writing to the system manager at the address shown above and provide his or her personal identification number, and a description of the records he or she seeks. These procedures are in accordance with HHS Regulations 45 CFR 5b.

Record access procedures: Same as notification procedures. Requesters should also reasonably specify the record contents being sought. These access procedures are in accordance with HHS Regulations 45 CFR 5b.

Contesting record procedures: Same as notification procedures. Requesters should also reasonably identify the record and specify the information to be contested. These procedures are in accordance with HHS Regulations 45 CFR 5b.

Record source categories: SSA obtains information in the PINFile from the individuals, their supervisors, and from SSA time and attendance files.

Systems exempted from certain provisions of the act: None.

09-60-0216

System name: Indochina Refugee, Refugee Financial Assistance System, HHS/SSA/ORR.

Security classification: None.

System location:

Office of Refugee Resettlement
Room 1229 Switzer Building
330 C Street, S. W.
Washington, D.C. 20201

Department of State
R/POAR SA-2, Room 500
515 22nd Street, N.W.
Washington, D.C. 20520

Red Cross Refugee Locator Service
4th Floor
18th and D Streets, N.W.
Washington, D.C.

Categories of individuals covered by the system: Individuals who are refugees from Indochina as defined in the authorizing legislation.

Categories of records in the system: Names of refugees, ID numbers, INS alien number, age, sex, english-speaking capability, marital and family status, education, occupational skills, health status, and administrative data (e.g., arrival date, voluntary resettlement agency, destination), and HHS refugee financial assistance data.

Authority for maintenance of the system: The Refugee Act of 1980 (Public Law 96-212).

Purpose(s):

Information in this system is used by the SSA Office of Refugee Resettlement to administer the refugee program, including the development of statistical and other studies to facilitate program and policy analysis, evaluation, legislative recommendations, and to meet statutory reporting requirements.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Disclosure may be made as indicated below:

1. To 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.
2. In the event that this system of records indicates a 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, the relevant records in this system of records may be referred, as a routine use, to the appropriate agency, whether Federal, foreign, State or local, 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.
3. In the event HHS/SSA deems it desirable or necessary, in determining whether particular records are required to be disclosed under the Freedom of Information Act, disclosure may be made to the Department of Justice for the purpose of obtaining its advice.
4. A record from this system of records may be disclosed as a routine use to a Federal, State or local agency maintaining civil, criminal or other relevant enforcement records or other pertinent records, such as current licenses, if necessary to obtain a record 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.
5. A record from this system of records may be disclosed 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 record is relevant and necessary to the requesting agency's decision on the matter.
6. Where Federal agencies having the power to subpoena other Federal agencies' records, such as the Internal Revenue Code or the Civil Rights Commission, issue a subpoena to HHS/SSA for records in this system of records, HHS/SSA will make such records available.
7. Where the appropriate official of HHS/SSA, pursuant to the HHS Freedom of Information Regulation determines that it is in the public interest to disclose a record which is otherwise exempt from mandatory disclosure, disclosure may be made from this system of records.
8. Disclosure may be made to a contractor for the purpose of collating, analyzing, aggregating or otherwise refining records in this system of records. (The contractor shall be required to maintain Privacy Act safeguards with respect to such records.)
9. In the event of litigation where the defendant is (a) the Department of Health and Human Services (HHS), any component of HHS, or any employee of HHS in his or her official capacity; (b) the United States where HHS determines that the claim, if successful, is likely to directly affect the operations of HHS or any of its components; or (c) any HHS employee in his or her individual capacity where the Justice Department has agreed to represent such employee, HHS may disclose such records as it deem desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in electromagnetic form (disk and tape) and in hard copy form.

Retrievability: Records concerning refugees are indexed by A (alien) number.

Safeguards: Hardcopy records are maintained in limited access space. Direct access to computer records is restricted to authorized operating personnel. Safeguards are established in accordance with the HHS ADP System Manual, "Part 6, ADP System Security."

Retention and disposal: We maintain automated records for 10 years from date of creation, then offer them to National Archives. Printed records will be destroyed when updated information is received.

System manager(s) and address:

Director
Office of Refugee Resettlement
Social Security Administration
Room 1229 Switzer Building
300 C Street, S.W.
Washington, D.C. 20201

Notification procedure: An individual can determine if this system contains a record pertaining to him or her by contacting the system manager at the address above and providing his or her alien number and year of birth. These procedures are in accordance with HHS Regulations 45 CFR 5b.

Record access procedures: Same as notification procedures. Requesters also should reasonably specify the record contents being sought.

Contesting record procedures: Same as notification procedures. Requesters also should identify the record and specify the information they are contesting.

Record source categories: Information is obtained from the Department of State, the Intergovernmental Committee for Migration, national voluntary resettlement agencies, the Inter-Agency Task Force (through December 31, 1975), State welfare agencies, the Immigration and Naturalization Service, the Center for Disease Control and the American Council for voluntary agencies.

Systems exempted from certain provisions of the act: None.

09-60-0217

System name: Cuban Refugee Registration Records, HHS/SSA/ORR.

Security classification: None.

System location:

Office of Refugee Registration - Miami
747 Ponce de Leon Boulevard
Miami, Florida 33134

Categories of individuals covered by the system: Cuban refugees who, on their own initiative, have registered at the Cuban Refugee Emergency Center in order to qualify for Federal benefits under the Cuban Refugee Program. (Registration is not required.)

Categories of records in the system: Name, names of family members, dates and places of birth, occupation and related data.

Authority for maintenance of the system: The Refugee Act of 1980 (Public Law 96-212).

Purpose(s):

Information in this system is used by the SSA Office of Refugee Resettlement to administer the refugee program, including the development of statistical and other studies to facilitate program and policy analysis, evaluation, legislative recommendations, and to meet statutory reporting requirements.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Disclosure may be made as indicated below:

1. To voluntary resettlement agencies working under contract with the Federal Government in connection with possible resettlement of refugees from Miami to other locations.
2. To the Florida Division of Family Services to verify eligibility of refugee to apply for Cuban refugee assistance.
3. To State welfare, health or social services agencies to verify eligibility under the Cuban Refugee Program and to enable the State to claim Federal reimbursement for assistance provided.
4. To Federal law enforcement and security agencies, including the Federal Bureau of Investigation and the Immigration and Naturalization Service, when requested.
5. To Courts, when requested.
6. For statistical research and reporting, provided the record will be used solely as a statistical research or reporting record and is to be transferred in a form that is not individually identifiable.
7. To 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.
8. In the event of litigation where the defendant is (a) the Department of Health and Human Services (HHS), any component of HHS, or any employee of HHS in his or her official capacity; (b) the United States where HHS determines that the claim, if successful, is likely to directly affect the operations of HHS or any of its components; or (c) any HHS employee in his or her individual capacity where the Justice Department has agreed to represent such employee, HHS may disclose such records as it deem desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Magnetic tape and punch cards.

Retrievability: Name, Center file number and alien number.

Safeguards: Locked areas, accessible only by record and data processing personnel to record areas, or accompanied by such personnel; guard service during non-office hours. Safeguards are established in accordance with the HHS ADP System Manual, 'Part 6, ADP System Security.'

Retention and disposal: Records are maintained for the duration of the program.

System manager(s) and address:

Director
Miami Operations
Cuban Refugee Program
P.O. Box 340188
Miami, Florida 33134

Notification procedure: An individual can determine if this system contains a record pertaining to him or her by contacting the system manager at the address above and provide his or her alien number. These procedures are in accordance with HHS Regulations 45 CFR 5b.

Record access procedures: Same as notification procedures. Requesters also should reasonably specify the records contents they are seeking.

Contesting record procedures: Same as notification procedures. Requesters also should reasonably identify the record and identify the information they are contesting.

Record source categories: Information is derived from the individual who is the subject of record.

Systems exempted from certain provisions of the act: None.

APPENDIX A Retirement and Survivors Insurance Claims

1. Determining Appropriate Office to Contact

Records relating to retirement and survivor insurance claims are maintained primarily in six program service centers across the country. The responsibility for the payment of benefits and the maintenance of records is assigned to each office according to the first three digits of the social security number.

However, if the only individual entitled to survivor's monthly benefits on one claim number is also entitled to a retirement benefit on another claim number, the office which is assigned the responsibility for the retirement benefit claim also handles the survivor claim. If the only individual on the record is entitled to a survivor benefit which has been reduced because the survivor is under age 65, and the individual is also entitled to a disability benefit (which is higher), on another record, the Office of Disability Operations certifies the payments and maintains both records (see Appendix B). The Office of Disability Operations is also responsible for payment certification and record maintenance if the only survivor on a record is entitled as a childhood disability beneficiary and the survivor is also entitled to a disability benefit on another record.

In addition, when one of the indiviudals in the record resides outside the United States or its possessions, the responsibility for payment certification and record maintenance is assigned to the Office of International Policy without reference to the social security claim number or the type of benefit. Individuals should contact the following address:

Office of International Policy
Social Security Administration
P.O. Box 1756
6401 Security Boulevard
Baltimore, Maryland 21203

With the exceptions noted above, the appropriate program service center to contact can be determined by checking the first three (left side) digits of the social security number and comparing to the chart below. For example, if the first three digits are 076, the appropriate program service center to contact will be the Northeastern Program Service Center; similarly, if the first three digits were 437, the appropriate office would be Mid-America Program Service Center, and if they are 728, the appropriate office would be the Great Lakes Program Service Center.

If the first three digits fall within the range of:

001 - 134 contact the Northeastern Program Service Center;
135 - 222 the Mid-Atlantic Program Service Center;
223 - 231 the Southeastern Program Service Center;
232 - 236 the Mid-Atlantic Program Service Center;
237 - 267 the Southeastern Program Service Center;
268 - 302 the Great Lakes Program Service Center;
303 - 315 the Mid-America Program Service Center;
316 - 399 the Great Lakes Program Service Center;
400 - 428 the Southeastern Program Service Center;
429 - 500 the Mid-America Program Service Center;

501 - 504 the Western Program Service Center;
505 - 515 the Mid-America Program Service Center;
516 - 524 the Western Program Service Center;
525 the Mid-America Program Service Center;
526 - 576 the Western Program Service Center;
577 - 584 the Mid-Atlantic Program Service Center;
585 the Mid-America Program Service Center;
586 the Western Program Service Center;
587 the Southeastern Program Service Center; or
700 - 729 the Great Lakes Program Service Center.

2. Office Addresses

Director
Northeastern Program Service Center
96-05 Horace Harding Expressway
Flushing, New York 11368

Director
Mid-Atlantic Program Service Center
300 Spring Garden Street
Philadelphia, Pennsylvania 19123

Director
Southeastern Program Service Center
2001 Twelfth Avenue, North
Birmingham, Alabama 35285

Director
Great Lakes Program Service Center
600 West Madison
Chicago, Illinois 60606

Director
Mid-America Program Service Center
601 East Twelfth Street
Kansas City, Missouri 64106

Director
Western Program Service Center
1221 Nevin Avenue
Richmond, California 94802

Director
Office of Central Operations
P.O. Box 1756
Baltimore, Maryland 21203

3. Office Hours

Northeastern Program Service Center - 7:00 - 5:30
Mid-Atlantic Program Service Center - 7:00 - 5:30
Southeastern Program Service Center - 7:00 - 5:00
Great Lakes Program Service Center - 7:00 - 5:30
Mid-America Program Service Center - 7:00 - 5:00
Western Program Service Center - 6:45 - 4:30
Office of Central Operations - 7:00 - 5:30

Appendix B Disability Insurance Claims

1. Central Reviewing Office Address

Records relating to claims for disability insurance are maintained primarily by the:

Office of Disability Operations
Baltimore, Maryland 21241
Office Hours are: 8:20-4:50

When the disabled individual is age 62 or older, the claims record generally is maintained in a program service center (see Appendix A for address information).

When one of the individuals in the claim resides outside of the United States, or its possessions, the record is maintained by the Office of International Policy, P. O. Box 1756, Baltimore, Maryland 21203.

2. Assistant Regional Commissioner, Programs, Addresses and Office Hours

Assistant Regional Commissioner, Programs
HHS, SSA, Room 1200
JFK Federal Building
Boston, Massachusetts 02203

Office Hours 8:30-5:00

Assistant Regional Commissioner, Programs
HHS, SSA
Federal Bldg., Room 4008, 26 Federal Plaza
New York, New York 10038

Office Hours 8:30-5:00

Assistant Regional Commissioner, Programs
HHS, SSA
P.O. Box 8788
Philadelphia, Pennsylvania 19108

Office Hours 8:30-5:00

Assistant Regional Commissioner, Programs
HHS, SSA
101 Marietta Tower, Suite 2001
P.O. Box 1684
Atlanta, Georgia 30323

Office Hours 8:30-4:30

Assistant Regional Commissioner, Programs
HHS, SSA
300 South Wacker Drive, 30th Floor
Chicago, Illinois 60606

Office Hours 8:15-4:45

Assistant Regional Commissioner, Programs
HHS, SSA
Room 436, Federal Bldg.
601 East 12th Street
Kansas City, Missouri 64106

Office Hours 8:00-4:30

Assistant Regional Commissioner, Programs
HHS, SSA
1200 Main Tower Bldg.
Room 2140
Dallas, Texas 75202

Office Hours 8:00-4:30

Assistant Regional Commissioner, Programs
HHS, SSA
100 Van Ness Ave.
San Francisco, California 94102

Office Hours 8:00-4:30

Assistant Regional Commissioner, Programs
HHS, SSA
Federal Building, Room 11037
19th and Stout Street
Denver, Colorado 80202

Office Hours 8:30-4:30

Assistant Regional Commissioner, Programs
HHS, SSA
Arcade Plaza Building, M/S 204
1321 Second Avenue
Seattle, Washington 98101

Office Hours 8:00-4:30

3. Related State Office Addresses

The disability claims files may be temporarily transferred to State Disability Determination Services for initial or continuing disability determinations to be made. Vocational Rehabilitation Agencies in the States may also be involved with a disability claim from the training aspects. The State agency addresses are as follows:

Alabama

State Department of Education
Division of Disability Determinations
Clairmont Office Plaza
2800 8th Avenue, South
Birmingham, Alabama 35233

Alaska

Disability Determination Unit
Office of Vocational Rehabilitation
4100 Spenard Road, Suite A
Anchorage, Alaska 99503

Arizona

Disability Certification Office
Rehabilitation Services Bureau
Department of Economic Security
P.O. Box 11980
Phoenix, Arizona 85061

Arkansas

Disability Determination for Social Security Administration
700 S Pulaski Street, 2nd Floor
Little Rock, Arkansas 72201

California

Oakland Region

Department of Social Services
Disability Evaluation Branch
P.O. Box 24225
Oakland, California 94623

Los Angeles East Region

Department of Social Services
Disability Evaluation Branch
P.O. Box 3819
Terminal Annex
Los Angeles, California 90051

San Diego Region

Department of Social Services
Disability Evaluation Branch
P.O. Box 81326
San Diego, California 92138

Sacramento Region

Department of Social Services
Disability Evaluation Branch
P.O. Box 1827
Sacramento, California 95809

Department of Social Services
Disability Evaluation Branch
1414 K Street
Sacramento, California 95814
Fresno Region

Department of Social Services
Disability Evaluation Branch
P.O. Box 1072
Fresno, California 93714

Los Angeles West Region

Department of Social Services
Disability Evaluation Branch
P.O. Box 60999
Terminal Annex
Los Angeles, California 90060

Colorado

Department of Social Services
Division of Rehabilitation
Disability Determination Unit
2121 Onieda Street
Denver, Colorado 80224

Connecticut

Division of Vocational Rehabilitation
Bureau of Disability Determination
600 Asylum Avenue, 2nd floor
Hartford, Connecticut 06105

Delaware

Disability Determination Service
State Office Building
820 North French Street
Wilmington, Delware 19801

District of Columbia

Disability Determination Division
Vocational Rehabilitation Administration
Department of Human Resources
1411 K Street, N.W., 13th Floor
Washington, D.C. 20005

Florida

Office of Disability Determinsation
Dept. of Health and Rehabilitation Services
2600 Blair Stone Road, Room 350-B
Tallahassee, Florida 32301

Georgia

Division of Vocational Rehabilitation
Disability Adjudication Section
Decatur Building, Suite 300
200 Swanton Way
Decatur, Georgia 30089

Guam

Division of Vocational Rehabilitation
414 West Soledad Avenue
Agana, Guam 96910

Hawaii

Disability Determination Branch
Vocational Rehabilitation and Service for the Blind Division
Kapiolani Commercial Center
Suite 660, 1580 Makaloa Street
Honolulu, Hawaii 96814

Idaho

Disability Determination
1505 McKinney
Boise, Idaho 83704

Illinois

Division of Vocational Rehabilitation
Disability Determination Service
P.O. Box 3842
Springfield, Illinois 62708

Indiana

Disability Determination Division
P.O. Box 7069
Indianapolis, Indiana 46207

Iowa

Rehabilitation Education and Services Branch
Disability Determination Division
510 East 12th Street
Des Moines, Iowa 50319

Kansas

Disability Determination Services
Division of Vocational Rehabilitation
2036 S.E. 30th Street
Topeka, Kansas 66605

Kentucky

Department for Human Resources
Bureau for Social Insurance
Division for Disability Determinations
P.O. Box 1000
Frankfort, kentucky 40602

Louisiana

Disability Determinations
Health and Human Resources
Office of Rehabilitation Services
P.O. Box 3212
Baton Rouge, Louisiana 70821

Maine

Bureau of Vocational Rehabilitation
Division of Disability Determination
P.O. Box 949
Augusta, Maine 04330

Maryland

Disability Determination Services
Division of Vocational Rehabilitation
Post Office Box 17011
Baltimore, Maryland 21203

Massachusetts

Massachusetts Rehabilitation Commission
Disability Determination Service
6 Hamilton Place
Boston, Massachusetts 02108

Michigan

Disability Determination Service
P.O. Box 30011
Lansing, Michigan 48909

Disability Determination Service
Post Office Box 37730
Oak Park, Michigan 48237

Division Determination Service
P. O. Box 1200
Traverse City, Michigan 49684

Minnesota

Disability Determinations Unit
Division of Vocational Rehabilitation
Metro Square Building, Suite 460
Seventh and Roberts Streets
St. Paul, Minnesota 55101

Mississippi

Disability Determination Unit
State Dept. of Education
P.O. Box 1271
Jackson, Mississippi 39205

Missouri

Disability Determination Service
2401 East McCarty
Jefferson City, Missouri 65101

Montana

Disability Determination Bureau
Rehabilitative Services Division
P. O. Box 4189
Helena, Montana 59601

Nebraska

Disability Determination Services
6th Floor, State Office Building
301 Centennial Mall, South
Lincoln, Nebraska 68509

Nevada

Bureau of Disability Adjudication
Rehabilitation Division
505 East King St.
State Capital Complex, Room 403
Carson City, Nevada 89710

New Hampshire

Disability Determination Unit
Vocational Rehabilitation Division
P.O. Box 452
Concord, New Hampshire 03301

New Jersey

Division of Disability Determinations
Department of Labor and Industry
P.O. Box 649
Newark, New Jersey 07101

New Mexico

Disability Determination Unit
P.O. Box 4588
Albuquerque, New Mexico 87106

New York

Bureau of Disability Determination
State Department of Social Services
110 William Street
New York, New York 10038

North Carolina

Disability Determination Section
Division of Social Services
Post Office Box 243
Raleigh, North Carolina 27602

North Dakota

Disability Determination Section
Division of Vocational Rehabilitation
Russel Building, RR#1, Highway 83 North
Bismarck, North Dakota 58505

Ohio

Bureau of Disability Determination
Rehabilitation Services Commission
4574 Heaton Road
Columbus, Ohio 43229

Bureau of Disability Determination
Rehabilitation Services Commission
9403 Kenwood Rd.
Cincinnati, Ohio 45442

Oklahoma

Department of Institutions
Social and Rehabilitative Services
Attention: Disability Insurance Unit
P.O. Box 25352
Oklahoma City, Oklahoma 73125

Oregon

Vocational Rehabilitation Division
Disability Determination Services
2045 Silverton Road, N.E.
Salem, Oregon 97310

Pennsylvania

Bureau of Vocational Rehabilitation
Disability Determination Division
1310 - 12 North 7th Street
Harrisburg, Pennsylvania 17120

Bureau of Vocational Rehabilitation
Disability Determination Division
P.O. Box R
Wilkes-Barre, Pennsylvania 18703

Bureau of Vocational Rehabilitation
Disability Determination Division
P.O. Box 2500
Greensburg, Pennsylvania 15605

Puerto Rico

Disability Determination Program
Call Box 71301
San Juan, Puerto Rico 00936

Rhode Island

Vocational Rehabilitation Services
Disability Determination Unit
24 Mason Street
Providence, Rhode Island 02903

South Carolina

Disability Determination Division
S.C. Vocational Rehabilitation Department
P.O. Box 4945
Columbia, South Carolina 29240

South Carolina Commission for the Blind 1430 Confederate Avenue
Columbia, South Carolina 29201

South Dakota

Disability Determination Service
Division of Vocational Rehabilitation
P.O. Box 1029
Sioux Falls, South Dakota 57101

Tennessee

Disability Determination Section
Division of Vocational Rehabilitation
1808 West End Avenue, 9th Floor
Nashville, Tennessee 37203

Texas

Texas Rehabilitation Commission
Division of Disability Determination
P.O. Box 2913
Austin, Texas 78769

Utah

Disability Determination Services
Division of Rehabilitation Service
Utah State Board of Education
P.O. Box 550
Salt Lake City, Utah 84110

Vermont

Disability Determination Agency
103 South Main Street
Waterbury, Vermont 05676

Virgin Islands

Disability Representative
HHS, SSA Federal Building
26 Veterans Drive, Room 133
St. Thomas, Virgin Islands 00801

Virginia

Disability Determination Division
Virginia Department of Vocational Rehabilitation
2106 N. Hamilton Street
Richmond, Virginia 23220

Disability Determination Div.
Virginia Department of Vocational Rehabilitation
5205 Leesburg Pike, Suite 1000
Falls Church, Virginia 22041

Disability Determination Division
Virginia Department of Vocational Rehabilitation
5700 Thurston Avenue, Suite 300
Virginia Beach, Virginia 23455

Disability Determination Division
Virginia Dept. of Vocational Rehabilitation
4504 Starkey Road, S.W., Suite 100
Roanoke, Virginia 24014

Washington

Washington State Office of Disability Insurance
Spokane Branch
N 4601 Monroe Street
Spokane, Washington 99205
Office of Disability Insurance
P.O. Box 9303 M. S. LN - 11
Olympia, Washington 98504

West Virginia

Disability Determination Services
Vocational Rehabilitation Division
Mason Building, Second Floor
1206 Quarrier Street
Charleston, West Virginia 25301

Disability Determination Section
Division of Vocation Rehabilitation
P.O. Box 908
Bridgeport, West Virginia 26330

Wisconsin

Bureau of Social Security Disability Insurance
P.O. Box 7623
Madison, Wisconsin 53707

Wyoming

Disability Determination Services
Division of Vocational Rehabilitation
611 West 29th Street
Cheyenne, Wyoming 82001

Appendix D Supplemental Security Income Claims

1. Addresses for Records

Supplemental Security Income claims records are maintained in district and branch offices until a decision has been made regarding eligibility (see Appendix F.1 for address and telephone information). If payment has been awarded, or the appeal period has closed on

claims with unfavorable determinations, the claims records are sent to the following locations:

Claims for benefits are maintained in the Chicago Federal Archives Records Center. Access to those claims based on age may be made through a program service center (see Appendix A for address information), or through a district or branch office (see Appendix F.1 for address information).

Access to claims for benefits based on disability or blindness may be made through the Office of Disability Operations (see Appendix B.1 for address information), or through a district or branch office (see Appendix F.1 for address information).

2. Assistant Regional Commissioner, Programs

Boston Region--Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont

John F. Kennedy Federal Building
Government Center
Boston, Massachusetts 02203

New York Region--New Jersey, New York, Puerto Rico, Virgin Islands

26 Federal Plaza
New York, New York 10278

Philadelphia Region--Delaware, District of Columbia, Maryland, Pennsylvania, Virginia, West Virginia

3535 Market Street
Philadelphia, Pennsylvania 19101

Atlanta Region--Alabama, North Carolina, South Carolina, Florida, Georgia, Kentucky, Mississippi, Tennessee

101 Marietta Tower, Suite 2001
P.O. Box 1684
Atlanta, Georgia 30301

Chicago Region--Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin

300 South Wacker Drive
Chicago, Illinois 60606

Dallas Region--Arkansas, Louisiana, New Mexico, Oklahoma, Texas

1200 Main Tower Building
Room 2555
Dallas, Texas 75202

Kansas City Region--Iowa, Kansas, Missouri, Nebraska

Federal Office Building
601 East 12th Street
Kansas City, Missouri 64106

Denver Region--Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming

Federal Office Building
19th & Stout Streets
Denver, Colorado 80202

San Francisco Region--American Samoa, Arizona, California, Guam, Hawaii, Nevada, Northern Marianna Islands

100 Van Ness Avenue
24th Floor
San Francisco, California 94102

Seattle Region--Alaska, Idaho, Oregon, Washington

Arcade Plaza Building, M/S 204
1321 Second Avenue
Seattle, Washington 98101

3. Information exchanged between the Social Security Administration and the States because of the State Supplementation and Medicaid provisions of the Supplemental Security Income program is maintained at the following State Departments of Public Welfare Agency addresses:

Alabama

Commissioner
Alabama Medicaid Agency
2500 Fairlane Dr.
Executive Park
Montgomery, Alabama 36130

Alaska

Commissioner
Department of Health and Social Services
Pouch H-01 Main St.
Juneau, Alaska 99801

Arizona

Director
Arizona Dept. of Economic Security
P.O. Box 6123
Phoenix, Arizona 85005

Arkansas

Director
Capital Mall
Welfare-ESD Building
Little Rock, Arkansas 72203

California
Director
Dept. of Benefit Payments
Tape Library MS 10-77
744 P Street
Sacramento, California 95814

Colorado

Director
Department of Social Services
1575 Sherman Street, Room 301
Denver, Colorado 80203

Connecticut

Director
Connecticut State Welfare Dept. Systems and Information
Attno Control Section Chief
110 Bartholomew Ave.
Hartford, Connecticut 06115

Delaware

Director
Administrator Payments Section
Division of Business Adm. and General Services
State Hospital Adm. Bldg.
Third Floor Annex
New Castle, Delaware 19720

District of Columbia

Director
Dept. of Human Resources
Automatic Data Processing Div.
801 N. Capitol Street, N. E.
Room 627
Washington, D. C. 20001

Florida

Deputy Assistant Secretary for Medicaid
Department of Health and Rehabilitative Services
1317 Winewood Boulevard
Tallahassee, Florida 32301

Georgia

Commissioner
Department of Medical Assistance
1010 West Peachtree Street, N.W.
Atlanta, Georgia 30309

Hawaii

Director
Department of Social Services
P. O. Box 339
Honolulu, Hawaii 96809

Idaho

Director
Department of Health and Welfare
450 W. State Street
Towers Building
Boise, Idaho 83720

Illinois

Director
Illinois Department of Public Aid
316 S. Second Street
Springfield, Illinois 62762

Indiana

Administrator
Department of Public Welfare
State Office Building, Room 701
100 North Senate Avenue
Indianapolis, Indiana 46204

Iowa

Commissioner
Iowa Department of Social Services
5th Floor, Hoover Building
Des Moines, Iowa 50319

Kansas

Secretary
Department of Social and Rehabilitation Services
6th Floor, State Office Building
State Office Bldg.
Topeka, Kansas 66612

Kentucky

Commissioner
Bureau of Social Insurance
Department for Human Resources
275 E. Main Street
Frankfort, Kentucky 40601

Louisiana

Director
State of Louisiana
Div. of Income Maintenance
P. O. Box 44065
Baton Rouge, Louisiana 70804

Maine

Director
Div. of Data Processing
Dept. of Health & Welfare
221 State Street
Augusta, Maine 04330

Maryland

Director
Dept. of Employ & Soc. Serv.
Div. of Data Processing
1100 North Eutaw Street
Room 301
Baltimore, Maryland 21201

Massachusetts

Director
Executive Office of Human Services
Information Systems and Services
Computer Center
Room 801
1 Ashburton Place
Boston, Massachusetts 02108

Director
Mass. Comm. For The Blind
110 Tremont Street
Boston, Massachusetts 02108

Michigan

Director
Department of Social Services
P.O. Box 30037
300 South Capitol Avenue
Lansing, Michigan 48933

Minnesota

Director
Department of Public Welfare
Centennial Office Building
658 Ceder Street
St. Paul, Minnesota 55101

Mississippi

Director
Mississippi Medicaid Commission
P.O. Box 16786
Jackson, Mississippi 39206

Missouri

Director
Department of Social Services
P.O. Box 1527
Broadway State Office Bldg.
Jefferson City, Missouri 65102

Montana

Director
Social and Rehabilitation Services
Office of Management and Budget
Box 1723
Helena, Montana 59601

Nebraska

Director
Department of Public Welfare
5th Floor, State Office Building
301 Centennial Mall, South
Lincoln, Nebraska 68509

Nevada

Director
Nevada State Department of Welfare
251 Jeanell
Carson City, Nevada 89701

New Hampshire

Director
State of New Hampshire
Department of Health and Welfare
Division of Welfare - Claims Processing Unit
Hazen Drive
Concord, New Hampshire 03301

New Jersey

Director
Blue Cross - Blue Shield
Systems Division Tech Services
2nd Floor
33 Washington Street
Newark, New Jersey 07102

New Mexico

Secretary
New Mexico Human Services Department
Income Support Division P.O. Box 2348
Santa Fe, New Mexico 87503

New York

Director
New York State - Department of Social Services
Income Maintenance Section
1450 Western Avenue
Albany, New York 12203

North Carolina

Director
Division of Medical Assistance
Department of Human Resources
336 Fayetteville Street, Mall
Raleigh, North Carolina 27601

North Dakota

Social Services Board
Capitol Grounds
Capital Building, 16th Floor
Bismarck, North Dakota 58501

Ohio

Director
Ohio Department of Public Welfare
State Office Tower - 32nd Floor
30 East Broad Street
Columbus, Ohio 43215

Oklahoma

Director
Department of Institutions
Social and Rehabilitation Services
Management Information Division
P.O. Box 25352
Oklahoma City, Oklahoma 73125

Oregon

Administrator
Adult and Family Services Division
Department of Human Services
417 Public Service Building
Salem, Oregon 97310

Pennsylvania

Director, Bureau of Policy
Office of Income Maintenance
Health and Welfare Building
6th and Forster Streets - Room 103
Harrisburg, Pennsylvania 17120

Rhode Island

Director
Aime J. Forand Building
600 New London Avenue
Cranston, Rhode Island 02920

South Carolina

Executive Assistant
Office of Health Care Financing
Department of Social Services
P.O. Box 1520
Columbia, South Carolina 29202

South Dakota

Director
State Department of Social Services
Division of Social Welfare
State Office Building No. 1
Pierre, South Dakota 57501

Tennessee

Director
Division of Medicaid
Department of Public Health
283 Plus Park Boulevard
Nashville, Tennessee 37217

Texas

Commissioner
Texas Department of Public Welfare
854-V
P.O. Box 2960
Austin, Texas 78769

Utah

Director
Office of Administrative Services
EDP and Systems
231 East 4th South
Empire Building
Salt Lake City, Utah 84111

Vermont

AABD/ANFC Director
Department of Social Welfare
4 East State Street
Montpelier, Vermont 05602

Virginia

Director
Bureau of Data Systems
Data Proc. Oper. Section
Room 107 Ratcliffe Bldg.
1602 Rolling Hills Drive
Richmond, Virginia 23288

Washington

Secretary
Department of Social and Health Services
M/S OB-44
Olympia, Washington 98504

West Virginia

Director
State of West Virginia Department of Welfare
State Office Building No. 6
1900 East Washington Street
Charleston, West Virginia 25305

Wisconsin

Secretary
Department of Health and Social Services
1 West Wilson Street
Room 341
Madison, Wisconsin 53702

Wyoming

Director of Finance and Accounting
Department of Health and Social Services
State Office Building West
Cheyenne, Wyoming 82002

Appendix E Federal Coal Mine Health and Safety Act Claims (Black Lung)

Black lung records are maintained by the Office of Disability Operations, Baltimore, Maryland 21241. Office hours: 8:20am - 4:50pm.

Appendix F Social Security Administration Field Operations Addresses

1. Social Security District and Branch Offices

The addresses and telephone numbers of social security district and branch offices may be found listed in local telephone directories under Social Security Administration or under United States Government, Department of Health and Human Services, Social Security Administration.

Office Hours - varied.

2. Assistant Regional Commissioner Field Operations, Addresses

Boston Region--Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont

John F. Kennedy Federal Building
Government Center, Room 1109
Boston, Massachusetts 02203

Office Hours - 8:30 - 5:00

New York Region--New Jersey, New York, Puerto Rico, Virgin Islands

26 Federal Plaza, Room 745
New York, New York 10278

Office Hours - 8:30 - 5:00

Philadelphia Region--Delaware, District of Columbia, Maryland, Pennsylvania, Virginia, West Virginia

3535 Market Street
P.O. Box 8788
Philadelphia, Pennsylvania 19101

Office Hours - 8:00 - 4:30

Atlanta Region--Alabama, North Carolina, South Carolina, Florida, Georgia, Kentucky, Mississippi, Tennessee

101 Marietta Tower
Suite 2001
P.O. Box 1684
Atlanta, Georgia 30301

Office Hours - 8:00 - 4:30

Chicago Region--Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin

300 South Wacker Drive, 28th Floor
Chicago, Illinois 60606

Dallas Region--Arkansas, Louisiana, New Mexico, Oklahoma, Texas

1200 Main Tower Bldg.
Room 2555
Dallas, Texas 75202

Office Hours - 8:00 - 4:30

Kansas City Region--Iowa, Kansas, Missouri, Nebraska

New Federal Office Building
601 East 12th Street
Kansas City, Missouri 64106

Office Hours 8:00 - 4:30

Denver Region--Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming

Federal Office Building
1961 Stout Street
Room 9017
Denver, Colorado 80294

Office Hours - 8:00 - 4:30

San Francisco Region--American Samoa, Arizona, California, Guam, Hawaii, Nevada, Northern Marianna Islands

100 Van Ness Avenue, 28th Floor
San Francisco, California 94102

Office Hours - 8:00 - 4:30

Seattle Region--Alaska, Idaho, Oregon, Washington

Room 6027
Arcade Plaza Building MS 205
1321 Second Avenue
Seattle, Washington 98101

Office Hours - 8:00 - 4:30

4. Teleservice Centers

Atlanta

P.O. Box 54655
Sixth Floor
730 Peachtree Street, NE
Atlanta, Georgia 30308

Berkeley

2000 Center Street
Room 420
Berkeley, California 94704

Boston

Rm. 1609
100 Summer St.
Boston, Massachusetts 02110

Chicago

4916 W. Belmont
Chicago, Illinois 60641

2211 W. 95th Street
Chicago, Illinois 60643

Cincinnati

P.O. Box 41905
4050 Executive Park Drive
Cincinnati, Ohio 45241

Cleveland

11901 Berea Road
P.O. Box 41905
Cleveland, Ohio 44111

Des Moines

Room 965, Federal Building
210 Walnut Street
Des Moines, Ia 50309

Detroit

17227 W. Seven Mile road
Detroit, Michigan 48235

Ft. Lauderdale

299 E. Broward Blvd., Federal Bldg.
Room 410
Ft. Lauderdale, Florida 33310

Houston

6900 Fannin, Suite 700
Fannin-Holcombe Building
Houston, Texas 77005

Grand Prairie Teleservice Center
729 Dalworth
Grand Prairie, Texas 75050

Indianapolis

575 N. Pennsylvania Street
Indianapolis, Indiana 46204

Jamaica

90-15-17 Sulphin Boulevard
Jamaica, New York 11435

Jersey City

30 Montgomery Street
Jersey City, New Jersey 07303

Jamaica

90-15-77 Sutphin Boulevard
Jamaica, NY 11435

Jersey City

30 Montgomery Street
Jersey City, NJ 07303

Kansas
Room 2800 Federal Bldg. 911 Walnut Street
Kansas City, Mo 64106

Laurel

9703 Fort Meade Road
Route 198
Laurel, Maryland 20810

Los Angeles

3250 Wilshire Boulevard
Room 350
Los Angeles, California 90010

New Orleans

31st Floor
Plaza Towers
1001 Howard Avenue
New Orleans, Louisiana 70113

Lodi

2nd Floor, Merchants Mall
#1 South Main Street
Lodi, New Jersey 07644

Minneapolis

University Park Plaza Building
Suite 642
2829 University Avenue, S.E.
Minneapolis, Minnesota 55414

Pittsburgh

Room 1000 Park Building
355 Fifth Avenue
Pittsburgh, Penn 15222

Portland

610 S.W. Alder Street
Room 322
Portland, Oregon 97205

Parlin

Mine Mall, II
P.O. Box 494 Ernston Station
Parlin, New Jersey 08859

St. Louis

Building 105F, 2nd Floor
4300 Goodfellow Boulevard
St. Louis, Mo 63120

Tampa

700 Twigg Street
P.O. Box 30
Tampa, Florida 33601

Upper Darby

6801 Ludlow Street
2nd Floor
Upper Darby, Pennsylvania 19082

Phoenix

3424 North Central Avenue
P.O. Box 7370
Phoenix, Arizona 85011

San Diego

P.O. Box A1311
880 Front Street
San Diego, California 92112

Seattle

4735 E. Marginal Way South
Seattle, Washington 98134

Appendix G Office of Hearings and Appeals

The Office of Hearings and Appeals is charged with the responsibility for making decisions on appeals taken above the reconsideration level by claimants for retirement, survivors, disability, supplemental security, medicare, or black lung benefits.

Files for cases awaiting action by the Appeals Council based on the claimants' request for Council review and records of hearings decisions by Administrative Law Judges are maintained at the Office headquarters. The address is:

Office of Hearings and Appeals
801 North Randolph Street
Arlington, Virginia 22203

Files for cases awaiting hearings or decisions by Administrative Law Judges based on requests for a hearing submitted by claimants are maintained in the appropriate hearing office.

The selection of the office is based on the Region and the District Office Service Area in which the appellant claimant lives. The Regions, the addresses of the Administrative Law Judges and the District Office Service Areas from which the Judges accept cases are

listed below. Correspondence should be addressed to the Bureau of Hearings and Appeals, Administrative Law Judge at the appropriate address.

In the BOSTON REGION

9th Floor
55 Summer Street
Boston, Massachusetts 02110

For the following district and (branch) offices:

MASSACHUSETTS: Boston, (Brookline), Brockton (Hanover): Cambridge, Chelsea, Fitchburg, (Gardner), Framingham, Haverhill, Lawrence, Lowell, Lynn, Malden, Norwood, Quincy, Roxbury (Dorchester); (Roslindale); Salem, Waltham, Worcester

Room 331
135 High Street
Hartford, Connecticut 06103

For the following district and (branch) offices:

Connecticut: Hartford (East Hartford); Meriden (Middletown); New Briton (Bristol); New London, (Norwich); Torrington; Waterbury; Willimantic

275 Chestnut Street
P.O. Box 3010
Norris Cotton Federal Building
Manchester, NH 03101

For the following district and (branch) offices:

NEW HAMPSHIRE: Concord, Littleton, Manchester, Nashua, (Keene); Portsmouth

VERMONT: Burlington, Montpelier, Rutland

234 Church Street
Room 301
New Haven, CT 06511

For the following district and (branch) offices:

Connecticut: New Haven, (Ansonia); Bridgeport, (East Bridgeport); (Danbury); Stamford (South Norwalk)

Room 125
76 Pearl Street
Portland, ME 04111

For the following district and (branch) offices:

Maine: Augusta, (Rockland); (Waterville); Bangor; Lewiston (Rumford); Portland, (Biddeford); Presque Isle

44 Washington Street
3rd Floor
Slade Building
Providence, RI 02903

MASSACHUSETTS: Attleboro, Fall Fiver, (Taunton); New Bedford, (Falmouth); (Hyannis)

RHODE ISLAND: Pawtucket, Providence, (Newport); (Warwick); (Woonsocket)

Room 438
436 Dwight Street
Springfield, Mass 01103

For the following district and (branch) offices:

Massachusetts: Springfield, Holyoke, (Greenfield); Pittsfield (North Adams)

In the NEW YORK REGION

Federal Office Bldg., Room 942
One Clinton Square
Albany, New York 12207

NEW YORK: Albany, (Hudson); Glens Falls, Gloversville, Kingston, Plattsburgh, Poughkeepsie, Schenectady, Troy

F. Rodriquez Torres Building
(Next to City Hall)
Ground Floor
RD #2 KM 11.2
Bayamon, PR 00619

For the following district and (branch) offices::

Bayamon, Arecibo, Manati

189 Montague Street
2nd Floor
Brooklyn, New York 11201

NEW YORK: Brooklyn Avenue X, Boro Hall, (Bedford-Stuyvesant); (Bay Ridge); Bushwick, (Williamsburg); East New York, (Canarsie); Flatbush, (Kings Plaza) Bushwick, East New York, Flatbush

Room 404
U.S. Court House
68 Court Street
Buffalo, New York 14202

For the following district and (branch) offices::

NEW YORK: Batavia, Buffalo, (West Seneca); (Cheektowaga); Jamestown, (Dunkirk); Kenmore, Niagara Falls, Olean, Rochester

Room 402, Ferry Office Building
1800 Davis Street, East
Camden, New Jersey 08104

For the following district and (branch) offices::

NEW JERSEY: Asbury Park (Toms River); (Brick Township); Atlantic City (Wildwood); Bridgeton, Camden, (Glassboro); (Mount Holly); Trenton

Room 700, Housing
Investment Building
416 Ponce de Leon Avenue
Hato Rey, Puerto Rico 00918

For the following district and (branch) offices::

PUERTO RICO: Caguas, (Humanao); San Juan: Downtown (Hato Rey); (Santurce); (Fajardo); (Carolina)

VIRGIN ISLANDS: St. Thomas (St. Croix)

148-43 Hillside Avenue
2nd Floor
Jamaica, New York 11435

For the following district and (branch) offices::

NEW YORK: Flushing, Jackson Heights: (Astoria); (Long Island City); Jamaica (Far Rockaway)

Room 6A, Western Federal Building
19 West McKinley Street
Mayaguez, Puerto Rico 00708

For the following district and (branch) offices:

MAILING ADDRESS:

G.P.O. Box V
Mayaguez, Puerto Rico 00708

PUERTO RICO: Mayaguez (Aquadilla); (San Sabastian)

195 Willis Avenue
Mineola, N.Y. 11501

NEW YORK: Freeport, (Long Beach); Huntington Station, (Babylon); Mineola, Patchogue (Riverhead)

15th Floor
39 Broadway
New York, NY 10006

Manhattan, Downtown, (Chinatown); (Delancey Street); (Tompkins Park); Midtown, (Lenox Hill); (Murray Hill); Staten Island (New Drop); Upton, (East Harlem); (North Harlem); Washington Heights

Room 1522
1180 Raymond Boulevard
Newark, New Jersey 07102

NEW JERSEY: East Orange, Hackensack, Irvington, Jersey City, (Hoboken), Montclair, Morristown, (Newton); Newark, (Clinton Hill); Passaic, Patterson, (Ho-Ho-Kus); Elizabeth, (Plainfield); Perth Amboy, New Brunswick (Raritan)

Centro Del Sur
Shopping Center
Ponce, PR 00731

Puerto Rico: Ponce (Cayey); Guayama); (Yauco)

913 Federal Building
100 S. Clinton Street
Syracuse, N.Y. 13260

NEW YORK: Auburn, Binghamton, (Ithaca); Elmira, (Corning); Geneva, Ogdensburg, Oneonta, Oswego, Syracuse, Utica, (Herkimer), (Rome); Watertown

Room 105
237 Mamaroneck Avenue
White Plains, New York 10605

NEW YORK: Nanuet, New Rochelle, (Mount Vernon); White Plains, (Peekskill); Newburgh, (Monticello); Yonkers, East Bronx, (Baychester); North Bronx, (West Farms); South Bronx (Hunts Point); (Bronx Hub); (Riverdale)

In the PHILADELPHIA REGION

Room 415, The Rotunda
711 West 40th Street
Baltimore, Maryland 21211

MARYLAND: Baltimore: Downtown (East); (Montdawmin); (North); (Northeast); (Northwest); (West); Glen Burnie (Annapolis); (Catonsville); Towson (Bel Air); (Eastpoint); (Elkton); (Garrison); (Westminister)

500 Quarrier Street
Room 1019, U.S. Courthouse and Federal Building
Charleston, West Virginia 25301

WEST VIRGINIA: Beckley, (Oak Hill); Charleston, (Montgomery); Logan (St Albans); Parkersburg, (Williamson)

Room 203, Citizens Commonwealth Center
300 Preston Avenue
Charlottesville, Virginia 22901

VIRGINIA: Charlottesville, Lynchburg, (Culpepper); (Farmville); Staunton (Harrisonburg)

Riverside Office Center
Bldg. No. 3--Suite H
2101 N. Front St.
Harrisburg, Pennsylvania 17110

PENNSYLVANIA: Lancaster, York, Carlisle, Harrisburg

Room 300
640 4th Avenue
Huntington, West Virginia 25701

KENTUCKY: Ashland, Pikeville (Prestonburg)

WEST VIRGINIA: Huntington

Room 309, Fox Square Pavilion
Old York Road at Wyncote
Jenkintown, Pennsylvania 19046

PENNSYLVANIA: Allentown, (Betheham) Bristol, Easton, (E. Stroudsburg); (Glenside); Norristown; (Pottstown); Philadelphia: Northeast (Kensington-Allegheny); Reading

Penn Traffic Building
Suite 102
319 Washington Street
Johnstown, Pennsylvania 15901

PENNSYLVANIA: Altoona, (State College); DuBois, Greensburg, Indiana, Johnstown (Somerset)

200 Grandy Mall
Federal Bldg., Rm 736
Norfolk, Va 23510

VIRGINIA: Hampton, Newport News, Norfolk, Portsmouth, Suffolk

1528 Walnut Street
10th Floor
Philadelphia, Pennsylvania 19107

DELAWARE: Dover, Wilmington

PENNSYLVANIA: Chester (Lebanon)
Philadelphia: Downtown, (Broad Street); (South) Germantown (Nicetown); (North Philadelphia); (South); (West Upper Darby); (Mantua); West Chester

355 Fifth Avenue, 5th Floor
Park Building
Pittsburgh, Pennsylvania 15222

PENNSYLVANIA: Ambridge, (Beaver Falls); Butler, (Charleroi); Erie, (Kittaning); Meadville); McKeesport, (Braddock); New Castle, New Kensington, (Monroeville); Oil City; Pittburgh: Downtown, (Brentwood); (Hill Distr.); (Mt Lebanon); (North Side); East, (Hill Distr.); Sharon, Uniontown, Washington

WEST VIRGINIA: Clarksburg, (Elkins); (Fairmont); Morgantown, Wheeling

OHIO: Bridgeport, East Liverpool, Stuebenville

Room 9225, Federal Building
400 North 8th Street
Richmond, Virginia 23240

VIRGINIA: (Fredericksburg); Petersburg, Richmond: (Church Hill); Downtown, (Northside); (Southside)

Room 857 Richard Poff Federal Office Bldg.
210 Franklin Road, S.W.
Roanoke, Virginia 24011

VIRGINIA: Covington, Danville, (Martinville); Roanoke, (South Boston); (Wytheville)

WEST VIRGINIA: Bluefield, Welch

Room 730
1325 G Street, N.W.
Washington, D.C. 20005

DISTRICT OF COLUMBIA: Washington: Alabama Avenue; Downtown (East Capitol Street); (Eight Street); (Rhode Island Avenue); (Taylor Street)

MARYLAND: (Bladensburg); (Cambridge); Camp Springs, Cumberland, Frederick, (Hagerstown); (Rockville)

PENNSYLVANIA: Chambersburg

VIRGINA: Alexandria, Winchester (Arlington); (Falls Church)

WEST VIRGINIA: (Martinsburg) FOREIGN CLAIMS: (Code 995) except Philippine Islands

DELAWARE: Georgetown

Room 3110 Penn Place
20 N. Pennsylvania Ave.
Wikes-Barre, Pa. 18701

PENNSYLVANIA: (Bloomsburg), (Carbondale); Hazleton, (Lehighton); (Lewiston); (Pittston); (Pottsville); Scranton, (Shamokin); Wilkes-Barre, Williamsport, Sunbury, (Towanda)

In the ATLANTA REGION

Suite 514
25th Street Building
1720 Peachtree Street, N.W.
Atlanta, Georgia 30309

GEORGIA: Atlanta: Downtown, (Northeast); (Northwest); (Southeast); (Southwest); (Daniel Village); Downtown, (Carrollton); LaGrange, Marietta

Room 420, Shel-Al Building
11 West Oxmoor Road
Birmingham, Alabama 35209

ALABAMA: (Albertsville); Anniston, Bessemer; Birmingham: Downtown, (East Lake); (Ensley); (Five Points West); Gadsden (Jasper); (Talladega); Tuscaloosa

Federal Bldg., Suite 125
334 Meeting Street
Charleston, South Carolina 29403

GEORGIA: Savannah: Downtown (Southside); (Statesboro)

SOUTH CAROLINA: (Beaufort); Charleston, (Conway); (Georgetown); North Charleston, (Walterboro)

Suite 302, Court Plaza Bldg.
901 Elizabeth Avenue
Charlotte, North Carolina 28204

NORTH CAROLINA: (Albamarle); Charlotte: Downtown, (N. Tryon Street); Gastonia, (Morgantown) (Rockingham); Salisburg, (Shelby); (Stateville); Hickory

SOUTH CAROLINA: (Lancaster); Rock Hill

P.O. Box 8739
Chattanooga, Tennessee 37311

ALABAMA: Huntsville, (Scottsboro)

GEORGIA: (Cedartown); (Dalton); Rome

TENNESSEE: (Athens); Chattonooga, (Cleveland); (Tullahoma)

Twelth Floor Suite 1259
Strom Thurmond Federal Building
1835 Assembly Street
Columbia, SC 29201

SOUTH CAROLINA: (Bennettsville); (Camden); Columbia, Florence, Greenwood, (Laurens); (Orangeburg); (Sumter)

Suite 2100, Bldg 3
Northgate Office Park
3620 Interstate 85 N.E.
Doraville, Ga 30340

GEORGIA: Athens, Augusta, (Covington); Decatur, Gainesville (Toccoa); (Winder); (Columbia)

SOUTH CAROLINA: (Aiken)

Suite E. Spring Street Federal Bldg.
426 East Spring Street
Florence, Alabama 35630

ALABAMA: (Cullman); Decatur, Florence, (Russellville)

MISSISSIPPI: Columbus, (Corinth); Tupelo (Starkville)

1200 West Bessemer Square Building
1215 West Bessemer Avenue
Greensboro, North Carolina 27408

NORTH CAROLINA: (Asheboro); (Burlington); (Greensboro); High Point, (Mt. Airy); (North Wilkesboro); (Reidsville); Winston-Salem

Suite 116
300 University Ridge
Greenville, South Carolina 29601

SOUTH CAROLINA: Anderson, Greenville, Spartanburg, Asheville, (Franklin); (Henersonville)

301 Humble Avenue
Hattiesburg, Mississippi 39401

MISSISSIPPI: (Brookhaven); (Columbia); Hattiesburg (Laurel); (McComb)

Suite 801 100 West Capital Street
Jackson, Mississippi 39201

MISSISSIPPI: (Cleveland) Greenville, Greenwood, (Grenada); Jackson, (Kosciusko); Meridian, (Newton); (Philadelphia); Vicksburg, (Natchez)

2809 Art Museum Drive, Room 3
Jacksonville, Florida 32207

FLORIDA: Gainesville; Jacksonville: Downtown, (North); (Lake City); (Palatka); (Quincy); St. Augustine, Tallahassee

GEORGIA: (Baindridge); (Brunswick); Thomasville, Valdosta, Waycross

1420B East Stone Drive
Kingsport, Tennessee 37660

TENNESSEE: (Greenville); Johnson City, (Kingsport)

VIRGINIA: Bristol, (Norton)

Suite 300, Appalachian National Life Building
318 Cumberland Avenue, S.W.
Knoxville, Tennessee 37902

TENNESSEE: Knoxville, (La Follette); (Maryville); (Morristown); (Oak Ridge)

Room 230, The Bakhaus Building
1500 West Main Street
Lexington, Kentucky 40505

KENTUCKY: Frankfort, Lexington, (Maysville); (Richmond); Danville

Room 600, Bank of Louisville Building
510 West Broadway
Louisville, Kentucky 40202

INDIANA: New Albany

KENTUCKY: Campbellsville, Elizabethtown; Louisville: Downtown, (East); (West); Bowling Green

Room 813, Southern Trust Building
682 Cherry Street
Macon, Georgia 31201

GEORGIA: Albany, (Cordele); (Dublin); Macon, (Milledgeville); (Moultrie); (Swainsboro); (Tifton); (Warner Robins)

Suite 602
Mid-Memphis Tower Bldg.
1407 Union Avenue
Memphis, Tennessee 48103

MISSISSIPPI: (Clarksdale); (Holly Springs)

TENNESSEE: Dyersburg, Jackson; Memphis: Downtown, (East); (North); (South); (Union City)

4th Floor, Northeast
Airlines Bldg.
150 S.E. 2nd Avenue
Miami,Florida 33131

FLORIDA: (Coral Gables); (Delray Beach); Fort Lauderdale: (W. Broward); (Fort Pierce); (Hialeah); (Hallendale); Hollywood, (Key West); Miami (Allapattah); (Cutler Ridge); Downtown, (Little Havannah)

Village Square Shopping Center
Route #2, Box 12-55
Middlesboro, Ky 40965

KENTUCKY: (Middlesboro), Corbin, (Harlan), Hazard, (Somerset)

Room 407, Commerce Building
118 North Royal Street
Mobile, Alabama 36602

ALABAMA: (Andalusia); (Jackson); Mobile: Downtown, (Fairhope); (W. Mobile)

FLORIDA: (Marianna); Panama City, Pensacola

MISSISSIPPI: Gulfport (Pascaqoula)

Room 109, McDonough Building
770 South McDonough Street
Montgomery, Alabama 36104

ALABAMA: (Alexander City); (Dempolis); Dothan, Montgomery, (Opelika); Selma (Troy)

Room 800
1717 West End Avenue
Nashville, Tennessee 37203

TENNESSEE: (Clarksville), Columbia, Cookeville, (Gallatin); (Lawrenceburg); (McMinnville); (Murfreesboro); Nashville; Downtown, (East); (Hadley Park); (Paris)

U.S. Federal Bldg and Courthouse, Rm 239
80 N. Hughey Avenue
Orlando, Flordia 32801

FLORIDA: Daytona Beach, (Deland); (Leesburg); Melbourne, (Ocala); Orlanda, (Sandford); (Vero Beach)

No. 1 Tiffany Square
3038 Lone Oak Road
Paducah, Kentucky 42001

ILLINOIS: (Cairo)

KENTUCKY: Hopkinsville, (Madisonville); (Mayfield); Owensboro, Paducah

3824 Barrett Drive, Room 200
Raleigh, North Carolina 27609

NORTH CAROLINA: Durham, (Elizabeth City); Fayetteville, Goldboro,
Greenville, (Henderson); Kinston); (Lumberton); New Bern; Raleigh, (Roanoke Rapids); Rocky Mount, (Sanford); (Smithfield); (Washington); (Whiteville); Wilmington, (Wilson)

Suite 638
700 Twiggs Street
700 Twiggs Building
Tampa, Florida 33602

FLORIDA: (Bradenton), Clearwater, (Dade City), Fort Meyers, (Holiday); Lakeland, (Naples); (Pinellas Park); (Plant City); St. Petersburg, Sarasota, (Sebring); Tampa: Downtown, (Wellswood); (Winter Haven)

In the CHICAGO REGION

Room 1430, Mid-Continental Plaza
55 East Monroe Street
Chicago, Illinois 60603 (DT)

ILLINOIS: Aurora, (Downers Grove); Champaign; Chicago: Loop, Near Northwest, (Westtown); Near Southwest, West; (Lawndale); Danville, Elgin, Elmwood Park, Harvey, (Villa Park); Markham, Joliet, Kankakee, North Riverside (La Grange)

The Kluczynski Federal Bldg.
230 South Dearborn St.
Room 2645
Chicago, Illinois 60604 (South)

ILLINOIS: Chicago: East, (Back of the Yards); South (Bridgeview); Southeast

INDIANA: Gary, (Merrillville); (Valparaiso); Hammond, (East Chicago); (Michigan City)

MICHIGAN: Benton Harbor

Room 6409, Federal Office Building
550 Main Street
Cincinnati, Ohio 45202

KENTUCKY: Covington

OHIO: Cincinnati: Downtown, (Peebles Corner); North, (Batavia); Dayton: Downtown, (West); (Xenia); Hamilton, (Middletown); (Ironton); Portsmouth

Room 1919 Superior Building
815 Superior Avenue, N.E.
Cleveland, Ohio 44114

OHIO: Akron: Downtown, (West); (Medina); (Ravenna); Ashtabula, (Painesville); Canton; (Woodster); Cleveland: Downtown, Heights (Midtown); (Northeast); (Northwest); (Southeast); (Southwest); (University Circle); West, (Euclid), Lorain, Mansfield, New Philadelphia, Sandusky, (Fremont); Toledo: (West); (Bowling Green); Warren, Youngstown

Room 717, LeVeque Lincoln Tower
50 West Broad Street
Columbus, Ohio 43215

OHIO: Chillicothe; Columbus: Downtown; (East); (North); (Lancaster); Findlay; Lima, Marietta, Marion, (Athens); Newark, Piqua, Springfield, Zanesville; (Cambridge); (Gallipolis)

Patrick J. McNamara Federal Bldg
4th Floor, Rooms 430-449 477 Michigan Avenue
Detroit, Michigan 48226

MICHIGAN: Ann Arbor, (Monroe); Dearborn; (Inkster); (wyandotte); Detroit: Downtown East, (E. Jefferson Avenue); (Grand River); (Hamtramck); Southwest

Room 250, 2nd Floor, Davis Bldg
820 Davis Street
Evanston, Illinois 60201

ILLINOIS: Chicago: North, Northwest; (Arlington Heights); (Des Plaines); Evanston, (Glenview); Rockford, (Freeport); Sterling, , (Woodstock); Waukegan

Room 246, Federal Bldg.
101 N. W. Seventh St.
Evansville, Indiana 47708

ILLINOIS: Carbondale, Harrisburg, (W. Frankfort); (Effingham); Mount Vernon

INDIANA: Evansville, Vincennes

KENTUCKY: (Henderson)

Room 810 Metropolitan Building 432 N. Saginaw St.
Flint, Michigan 48502

MICHIGAN: (Alpena); Bay City, Flint, (Owosso); Port Huron, Saginaw

Room 401, Commerce Building
127 West Berry Street
Fort Wayne, Indiana 46802

INDIANA: (Auburn) Elkhart, Fort Wayne, Marion, Muncie, South Bend

OHIO: Defiance

221 Federal Bldg.
575 N. Pennsylvania Street
Indianapolis, Indiana 46204

INDIANA: Anderson, Bloomington, Columbus, (Crawfordsville); Indianapolis: Downtown; (East); (West); Kokomo, Lafayette, Madison, Richmond, Terre Haute

Room 900, Washington Square Building
109 West Michigan Avenue
Lansing, Michigan 48933

MICHIGAN: (Adrian); Battle Creek, Grand Rapids, (Holland), Jackson, Kalamazoo, Lansing, Mount Pleasant, Muskegon, (Petoskey), Traverse City

The Continental Bank Bldg.
Room 800
735 West Wisconsin Avenue
Milwaukee, Wisconsin 53233

WISCONSIN: Appleton, Eau Claire, (Rice Lake); Fond de Lac, Janesville, Kenosha, Green Bay, (Marinette); LaCrosse, (Lancaster); Madison, (Portage); (Munitowoc); Milwaukee: (Mitchell); North, South, East, (Vliet St.); Oshkosh, Racine, Sheboygan, Waukesha, (West Bend); Wisconsin Rapids, (Rhinelander); Wausau
MICHIGAN: Escanaba, Marquette, (Ironwood)

830 Plymouth Building
12 South 6th Street
Minneapolis, Minnesota 55402

MINNESOTA: (Alexandria); Austin, Bemidji, (Brooklyn Center); Duluth, (Fairmont); Hibbing, Mankato, Marshall; Minneapolis: (Broadway); (Southwest); Rochester, St. Cloud, St. Paul, Winona

WISCONSIN: Superior

Room 1004, Savings Center Tower
411 Hamilton Blvd.
Peoria, Illinois 61602

ILLINOIS: Bloomington, Decatur, Galesburg, (Pekin); Peoria, Peru, Springfield

Suite 800
Northland Towers West
15565 Northland Drive
Southfield, MI 48075

MICHIGAN: Detroit: Highland Park, (Livernois St.); Northwest, (livonia); Roseville, (Framington); (Mt. Clemens); Pontiac, (Royal Oak); (Warren) Roseville, Livonia

In the DALLAS REGION

Room 309, Patio Plaza Bldg
5000 Marble Avenue, N.E.
Albuquerque, New Mexico 87110

NEW MEXICO: Albuquerque, (Clovis); Farmington, (Gallup); (Hobbs); (Las Cruces); (Las Vegas); Roswett, Sante Fe

3744 Government Street
Alexandria, Louisiana 71301

LOUISIANA: Alexandria, (DeRidder); Lafayette, Lake Charles, (Leesville); (Natchitoches); (New Iberia); (Opelousas); Baton Rouge: Downtown (Government St.); (Plaquemine)

Federal Office Bldg
Room 7B41
1100 Commerce Street
Dallas, Texas 75242 (DT)

TEXAS: (Corsicana); Dallas: (South Oak Cliff); (South Dallas); Lufkin, (Nacogdoches); (Palestine); (Waxahachie); Temple, Waco (West Dallas) Lufkin, Temple, Waco

Central Square, Suite 252
10830 North Central Expressway
Dallas, Texas 75231 (North)

Texas: (McKinney); Longview, (Marshall); Paris, Greenville, Tyler, Sherman

Dallas: Rawlins

Room 203, 616 Garrison Bldg.
616 Garrison Avenue
Fort Smith, Arkansas 72903

ARKANSAS: Fayetteville, Fort Smith, (Harrison); (Russellville)

Room 9A35, Federal Office Building
819 Taylor Street
Fort Worth, Texas 76102

TEXAS: Abilene, (Big Springs), (Brownwood); (Cleburne); Fort Worth, (Denton); Odessa, San Angelo

Suite 815, One Allen Center Building
500 Dallas Street
Houston, Texas 77002

TEXAS: (Angleton); Beaumont, (Brenham); Bryan, Galveston; Houston: Downtown, (Northwest); (Northeast); (South Park); Southwest, (Huntsville); Pasadena, Port Arthur

2402 Federal Office Building
700 West Capitol Avenue
Little Rock, Arkansas 72201

ARKANSAS: (Batesville); (Blytheville); (Camden); (Conway); El Darada, Forest City, (Helena); Hot Springs, National Park, Jonesboro, Little Rock, Pine Bluff (Searcy); (West Memphis)

104 East Carl Albert Pkwy.
McAlester, Oklahoma 74501

TEXAS: Texarkana

OKLAHOMA: (Hugo); McAlester, (Durant); Poteau

2nd Floor, Oil and Gas Building
1100 Tulane Avenue
New Orleans, Louisiana 70112

LOUISIANA: (Bogalusa); (Covington); (Gretna); (Hammond); Houma, (Matairie);, (Morgan City); New Orleans: Downtown, (East); (Poland Ave.)

Suite 416, 50 Penn Place
Northwest 50th and Pennsylvania Streets
Oklahoma City, Oklahoma 73118

OKLAHOMA: (Ada); (Altus); Ardmore, (Chickasha; (Clinton); (Duncan); Enid, (Guymon); Lawton, (Norman); Oklahoma City, (Ponce City); (Shawnee); (Stillwater)

TEXAS: Amarillo, Lubbock, (Pampa); (Plainview); (Vernon); Wichita Falls

Room 222, Castle Hills Executive Plaza
1015 Jackson Keller Road
San Antonio, Texas 78213

TEXAS: (Alice); Austin, Brownsville, Corpus Christi, (Eagle Pass); (Harlingen); (Kerrville); Laredo, McAllen; San Antonio: Downtown, (Southside); Westside); (Sequin); Victoria, El Paso

Suite 232
Shreve City Office Park
2920 Knight Street
Shreveport, Louisiana 71105

Louisiana: (Bossier City); (Minden); Shreveport, (Bastrop); Monroe, (Ruston); (Tallulah)

3rd Floor, Columbia Building
2651 East 21st Street
Tulsa, Oklahoma 74114

OKLAHOMA: (Bartlesville); (Miami); Tulsa, Muskogee, (Okmulgee)

In the KANSAS CITY REGION

950 Office Park Road, Suite 221
West Des Moines, Iowa 50265

ILLINOIS: Rock Island

IOWA: (Ames); Burlington, (Carroll); Cedar Rapids, (Clinton); Creston, Davenport, (Delorah); Des Moine, Dubuque, Fort Dodge (Iowa City); (Marshalltown); Mason City, (Oskaloosa); Ottumwa, (Spencer); (Storm Lake); Waterloo, Waterloo

Room 2
8706 Manchester Road
Brentwood, MO 63144

Missouri: Cape Giradeau, Clayton, (Flat River); (Kennett); (Sykeston); St. Louis County: Southside, (Union); (West Plains); St. Charles, Poplar Bluff

Room 1201, Federal Office Building
911 Walnut Street
Kansas City, Missouri 64106

KANSAS: (Emporia); Kansas City, (Lawrence); (Manhattan); (Ottawa); (Shawnee Mission); Topeka

MISSOURI: (Chillicothe); (Columbia); (Gladstone); Independence Jefferson City, Joplin; Kansas City: (Downtown); (Indiana Ave); Kansas City, (Kirkville); (Lebanon); (Maryville); Moberly, (Nevada); (Rolla); St. Joseph, Sedalia, Springfield (Warrensburg)

980 South 72nd Street
Omaha, Nebraska 68114

IOWA: (Council Bluffs), Sioux City

NEBRASKA: (Beartice); (Columbia); (Fremont); Grand Island, (Hastings); Lincoln, Norfolk, North Platte, Omaha

Room 1427
219 North 12th Street
St. Louis, Missouri 63101

ILLINOIS: Alton; East St. Louis: Downtown, (State St.); (Litchfield); Quincy

MISSOURI: Hannibal, (St. Charles); St. Louis: Downtown, (Kings Highway)

Suite 102 Woodlawn Central Building
400 North Woodlawn
Wichita, Kansas 67208

KANSAS: (Colby); Dodge City, Hays, Hutchinson, Independence, Pittsburgh, Salina, Wichita, (Winfield)

In the DENVER REGION

204 Treasure State Building
2906 2nd Ave, N
Billings Mt 59101

Montana: Billings, (Bozeman); Butte, Great Falls, Helena, (Kalispell); (Miles City); Missouri

Suite 1122
700 Broadway Street
Denver, CO 59101

COLORADO: Alamosa (Boulder); (Aurora); (Canon city); Colorado Springs, Denver: Downtown, (E. Colfax); (Englewood); (Lakewood); (Southwest); (Durango); (Fort Collins); (Glen Springs); Grand Junction, Greeley, (La Junta); (Montrose); Pueblo, (Sterling); (Trinidad)

NEBRASKA: Scottsbluff

SOUTH DAKOTA: Rapid City

WYOMING: Casper, Cheyenne, Rock Springs, (Sheridan)

Room 204, Federal Courthouse Bldg.
655-1st Avenue, North
Fargo, North Dakota 58102

MINNESOTA: (Crookston); (Fergus Falls)

NORTH DAKOTA: Bismarck, (Devils Lake); (Dickinson); Fargo, (Grafton); Grand Forks, (Jamestown); Minot

SOUTH DAKOTA: Aberdeen, Huron, Sioux Falls (Watertown); (Yankton)

Room 2215 Federal Office Bldg.
125 South State Street
Salt Lake City, Utah 84138

IDAHO: (Caldwell); (Idaho Falls); Boise, Pocatello, Twin Falls

UTAH: (Cedar City); (Murray); Ogden, Provo, Salt Lake City

WYOMING: Rock Springs

In the SAN FRANCISCO REGION

Suite 26
8050 Florence Avenue
Downey, CA 90240

For the following district and (branch) offices:

CALIFORNIA: Huntington Park, Downey, Norwalk, (Lynwood); Whittier

900 Civic Center Square Bldg.
906 N St.
Fresno, California 93721

For the following district and (branch) offices:

CALIFORNIA: Bakersfield: Downtown, (Southeast); (Deland); Fresno: Downtown, (West); (Hanford); (Madera); (Merced); (Porterville); Visalia

Kuhio Federal Bldg., Room 3209
Box 50066, Room 3209
Honolulu, Hawaii 96850

For the following district and (branch) offices:

(AMERICAN SAMOA)

HAWAII: Honolulu: (Agana); (Guam); (Hilo); (Kahului); (Lihue); (Kauai); (Pago Pago); (Waipahu)

Suite 1010
400 Oceangate
Long Beach, California 90802

For the following district and (branch) offices:

CALIFORNIA: (Lakewood); Long Beach, Los Angeles: (San Pedro); Torrence, Manhattan Beach, Crenshaw Los Angeles: Torrance, Manhattan Beach, Crenshaw

Room 13201
11000 Wilshire Boulevard
Los Angeles, California 90024
(West)

For the following district and (branch) offices:

CALIFORNIA: Canoga Park, (Culver City); Lancaster; Los Angeles: (North Hollywood); (Oxnard); (San Fernando); Santa Barbara, Santa Monica, Van Nuys, Ventura, Marina Del Rey
624 South Grand Avenue
Suite 2300
Los Angeles, CA 90017 (DT)

For the following district and (branch) offices:

California: Inglewood, Downtown, Los Angeles, Monterey Park, Maracle Mile, (El Sereno); (E. Los Angeles); University Village, Wilshire Center

Suite 612
3737 East Century Blvd.
Lynwood, CA 90262

For the following district and (branch) offices:

California: Compton, Watts

Bermuda Building
2150 Franklin Street
Suite 500
Oakland, California 94612

For the following district and (branch) offices:

CALIFORNIA: Berkeley: Downtown, (Southwest); (Fremont); Hayward, (Livermore); Oakland: Downtown, (East); (West; (Pittsburgh); (Richmond); San Leandro; Walnut Creek

Grosvner, Plaza Suite 500
150 South Los Robles Avenue
Pasadena, California 91101

For the following district and (branch) offices:

CALIFORNIA: (Alhambra); (Burbank); Glendale, Downtown, (La Cresenta); (Monrovia); Pasadena; (Elmonte); (West Covina)

Suite 600, Mayer Central Building
3033 North Central Avenue
Phoenix, Arizona 85012

For the following district and (branch) offices:

ARIZONA: (Casa Grande); (Flagstaff); (Glendale); (Mesa); Phoenix: Downtown, (South); Prescott, (Scottsdale)

NEVADA: Las Vegas, (North Las Vegas)

Suite 403
1029 J Street
Sacramento, CA 95814 (DT)

For the following district and (branch) offices:

CALIFORNIA: Chico, Modesto, (Auburn); (Lodi); (Maryville); (Roseville); Redding, Sacramento, Stockton

NEVADA: Reno

362 North Arrowhead Avenue, Suite 201
San Bernardino, California 92401

For the following district and (branch) offices:

CALIFORNIA: (Banning); (Corona); (Fontana); (Hemet); Palm Springs, Pomona, (Redlands), Riverside, San Bernadino, (Victorville)

U.S. Courthouse
940 Front Street, Room 2-N-26
San Diego, CA 92189

For the following district and (branch) offices:

ARIZONA: (Yuma)

CALIFORNIA: (Chula Vista); (El Centro); (Escondido); (La Mesa); San Diego: Downtown, (Linda Vista); (Ocenside); (Southeast)

Suite 320
550 Kearney Street
San Francisco, CA 94108

For the following district and (branch) offices:

CALIFORNIA: San Francisco: (Chinatown); Civic Center, (Hunter's Point); (Inner Mission); (Out Mission); Parhoide, (Western Addition); (Redwood City); San Mateo

PHILIPPINE ISLANDS

Room 800, Community Bank Building
111 West St. John Street
San Jose, California 95113

For the following district and (branch) offices:

CALIFORNIA: (Campbell); (Gilroy); (Monterey); (Pao Alto); Salinas, San Jose: Downtown, (East); San Wis Obispo, (Santa Maria); (Sunnyvale); (Watsonville); Santa Cruz

Room 206
1099 D Street
San Rafael, CA 94901

For the following district and (branch) offices::

CALIFORNIA: Eureka, (Fairfield); (Napa); San Rafael, Santa Rosa, (Ukiah); Vallejo

Suite 902, Federal Bldg.
34 Civic Center Plaza
Santa Ana, CA 92701

For the following district and (branch) offices:

CALIFORNIA: Anaheim, Costa Mesa,
Fullerton, Huntington Beach,
San Juan Capistrano, Santa Ana

Room 3-B, Federal Building
301 West Congress Street
Tucson, Arizona 85701

For the following district and (branch) offices: 5
ARIZONA: (Douglas); Nogales); Tucson: Downtown (South)

In the SEATTLE REGION

Federal Building, Room 430
211 E. Seventh Ave.
Eugene, Oregon 97401

For the following district and (branch) offices:

OREGON: (Bend); (Coos Bay); Eugene, Klamath Falls, Medford, (Roseburg)

800 Terminal Sales Building
1220 S.W. Morrison Street
Portland, Oregon 97205

For the following district and (branch) offices:

OREGON: (Albany); (Astoria); (Beaverton); Portland: Downtown, East, (South); Salem, (The Dalles)

WASHINGTON: (Lonview); Vancouver

Room 3162-Federal Bldg.
915 Second Avenue
Seattle, Washington 98174

For the following district and (branch) offices:

ALASKA: Anchorage, (Fairbanks); Juneau

WASHINGTON: (Aberdeen); Bellevue, Bellingham, Bremerton, (Burien); (Chehalis); Everett, (Lynwood); (Mt. Vernon); Olympia, (Port Angeles); (Puyallup); (Renton); Seattle: Downtown, (North); (South); (West); Tacoma, Yakima

830 Bon Marche Building
214 North Wall Street
Spokane, Washington 99201

For the following district and (branch) offices:

IDAHO: (Coeur D'Arlene); Lewiston

OREGON: La Grande (Ontario); (Pendleton)

WASHINGTON: (Pasco); (Pullman); Spokane, Walla Walla, Wenatchee

The Administrative Law Judges are independent adjudicators. However, they do need certain administrative and logistical support. This support is provided by the Regional Chief Administrative Law Judges, Office of Hearings and Appeals, whose offices are at the following addresses:

In the BOSTON REGION

E-310 John F. Kennedy Federal Building
Boston, Massachusetts 02203

In the NEW YORK REGION

Room 34-130
26 Federal Plaza
New York, New York 10278

In the PHILADELPHIA REGION

Room M300, The Gateway Building
36th and Market Streets
Philadelphia, Pennsylvania 19101

MALING ADDRESS:

P.O. Box 8788
Philadelphia, Pennsylvania 19101

In the ATLANTA REGION

Suite 422
Marietta Tower Bldg.
101 Marietta Street,N.W.
Atlanta, Georgia 30323

In the CHICAGO REGION

16th Floor
300 S. Wacker Drive
Chicago, Illinois 60606

In the DALLAS REGION

Federal Office Building
Room 14B7
1100 Commerce Street
Dallas, Texas 75202

In the KANSAS CITY REGION

Room 505, Federal Office Building
911 Walnut Street
Kansas City, Missouri 64106

In the DENVER REGION

Suite 402
Rio Grande Bldg.
1531 Stout Street
Denver, Colorado 80202

In the SAN FRANCISCO REGION

24th Floor
100 Van Ness Avenue
San Francisco, California 94102

In the SEATTLE REGION

Room 1852
Federal Building
915 Second Avenue
Seattle, Washington 98174

APPENDIX M - Field Assessment Officers

Region I

HHS/SSA/Office of Assessment
Field Assessment Officer
Attn: SSI Analysis Branch
P.O. Box 155
Boston, MA 02110

Region II

HHS/SSA/Office of Assessment
Field Assessment Officer
Attn: SSI Analysis Branch
Room 747, 26 Federal Plaza
New York, NY 10007

Region III

HHS/SSA/Office of Assessment
Field Assessment Officer
P.O. Box 8788
Philadelphia, PA 19101
Region IV

HHS/SSA/Office of Assessment
Field Assessment Officer
Attn: SSI Analysis Branch
19th Floor, Marietta Tower

101 Marietta Avenue
Atlanta, GA 30323

Region V

HHS/SSA/Office of Assessment
Field Assessment Officer
Attn: SSI Analysis Branch
Room 1160
175 West Jackson Street
Chicago, IL 60604

Region VI

HHS/SSA/Office of Assessment
Field Assessment Officer
Attn: SSI Analysis Branch
Room 436
601 East 12th Street
Kansas City, MO 64104

Region VII

HHS/SSA/Office of Assessment
Field Assessment Officer
Attn: SSI Analysis Branch
Room 8-A20
1100 Commerce Street
Dallas, TX 75242

Region VIII

HHS/SSA/Office of Assessment
Field Assessment Officer
Attn: SSA Analysis Branch
P.O. Box 8839
Denver, CO 80201

Region IX

HHS/SSA/Office of Assessment
Field Assessment Officer
Attn: SSI Analysis Branch
25th Floor
100m Van Ness Avenue
San Francisco, CA 94102

Region X

HHS/SSA/Office of Assessment
Field Assessment Officer
Attn: SSI Analysis Branch
Mail Stop 207
Arcade Plaza Building
1321 Second Avenue
Seattle, WA 98101

Central Office

HHS/SSA/Office of Assessment
Director
Division of Assistance and Records Operations Quality
P.O. Box 17040
Baltimore,MD 21235

Region VI
Philadelphia, PA 19101

APPENDIX H Office of Central Operations Electronic Data Centers

Office of Central Operations
Veterans Administration Building
19 N. Main St.,
Wilkes Barre, Pa. 18701

Office of Central Operations
Albuquerque Data Operations Ctr.
933 Bradbury, S.E.
Albuquerque, N.M. 87112

Office of Central Operations
Salinas Data Operation Ctr.
6th Floor No. 8 E. Alisal
Salinas, Calif. 93901

APPENDIX I Availability of Records, Manuals, Etc.

All administrative staff manuals of the Social Security Administration and instruction to staff personnel which contain policies, procedures, or interpretations that affect the public are available for inspection and copying. These manuals are generally not printed in a sufficient quantity to permit sale or other general distribution to the public, but many are maintained at district offices and field offices and may be inspected there (See Appendix F). A complete listing of staff manuals and instructions is published in Social Security Rulings which is available from the Government Printing Office, Washington, D.C. 20402.

The Social Security Act is codified at 42 U.S.C. 301 and the Federal Coal Mine Health and Safety Act may be found at 30 U.S.C. 901.

The Regulations relating to Federal retirement, survivors, and disability insurance and health insurance for the aged, are published in the Code of Federal Regulations under title 20, chapter III, Part 401 et seq.:

A. Part 401 contains Regulation No. 1, Disclosure of Official Records and Information.
B. Part 402, which contained Regulations No. 2, has not been published in the Code beginning with the 1949 edition since Regulations No. 2 applies only to the Social Security Act in effect before 1940.
C. Part 403, which contained Regulations No. 3, has not been published in the Code beginning with the 1965 edition since Regulations No. 3 relates to the period from 1940 to 1950. The extent to which Regulations No. 3 remains in effect is indicated in Sections 404.3(a) of Regulations No. 4.
D. Part 404 contains Regulations No. 4, Federal Old-Age, Survivors, and Disability Insurance (1950-).
E. Part 405 contains Regulations No. 5, Federal Health Insurance for the Aged and Disabled (1965-).
F. Part 410 contains Regulations No. 10, Federal Coal Mine Health and Safety Act of 1969, title IV, Black Lung Benefits (1969-).
G. Part 416 contains Regulations No. 16, Supplemental Security Income (1973-).
H. Part 422 contains Regulations No. 22, Organization and Procedures.

Title 20 of the Code of Federal Regulations (Part 400 to End, revised as of April 1, 1979), can be purchased from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.

Requests for accessing an individual's own records should be directed to the systems managers or as otherwise noted under notification procedures in the foregoing notices. Requests for other records and manuals may be made to: (1) the Director, Office of Information, Social Security Administration, 6401 Security Boulevard, Baltimore, Maryland 21235, or (2) the Information Center Officer, at the Regional Offices of the Department of Health and Human Services. The locations and service areas of these offices are as follows:

BOSTON REGION--Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont

John F. Kennedy Federal Building
Room 1100A
Boston, Massachusetts 02203

Office Hours: 8:30-5:00

NEW YORK REGION--New York, New Jersey, Puerto Rico, Virgin Islands

Federal Building
Room 745
26 Federal Plaza
New York, New York 10007

Office Hours: 8:30-5:00

PHILADELPHIA REGION--Delaware, Maryland, Pennsylvania, Virginia, West Virginia, District of Columbia

P.O. Box 8788
Philadelphia, Pennsylvania 19101

Office Hours: 8:00-4:30

ATLANTA REGION--Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee

50 Seventh Street, NE
Room 240
Atlanta, Georgia 30323

Office Hours: 8:00-4:30

CHICAGO REGION--Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin

300 South Wacker Drive,
Room 2719
Chicago, Illinois 60606

Office Hours: 8:15-4:45

DALLAS REGION--Arkansas, Louisiana, New Mexico, Oklahoma, Texas

Room 2535 1200 Commerce Street
Dallas, Texas 75202

Office Hours: 8:15-4:45

KANSAS CITY REGION--Iowa, Kansas, Missouri, Nebraska

Federal Building, Room 431-A,
601 East 12th Street,
Kansas City, Missouri 64106

Office Hours: 8:00-4:45

DENVER REGION--Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming

Federal Office Building
Room 8005
1961 Stout Street,
Denver Colorado 80202

Office Hours: 8:00-4:30

SAN FRANCISCO REGION--Arizona, California, Hawaii, Nevada, Guam, Trust Territory of Pacific Islands, American Samoa

100 Van Ness Avenue
26th Floor
San Francisco, California 94102

Office Hours: 8:00-4:30

SEATTLE REGION--Alaska, Idaho, Oregon, Washington

Arcade Plaza Building, MS-614
1321 Second Avenue, Room 6027
Seattle, Washington 98101

Office Hours: 8:00-4:30

APPENDIX J Social Security Administration Data Security Measures

The confidentiality of records has been a cornerstone of Social Security Administration policy from the very beginning of the agency under the mandate of Title 20, Chapter III, Part 401 of the Code of Federal Regulations issued in 1937 and Section 1106 of the Social Security Act (Act) passed by the Congress in 1939. Data security measures begin with the thorough training of employees in the restrictions against disclosure contained in the Act and the Regulations, the criminal sanctions for unauthorized disclosure, and the procedures used to assure that disclosures authorized by statute and regulation are released to the proper parties. The physical security measures established to safeguard records are discussed below:

1. Manually Maintained Records

Manually maintained records are kept in locked file cabinets or in otherwise secure areas. Access to the records is limited to those employees who require the information contained in the records to perform the duties assigned to them. In most cases, the records are selected for the employees needing access to them by other employees who are specifically charged with the maintenance of the records. This restricts the number of persons authorized to be in the storage areas and facilitates the control over the access to the information contained in the records to those who need it. Those records not handled in this manner are securely stored so that unauthorized individuals may not gain access to them.

2. Automated Records

Entry into the computer rooms in the headquarters complex located in Woodlawn, Mayland is restricted to those employees whose duties require such entry. A special pass containing the employee's photograph is issued to all personnel authorized to enter this area. Marshals are stationed at each entrance to assure that only possessors of the special passes are admitted. Magnetic tape records and records stored on other automated devices are kept in a library to which entry is further restricted by a lock whose opening combination is known only to a select few authorized to enter this area. Access to the information contained in these records is controlled by various manual and automated devices. Only employees who require the information to perform their duties may obtain it.

Some automated records are maintained in program service centers located throughout the country (See Appendix A). Entrance to the program service center buildings is restricted to employees with building passes. In addition, special passes identify those employees whose duties require entry into the computer rooms. Access to the information contained in these records is also controlled. Only employees who require the information to perform their duties may obtain it.

Data is transmitted from field offices and program service centers to headquarters and return. For the most part, sensitive and urgent traffic is sent over lines leased by the Social Security Administration for its sole use. The remaining traffic sent directly by wire is sent via lines leased by the Federal Government for use of all Federal agencies. Sometimes the length of the record precluudes direct wire transmission and magnetic tape stored on reels must be used. When this occurs, special procedures assure the delivery of the tape reels to the proper location.

Internal computer security is safeguarded by access codes, edit checks, data reformatting and return address codes. These assure that only authorized access to the computer system is permitted, that the particular data requested from the system can be released to the requester, and that control is maintained over the locations to which systems data may be sent.

APPENDIX K

An individual must present sufficient evidence to establish identity in order to obtain information pertaining to him from the Social Security Administration's records.

Requests for disclosure of information may be made in the following ways:

1. In Person--No special documents of identity are required if a request for disclosure of information is made in person. It is expected that documents an individual would normally carry on his person would be sufficient; the following would be acceptable although this list is not intended to be all-inclusive: credit cards, driver's license, motor vehicle registration card, building pass, voter registration cards, and selective service registration certificate. A social security number card is acceptable only when presented with other evidence.

2. Via Mail--An individual requesting disclosure of information from the Social Security Administration's records via mail must provide his name, date of birth, and address in order to establish his identity, plus any additional information required (in the system notice) to access his record within a specific system.

3. Via Telephone--An individual requesting disclosure of information via telephone must furnish the same information as listed in 2 above.

APPENDIX L

1. Field Assessment Offices

P.O. Box 155
Boston, Massachusetts 02101

Service Area Includes: Connecticutt, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont

P.O. Box A154
Peck Slip Station
New York, New York 10038

Service Area Includes: New Jersey, New York, Puerto Rico, Virgin Islands

P.O. Box 13733
Philadelphia, Pennsylvania 19101

Service Area Includes: Delaware, District of Columbia, Maryland, Pennsylvania, Virginia, West Virginia

Suite 2001
101 Marietta Tower
Atlanta, Georgia 30323

Service Area Includes: Alabama, North Carolina, South Carolina, Florida, Georgia, Kentucky, Mississippi, Tennessee

300 South Wacker Drive
14th Floor
Chicago, Illinois 60606

Service Area Includes: Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin

1200 Main Tower
Room 2235
Dallas, Texas 75202

Service Area Includes: Arkansas, Louisiana, New Mexico, Oklahoma, Texas

601 East 12th Street
Room 468
Kansas City, Missouri 64106

Service Area Includes: Iowa, Kansas, Missouri, Nebraska

P.O. Box 8839
Denver, Colorado 80201

Service Area Includes: Colorado, Montana, Norht Dakota, South Dakota Utah, Wyoming

100 Van Ness Avenue
25th Floor
San Francisco, California 94102

Service Area Includes: American Somoa, Arizona, California, Guam, Hawaii, Nevada

Arcade Plaza Building
Mail Stop Number 219
1321 Second Avenue
Seattle, Washington 98101

Service Area Includes: Alaska, Idaho, Oregon, Washington

2. Field Assessment Satellite Offices

a. Boston Service Area

P.O. Box 155
Boston, Massachusetts 02101

P.O. Box 6
Canal Station
Portland, Maine 04112

b. New York Service Area

P.O. Box 7385
Corona-Elmhurst, New York 11373

P.O. Box 1490
New Brunswick, New Jersey 08903

c. Philadelphia Service Area

P.O. Box 8788
Philadelphia, Pennsylvania 19101
725 Kossman Building
Fobes and Stanwix Streets
Pittsburgh, Pennsylvania 15222

2000 Century Plaza
Suite 454
10632 Little Patuxent Parkway
Columbia, Maryland 21044

d. Atlanta Service Area

1568 Willingham Drive
Suite 214-D
College Park, Georgia 30337

P.O. Box 662
Birmingham, Alabama 35201

P.O. Box 17707
Raleigh, North Carolina 27619

1102 Kermit Drive
Suite 104
Nashville, Tennessee 37217

P. O. Box 21000
St. Petersburg, Florida 33742

e. Chicago Service Area

300 South Wacker Drive
Room 1749
Chicago, Illinois 60606

1084 McNamara Building
477 Michigan Avenue
Detroit, Michigan 48226

Federal Building
Room 658
316 Robert Street
St. Paul, Minnesota 55101

Federal Building
Room 284 - 517 East Wisconsin Avenue
Milwaukee, Wisconsin 53202

f. Dallas Service Area

P.O. Box 709
Grand Prairie, Texas 75051

P.O. Box 8770
Metairie, Louisiana 70011

50 Penn Place
Suite 410
Oklahoma City, Oklahoma 73118

g. Kansas City Service Area

P.O. Box 15568
Kansas City, Missouri 64106

h. Denver Service Area

7200 West Alameda
Suite 208
Lakewood, Colorada 80226

Treasure State Building
Room 310
2906 Second Avenue, North
Billings, Montana 59101

P.O. Box 2638
Salt Lake City, Utah 84110

i. San Francisco Service Area

100 Van Ness Avenue
26th Floor
San Francisco, California 94102

4640 Admiralty Way
Suite 201
Marina Del Ray, California 90291

P.O. Box 50048
Honolulu, Hawaii 96850

j. Seattle Service Area

Dexter Horton Building
Room 501
710 Second Avenue
Seattle, Washington 98104

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