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Monday
November 24, 1986

Briefings on How To Use the Federal Register—
For information on briefings in New York, NY, and Pittsburgh, PA, see announcement on the inside cover of this issue.

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THE FEDERAL REGISTER
WHAT IT IS AND HOW TO USE IT

FOR: Any person who uses the Federal Register and Code of Federal Regulations.

WHO: The Office of the Federal Register.

WHAT: Free public briefings (approximately 2 1/2 hours) to present:

1. The regulatory process, with a focus on the Federal Register system and the public's role in the development of regulations.
2. The relationship between the Federal Register and Code of Federal Regulations.
3. The important elements of typical Federal Register documents.
4. An introduction to the finding aids of the FR/CFR system.

WHY: To provide the public with access to information necessary to research Federal agency regulations which directly affect them. There will be no discussion of specific agency regulations.

NEW YORK, NY

WHEN: December 5 at 10:00 a.m.,

WHERE: Room 305A, 26 Federal Plaza, New York, NY

RESERVATIONS: Arlene Shapiro or Stephen Colon, New York Federal Information Center, 212–264–4810.

PITTSBURGH, PA

WHEN: December 8 at 1:30 p.m.,

WHERE: Room 2212, William S. Moorehead Federal Building, 1000 Liberty Avenue, Pittsburgh, PA

RESERVATIONS: Kenneth Jones or Lydia Shaw
Pittsburgh: 412–644–INFO
Philadelphia: 215–597–1707, 1709

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Presidential Documents

Title 3—

The President

Proclamation 5574 of November 20, 1986

The National Floral Emblem of the United States of America The Rose

By the President of the United States of America

A Proclamation

Americans have always loved the flowers with which God decorates our land. More often than any other flower, we hold the rose dear as the symbol of life and love and devotion, of beauty and eternity. For the love of man and woman, for the love of mankind and God, for the love of country, Americans who would speak the language of the heart do so with a rose.

We see proofs of this everywhere. The study of fossils reveals that the rose has existed in America for age upon age. We have always cultivated roses in our gardens. Our first President, George Washington, bred roses, and a variety he named after his mother is still grown today. The White House itself boasts a beautiful Rose Garden. We grow roses in all our fifty States. We find roses throughout our art, music, and literature. We decorate our celebrations and parades with roses. Most of all, we present roses to those we love, and we lavish them on our altars, our civil shrines, and the final resting places of our honored dead.

The American people have long held a special place in their hearts for roses. Let us continue to cherish them, to honor the love and devotion they represent, and to bestow them on all we love just as God has bestowed them on us.

The Congress, by Senate Joint Resolution 159, has designated the rose as the National Floral Emblem of the United States and authorized and requested the President to issue a proclamation declaring this fact.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim the rose as the National Floral Emblem of the United States of America.

IN WITNESS WHEREOF, I have hereunto set my hand this twentieth day of November, in the year of our Lord nineteen hundred and eighty-six, and of the Independence of the United States of America the two hundred and eleventh.

Ronald Reagan

[FR Doc. 86-26605
Filed 11-21-86; 11:02 am]
Billing code 3195-01-M

Presidential Documents

Executive Order 12574 of November 20, 1986

Establishing an Experimental Program Within the President's Commission on Executive Exchange

By the authority vested in me as President by the Constitution and statutes of the United States of America, including the Executive Exchange Program Voluntary Services Act of 1986 (5 U.S.C. 4103 note, 100 Stat. 964), it is hereby ordered as follows:

Section 1. *Establishment of the Program.* Effective October 1, 1986, there is established, within the Executive Exchange Program of the President's Commission on Executive Exchange, an experimental program under which Executive agencies of the government may accept voluntary services for the United States from private sector participants in the Executive Exchange Program.

Sec. 2. *Program Limits.* The experimental program shall be conducted during the fiscal years 1987 through 1989, and not more than ten individuals may commence participation in the program during any fiscal year. Acceptance of voluntary services from such individuals may not result in the displacement of any employee of the government.

Sec. 3. *Participant Restrictions.* An individual participating in the experimental program shall be considered an employee of the agency to which assigned for purposes of any laws, rules, and regulations of the United States, except that such individual shall not be covered by chapters 51, 53, 63, 83, 87, or 89 of title 5, United States Code, or any comparable provisions relating to classification, pay, leave, retirement, life insurance, or health benefits for employees of the government.

Ronald Reagan

THE WHITE HOUSE,
November 20, 1986.

[FR Doc. 86-26606
Filed 11-21-86; 11:03 am]
Billing code 3195-01-M

Rules and Regulations

Federal Register
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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 week.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 86-CE-47-AD; Amdt. 39-5447]

Airworthiness Directives; British Aerospace (BAe) Jetstream Model 3101; Correction

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Correction of final rule.

SUMMARY: This action corrects Airworthiness Directive (AD) 86-21-09, Amendment 39-5447 (51 FR 37385), applicable to BAe Jetstream Model 3101 airplanes modified in accordance with Arkansas Modification Center, Inc. (AMC) Supplemental Type Certificate (STC) No. SA5900SW baggage pod airplanes. This correction is necessary because of a typographical error in reference to FAR 21.197 when the AD was published in the Federal Register.

EFFECTIVE DATE: December 1, 1986.

FOR FURTHER INFORMATION CONTACT: Mr. Ted Ebina, Aircraft Certification Staff, AEU-100, Europe, Africa, and Middle East Office, FAA, c/o American Embassy, Brussels, Belgium; Telephone (322) 513.38.30; or Mr. Harvey A. Chimerine, FAA, ACE-109, 601 East 12th Street, Kansas City, Missouri 64106; Telephone (816) 374-6932.

SUPPLEMENTARY INFORMATION: Subsequent to the issuance of AD 86-21-09, Amendment 39-5447 (51 FR 37385), applicable to BAe Jetstream Model 3101 fitted with an AMC STC No. SA5900SW baggage pod airplanes, the FAA found that a typographical error was included in paragraph (c) in the body of the AD, which listed an incorrect FAR reference when the AD was published in the Federal Register. Therefore, action is taken herein to make this correction. Since this action only corrects a typographical error, it imposes no additional burden on the public. Therefore, notice and procedure hereon are unnecessary and contrary to the public interest, and good cause exists for making this amendment effective in less than 30 days.

List of Subjects in 14 CFR Part 39

Air transportation, Aviation safety, Aircraft, Safety.

PART 39—[AMENDED]

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

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g) (Revised, Pub. L. 97-449, January 12, 1983); and 14 CFR 11.89.

§ 39.13 [Amended]

2. By correcting the following AD:

In FR Doc. 86-CE-47-AD (51 FR 37385), appearing in the Federal Register of October 22, 1986, make the following correction:

Change paragraph (c) of the AD to read:

Aircraft may be flown in accordance with FAR 21.197 to a location where this Airworthiness Directive (AD) can be accomplished.

Issued in Kansas City, Missouri, on November 14, 1986.

Edwin S. Harris,

Director, Central Region.

[FR Doc. 86-26383 Filed 11-21-86; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket Number 85-ANE-31; Amdt. 39-5458]

Airworthiness Directives; Rolls-Royce (R-R) plc (Formerly Rolls-Royce Limited) RB211-22B and -524 Series Turbofan Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) which requires initial and repetitive inspections, and removal from service, of intermediate pressure (IP) compressor rotor asemblies and IP turbine disks on certain R-R RB211 enginees that have been oversped in excess of 115 percent IP rotational speed (N2). The affected rotors and disks may have sustained unacceptable damage when oversped, which could lead to an uncontained disk failure.

DATES: Effective December 20, 1986.

Compliance Schedule—As prescribed in the body of the AD.

Incorporation by Reference—Approved by the Director of the Federal Register on December 20, 1986.

ADDRESSES: The applicable mandatory service bulletin (SB) may be obtained from Rolls-Royce plc, Technical Publications Department, P.O. Box 31, Derby DE2 8BJ, England. A copy of the mandatory SB is contained in Rules Docket Number 85-ANE-31, in the Office of the Regional Counsel, Federal Aviation Administration, New England Region, 12 New England Executive Park, Burlington, Massachusetts 01803, and may be examined between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Chris Gavriel, Engine Certification Branch, ANE-141, Engine Certification Office, Aircraft Certification Division, Federal Aviation Administration, New England Region, 12 New England Executive Park, Burlington, Massachusetts 01803, telephone (617) 273-7084.

SUPPLEMENTARY INFORMATION: A proposal to amend Part 39 of the Federal Aviation Regulations (FAR) to include a new AD requiring initial and repetitive inspections, and removal from service, of certain IP compressor rotor assemblies and IP turbine disks that have been oversped in excess of 115 percent N2 was published in the Federal Register on March 11, 1986 (51 FR 8333).

The proposal was prompted by testing and analysis that have shown it is possible to sustain unacceptable damage from an overspeed in excess of 115 percent N2. There have been no failures to date of any disks or rotors that have been oversped in excess of 115 percent N2; however, it is necessary to remove and inspect, and retire from service those components that have sustained unacceptable damage.

Since this condition is likely to exist or develop on other engines of the same type design, the AD requires initial and repetitive inspections, and removal from service if necessary, of IP compressor rotor assemblies and IP turbine disks that have been oversped in excess of 115 percent N2 through 120 percent N2

inclusive prior to revised overspeed inspection requirements that had been introduced in the overhaul manual on August 13, 1982. The inspection requirements introduced on August 13, 1982, are deemed adequate. It also requires removal and retirement from service of IP compressor rotor assemblies and IP turbine disks that have been oversped in excess of 120 percent N2 prior to the August 13, 1982, overhaul manual revision, or in excess of 110 percent N2 on gauges calibrated only to 110 percent N2 in the absence of any other substantiating data that could verify the magnitude of the overspeed. The wording in the compliance section has been expanded for clarity, and the compliance schedule has been changed to eliminate unduly restrictive requirements while maintaining an equivalent level of safety. Since the new compliance schedule is less restrictive, no further notice is needed.

Interested persons have been afforded the opportunity to participate in the making of this amendment, and due consideration has been given to all relevant data and comments received. Two comments were received.

One commenter proposed two alternative statements as follows:

(a) Under the caption "SUMMARY," the statement "This notice proposes to adopt an airworthiness directive (AD) which would require the removal, for inspection or retirement from service, in accordance with a Rolls-Royce Mandatory service bulletin (SB), of certain intermediate pressure (IP) compressor rotor assemblies and IP turbine discs on certain Rolls-Royce RB211 engines that have been oversped in excess of 115 percent IP rotational speed (N2) prior to revised overspeed rules being introduced in mid 1982. The affected discs and rotors, having been inspected and returned to service under the requirements then in force, may have suffered damage which could lead to an uncontained failure if allowed to remain in service unconditionally."

(b) Under the heading **"THE PROPOSED AMENDMENT,"** the statement "Compliance is required as indicated, unless already accomplished. To retrospectively apply more rigorous limitations to those IP compressor and IP turbine discs previously inspected and returned to service following overspeed in excess of 115 percent in order to prevent possible uncontained failures, accomplish the following . . ."

The FAA has not incorporated these statements exactly as stated, but has changed the wording of the AD to adopt the commenter's point of retroactively applying more stringent inspection requirements on only the pre-August 13, 1982, oversped components.

The remaining commenter requested an extension of the reinspection interval to coincide with the engine shop visit. The FAA has determined that the request cannot be granted since no data were provided to show that an equivalent level of safety would be maintained under the commenter's proposal.

Conclusion

The FAA has determined that this regulation involves approximately 477 RB211 engines at an estimated cost of $1,750,000 per year.

The FAA has also determined that few, if any, small entities within the meaning of the Regulatory Flexibility Act will be affected since this regulation affects only operators using Lockheed L-1011 aircraft in which the RB211 engines are installed, none of which are believed to be small entities. Therefore, I certify that this action (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the final evaluation prepared for this action is contained in the regulatory docket. A copy of it may be obtained by contacting the person identified under the caption **"FOR FURTHER INFORMATION CONTACT."**

List of Subjects in 14 CFR Part 39

Engines, Air transportation, Aircraft, Aviation safety, and Incorporation by reference.

Adoption of the Amendment

PART 39—[AMENDED]

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration (FAA) amends Part 39 of the Federal Aviation Regulations (FAR) as follows:

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

Authority: 49 U.S.C. 1354(a), 1421, and 1423; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); and 14 CFR 11.89.

§ 39.13 [Amended]

2. By adding to § 39.13 the following new airworthiness directive (AD):

Rolls-Royce plc (formerly Rolls-Royce Limited): Applies to Rolls-Royce (R-R) RB211-22B and -524 series turbofan engines.

Compliance is required as indicated, unless already accomplished.

To prevent intermediate pressure compressor (IPC) rotor and turbine (IPT) disk uncontained failure, remove and inspect or retire from service IPC rotors and IPT disks which were oversped prior to August 13, 1982, using the laboratory inspection referred to in R-R Mandatory Service Bulletin (SB) RB.211-72-5887, Revision 2, dated August 23, 1985 or FAA approved equivalent as follows:

(a) For rotors and disks oversped in excess of 115 percent intermediate pressure rotor speed (N2) up to and including 120 percent N2:

(1) Inspect for cracks at the first engine shop visit after the effective date of this AD, after having accumulated 4,000 or more cycles since overspeed.

(2) Reinspect, thereafter, at intervals not to exceed 4,500 cycles in service.

(3) Remove and retire cracked parts from service, prior to further flight, and replace with serviceable parts.

(b) Remove and retire from service rotors and disks oversped in excess of 120 percent N2 at the first engine shop visit after the effective date of this AD, after having accumulated 3,000 or more cycles since overspeed.

(c) Rotors and disks which have experienced multiple overspeeds are subject to the more stringent requirements of the applicable paragraphs (a) or (b) above for each of the overspeed events.

(d) Rotors and disks that have experienced an overspeed that was read on a gauge calibrated only to 110 percent N2, and in the absence of substantiating data as to the magnitude of the overspeed, must be considered as having oversped beyond 120 percent N2 and are subject to the requirements of paragraph (b) above.

Note.—Shop visit is defined as the input of an engine into a repair shop where the subsequent engine maintenance entails one or more of the following:

(a) Separation of a major engine flange (lettered or numbered) other than flanges mating with major sections of the nacelle or reverser. Separation of flanges purely for purposes of shipment, without subsequent internal maintenance, is not a "shop visit".

(b) Removal of a disk, hub, or spool.

(c) Removal of a main or angle gearbox.

(d) Removal of fuel nozzles.

Aircraft may be ferried in accordance with the provisions of FAR 21.197 and 21.199 to a base where the AD can be accomplished.

Upon request, an equivalent means of compliance with the requirements of this AD may be approved by the Manager, Engine Certification Office, Aircraft Certification Division, Federal Aviation Administration, New England Region, 12 New England Executive Park, Burlington, Massachusetts 01803.

Upon submission of substantiating data by an owner or operator through an FAA maintenance inspector, the Manager, Engine Certification Office, New England Region, may adjust the compliance time specified in this AD.

R-R Mandatory SB RB.211-72-5887, identified and described in this document, is incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1). All persons

affected by this directive who have not already received this document from the manufacturer may obtain copies upon request to Rolls-Royce plc, Technical Publications Department, P.O. Box 31, Derby DE2 8BJ, England. This document also may be examined at the Office of the Regional Counsel, Federal Aviation Administration, New England Region, 12 New England Executive Park, Burlington, Massachusetts 01803, Rules Docket Number 85-ANE-31, Room 311, between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

This amendment becomes effective on December 20, 1986.

Issued in Burlington, Massachusetts, on October 29, 1986.

Clyde DeHart, Jr.,

Acting Director, New England Region.

[FR Doc. 86-26385 Filed 11-21-86; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 86-ASW-21; Amdt. 39-5432]

Airworthiness Directive; Sikorsky Aircraft Model S-76A and S-76B Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action publishes in the **Federal Register** and makes effective as to all persons an amendment adopting a new airworthiness directive (AD) which was previously made effective as to all known U.S. owners and operators of certain Sikorsky Model S-76A and S-76B helicopters by individual letters. The AD requires a visual inspection of the pilot's yaw control rods for dents, cracks, distortion, and straightness prior to further flight and an inspection for condition of heat treatment within 25 hours' time in service. The AD is needed to prevent operation with a failed pilot's yaw control rod which could result in loss of directional control of the helicopter.

DATES: Effective November 24, 1986, as to all persons except those persons to whom it was made immediately effective by individual priority letter AD No. 86-14-07, issued July 9, 1986, which contained this amendment.

Compliance—As required in the body of the AD.

The incorporation by reference of certain publications listed in the regulation is approved by the Director of the Federal Register as of November 24, 1986.

ADDRESS: The applicable alert service bulletin may be obtained from Sikorsky Aircraft Division, United Technologies Corporation, North Main Street, Stratford, Connecticut 06601.

A copy of the alert service bulletin is contained in the Rules Docket, Docket Number 86-ASW-21, Office of the Regional Counsel, Federal Aviation Administration, Southwest Region, 4400 Blue Mound Road, Fort Worth, Texas 76106, and may be examined between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Cheryl McCabe, ANE-152, Federal Aviation Administration, 12 New England Executive Park, Burlington, Massachusetts 01803, telephone (617) 273-7112.

SUPPLEMENTARY INFORMATION: On July 9, 1986, priority letter AD No. 86-14-07 was issued and made effective immediately as to all known U.S. owners and operators of certain Sikorsky Model S-76A and S-76B helicopters. The AD required inspection and replacement of certain yaw control rods which may have been improperly heat treated during manufacture. AD action was necessary to prevent failure of the yaw control rods which could result in loss of directional control.

Since it was found that immediate corrective action was required, notice and public procedure thereon were impracticable and contrary to public interest, and good cause existed to make the AD effective immediately to recipients of the priority letter, as to all known U.S. owners and operators of certain Sikorsky Model S-76A and S-76B helicopters. These conditions still exist, and the AD is hereby published in the **Federal Register** as an amendment to § 39.13 of Part 39 of the Federal Aviation Regulations to make it effective as to all persons. Standard provisions have been added to allow a ferry flight and to allow equivalent means of compliance.

Conclusion

The FAA has determined that this regulation is an emergency regulation that is not considered to be major under Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been further determined that this action involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant/major regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation or analysis is not required). A copy of it, when filed, may be obtained by contacting the person identified under the caption **"FOR FURTHER INFORMATION CONTACT."**

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety, and Incorporation by reference.

Adoption of the Amendment

PART 39—[AMENDED]

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration amends § 39.13 of Part 39 of the FAR as follows:

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

Authority: 49 U.S.C. 1354(a), 1421, and 1423; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); and 14 CFR 11.89.

§ 39.13 [Amended]

2. By adding the following new airworthiness directive:

Sikorsky Aircraft: Applies to all Model S-76A helicopters certificated in any category and model S-76B helicopters, serial numbers 760262, 760269, 760299, 760303, and 760310 through 760319, certificated in any category.

Compliance is required as indicated, unless already accomplished.

To prevent operation with a failed pilot's yaw control rod assembly, P/N 76400-00034-041, accomplish the following:

(a) Prior to further flight, inspect the push rod assembly in accordance with section E, paragraph 1, of Sikorsky Alert Service Bulletin (ASB) No. 76-67-22A, Revision A dated July 7, 1986, or an FAA-approved equivalent. If no dent, crack, distortion, or bowing is detected in the rod, install a placard legible to the pilot and in full view of the pilot stating "single pilot operation prohibited." This placard is to remain until the inspection required by paragraph (b) below is accomplished.

(b) Within the next 25 hours' time in service after the effective date of this AD, inspect the push rod assembly for condition of heat treat in accordance with section E, paragraph 2, of Sikorsky ASB No. 76-67-22A, Revision A, dated July 7, 1986, or an FAA-approved equivalent.

(c) If as a result of the inspection of paragraph (a), a dent, crack, distortion, or bowing is detected or if as a result of the inspection of paragraph (b) above, the heat treat (hardness) is incorrect, replace the rod assembly with a new or serviceable component that complies with this AD prior to further flight.

(d) Aircraft may be ferried in accordance with the provisions of FAR §§ 21.197 and 21.199 to a base where the requirements of the AD can be accomplished.

(e) Upon request, an alternate method of compliance which provides an equivalent level of safety with the requirements of this AD may be approved by the Manager, Boston Aircraft Certification Office, New England

Region, Federal Aviation Administration, 12 New England Executive Park, Burlington, Massachusetts 01803, telephone (617) 273-7118.

Sikorsky Aircraft ASB No. 76-67-22A identified and described in this document, is incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1). All persons affected by this directive who have not already received this document from the manufacturer may obtain copies upon request to Sikorsky Aircraft, Division of United Technologies, North Main Street, Stratford, Connecticut 06601. This document also may be examined at the Rules Docket, Office of the Regional Counsel, Federal Aviation Administration, Southwest Region, 4400 Blue Mound Road, Fort Worth, Texas, 76106.

This amendment becomes effective October 20, 1986, as to all persons except those persons to whom it was made immediately effective by individual priority letter AD No. 86-14-07 issued July 9, 1986, which contained this amendment.

Issued in Fort Worth, Texas, on September 24, 1986.

Don P. Watson,

Acting Director, Southwest Region.

[FR Doc. 86-26386 Filed 11-21-86; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 81-ASW-63; Amendment 39-5469]

Airworthiness Directives; Fairchild Models SA26-T and SA26-AT Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment revises Airworthiness Directive (AD) 81-26-05, applicable to Fairchild (previously Swearingen) Models SA26-T and SA26-AT airplanes. This revision clarifies the inspection procedures to prevent improper wing assembly and provides an alternate means of compliance by authorizing the installation of a wing spar strap modification with adjusted inspection intervals.

DATE: Effective December 29, 1986.

Compliance: As prescribed in the body of the AD.

ADDRESSES: Fairchild Aircraft Corp. Service Bulletin 26-57-40-015 applicable to this AD may be obtained from Fairchild Aircraft Corp., Post Office Box 32486, San Antonio, Texas 78284, Telephone (512) 824-9421 or the Rules Docket at the address below. STC SA2830NM information applicable to this AD may be obtained from AviaDesign Inc., Hangar 1, 173 Durley Ave., Camarillo Airport, Camarillo, California 93010; Telephone (805) 987-2871.

FOR FURTHER INFORMATION CONTACT: Michele M. Owsley, Airplane Certification Branch, Aircraft Certification Division, ASW-150, Federal Aviation Administration, Post Office Box 1689, Fort Worth, Texas 76101; Telephone (817) 624-5161.

SUPPLEMENTARY INFORMATION: A proposal to amend Part 39 of the Federal Aviation Regulations to include an AD requiring use of revised inspection procedures to prevent improper wing assembly and providing an alternate means of compliance by authorizing the installation of a wing spar strap modification with adjusted inspection intervals on Fairchild Models SA26-T and SA26-AT airplanes was published in the **Federal Register** on August 22, 1986 (51 FR 30070-30072). The proposal resulted from reports of improperly reassembled wings following inspections required by existing AD 81-26-05 to inspect for corroded or cracked bolts and cracked wing fittings. Concurrently, Supplemental Type Certificate (STC) SA1830NM was issued which provides structural reinforcement of the wing spar.

Interested persons have been provided an opportunity to comment on the proposal. No comments or objections were received on the proposal or the FAA determination of the related cost to the public. Accordingly, the proposal is adopted without change.

The FAA has determined there are approximately 125 airplanes affected by this regulation. The cost of performing the inspections required by this AD has been revised to reflect inflationary increases and is now estimated at $336 per inspection. The cost of modifying the airplane in accordance with STC SA1830NM is estimated to be $16,900 per airplane. The total cost is approximately $2.5 million for the life of the fleet.

Because the potential cost reduction made available by the proposal is small, few if any small entities are expected to experience a significant economic impact as the result of this proposal.

Therefore, I certify that this action: (1) Is not a major rule under the provisions of Executive Order 12291, (2) is not a significant rule under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979), and (3) will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

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

List of Subjects in 14 CFR Part 39

Air transportation, Aviation safety, Aircraft, Safety.

Adoption of the Amendment

PART 39—[AMENDED]

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends § 39.13 of the FAR as follows:

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

Authority: 49 U.S.C. 1354(a), 1421, and 1423; 49 U.S.C. 106(G) (Revised, Pub. L. 97-449, January 12, 1983); and 14 CFR 11.89.

§ 39.13 [Amended]

2. By amending AD 81-26-05 as follows:

Fairchild Aircraft Corp.: Applies to Models SA26 (S/N T26-2 through T26-99), and SA26-AT (S/N T26-100 through T26-999) airplanes certificated in any category.

Compliance: Required within the next 25 hours time in service after the effective date of this AD, and thereafter at intervals not to exceed 200 hours time-in-service since last compliance, unless already accomplished.

To prevent a failure at the lower forward wing station 99 attach joint, accomplish the following:

(a) In accordance with Fairchild Service Bulletin 26-57-40-015, issued January 18, 1972, as revised June 26, 1986:

(1) Remove the lower forward wing station 99 attach joint coverplate and wing attach bolt.

(2) Inspect the lower forward wing station 99 attaching fitting for deterioration and cracks and, prior to further flight, replace damaged parts with new parts of the same part numbers.

(3) Inspect the lower forward wing station 99 attach bolt for identifying part number, deterioration and cracks and, prior to further flight, replace any damaged bolt or bolt not identified as P/N MS20014-29 bolt with a new P/N MS20014-29 bolt.

(b) When the wing has been modified by (STC) SA1830NM, "Installation of Wing Spar Reinforcement," the inspection intervals required by this AD may be increased from 200 hours time-in-service to 1,500 hours time-in-service or every 3 years since last compliance, whichever occurs first.

(c) The intervals between repetitive inspections required by this AD may be adjusted up to 10 percent of the specified interval to allow accomplishing these inspections concurrent with other scheduled maintenance of the airplane.

(d) A special flight permit may be issued in accordance with FAR 21.197 to a location where this AD may be accomplished.

(e) An equivalent method of compliance with this AD may be used when approved by the Manager, Airplane Certification Branch, ASW-150, Southwest Regional Office, FAA,

Fort Worth, Texas 76101; Telephone (817) 624-5150.

All persons affected by this AD may obtain copies of the documents referred to herein upon request to Fairchild Aircraft Corp., Post Office Box 32486, San Antonio, Texas 78284; and AviaDesign, Inc., Hangar 1, 173 Durley Avenue, Camarillo Airport, Camarillo, California 93010; or FAA, Office of the Regional Counsel, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106.

This Ad revises AD 81-26-05, Amendment 39-4286.

This amendment becomes effective on December 29, 1986.

Issued in Kansas City, Missouri, on November 12, 1986.

Jerold M. Chavkin,

Acting Director, Central Region.

[FR Doc. 86-26384 Filed 11-21-86; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 82-ASW-77, Amdt. 39-5456]

Airworthiness Directives; Sikorsky Model S-76A

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment amends an existing airworthiness directive (AD) which requires an initial and repetitive inspection and replacement, as necessary, of main landing gear positioning rod end fittings on all Sikorsky Model S-76A helicopters. This amendment requires installation of an improved main landing gear modification kit which eliminates the necessity of repetitive inspections of certain landing gears on Sikorsky Model S-76A helicopters. The AD is needed to prevent a possible fatigue failure of other main landing gear components which could result in a landing gear failure on certain S-76A helicopters.

EFFECTIVE DATE: December 22, 1986.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the **Federal Register** as of December 1, 1986.

Compliance: As indicated in the body of the AD.

ADDRESSES: The applicable Customer Service Notice (CSN) 76-134 dated May 6, 1983, and 76-134A dated January 10, 1984, may be obtained from: Sikorsky Aircraft, Division of United Technologies Corporation, Attention: Commercial Product Support Department, 6900 Main Street, Stratford, Connecticut 06601-1381.

Copies of the CSN are contained in the Rules Docket, Docket Number 82-ASW-77, in the Office of the Regional Counsel, Federal Aviation Administration, FAA, Southwest Region, 4400 Blue Mound Road, Fort Worth, Texas 76106, and may be examined between the hours of 8 a.m. to 4:30 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Donald F. Thompson, Airframe Branch, ANE-152, Boston Aircraft Certification Office, New England Region, FAA, 12 New England Executive Park, Burlington, Massachusetts 01803, Telephone (617) 273-7113.

SUPPLEMENTARY INFORMATION: A proposal to amend Amendment 39-4508 (47 FR 54290), AD 82-25-1, of Part 39 of the Federal Aviation Regulations to include an amendment requiring installation of an improved main landing gear modification kit that eliminates the necessity of repetitive inspections of certain landing gears on certain Sikorsky Model S-76A helicopters was published in the **Federal Register** on July 9, 1986, (51 FR 24844).

The proposal was prompted by the original design S-76A main landing gear rod ends that are still subject to cracking and therefore require replacement with improved rod ends rather than inspected at 100-hour intervals.

Additionally, other landing gear components which were not previously evaluated for fatigue characteristics should be replaced with improved components to prevent possible failure of the original design parts. Failure of these original design landing gear parts could lead to a safety of flight or landing problem. Only the improved rod ends should be used in conjunction with the other improved landing gear components noted in CSN 76-134 and CSN 76-134A.

The FAA determined that the original main landing gear positioning rods, rod ends, and interconnect bellcranks identified in CSN 76-134 and CSN 76-134A which apply to certain helicopters should be removed from service and replaced with new or modified main landing gear components with the attaching hardware described in the service notice. The replacement components as well as other landing gear components were evaluated for fatigue strength and are identified as having service life limits that are prescribed in Amendment 39-5298 (51 FR 17009), AD 86-09-11.

Since these conditions are likely to exist or develop on other Model S-76A helicopters, the amendment requires, for those S-76A helicopters with serial numbers prior to 760308, removal of certain of the original main landing gear positioning rods, rod ends, and interconnect bellcranks from further service on Sikorsky Model S-76A helicopters as prescribed.

Interested persons have been afforded an opportunity to participate in the making of this amendment. One comment was received. The commenter pointed out that the differences between CSN 76-134 and CSN 76-134A are basically editorial in nature. It was suggested that operators that have complied with the instructions of either CSN 76-134 or CSN 76-134A should be determined to have met the requirements of the AD amendment. The FAA agrees, and the amendment as adopted is revised accordingly.

Conclusion

The FAA has determined that this regulation involves approximately 20 helicopters. The cost of the modification is estimated to be $175 for each helicopter, or a total of approximately $3,500. Therefore, I certify that this action: (1) Is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft evaluation prepared for this action is contained in the regulatory docket. A copy of it may be obtained by contacting the person identified under the caption **"FOR FURTHER INFORMATION CONTACT."**

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety, and Incorporation by reference.

Adoption of the Amendment

PART 39—[AMENDED]

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration (FAA) amends § 39.13 of Part 39 of the Federal Aviation Regulations as follows:

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

Authority: 49 U.S.C. 1354(a), 1421, and 1423; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); and 14 CFR 11.89.

§ 39.13 [Amended]

2. By amending Amendment 39-4508 (47 FR 54290), AD 82-25-1, as follows:

(a) Revise the applicability statement by adding the phrase "having serial numbers prior to 760308."

(b) Add the following paragraph and note after the fourth paragraph that ends "or as specified in an FAA-approved equivalent instruction."

Within the next 300 hours' time in service but no later than 6 months after the effective date of this amendment, unless already accomplished, replace rod end fitting, P/N KR10MEAK and mating parts with rod end fitting P/N 1945E235 and all improved parts contained in Sikorsky's main landing gear structural improvement kit P/N 76070-25004-011 in accordance with Sikorsky CSN 76-134 dated May 6, 1983, or CSN 76-134A dated January 10, 1984, paragraphs A through D. Revise the aircraft weight and balance.

Note.—Installation of the P/N 76070-25004-011 main landing gear structural improvement kit terminates the inspection requirements of this AD. Paragraph B(1)(e) of each CSN requires reidentification of a modified bellcrank to P/N 76250-02104-042.

Service lives and mandatory inspection requirements for specific parts contained in the landing gear structural improvement kit are contained in the Airworthiness Limitations Sections, Chapter 4 of the Revised Sikorsky S-76A Maintenance Manual No. SA 4047-76-2-1 (replacement serialized parts) and are also stated in Amendment 39-5298, AD 86-09-11 (replacement non-serialized parts).

(c) Revise third and last paragraph telephone number to (617) 273-7118.

(d) Add the following new paragraph after the fifth paragraph that begins "Alternate inspections * * *"

This procedure shall be done in accordance with prescribed parts of Sikorsky CSN 76-134, dated May 6, 1983, or CSN 76-134A, dated January 10, 1984. This incorporation by reference was approved by the Director of the **Federal Register** in accordance with 5 U.S.C. 552(a) and 1 CFR Part 51. Copies may be obtained from Sikorsky Aircraft, Division of United Technologies Corporation, Attention: Commercial Product Support Department, 6900 Main Street, Stratford, Connecticut 06601-1381. Copies may be inspected at Office of Regional Counsel, FAA, Southwest Region, 4400 Blue Mound Road, Fort Worth, Texas, or the office of the **Federal Register**, 1100 L Street, NW., Room 8401, Washington, DC.

This amendment becomes effective on December 1, 1986.

This amendment amends Amendment 39-4508, AD 82-25-1.

Issued in Forth Worth, Texas, on October 23, 1986.

C.R. Melugin, Jr.,

Director, Southwest Region.

[FR Doc. 86-26341 Filed 11-21-86; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 85-ANM-22]

Alteration of Billings, MT, Control Zone; Correction

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Correction to final rule.

SUMMARY: This action corrects FR Doc. 86-11598. The Final Rule on the alteration of the Billings, Montana, Control Zone incorrectly gave the docket number as 86-ANM-22. This document corrects it to 85-ANM-22. No change in the control zone description is required.

EFFECTIVE DATE: November 24, 1986.

FOR FURTHER INFORMATION CONTACT: Katherine G. Paul, ANM-535, Federal Aviation Administration, Docket No. 85-ANM-22, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168, Telephone: (206) 431-2535.

Issued in Seattle, Washington, on November 10, 1986.

William E. O'Neill,

Acting Manager, Air Traffic Division, Northwest Mountain Region.

[FR Doc. 86-26343 Filed 11-21-86; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 86-ANM-18]

Alteration of Lewistown, MT, and Ogden Municipal Airport, UT, Control Zones

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action changes the status of the Lewistown, Montana, Control Zone from full-time to part-time and deletes the specified effective hours from the Ogden Municipal Airport part-time control zone.

EFFECTIVE DATE: 0901 UTC, February 12, 1987.

FOR FURTHER INFORMATION CONTACT: Katherine G. Paul, ANM-535, Federal Aviation Administration, Docket No. 86-ANM-18, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168, Telephone: (206) 431-2535.

SUPPLEMENTARY INFORMATION:

History

On May 21, 1986, the FAA proposed to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to change the Lewistown, Coppertown, Bozeman, Montana; and Idaho Falls, Idaho, Control Zones from full-time to part-time and to delete the specified effective hours from the Ogden Municipal Airport part-time control zone (51 FR 18603).

A temporary reduction in personnel staffing of the Flight Service Stations at these locations resulted in weather observations not being available 24 hours a day. Recently, the Flight Service Stations at Coopertown and Bozeman, Montana; and Idaho Falls, Idaho, have resumed 24-hour operations. Therefore, these locations have been deleted from the Final Rule.

Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received. Except for the deletion of Coppertown and Bozeman, Montana; and Idaho Falls, Idaho, Control Zones, this amendment is the same as that proposed in the notice. Section 71.171 of Part 71 of the Federal Aviation Regulations was republished in Handbook 7400.6B dated January 2, 1986.

The Rule

This amendment to Part 71 of the Federal Aviation Regulations changes the status of the Lewistown, Montana, Conrol Zone from full-time to part-time and deletes the specified effective hours from the Ogden Municipal Airport part-time control zone.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore: (1) Is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Aviation safety, Control zones.

Adoption of the Amendment.

PART 71—[AMENDED]

Accordingly, pursuant to the authority delegated to me, Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended as follows:

1. The authority citation for Part 71 continues to read as follows:

Authority: 49 U.S.C. 1348(a), 1354(a), 1510; Executive Order 10854; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); 14 CFR 11.69.

§ 71.171 [Amended]

2. By amending § 71.171 as follows:

Lewistown, Montana [Amended]

Add "The control zone shall be effective during the specified dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airport/Facility Directory."

Ogden Municipal Airport, Utah [Amended]

Delete "from 0600 to 2200 hours, local time, daily."

Add "The control zone shall be effective during the specified dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airport/Facility Directory."

Issued in Seattle, Washington, on November 10, 1986.

William E. O'Neill,

Acting Manager, Air Traffic Division, Northwest Mountain Region.

[FR Doc. 86-26342 Filed 11-21-86; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 86-ACE-05]

Alteration of Transition Area, St. Louis, MO

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The nature of this action is to alter the St. Louis, Missouri, transition area by removing thereform the 2,500 and 4,500-foot airspace descriptions. This action will eliminate redundancy since the Illinois and Missouri airspace descriptions already provide for that airspace. It will not require any charting changes or increase the size of any existing airspace.

EFFECTIVE DATE: February 12, 1987.

FOR FURTHER INFORMATION CONTACT: Lewis G. Earp, Airspace Specialist, Traffic Management and Airspace Branch, Air Traffic Division, ACE-540, FAA, Central Region, 601 East 12th Street, Kansas City, Missouri 64106, Telephone (806) 374-3408.

SUPPLEMENTARY INFORMATION: The purpose of this amendment is to alter the St. Louis, Missouri, transition area by deleting the 2,500 and 4,500-foot airspace presently described in that transition area. The Illinois and Missouri transition areas already provide for that airspace, so it is unnecessary to have it reiterated in the St. Louis transition area description. Since this action does not require charting changes or increase the size of the St. Louis transition area, and eliminates a redundancy, notice and public procedure hereon are unnecessary and good cause exists for making this amendment effective in less than thirty (30) days.

Section 71.181 of Part 71 of the Federal Aviation Regulations was republished in Handbook 7400.6B, dated January 2, 1986.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Aviation safety, Transition areas.

Adoption of the Amendment

PART 71—[Amended]

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration (FAA) amends Part 71 of the FAR (14 CFR Part 71) as follows:

1. The authority citation for Part 71 continues to read as follows:

Authority: 49 U.S.C. 1348(a), 1354(a), 1510; Executive Order 10854; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); 14 CFR 11.69.

§ 71.181 [Amended]

2. By amending § 71.181 as follows:

St. Louis, Missouri

That airspace extending upward from 700 feet above the surface within a 10-mile radius of Lambert-St. Louis International Airport (lat. 38°44'50"N., long. 90°21'55"W.); within 5 miles southeast and 8 miles northwest of the Lambert-St. Louis International Airport Runway 24 ILS localizer northeast course, extending from the 10-mile radius area to 12 miles northeast of the Runway 24 OM; within 5 miles southwest and 9 miles northeast of the Lambert-St. Louis International Airport Runway 12R ILS localizer northwest course extending from the Runway 12R OM to 12 miles northwest of the OM; within a 7-mile radius of St. Charles Smart Airport, St. Charles, Missouri (lat. 38°55'43"N., long. 90°25'41"W.); within an 8-mile radius of Civic Memorial Airport, Alton, Illinois (lat. 38°53'30"N., long. 90°03'00"W.) within a 6.5-mile radius of Weiss Municipal Airport, Fenton, Missouri (lat. 38°32'15"N., long. 90°26'50"W.).

This amendment becomes effective at 0901 UTC February 12, 1987.

Issued in Kansas City, Missouri, on November 10, 1986.

T.R. Beckloff, Jr.,

Manager, Air Traffic Division.

[FR Doc. 86-26387 Filed 11-21-86; 8:45 am]

BILLING CODE 4910-13-M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 270

[IC-15410; S7-14-86]

Investment Company Act; Use of Magnetic Tape, Disk, or Other Computer Storage Medium

AGENCY: Securities and Exchange Commission.

ACTION: Final rule.

SUMMARY: The Commission is adopting an amendment to a recordkeeping rule under the Investment Company Act of 1940 to permit registered investment companies to preserve required records on magnetic tape, disk, or other computer storage medium. By enlarging the range of acceptable storage media, the amendment would create more flexibility for investment companies in their recordkeeping. The amendment also would result in savings of time and cost to registered investment companies and Commission examiners.

EFFECTIVE DATE: November 24, 1986.

FOR FURTHER INFORMATION CONTACT: R. Michael Parker, Senior Compliance Examiner, (202) 272-2025, or John McGuire, Attorney, (202) 272-2107, Securities and Exchange Commission, 450 Fifth Street NW., Washington, DC 20549.

SUPPLEMENTARY INFORMATION: On June 19, 1986,[1] the Commission proposed an amendment to rule 31a-2 [17 CFR 270.31a-2], a recordkeeping rule under the Investment Company Act of 1940 [15 U.S.C. 80a-1 *et seq.*] (the "1940 Act"), relating to the preservation of required records. After considering the comments received, the Commission is adopting the amendment substantially as proposed. The amendment, which permits investment companies to store

[1] Investment Company Act Rel. No. 15155 (June 19, 1986) [51 FR 23244 (June 26, 1986)].

required records [2] in a computer storage medium, is consistent with rule 204–2 [17 CFR Part 275.204–2] under the Investment Advisors Act.[3] Under amended rule 31a–2, investment companies could preserve records in computer format provided: (1) The records exist in original form in a computer storage medium; (2) records stored on a computer storage medium are capable of immediate access and retrieval; (3) printouts of the records or copies of the computer tape or disk are promptly provided to Commission examiners upon request; (4) one other copy of the computer storage medium is stored separately from the original; and (5) procedures are used for maintenance and preservation of, and access to, records so as to reasonably safeguard them from loss, alteration, or destruction.

Discussion

Three commenters submitted views on the proposal. They supported the amendment, expressing the view that permitting computer storage would be helpful to investment companies. None of the commenters, however, attempted to quantify the specific costs and benefits of the amendment.

In response to the comments received, the Commission is making one modification to the rule as proposed. Two commenters expressed concern about the condition in the proposal that investment companies produce computer-stored records "immediately" upon request of Commission examiners. They suggested, as an alternative, that investment companies be required to produce such records either within 24 hours or "promptly," as required of investment advisers under rule 204–2.[4] While rule 31a–2 requires that investment companies retaining records on microfilm provide enlargements immediately on request, the Commission is modifying the amendment in response to these comments to require that records maintained on film or computer medium be produced "promptly" on request. This would make amended rule 31a–2 consistent with amended rule 204–2. Commenters on the amendment to rule 204–2 stated that 24 hours would be sufficient time to retrieve computer-stored records requested by Commission examiners. While the "promptly" standard would not impose any specific time limit, the Commission would expect that only in unusual circumstances would an investment company be permitted to delay furnishing computer-stored records for more than 24 hours. At the same time, the Commission believes that in many cases an investment company would be able, and therefore would be required, to furnish records immediately or within a few hours of a request.

The amended rule would permit investment companies that use computer systems in their operations to use the systems for record retention, but would not require them to do so. Investment companies could continue to store required records in hard copy or on photographic film. The Commission wishes to emphasize that investment companies storing records on computer storage medium are responsible for meeting all applicable conditions of the rule amendment. This means, for example, that an investment company using computer record storage in reliance on the rule must have computer capacity sufficient to promptly produce records requested by Commission examiners. Also, if an investment company discontinues its computer system or changes to a system incompatible with its previous system, it would have to make adequate provisions to ensure that it can promptly make available to Commission examiners all required records.

The amendment permits Commission examiners to specify whether an investment company must produce computer-stored records in printouts or provide a copy of the computer tape or disk. Because examiners are beginning to use personal computers in conducting inspections, examiners may ask investment companies to provide a download of the records in a format for use in a personal computer. While the Commission is not requiring at this time that a download usable in a personal computer must be provided, it would expect that investment companies would provide such a download where feasible. Producing such a download should be a cost-effective way for an investment company to supply computer-stored records during an examination.

The rule limits the types of records which can be stored in computer systems to those which exist in original form on a computer storage medium. Specifically, paragraph (f)(2) of the rule permits computer storage of records that, in the ordinary course of the investment company's business, are created by the investment company on electronic media or are received by the investment company solely on electronic media or by electronic data transmission. The principal effect of this condition will be to require that communications in hard copy form sent or received by the investment company be retained in that form or on photographic film, except where the communications sent by the investment company are created on electronic media. This means, for example, that hard copies of correspondence sent by the adviser to clients would have to be retained unless the correspondence was created on word processing or other electronic media. Also, if an investment company receives correspondence by both electronic media and hard copy, the hard copy correspondence must be retained or stored on film.

While the amendment requires that procedures be used to both permit access to records and safeguard them from loss, it does not impose specific requirements which, in some cases, might be unnecessarily restrictive or which could become outdated as newer technologies become available. For example, while the amendment requires investment companies to store a duplicate of the computer storage medium separately from the original, it does not require that the duplicate be stored off-site. Further, the amendment does not specify how frequently the duplicate records should be updated to incorporate new records, nor does it specify what other safeguards should exist to protect the integrity of the computer-stored records. Instead, the amendment requires investment companies to maintain procedures so as to reasonably ensure that computer-stored records are not altered, lost, or destroyed. This approach gives investment companies flexibility in determining what procedures to use.

The amendment will become effective immediately upon publication in the **Federal Register.** The amendment relieves a restriction and the Commission finds that, because the amendment permits investment companies flexibility in devising record retention systems, good cause exists to make it effective immediately.

Regulatory Flexibility Act Analysis

A summary of the Initial Regulatory Flexibility Analysis, which the Commission prepared in accordance with 5 U.S.C. 603 regarding the amendment to rule 31a–2, was published in Investment Company Act Release No. 15155. No comments were received on this analysis. The Commission has prepared a Final Regulatory Flexibility Analysis. A copy of the Final Regulatory

[2] Investment companies are required to preserve records under rules 31a–1 and 31a–2 [17 CFR 270.31a–1 and 31a–2].

[3] In Investment Advisers Act Rel. No. 952 (Jan. 11, 1985) [50 FR 2542 (Jan. 17, 1985)], the Commission amended rule 204–2 to permit advisers to store required records in computer systems.

[4] Rule 204–2(g)(1)(ii).

Flexibility Analysis may be obtained by contacting John McGuire, Esq., Division of Investment Management, Securities and Exchange Commission, 450 5th Street, NW. Washington, DC 20549, (202) 272-2107.

Statutory Basis

The amendment adopted herein is adopted pursuant to the authority contained in section 38 [15 U.S.C. 80a-37] of the Investment Company Act of 1940.

List of Subjects in 17 CFR Part 270

Investment companies, Reporting and recordkeeping requirements, Securities.

Text of Amendment

Title 17, Chapter II of the Code of Federal Regulations is hereby amended as follows:

PART 270—RULES AND REGULATIONS, INVESTMENT COMPANY ACT OF 1940

1. The authority citation for Part 270 continues to read in part as follows:

Authority: Secs. 38, 40, 54, Stat. 841, 842; [15 U.S.C. 80a-37 * * * § 270.31a-2 also issued under 15 U.S.C. 80a-31(a).

2. § 270.31a-2 is amended by revising paragraph (f)(1), redesignating (f)(2) as (f)(3), and adding (f)(2) as follows:

§ 270.31a-2 Records to be preserved by registered investment companies, certain majority-owned subsidiaries thereof, and other persons having transactions with registered investment companies.

* * * * *

(f)(1) The records required to be maintained and preserved under paragraphs (a) through (d) of Rule 31a-1 and paragraphs (a) through (c) of Rule 31a-2 may be immediately produced or reproduced on photographic film or, as provided in paragraph (f)(2) of this section, on magnetic tape, disk, or other computer storage medium, and be maintained and preserved for the required time in that form. If such records are produced or reproduced by photographic film or computer storage medium by, or on behalf of, an investment company, such investment company shall:

(i) Arrange the records and index and file the films or computer storage medium in such a manner as to permit the immediate access and retrieval of any particular record;

(ii) Be ready at all times to provide, and promptly provide, any facsimile enlargement of film or computer printout or copies of the computer storage medium that the Commission, by its examiners or other representatives, or the directors of such investment company may request;

(iii) Store separately from the original one other copy of the photographic film or computer storage medium for the time required;

(iv) With respect to records stored on computer storage medium, maintain procedures for maintenance and preservation of, and access to, records so as to reasonably safeguard records from loss, alteration, or destruction; and

(v) With respect to records stored on photographic film, at all times have available for examination of its records by the Commission, pursuant to section 31 of the Investment Company Act of 1940, or by the directors of such investment company, facilities for immediate, easily readable projection of the photographic film and for producing easily readable facsimile enlargements.

(2) Under paragraph (f)(1) of this section, an investment company may maintain and preserve on computer tape, disk, or other computer storage medium records that, in the ordinary course of the investment company's business, are created by, or on behalf of, the investment company on electronic media or are received by, or on behalf of, the investment company solely on electronic media or by electronic data transmission.

* * * * *

By the Commission.

Dated: November 13, 1986.

Jonathan G. Katz,

Secretary.

[FR Doc. 86-26406 Filed 11-21-86; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 950

Wyoming Permanent Regulatory Program

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSMRE), Interior.

ACTION: Final rule.

SUMMARY: OSMRE is announcing the approval, with certain exceptions, of proposed amendments submitted by the State of Wyoming as modifications to its permanent regulatory program (hereinafter referred to as the Wyoming program) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The proposed revisions to nine chapters of the State regulations involve definitions, permit application requirements, permits for special categories of surface coal mining, environmental protection performance standards, variances for surface coal mining operations, procedures applicable to surface coal mining operations, required studies for surface coal mining permit applications and assistance for such studies, permit revisions, inspections, enforcement, and civil penalties for surface coal mining operations. Wyoming proposed these modifications chiefly in response to revisions to the corresponding Federal regulations.

EFFECTIVE DATE: September 1, 1986.

FOR FURTHER INFORMATION CONTACT: Mr. Jerry R. Ennis, Director, Casper Field Office, Office of Surface Mining Reclamation and Enforcement, Federal Building, 100 East B Street, Room 2128 Casper, Wyoming 82601-1918, Telephone: (307) 261-5776.

SUPPLEMENTARY INFORMATION:

I. Background.

Information concerning the general background on the Wyoming program submission and the approval process, as well as the Secretary's findings, the disposition of comments and an explanation of the conditions of approval can be found in the November 26, 1980 **Federal Register** (45 FR 78637-78684). Subsequent actions on conditions of approval and program amendments are identified at 30 CFR 950.11 and 950.15.

II. Submission of Amendments

On May 1, 1986, the State of Wyoming submitted proposed amendments revising nine chapters of its approved permanent program regulations, known as the Rules and Regulations of the Wyoming Department of Environmental Quality, Land Quality Division (LQD). The proposed revisions involve definitions, permit application requirements, permits for special categories of surface coal mining, environmental protection performance standards, variances for surface coal mining operations, procedures applicable to surface coal mining operations, required studies for surface coal mining permit applications and assistance for such studies, permit revisions, inspections, enforcement and civil penalties for surface coal mining operations.

The May 21, 1986 **Federal Register** announced receipt of the proposed amendments and invited public comment on their adequacy (51 FR 18621). Since no one requested a public

hearing, none was held. The comment period closed on June 20, 1986.

III. Director's Findings

Set forth below, pursuant to SMCRA and the Federal regulations at 30 CFR 732.15 and 732.17, are the Director's findings concerning the amendments submitted by Wyoming on May 1, 1986. Only those revisions of particular interest are discussed below. Any revisions not specifically discussed below are found to be no less stringent than SMCRA and no less effective than the Federal rules, although further changes in the affected provisions may be needed, as listed in the regulatory reform review letter sent to Wyoming on December 23, 1985. The Director may also require further changes in the future as a result of his ongoing review of the Wyoming program in light of Federal regulatory revisions and court decisions. Revisions which are not discussed contain language similar to the corresponding Federal rules, concern nonsubstantive wording changes, or involve provisions which lack a Federal counterpart and which do not adversely affect other aspects of the program.

1. Chapter I—Authorities and Definitions

(a) Wyoming has added a definition of the term "applicant" at Section 2(f). This definition includes any person seeking a permit, permit revision, renewal, transfer or other approval from the Administrator to conduct mining and reclamation operations, but it excludes subsidiaries or parents of the person. The Federal regulations at 30 CFR 701.5 contain a similar definition, but the Federal definition lacks the explicit exclusion of the proposed State rule and it also includes persons seeking approval for coal exploration.

The Federal regulations at 30 CFR 778.14(c) require compliance information concerning violations received by the applicant *or* any subsidiary, affiliate or persons controlled by or under common control with the applicant. Since Wyoming has also proposed to amend its regulations at Chapter II, Section 3(a)(ii)(B) to include compliance information requirements similar to these listed at 30 CFR 778.14(c), Wyoming's proposed definition of "applicant" will have no effect on its ability to collect compliance information in accordance with its program. Therefore, the Director finds that the proposed State definition of the term "applicant" is no less effective than the Federal rule in this respect. However, the definition is less effective than the Federal rule in that it does not include persons seeking approval for coal exploration activities. Therefore, the Director is requiring that Wyoming further amend its definition of "applicant" to include such persons.

(b) Wyoming has deleted its definition of "coal processing plant" at Chapter I, Section 2(m) and has replaced it with the term "coal preparation plant", which is similarly defined as a facility where run-of-the-mine coal is subjected to chemical or physical processing or preparation to separate the coal from its impurities. The corresponding Federal definition of this term at 30 CFR 701.5 was remanded by the U.S. District Court for the District of Columbia in *In re: Permanent Surface Mining Regulation Litigation II* (C.A. 79–1144, July 6, 1984) because the court held that facilities that in any way leach or chemically or physically process coal must be regulated, even if they do not separate coal from its impurities. As a result of the court decision, OSMRE promulgated a revised definition which deleted the separation from impurities test (50 FR 28186, July 10, 1985). Since the Wyoming definition of "coal preparation plant" retains this test, the Director finds that it is less effective than the Federal definition at 30 CFR 701.5 and he is not approving the phrase "to separate the coal from its impurities" within the proposed State definition.

Also, Wyoming defines coal preparation plants as including only those facilities that process run-of-the-mine coal. Both SMCRA Section 701(28) and the Federal regulations (30 CFR 700.5) define "surface coal mining operations" as, *inter alia*, activities conducted on the land surface in connection with a coal mine. The preamble to the revised Federal definition of this term at 30 CFR 700.5 states that "in connection with" should be interpreted to include facilities which receive a significant portion of their coal from a mine, facilities which receive a significant portion of the output from a mine, facilities which have an economic relationship with a mine, or any other type of integration, regardless of ownership (48 FR 20393, May 5, 1983). In the same rulemaking, OSMRE considered limiting its definition of "coal preparation plant" to those facilities which process or prepare run-of-the-mine coal; however, it decided that to do so would be too restrictive (48 FR 20394–20395, May 5, 1983). Therefore, the Director finds that Wyoming's definition is less effective than the corresponding Federal definition, and he is not approving the term "run-of-the-mine" within the proposed State definition of "coal preparation plant".

(c) At Chapter I, Section 2 (aw) and (by), Wyoming has revised its definitions of "impoundment" and "sedimentation pond" in a manner which combines portions of those definitions as they existed in the Federal regulations at 30 CFR 701.5 both before and after the revisions of September 26, 1983. Since the preamble to the September 26, 1983 **Federal Register** states that the definitions were revised solely for purposes of clarification, not for alteration of meaning, and since the State revisions have the same effect, the Director finds that the revised State definitions are no less effective than the Federal definitions. Although the State definition of "impoundment" does not specifically include structures intended to retain sediment, it does include those intended to retain water, slurry, or other liquid or semi-liquid material. The Director finds that sediment retention structures will also, in practice, be designed to retain water or slurry and that there is thus no effective difference between the State and Federal definitions.

2. Chapter II—Permit Applications

(a) Wyoming has revised its regulations at Chapter II, Section 2(a)(i)(E)(I) to delete the requirement that the applicant or operator submit, as part of the permit application, a study of fish and wildlife observed within one mile of the proposed permit area. The Federal provisions at 30 CFR 779.20 and 783.20 require not only the submission of information concerning fish and wildlife resources on the permit area but also a study of those portions of the adjacent areas where effects on such resources may reasonably be expected to occur. Since the memorandum of understanding required by Chapter II, Section 3(a)(vi)(E) of the State's regulations has not yet been developed in the requisite detail, i.e., it does not address the nature and extent of fish and wildlife studies required as part of all coal mining permit applications, the Director finds that, by deleting the fish and wildlife information requirements for adjacent areas, Wyoming has rendered its program less effective than the Federal requirements. Therefore, he is not approving the proposed deletion of the one-mile criterion.

(b) Wyoming has revised its approved regulations at Chapter II, section 2(b)(iii)(G) concerning permit application information requirements for roads and other transportation facilities by adding the phrase "if appropriate" in the sentence requiring "a classification and description, including maps and cross-sections, if appropriate, of all

roads . . ., other transportation facilities, shipping areas and rights-of-way to be built or utilized during the operations." The corresponding Federal rules at 30 CFR 780.37 and 784.24 require that each application contain a detailed description, including a map, appropriate cross-sections, and other information, of each road, conveyor or rail system to be constructed, used or maintained within the permit area. The Director interprets the proposed addition to the State rule as modifying only the term "cross-sections," not all preceding language, and, on that basis, he finds that the revised State rule is no less effective than the Federal requirements. The Director notes that descriptions and maps are thus required for *all* such facilities under both State and Federal rules.

(c) Wyoming has revised Chapter II, section 3(a)(i)(B) of its regulations to more clearly define, by type of business enterprise, which individuals affiliated with the permit applicant must be identified in the application. Since the revision contains language similar to and more specific than that of the Federal regulations at 30 CFR 78.13(c), the Director finds that it is no less effective than the Federal rules. However, the State regulations do not contain a provision comparable to that portion of 30 CFR 778.13(b) which requires that the application also include that name, address and telephone number of the operator if he or she is not the applicant. Therefore, the Director is requiring that Wyoming further amend its program to request this information.

(d) Wyoming has revised its geological information requirements for permit applications at Chapter II, section 3(a)(vi)(B) to allow the Administrator to waive the requirement for test borings or core samples as unnecessary. The corresponding Federal rules at 30 CFR 780.22(d) and 784.22(d) allow such a waiver only if the regulatory authority determines that the collection and analysis of such data is unnecessary because other equivalent information is available to the regulatory authority in a satisfactory form. Therefore, the Director finds that Wyoming's proposed revision is less effective than the Federal regulations, and he is requiring that the State submit further amendments to its program to clarify that the Administrator may waive the requirement for test borings or core samples only if he determines that such data collection and analysis is unnecessary because other equivalent information is available to him in a satisfactory form.

(e) Wyoming has revised its baseline surface water data requirements at Chapter II, section 3(a)(vi)(H)(II) by deleting the requirement to provide data on acidity. The Director finds that this deletion would render the Wyoming program less effective than the Federal regulations at 30 CFR 780.21(b)(2) and 784.14(b)(2), which require the applicant to provide baseline acidity and alkalinity information if there is a potential for acid drainage from the proposed mining operation. Therefore, he is not approving the State's proposed deletion of existing Chapter II, section 3(a)(vi)(H)(II)(3), which requires data on acidity.

(f) Wyoming has revised its regulations at Chapter II, section 3(a)(vi)(J)(II) by identifying the specific groundwater quality parameters that must be included in the groundwater description in each permit application. The revised State regulation requires that the water quality description include, at a minimum, information on total dissolved solids, total and dissolved iron and total manganese. The revised Wyoming regulation corresponds to the Federal regulations at 30 CFR 780.21(b)(1) and 784.14(b)(1), which require groundwater information on dissolved solids, pH, total iron and total manganese. Since the Wyoming provision does not include pH, the Director finds that the State regulation is less effective than the Federal requirement, and he is, therefore, requiring that Wyoming submit further amendments to require that pH be included in the list of required parameters.

(g) Wyoming has revised its permit application information requirements at Chapter II, section 3(a)(vi)(M) of its regulations by deleting the requirement that applicants show the elevations and locations of any baseline data gathering stations. The Director finds that this deletion would render the Wyoming program less effective than the Federal regulations at 30 CFR 779.25(a)(2) and 783.25(a)(2) that require that this information be provided. Therefore, he is not approving the State's proposed deletion of existing Chapter II, section 3(a)(vi)(M).

(h) At Chapter II, section 3(b)(ix)(D), Wyoming has revised its regulations relating to the collecting, recording and reporting of water quality and quantity data. The Wyoming regulation corresponds to the Federal regulations at 30 CFR 780.21(i) and (j) and 784.14(h) and (i) relating to the water quality and quantity monitoring plan that must be included in each application for a surface coal mining permit. The Federal regulations require, among other things, that the water monitoring data be submitted to the regulatory authority at least quarterly. The revised Wyoming rule would instead require that all water monitoring data be available for inspection at the mine site and that all water monitoring data for each monitoring location be submitted annually to the regulatory authority as part of the operator's required annual report.

The Director finds the alternative reporting requirements proposed by Wyoming to be no less effective than the Federal provisions since the State's approach provides for adequate access by enforcement personnel during routine mine site inspections. However, the Director also finds that Wyoming omitted a necessary regulatory citation in the preparation of this proposed regulation. In identifying the water quality parameters that must be monitored, Wyoming correctly identified the surface water parameters at Chapter II, section 3(a)(vi)(H), but omitted the groundwater parameters at Chapter II, section 3(a)(vi)(J). Therefore, the Director is requiring that Wyoming further amend its rules to correct this omission and render the State program no less effective than the Federal rules.

(i) At Chapter II, section 3(b)(xvi), Wyoming has revised its regulations concerning permit application requirements for proposed excess spoil disposal sites. The Federal regulations at 30 CFR 780.35(b) require that each application contain the results of a geotechnical investigation of the proposed disposal site. The State has revised its regulations by inserting the limiting phrase "where necessary due to stability concerns" when describing the need for a geotechnical investigation. The Director finds that, by making this requirement discretionary rather than mandatory, the State has rendered its regulations at Chapter II, section 3(b)(xvi) less effective than the Federal regulations at 30 CFR 780.35(b). Therefore, the Director is not approving the addition of this phrase to the State rules.

3. Chapter IV—Environmental Protection Performance Standards

(a) Wyoming has revised Chapter IV, section 2(c)(iii)(A) of its regulations concerning the demonstration that an operator must make when proposing to use subsoil or other materials in lieu of topsoil. The State's proposed provision requires only that the operator demonstrate by analysis or test plots that the substitute material is suitable as an alternative resoiling material. The

corresponding Federal provisions at 30 CFR 816.22(b) and 817.22(b) require that the operator demonstrate that the resulting soil medium would be equal to or more suitable for sustaining vegetation than the existing topsoil, and that it is the best available in the permit area to support vegetation. Therefore, the Director finds that Wyoming's proposed revisions are less effective than the Federal rules, and he is requiring that the State further amend its program to address these deficiencies.

(b) Wyoming has revised its regulations at Chapter IV, section 2(c)(iv)(B) by adding a provision that allows for the blocking of ephemeral drainages if environmentally sound methods for dealing with runoff control and sedimentation are approved by the Administrator. The proposed rule does not specifically address the situation in which the blocking of an ephemeral drainageway could result in the impounding of water. However, the Director is approving Wyoming's proposed revisions with the understanding that the phrase "environmentally sound methods for dealing with runoff control and sedimentation" means that Wyoming will require compliance with the applicable impoundment and sedimentation pond regulations at Chapter IV, section 3 (g) and (h) if such impounding in blocked ephemeral drainageways occurs.

(c) Wyoming has revised its regulations concerning revegetation requirements at Chapter IV, sections 2(d) and 3(d), and has replaced current Guideline 2 on the same topic with Appendix A, "Vegetation Sampling Methods and Reclamation Success Standards for Surface Coal Mining Operations". Most changes involve clarification of the options (control, reference and comparison areas) available for evaluating revegetation success on lands not used for forestland or cropland. Other changes parallel revisions to the corresponding Federal regulations at 30 CFR 816.111 through 816.116 and 817.111 through 817.116. One other significant change establishes a specific shrub mosaic success standard for land with a landlife postmining land use.

Appendix A is currently incorporated by reference only in Chapter II, section 3(a)(vi)(D)(II) of the regulations, which concerns descriptions of premining conditions for permit applications. However, the introductory material of the Appendix indicates that it is also to be used to achieve compliance with Chapter IV, sections 2(d) and 3(d), which establish postmining sampling requirements and revegetation success standards, and the Director is approving Appendix A on that basis. In addition, although the introduction to Appendix A states that its procedures are required, most of the document expresses those requirements in terms of "should" instead of "must." In approving Appendix A, the Director is hence interpreting "should" to mean "must", rather than one of the term's more discretionary definitions. To be no less effective than 30 CFR 816.116 and 817.116, operators must be required to comply with both the rules and Appendix A.

In general, the Director finds Appendix A and the revised regulations to be no less effective than the Federal rules; however, he is requiring that Wyoming further amend its program to address the following deficiences:

(i) Part II.C.1.a. of Appendix A allows ocular estimation of species cover, vegetative cover and total ground cover of randomly or systematically located quadrats when sampling plant communities of the control areas, reference areas and the areas affected by mining. Since ocular estimates are known to be highly dependent upon the training, experience and objectivity of the estimator, (47 FR 12599, March 23, 1982), Wyoming must include some other mechanism to check or confirm ocular quadrat estimates to ensure the collection of consistent, objective data and consistent decisions regarding performance bond release.

(ii) The Federal regulations at 30 CFR 816.116(a)(1) and 817.116(a)(1) require that the standards for revegetation success and statistically valid sampling techniques for the parameters of ground cover, production and stocking be selected by the regulatory authority and be included in the approved regulatory program. While Appendix A provides general and often detailed guidance on sampling concepts and data anaysis, it fails to identify the sampling techniques that are required to be included as part of an approved program by 30 CFR 816/817.116(a)(1). To be no less effective than the Federal regulations, Wyoming must revise Appendix A to prescribe the specific techniques which operators can use to evaluate revegetation success.

(iii) Part IV.D of Appendix A establishes a maximum sample size of either 30 or 50 depending on the sampling method used. The basis for establishment of these maxima include the assumption that the permit area is not larger than 10,000 acres. In addition, Appendix A, like Guideline 2, continues to provide for data analysis using the 80 percent statistical confidence level (alpha=0.2).

The Federal regulations at 30 CFR 816.116(a) (1) and (2) and 817.116(a) (1) and (2) require the use of statistically valid sampling techniques and the 90 percent confidence interval (i.e., a one-sided test with a 0.10 alpha error probability). To be no less effective than the Federal regulations, Wyoming must revise Appendix A to require use of the 90% confidence level rather than the 80% level. The Director reminds Wyoming that, while he is not imposing a required amendment on this subject in this rulemaking, he has, by letter dated December 23, 1985, previously required that Wyoming adopt the 90% confidence interval. This requirement stands unchanged.

In addition, while the Director recognizes that maximum sample sizes are a practical necessity under the variable vegetative cover situations frequently encountered in Wyoming, he is deferring approval of the proposed maximum sample sizes until Wyoming submits additional documentation that these sizes are adequate for the indicated acreages, and that further sampling beyond the indicated maximum numbers would not significantly improve the accuracy of the estimate of the population mean.

(iv) Part VIII.D of Appendix A provides that postmining cropland restoration shall be deemed complete when the lands's productive capability is equivalent to premining conditions for at least two consecutive crop years. Appendix A further provides that equivalency can be assessed by direct comparison of postmining production data with accurate premining production data.

The Federal regulations at 30 CFR 816.116(b)(2) and 817.116(ab)(2) require that crop production on reclaimed lands be at least equal to that of a reference area or other appropriate success standard, such as average county yields from similar nonmined soils. Because of agronomic advances, including improved or increased management inputs and improved varieties and strains, during the time lapse that will occur between collection of premining and postmining data, the use of unadjusted premining data will most likely result in a success standard that is not representative of the production of unmined soils that are similar to the soils of the permit area before the area was mined. The Director therefore approves this provision with the understanding that Wyoming will adjust the premining data in accordance with the agronomic advances that occur from

date of collection until start of collection of data for bond release.

In addition, 30 CFR 816.116(c)(3) and 817.116(c)(3) require that, in areas of 26.0 inches or less average annual precipitation, production standards must be met for at least the last two consecutive years of the ten-year minimum responsibility period, not any two consecutive crop years within that period as provided by Appendix A. The Director is thus requiring that Wyoming further amend its program to be no less effective than the Federal rules.

(v) Wyoming has revised Chapter IV, section 2(d)(vi) of its regulations to require that prior to bond release the vegetative cover *and total ground cover* of the reclaimed area by at least equal to the cover on the area before mining. Prior to the revision, the rule required that the vegetative cover be at least equal to the premining cover. The Federal regulations at 30 CFR 816.111(a)(3) and 817.111(a)(3) require that the vegetative cover of reclaimed areas be at least equal to that of the natural vegetation of the area. Since Wyoming defines "cover" as vegetation, litter and rock on the soil surface, the Director finds that the proposed revision would render the Wyoming program less effective than the Federal regulations. Therefore, he is not approving this modification.

(vi) Wyoming has revised Chapter IV, section 2(d)(vi) of its regulations to allow the use of unspecified alternative success standards when approved by the Administrator. The Federal regulations at 30 CFR 816.116(a)(1) and 817.116(a)(1) require that success standards be included in an approved regulatory program, and the preamble to the revised Federal regulations further clarifies that this means they are to be subject to public review and comment. Therefore, the Director cannot approve language allowing alternative success standards in the absence of an explanation as to what they are and how the operator's success in attaining them will be evaluated.

(vii) Wyoming has revised Chapter IV, section 3(d)(vi)(D) to require that, where trees are part of the approved reclamation plan, at the time of bond release, trees used to meet the required stocking rate shall be healthy, and at least 80 percent shall have been in place for at least eight years. In *In re: Permanent Surface Regulation Litigation II* (C.A. 79–1144, July 15, 1985), the U.S. District Court for the District of Columbia remanded the corresponding Federal rules at 30 CFR 816.116(b)(3)(ii) and 817.116(b)(3)(ii) to the extent that they allowed the replanting of trees and shrubs without restarting the 5 or 10 year responsibility period. Therefore, the Director is approving the Wyoming rule only with the understanding that its provisions shall not be interpreted as allowing trees and shrubs that are planted/replanted during the ten-year responsibility period to be counted when determining the success of stocking and the adequacy of planting arrangements at the time of bond release. Only plants in place at the start of the responsibility period and natural regeneration meeting the requirements of this rule may be so counted.

(d) Wyoming has revised Chapter IV, section 2(j) of its regulations to specify that roads and railroads need be included in the permit area only from that point where they provide exclusive service to the operator. The previous rule required inclusion of all access roads and rail spurs from the point where they joined the main line or a spur serving another mine. In addition, the previous rule did not require that they be constructed or upgraded before being considered part of the permit area, as the proposed rules do. The revised rule is less effective than the Federal regulations since 30 CFR 700.5 defines "surface coal mining operations" as including all lands affected by the construction of new roads or the improvement *or use* of existing roads to gain access to the site. Therefore, the Director is not approving this proposed rule to the extent that it would exempt certain roads without regard to the effect of mining use on the road.

(e) Wyoming has revised its regulations at Chapter IV, section 2(l)(ii)(F) by adding language concerning interim mine stabilization for surface coal mining operations. Specifically, the revised provision reads as follows, "Any coal mine operator who requests interim mine stabilization shall have a public notice pursuant to W.S. 35–11–406 (j) and (k)." The Director finds that the interim mine stabilization requirements of section 2 only pertain to noncoal mining operations and, by adding the phrase "coal mine operator," Wyoming has proposed a revision that is in conflict with other requirements of the approved permanent program. In support of the Director's interpretation of this provision, the reader is directed to two previous **Federal Register** notices. The March 31, 1980, **Federal Register** (45 FR 20947) announcing the Secretary's partial approval of the Wyoming program submission contains a finding concerning contemporaneous reclamation, which states that Wyoming uses the more specific requirements of Chapter IV, section 3 to supersede the more general requirements of Chapter IV, section 2 when addressing surface coal mining and reclamation operations. The November 26, 1980, **Federal Register** (45 FR 78652) announcing the Secretary's conditional approval of the Wyoming program states at Finding 13.66 that Chapter IV, section 3 of the Wyoming regulations requires backfilling and grading to follow mining on a time and space schedule that is no less effective than the Federal provisions addressing contemporaneous reclamation. This finding also reiterates the fact that Chapter IV, section 3 takes precedence over Chapter IV, section 2 if a conflict develops between the two sections. Both of the above findings are based on the language of Chapter IV, section 1 which reads, "This chapter sets forth the environmental protection performance standards applicable to all mining operations. No mining operation shall be conducted except in compliance with the requirements hereof. For surface coal mining operations, if the requirements of section 2 and section 3 conflict, section 3 shall be controlling."

Therefore, the Director finds that the interim mine stabilization provisions of Chapter IV, section 2 cannot be used for delaying reclamation for surface coal mining operations, and for this reason he is not approving the State's proposed addition at Chapter IV, section 2(l)(ii)(F).

(f) Wyoming has revised its regulations at Chapter IV, section 3(a)(i) concerning backfilling and grading requirements for surface coal mining operations by deleting the specific time and space requirements for contemporaneous reclamation and replacing them with the more general requirement that backfilling and grading follow coal removal "as contemporaneously as possible based upon the mining conditions." The State's proposed language is analogous to the revised Federal standards at 30 CFR 816.100 and 817.100. However, these Federal rules were remanded by the U.S. District Court for the District of Columbia in *In re: Permanent Surface Mining Regulation Litigation II* because they failed to provide adequate guidelines to the States in the enforcement of the contemporaneous reclamation requirement of section 515(b)(16) of SMCRA. This issue is currently on appeal on behalf of the Secretary.

Therefore, pending a decision on the appeal, the Director is not acting on these proposed revisions to the Wyoming regulations.

(g) Wyoming has revised its regulations at Chapter IV, section 3(a)(iii) by, *inter alia*, adding language identifying the various provisions of the Wyoming regulations allowing deviation

from approximate original contour requirements. The proposed regulation reads as follows: "All affected lands shall be returned to their approximate original contour except as authorized by a variance or exemption under Chapter V, sections 6 and 7 of Chapter IX, or Chapter VIII." The Director assumes the State meant to cite the provisions of sections 6 and 7 of Chapter V rather than Chapter IX, since Chapter IX has no such sections, while sections 6 and 7 of Chapter V address backfilling and grading requirements for auger mining operations and remining operations which affect previously disturbed land. Regardless, the Director finds that the revised Wyoming rule is no less effective than the Federal regulations at 30 CFR 816.102 (a)(2) and (k) and 817.102 (a)(2) and (k). However, the Director notes that, in his March 31, 1986 decision (51 FR 10827–10832) approving sections 6 and 7 of Chapter V in general, he did not approve the special backfilling and grading requirements for auger mining operations on previously mined areas at section 6(e), nor did he approve the general waiver of highwall elimination requirements for remining operations at section 7(a)(ii). In addition, in this rulemaking, the Director is not approving the proposed revisions to Chapter IX which would provide for a general variance from approximate original contour requirements.

(h) Wyoming has revised Chapter IV, section 3(a)(iv)(B) of its regulations concerning the elimination of highwalls to specify that incomplete highwall elimination may be allowed only when authorized in accordance with Chapter V, section 6. The corresponding Federal regulations at 30 CFR 816.102(a)(2) and 817.102(a)(2) require the elimination of all highwalls except for operations on previously mined areas containing a preexisting highwall where the volume of all reasonably available spoil is insufficient to completely backfill the reaffected highwall.

It appears that the State has incorrectly referenced the auger mining provisions of Chapter V, section 6, rather than the remining provisions of Chapter V, section 7. As discussed in the previous finding, the Director did not approve that portion of Chapter V, section 6 which Wyoming is referencing in this proposed regulation. However, in the same rulemaking he also required that Wyoming submit further amendments to remedy the deficiencies identified in sections 6 and 7.

Therefore, in the expectation that Wyoming will submit these additional amendments by the required date, the Director finds that Chapter IV, section 3(a)(iv)(B) as proposed is no less effective than the Federal regulations. However, the Director notes that approval of this rule will have no practical effect at the present time, since section 6 of Chapter V as currently approved contains no highwall elimination variance.

(i) Wyoming has revised its regulations at Chapter IV, section 3(a)(iv)(C) concerning spoil placement outside the mined-out area. The State's proposed provision is intended to be analogous to the Federal provisions at 30 CFR 816.102(d). However, the proposed Wyoming rules do not include the three specific requirements of 30 CFR 816.102(d) (1)–(3) and 817.102(d) (1)–(3) that, prior to placement of spoil outside the mined-out area, (1) all vegetative and organic material shall be removed from the area, (2) the topsoil on the area shall be removed, segregated, stored and redistributed, and (3) the spoil shall be backfilled and graded in accordance with permanent program performance standards. The Director finds that by omitting these three requirements, Wyoming has rendered its program less effective than the Federal provisions, and he is therefore requiring that the State further amend its program to address this deficiency.

(j) Wyoming has revised its excess spoil disposal requirements at Chapter IV, section 3(c)(i) to allow the placement of excess spoil fills on slopes greater than 20 degress if the Administrator determines that the stability of the structure will conform to all regulatory requirements. The Federal regulations at 30 CFR 816.71(d)(2) and 817.72(d)(2) require that, where excess spoil is to be placed on slopes this steep, keyway cuts or rock toe buttresses shall be constructed to ensure the stability of the fill. The Wyoming rules contain no similar requirement. Therefore, the Director finds that the proposed revisions to the Wyoming regulations at Chapter IV, section 3(c)(i) are less effective than the Federal rules, and he is requiring that the State further amend its program to address this deficiency.

(k) The revised Wyoming rules at Chapter IV, section 3(c)(i) concerning excess spoil do not incorporate the Federal requirement at 30 CFR 816.71(e)(2) and 817.72(e)(2) that all excess spoil be placed in horizontal lifts not exceeding four feet in thickness. The Federal rules allow placement in lifts greater than four feet only if, as part of the design and other materials submitted with the permit application, the operator demonstrates, and a qualified registered professional engineer certifies, that the design will ensure the stability of the fill and meet all other applicable requirements. However, the Wyoming rules at Chapter IV, section 3(c)(i)(C) do require that *all* excess spoil piles be designed in accordance with all regulatory requirements and standards (including stability) and that the design be so certified by a qualified registered professional engineer. Since the Wyoming rules at Chapter IV, section 3(c)(i)(E) further allow the Administrator to limit the horizontal lifts to four feet or less as necessary to ensure the stability of the fill, the Director finds that, with respect to lift thickness, the proposed Wyoming rules are no less effective than the Federal requirements. In making this finding, the Director assumes that all fill designs and the certifications required by Chapter IV, section 3(c)(i)(C) will specifically address lift thickness and its effect on structural stability. In light of the extensive discussion of this matter in the preamble to the revised Federal rules (48 FR 32915–32916, July 19, 1983), the Director will pay particular attention to this subject in his oversight of the Wyoming program.

(l) Wyoming has revised its coal mine waste disposal regulations at Chapter IV, section 3(c)(ii) by, *inter alia*, deleting the requirement that coal mine waste piles be constructed in layers no more than 24 inches thick and compacted to be no less than 90 percent of the maximum dry density. Although the September 21, 1983 revisions to the Federal rules at 30 CFR 816.81, 817.81, 816.83 and 817.83 also deleted these requirements, the U.S. District Court for the District of Columbia subsequently ruled that the placement of these design criteria with performance standards violated section 515(f) of SMCRA, which requires that the Secretary establish standards and criteria regulating the design of coal mine waste piles (*In re: Permanent Surface Mining Regulation Litigation II*, July 15, 1985). This issue is currently on appeal on behalf of the Secretary. Pending the outcome of that litigation, the Director is not acting at this time on Wyoming's proposed deletion of its specific coal mine waste lift thickness and compaction density requirements at Chapter IV, section 3(c)(ii)(C)(I).

(m) Wyoming has revised its regulations at Chapter IV, section 3(a)(ix) concerning cut-and-fill terraces. The revised Wyoming provision is analogous to the Federal provision at 30 CFR 816.102(g) and 817.102(g) that was remanded by the U.S. District Court for the District of Columbia in *In re: Permanent Surface Mining Regulation Litigation II*. The court held that the

Federal rules granted an exemption to the requirements of section 515(b)(3) of SMCRA, which requires that mined land be returned to approximate original contour, by not providing adequate national guidelines for cut-and-fill terraces. The court stated that it is only through such guidelines that the Secretary can ensure that the statutory requirements of section 515(b)(3) of SMCRA will be met. Therefore, in accordance with the court's decision, the Director is not approving the proposed revisions to Chapter IV, section 3(a)(ix).

(n) Wyoming has revised its regulations at Chapter IV, section 3(b)(iv) to require that all rills and gullies that preclude achievement of the approved postmining land use or the reestablishment of the vegetative cover be regraded or otherwise stabilized. The corresponding Federal rules at 30 CFR 816.95(b) and 817.95(b) require that rills and gullies which form in areas that have been regraded and topsoiled and which disrupt the approved postmining land use or the reestablishment of the vegetative cover shall be filled, regraded or otherwise stabilized. The Director finds that the proposed Wyoming provision at Chapter IV, section 3(b)(iv) concerning the elimination of rills and gullies to be no less effective than the Federal regulations with the understanding that the terms "preclude" and "disrupt" are meant to have substantially the same meaning. OSMRE will monitor the State's implementation of these regulations during the oversight process.

(o) Wyoming has revised its regulations at Chapter IV, section 3(h) to allow the retention of highwalls in impoundments provided the highwall is located far enough below the low-water line to provide adequate safety and access for the proposed water users. The State proposed to delete the existing requirement for complete highwall elimination at Chapter IV, section 3(h)(ii)(A) and replace it with the indicated provision for highwall retention at Chapter IV, section 3(h)(iii)(B). In *In re: Permanent Surface Mining Regulation Litigation II* (July 15, 1985), the U.S. District Court for the District of Columbia held that the highwall retention provisions of the corresponding Federal rules at 30 CFR 816.49(a)(9) and 817.49(a)(9) were inconsistent with the requirements of section 515(b)(3) of SMCRA, which requires the complete elimination of highwalls. This issue is currently on appeal on behalf of the Secretary. Therefore, pending a decision on that appeal, the Director is not acting on the proposed deletion of the highwall elimination requirement at Chapter IV, section 3(h)(iii)(A) and the addition of the highwall retention provision for impoundments at Chapter IV, section 3(h)(iii)(B).

(p) Wyoming has revised its regulations at Chapter IV, section 3(h)(iii)(F) pertaining to inspections and examinations of impoundments to provide that all impoundments shall be examined at least quarterly by a qualified person designated by the operator to ensure that all structures are maintained in accordance with the requirements of Chapter IV. Impoundments subject to 30 CFR 77.216 must be inspected in accordance with 30 CFR 77.216–3 by or under the direction of a qualified registered professional engineer. An inspection report must be completed promptly after each inspection, and all reports must be retained at the minesite and annually submitted to the Administrator after being certified by a qualified registered professional engineer. The rules also specify that the inspection reports must contain certain information relative to impoundment status and safety.

The revised rules combine elements of the Federal regulations concerning examination of impoundments at 30 CFR 816.49(a)(11) and 817.49(a)(11) and inspection of impoundments at 30 CFR 816.49(a)(10) and 817.49(a)(10). However, the Director finds that the Wyoming rules are less effective than the Federal regulations in that they fail to meet all requirements for either examination or inspection or provide adequate alternatives. Therefore, he is requiring that Wyoming further amend its program to address the following deficiencies:

(i) The revised rules do not include any requirement that impoundments not meeting the criteria of 30 CFR 77.216(a) be examined at least quarterly for appearances of structural weakness and other hazardous conditions.

(ii) The revised rules do not require that *all* impoundments be inspected by a qualified registered professional engineer or other qualified professional specialist under the engineer's direction. Nor do they require that such inspections be made regularly during construction, upon completion of construction and at least annually until removal of the structure or release of the performance bond.

(iii) The revised rules do not require that each inspection report contain the engineer's certification that the impoundment has been constructed and maintained as designed and in accordance with the approved plan and Chapter IV.

(q) Wyoming has revised its regulations concerning roads at Chapter IV, section 2(j) and section 3(j) (i) and (ii) to delete most design criteria and replace them with performance standards. The corresponding Federal regulations at 30 CFR 816.150, 816.151, 817.150 and 817.151 were similarly revised on May 16, 1983; however, on October 1, 1984, the U.S. District Court for the District of Columbia remanded these rules to the Secretary for failure to provide adequate public notice under the Administrative Procedure Act *(In re: Permanent Surface Mining Regulation Litigation II)*. On February 21, 1985 the Secretary suspended these rules in accordance with the court's decision (50 FR 7274). Therefore, until revised Federal regulations are promulgated, the Director is comparing proposed State program amendments concerning roads only with the applicable provisions of SMCRA. Paragraph (b)(17) of section 515 of SMCRA requires that surface coal mining and reclamation operations be conducted so as to insure that access roads are constructed, maintained and reclaimed in a manner which will control or prevent erosion and siltation, water pollution, damage to fish or wildlife or their habitat, or public or private property. Paragraph (b)(18) of section 515 of SMCRA requires that operators refrain from the construction of roads or access ways up a stream bed or drainage channel or in such proximity to such channel so as to seriously alter the normal flow of water. Except as discussed in Finding 3(d) of this notice, the Director finds that Wyoming's proposed revisions to its road requirements are not less stringent than the requirements of SMCRA.

(r) Wyoming has revised its fish and wildlife performance standards at Chapter IV, section 3(p)(i)(E) to require that the operator promptly report any endangered or threatened species or bald or golden eagle nest found within the permit area after permit approval. The corresponding Federal regulations at 30 CFR 816.97 (b) and (c) and 817.97 (b) and (c) contain similar provisions, but they also specify that the regulatory authority must then consult with the U.S. Fish and Wildlife Service and, where appropriate, the State fish and wildlife agency, to identify whether, and under what conditions, the operator may then proceed. Wyoming has included a somewhat similar provision, which requires consultation only "as necessary", in Chapter IV, section 3(p)(iii); however, it is not clear that this provision applies to the situation

described in Chapter IV, section 3(p)(i)(E).

Therefore, the Director finds that Wyoming's proposed rules at Chapter IV, section 3(p) are less effective than the Federal regulations, and he is requiring that Wyoming further amend its program to require consultation with the appropriate agencies under the identified circumstances.

4. Chapter IX—Variances for Surface Coal Mining Operations

Wyoming has revised its regulations at Chapter IX by adding section 1(a)(ii)(C), section 2(c) and section 3 to provide for a general variance from the requirement to restore the affected area to the approximate original contour. The Federal regulations at 30 CFR 785.16, 816.133(d) and 817.133(d) originally provided for a similar variance; however, the U.S. District Court for the District of Columbia (*In re: Permanent Surface Mining Regulation Litigation II*, C.A. 79–1144, July 15, 1985) remanded these rules because they permitted variances from approxmiate original contour for other than steep slope mining operations. The court ruled that such variances were inconsistent with paragraphs (b)(3) and (e) of section 515 of SMCRA.

Therefore, in accordance with the court's decision, the Director finds that the proposed addition of section 1(a)(ii)(C), section 2(c) and section 3 to the Wyoming regulations at Chapter IX would render the Wyoming program less stringent than the requirements of SMCRA, and he is not approving them.

5. Chapter XVII—Inspections, Enforcement and Penalties for Surface Coal Mining Operations

Wyoming has revised Chapter XVII by adding a new paragraph (a) to section 2 to establish a new enforcement scheme. The State is apparently interested in implementing an enforcement system similar to those now in effect in West Virginia and Pennsylvania, both of which allow for citation of minor infractions of the approved program in inspection reports rather than through the issuance of the more standard notice of violation form. In Wyoming's proposed system, the issuance of a citation, which would be a notation of the operator's infraction in an inspection report, would not be taken into consideration when determining whether a pattern of violations exists. The proposed amendment provides examples of minor infractions which might be considered appropriate for notation in the inspection report and lists criteria for such notations. However, as proposed, the Wyoming proposal is not adequately limited to violations which are only minor. In addition, it does not ensure that operators who repeatedly incur minor infractions or who do not abate the minor infractions in a timely manner will be formally cited in a notice of violation. Likewise, the State does not ensure that minor infractions beyond some specified threshold number will be considered for purposes of determining a pattern of violations. Hence, there would be no individual or cumulative effect on the operator's civil penalty status or record of violations. Nor is there a specified penalty or other consequence for failure to abate.

The Director finds, based on the above discussion, that the enforcement system proposed by Wyoming does not provide for adequate enforcement of the approved Wyoming program in a manner no less effective than the Federal requirements at 30 CFR Subchapter L. Therefore, he is not approving this proposed amendment.

IV. Public Comments

The Director solicited public comment on the proposed amendment in the May 21, 1986 **Federal Register** (51 FR 18621). No comments were received. Pursuant to section 503(b) of SMCRA and 30 CFR 732.17(h)(10)(i), comments were also solicited from various Federal agencies. Comments were received from the U.S. Department of the Interior, Fish and Wildlife Service (FWS) and the U.S. Department of Labor, Mine Safety and Health Administration (MSHA).

The following discussion summarizes all comments received and the Director's responses.

1. MSHA commented that Wyoming's proposed addition to Chapter IV, section 3(r) concerning protection of underground mining conflicts with the Federal provision at 30 CFR Part 816.79(b). MSHA interprets the Federal rule to mean that all permits must first be reviewed and approved by the regulatory authority before being forwarded to MSHA for review and approval.

The Director does not agree. The proposed Wyoming rule requires approval from MSHA for operations proposed to be conducted within 500 feet of an active underground mine. This is no less effective than 30 CFR Part 816.79(b), which requires joint approval by the regulatory authority and MSHA of activities closer than 500 feet to an active underground mine. Joint approval may and, for reasons of efficiency, probably would involve a concurrent review process.

2. The FWS recommended that the applicant be required to consult the Wyoming Game and Fish Department (WGFD) during development of the revegetation plan for the proposed permit.

The Director finds that the commenter's concern is adequately addressed in Wyoming's proposed Chapter II, section 2(b)(iii)(C), which requires that the WGFD and the Wyoming Department of Agriculture be consulted regarding revegetation procedures for wildlife habitat, critical habitat, croplands, and erosion control techniques as applicable to the revegetation plan. In addition, the new shrub mosaic requirements at Chapter IV, section 3(d)(vi)(A) were developed in consultation with the WGFD.

3. The FWS requested that proposed Chapter II, section 2(a)(i)(E)(I) also address threatened and endangered plants and invertebrates in accordance with the Endangered Species Act.

The Director finds that the commenter's concerns with respect to plants are adequately addressed in Wyoming's proposed Chapter II, section 2(a)(i)(B)(III). Also, the special fish and wildlife requirements for surface coal mining operations in Chapter II, section 3(a)(vi)(E) and section 3(b)(iv)(B)(I) pertain to information required for any State or Federally listed endangered or threatened plant or animal species, vertebrate or invertebrate.

4. The FWS suggested deleting the phrase "whenever practicable" in Wyoming's proposed Chapter II, section 2(b)(iii)(C) and adding the provision that the applicant should be required to consult with the WGFD in the preparation of the reclamation plan.

The Director believes that the FWS has misinterpreted this proposed rule. Previously, "whenever practicable" referred to consultation with the WGFD; it now refers to consideration of the State Conservation Commission standards for mine reclamation. The revised rule makes consultation with the WGFD on revegetation procedures in the permit application mandatory in all cases. The State rule is thus no less effective than the Federal regulations at 30 CFR 817.116(b)(3)(i) and 817.116(b)(3)(i). Regarding consultation with the WGFD during the preparation of reclamation plans, the Director notes that Wyoming requires such consultation whenever required by the Federal rules; consultation on every component is not necessary.

5. The FWS opposed the deletion of Chapter II, section 3(b)(xii)(B)(III)(8), which required that any proposed alternative postmining land use be approved only if State and Federal fish and wildlife agencies have approved a

mitigation plan for any adverse effects on fish or wildlife.

The Director notes that the Federal regulations at 30 CFR 816.133(c)(3) and 817.133(c)(3) do not contain such a requirement, although they, like the proposed Wyoming rules at Chapter II, section 3(b)(xii)(C)(IV)(4), do require that the land use changes not cause or contribute to a violation of Federal, State or local law. Wyoming's proposed revisions are no less effective than the Federal rules.

6. The FWS recommended that the highwall retention provisions for soft rock surface mining, as proposed by Wyoming at Chapter IV, section 2(b)(ii)(D), also be incorporated into the hard rock surface mining section, Chapter IV, section 2(b)(iii).

The Director finds that since SMCRA does not pertain to hard rock mining operations, OSMRE has no authority to require Wyoming to adopt such a provision. As a point of clarification, although Wyoming's definition of soft rock surface mining includes coal, highwall retention is not allowable for surface coal mining operations. As explained in Chapter IV, section 1, the provisions of Wyoming's Chapter IV, section 3 take precedence over Chapter IV, section 2.

7. The FWS states that Wyoming's proposed Chapter IV, section 2(d)(v), which revises the requirements for reclaiming areas with introduced, naturalized, or non-indigenous native plant species, should require the approval of WGFD when the approved postmining land use includes wildlife. Also, the FWS recommends that native species be utilized in all seed mixtures and that all use of aggressive introduced plant species, particularly crested wheatgrass, be discouraged.

The Director finds that the FWS's concerns are adequately addressed in Wyoming's proposed Chapter II, section 2(b)(iii)(C) which requires consultation with the WGFD regarding revegetation procedures for wildlife habitat, critical habitat, croplands, and erosion control techniques. Appendix A of the State rules also strongly discourages the use of crested wheatgrass for even temporary stabilization purposes.

8. With respect to Wyoming's proposed Chapter IV, section 2(f)(ii), which requires consultation with the WGFD prior to the approval of a diversion of a perennial or intermittent stream, the FWS commented that, in accordance with the Federal Fish and Wildlife Coordination Act, the FWS should also be consulted prior to the approval of a diversion or modification of any stream.

The Director recognizes that the Wyoming permanent program is deficient in that it does not clearly require coordination with applicable requirements of the Fish and Wildlife Coordination Act. By letter dated December 23, 1985, the Director required that Wyoming amend its program to correct this deficiency. No further action in this rulemaking is necessary since the language of the rule in question has not been altered.

9. The FWS opposed Wyoming's proposed addition at Chapter IV, section 2(j)(i) granting the Administrator discretion to approve roads constructed up a stream channel or so close that the material would spill into the channel, stating that at no time should such construction be allowed.

As discussed in Finding 3(q) of this notice, the Federal regulations corresponding to this proposed rule have been suspended, and the only standard of comparison is section 515(b)(18) of SMCRA, which requires that operators refrain from constructing roads up stream beds or drainage channels or in such proximity to such channels so as to seriously alter the normal flow of water. The Director finds that the provisions of Chapter IV, section 3 (j)(i)(D), (j)(ii)(B), and (j)(ii)(C)(IV), which take precedence over the provisions of section 2, will effectively preclude any abuse of the discretion granted to the Administrator in section 2(j)(i). Section 515(b)(18) of SMCRA does not require the absolute prohibition recommended by the FWS.

10. The FWS also objected to proposed Chapter IV, section 3(j)(ii)(B), which would prohibit stream fords unless they were specifically approved by the Administrator as temporary routes during construction periods. The FWS noted that the rule which the proposed version would replace allowed the Administrator to approve fords only as temporary routes across ephemeral or intermittent streams and then only if they would not adversely affect stream sedimentation or fish, wildlife or related environmental values.

The Director recognizes the FWS concerns; however, in the absence of any corresponding Federal rules (as discussed in his response to the preceding comment), he believes that the requirement of Chapter IV, section 3(j)(i)(C) that all operators use the best technology currently available to prevent damage to fish, wildlife and related environmental values in the location, construction, maintenance and reclamation of roads will afford a level of protection substantially equivalent to that provided by the former rule. Since paragraphs (b)(17) and (b)(18) of section 515 of SMCRA do not expressly regulate stream fords in a manner other than that specified by Wyoming at Chapter IV, section 3(j)(i)(C), the Director finds that the proposed Wyoming rules are no less stringent than the requirements of SMCRA.

11. The FWS stated that it opposes Wyoming's proposed shrub mosaic requirements at Chapter IV, section 3(d)(vi)(A) if shrub restoration is just a goal rather than a required standard like other revegetation success standards.

The Director interprets Wyoming's use of the term "goal" as equivalent in meaning to that of a required standard, and he is approving the proposed rule on that basis.

12. The FWS stated that the consultation provisions of proposed Chapter IV, section 3(p)(iii) should include the mechanism the Administrator will use to assure consultation with the FWS under the provisions of section 7 of the Endangered Species Act (ESA).

As discussed in the preamble to the revised Federal regulations at 30 CFR 816.97 (b) and (c) and 817.97 (b) and (c), the Director does not believe that the formal consultation requirements of section 7(a) of the ESA apply to State regulatory authorities. However, in recognition of its obligation under the ESA to use its authority to further the ESA's objectives, OSMRE has included a requirement that FWS consultation occur under certain circumstances (48 FR 30318–30320, June 30, 1983). While selection of the actual mechanism used is the discretion of the regulatory authority, OSMRE encourages Wyoming and the FWS to develop a memorandum of understanding on this subject. The FWS also stated that this consultation should occur as early in the permitting process as possible. The Director finds this comment to be misplaced since Chapter IV contains performance standards to be followed after permit issuance.

13. The FWS commented that wildlife should be inserted as a use in Wyoming's proposed Chapter IX, section 1(a)(ii)(C)(I) dealing with requirements for obtaining a variance from approximate original contour.

As explained in Finding 4 of this notice, the Director is disapproving this entire proposed rule for reasons unrelated to the FWS concern; hence, the comment is moot.

V. Director's Decision

The Director, based on the above findings, is approving the proposed amendments submitted by Wyoming on May 1, 1986, with the exception of those provisions determined to be inconsistent

with SMCRA or the Federal regulations. For those amendments relating to issues currently under appeal on behalf of the Secretary with the U.S. Court of Appeals, the Director is taking no action at this time, pending decisions on the appeals. In addition, as indicated in the findings, he is requiring that Wyoming submit a number of further program amendments. The Director has notified Wyoming, pursuant to 30 CFR 732.17, that certain required program amendments will be necessary. The Federal rules at 30 CFR Part 950 are being amended to implement this decision. This final rule is being made effective retroactively to September 1, 1986, to coincide with the effective date of the regulations in Wyoming as specified by the amendment submitted on May 1, 1986.

The Director is disapproving the following provisions of the proposed amendments:

(1) As discussed in Finding 1(b), the phrases "run-of-the-mine" and "to separate the coal from its impurities" within the definition of "coal preparation plant" at Chapter I, section 2(m) of the regulations;

(2) As discussed in Finding 2(a), deletion of the phrase "observed within one (1) mile of the proposed permit area" at Chapter II, section 2(a)(i)(E)(I);

(3) As discussed in Finding 2(e), deletion of the requirement at Chapter II, section 3(a)(vi)(H)(II)(3) to collect baseline surface water data on acidity;

(4) As discussed in Finding 2(g), deletion of the locational data requirements for monitoring stations at Chapter II, section 3(a)(vi)(M);

(5) As discussed in Finding 2(i), addition of the phrase "where necessary due to stability concerns" in Chapter II, section 3(b)(xvi);

(6) As discussed in Finding 3(c)(v), replacement of the word "is" with the phrase "the vegetative cover and total ground cover are" in Chapter IV, section 2(d)(vi);

(7) As discussed in Finding 3(c)(vi), addition of the phrase "or an alternative success standard approved by the Administrator" to Chapter IV, section 2(d)(vi);

(8) As discussed in Finding 3(d), replacement of the word "access" with the phrase "constructed or upgraded" in the introductory paragraph of Chapter IV, section 2(j), and the entire introductory paragraph to the extent that it excludes certain existing roads from regulation without regard to the effect of mining use on the road;

(9) As discussed in Finding 3(e), addition of paragraph (F) to Chapter IV, section 2(l)(ii);

(10) As discussed in Finding 3(m), all revisions to Chapter IV, section 3(a)(ix) concerning cut-and-fill terraces;

(11) As discussed in Finding 4, addition of sections 1(a)(ii)(C), 2(c), and 3 to Chapter IX, which would have provided a general variance from the approximate original contour requirements; and

(12) As discussed in Finding 5, all revisions to Chapter XVII, which would have introduced a new enforcement scheme.

In addition, the Director is deferring action on the following provisions of the proposed amendments:

(1) As discussed in Finding 3(c)(iii), the maximum sample sizes prescribed by Appendix A of the LQD Rules and Regulations;

(2) As discussed in Finding 3(f), all revisions to the contemporaneous reclamation requirements of Chapter IV, section 3(a)(i);

(3) As discussed in Finding 3(l), deletion of the coal mine waste pile lift thickness and dry density requirements from Chapter IV, section 3(c)(ii); and

(4) As discussed in Finding 3(o), deletion of the highwall elmination requirement of Chapter IV, section 3(h)(iii)(A) and addition of highwall retention provisions at Chapter IV, section 3(h)(iii)(B).

Effect of Director's Decision

Section 503 of SMCRA establishes that a State may not exercise jurisdiction under SMCRA unless the State program is approved by the Secretary. Similarly, the Secretary's regulations at 30 CFR 732.17(a) require that any alteration of an approved State program must be submitted to OSMRE as a program amendment. Thus any changes to the program are not enforceable by the State until approved by the Director. The Federal regulations at 30 CFR 732.17(g) clearly prohibit any unilateral changes to approved State programs. In his oversight of the Wyoming program, the Director will recognize only the statutes and regulations approved by him, and will require the enforcement by Wyoming of only such provisions.

VI. Procedural Requirements

1. *Compliance with the National Environmental Policy Act:* The Secretary has determined that, pursuant to section 702(d) of SMCRA, 30 U.S.C. 1292(d), no environmental impact statement need be prepared on this rulemaking.

2. *Executive Order No. 12291 and the Regulatory Flexibility Act:* On August 28, 1981, the Office of Management and Budget (OMB) granted OSMRE an exemption from sections 3, 4, 7 and 8 of Executive Order 12291 for actions directly related to approval or conditional approval of State regulatory programs. Therefore, this action is exempt from preparation of a regulatory impact analysis and regulatory review by OMB.

The Department of the Interior has determined that, for purposes of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), this rule will not have a significant economic effect on a substantial number of small entities. This rule will not impose any new requirements; rather, it will ensure that existing requirements established by SMCRA and the Federal rules will be met by the State.

3. *Paperwork Reduction Act:* This rule does not contain information collection requirements which require approval by the Office of Management and Budget under 44 U.S.C. 3507.

List of Subjects in 30 CFR Part 950

Coal mining, Intergovernmental relations, Surface mining, Underground mining.

Dated: November 18, 1986.

Arthur W. Abbs,

Acting Deputy Director, Operations and Technical Services, Office of Surface Mining Reclamation and Enforcement.

PART 950—WYOMING

30 CFR Part 950 is amended as follows:

1. The authority citation for Part 950 continues to read as follows:

Authority: Pub. L. 95–87, Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 *et seq.*).

2. 30 CFR 950.10(a) is revised to read as follows:

§ 950.10 State regulatory program approval.

* * * * *

(a) Office of Surface Mining Reclamation and Enforcement, Administrative Record, 1100 "L" Street NW., Room 5315, Washington, DC 20240, Telephone: (202) 343–5492.

* * * * *

3. Section 950.12 is added to read as follows:

§ 950.12 State program provisions and amendments disapproved.

(a) The following provisions of the Rules and Regulations of the Land Quality Division of the Wyoming Department of Environmental Quality, as submitted on May 1, 1986, are hereby disapproved:

(1) The phrases "run-of-the-mine" and "to separate the coal from its impurities" within the definition of "coal preparation plant" at Chapter I, section 2(m);

(2) Deletion of the phrase "observed within one (1) mile of the proposed permit area" at Chapter II, section 2(a)(i)(E)(I);

(3) Deletion of the requirement at Chapter II, section 3(a)(vi)(H)(II)(3) to collect baseline surface water data on acidity;

(4) Deletion of the locational data requirements for monitoring stations at Chapter II, section 3(a)(vi)(M);

(5) Addition to the phrase "where necessary due to stability concerns" in Chapter II, section 3(b)(xvi);

(6) Replacement of the word "is" with the phrase "the vegetative cover and total ground cover are" in Chapter IV, section 2(d)(vi);

(7) Addition of the phrase "or an alternative success standard approved by the Administrator" to Chapter IV, section 2(d)(vi);

(8) Replacement of the word "access" with the phrase "constructed or upgraded" in the introductory paragraph of Chapter IV, section 2(j), and the entire introductory paragraph to the extent that it excludes certain existing roads from regulation without regard to the effect of mining use on the road;

(9) Addition of paragraph (F) to Chapter IV, section 2(l)(ii) concerning interim mine stabilization for surface coal mining operations;

(10) All revisions to Chapter IV, section 3(a)(ix) concerning cut-and-fill terraces;

(11) Addition of section 1(a)(ii)(C), section 2(c), and section 3 to Chapter IX, which would have provided a general variance from the approximate original requirements; and

(12) All revisions to Chapter XVII, which would have introduced a new enforcement scheme.

(b) [Reserved]

4. A new paragraph (i) is added to § 950.15 to read as follows:

§ 950.15 Approval of regulatory program amendments.

* * * * *

(i) The following amendments to the Wyoming permanent regulatory program, as submitted to OSMRE on May 1, 1986, are approved effective November 24, 1986 with the exceptions identified herein or in § 950.12:

(1) Modifications to Chapters I, II, III, IV, IX, XII, XXIII and XIV of the Rules and Regulations of the Wyoming Department of Environmental Quality, Land Quality Division, concerning definitions, permit application requirements, performance standards, variances, the small operator assistance program, permit revisions, and permit approval requirements. However, no action is currently being taken on the following proposed amendments:

(i) All revisions to the contemporaneous reclamation requirements of Chapter IV, section 3(a)(i);

(ii) Deletion of the coal mine waste pile lift thickness and dry density requirements from Chapter IV, section 3(c)(ii), and

(iii) Deletion of the highwall elimination requirement of Chapter IV, section 3(h)(iii)(A) and addition of highwall retention provisions at Chapter IV, section 3(h)(iii)(B).

(2) Replacement of Guideline 2 with Appendix A, "Vegetation Sampling Methods and Reclamation Success Standards for Surface Coal Mining Operations," of the Rules and Regulations of the Wyoming Department of Environmental Quality, Land Quality Division, with the exception of the maximum sample sizes specified therein in Part IV.D.

5. Paragraphs (e) through (q) are added to 30 CFR 950.16 to read as follows:

§ 950.16 Required program amendments.

* * * * *

(e) By June 30, 1987, Wyoming shall submit revisions to the definition of "applicant" at Chapter I, section 2(f) of the LQD rules to include persons requesting approval of coal exploration, or otherwise propose to amend its program to be no less effective than the Federal rules.

(f) By June 30, 1987, Wyoming shall submit rules requiring the name, address, and telephone number of the operator if different from the applicant, or otherwise propose to amend its program in a manner no less effective than 30 CFR 778.13(b).

(g) By June 30, 1987, Wyoming shall submit revisions to the LQD rules at Chapter II, section 3(a)(vi)(B) or otherwise propose to amend its program to provide that the Administrator may waive the requirement for test borings or core samples only if he determines the collection and analysis of such data is unnecessary because other equivalent information is available to him in a satisfactory form.

(h) By June 30, 1987, Wyoming shall submit revisions of the LQD rules at Chapter II section 3(a)(vi)(J)(II) or otherwise propose to amend its program to provide that the groundwater quality description in a permit application must include pH.

(i) By June 30, 1987, Wyoming shall submit revisions to the LQD rules at Chapter II section 3(b)(ix)(D) or otherwise propose to amend its program to specify the minimum groundwater quality parameters that must be monitored.

(j) By June 30, 1987, Wyoming shall submit revisions to the LQD rules at Chapter IV section 2(c)(iii)(A) or otherwise propose to amend its program to require that an operator proposing the use of a topsoil substitute or supplement demonstrate that the resulting soil medium would be equal to or more suitable for sustaining vegetation than the existing topsoil, and that it would be the best available in the permit area to support vegetation.

(k) By June 30, 1987, Wyoming shall submit revisions to Part II.C.l.a of Appendix A of the LQD rules or otherwise propose to amend its program to include some other mechanism to check or confirm ocular quadrat estimates of ground cover to ensure the collection of consistent, objective data.

(l) By June 30, 1987, Wyoming shall submit revisions to Appendix A of the LQD rules or otherwise propose to amend its program to specify the sampling techniques which operators will be allowed to use to evaluate the parameters of ground cover, production and stocking.

(m) By June 30, 1987, Wyoming shall submit revisions to Part VIII.D of Appendix A of the LQD rules or otherwise propose to amend its program to clarify that operators must meet cropland success standards during at least the last two consecutive crop years of the responsibility period.

(n) By June 30, 1987, Wyoming shall submit revisions to the LQD rules at Chapter IV, section 3(a)(iv)(C) or otherwise propose to amend its program to require that, prior to placement of spoil outside the mined-out area, (1) all vegetative and organic material be removed from the area, (2) the topsoil on the area be removed, segregated, and stored or redistributed, and (3) the spoil be backfilled and graded in accordance with permanent program performance standards.

(o) By June 30, 1987, Wyoming shall submit revisions to the LQD rules at Chapter IV section 3(c)(i) or otherwise propose to amend its program to require that, where excess spoil fills are to be placed on slopes greater than 20 degrees, keyway cuts or rock toe buttresses shall be constructed to ensure the stability of the fill.

(p) By June 30, 1987, Wyoming shall submit revisions to the LQD rules at Chapter IV section 3(h)(iii)(F) or

otherwise propose to amend its program to require that:

(1) All impoundments be examined at least quarterly for appearances of structural weakness and other hazardous conditions;

(2) All impoundments be inspected by a qualified registered professional engineer, or other qualified professional specialist under the engineer's direction, regularly during construction, upon completion of construction and at least annually until removal of the structure or release of the performance bond; and

(3) Each inspection report be certified by the engineer that the impoundment has been constructed and maintained as designed and in accordance with the approved plan and Chapter IV.

(q) By June 30, 1987, Wyoming shall submit revisions to the LQD rules at Chapter IV section 3(p)(i)(E) or otherwise propose to amend its program to require that, after an operator notifies the Administrator of the presence of an endangered or threatened species or bald or golden eagle nest, the Administrator must then consult with the U.S. Fish and Wildlife Service and, where appropriate, the Wyoming Fish and Game Department, to identify whether, and under what conditions, the operator may then proceed.

[FR Doc. 86-26431 Filed 11-21-86; 8:45 am]
BILLING CODE 4310-05-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 165

[COTP Honolulu Regulation 86-08]

Security Zone Regulations; Tinian, Commonwealth of Northern Marianas Islands

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: The Coast Guard is establishing a security zone around US Maritime Preposition Ships which will be moored at Mooring A located at 14°58'57.0" N, 145°35'40.8" E. and Mooring B located at 14°58'15.9" N, 145°35' 54.8" E. in the Pacific Ocean off Tinian, Northern Marianas Islands. The nearly rectangular-shaped security zone will be in effect at all times while one, or more, of the Maritime Preposition Ships is in the zone or moored at Moorings A or B. Additionally, a 50-yard security zone will remain in effect in all directions around Moorings A and B when no vessels are moored thereto. The zone is needed to safeguard Maritime Preposition Ships against destruction from sabotage or other causes of similar nature. Entry into this zone is prohibited unless authorized by the Captain of the Port.

EFFECTIVE DATE: This regulation becomes effective on November 14, 1986. Comments on this regulation must be received on or before January 30, 1987.

ADDRESS: Comments should be mailed to Commander, US Coast Guard Marianas Section, Box 176, FPO San Francisco 96630-5000. The comments will be available for inspection and copying at the Coast Guard Marine Safety Department of the Marianas Section Office in the Government of Guam Commercial Port Building. Normal office hours are between 7:30 a.m. and 3:30 p.m. Monday through Friday, except holidays.

FOR FURTHER INFORMATION CONTACT: Commander J.M. MacDonald, (671) 339-6100, US Coast Guard Marianas Section Office, Guam.

SUPPLEMENTARY INFORMATION: In accordance with 5 U.S.C. 553, a Notice of Proposed Rulemaking was not published for this regulation and good cause exists for making it effective in less than 30 days after **Federal Register** publication. Following normal rulemaking procedures would have been impractical and contrary to the public interest. The request for this regulation was not received until October 28, 1986 and there was not sufficient time remaining to publish a proposal in advance of the event for which the regulation is needed. Likewise, there was not sufficient time to provide for a delayed effective date. Immediate action is needed to prevent injury or damage to persons and equipment incident to the mooring of the first Maritime Preposition Ships in the port. Further, as a military affairs function of the United States, this regulation is exempt from the requirements of 5 U.S.C. 553, including the requirements for a notice of proposed rulemaking. Although this regulation is published as a final rule without prior notice, an opportunity for public comment is nevertheless desirable to ensure that the regulation is both reasonable and workable. Accordingly, persons wishing to comment may do so by submitting written comments to the office listed under "address" in the preamble. Commenters should include their names and addresses, identify the docket number for the regulation, and give reasons for their comments. Based upon comments received, the regulation may be changed.

Drafting Information

The drafters of this regulation are Commander J.M. MacDonald, Project Officer, USCG Marianas Section Office, and Lieutenant Commander R.W. Bogue, Project Attorney, Fourteenth Coast Guard District Legal Office.

Discussion of the Regulation

The Navy has requested that a security zone be established. The incident requiring this regulation began on October 16, 1986 with the arrival at Tinian of the first of four Maritime Preposition Ships to be stationed in the Guam/Tinian area. Since Moorings A and B are Navy offshore moorings, and the zone is located in excess of 5000 feet from the entrance to main shipping channel for Tinian Harbor, there should be no adverse impact on harbor use due to this security zone. This regulation is issued pursuant to 50 U.S.C. 191 as set out in the authority citation for all of Part 165.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Security measures, Vessels, Waterways.

PART 165—[AMENDED]

Final Regulation

In consideration of the foregoing, Part 165 of Title 33, Code of Federal Regulations, is amended as follows:

1. The authority citation for Part 165 continues to read as follows:

Authority: 33 U.S.C. 1225 and 1231; 50 U.S.C. 191; 49 CFR 1.46 and 33 CFR 1.05-1(g), 6.04-1, 6.04-6 and 160.5.

2. Section 165.1403 is added to read as follows:

§ 165.1403 Security Zone: Tinian, Commonwealth Northern Marianas Islands.

(a) *Location.* The following is designated as a Security Zone: The waters of the Pacific Ocean off Tinian between 14°59'04.9" N, 145°34'58.6" E to 14°59'20.1" N, 145°35'41.5" E to 14°59'09.8" N, 145°36'02.1" E to 14°57'49.3" N, 145°36'28.7" E to 14°57'29.1" N, 145°35'31.1" E and back to 14°59'04.9" N, 145°34'58.6" E. This zone is in effect when one, or more, of the Maritime Preposition Ships is in the zone or moored at Mooring A located at 14°58'57.0" N and 145°35'40.8" E or Mooring B located at 14°58'15.9" N, 145°35'54.8" E. Additionally, a 50-yard security zone will remain in effect in all directions around Moorings A and B when no vessels are moored thereto.

Note: All positions of latitude and longitude are from International Spheroid,

Astro Pier 1944 (Saipan) Datum (DMA Chart 81071).

(b) *Regulations.* (1) In accordance with general regulations in § 165.33 of this part, entry into this Security Zone is prohibited unless authorized by the Captain of the Port.

Effective date: This regulation becomes effective on November 14, 1986.

Dated: November 14, 1986.

C.W. Gray,

Captain, U.S. Coast Guard, Captain of the Port, Honolulu, Hawaii.

[FR Doc. 86-26445 Filed 11-21-86; 8:45 am]

BILLING CODE 4910-14-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-1-FRL-3116-4]

Approval and Promulgation of Implementation Plans; Vermont; Certification of No Facilities Subject to CEM Requirements

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: EPA is codifying at 40 CFR 52.2378 a certification that no facilities are located in the State of Vermont subject to the Continuous Emissions Monitoring (CEM) requirements of 40 CFR Part 51, Appendix P. The intended effect of this action is to codify this information submitted by the Vermont Agency of Environmental Conservation (AEC) in accordance with 40 CFR Part 51.19(e).

DATE: This action will be effective January 23, 1987, unless notice is received within 30 days that adverse or critical comments will be submitted.

ADDRESSES: Comments may be mailed to Louis F. Gitto, Director, Air Management Division, Room 2312, JFK Federal Building, Boston, MA 02203. Copies of the submittal and EPA's evaluation are available for public inspection during normal business hours at the Environmental Protection Agency, Room 2313, JFK Federal Bldg., Boston, MA 02203; Public Information Reference Unit, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460; Office of the Federal Register, 1100 L St., NW., Room 8301, Washington, DC, and Agency of Environmental Conservation, Air Pollution Control Division, Building 3 South, 103 South Main Street, Waterbury, VT 05676.

FOR FURTHER INFORMATION CONTACT: Lorenzo Thantu, (617) 565-3250; FTS 835-3250.

SUPPLEMENTARY INFORMATION: Forty CFR Part 51, under § 51.19(e), requires states to revise their State Implementation Plans (SIPs) to include CEM requirements for certain stationary source categories. The applicability criteria for identifying subject facilities are provided in 40 CFR Part 51, Appendix P.

40 CFR Part 51, Appendix P identifies the types of facilities subject to these requirements and states the minimum requirements for continuous emission monitoring, recording, and reporting. When a state does not have any facilities subject to 40 CFR Part 51, Appendix P within its boundaries, EPA requires that a negative declaration be submitted to fulfill the requirements of 40 CFR 51.19(e).

On June 6, 1986, the Vermont AEC submitted a negative declaration to EPA which certifies that there are no facilities subject under the applicability criteria of the CEM requirements of 40 CFR Part 51, Appendix P. By submitting this negative declaration letter, the AEC has fulfilled its responsibility under 40 CFR 51.19(e).

In the event that a new facility is proposed for location in the State of Vermont at some future date, CEM would be required under either the provisions of the applicable New Source Performance Standard or Vermont Air Pollution Control Regulation 5-405, Required Air Monitoring.

EPA is codifying this information without prior proposal because the Agency views this as a noncontroversial amendment and anticipates no adverse comments. This action will be effective 60 days from the date of this **Federal Register** unless, within 30 days of its publication, notice is received that adverse or critical comments will be submitted. If such notice is received, this action will be withdrawn before the effective date by publishing two subsequent notices. One notice will withdraw the final action and another will begin a new rulemaking by announcing a proposal of the action and establishing a comment period. If no such comments are received, the public is advised that this action will be effective January 23, 1987.

Final Action: EPA is codifying at 40 CFR 52.2378 that no facilities subject to the CEM requirements of 40 CFR Part 51, Appendix P are located within the boundaries of the State of Vermont. The Vermont AEC submitted this negative declaration to fulfill the requirements of 40 CFR 51.19(e).

Under 5 U.S.C. 605(b), I certify that this action will not have a significant economic impact on a substantial number of small entities (see 46 FR 8709).

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

Under section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by January 23, 1987. This action may not be challenged later in proceedings to enforce its requirements. (See 307(b)(2).)

List of Subjects in 40 CFR Part 52

Air pollution control, Ozone, Sulfur oxides, Nitrogen dioxide, Lead, Particulate matter, Carbon monoxide, Hydrocarbons, Intergovernmental relations, and Reporting and Recordkeeping requirements.

Dated: November 7, 1986.

Lee M. Thomas,

Administrator.

PART 52—[AMENDED]

Part 52 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

Subpart UU—Vermont

1. The authority citation for Part 52 continues to read as follows:

Authority: 42 U.S.C. 7401-7642.

2. Subpart UU is amended by adding § 52.2378 to read as follows:

§ 52.2378 Certification of no facilities.

On June 6, 1986, the Vermont Agency of Environmental Conservation submitted a letter certifying that there are no facilities within the State's boundaries subject to the Continuous Emissions Monitoring requirements of 40 CFR Part 51, Appendix P. This negative declaration was submitted to EPA in accordance with 40 CFR 51.19(e).

[FR Doc. 86-26282 Filed 11-21-86; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 52

[A-5-FRL-3116-5]

Approval and Promulgation of Implementation Plans; Illinois, Indiana, Michigan, Ohio, and Wisconsin

AGENCY: Environmental Protection Agency.

ACTION: Final rulemaking.

SUMMARY: The USEPA is approving "negative declarations" from the States of Illinois, Indiana, Michigan, Ohio, and Wisconsin for certain sources of volatile organic compounds (VOC). These sources are synthetic organic chemical manufacturing industry (SOCMI) leaks, SOCMI air oxidation, natural gas/gasoline processing leaks, emissions from the manufacture of high density polyethylene, polypropylene, and polystyrene resins, and petroleum dry cleaning emissions.

Section 172 of the Clean Air Act requires that each State with an ozone extension area develop reasonably available control technology (RACT) emission limits for certain VOC sources within the extension area. The VOC sources that have to be addressed are those covered under the Control Techniques Guidelines (CTG's) issued by USEPA. If USEPA issues a CTG for which the State has no sources, the State can submit a "negative declaration." Approval of the "negative declaration" by USEPA exempts that State from developing a control plan for VOC sources in that CTG category.

DATE: This action will be effective January 23, 1987 unless notice is received within 30 days from publication that someone wishes to submit adverse or critical comments.

ADDRESSES: Copies of the States' submittals and other materials related to this rulemaking are available for inspection at the following addresses: (It is recommended that you telephone Colleen W. Comerford, at (312) 886–6034, before visiting the Region V Office.)

U.S. Environmental Protection Agency, Region V, Air and Radiation Branch (5AR–26), 230 South Dearborn Street, Chicago, Illinois 60604

U.S. Environmental Protection Agency, Public Information Reference Unit, 401 M Street SW., Washington DC 20460

Illinois Environmental Protection Agency, Division of Air Pollution Control, 2200 Churchill Road, Springfield, Illinois 62706

Indiana Air Pollution Control Division, Indiana State Board of Health, 1330 West Michigan Street, Indianapolis, Indiana 46206

Michigan Department of Natural Resources, Air Quality Division, 7150 Harris Drive, Lansing, Michigan 48909

Ohio Environmental Protection Agency, Office of Air Pollution Control, 361 East Broad Street, Columbus, Ohio 43216

Wisconsin Department of Natural Resources, Bureau of Air Management, 101 South Webster, Madison, Wisconsin 53707

Office of the Federal Register, Room 8301, 1100 L Street NW., Washington, DC

Written comments should be sent to: Gary Gulezian, Chief, Regulatory Analysis Section, Air and Radiation Branch (5AR–26), Environmental Protection Agency, Region V, 230 South Dearborn Street, Chicago, Illinois 60604.

FOR FURTHER INFORMATION CONTACT: Uylaine McMahan, (312) 886–6031.

SUPPLEMENTARY INFORMATION:

Background

Section 172 of the Clean Air Act allows USEPA to grant extensions to those States that could not demonstrate attainment of the ozone standard by December 31, 1982, if certain conditions were met by the State in revising its air pollution control program. The revised programs had to include additional RACT emission limits for various types of VOC sources located in the areas needing the extension.

Since the States of Illinois, Indiana, Michigan Ohio, and Wisconsin could not demonstrate attainment of the ozone NAAQS by the required date of December 31, 1982, the States requested, and received, extensions to December 31, 1987. The extensions obligated the States to develop RACT regulations for those sources addressed by Group III CTG's (RACT III), and to develop RACT regulations for major sources not addressed by a CTG (major non-CTG RACT), for VOC sources in their respective ozone nonattainment areas.

During 1983 and 1984, several Group III CTG's were published in the **Federal Register.** They addressed the following sources:

Source	Publication date	Federal Register cite	Date regulations due from States to USEPA
1 Emissions from large petroleum dry cleaners	Oct. 6, 1982	47 FR 44155	Jan. 1, 1984.
2. Emissions from manufacture of high-density polyethylene, polypropylene, and polystyrene resins.	Nov. 14, 1983	48 FR 51848	Jan. 1, 1985.
3. Natural gas/gasoline processing plants leaks	Feb. 6, 1984	49 FR 4432	Jan. 1, 1986.
4. Synthetic organic chemical polymer and resin manufacturing leaks (SOCMI leaks).	Apr. 10, 1984	49 FR 14181	Do.
5. Synthetic organic chemical polymer and resin manufacturing air oxidation (SOCMI oxidation).	Dec. 28, 1984	49 FR 50442	Do.

Negative Declarations

In response to the publication of the CTG's listed above, five of the States located in Region V submitted letters stating that they had no sources in one or more of the specified CTG categories. The States of Illinois, Indiana, Michigan, Ohio, and Wisconsin all submitted negative declarations. The table below indicates, by State, the CTG categories for which USEPA has received a negative declaration and the date of the declaration.

State	Resin emissions	Natural gas leaks	SOCMI leaks	SOCMI oxidation	Dry cleaners
Illinois	X (6/16/86) [2]	X (11/14/85)			
Indiana	X (4/14/86)	X (3/24/86)	X (3/24/86)	X (3/24/86)	X (4/14/86)
Michigan	X (5/17/85) [1]			X (6/12/85)	X (10/10/83)
Ohio	X (4/9/86) [2]	X (4/9/86)			
Wisconsin	X (9/19/84)	X (6/6/85)	X (11/7/84)	X (11/7/84)	

[1] The State of Michigan plans to submit a statewide polystyrene rule sometime in 1986. This rule will apply to one source, Dow Chemical, which is not located in the Michigan extension area.
[2] The States of Ohio and Illinois submitted negative declarations for polyethylene and polypropylene, but not polystyrene resins. Both States are in the process of developing regulations for polystyrene resin manufacturers.

USEPA has reviewed the available source and emissions data for each of the extension areas in question, and has determined that the negative declarations from the five States are acceptable.

Conclusion

USEPA has concluded that the negative declarations submitted by Illinois, Indiana, Michigan, Ohio and Wisconsin are acceptable. A review of the available source and emissions data indicates that there are no major sources in the categories for which the States have submitted negative declarations. Therefore, USEPA is approving these submittals. This action exempts the States from developing a plan for control of VOC emissions from those source categories for which they have no sources.

Because USEPA considers today's action noncontroversial and routine, we are approving it today without prior proposal. The action will become effective on January 23, 1987. However, if we receive notice by December 24,

1986 that someone wishes to submit critical comments, *then* USEPA will publish: (1) A notice that withdraws the action; and, (2) a notice that begins a new rulemaking by proposing the action and establishing a comment period. USEPA will only do this for those States for which it receives comments and not for all five States.

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

Under 5 U.S.C. 605(b), the Administrator has certified that SIP approvals do not have a significant economic impact on a substantial number of small entities. (See 46 FR 8709.)

Under section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by January 23, 1987. This action may not be challenged later in proceedings to enforce its requirements. (See 307(b)(2).)

List of Subjects in 40 CFR Part 52

Air pollution control, Incorporation by reference, Ozone, Hydrocarbons, Intergovernmental relations.

Note.—Incorporation by reference of the State Implementation Plan for the States of Illinois, Indiana, Michigan, Ohio, and Wisconsin was approved by the Director of the Federal Register on July 1, 1982.

Dated: September 29, 1986.

Lee M. Thomas,

Administrator.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Illinois, Indiana, Michigan, Ohio, and Wisconsin

Title 40 of the Code of Federal Regulations, Chapter I, Part 52, is amended as follows:

1. The authority citation for Part 52 continues to read as follows:

Authority: 42 U.S.C. 7401–7642.

Subpart O—Illinois

2. Section 52.720 is amended by adding paragraph (c)(55) as follows:

§ 52.720 Identification of plan.

* * * * *

(c) * * *

(55) On November 14, 1985, the State of Illinois submitted a negative declaration for natural gas/gasoline processing plants.

(i) Incorporation by reference.

(A) Letter dated November 14, 1985, from Michael J. Hayes, Manager, Division of Air Pollution Control, Illinois Environmental Protection Agency.

* * * * *

Subpart P—Indiana

3. Section 52.770 is amended by adding paragraph (c)(59) as follows:

§ 52.770 Identification of plan.

* * * * *

(c) * * *

(59) On March 24, 1986, the State of Indiana submitted a negative declaration for synthetic organic chemical manufacturing industry (SOCMI) source leaks and oxidation, and for natural gas/gasoline processing plants. On April 14, 1986, the State of Indiana submitted a negative declaration for manufacturers of high-density polyethylene, polypropylene, and polystyrene resins, and for large petroleum dry cleaners.

(i) Incorporation by reference.

(A) Letter dated March 24, 1986, from Harry D. Williams, Director, Air Pollution Control Division, Indiana State Board of Health. Letter dated April 14, 1986, from Walter J. Kulakowski, Assistant Commissioner for Air Management, Department of Environmental Management.

* * * * *

Subpart X—Michigan

4. Section 52.1170 is amended by adding paragraph (c)(82) as follows:

§ 52.1170 Identification of plan.

* * * * *

(c) * * *

(82) The State of Michigan submitted negative declarations for several volatile organic compound source categories, as follows:

October 10, 1983—Large petroleum dry cleaners;

May 17, 1985—High-density polyethylene, polypropylene, and polystyrene resin manufacturers;

June 12, 1985—Synthetic organic chemical manufacturing industry sources (SOCMI) oxidation.

(i) Incorporation by reference.

(A) Letters dated October 10, 1983, May 17, 1985, and June 12, 1985, from Robert P. Miller, Chief, Air Quality Division, Michigan Department of Natural Resources. The letter dated June 12, 1985, includes pages 2–119 and 2–120 from the revised 1982 Air Quality Implementation Plan for Ozone and Carbon Monoxide in Southeast Michigan.

* * * * *

Subpart KK—Ohio

5. Section 52.1870 is amended by adding paragraph (c)(76) as follows:

§ 52.1870 Identification of plan.

* * * * *

(c) * * *

(76) On April 9, 1986, the State of Ohio submitted a negative declaration for natural gas/gasoline processing plants and manufacturers of high-density polyethylene and polypropylene resins.

(i) Incorporated by reference.

(A) Letter dated April 9, 1986, from Warren W. Tyler, Director, State of Ohio Environmental Protection Agency.

* * * * *

Subpart YY—Wisconsin

6. Section 52.2570 is amended by adding paragraph (c)(46) as follows:

§ 52.2570 Identification of plan.

* * * * *

(c) * * *

(46) The State of Wisconsin submitted negative declarations for several volatile organic compound source categories, as follows:

November 7, 1984—Synthetic organic chemical manufacturing industry sources (SOCMI) leaks and oxidation;

September 19, 1984—High-density polyethylene, polypropylene, and polystyrene resin manufacturers;

June 6, 1986—Natural gas/gasoline processing plants leaks.

(i) Incorporation by reference.

(A) Letters dated November 7, 1984, September 19, 1984, and June 6, 1985, from Donald F. Theiler, Director, Bureau of Air Management, Wisconsin Department of Natural Resources.

(ii) Additional information.

(A) Letter dated January 24, 1986, from PPG Industries, Inc., stating that they do not produce as an intermediate or final product any of the chemicals listed in 40 CFR Part 60, Subpart VV, § 60.489(a).

* * * * *

[FR Doc. 86-26418 Filed 11-21-86; 8:45 am]

BILLING CODE 6560-50-M

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40 CFR Part 52

[A-6-FRL-3117-6]

Approval and Promulgation of Implementation Plans; Texas Revision to the General Rules and Regulation VI for New Source Review

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rulemaking.

SUMMARY: This notice approves revisions to the Texas State Implementation Plan (SIP) pertaining to new source review (NSR) for nonattainment areas. Specifically, the State revised the General Rules, and Regulation VI of the Texas Air Control Board (TACB) Regulations. The approval is based on the review of revisions which were adopted by the Board on September 20, 1985, and submitted to EPA by the Governor on December 13, 1985.

DATES: This action will be effective January 23, 1987 unless notice is received within 30 days from publication that adverse or critical comments will be submitted.

ADDRESSES: Copies of the incorporation by reference materials may be examined during normal business hours at the following locations:

EPA, Region 6, Air Programs Branch, 1201 Elm Street, Dallas, Texas 75270
Texas Air Control Board, 6330 Hwy. 290 East, Austin, Texas 78723
Environmental Protection Agency, Public Information Reference Unit, 401 M Street SW., Washington, DC 20460
The Office of the Federal Register, 1100 L Street NW., Rm 8301, Washington, DC

FOR FURTHER INFORMATION CONTACT: Ross Fanning, SIP/New Source Section, Air Programs Branch, EPA, Region 6, 1201 Elm Street, Dallas, Texas 75270, (214) 767–1518. Reference Docket File Number TX–86–03.

SUPPLEMENTARY INFORMATION: On September 20, 1985, after adequate public hearing, the TACB adopted revisions to the General Rules and to Regulation VI. These revisions were submitted to EPA by the Governor on December 13, 1985.

The revision to the General Rules consisted of the addition of a qualifying statement to the definition of "major facility/stationary source." The amendment clarifies the intent of the definition, and specifies that it is applicable in nonattainment areas.

Section 116.11 of Regulation VI was revised to provide for a different schedule for permit fee calculation. The maximum project cost for fee calculation was increased, as was the maximum fee to be paid.

The amendments to the General Rules and Regulation VI were reviewed against the requirements of the Federal Clean Air Act and 40 CFR 51.18. They are at least as stringent as all applicable requirements.

EPA is publishing this action without prior proposal because the Agency views this as a noncontroversial amendment and anticipates no adverse comments. This action will be effective 60 days from the date of this **Federal Register** unless, within 30 days of its publication, notice is received that adverse or critical comments will be submitted.

If such notice is received, this action will be withdrawn before the effective date by publishing two subsequent notices. One notice will withdraw the final action and another will begin a new rulemaking by announcing a proposal of the action and establishing a comment period. If no such comments are received, the public is advised that this action will be effective January 23, 1987.

Final Action

By this notice, EPA is approving revisions to TACB General Rules and Regulation VI. Specifically, EPA approves amendments to the definition of "major facility/stationary source" and § 116.11 of Regulation VI as adopted by the Board on September 20, 1985.

Under 5 U.S.C. 605(b), I certify that this SIP revision will not have a significant economic impact on a substantial number of small entities. (See 46 FR 8709.)

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

Under section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by January 23, 1987. This action may not be challenged later in proceeding to enforce its requirements. [See 307(b)(2).]

List of Subjects in 40 CFR Part 52

Air pollution control, Incorporation by reference, Ozone, Nitrogen dioxide, Lead, Particulate matter, Carbon monoxide, Hydrocarbons, Intergovernmental relations.

Note.—Incorporation by reference of the State Implementation Plan for the State of Texas was approved by the Director of the Federal Register on July 1, 1982.

Dated: October 31, 1986.

Lee M. Thomas,

Administrator.

PART 52—[AMENDED]

40 CFR Part 52 is amended as follows:

Subpart SS—Texas

1. The authority citation for Part 52 continues to read as follows:

Authority: 42 U.S.C. 7401–7642.

2. Section 52.2270 is amended by adding paragraph (c)(63) as follows:

§ 52.270 Identification of plan.

* * * * *

(c) * * *

(63) Revisions to TACB Regulation VI and definitions in the General Rules were submitted by the Governor on December 13, 1985.

(i) Incorporation by reference. December 13, 1985 letter from the Governor to EPA, and Revisions adopted on September 20, 1985, include the following changes to Regulation VI and the General Rules. Revisions to § 116.11 were made, and § 101.1 of the General Rules was revised to include an amendment to the term "major facility/stationary source."

[FR Doc. 86–26419 Filed 11–21–86; 8:45 am]

BILLING CODE 6560–50–M

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40 CFR Part 52

[A–3–FRL–3105–9; Commonwealth of Virginia EPA Docket No. AM056VA]

Approval and Promulgation of Implementation Plans Approval of Revision to the Virginia State Implementation Plan

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: This notice approves the Commonwealth of Virginia's request to repeal EPA's SIP revision approval of January 31, 1980, 45 FR 6942 (and all amendments thereto). This revision consisted of the construction permit and offset provisions for Hampton Roads Energy Company's (HREC) proposed refinery and terminal. This action includes the repeal of 40 CFR 52.2425 and 52.2426. This final rulemaking action would release the Virginia Department of Highways and Transportation (VDHT) from offset responsibilities and revoke the construction permit issued to HREC.

The emission offset affects four Air Quality Control Regions (AQCR) in Virginia. The repeal would permit the use of cutback asphalt throughout the State except for areas where Volatile Organic Compounds (VOC) emissions control regulations in the Virginia SIP continue to be applicable.

This action will have no effect in ozone non-attainment areas or attainment areas where restriction of cutback asphalt is regulated as part of the control strategy. Therefore, EPA is approving this revision to the Virginia SIP, as it conforms to the Clean Air Act, and 40 CFR Part 51, Requirements for Preparation, Adoption, and Submittal of Implementation Plans.

EFFECTIVE DATES: This action is a Direct Final Rule and is effective January 23, 1987 unless notice is received by December 24, 1986 that someone wishes to submit adverse or critical comments.

ADDRESSES: Copies of the SIP revision and the accompanying support documents are available for public inspection during normal business hours at the following locations:

U.S. Environmental Protection Agency, Region III, Air Management Division 841 Chestnut Building, Philadelphia, PA 19107, Attn: Esther Steinberg (3AM11)

Commonwealth of Virginia, State Air Pollution Control Board, Room 801, Ninth Street Office Building, Richmond, Virginia 23219, Attn: W.W. Parks

SUPPLEMENTARY INFORMATION:

Background

On November 28, 1977, the Commonwealth of Virginia submitted to EPA, Region III a revision to the Virginia State Implementation Plan (SIP). The revision provided an offset of VOC emissions through a program of substitution of emulsion based asphalt for "cutback material" by the Virginia Department of Highways and Transportation (VDHT). The Commonwealth's submittal also included the original permit to construct the refinery, issued to the Hampton Roads Energy Company (HREC) on December 8, 1975, and the extension granted to HREC on October 5, 1977. The Commonwealth requested VOC offsets achieved through the asphalt substitution program and the October 5, 1977 permit to be made part of the Virginia SIP. Supplemental information was submitted on March 17, 1978, May 26, 1978, and August 9, 1978. This information included letters from the Commissioner of the VDHT and the Deputy Attorney General confirming the emission offset and its enforceability. The August 9 submittal also included a revised permit issued to HREC on August 8, 1978. On January 31, 1980, 45 FR 6942, EPA granted approval of an offset provision to be part of the Virginia State Implementation Plan. (See 40 CFR Part 52.2420(c)(26)). An additional extention was granted by EPA on July 15, 1983 to HREC for a Permit to Construct.

On October 28, 1985, the Commonwealth submitted to EPA Region III a revision to the Virginia SIP. This revision consists of a repeal of the permit and emission offset for the Hampton Roads Energy Company's proposed refinery and terminal in Portsmouth, VA. The emission offset was supplied by Virginia Department of Highways and Transportation through the Asphalt Substitution Program. A Public Hearing was held on September 9, 1985 in accordance with the requirements of 40 CFR 51.4.

Under the emission offset provision no AQCR has taken credit for reduced VOC emissions as part of a Reasonable Further Progress (RFP) report. Also, the provision had no effect on the redesignation of Hampton Roads Interstate AQCR to attainment status, since the offset did not apply in the region. The repeal applies to state Regions V and VI and parts of III and IV. The action excludes those areas which have been designated by the State as areas requiring VOC RACT measures. Therefore, this action will have no effect in ozone non-attainment areas or attainment areas where restriction of cutback asphalt is regulated as part of the control strategy.

The emission offset repeal would apply to the following areas:

1. State Region III

Central Virginia Intrastate AQCR Counties: Amelia, Brunswick, Lunenburg, Mecklenburg, Nottoway.

2. State Region IV

Northeastern Virginia Intrastate AQCR Counties: Caroline, Essex, Gloucester, King and Queen, King George, King William, Lancaster, Mathews, Middlesex, Northampton, Northumberland, Richmond, Spotsylvania, Westmoreland.

3. State Region V

State Capital Intrastate AQCR Counties: Charles City, Dinwiddie, Goochland, Greensville, Hanover, Colonial Heights City, Emporia City, New Kent, Powhatan, Prince George, Surry, Sussex, Hopewell City, Petersburg City.

4. State Region VI

Hampton Roads Intrastate AQCR Counties: Isle of Wight, Southampton, Franklin City.

The repeal will void the provisions of 40 CFR 52.2425 and 52.2426. These provisions were granted so as to allow HREC to construct a refinery and terminal without adverse impact on ozone standards in the Portsmouth area. The control strategy involved an emission offset through the use of an emulsion base asphalt for the VDHT. Because of HREC withdrawal of the Permit to Construct, the need for an offset is no longer warranted.

EPA Final Action

EPA has reviewed this request in accordance with its own ozone policy, 40 CFR Part 51, and section 110 of the Clean Air Act, and is today approving this SIP revision. Under 5 U.S.C. 605(b), I certify that this SIP revision will not have a significant economic impact on a substantial number of small entities (See 46 FR 8709). The Office of Management and Budget has exempted this rule form the requirement of section 3 of Executive Order 12291.

Under section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by January 23, 1987. This action may not be challenged later in proceedings to enforce its requirements (See 307(b)(2)).

List of Subjects in 40 CFR Part 52

Air pollution control, Ozone, Intergovernmental cooperation.

Dated: October 17, 1986.

Lee M. Thomas,

Administrator.

Part 52 of Chapter I, Title 40, 40 CFR Part 52 is amended as follows:

PART 52—[AMENDED]

Subpart VV—Virginia

1. The authority citation for Part 52 continues to read as follows:

Authority: 42 U.S.C. 7401–7642.

2. Section 52.2420 is amended by adding paragraph (c)(88) as follows:

§ 52.2420 Identification of plan.

* * * * * * *

(c) * * *

(88) The repeal of § 52.2420(c)(26) pertaining to a permit and emission offset for the Hampton Roads Energy Company's proposed refinery and terminal in Portsmouth, Virgina.

§§ 52.2425 and 52.2426 [Amended]

3. Sections 52.2425 and 52.2426 are removed and reserved.

[FR Doc. 86–25104 Filed 11–21–86; 8:45 am]

BILLING CODE 6560–50–M

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40 CFR Part 52

[A-5-FRL-3116-2]

Approval and Promulation of Implementation Plans; Wisconsin

AGENCY: U.S. Environmental Protection Agency (USEPA).

ACTION: Notice of final rulemaking.

SUMMARY: The USEPA announces final approval of a revision to the Wisconsin State Implementation Plan (SIP) for sulfur dioxide (SO_2). The revision modifies certain SO_2 emission limits applicable in the Village of Brokaw, located in Marathon County, Wisconsin. USEPA's action is based on a SIP revision request that was submitted by the State of Wisconsin on February 17, 1983. A notice of proposed rulemaking on this revision appeared in the August 17, 1983 (48 FR 37232), **Federal Register.**

EFFECTIVE DATE: This final rulemaking becomes effective on December 24, 1986.

ADDRESSES: Copies of this SIP revision and other materials related to this rulemaking are available for inspection at the following addresses: (It is recommended that you telephone Colleen W. Comerford, at (312) 886–6034, before visiting the Region V Office.)

U.S. Environmental Protection Agency, Region V, Air and Radiation Branch, 230 South Dearborn Street, Chicago, Illinois 60604.

Copies of this revision to the Wisconsin SIP are available for inspection at:

The Office of the Federal Register, 1100 L Street, NW., Room 8301, Washington, DC.

U.S. Environmental Protection Agency, Public Information Reference Unit, 401 M Street SW., Washington, DC 20460.

Wisconsin Department of Natural Resources, Bureau of Air Management (AIR/3), 101 South Webster, Madison, Wisconsin 53707.

FOR FURTHER INFORMATION CONTACT: Uylaine McMahan, (312) 886–6031.

SUPPLEMENTARY INFORMATION:

Background

On February 17, 1983, the Wisconsin Department of Natural Resources (WDNR) submitted a SIP revision request to USEPA. The revision pertains to the SO_2 portion of the Wisconsin SIP, as approved by USEPA on April 9, 1981 (46 FR 21165), and modifies the SO_2 reasonably available control technology (RACT) emission limits applicable in the Village of Brokaw, Marathon County, Wisconsin. The SIP revision pertains to only one source, Wausau Papers, Inc. (Wausau Papers). These modified limits are contained in section NR 154.12(4) of the Wisconsin Administrative Code. A public hearing on the revision was held in Wausau, Wisconsin, on July 1, 1982. The SIP revision, identified as Natural Resource Board Order A–9–82, was published in the Wisconsin Administrative Register in December 1982, and took effect in Wisconsin on January 1, 1983.

SO_2 SIP Revision Description

The revision to section NR 154.12(4) will modify the SIP in two ways. First, it will limit the maximum sulfur content in fuel oil burned in boilers at Wausau Papers to 1.0 percent by weight, where a stack of 160 feet (48.8 meters) or more in height is used. If a stack height of less than 160 feet is used, the maximum sulfur content remains at the current SIP limit of 0.22 percent by weight. Second, the revision will modify the process emission limit for Wausau Papers. The process emissions from individual units within the paper mill, specifically the Copeland recovery system, pulp papermill cooking acid plant, and pulp digester blow stack, when vented to a common stack of 160 feet or more, will be limited to a combined total of 228 pounds per hour. If these process emissions are not combined to a common stack of 160 feet or more, the individual process emission limitations contained in the current SIP must be met. These are as follows:

Copeland recovery system—113 lbs/hr
Pulp papermill acid plant—22 lbs/hr
Pulp digester blow stack—20 lbs/hr

To support this revision, the WDNR submitted a Technical Support Document with its SIP revision request. This document, together with the results of a USEPA air quality modeling analysis, demonstrates that the combined process emission limitation of 228 pounds per hour, with boilers burning 1.0 percent sulfur fuel oil, at a good engineering practice stack height of 160 feet, will attain the SO_2 ambient air quality standards. In addition, a stack test was conducted in December 1982 at Wausau Papers that showed compliance with the 228 pounds per hour emission limitation for combined process emissions.

Compliance with the combined process limitations is achieved through the use of a SO_2 scrubbing system. In the notice of proposed rulemaking (August 17, 1983; 48 FR 37232). USEPA strongly recommended continuous emission monitoring (CEM) on all SO_2 sources with scrubber systems, but did not make it a condition for approval. In a December 24, 1984, letter to the WDNR, USEPA renewed its recommendation. The WDNR responded that they believe the CEMs do not work adequately in wet acidic atmospheres and, therefore, considers CEMs an inappropriate compliance method for Wausau Papers. USEPA does not agree with this response, and continues to recommend that the WDNR include CEMs as part of Wausau Papers' compliance plan. USEPA recognizes the current compliance test method, a stack test using Reference Methods 2 and 6, Appendix A, 40 CFR Part 60, with results averaged over a 3-hour sampling period, per the underlying federally approved SIP.

Regulatory History

The Brokaw SO_2 SIP revision was submitted to USEPA on February 17, 1983. On March 14, 1983, the WDNR also requested that USEPA redesignate the corporate limits of Brokaw from primary and secondary nonattainment, to attainment for SO_2. USEPA proposed to approve these actions on August 17, 1983 (48 FR 37232) and October 13, 1983 (48 FR 46550), respectively. However, the approval of the redesignation was conditioned on the approval of the SIP revision, because approval of the SIP revision would indicate that the SIP strategy is sound, and that the air quality improvement could be attributed to enforceable emission reductions. This, in turn, would fulfill the USEPA requirement for redesignation that the emission reductions be actual and enforceable. The redesignation of Brokaw is being addressed in a separate notice of final rulemaking. Today's action pertains to the Brokaw SO_2 emission limitations only.

Prior to final rulemaking on the Brokaw SIP revision, USEPA's stack height regulations have been challenged in, and were eventually remanded by, the U.S. Circuit Court of Appeals for the District of Columbia Circuit. Consequently, on July 9, 1985 (50 FR 27892), USEPA promulated revisions to the stack height rules pursuant to Section 123 of the Clean Air Act, as amended. The Brokaw SIP revision was reviewed in light of the revised stack height rules, as well as subsequent guidance pertaining to the new rule. Wausau Papers has increased the stack heights of the boiler stack and the process stack to 160 feet (48.8 meters). Since there are no restrictions on stack height increases up to 213 feet (65 meters), the new actual stack height is fully creditable under USEPA's stack height rule. In addition, Wausau Papers has combined all boiler sources to vent to one stack of 160 feet (48.8 meters) and combined all process sources to vent to another stack of the same height. Combining stacks is allowed if plantwide SO_2 emissions do not exceed 5000 tons per year. Under this SIP revision, emissions from Wausau Papers will total approximately 2800 tons per year. Therefore, USEPA has determined that the stack height changes at Wausau Papers are allowable under USEPA's rule.

Conclusion

USEPA has reviewed this SIP revision and has determined that it meets the requirements of the Clean Air Act. On August 17, 1983 (48 FR 37232), USEPA published a notice proposing to approve this SIP revision in the **Federal Register.** No public comments were received on this action. Therefore, USEPA is taking final action to approve the revisions to section NR 154.12(4) of the Wisconsin Administrative Code, Brokaw RACT Sulfur Limitations, as a part of the Wisconsin SIP.

The Office of Management and Budget has exempted this rule from the requirements of Section 3 of Executive Order 12291.

Under section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by January 23, 1987. This action may not be challenged later in proceedings to enforce its requirements. (See 307(b)(2)).

List of Subjects in 40 CFR Part 52

Intergovernmental relations, Air pollution control, Incorporation by Reference, Sulfur oxides.

Note.—Incorporation by reference of the State Implementation Plan for the State of Wisconsin was approved by the Director of the **Federal Register** on July 1, 1982.

Dated: September 29, 1986.

Lee M. Thomas,

Administrator.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Subpart YY—Wisconsin

Title 40 of the Code of Federal Regulations, Chapter I, Part 52 is amended as follows:

1. The authority citation for Part 52 continues to read as follows:

Authority: 42 U.S.C. 7401–7642.

2. Section 52.2570 is amended by adding new paragraph (c)(45) as follows:

§ 52.2570 Identification of plan.

* * * * *

(c) * * *

(45) Submittal from the State of Wisconsin, dated February 17, 1983, modifying the SO_2 emission limits applicable in the Village of Brokaw, Marathon County, Wisconsin.

(i) *Incorporation by reference.* (A) Letter from the Wisconsin Department of Natural Resources, dated February 17, 1983, and revised SO_2 emission limits for the Village of Brokaw, Marathon County, Wisconsin, which are contained in section NR 154.12(4) of the Wisconsin Administrative Code. The revisions consist of limiting the maximum sulfur content in fuel oil burned in boilers to 1.0 percent by weight, where a stack of 160 feet or more is used; limiting process emissions from the Copeland recovery system, pulp papermill cooking acid plant, and pulp digester blow stack to a combined total of 228 pounds of SO_2 per hour, when vented to a common stack of 160 feet of more. If a stack height of less than 160 feet is used, or if the process emissions are not vented to a common stack of 160 feet or more, then the emission limits approved by USEPA on April 9, 1981, must be met. See (c)(15). The emission limits were effective January 1, 1983.

[FR Doc. 86–26280 Filed 11–21–86; 8:45 am]
BILLING CODE 6560–50–M

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40 CFR Part 81

[A–5–FRL–3116–3]

Approval of Areas For Air Quality Planning Purposes; Attainment Status Designations; Wisconsin

AGENCY: U.S. Environmental Protection Agency (USEPA).

ACTION: Notice of final rulemaking.

SUMMARY: This final rulemaking action revises the Sulfur Dioxide (SO_2) attainment status designation for the corporate limits of the Village of Brokaw, from primary and secondary nonattainment to attainment. This revision is based on a redesignation request from the State of Wisconsin dated March 14, 1983, and on supporting technical data submitted by the State. USEPA proposed to approve the redesignation on October 13, 1983 (48 FR 46550). An attainment status designation can be changed if warranted by the available data, in accordance with the Clean Air Act and USEPA policy. In today's action, USEPA is approving the redesignation as requested by the State of Wisconsin.

EFFECTIVE DATE: This final rulemaking becomes effective on December 24, 1986.

ADDRESSES: Copies of the redesignation request, technical support document, and the supporting air quality data are available at the following addresses:

U.S. Environmental Protection Agency, Region V. Air and Radiation Branch (5AR–26), 230 S. Dearborn Street, Chicago, Illinois 60604

Wisconsin Department of Natural Resources, Bureau of Air Management (AIR/3), 101 South Webster, Madison, Wisconsin 53707

FOR FURTHER INFORMATION CONTACT: Uylaine McMahan, (312) 886–6031.

SUPPLEMENTARY INFORMATION: Under section 107(d) of the Act, the Administrator of USEPA has promulgated a National Ambient Air Quality Standards (NAAOS) attainment status for each area of Wisconsin. On March 3, 1978 (43 FR 8962), the Village of Brokaw was designated primary and secondary nonattainment with respect to SO_2. These area designations may be revised whenever the available data warrant a revision, consistent with the policies discussed below.

USEPA's criteria for Section 107 redesignations are summarized in two policy memoranda: (1) An April 21, 1983, memorandum from Sheldon Meyers, then Director of the Office of Air Quality Planning and Standards, entitled "Section 107 Designation Policy Summary"; and (2) a December 23, 1983, memorandum from G.T. Helms, Chief of the Control Programs Operation Branch, entitled "Section 107 Designation Policy Summary"; and (2) a December 23, 1983, memorandum from G.T. Helms, Chief of the Control Programs Operation Branch, entitled "Section 107 Questions and Answers." In general, all available information relative to the attainment status of the area should be reviewed, including the most recent eight consecutive quarters of monitored ambient air quality data, evidence of an implemented control strategy, any available air quality modeling analyses, and source emissions data. It should also be determined whether the monitoring data accurately characterize the worst-case air quality in the area. Information submitted to support attainment redesignations must adequately and accurately reflect long-term source operating rates and local economic conditions in the area being redesignated.

According to the April 21, 1983, memorandum, an attainment designation can be changed using only the four most recent quarters of ambient air quality data, if: (1) An acceptable state-of-the-art modeling analysis is provided showing that the basic SIP strategy is sound; and (2) that actual, enforceable emission reductions are responsible for the recent air quality improvement.

As required by USEPA's April 21, 1983, memorandum, the WDNR, in support of its redesignation request for Brokaw, provided a modeling analysis and evidence of an implemented control strategy, in addition to four quarters of monitoring data showing attainment. The WDNR also submitted a revision to

the SO_2 SIP for the Village of Brokaw to USEPA on February 17, 1983. This revision changed the SO_2 emission limits for Wausau Papers, Inc., which is located in the Village of Brokaw, Marathon County.[1]

The WDNR submitted a March 12, 1982, modeling analysis to USEPA as an addendum to the technical support document indicating that the revised Brokaw SO_2 limits, and the associated SO_2 emission reductions required by this SIP revision, would assure the attainment and maintenance of the SO_2 NAAQS. Wausau Papers was also certified by the State to be in compliance with the revised emission limits.

To document the predicted ambient air improvement, the WDNR submitted a total of four quarters of 1982 ambient air quality data showing no violations, from the one monitoring site operating in Brokaw during that year. In addition, monitoring data taken during 1983, 1984, and 1985 show no violations of the NAAQS. However, the monitoring data did show violations during 1980 and 1981, prior to the State giving Wausau Papers its revised limits. Therefore, the available modeling data submitted by the State indicate that the SO_2 emission reductions required by the SIP revision are responsible for this improvement in air quality.

USEPA proposed to approve the State's revised emission limits for Wausau Papers, Inc., as a revision to the SO_2 portion of the SIP on August 17, 1983 (48 FR 37232), based on the monitoring, modeling and compliance data submitted by the State. (These limits are being approved elsewhere in today's **Federal Register**.) USEPA proposed to approve the Brokaw SO_2 redesignation on October 13, 1983 (48 FR 46550) based on monitoring, modeling, and compliance data, as well as the August 17, 1983, proposed approval of the Brokaw SO_2 SIP revision. No comments on USEPA's proposed redesignation were received.

[1] The SIP revision modifies Section NR 154.12(4) of the Wisconsin Administrative Code in two ways: (1) It limits the percent sulfur burned in boilers to 1.0% by weight at Wausau Papers; and (2) it limits the combined process emissions from Wausau Papers to 228 lbs of SO_2/hour. Both limitations are based on the use of a stack height of 160 feet or more.

Conclusion

In today's rulemaking action, USEPA is approving the State's request to redesignate the corporate limits of Brokaw from primary and secondary non-attainment to attainment. USEPA is taking this action because the State has provided the following: evidence that the recent air quality improvement is a result of an implemented control strategy for the area (i.e., an approvable SIP revision for Wausau Papers, and certification of compliance); an acceptable modeling analysis indicating that the Village of Brokaw control strategy including the emission reductions required by the SIP revision for Wausau Papers, will assure the attainment and maintenance of the SO_2 NAAQS; and four quarters' of air quality data showing no violations during 1982. In addition, air quality data taken by the State during 1983, 1984, and 1985 show no violations of the NAAQS.

In the notice of proposed rulemaking (October 13, 1983; 48 FR 46550), USEPA stated that it would take action to finally approve the redesignation after it had approved the revised emission limitation for Wausau Papers, Inc. This sequence of events is necessary because the SIP revision is being used by the State as part of the technical support for the redesignation. USEPA has approved the SO_2 SIP revision for Wausau Papers elsewhere in today's **Federal Register**. Therefore, USEPA is approving the redesignation of Brokaw to attainment for SO_2.

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

Under section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by January 23, 1987. This action may not be challenged later in proceedings to enforce its requirements. (See 307(b)(2)).

List of Subjects in 40 CFR Part 81

Intergovernmental relations, Air pollution control, National parks, Wilderness areas.

Dated: September 29, 1986.

Lee M. Thomas,

Administrator.

PART 81—DESIGNATION OF AREAS FOR AIR QUALITY PLANNING PURPOSES

Part 81 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

1. The authority citation for Part 81 continues to read as follows:

Authority: 42 U.S.C. 7401–7642.

2. Section 81.350—Wisconsin, the attainment status designation table for SO_x is amended by revising the entry for Marathon County, to read as follows:

§ 81.350 Wisconsin.

* * * * *

WISCONSIN—SO_x

Designated area	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
* * *	*	*	*	*
AQCR 28				
Marathon County:				
Rothschild Sub-city area defined as follows:	X	X		
North: State Highway 29 from E bank of Wisconsin River E to Volkman Street.				
East: Volkman Street from State Highway 29 S to Lemke Avenue.				
South: Lemke Avenue Volkman Street W to Becker Avenue, Becker Avenue from Lemke Avenue W to Francis Street.				
Weston Avenue from Frances Street extended to E bank of Wisconsin River..				
West: E bank of Wisconsin River, Weston Avenue extended N to State Highway 29.				
Town of Rib Mountain, Sub-town area defined as follows.		X		
The NW ¼ of Section 23.				
The NW ¼ of Section 23.				
The NW ¼ of Section 25.				
Town of Weston, Sub-town area defined as follows.		X		
.....				
North: State Highway 29 from Volkman Street N to Jelinck Avenue E to Alderson Street.				
East: Alderson Street from Jelinck Avenue S to Weston Avenue.				
South: Weston Avenue from Alderson Street W to Volkman Street.				
West: Volkman Street from Weston Avenue N to State Highway 29.				
Remainder of Marathon County.....				X
* * *	*	*	*	*

[FR Doc. 86-26281 Filed 11-21-86; 8:45 am]

BILLING CODE 6560-50-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

42 CFR Parts 412 and 413

[BERC-420-FC]

Medicare Program; Fiscal Year 1987 Changes to the Inpatient Hospital Prospective Payment System

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Final rule with comment period.

SUMMARY: This rule implements those portions of sections 9302 and 9303 of the Omnibus Budget Reconciliation Act of 1986 affecting fiscal year 1987 payments to prospective payment hospitals and hospitals excluded from the prospective payment system. The changes in the law affecting prospective payment hospitals concern the update factor; reductions in the standardized amounts to reflect differences in payment for outliers between urban and rural hospitals; revised rural referral center criteria; and reductions in payments for capital-related costs. For hospitals excluded from the prospective payment system, the changes affect the rate-of-increase limits (target amounts).

DATES:

Effective Date: This rule is effective October 1, 1986.

Comment Date: As discussed in section VI of this preamble, comments will be considered if we receive them at the appropriate address, as provided below, no later than 5:00 p.m. on January 23, 1987.

ADDRESS: Mail comments to the following address:

Health Care Financing Administration, Department of Health and Human Services, Attention: BERC-420-FC, P.O. Box 26676, Baltimore, Maryland 21207.

If you prefer, you may deliver your comments to one of the following addresses:

Room 309-G, Hubert H. Humphrey Building, 200 Independence Ave. SW., Washington, DC, or

Room 132, East High Rise Building, 6325 Security Boulevard, Baltimore, Maryland.

In commenting, please refer to file code BERC-420-FC. Comments received timely will be available for public inspection as they are received, generally beginning approximately three weeks after publication of a document, in Room 309-G of the Department's offices at 200 Independence Ave. SW., Washington, DC, on Monday through Friday of each week from 8:30 a.m. to 5:00 p.m. (phone: 202-245-7890).

FOR FURTHER INFORMATION CONTACT:

Bruce Oliver, (301) 597-1869 (Capital-related costs)

Linda Magno, (310) 594-9343 (Other matters)

SUPPLEMENTARY INFORMATION:

I. Background

A. Prospective Payment

On September 3, 1986 we published a final rule in the **Federal Register** (51 FR 31454) to implement the fourth and final year of the transition period of the prospective payment system. In that rule we set forth the methods, amounts, and factors for determining the Federal fiscal year (FY) 1987 prospective payment rates. We also established new target rate percentages for determining the rate-of-increase limits for FY 1987 for hospitals excluded from the prospective payment system.

In addition, we made the following changes:

- We recomputed the hospital market basket using data from a more recent base year and recalculated the weights of each of the components of the hospital market basket.
- We discussed several decisions and current provisions of the regulations in 42 CFR Parts 412 and 413 (the latter of which was formerly 42 CFR Part 405, Subpart D, which was redesignated on September 30, 1986 (51 FR 34790)).
- We also discussed comments and responses and made changes to the May 6, 1986 interim final rule (51 FR 16772), which implemented sections 9101 through 9105 and 9112 of the Consolidated Omnibus Budget Reconciliation Act of 1985 (Pub. L. 99-272).

B. Capital Related Costs

The Social Security Amendments of 1983 (Pub. L. 98-21), which established the prospective payment system, excluded capital-related costs (including depreciation, leases and rentals, interest, and a return on equity capital for proprietary hospitals) from the definition of inpatient operating costs and provided that capital-related costs would continue to be paid for on a reasonable cost basis. This exclusion was to expire with cost reporting periods beginning on or after October 1, 1986, but was extended through cost reporting periods beginning before October 1, 1987, by the Urgent Supplemental Appropriations Act (Pub. L. 99-349). Regulations providing for payment of capital-related costs under the prospective payment system are located at §§ 412.113 and 413.64.

II. Summary of New Legislation

On October 21, 1986, the Omnibus Budget Reconciliation Act of 1986 (Pub. L. 99–509) was enacted. Portions of sections 9302 and 9303 of Pub. L. 99–509 made the following amendments, which concern Medicare payments to hospitals in FY 1987, to section 1886 of the Social Security Act (the Act). The changes under section 9302 of Pub. L. 99–509 are as follows:

- For discharges occurring on or after October 1, 1986 and before October 1, 1987, the Federal standardized amounts for prospective payment hospitals are increased by 1.15 percent.
- For cost reporting periods beginning on or after October 1, 1986 and before October 1, 1987, the hospital-specific rates are increased by 1.15 percent.
- For cost reporting periods beginning on or after October 1, 1986 and before October 1, 1987, the rate-of-increase limits for hospitals excluded from the prospective payment system are increased by 1.15 percent.
- For discharges occurring on or after October 1, 1986, each of the standardized amounts (national and regional, urban and rural) is reduced by a proportion, estimated by the Secretary, of total DRG payments represented by outlier payments in urban and rural areas, respectively.
- Rural referral center criteria are changed as follows:

—The regional case-mix index value is the median for urban hospitals in each region, excluding those hospitals with approved teaching programs; and

—The number of discharges is reduced to the lower of 5,000 discharges or the regional median number of discharges for urban hospitals.

In addition, hospitals that were classified as referral centers on October 21, 1986 (the date of enactment of Pub. L. 99–509) retain that status through cost reporting periods beginning before October 1, 1989.

Section 9303 of Pub. L. 99–509 reduces the amounts of payments for capital-related costs attributable to inpatient services of prospective payment hospitals otherwise determined to be reasonable under current law as follows:

- By 3.5 percent for payments attributable to portions of cost reporting periods occurring during FY 1987;
- By 7 percent for payments attributable to portions of cost reporting periods or discharges (as the case may be) occurring during FY 1988; and
- By 10 percent for payments attributable to portions of cost reporting periods or discharges (as the case may be), occurring during FY 1989.

This section further provides that these reductions shall not apply to sole community hospitals as defined in section 1886(d)(5)(C)(ii) of the Act. Moreover, this section of the law provides that hospitals in Puerto Rico subject to the prospective payment system shall also be subject to the foregoing limitations for capital-related costs, but not before October 1, 1987.

III. Changes to the Prospective Payment System

A. Increase in the Prospective Payment Rates and Rate-of-Increase Limits

Section 9303(a)(1) of Pub. L. 99–509 amended section 1886(b)(3)(B)(i)(II) of the Act to provide that for FY 1987 the applicable increase is 1.15 percent. Therefore, for discharges occurring on or after October 1, 1986 and before October 1, 1987, the standardized amounts are increased by 1.15 percent, and for cost reporting periods beginning during FY 1987, the hospital-specific rates, and the target rate-of-increase limits for excluded hospitals and units are increased by 1.15 percent. We are revising §§ 412.63, 412.73, and 413.40 to implement these changes.

We also note that section 9302(a)(1) directs that, for FY 1988, the applicable percentage increase in the update factor is to be the increase in the hospital market basket minus two percentage points. However, because this provision applies to FY 1988, we are not making conforming changes in regulations text at this time.

B. Separate Outlier Offsets for Urban and Rural Hospitals

Section 1886(d)(5)(A) of the Act requires that, in addition to the basic prospective payment rates, payments must be made for discharges involving day outliers and may be made for cost outliers. Section 1886(d)(3)(B) of the Act correspondingly requires that the standardized amounts be reduced by the proportion of estimated total DRG payments attributable to estimated outlier payments. Furthermore, section 1886(d)(5)(A)(iv) of the Act further directs that outlier payments may not be less than five percent nor more than six percent of total payments projected to be made based on the prospective payment rates in any year. In the September 3, 1986 final rule, we set the outlier thresholds so as to result in estimated outlier payments equal to five percent of total prospective payments (that is, estimated outlier payments plus regular prospective payments per discharge, excluding indirect medical education payments and disproportionate share hospital payments) for FY 1987 (51 FR 31523).

Section 9302(b)(1) of Pub. L. 99–509 amended section 1886(d)(3)(B) of the Act by requiring that, effective with discharges occurring on or after October 1, 1986, each national and regional standardized amount be reduced for hospitals located in urban areas and for hospitals located in rural areas based on the estimated proportion of total DRG payments attributable to outlier payments for hospitals in urban areas and for hospitals in rural areas, respectively. Consequently, instead of the uniform five percent reduction factor applying equally to all the standardized amounts, there are now two separate reduction factors, one applicable to the urban national and regional standardized amounts and the other applicable to the rural national and regional standardized amounts. Rates for urban hospitals, which are projected to receive outlier payments in excess of five percent of total DRG payments, are reduced by that larger percentage (instead of by five percent) and therefore decrease. Rates for rural hospitals, which are projected to receive outlier payments of less than five percent of total DRG payments, are reduced by the lower percentage (instead of by five percent) and therefore increase.

In addition, section 9302(b)(3) of Pub. L. 99–509 requires that the separate outlier offset provisions in section 9302(b)(1) for urban and rural hosptials result in a reduction of the standardized amounts for outlier payments that is at the same level as if the provision had not been enacted. As further required by section 9302(b)(3) of Pub. L. 99–509, the outlier thresholds and standards for discharges in FY 1987 remain the same as those published in the September 3, 1986 final rule (51 FR 31523).

As discussed above, the law (section 9302(b)(1) of Pub. L. 99–509) requires that separate outlier reductions be applied to each of the urban and rural standardized amounts so as to reflect projected outlier experience for FY 1987 for urban hospitals and for rural hospitals, respectively. Given the requirements (section 9302(b)(3) of Pub. L. 99–509) that the rates incorporating these separate outlier adjustments result in the same level of total prospective payment system outlays as the rates with the previous uniformly applied five percent outlier adjustment, and that the outlier thresholds in effect on October 1, 1986 be maintained, we used an iterative simulation process to achieve the desired effect on payments.

Using the most current data available, that is, bills for FY 1985 discharges from hospitals currently subject to the

prospective payment system received in HCFA through June 1986 (approximately 10 million discharges), we ran a baseline simulation using the PRICER program to price each case. Estimated payments were calculated using FY 1987 standardized amounts computed on the same basis as those published in the September 3, 1986 final rule (51 FR 31530), except that these rates were updated by 1.15 percent as prescribed by section 9302(a)(1) of Pub. L. 99–509 rather than by .5 percent (as announced in the September 3, 1986 final rule).

From this simulation we calculated the ratio of total outlier payments to total payments (including outliers). We computed separate outlier payment ratios for hospitals in urban areas and for hospitals in rural areas. In addition, we calculated the total operating payments under the prospective payment system that we estimate would have occurred in FY 1987 using standardized amounts that were reduced uniformly for outliers by five percent. This amount served as the aggregate prospective payment target that had to be maintained after the urban and rural standardized amounts were differentially adjusted for urban and rural outlier ratios, respectively.

The next step was to remove the effect of the five percent outlier adjustment from the FY 1987 standardized amounts and replace it with the outlier ratios for urban hospitals and rural hospitals as computed in the price simulation. However, these outlier ratios do not reflect our estimate of outlier payment ratios in FY 1987 because they are based on standardized payment amounts uniformly reduced by five percent. Therefore, further simulations were required to refine the outlier payment ratios used in computing the standardized amounts and to ensure that the total payment constraint was met.

We then used these revised rates to rerun the price simulation to refine the outlier payment ratios used to offset the standardized amounts in order to determine if aggregate payments based on these differentially adjusted rates equal the target payment amount computed in the baseline price simulation.

The entire simulation process was repeated until such time that the outlier ratios computed in the simulation and used to adjust the standardized rates resulted in total aggregate payments equal to the baseline target amount that represents our estimate of total prospective payment system payments for FY 1987 that would have been incurred had this provision not been implemented.

The outlier adjustment factors that replace the .95 uniform outlier adjustment (announced in the September 3, 1986 final rule), are as follows:

OUTLIER REDUCTION FACTORS

Urban	Rural
.94632	.97820

We are amending § 412.63(c)(3) to implement these changes.

C. Adjustments for Rural Referral Centers

Section 1886(d)(5)(C)(i) of the Act provides for exceptions and adjustments to the prospective payment amounts as the Secretary deems appropriate to take into account the special needs of regional and national referral centers. In order to qualify as a rural referral center under § 412.96(c), a hospital must meet two mandatory criteria (case-mix index and number of discharges) and at least one of three optional criteria (specialty composition of medical staff, source of inpatients, or volume of referrals), in addition to being located in a rural area.

Section 9302(d)(1) of Pub. L. 99–509 amended section 1886(d)(5)(C)(i) of the Act by providing that the—

- Regional case mix be equal to the median case mix for urban hospitals in each region, excluding hospitals with approved teaching programs; and
- Number of discharges criterion is at least 5,000 discharges per year or, if less, the median number of discharges for urban hospitals in the region in which the hospital is located, as published in the September 3, 1986 final rule (51 FR 31471).

Although the statutory language refers to the case mix of rural hospitals and of urban hospitals, excluding those with approved teaching programs, we believe that this provision was intended to refer to the case-mix index, since the case-mix index is the only objective measure we have of a hospital's case mix and the only measure that allows us to make comparisons across hospitals. Moreover, we believe this statutory change was intended to modify the particular numeric case-mix index standards published September 3, 1986 through a simple recalculation based on data already available to us rather than through restructuring the nature of the case mix criteria. Therefore, we have modified the case-mix index standards by recalculating the median case-mix index values for urban hospitals in each region, excluding from the calculation those hospitals with approved teaching programs.

To determine the case-mix index criteria, we are defining hospitals with approved teaching programs as those hospitals receiving an indirect medical education payment as provided in § 412.118. We believe that the criterion to qualify for such an adjustment (a hospital's ratio, for purposes of indirect medical education payments, of full-time equivalent interns and residents to the number of beds must be greater than zero) is appropriate in defining a hospital as having an approved teaching program. This definition of teaching hospitals is consistent with the definition that we have used in the annual studies of the impact of the prospective payment system as required by section 603(a)(2)(A) of Pub. L. 98–21, other reports to Congress (such as the Report on the Prospective Payment System for Hospitals in Areas Outside the 50 States and the District of Columbia), and regulatory impact analyses in previous prospective payment rules. Moreover, there is a statistically significant positive relationship between hospitals' teaching status, so defined, and their case-mix indexes. That is, teaching hospitals have higher case-mix indexes, on average, than nonteaching hospitals, all other things being equal.

Based on the foregoing, we excluded hospitals receiving indirect medical education payments from the calculation of the median case-mix index for each region. The revised regional case-mix index criteria for a hospital, based on its discharges subject to prospective payment occurring during Federal FY 1985, are as follows:

Region:

1	1.0749
2	1.0713
3	1.1124
4	1.0926
5	1.0827
6	1.1125
7	1.1009
8	1.1577
9	1.1588

Therefore, to meet the case-mix criterion for FY 1987, a hospital's case-mix index for Medicare discharges in FY 1985 must be at least equal to the above appropriate regional value or the national value (1.1275) published in the September 3, 1986 final rule (51 FR 31474).

These provisions are reflected in the amendments to §412.96(c).

In addition, section 9302(d)(2) of Pub. L. 99–509 extends referral center classification so that a hospital classified as a referral center under

section 1886(d)(5)(C)(i) of the Act as of October 21, 1986 (the date of enactment of Pub. L. 99–509) continues to be classified as a referral center for cost reporting periods beginning on or after October 1, 1986, and before Octoberr 1, 1989. Because the extension of referral center classification does not affect the FY 1987 prospective payment rates, we are not amending § 412.96(f) at this time (although we will make the necessary conforming changes at a later time in another **Federal Register** document). Hospitals classified as referral centers as of October 21, 1986 retain that status through cost reporting periods beginning before October 1, 1989.

Section 9302(d)(3) of Pub. L. 99–509 requires that total payments to hospitals for inpatient hospital services not change (that is, neither increase nor decrease) as a result of the referral center provisions enacted in section 9302(d) (1) and (2) of Pub. L. 99–509. Therefore, because we estimate that the revised referral center criteria permit an additional 61 hospitals to qualify as rural referral centers, we are multiplying the adjusted standardized amounts for all hospitals by a budget neutrality factor of .99839 to ensure that total payments under section 1886 of the Act neither increase nor decrease as a result of the increase in payments to those rural referral centers.

D. Capital-Related Costs

Section 9303(a) of Pub. L. 99–509 amended section 1886(g) of the Act by adding a new paragraph (g)(3), which imposes reductions in the amounts otherwise payable with respect to all the capital-related costs of inpatient hospital services of hospitals subject to the prospective payment system. As described earlier, the reductions are expressed in percentages (three and one-half, seven and 10) to be applied to payments for portions of cost reporting periods (or, for FYs 1988 and 1989, discharges, as the case may be) occurring during each of Federal FYs 1987, 1988 and 1989, respectively.

The Conference Committee report directs that all capital costs (including return on equity capital payments for proprietary hospitals, and including continued exemption from offset of investment income earned on funded depreciation) be included in the base for calculating the reductions. Moreover, the Conference Committee expressed the intent that the reductions will be implemented on a pro rata monthly basis in situations where a hospital's cost reporting period overlaps two Federal fiscal years. (See H.R. Rep. 99–1012, 99th Cong., 2d. Sess., 281 (1986).)

The legislation provides an exemption for sole community hospitals (as defined in section 1886(d)(5)(C)(ii) of the Act) from the reductions in capital-related payments. The legislation also applies to Puerto Rico hospitals, which are scheduled to become subject to the prospective payment system in FY 1988, but not before October 1, 1987. Therefore, the 3.5 percent limitation for FY 1987 will not apply to Puerto Rico hospitals.

We are revising § 413.64(k) to implement these changes.

IV. Table

This section contains the table of adjusted standardized amounts referred to in this preamble. The amounts replace those amounts that were published in the September 3, 1986 final rule (51 FR 31530) and are effective with discharges occurring on or after October 1, 1986.

TABLE 1.—ADJUSTED STANDARDIZED AMOUNTS, LABOR/NONLABOR

Region	Urban		Rural	
	Labor related	Nonlabor related	Labor related	Nonlabor related
1. New England (CT, ME, MA, NH, RI, VT)	2239.54	829.08	2096.37	651.23
2. Middle Atlantic (PA, NJ, NY)	2063.82	803.47	2141.54	659.63
3. South Atlantic (DE, DC, FL, GA, MD, NC, SC, VA, WV)	2198.97	747.32	1946.84	546.11
4. East North Central (IL, IN, MI, OH, WI)	2289.96	874.41	1982.80	614.47
5. East South Central (AL, KY, MS, TN)	2069.40	658.70	1927.56	509.06
6. West North Central (IA, KS, MN, MO, NB, ND, SD)	2135.28	781.23	1804.23	527.18
7. West South Central (AR, LA, OK, TX)	2149.86	730.25	1813.85	509.28
8. Mountain (AZ, CO, ID, MT, NV, NM, UT, WY)	2084.49	784.00	1786.08	571.47
9. Pacific (AK, CA, HI, OR, WA)	2045.36	900.80	1791.88	664.55
10. National	2158.76	811.55	1889.58	560.33

V. Regulatory Impact Analysis

A. Executive Order 12291

Executive Order 12291 (E.O. 12291) requires us to prepare and publish a regulatory impact analysis for a rule such as this that is likely to meet criteria for a "major rule". A major rule is one that will result in:

- An annual effect on the economy of $100 million or more;
- A major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or any geographical regions; or
- Significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

We have determined that this rule, in itself, will not meet any of these criteria, because it merely conforms the text of the regulations to statutory amendments that are already in effect. It is those amendments to the statute, and not this rule, that impact upon the economy and the public. Therefore, a regulatory impact analysis is not required.

Section 9302(a)(1) of Pub. L. 99–509, which amended section 1886(b)(3), provides that for FY 1987 the applicable percentage increase for payments for both prospective payment and excluded hospitals is 1.15 percent. Section 9302(b) of Pub. L. 99–509, which amended section 1886(d)(3)(B) of the Act, directs the Secretary to compute separate outlier offsets to the urban standardized amounts and to the rural standardized amounts, and to adjust the standardized payment amounts to maintain the same total amont paid to hospitals under the prospective payment system. Also, section 9302(d) of Pub. L. 99–509, which amended section 1886(d)(5)(c)(i) of the Act, requires the Secretary to adjust the standardized amounts for the effects of revising the case-mix and discharge qualifying criteria for rural referral centers mandated by this section of the statute in order to maintain the same total amount paid to prospective payment hospitals. The enactment of all three provisions affects the prospective payment rates, and therefore requires us to compute and publish new rates. In addition to issuing new rates, we are also revising § 413.64 to conform it to section 9303 of Pub. L. 99–509, which provides that payments for capital-related costs made to prospective payment hospitals will be reduced by 3.5 percent effective for portions of hospital cost reporting periods occurring in FY 1987.

Although the changes to §§ 412.63 and 413.64 being announced in this document may result in a redistribution of benefits or a reduction in program expenditures that exceeds the $100 million threshold established under the Executive Order for performing a regulatory impact analysis, the changes to the regulations are merely for the purpose of conforming the text of the regulations to the explicit requirements of the statute.

Section 9302(d) of Pub. L. 99–509, which amended section 1886(d)(5)(C)(i) of the Act, revises the case-mix and discharge criteria that a hospital located in a rural area of the country and subject to the prospective payment system is required to meet in order to be designated a rural referral center. Hospitals that meet these criteria are paid for inpatient services furnished to Medicare patients on the basis of the higher urban standardized amounts rather than on the rural amounts. Although section 9302(d) of Pub. L. 99–509 afforts the Secretary greater interpretive latitude with respect to the implementation of this provision than the other provisions of law being implemented in this document, we do not believe that the economic effects of implementing this provision will exceed $100 million for FY 1987, or meet the other criteria for a major rule.

B. Regulatory Flexibility Act

We generally prepare and publish a regulatory flexibility analysis that is consistent with the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 through 612) unless the Secretary certifies that a regulation would not have a significant economic impact on a substantial number of small entities. However, section 601 of the RFA makes it clear that these requirements only apply when an agency is required to issue a rule under the notice-and-comment procedures of the Administrative Procedure Act (APA) (5 U.S.C 553).

As discussed below, the issuance of updated prospective payment rates is explicity excluded from APA requirements under section 9302(f) of Pub. L. 99–509. Further, the amendments to regulations being made in this rule, for the most part, are technical in nature, and merely conform our regulations to the statute. Thus, it is clear that these regulation changes in themselves would not result in any effects that would meet the threshold criterion of the RFA. Therefore, the RFA does not apply to this rule.

VI. Other Required Information

A. Waiver of Proposed Rulemaking

1. As noted above, section 9302(f) of Pub. L. 99–509 requires publication of new payment rates for prospective payment hospitals and new target rate-of-increase limits for hospitals excluded from the prospective payment system to be effective on October 1, 1986 without regard to the provisions of the APA.

As to amendments to the regulations themselves, we follow APA rulemaking procedures and ordinarily publish a notice of proposed rulemaking in the Federal Register for substantive rules to provide a period for public comment. However, as explained below, notice of proposed rulemaking is unnecessary, and we find good cause to waive the procedure.

2. The changes to the regulations we are publishing in this final rule under section 9302 of Pub. L. 99–509 (that is, the applicable percentage change, the outlier offsets to the standardized amounts for rural and urban hospitals, and most provisions concerning rural referral center criteria) are mandated by statute and require little interpretation.

These changes are necessary in order to explain how we derived these rates and to conform the regulations to the requirements of section 9302 of Pub. L. 99–509 so as to avoid the confusion that would result from retaining inconsistent provisions in the regulations. For these reasons, we find that proposed rulemaking is unnecessary in this case. Nonetheless, our decision conerning the definition of approved teaching programs for purposes of establishing rural referral center case-mix index criteria did require interpretation. Consequently, we are providing a 60-day period for public comment, and we will consider comments concerning that provision that we receive by the end of the comment period in determining whether changes to that policy are necessary.

Because of the large number of items of correspondence we normally receive concerning regulations, we cannot acknowledge or respond to the comments individually. However, as indicated above, if we decide that changes concerning our definition of approved teaching programs are necessary as a result of our consideration of timely comments, we will issue a final rule and respond to the comments in the preamble of that rule.

3. The amendments we are making to the regulations concerning the reductions in payments for capital-related costs are merely conforming changes required by a self-implementing provison of the law that was effective on October 1, 1986 (that is, section 9303(a) of Pub. L. 99–509). Accordingly, proposed rulemaking for these amendments is unnecessary, and we find good cause to waive the procedure.

B. Waiver of 30-Day Delay in Effective Date

We normally provide a delay of 30 days in the effective date of all final rules. However, section 9302(f) of Pub. L. 99–509 requires that we publish prospective payment rates and target rate-of-increase limits to be effective for discharges occurring and cost reporting periods beginning on or after October 1, 1986. In addition, the reductions in capital/related costs imposed under section 9303 of Pub. L. 99–509 are also effective on October 1, 1986.

The provisions of these final regulations conform to the clear direction provided in the law. For this reason, and also for purposes of placing the rates and regulations into operation as soon as possible, a delayed effective date is both impractical and unnecessary. Therefore, we find good cause to waive the usual 30–day delay.

C. Paperwork Reduction Act

The Paperwork Reduction Act of 1980 (44 U.S.C. 3501–3511) requires that any information collection reuirements included in a regulatory document must be submitted to and approved by the Executive Office of Management and Budget (EOMB) before the public is required to comply with those requirements. The requirements of these regulations do not impose any information collection requirements that must be approved under the Paperwork Reduction Act. Therefore, they need not be reviewed by EOMB for that purpose.

List of Subjects

42 CFR Part 412

Health facilities, Medicare.

42 CFR Part 413

Administrative practice and procedure, Health facilities, Health professions, Kidney diseases, Laboratories, Medicare, Nursing homes, Reporting and recordkeeping requirements, Rural areas, X–rays.

42 CFR Chapter IV is amended as set forth below:

CHAPTER IV—HEALTH CARE FINANCING ADMINISTRATION, DEPARTMENT OF HEALTH AND HUMAN SERVICES

Subchapter B—Medicare Programs

I. Part 412 is amended as follows:

PART 412—PROSPECTIVE PAYMENT SYSTEM FOR INPATIENT HOSPITAL SERVICES

A. The authority citation for Part 412 continues to read as follows:

Authority: Secs. 1102, 1122, 1871, and 1886 of the Social Security Act (42 U.S.C. 1302, 1320a-1, 1395hh, and 1395ww).

B. In Subpart D, § 412.63, the introductory text of paragraphs (c)(2) and (c)(3) is republished; paragraphs (c)(1) (c)(2)(iv), (c)(3)(i), and (c)(3)(iii) are revised; current paragraphs (e), (f), (g), and (h) are redesignated as paragraphs

(g), (h), (i), and (j) respectively; a new paragraph (e) is added; a new paragraph (f) heading is added and the paragraph is reserved; newly redesignated paragraph (g)(1) is revised; newly redesignated paragraph (g)(4) is removed; and newly redesignated paragraph (j) is revised, to read as follows:

Subpart D—Basic Methodology for Determining Federal Prospective Payment Rates

§ 412.63 Federal rates for fiscal years after Federal fiscal year 1984.

* * * * *

(c) *Updating previous standardized amounts.*

(1) HCFA computes an average standardized amount for hospitals in urban areas and rural areas within the United States, and urban areas and rural areas within each region.

(2) Each of those amounts is equal to the respective adjusted average standardized amount computed for fiscal year 1984 under § 412.62(g)—

* * * * *

(iv) Adjusted for budget neutrality under paragraph (h) of this section.

(3) For fiscal year 1986 and thereafter, HCFA computes, for urban and rural hospitals in the United States and for urban and rural hospitals in each region, average standardized amount equal to the respective adjusted average standardized amounts computed for the previous fiscal year—

(i) Increased by the applicable percentage increase determined under paragraphs (d) through (g) of this section;

* * * * *

(iii) For discharges occurring on or after October 1, 1985 and before October 1, 1986, reduced by a proportion (estimated by HCFA) of the amount of payments based on the total amount of prospective payments that are additional payment amounts attributable to outlier cases under Subpart F of this part, and for discharges occurring on or after October 1, 1986, reduced by a proportion (estimated by HCFA) of the amount of payments that, based on the total amount of prospective payments for urban hospitals and the total amount of prospective payments for rural hospitals, are additional payments attributable to outlier cases in such hospitals under Subpart F of this part.

* * * * *

(e) *Applicable percentage change for fiscal year 1987.* The applicable percentage change for fiscal year 1987 is 1.15 percent.

(f) *Applicable percentage change for fiscal year 1988.* [Reserved]

(g) *Determining applicable percentage changes for fiscal year 1989 and following:*

(1) The Secretary determines for each fiscal year, beginning with fiscal year 1989, the applicable percentage change that applies for purposes of paragraph (c)(3) of this section as the applicable percentage increase for discharges in that fiscal year.

* * * * *

(j) *Adjusting for different area wage levels.* HCFA adjusts the proportion (as estimated by HCFA from time to time) of Federal rates computed under paragraph (i) of this section that are attributable to wages and labor-related costs for area differences in hospital wage levels by a factor (established by HCFA) reflecting the relative hospital wage level in the geographic area of the hospital compared to the national average hospital wage level.

C. In Subpart E, § 412.73, paragraph (c)(4) is revised; paragraph (c)(5) is redesignated as (c)(6), the paragraph heading is revised, and the paragraph text is removed and reserved; and a new paragraph (c)(5) heading is added and the paragraph is reserved, to read as follows:

Subpart E—Determination of Transition Period Payment Rates

§ 412.73 Determination of the hospital-specific rate.

* * * * *

(c) *Updating base-year costs.*

* * * * *

(4) *For Federal fiscal year 1987.* The amount determined under paragraph (c)(3)(ii) of this section is updated by 1.15 percent.

(5) *For Federal fiscal year 1988.* [Reserved]

(6) *For Federal fiscal years 1989 and following.* [Reserved]

* * * * *

D. In Subpart G, § 412.96, the title of paragraph (c) is revised, and paragraphs (c)(1) and (c)(2)(i) are revised to read as follows:

Subpart G—Special Treatment of Certain Facilities

§ 412.96 Special treatment: Referral centers.

* * * * *

(c) *Alternative criteria.* * * *

(1) *Case-mix index.* HCFA sets forth national and regional case-mix index values in each year's annual notice of prospective payment rates published under § 412.8(b). The methology HCFA uses to calculate these criteria is described in paragraph (g) of this section. The hospital's case-mix index for discharges (not including discharges from distinct part units excluded from the prospective payment system under Subpart B of this part) during the Federal fiscal year that ended one year prior to the beginning of the cost reporting period for which the hospital is seeking referral center status must be at least equal to—

(i) For hospitals applying for rural referral center status for cost reporting periods beginning on or after October 1, 1985 and before October 1, 1986, the national or regional case-mix index value; or

(ii) For hospitals applying for rural referral center status for cost reporting periods beginning on or after October 1, 1986, the national case-mix index value as established by HCFA or the median case-mix index value for urban hospitals located in each region. In calculating the median case-mix index for each region, HCFA excludes the case-mix indexes of hospitals receiving indirect medical education payments as provided in § 412.118.

(2) *Number of discharges.* (i) HCFA sets forth the national and regional numbers of discharges in each year's annual notice of prospective payment rates published under § 412.8(b). The methodology HCFA uses to calculate these criteria is described in paragraph (h) of this section. Except as provided in paragraph (c)(2)(ii) of this section for an osteopathic hospital, for the hospital's most recently completed cost reporting period, its number of discharges (not including discharges from distinct part units excluded from the prospective payment system under Subpart B of this part or from newborn units) is at least equal to—

(A) For hospitals applying for rural referral center status for cost reporting periods beginning on or after October 1, 1985 and before October 1, 1986, the number of discharges under either the national or regional criterion; or

(B) For hospitals applying for rural referral center status for cost reporting periods beginning on or after October 1, 1986, 5,000 discharges or, if less, the median number of discharges for urban hospitals located in each region.

* * * * *

II. Part 413 is amended as follows:

PART 413—PRINCIPLES OF REASONABLE COST REIMBURSEMENT; PAYMENT FOR END-STAGE RENAL DISEASE SERVICES

A. The authority citation for Part 413 continues to read as follows:

Authority: Sections 1102, 1122, 1814(b), 1815, 1833(a), 1861(v), 1871, 1881, and 1886 of the Social Security Act as amended (42 U.S.C. 1302, 1320a-1, 1395f(b), 1395g, 1395l(a), 1395x(v), 1395hh, 1395rr, and 1395ww).

B. In Subpart C, § 413.40, the introductory text in paragraph (c)(3)(i) is republished; paragraph (c)(3)(i)(B) is revised; the text in paragraph (c)(3)(i)(C) is removed, the heading is revised and the paragraph is reserved; and a new paragraph (c)(3)(i)(D) is added to read as follows:

Subpart C—Limits on Cost Reimbursement

§ 413.40 Ceiling on rate of hospital costs increases.

* * * * *

(c) *Procedure for establishing the ceiling (target amount).*

* * * * *

(3) *Target rate percentage.* (i) The applicable target rate percentage is determined as follows:

* * * * *

(B) *Federal fiscal year 1987.* The applicable target rate percentage for cost reporting periods beginning on or after October 1, 1986 and before September 30, 1987 is 1.15 percent.

(C) *Federal fiscal year 1988.* [Reserved]

(D) *Federal fiscal years 1989 and following.* The applicable target rate percentage for cost reporting periods beginning during FY 1989 and in all fiscal years thereafter is determined using the methodology set forth in § 412.63(g)(1) through (g)(3) of this chapter.

* * * * *

C. In Subpart E, § 413.64, paragraph (k)(1)(iii) is revised and a new paragraph (k)(6) is added to read as follows:

Subpart E—Payments to Providers

§ 413.64 Payment to providers: Specific rules.

* * * * *

(k) *Prospective payments*—(1) *General rule.* * * *

(iii) *Other payments.* Medical education costs are reimbursed as described in § 413.85, and capital-related costs, except as provided in paragraph (k)(6) of this section, are reimbursed using Medicare principles of reimbursement.

* * * * *

(6) *Reduction to capital-related payments.*

(i) Except for sole community hospitals as defined in § 412.92 of this chapter, the amount of capital-related payments (including a return on equity capital as provided under § 413.157) is reduced by—

(A) Three and one-half percent for payments attributable to portions of cost reporting periods occurring during Federal FY 1987;

(B) Seven percent for payments attributable to portions of cost reporting periods or discharges (as the case may be) occurring during Federal FY 1988; and

(C) Ten percent for payments attributable to portions of cost reporting periods or discharges (as the case may be) occurring during Federal FY 1989.

(ii) If a hospital's cost reporting period encompasses more than one Federal fiscal year, the reductions to capital-related payments are determined on a prorated monthly basis.

(Catalog of Federal Domestic Assistance Program No. 13.773, Medicare—Hospital Insurance Program)

Dated: November 18, 1986.

William L. Roper,

Administrator, Health Care Financing Administration.

Approved: November 19, 1986.

Otis R. Bowen,

Secretary.

[FR Doc. 86-26475 Filed 11-20-86; 12:00 pm]

BILLING CODE 4120-01-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 69

[CC Docket No. 85-88; FCC 86-472]

Common Carrier Services; Detariffing of Billing and Collection Services

AGENCY: Federal Communications Commission (FCC).

ACTION: Final rule.

SUMMARY: The Commission has denied petitions for reconsideration of its *Report and Order* in CC Docket No. 85-88, 102 FCC 2d 1150 (1986) (51 FR 8499; March 12, 1986) (*Detariffing Order*) to detariff billing and collection services provided by local exchange carriers to interexchange carriers for interstate services, effective January 1, 1987, because the policy revisions requested by the petitioners are unnecessary. The Commission has also adopted technical revisions to Part 69 of its Rules to implement its decision since the *Detariffing Order* did not adopt all of the necessary rule revisions regarding cost allocations because of other proceedings which were pending at that time.

EFFECTIVE DATE: January 1, 1987.

ADDRESS: 1919 M Street NW., Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Mark C. Wolf, Tariff Division, Common Carrier Bureau (202) 632-6917.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's *Memorandum Opinion and Order* in CC Docket No. 85-88, FCC 86-472, Adopted October 23, 1986 and Released November 6, 1986.

The full text of this Commission action is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, (202) 857-3800, 2100 M Street NW., Suite 140, Washington, DC 20037.

Summary of Memorandum Opinion and Order

1. In this *Memorandum Opinion and Order (MO&O)*, we are considering a petition for reconsideration filed by MCI Telecommunications Corporation (MCI) and a petition for reconsideration and clarification filed by Southwestern Bell Telephone Company (SWB) of our *Detariffing Order*. SWB requests that the scheduled January 1, 1987 detariffing date be deferred and that the extent to which we preempted state regulation of billing and collection should be clarified. MCI argues that local exchange carriers should be required to furnish customer billing name and address information to interexchange carriers under tariff.

2. The Commission finds that granting these requests is not necessary and that the petitions should be denied. However, the Commission did not make all the technical revisions to Part 69 of the Rules in the *Detariffing Order* necessary to implement that decision because some pending proceedings were likely to result in changes in relevant rules that would be effective before January 1, 1987. Those proceedings have now been completed, and revisions have been adopted in Part 69 changing references to the billing and collection element to describe a billing and collection category.

3. Pursuant to the Regulatory Flexibility Act of 1980, 5 U.S.C. 605(b), it

is certified that these final rules do not have a significant impact on a substantial number of small entities because billing and collection costs are presently allocated in accordance with these rules. These final rules do not change this allocation and do not impose additional costs or burdens on local exchange carriers or interexchange carriers.

Ordering Clauses

4. Accordingly, it is ordered that the petitions for reconsideration filed by Southwestern Bell Telephone Company and MCI Telecommunications Corporation are denied.

5. It is further ordered, pursuant to sections 4(i), 4(j), 201–205, 218, 220 and 403 of the Communications Act, 47 U.S.C. 154(i), 154(j), 201–205, 218, 220 and 403, that the rules shown below are adopted, effective January 1, 1987.

6. It is further ordered that CC Docket No. 85–88 is terminated.

List of Subjects in 47 CFR Part 69

Access charges.

Rule Changes

PART 69—ACCESS CHARGES

Part 69 of Title 47 of the Code of Federal Regulations is amended as follows:

1. The authority citation for Part 69 continues to read as follows:

Authority: 47 U.S.C. 154(i), 154(j), 201, 202, 203, 205, 218, 403, and 410.

2. Section 69.3 is amended by revising paragraphs (e)(3) and (e)(4) to read as follows and by adding the following new paragraph (e)(8):

§ 69.3 Filing of access service tariffs.

* * * * *

(e) * * *

(3) Such a tariff that cross-references an association charge for any carrier's carrier access element other than the Carrier Common Line element must cross-reference association charges for all carrier's carrier access charges other than the Carrier Common Line element;

(4) Any charge in such a tariff that is not an association charge must be computed to reflect the combined investment and expenses of all companies that participate in such a charge;

* * * * *

(8) Such a tariff shall not contain charges included in the billing and collection category.

§ 69.4 [Amended]

3. Section 69.4(c) is removed.

4. Section 69.306 (b) and (e) are revised to read as follows:

§ 69.306 Central Office Equipment.

* * * * *

(b) Category 1 COE (Manual Switchboards) shall be apportioned among the interexchange category and the access elements as follows. COE 1 that is used for intercept services shall be assigned to the Intercept element. COE 1 that is used for directory assistance shall be assigned to the information element. COE 1 other than service observation boards that is not assigned to the Intercept or Information elements shall be assigned to the interexchange category. Service observation boards shall be apportioned among the interexchange category and the Intercept, Information, Common Transport and Local Switching access elements and the billing and collection category based on the remaining combined investment in COE 1 through COE 6, excluding the non traffic sensitive portion of COE 6.

* * * * *

(e) Category 4 COE (Automatic Message Recording Equipment) that is used for the duration of an interstate call that is deemed to be exchange equipment for purposes of the Modification of Final Judgment in *United States v. Western Electric Company* shall be assigned to the billing and collection category. All other COE 4 that is used for the duration of an interstate call shall be assigned to the interexchange category. Category 4 COE used only momentarily to record information about interstate switched private service traffic that is deemed to be exchange equipment for purposes of the Modification of Final Judgment in *United States v. Western Electric Company* shall be assigned to the Special Access element. All other COE 4 that is used only momentarily to record information about interstate switched private services traffic shall be assigned to the interexchange category. If a telephone company offers billing and collection services, it shall assign one-half the investment in COE 4 that is used only momentarily to record information about interstate message service to the billing and collection category and one-half of this investment to the Local Switching element. If it offers no billing and collection services, it shall assign the investment in COE 4 used only momentarily to record information about interstate message service to the Local Switching element.

* * * * *

5. Section 69.307(d) is revised to read as follows:

§ 69.307 Buildings.

* * * * *

(d) Category 1C space investment (Dial Switching) shall be apportioned among the interexchange category and the Line Termination, Local Switching, Common Transport and Special Access elements and the billing and collection category. Such investment shall be apportioned in the same proportions as combined investment in COE categories 2, 3, 4, 5, 6 and 7.

* * * * *

6. Section 69.404 (a) and (b) are revised to read as follows:

§ 69.404 Traffic expenses.

(a) The Network Administration portion of Accounts 621 and 624 shall be apportioned among the interexchange category and the Intercept, Information, Common Transport, Line Termination, Local Switching and Special Access elements and the billing and collection category in the same proportions as investments in COE categories 1, 2, 3, 4, 5, 6 and 7.

(b) The Centralized Ticket Investigation portion of Account 624 should be directly assigned to the billing and collection category.

* * * * *

7. Section 69.405(c)(1) (iii), (iv) and (viii) are revised to read as follows:

§ 69.405 Commercial expenses.

* * * * *

(c) * * *

(1) * * *

(iii) End user service order processing, payment and collection, and billing inquiry expenses attributable to interstate private line service offered by an interexchange carrier shall be assigned to the billing and collection category.

(iv) End user service order processing, payment and collection, and billing inquiry expenses attributable to the company's own interstate message toll service, including WATS, shall be assigned to the interexchange category. End user service order processing, payment and collection, and billing inquiry expenses attributable to interstate message toll service, including WATS, offered by an interexchange carrier shall be assigned to the billing and collection category. End user payment and collection and billing inquiry expenses attributable to End User Common Line access billing shall be assigned to the Common Line element.

* * * * *

(viii) Interexchange carrier service order processing, payment and collection, and billing expenses attributable to billing and collection

service shall be assigned to the billing and collection category.

* * * * *

8. Section 69.406(c) is revised to read as follows:

§ 69.406 Revenue Accounting Expenses.

* * * * *

(c) All other Revenue Accounting Expenses shall be assigned to the billing and collection category.

9. Section 69.607(c) is revised to read as follows:

§ 69.607 Disbursement of Carrier Common Line revenues.

* * * * *

(c) The hypothetical net balance for each company shall be the sum of the hypothetical net balances for each access element. Such hypothetical net balances shall be computed in accordance with §§ 69.608–69.610.

10. Section 69.610(a) is revised to read as follows:

§ 69.610 Other hypothetical net balances.

(a) The hypothetical net balance for an access element other than a Common Line element shall be computed as provided in this section.

* * * * *

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 86–26439 Filed 11–21–86; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 655

[Docket No. 60107–6045]

Atlantic Mackerel, Squid, and Butterfish Fisheries

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Notice of final squid purchase ratios for 1986.

SUMMARY: NOAA confers benefits upon foreign nations based on their purchase of U.S.-caught and U.S.-processed squid and the purchase ratios which allocate squid to the total allowable level of foreign fishing (TALFF). The previously proposed *Loligo* and *Illex* purchase/TALFF ratios have been increased. This action is intended to promote the objectives of the Fishery Management Plan for the Atlantic Mackerel, Squid, and Butterfish Fisheries (FMP).

EFFECTIVE DATE: November 21, 1986.

FOR FURTHER INFORMATION CONTACT: Salvatore A. Testaverde, (NMFS), 617–281–3600, ext. 273.

SUPPLEMENTARY INFORMATION: A notice of an increased allocation of *Loligo* to TALFF of 1,442 metric tons (mt) and proposed squid ratios for *Loligo* and *Illex* was published on September 30, 1986 (51 FR 34644), in which the Director, Northeast Region, NMFS (Regional Director), proposed to allocate TALFF based on purchase ratios of one mt of TALFF for each one mt of U.S.-processed squid purchased by the foreign partner (1:1) and one mt of TALFF for each two mt (1:2) of squid purchased from an over-the-side joint venture. These ratios applied to both *Loligo* and *Illex* . That notice was effective September 25, 1986, with a 15-day comment period ending October 10, 1986.

Three comments were received. Based upon those comments, the Regional Director has revised ratios upward for both *Loligo* and *Illex*. The revised ratios are as follows:

Loligo—one and one-half mt of TALFF for each one mt of U.S.-processed *Loligo* purchased by a foreign partner (1.5:1 instead of 1:1) and one mt of TALFF for each two mt (remains 1:2) of U.S.-harvested *Loligo* purchased from an over-the-side joint venture.

Illex—two mt of TALFF for each one mt of U.S.-processed *Illex* purchased by a foreign partner (2:1 instead of 1:1) and one mt TALFF for each one mt (1:1 instead of 1:2) of U.S.-harvested *Illex* purchased from an over-the-side joint venture.

Comments on the increased *Loligo* allocation to TALFF and the squid purchase ratios were submitted by the Government of Spain, the Government of Italy on behalf of the Unionpesca Italia, Srl. (Unionpesca), and the representative of the Associated Vessels Service, Inc (AVS), successor to the Stonavar joint venture. This notice responds to comments concerned with the 1,442-mt *Loligo* increase to TALFF and the squid purchase ratios.

Comment: No comments opposed the release of 1,442 mt of *Loligo* to TALFF. Two commenters stated that the amount of *Loligo* released to TALFF was not adequate compensation for their purchases.

Response: The release of 1,442 mt of *Loligo* to TALFF (51 FR 34644, September 30, 1986) was an initial release pending verification of purchases by the companies involved with two joint ventures purchasing U.S.-harvested and U.S.-processed squid. Preliminary findings by NOAA, based upon documented proof of squid purchases, also concluded that the 1,442 mt was not sufficient. On October 28, 1986 (51 FR 39377), NOAA released an additional 1,441 mt of *Loligo*, which, with 117 mt of previously released bycatch, increased the total amount of *Loligo* TALFF to 3,000 mt

Based upon the final proof of purchases, and these final established ratios for *Loligo* squid, specific TALFF allocations will be released by the Department of State to the foreign nations whose representatives participated in the squid purchase agreements during 1986. NOAA believes that these allocations to TALFF of the remaining available amounts of *Loligo* will carry foreign vessels to the end of the fishing year, December 31.

Comment: A commenter stated that *Loligo* releases to TALFF were not timely since they had first requested a release in July of this fishing year.

Response: On May 9, 1986, final inital annual specifications for squid were published (51 FR 17190). At that time, squid TALFFs were designated only as a bycatch amount, 866 mt each for *Loligo* and *Illex*, as required by § 655.21 (b)(1)(iv) and (b)(3)(iii). At its July 1986 meeting, the Mid-Atlantic Fishery Management Council (Council) passed a motion recommending to the Regional Director that squid purchase ratios be established for the 1986 fishing year. These ratios were to confer benefits to foreign nations participating with the U.S. squid industry to increase purchases of both *Loligo* and *Illex* squids. With that recommendation, and the concurrence of the New England Fishery Management Council, NOAA sought to strike a balance between the development of the U.S. fishing industry which is the objective of both the Magnuson Act and the FMP, and rewarding foreign nations for their efforts toward that end.

Because of the unpredictable nature of the squid resource, and the yet to be adduced proof of foreign purchases of U.S. product, NOAA was cautious about increasing the Initial Optimum Yields (IOYs) in order to provide TALFF. Great reliance was placed on the flexibility provided by the FMP to address whatever contingency might arise. The approach was well taken in light of the unexpected abundance of *Loligo* squid during the months of July and August. U.S. fishermen harvested nearly 3,000 mt during this period, some of which went to foreign joint venture partners. Additional releases of *Loligo* squid from the remainder between Allowable Biological Catch (ABC) and IOY were made to the joint venture processing (JVP) specification to sustain these joint

ventures: 500 mt on August 5 (51 FR 28241 August 6, 1986); 500 mt on August 14 (51 FR 29555, August 19, 1986); and 800 mt on September 2 (51 FR 31774, September 5, 1986). Each of these releases reduced the amount of *Loligo* squid available for TALFF. Once NOAA determined that the joint ventures could not reasonably be expected to need additional amounts of *Loligo* squid, it released all possible amounts to TALFF.

Comment: All three commenters stated that other interests in Spain and Italy had purchased processed *Loligo* and *Illex*. Both Spain and Italy believed that they were entitled to greater squid TALFFs based upon their respective total national purchases. One commenter stated that TALFF cannot be allocated to individual companies.

Response: Under the Magnuson Act, any squid allocation is made to a foreign nation and not a company. Confusion may have arisen from the Council's recommendation that any squid TALFF generated by the application of the purchase ratios be allocated to "any foreign partner" and not based solely upon that nation's purchases of squid.

The Magnuson Act is clear in its objective to develop the U.S. fishing industry and displace foreign fishing interests. In furtherance of that objective, the Act invests the Council and the Secretaries of State and Commerce with broad discretion as to how TALFF will be determined and allocated. The Council has recommended that squid TALFFs should be generated based on the performance of joint venture partners who purchase U.S.-harvested and U.S.-processed product. This fits squarely within the FMP and the Act which seek to reward foreign nations for developing existing and new opportunities for fishery trade, particularly through the purchase of fish or fishery products from U.S. processors or fishermen. This language appears, in part, as one of the eight criteria which form the basis for any allocation of TALFF made by the Secretary of State. It does not, however, guarantee that all purchases from a nation will be rewarded. The amount of squid available for TALFF this year will be allocated primarily to reward foreign nations for their active participation in the squid fishery by advancing existing opportunities for the U.S. fishing industry through shoreside and at-sea purchases. These TALFF rewards will be generated primarily through the application of the ratios discussed below to purchases by the foreign joint venture partners. If application of these ratios does not result in allocating the entire amount of squids available for TALFF, other purchases from these foreign nations will be considered to the extent possible.

Comment: All three commenters stated that NOAA should reinstate the original squid purchase ratios recommended by both Councils.

Response: As stated above, the domestic harvesters who participated in the *Loligo* over-the-side venture required additional amounts of *Loligo* from the differential between ABC and IOY to augment joint venture processing amounts (JVP). These *Loligo* releases reduced the amount that was available for TALFF. Based upon the available 3,000-mt TALFF, and the three commenters' request to reinstate the original Council purchase ratios, the Regional Director has increased the proposed *Loligo* purchase ratios as closely as possible to those recommended by the Councils. Thus, TALFF will be based upon the purchase ratio of one and one-half mt of TALFF for each one mt of U.S.-processed *Loligo* purchased by the foreign partner (1.5:1) and one mt TALFF for each two mt of U.S.-harvested *Loligo* purchased from an over-the-side joint venture (1:2).

Also as stated above, based upon the availability of *Illex* within the amount between the ABC and the IOY, NOAA has accepted the purchase ratio for *Illex* recommended by the Councils. Consequently, the purchase ratio of two mt of TALFF for each one mt of U.S. processed *Illex* purchased by the foreign partner (2:1) and one mt of TALFF for each one mt of U.S.-harvested *Illex* purchased from an over-the-side joint venture (1:1) are reestablished.

The Regional Director believes the increased squid ratios will benefit the U.S. industry and foster further development of the squid industry.

Numerous other comments not germane to either the *Loligo* TALFF increase or the squid purchase ratios were submitted. Commenters stated that (1) the domestic annual processing amount was set too high, (2) directed foreign fishing for *Loligo* should be allowed from January 1 to March 31 of the 1987 fishing year, and (3) butterfish bycatch should be increased to provide sufficient amounts to pursue directed *Loligo* fisheries. These comments are not addressed in this notice. Comments concerning squid specifications should be resubmitted during the comment period for the proposed preliminary initial specifications for the 1987 fishing year, which will be published shortly. Comments concerning fishing practices during the beginning of the 1987 fishing year should be directed to the Council.

(16 U.S.C. 1801 *et seq.*)

List of Subjects in 50 CFR Part 655

Fisheries, Reporting and recordkeeping requirements.

Dated: November 19, 1986.

James E. Douglas, Jr.,

Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service.

[FR Doc. 86-26465 Filed 11-21-86; 8:45 am]

BILLING CODE 3510-22-M

Proposed Rules

Federal Register
Vol. 51, No. 226
Monday, November 24, 1986

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

Food Safety and Inspection Service

9 CFR Part 319

[Docket No. 85-009P]

Standard for Frankfurters and Similar Cooked Sausages

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Proposed rule.

SUMMARY: The Food Safety and Inspection Service (FSIS) is proposing to amend the standard of identity in the Federal meat inspection regulations for frankfurters and similar cooked sausages (9 CFR 319.180) and cheesefurters and similar products (9 CFR 319.181) to provide for a maximum combination of 40 percent of fat and added water in those products and to continue restricting the maximum fat content to no more than 30 percent of the finished products. This would provide processors more flexibility than they have under the current standard to produce lower fat frankfurters and similar cooked sausages. Current standards require that products contain no more than 30 percent fat and no more than 10 percent added water. This proposed rule is the result of a petition submitted by the American Meat Institute.

In addition, FSIS solicits public comment on the option of eliminating the standard for frankfurters since no standard setting maximum fat or added water content is currently in place for analogous products prepared with poultry meat, e.g., chicken frankfurters. The public is asked to comment on whether the proposed standard would be anti-competitive and stifle product innovation. FSIS is also examining the efficacy of substituting the proposed standard with appropriate product labeling such as percentage ingredient labeling for items such as fat, added water, and/or protein. FSIS asks interested parties to discuss the need for labeling and the costs and usefulness of different labeling approaches.

DATE: Comments must be received on or before January 23, 1987.

ADDRESS: Written comments to: Policy Office, Attn: Linda Carey, Room 3168, South Agriculture Building, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, DC 20250. (See also "Comments" under Supplementary Information.)

FOR FURTHER INFORMATION CONTACT: Margaret O'K. Glavin, Director, Standards and Labeling Division, Meat and Poultry Inspection Technical Services, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, DC 20250, (202) 447-6042.

SUPPLEMENTARY INFORMATION:

Executive Order 12291

The Agency has determined that this proposed rule is not a "major rule" under Executive Order 12291. This proposed rule would not result in an annual effect on the economy of $100 million or more; a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies or geographical regions; or have significant adverse effects on competition, employment, investments, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets because no mandatory labeling changes would be required.

Effect on Small Entities

The Administrator has determined that this proposed rule would not have a significant economic impact on a substantial number of small entities as defined by the Regulatory Flexibility Act, Pub. L. 96-354 (5 U.S.C. 601) because no mandatory labeling changes would be required; instead processor flexibility would be increased.

The elimination of any standard for fat and water content in frankfurters would provide maximum processor flexibility. Mandatory labeling imposed in place of the standard would create associated costs and burdens on processors.

Comments

Interested persons are invited to submit comments concerning the proposal. Written comments must be sent in duplicate to the Policy Office and should refer to the docket number located in the heading of this document. All comments submitted in response to this proposal will be available for public inspection in the Policy Office between 9:00 a.m. and 4:00 p.m., Monday and Friday.

Background

The American Meat Institute (AMI) has petitioned the Agency to establish a new standard for a "Lite Frankfurter" and other similar cooked sausages now provided for in 319.180 of the Federal meat inspection regulations (9 CFR 319.180). The petitioner requests that the new standard provide for a minimum protein content of 11.5 percent and a maximum fat content of 22.5 percent with no specific restriction on the amount of added water. The petitioner further requests that the name "Lite Frankfurter" be acceptable without further label statement requirements.

For at least the last 30 years, the Federal meat inspection regulations (9 CFR 319.180) have required that all cooked sausages contain no more than 10 percent added water. This requirement applies to all types of cooked sausages such as frankfurters, bologna, braunschweiger, cooked salami, and Polish sausage. The standard requested by the petitioner would not limit the amount of added water, although the added water would be indirectly controlled through the establishment of protein and fat limits. The result would be that the amount of added water could be increased above the present 10 percent limit; however, as a result, the amount of fat would be required to be less than now allowed in cooked sausages meeting the present standard. The present standard for frankfurters and similar cooked sausages permits a maximum fat content of 30 percent. Also, the present standard does not specify a minimum protein content. The standard indirectly controls the protein content by the limits established for fat and added water.

The Standards and Labeling Division (SLD) of FSIS which is responsible for approving labeling under the Federal Meat Inspection Act (FMIA) subject to appeal to the Administrator (Sec. 21 U.S.C. 607 (d) and (e), 9 CFR 317.4, 317.5, 335.12) has approved labeling for such "Lite" sausages on a case-by-case basis. Under SLD's present policy, developed during the course of approval of such

labeling, the term "Lite" may be used on the labeling of products which have significantly less of a component if the term "Lite" is explained on the labeling. In the case of frankfurters and similar products, which have a 30 percent fat limit, a reduction of 17 percent (to 25 percent total fat) has been considered significant. Therefore, SLD has approved a "Frankfurter" to be labeled "Lite" provided the fat content does not exceed 25 percent. Recently, SLD has amended its policy on approval of labeling containing the term "Lite". Under the new label approval policy, a significant reduction is defined as a reduction of 25 percent. This means that in the case of frankfurters, which have a 30 percent fat limit, a reduction to 22.5 percent fat will be needed to use the term "Lite". As before, an explanation of the term "Lite" must be provided on the label. The explanation may include nutrition labeling or a statement comparing the fat content of the "Lite" product to the standard, to a regular product prepared by the processor, to a market basket sample, a leading brand or brands, or to an acceptable recent reference. A "Lite" frankfurter, under SLD's policy, would have a protein level of around 12.5 percent because of the added water and fat limitations in the present standard.

A review of nutritional information that accompanied labels approved for frankfurters and similar cooked sausages during the period of July 1983 to April 1984 shows that many processors are providing consumers with products containing 22.5 percent fat or less and a protein content above 12.5 percent (most frequently 14 to 16 percent). A small portion of this protein arises from the addition of flavors and binders of animal or vegetable origin, which varies among manufacturers. In the last 10 years, SLD has approved, on a case-by-case basis, labels for frankfurters and similar cooked sausages as "Lower Fat" products. Some of these products have a fat content as low as 20 percent.

The Petition

AMI asserts that the existing regulations and policies cannot generally be applied to lower fat cooked sausages because a significant reduction in fat results in dry and unpalatable products. Further, the petitioner claims that SLD's current policy on the use of the term "Lite" on a cooked sausage label is overly restrictive and largely unnecessary. AMI asserts that current nomenclature for product with more than 10 percent added water is unreasonably burdensome labeling and has acted to inhibit the marketing of these sausages. AMI also asserts that the policy requiring an explanation of the term "Lite" on labeling is without precedent and is inconsistent with FDA's approach to "reduced calorie" claims. The petitioner argues that there is no need for a mandatory quantitative comparision because the composition and labeling of these products would be tightly controlled by the new standard. In addition, the petitioner mistakenly claims that SLD policy requires nutrition labeling in conjunction with the term "Lite", and suggest that this would be unnecessary if a "Lite Sausage" standard were to be adopted.

AMI recommends a maximum total fat content of 22.5 percent for a "Lite" cooked sausage. This is a 25 percent reduction from the current standard of no more than 30 percent fat.

The petitioner also asserts that the new standard should at least maintain the same protein levels that consumers have come to associate with traditional cooked sausages. The petitioner claims that the vast majority of cooked sausages have a minimum of 11 percent protein and therefore recommends a minimum of 11.5 percent protein in the standard for "Lite Frankfurters" as a reasonable and achievable requirement.

The Center for Science in the Public Interest (CSPI) has also been in direct communication with the Agency concerning the AMI petition. CSPI contends that the proposed AMI standard would not result in a product that is sufficiently low in fat or calories to be called "Lite". CSPI adds that it believes that the term "Lite" would deceive consumers into purchasing the product because they would falsely believe that the product was low in fat or calories.

CSPI also does not agree that palatable lower fat products cannot be prepared under the present standard, and points out the presence in the marketplace of cooked sausages that are lower in fat without exceeding the 10 percent added water limit.

CSPI believes that consumers will assume that products labeled "Lite" will not only be lower in fat but also higher in protein. Although CSPI does not object to these products containing more than 10 percent added water, it does believe that this fact should be prominently displayed on the label. CSPI does not see a reason for devising a new standard.

Finally, the Western States Meat Association's Board of Directors submitted a resolution that asked the Department to consider standards that would provide flexibility to its industry to market products that are gaining consumer acceptance but do not degenerate or lower product quality.

Agency Response and Proposal

In general, the Agency believes that the request of the petitioner (AMI) is in keeping with the Agency's desire to facilitate the marketing, when possible, of lower fat products. Frankfurters and similar cooked sausages are important components of the American diet, and it is desirable to encourage a variety of such products as long as they are not nutritionally inferior to similar products presently in the marketplace.

The petitioner's claim that under the present standard a significant reduction in fat results in dry and unpalatable products is not supported. Many processors are providing consumers with products containing 22.5 percent fat or less and a protein content above 12.5 percent.

Notwithstanding this, the Agency believes that it is appropriate to allow cooked sausages with more added water as long as these products are not nutritionally inferior to the presently available cooked sausages. As a result, the Agency is proposing to amend the standard for frankfurters and similar cooked sausages (9 CFR 319.180(a) and (b)) to provide for a maximum combination of 40 percent of fat and added water in those products and to continue restricting the maximum fat content to no more than 30 percent of the finished products. This would assure that the products are comparable from a protein, vitamin, and mineral standpoint to the products presently in the marketplace, but at the same time allow for greater flexibility in product formulation.

The Agency also believes that this approach is preferable to the petitioner's approach because setting an appropriate protein content based on currently available information would be quite difficult. The proposed rule, on the other hand, is restricted to water and fat limits already addressed in the regulations and would allow lower fat levels without the need for additional controls associated with setting new protein levels.

The Agency also questions the wisdom of including in a product standard a specific term such as "Lite" when so many other terms could legitimately be used and when the term itself can be used in different ways and contexts.

To restrict terminology this way does not seem reasonable and precludes the use of tems that are just as useful and informative. The Agency believes that standardizing varieties of a product simply to permit manufacturers to avoid

a labeling explanation would unduly restrict competition and discourage manufacturers from providing to consumers information now available. Also such a position would be inconsistent with the Agency's policies that assure labeling is not false or misleading and encourage manufacturers to provide additional information. Further, if the term were added to the regulations, this likely would preempt its use in any other context. Therefore, the Agency is not proposing to include the term "Lite" in the regulations.

The Agency also notes that the Federal Food and Drug Administration (FDA) regulations require that labels with the term "Lite" include full nutrition labeling. USDA does not require nutrition labeling, but nutrition labeling may be an acceptable means of explanation. For example, a company can compare the macro nutrient content, i.e., the calorie, protein, carbohydrate, and fat content, of a "Lite" cooked sausage product to the standard cooked sausage using the recognized nutrition labeling format. A comparison of the percentage of the U.S. Recommended Daily Allowance for Vitamins, minerals, and protein may also be included. The Agency also notes that many companies under the jurisdiction of the FDA also provide useful explanatory information such as "One-third less calories than our regular product."

Therefore, the Agency is not proposing to adopt a "Lite Sausage" standard *per se*. The Agency continues to believe that an explanation of the term is necessary to prevent labeling from misleading consumers. It is important that the consumer understand the meaning of the term "Lite", and such a term should be explained whenever it is used because of its inherent vagueness. As discussed, the explanation may take the form of nutrition labeling or a suitable quantitative comparative statement of fat content.

Accordingly, the Agency is proposing to amend that portion of § 319.180(a) and (b) reading: "the sausage shall contain no more than 10 percent of added water" and substitute therefore the following: "the sausage shall contain no more than 40 percent of a combination of fat and added water". The standards would continue to provide that the finished product shall not contain more than 30 percent fat.

Even though FSIS is proposing a new standard of identity for frankfurters, the Agency is actively considering the option of eliminating the standard since no standard setting maximum fat or added water content is currently in place for analogous products prepared with poultry meat, e.g., chicken frankfurters. While the proposed frankfurter standard offers processors more flexibility in product formulation, it may still be anti-competitive and hinder innovation. FSIS solicits public comment on whether there is a market failure that creates a need for the frankfurter standard and on the benefits and costs to industry and consumers associated with eliminating the standard.

In addition to eliminating the standard, FSIS is considering the use of appropriate labeling. Already, CSPI has stated that without appropriate labeling, consumers will be deceived into thinking that the new frankfurters are not only lower in fat but higher in protein. FSIS solicits comments on CSPI's contention and on whether without a standard there would be a market failure creating the need for labeling. One labeling alternative that FSIS has identified as potentially appropriate is labeling each package of frankfurters with the relative percentage of fat, added water, and/or protein. This approach may be easiest for processors because their products are formulated by percentage. However, FSIS is not yet endorsing any specific labeling alternative and actively solicits public comment on the advantages and disadvantages of percentage labeling as well as suggestions on what other types of labeling would be preferable. In evaluating labeling alternatives, commenters are asked to discuss the specific information problems consumers face, the costs and burdens on processors, the technical feasibility of such labeling, and the public's ability to use the labeling effectively.

List of Subjects in 9 CFR Part 319

Meat and meat food products, Standards of identity, Food labeling.

PART 319—[AMENDED]

Accordingly, Part 319 of the Federal meat inspection regulations would be amended as follows:

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

Authority: 34 Stat. 1260, 81 Stat. 584, as amended, (21 U.S.C. 601 *et seq.*); 72 Stat. 862, 92 Stat. 1069, as amended, (7 U.S.C. 1901 *et seq.*) 76 Stat. 663 (7 U.S.C. 450 *et seq.*)

§ 319.180 [Amended]

2. Section 319.180(a) and (b) would be amended by removing that portion of the fourth sentence in paragraph (a) and that portion of the fifth sentence in paragraph (b) reading: "but the sausage shall contain no more than 10 percent of added water" and substituting therefore the following: "but the sausage shall contain no more than 40 percent of a combination of fat and added water".

§ 319.181 [Amended]

3. Section 319.181 would be amended by removing that portion of the last sentence reading: "These products shall contain no more than 10 percent of added water and/or ice, 30 percent fat" and substituting therefore the following: "These products shall contain no more than 40 percent of a combination of fat and added water, no more than 30 percent fat".

Done at Washington, DC on November 20, 1986.

Donald L. Houston,

Administrator, Food Safety and Inspection Service.

[FR Doc. 86-26397 Filed 11-21-86; 8:45 am]

BILLING CODE 3410-DM-M

FEDERAL RESERVE SYSTEM

12 CFR Part 226

[Reg. Z; Docket No. R-0545]

Truth in Lending; Variable-Rate Disclosure Under Regulation Z

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Proposed rule.

SUMMARY: The Board is republishing for comment a proposed amendment to Regulation Z (Truth in Lending) that would require creditors to provide more information about the variable-rate feature of adjustable-rate mortgages than is currently required under Regulation Z. The proposed rule would supersede the Board's proposed rule on variable-rate mortgages published for comment on May 15, 1985 [50 FR 20221]. The current proposal would require creditors to distribute to consumers an educational booklet about adjustable-rate mortgages, and to provide a more detailed description of the variable-rate feature, along with an historic example, at the time an application form is given to the consumer or before the consumer pays a non-refundable fee, whichever is earlier. These revisions are intented to address concerns regarding the adequacy of information given to consumers applying for adjustable-rate mortgages and regarding the creditor burden of duplicative federal regulations.

DATE: Comments must be received on or before January 20, 1987.

ADDRESS: Comments should be mailed to William W. Wiles, Secretary, Board of Governors of the Federal Reserve System, Washington, DC 20551, or delivered to the 20th Street courtyard entrance, 20th Street, between C Street and Constitution Avenue, NW., Washington, DC, between 8:45 a.m. and 5:15 p.m. weekdays. Comments should include a reference to Docket No. R–0545. Comments may be inspected in Room B–1122 between 8:45 a.m. and 5:15 p.m. weekdays.

FOR FURTHER INFORMATION CONTACT: Michael Bylsma, Senior Attorney, or Sharon Bowman, Staff Attorney, Division of Consumer and Community Affairs, at (202) 452–3667 or (202) 452–2412, or Earnestine Hill or Dorothea Thompson, Telecommunications Device for the Deaf, at (202) 452–3544, Board of Governors of the Federal Reserve System, Washington, DC, 20551.

SUPPLEMENTARY INFORMATION:

(1) Background

Recently the Board has been working with the other federal financial regulatory agencies to develop a uniform set of disclosures for adjustable-rate mortgages (ARMs). This effort arose because of concern about the different disclosure requirements imposed by the various federal agencies. Currently, four federal agencies require that lenders subject to their regulations provide specific disclosures about ARMs to borrowers. Under Regulation Z, the Board requires that a variable-rate feature be described briefly to consumers. In contrast to Regulation Z, the regulations of two other federal financial agencies and the Department of Housing and Urban Development (HUD) call for more extensive, detailed information. The Federal Home Loan Bank Board (FHLBB) requires variable-rate disclosures for federally-chartered savings and loan associations and also for certain other lenders that wish to market their loans to federally-chartered savings and loans (12 CFR 545.33). The Office of the Comptroller of the Currency (OCC) mandates variable-rate disclosures for national banks and other lenders that seek to market their loans to national banks (12 CFR Part 29). Under the "Alternative Mortgage Transaction Parity Act of 1982" (12 U.S.C. 3802), state-chartered institutions and other mortgage lenders may take advantage of federal authorization of ARMs by following the rules of the FHLBB or the OCC. Finally, HUD prescribes disclosures for lenders wishing to participate in the Federal Housing Administration (FHA) insurance program (24 CFR Parts 203 and 234).

The federal financial agencies believe that this regulatory structure, which requires different disclosures by different lenders delivered at different times, is causing problems for both consumers and mortgage lenders. The ability of consumers to understand and make important decisions about ARMs before entering into these transactions may be hampered by their receipt of different information about ARM programs depending on what type of lender they have approached. This problem is exacerbated by the variety of ARM products now being offered as well as the complexity of some of these programs. At the same time, these regulatory requirements have proven burdensome to the mortgage industry, particularly when mortgage lenders must satisfy more than one regulation in order to take full advantage of the secondary market. Under certain circumstances, lenders who wish to originate mortgages for possible sale to either a federal savings and loan association or to a national bank may have to make disclosures under both agencies' rules. Furthermore, it has been claimed that the variety of regulatory requirements has hampered the development of a thriving secondary market for ARMs.

Based on recommendations by the Federal Financial Institutions Examination Council (FFIEC) and its own analysis, the Board proposed in May 1985 to amend Regulation Z to provide more information to consumers about ARMs and to encourage uniform disclosures among the agencies. The FFIEC had two recommendations for the Board, which grew out of the work of a task force composed of representatives from HUD, the OCC, the FHLBB, the Federal Deposit Insurance Corporation, the National Credit Union Administration, and the Board. These recommendations were: (1) Consumers should be given information about ARMs before they submit a loan application or pay any fee; and (2) the disclosures should include an explanation of the nature of ARMs, including an example of payment changes that would result in a creditor's ARM program assuming 2 percentage points index rate increases in each of the first three years of a mortgage.

On May 15, 1985, the Board published its proposed amendment to Regulation Z which incorporated the recommendations of the FFIEC and which would have eliminated the provision of Regulation Z (footnote 43) that permits creditors to substitute the disclosures required by other federal regulations for the variable-rate disclosure required by Regulation Z. Specifically, the Board proposed that creditors make available to consumers information explaining ARMs and stated that the *Consumer Handbook on Adjustable Rate Mortgages* could be used by creditors to fulfill the requirement. The Board further proposed that detailed, transaction-specific disclosures be given to the consumer, including an example of the consumer's payment terms if the index rate increased 2 percentage points in each of the first three years.

The Board reviewed over 500 comments on its May 1985 proposal. All of the commenters addressing the issue supported the goal of uniformity in adjustable-rate mortgage disclosures. About 80% of the 200 commenters who expressed their opinion on the best way to achieve uniformity favored the Board's retaining footnote 43 until the other federal financial agencies agreed upon a uniform disclosure rule. A majority of the commenters on the issue also supported the Board's proposal to require creditors to make available the *Consumer Handbook on Adjustable Rate Mortgages*, or a comparable brochure.

About one-third of the commenters generally opposed to the proposed rule opposed it because of the payment example required and the possible increase in expense and burden to creditors. Furthermore, approximately one-half of the commenters addressed the proposal that the example of rate increases be transaction-specific. Nearly 70 percent of these commenters opposed the requirement, citing their concern about the anticipated high cost of preparing the transaction-specific disclosures. They also stated that these disclosures would be difficult to prepare within three days after application. A majority of the commenters on the issue—particularly savings and loan associations, banks, and other creditors—opposed the proposed example based on assumed 2 percentage points per year index rate increases for three years, although many commenters misunderstood how the example would apply in specific transactions. Some of these commenters preferred an example based on the historical movement of an index rather than a specified increase.

In August 1985, the FFIEC discussed the negative public comments received on the Board's proposal, and recommended that the FFIEC Consumer Compliance Task Force develop a different approach to ARM disclosures. In October 1985, the Task Force

recommended to the FFIEC that "generic" loan program disclosures be developed, but asked the FFIEC to decide whether the payment example should be based on assumed 2 percentage points annual increases in index values. The ARM disclosure proposal was discussed at three subsequent meetings of the FFIEC in late 1985 and in 1986. During that period, the Federal financial agencies received letters from members of Congress recommending that the disclosures show the borrower's maximum rate and payment exposure. On August 11, 1986, the FFIEC approved a proposal requiring that creditors provide two types of disclosures: (1) The *Consumer Handbook on Adjustable Rate Mortgages*, or a suitable substitute, and (2) disclosures that fully describe each of the creditor's ARM programs, with a 15-year historical example of how changes in the index or formula values used to compute interest rates would have affected the interest rates and payments on a $10,000 loan. In addition, the maximum interest rate and payment that could result under the program for the $10,000 loan would be disclosed.

(2) Proposed Amendment

Based on recommendations from the FFIEC, the Board is republishing for comment amendments to Regulation Z to provide more information to consumers about adjustable-rate mortgages. Like the original proposal published in May 1985, this proposal provides for a handbook to be distributed to consumers, as well as detailed disclosures about a creditor's ARM loan programs. Some provisions of the new proposal, however, most notably the example of rate adjustments, differ significantly from the earlier proposal.

As proposed earlier, the amendments would apply only to transactions secured by the consumer's principal dwelling. This would include all purchase-money mortgages, in which the consumer is obtaining a mortgage loan for the purpose of purchasing a home, as well as all transactions in which the consumer is using the home as security for a loan. (Home equity lines, in which an open-end line of credit is secured by the consumer's home, would not be subject to the new requirements, which apply only to closed-end mortgages.) All other consumer credit transactions that contain a variable-rate feature would continue to be subject to the current variable-rate disclosure requirements in Regulation Z.

In its earlier proposal, the Board solicited comment on whether the timing for the ARM disclosures should be earlier than proposed (for purchase-money ARMs, three days after a creditor's receipt of a written application). As recommended by the FFIEC, the Board is now proposing that ARM disclosures, including both the ARM brochure and the other detailed ARM information, be provided to prospective borrowers when an application form is furnished or before the payment of a non-refundable fee, whichever is earlier. This rule is consistent with the FHLBB's current timing rule for distribution of the ARM brochure. It would permit creditors to provide the detailed disclosures to consumers as an insert to the handbook when it is given. This change also reflects the views of some of the commenters on the Board's original proposal, who felt that ARM information should be provided to consumers as early as possible—particularly, before payment of an application fee—in order for consumers to use the information for comparison shopping. Disclosure at this point in time is possible under the new proposal because, unlike the original proposal, the new rule would require that disclosures reflect ARM loan program features, but not the terms of individual transactions. A special timing rule applies in cases where an ARM application reaches a creditor by way of an intermediary agent or broker in footnote 45b. In such cases, both the ARM brochure and the other detailed ARM information must be placed in the mail or delivered not later than three business days after the creditor receives the consumer's application.

Under the new timing rule, variable-rate disclosures would be given to consumers earlier than the standard Truth in Lending information required by § 226.18. A sentence would be added to § 226.17(b) to cross-reference the early timing requirement for ARMs. For purchase-money ARMs, the standard Truth in Lending disclosures generally are provided three days after a creditor's receipt of a written application. For other ARMs, the Truth in Lending disclosures are not given until consummation of the transaction, which is typically at closing. Because of this difference in the timing of disclosures under § 226.19(b), a new paragraph (f)(2) would be added to § 226.18 to require that the later Truth in Lending disclosures make reference to the earlier ARM information received by consumers, as well as state that an adjustable-rate feature exists.

A new paragraph (b)(1) requiring an ARM brochure has been added to § 226.19. The method of providing this disclosure differs from that originally proposed. The May 1985 proposal required that an ARM brochure be made available to consumers so that they would have a chance to pick up a copy and review it before entering into the application process. The new proposal, instead, would require that creditors give each consumer a brochure, rather than simply making the brochures available, when an application form is given to a consumer or before a consumer pays a non-refundable fee, whichever is earlier. This provision mirrors the rule that the FHLBB has had in effect for federally-insured savings associations since August 1985. The rule ensures that every consumer considering applying for an ARM will receive a brochure at an early stage in the application process.

As proposed in May 1985, the *Consumer Handbook on Adjustable Rate Mortgages*, developed by the Board and the FHLBB, may be used by creditors to fulfill this requirement if they choose. The new proposal would also permit creditors to provide a "suitable substitute" in place of the consumer handbook. Rather than the Board's evaluating whether an individual creditor's ARM brochure is a "suitable substitute," the regulation would require individual creditors to make a good faith determination of whether a brochure is, in fact, a suitable substitute. The Board envisions that substitutes must be, at a minimum, comparable to the consumer handbook in substance and comprehensiveness, recognizing that some lenders' brochures may contain more detailed descriptions of their particular ARM programs than contained in the *Consumer Handbook*.

The remainder of the proposal contains the revisions that would be made to the variable-rate disclosures currently required by Regulation Z. These revisions have been made in proposed § 2267.19(b)(2). Like the original proposal, the new proposal requires that detailed, specific information about all major aspects of a variable-rate feature be clearly disclosed to consumers. To illustrate the proposed requirements, sample form H–14 has been revised, and model clauses have been included in a proposed revision to Appendix H–4.

Many of the disclosures in the new proposal, other than the example of rate and payment changes, are similar to those originally proposed by the Board in May 1985. Creditors would be required to identify the index to which interest rate changes are tied, or provide a brief description of the formula used in calculating changes if no index is used.

A new requirement, which is currently included in both the OCC's and the FHLBB's disclosure rules, would be the disclosure of a source of information about an index. For example, if index values are listed in the *Wall Street Journal*, creditors could make such a statement in disclosing a source of information about their index. The proposal also would call for an explanation of how the interest rate will be determined, for example, by a statement that the interest rate will be based on a specified index plus a margin. Furthermore, creditors would be required to include a statement suggesting that consumers ask for the current margin value and interest rate. As proposed in May 1985, creditors would need to alert consumers about a discount feature when the initial rate is discounted. As required now by the Board, the OCC, and the FHLBB, the frequency of rate and payment adjustments also would be disclosed, along with rate and payment caps. If no payment or rate caps exist, the disclosure would indicate conspicuously that there are no limits on potential increases in payments or rates. If the presence of rate or payment caps would result in interest rate carryover or negative amortization, the disclosure statement would need to contain a statement about those features, as now mandated in the OCC's disclosure rule. Two proposed disclosures that were not contained in the Board's original May 1985 proposal are the fact that a loan program contains a demand feature, if applicable, and a statement reflecting what information will be contained in an adjustment notice and when such notice will be provided. Finally, creditors would be required to include a notice to consumers that disclosure forms are available for the creditor's other ARM loan programs.

The most significant change from the May 1985 proposal is the type of example mandated in the variable-rate disclosures. The Board's earlier proposal would have required creditors to show the effects of rate changes on a particular loan. In contrast, the new proposal would provide for an example based on a $10,000 loan, as does the current OCC rule. As a result, the disclosures could be pre-printed for each loan program and given to consumers with an ARM handbook. Creditors also would be required to include a statement on the disclosure form explaining to consumers how to calculate their actual monthly payment amount for a loan amount other than $10,000. The example based on $10,000 reflects the recommendation of the FFIEC, and is premised, in part, on the rationale that figures based on a $10,000 example provide information that consumers can use with minimal difficulty to calculate their actual monthly payments for a specific transaction. In addition to the effect on monthly payments, the example would need to reflect the effect of index rate changes on the outstanding loan balance as of the end of the year.

The other major change to the example contained in the Board's earlier proposal is the assumed index rate changes on which the example must be based. The May 1985 proposal would have required that two examples be shown: one based on an assumed increase of 2 percentage points in the index rate in each of the first three years and one based on no changes in the index rate during the loan term. In contrast, the new proposal has deleted the example of no changes in index rates and would require that the example shown be based on the history of the specific index or formula to be used in the loan program. The index values used in the example will begin with the value for 1977 and be updated annually to add ther values for additional years until a 15-year history is shown. For example, the disclosures for an ARM made in 1987 would include index values for each year from 1977 through 1986. In each subsequent year until 1991, a creditor's disclosures would include the index value for one more year. From that time forward, lenders would show a "rolling history" of index values, updated annually, for the preceding 15 years.

If the values for an index have not been available back to 1977, creditors would need only go back as far as the values have been available in giving the history. The history should reflect the method of choosing values for each program. For instance, if an average of index values is used, averages would be used in the history, but if a single index value as of a certain date is used, that value would be shown. If a creditor uses an index value as of a certain date in making interest and payment adjustments, and this date is changed several times annually, the creditor may assume one date on which to base the history of index values for each loan program. Only one index value per year need be shown, even if the program provides for adjustments to the interest rate or payment more than once in a year. In such cases, the creditor may assume that the index rate remained constant for the full year for the purpose of calculating the interest rate, payment, and loan balance. Updating would be necessary only when done to reflect the most recent index values.

The provision that the example be based on the historical performance of individuals indices reflects the recommendation of the FFIEC. This type of example also was recommended by some of the commenters on the Board's earlier proposal. Some of these commenters felt that the example based on assumed 2 percentage points increses for three years was too negative and, in fact, misleading to consumers when used for ARMs tied to stable indices, such as the cost of funds.; Furthermore, some commenters asserted that consumers would be in a better position to compare ARM programs with an example based on the past performance of different indices, rather than an example based on arbitrary assumed increases.

The payment and outstanding loan balance figures in the example would reflect all significant loan program terms. For example, features such as rate and payment caps, a discounted interest rate, negative amortization, and interest carryover would need to be taken into account by creditors in calculating the payment and outstanding balance figures. Because disclosures would be given early, creditors would need to assume a value for the margin in order to do the calculations for the example. Creditors may select a margin that they have used during the preceding six months and disclose on the form that the margin is one that they have used recently. The margin selected may be used until a creditor updates the disclosure form to reflect the most recent 15 years of index values.

Another significant change from the Board's earlier proposal is the requirement that the maximum interest rate and payment be disclosed. These disclosures would be calculated based on a $10,000 loan that is originated at the most recent interest rate shown in the historical example, and would assume that the interest rate then increases as rapidly as possible under the program. Thus, in a loan with interest rate limitations, or "caps," of 2 percentage points per year, and 5 percentage points for the life of the loan, the maximum interest rate would be 5 percentage points higher than the most recent rate shown in the historical example. Furthermore, the loan would not reach the maximum interest rate increased until the third year of the loan because of the 2 percent annual limitations. Consequently, the maximum payment disclosed would reflect the amortization of the loan during that period. Statement of a maximum interest

rate and payment would not be required if the loan contained no caps, although the disclosure would state conspicuously that there are no limits on potential increases in payment or rates.

As mentioned earlier, the ARM disclosures given before application would state what information will be provided in notices of adjustments and the timing for such notices. A paragraph also has been added as § 226.20(c) to require a subsequent disclosure form. Regulation Z does not presently require this subsequent disclosure although the OCC and the FHLBB regulations require it. The new paragraph, which largely tracks the OCC's rule, would require notice of the adjusted payment amount, interest rate, index rate, and loan balance. The creditor also would be required to disclose the extent to which any increase in the interest rate has not been fully implemented at the adjustment date (for example, if the new index rate plus margin would exceed an interest rate adjustment cap), and the payment that would be required to fully amortize a loan (if different from the payment already disclosed). In transactions providing that payment adjustments may accompany each interest rate adjustment, creditors would be required to send borrowers notice at least 30, but not more than 120, days before the effective date of each scheduled interest rate adjustment. This notice would be required to be given, for example, whenever an interest rate adjustment is accompanied by a payment adjustment, or whenever an interest rate adjustment is made and could have been accompanied by a payment adjustment except for the effect of a payment cap. Notice also would be given whenever interest rate adjustments and accompanying payment adjustments can be made periodically under the loan agreement but are not made because, for example, the index values have not changed or an interest rate cap has prevented any such adjustments. However, creditors would be required to send borrowers notice only each year if interest rate adjustments are made without accompanying payment adjustments. Thus, for example, in transactions where the interest rate may be adjusted more frequently than the payment, the creditor would be required to send at least one notice each year during which there have been interest rate adjustments but no accompanying payment adjustments.

Finally, another significant change from the Board's original proposal is the retention and renumbering of footnote 43 to Regulation Z. The Board had originally proposed deleting footnote 43, which allows creditors to utilize the variable-rate disclosures of other agencies in place of the variable-rate disclosures required under Regulation Z. The board believed that eliminating the footnote would encourage further movement by the agencies toward uniform disclosures. In view of the progress that has been made among the federal financial agencies in agreeing to uniform ARM disclosures, the Board believes that the provision should be retained. This will also benefit lenders originating ARMs insured by the Federal Housing Administration which will continue to have separate disclosure requirements. HUD interprets its statute as requiring creditors to provide a schedule of payments showing how a consumer's actual payments—based on a consumer's actual loan amount—would change if the index increased 1 percentage point in each of the first five years of the loan. HUD has advised that the FFIEC—recommended disclosure requirements do not fully meet the minimum satutory requirements for "transaction-specific" disclosures on FHA-insured ARMs. Although the FFIEC recommendation for disclosures which can be pre-printed and distributed before application differs from HUD's minimum requirements, the impact on consumers and the industry may be minimal. Of all the ARMs outstanding, a total of about 8,000 have been insured by FHA since mid-1984—approximately less than 1 percent of the total ARMs in existence.

(Because the new disclosure requirements appear in § 226.19(b), footnote 43 would be redesignated as footnote 45a. The existing footnote 44 (discussing § 226.18(h)) would be redesignated as footnote 43.) Under footnote 45a creditors could continue to use other agencies' disclosures without facing the current problem of overlapping and duplicative regulations of the federal financial agencies. Creditors also will be permitted to utilize the subsequent disclosure requirements of other federal agencies in place of the subsequent disclosure requirements of § 226.20(c). (A footnote 45b would be added to the regulation to permit this substitution. Existing footnote 45 a would be redesignated as footnote 45c.)

(3) Economic Impact Statement

The Board's Division of Research and Statistics has prepared an economic impact statement on the proposed revisions to Regulation Z. A copy of the analysis may be obtained from Publications Services, Board of Governors of the Federal Reserve System, Washington, DC, 20551, at (202) 452–3245.

List of Subjects in 12 CFR Part 226

Advertising, Banks, Banking, Consumer protection, Credit, Federal Reserve System, Finance, Penalties, Truth in Lending.

PART 226—[AMENDED]

Certain conventions have been used to highlight the proposed revisions. New language is shown inside arrows, while language that would be removed is set off with brackets. Pursuant to authority granted in section 105 of the Truth in Lending Act (15 U.S.C. 1604 as amended), the Board proposes to amend Regulation Z (12 CFR Part 226) as follows:

1. The authority citiation for Part 226 continues to read:

Authority: Sec. 105, Truth in Lending Act, as amended by sec. 605, Pub. L. 96–221, 945 Stat. 170 (15 U.S.C. 1604 *et seq.*).

2. *Text of proposed revision.* The Board proposes to amend 12 CFR Part 226 by revising paragraph (b) of § 226.17, by removing footnote 43 from paragraph (f) of § 226.18, by redesignating paragrpah (f) of § 226.18 as paragraph (f)(1) and republished, by adding paragraph (f)(2) to § 226.18, by redesignating footnote 44 to be footnote, 43, by redesignating footnote 45 to be footnote 44 and reserving footnote 45, by redesignating paragraphs (a) and (b) of § 226.19 to be paragraphs (a)(1) and (2) and republished, by adding new paragraph (b) to § 226.19, by redesignating footnote 45a to be footnote 45d, by adding footnote 45b and 45c, by adding paragraph (c) to § 226.20, and by redesignating existing H–4 as H–4(A), adding H–4(B) and (C), and revising H–14 of Appendix H to read as follows:

Subpart C—Closed-End Credit

§ 226.17 General disclosure requirements.

* * * * *

(b) *Time of disclosures.* The creditor shall make disclosures before consummation of the transaction. In certain residential mortgage transactions, special timing requirements are set forth in § 226.19(a). ➧In certain variable-rate mortgage transactions, special timing requirements for variable rate disclosures are set forth in § 226.19(b).➧ In certain transactions involving mail or telephone orders or a series of sales, the timing of the disclosures may be

delayed in accordance with paragraphs (g) and (h) of this section.

* * * * *

§ 226.18 Content of disclosures.

* * * * *

(f) *Variable rate.* ◆(1)◆ If the annual percentage rate may increase after consummation ◆and the transaction is not secured by the consumer's principal dwelling◆, the following disclosures: [43]

[1] (i) The circumstances under which the rate may increase.

[2] (ii) Any limitations on the increase.

[3] (iii) The effect of an increase.

[4] (iv) An example of the payment terms that would result from an increase.

◆(2) If the annual percentage rate may increase after consummation and the transaction is secured by the consumer's principal dwelling, the following disclosures:

(i) The fact that the transaction contains a variable-rate feature.

(ii) A statement that variable-rate disclosures have been provided earlier.◆

* * * * *

§ 226.19 Certain residential ◆ and variable-rate◆ mortgage transactions.

(a) ◆*Residential mortgage transactions subject to RESPA.*◆

◆(1)◆ *Time of disclosure.* In a residential mortgage transaction subject to the Real Estate Settlement Procedures Act (12 U.S.C. 2601 et seq.) the creditor shall make good faith estimates of the disclosures required by § 226.18 before consummation, or shall deliver or place them in the mail not later than three business days after the creditor receives the consumer's written application, whichever is earlier.

[b] ◆(2)◆ *Rediscloşure required.* If the annual percentage rate in the consummated transaction varies from the annual percentage rate disclosed under § 226.18(e) by more than 1/8 of 1 percentage point in a regular transaction or more than 1/4 of 1 percentage point in an irregular transaction, as defined in § 226.22, the creditor shall disclose the changed terms no later than consummation or settlement.

◆(b) *Certain variable-rate mortgage disclosure requirements.*[45a] If the annual percentage rate may increase after consummation and the transaction is secured by the consumer's principal dwelling, the following disclosures must be provided at the time an application form is provided or before the consumer pays a non-refundable fee, whichever is earlier:[45b]

(1) The booklet titled *Consumer Handbook on Adjustable Rate Mortgages* published by the Board and the Federal Home Loan Bank Board, or a suitable substitute.

(2) A loan program disclosure for each variable-rate program in which the consumer expresses an interest. The following disclosures, as applicable, shall be provided:

(i) The fact that the interest rate, payment, or term of the loan can change.

(ii) The index or formula used in making adjustments, and a source of informtion about the index or formula.

(iii) An explanation of how the interest rate and payment will be determined, including an explanation of how the index is adjusted, such as by the addition of a margin.

(iv) A statement that the consumer should ask about the current margin value and current interest rate.

(v) The fact that the interest rate will be discounted.

(vi) The frequency of interest rate and payment changes.

(vii) Any rules relating to changes in the index, interest rate, payment amount, and outstanding loan balance including, for example, an explanation of interest rate or payment limitations, negative amortization, and interest rate carryover.

(viii) A conspicuous statement that there are no limitations on payment or interest rate increases.

(ix) An historical example, based on a $10,000 loan amount, illustrating how payments and the loan balance would have been affected by interest rate changes implemented according to the terms of the loan program. The example shall be based upon index values beginning in 1977 and be updated annually until a 15-year history is shown. Thereafter, the example shall reflect the most recent 15 years of index values. The example shall reflect all significant loan program terms, such as negative amortization, interest rate carryover, interest rate discounts, and interest rate and payment limits, that would have been affected by the index movement during the period.

(x) An explanation of how the consumer may calculate the payments for the loan amount to be borrowed based on the most recent payment shown in the historical example.

(xi) In loans subject to overall limitations, a statement of the maximum interest rate and payment for a $10,000 loan originated at the most recent interest rate shown in the historical example assuming the maximum periodic increase in rates and payments under the program.

(xii) The fact that the loan program contains a demand feature.

(xiii) The type of information that will be provided in notices of adjustments and the timing of such notices.

(xiv) A statement that disclosure forms are available for the creditor's other variable-rate loan programs.◆

§ 226.20 Subsequent disclosure requirements.

* * * * *

◆(c) *Variable-rate adjustments.*[45c] A scheduled adjustment to the interest rate with or without a corresponding adjustment to the payment in a variable-rate transaction subject to section 226.19(b) is an event requiring new disclosures to the consumer. At least once each year during which an interest rate adjustment is implemented without an accompanying payment change, or, if the loan documents provide for a payment change accompanying each interest rate adjustment, at least 30, but no more than 120, days before the effective date of each scheduled interest rate adjustment, the following disclosures:

(1) The current and prior interest rates.

(2) The index values upon which the current and prior interest rates are based.

(3) The extent to which the creditor has foregone any increase in the interest rate.

(4) The contractual effects of the adjustment, including the payment due after the adjustment is made and the loan balance.

(5) The payment, if different from that referred to in paragraph (c)(4), that would be required to fully amortize the loan at the new interest rate over the remainder of the loan term.◆

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[43] Information provided in accordance with variable rate regulations of other federal agencies may be substituted for the disclosures required by paragraph (f) of this section.]

◆[45a] Information provided in accordance with variable-rate regulations of other federal agencies may be substituted for the disclosures required by paragraph (b) of this section.◆

◆[45b] Disclosures must be delivered or placed in the mail not later than three business days following receipt of a consumer's written application when the application reaches the creditor through an intermediary agent or broker.◆

◆[45c] Information provided in accordance with variable-rate subsequent disclosure regulations of other federal agencies may be substituted for the disclosures required by paragraph (c) of this section.◆

Appendix H—Close-End Model Forms and Clauses

(H–4–Variable-Rate Model Clauses (§ 226.18(f))]

◆H–4(A) Variable-Rate Model Clauses (under § 226.18(f)(1))◆

* * * * *

◆H–4(B) Variable-Rate Model Clauses (under § 226.18(f)(2))

Your loan contains a variable-rate feature. Disclosures about the variable-rate feature have been provided to you earlier.◆

◆H–4(C) Variable-Rate Model Clauses (under § 226.19(b))

This disclosure describes the features of the Adjustable Rate Mortgage (ARM) program you are considering. Information on other ARM programs is available upon request.

How Your Interest Rate is Determined

• Your interest rate will be based on [an index plus a margin] [a formula].

—[The interest rate will be the rate of (identification of index) plus our margin. Ask for our current margin.]

—[The interest rate will be the rate of (identification of formula).]

—[The initial interest rate is not based on the index/formula used to make later adjustments and will be __ __ percentage points higher/lower for (time period).]

How Your Interest Rate Can Change

• Your interest rate can change (frequency).

• [Your interest rate cannot increase or decrease more than __ percentage points at each adjustment.]

• [Your interest rate cannot increase or decrease more than __ percentage points over the term of the loan.]

• [Change in the index not passed on as changes in the interest rate will be carried over to subsequent interest rate adjustment dates.]

• [THERE ARE NO LIMITS ON INCREASES TO YOUR INTEREST RATE.]

How Your Payment Can Change

• Your (principal and interest) payment can change (frequency) baed on changes in the interest rate.

• [Your payment cannot increase more than (amount or percentage) at each adjustment.]

• [If your payment is inadequate to fully amortize your loan in the remaining term at the new interest rate, unpaid interest will be added to the loan balance.]

• [THERE ARE NO LIMITS ON INCREASES TO YOUR MONTHLY PAYMENTS OTHER THAN LIMITS ON CHANGES IN INTEREST RATES.]

• [If any payment is not sufficient to cover the interest due, the difference will be added to your loan amount. Your loan cannot increase by more than __%.]

• You will be notified in writing __ days before the effective date of any scheduled interest rate adjustment that may be accompanied by a payment adjustment. This notice will contain information about your index and interest rates, payment amount, and loan balance.

• [You will be notified once each year during which interest rate adjustments, but no payment adjustments, have been made to your loan. This notice will contain information about your index and interest rates, payment amount, and loan balance.]

Example

The example below shows how your payments would have changed under this ARM program based on actual index changes that occurred from 1977 to 1991. This does not necessarily indicate how your index will change in the future.

The example is based on the following assumptions:

Amount	$10,000
Term	
Payment adjustment	(frequency)
Interest adjustment	(frequency)
[Margin]*	
[Margin]*	
[Caps]	(periodic interest rate cap) (lifetime interest rate cap) [No interest rate cap] [No payment cap] [Interest rate carryover] [Negative amoritzation] [Interest Rate discount] of __ percentage points for (time period).]
Index	(identification of index or formula)

Year	Index (percent)	Margin (percent)	Interest rate (percent)	Monthly payment (dollars)	Remaining balance (dollars)
1977					
1978					
1979					
1980					
1981					
1982					
1983					
1984					
1985					
1986					
1987					
1988					
1989					
1990					
1991					

To see what your payments would have been during that period, divide your mortgage amount by $10,000; then multiply the monthly payment by that amount. (For example, in 1991 the monthly payment for a mortgage amount of $60,000 taken out in 1977 would be: $60,000÷10,000=6, and 6×$__=$__ per month.)◆

◆H–4(D) Variable-Rate Model Clauses (Under § 226.20(c))

Your new interest rate will be __%, which is based on an index value of __%.

Your prior interest rate was __%, which was based on an index value of __%.

Your new loan balance is $__ __.

[The new interest rate does not reflect __ percentage point change in the index value which was not added because of __ __.]

[The new payment will be $__ __.]

[Changes in the index not passed on in this change to the interest rate will be carried over to subsequent interest rate adjustment dates.]

[Your (new) (existing) payment will not be sufficient to cover the interest due and the difference will be added to the loan amount. The payment amount that would be necessary to amortize the loan at the new interest rate is $__ __.]◆

[The following interest rate adjustments have been implemented this year without changing your payment: __ __. These interest rates were based on the following index values: __ __.]◆

H–14 Variable-Rate Mortgage Sample

◆This disclosure describes the features of the Adjustable Rate Mortgage (ARM) program you are considering. Information on other ARM programs is available upon request.

How Your Interest Rate is Determined

• Your interest rate will be based on an index rate plus a margin.

—The interest rate will be the rate of a 1-year Treasury Bill adjusted to a constant maturity, plus our margin. Ask us for our current interest rate and margin.

—You can find information about the index rate in the H–15 (519) series which is published weekly by the Federal Reserve Board.

• Your interest rate will equal the index rate plus our margin unless interest rate "caps" limit the amount of change in the interest rate.

How Your Interest Rate Can Change

• Your interest rate can change yearly.

• Your interest rate cannot increase or decrease more than 2 percentage points per year.

• Your interest rate cannot increase or decrease more than 5 percentage points over the term of the loan.

• Changes in the index not passed on as changes in the interest rate will be carried over to subsequent interest rate adjustment dates.

How Your Monthly Payment Can Change

• Your monthly (principal and interest) payment can change yearly based on changes in the interest rate.

• THERE ARE NO LIMITS ON INCREASES TO YOUR MONTHLY PAYMENTS OTHER THAN LIMITS ON CHANGES IN INTEREST RATES.

• For example, on a $10,000, 30-year loan with an initial interest rate of 10.73% (which is the interest rate shown in the interest rate column below for the year 1986), the maximum amount that the interest rate could rise under this program is 5 percentage points, to 15.73%, and the monthly payment could rise to a maximum of $131.59.

• You will be notified in writing 30 days before the annual interest rate and payment adjustment may be made. This notice will contain information about your index and interest rates, payment amount, and loan balance.

◆*This is a margin we have used recently; your margin may be different.◆

Example

The example below shows how your payments would have changed under this ARM program based on actual index changes that occurred from 1977 to 1986. This does not necessarily indicate how your index will change in the future. The example is based on the following assumptions:

Amount	$10,000
Term	30 years
Payment adjustment	1 year
Interest adjustment	1 year
Margin	3 percent *
Caps	2% annual interest rate 5% lifetime interest rate
	No payment caps
	Interest rate carryover
Index	1-year Treasury Bill adjusted to a constant maturity.

Year (as of January)	Index (percent)	Margin (percent)	Interest rate (percent)	Monthly payment (dollars)	Remaining balance (dollars)
1977	5.29	3	8.29	75.41	9,921.14
1978	7.28	3	10.28	89.59	9,863.27
1979	10.41	3	12.28**	104.34	9,820.02
1980	12.06	3	13.29***	111.91	9,779.79
1981	14.08	3	13.29***	111.91	9,733.88
1982	14.32	3	13.29***	111.91	9,681.45
1983	8.62	3	11.62	99.98	9,602.56
1984	9.90	3	12.90	108.92	9,530.07
1985	9.02	3	12.02	102.86	9,436.19
1986	7.73	3	10.73	94.39	9,309.94

►*This is a margin we have used recently; your margin may be different.
**This interest rate reflects a 2% annual interest rate cap.
***This interest rate reflects a 5% lifetime interest rate cap.◄

To see what your payments would have been during that period, divide your mortgage amount by $10,000; then multiply the monthly payment by that amount. (For example, in 1986 the monthly payment for a mortgage amount of $60,000 taken out in 1977 would be: $60,000 ÷ $10,000 = 6, and 6 × $94.39 = $566.34 per month.)◆

* * * * *

By order of the Board of Governors of the Federal Reserve System, November 17, 1986.

William W. Wiles,

Secretary of the Board.

[FR Doc. 86-26248 Filed 11-21-86; 8:45 am]

BILLING CODE 6210-01-M

12 CFR Part 226

[Reg. Z; Docket No. R-0545A]

Proposed Update to Official Staff Commentary

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Proposed official staff interpretation.

SUMMARY: The Board is publishing for comment proposed changes to the official staff commentary to Regulation Z (Truth in Lending). The proposed commentary would offer guidance to creditors in complying with the provisions of a proposed amendment to Regulation Z that is being published for comment in this issue of the **Federal Register**. The regulatory amendment would require creditors to provide more information about certain variable-rate loans than is currently required. The proposed revisions include new material as well as numerous technical changes in existing material. The text of the major additions proposed for the commentary begins with comment 226.18(f)(2)-1, which follows the summary of proposed commentary revisions.

DATE: Comments must be received on or before January 20, 1987.

ADDRESS: Comments should be mailed to William W. Wiles, Secretary, Board of Governors of the Federal Reserve System, Washington, DC 20551, or delivered to the 20th Street courtyard entrance, 20th Street, between C Street and Constitution Avenue, NW., Washington, DC, between 8:45 a.m. and 5:15 p.m. weekdays. Comments should include a reference to Docket No. R-0545A. Comments may be inspected in Room B-1122 between 8:45 a.m. and 5:15 p.m. weekdays.

FOR FURTHER INFORMATION CONTACT: Sharon Bowman, Staff Attorney, or Michael Bylsma, Senior Attorney, Division of Consumer and Community Affairs, at (202) 452-2412 or (202) 452-3667, or Earnestine Hill or Dorothea Thompson, Telecommunications Device for the Deaf, at (202) 452-3544, Board of Governors of the Federal Reserve System, Washington, DC 20551.

SUPPLEMENTARY INFORMATION:

(1) Background

This proposed official staff interpretation is being published in conjunction with the proposed amendment to Regulation Z to provide more information to consumers about variable-rate mortgage transactions secured by a consumer's principal dwelling. The commentary would apply and interpret the requirements of this proposed amendment to Regulation Z. It is expected that these revisions, pending public comment on the proposed amendments to the regulation and the commentary, will be adopted in final form in April 1987, with optional compliance until the date for mandatory compliance of October 1, 1987.

(2) Proposed Revisions

The following is a brief description of the proposed revisions to the commentary:

Subpart C—Closed-End Credit

Section 226.17—General Disclosure Requirements

17(a) Form of Disclosures

Paragraph 17[a][1). The information contained in the fifth bullet under comment 17(a)(1)-5, which discusses disclosure of a variable-rate feature on other documents, would be deleted, since similar information would be required under new paragraph (f)(2) of § 226.18. In addition, the ninth bullet under comment 17(a)(1)-5 (discussing negative amortization) would be revised to change the reference from § 226.18(f)(3) to new § 226.18(f)(1)(iii).

17(b) Time of Disclosures

Comment 17(b)-1 would be expanded to cover the timing requirements for variable-rate mortgage transactions secured by the consumer's principal dwelling. This expansion points out the new early timing requirement contained in proposed § 226.19(b) for these variable-rate mortgages.

17(c) Basis of Disclosures and Use of Estimates

Paragraph 17(c)(1). The first bulleted paragraph in comment 17(c)(1)-2 (discussing preferential employee rates)

would be revised to change the reference from § 226.18(f) to § 226.19(b). This change would clarify that certain preferred-rate employee loans are variable-rate transactions subject to the new disclosure requirements of proposed § 226.19(b). In addition, comment 17(c)(1)–9 would be revised to incorporate material on discounted variable-rate transactions currently comprising comment 18(f)–8. Similarly, the material currently in comment 18(f)–6 would be incorporated in comment 17(c)(1)–10 as examples of other variable-rate transactions. The reference in the second bullet under comment 18(f)–6 to including the conditions for imposition of the shared-appreciation feature would be deleted, as would the reference to the hypothetical example in the third bullet under this comment. In addition, the discussion on graduated-payment mortgages and step-rate transactions without a variable-rate feature would be deleted. The material currently in comment 18(f)–7 would be incorporated in new comment 17(c)(1)–11, although the language requiring disclosure of the fact that payments may increase, as well as the circumstances of and any limits on such an increase, would be deleted. This material previously in comments 18(f)–6 through 18(f)–8 would be included in the commentary to § 226.17 since it illustrates the disclosures generally required under Truth in Lending for these transactions. As a result of these additions, existing comments 17(c)(1)–9 (on Morris Plans) and 17(c)(1)–10 (concerning the number of transactions) would be redesignated as 17(c)(1)–12 and 17(c)(1)–13, respectively.

17(f) Early Disclosures

As a result of the proposed revisions to § 226.19 of the regulation, the reference in comment 17(f)–3 to § 226.19(b) would be revised to reference § 226.19(a)(2).

Section 226.18—Content of Disclosures

18(f) Variable Rate

Comment 18(f)–1 would be expanded to clarify that variable-rate loans secured by the consumer's principal dwelling are subject to the special early disclosure requirements of proposed § 226.19(b).

Comments 18(f)–5 through 18(f)–8 would be deleted. The material currently in comments 18(f)–6 through 18(f)–8 would be moved to paragraph 17(c)(1) to illustrate the disclosures generally required under Truth in Lending. The material currently in comment 18(f)–5 would be moved to new § 226.19(b), which contains the new disclosure requirements. Similarly, the material currently in comment 18(f)–6 would be moved to new comment § 226.19(b)–4 to clarify that these transactions are subject to this section's general disclosure requirements, with certain enumerated exceptions. The information currently in comment 18(f)–6 relating to the basis for disclosures would not be transferred to new comment 19(b)–4.

The current headings referring to paragraphs 18(f) (1) through (4) would be changed to reference paragraphs 18(f)(1) (i) through (iv) to reflect the fact that current § 226.18(f) of the regulation would become § 226.18(f)(1).

Comment 18(f)(2)–1 would be added to clarify that, where a variable-rate transaction is secured by the consumer's principal dwelling, later Truth in Lending disclosures must state that the variable-rate feature exists, as well as refer to the variable-rate disclosures that should have been provided to consumers earlier pursuant to proposed § 226.19(b).

Section 226.19—Certain Residential Mortgage Transactions

The title of this section of the commentary would be changed to read "Certain Residential and Variable-Rate Mortgage Transactions" to parallel the proposed change to § 226.19 of the regulation. That section now incorporates the new disclosure provisions for variable-rate mortgages secured by the consumer's principal dwelling.

19(a) Time of Disclosure

Since paragraph 19(b) would be revised to encompass the new material concerning variable-rate mortgage transactions secured by the consumer's principal dwelling, the current heading referring to 19(a) would be redesignated as 19(a)(1). Existing comments 19(a)–1 through 19(a)–5 would become comments 19(a)(1)–1 through 19(a)(1)–5.

19(b) Redisclosure Required

As a result of the change to paragraph 19(b) to incorporate new material, the current heading referring to 19(b) would be redesignated as 19(a)(2). Existing comments 19(b)–1 through 19(b)–4 would become comments 19(a)(2)–1 through 19(a)(2)–4.

Comment 19(b)–1 would be added to clarify that the proposed new requirements of § 226.19(b) would apply to all transactions in which the annual percentage rate may increase after consummation and where the transaction is secured by the consumer's principal dwelling.

Comment 19(b)–2 would be added to explain the timing for disclosures pursuant to proposed § 226.19(b). It clarifies that creditors must generally give the disclosures required under this section when an application form is provided or before a non-refundable fee is paid, whichever is earlier. The comment also offers guidance on situations where the creditor receives applications through an intermediary agent or broker. It explains that, in such cases, the creditor may deliver the required disclosures or mail them no later than three business days after the creditor receives the written application.

Comment 19(b)–3, which was previously included in the general variable-rate discussion under § 226.18(f) as comment 18(f)–5, would be added to this section of the commentary to clarify that creditors may substitute information provided in accordance with the variable-rate regulations of other federal agencies for the disclosure requirements of § 226.19(b). The references to footnote 43 and § 226.18(f) would be changed to reference footnote 45a and § 226.19(b), respectively.

Comment 19(b)–4, which incorporates material previously included in comment 18(f)–6, would be added to this section of the commentary to clarify that such transactions are subject to the general disclosure requirements of § 226.19(b), with certain enumerated exceptions. The last sentence in the first bullet under comment 18(f)–6 referring to the disclosures that must be given for renegotiable rate mortgages would be deleted, as would the third and fourth sentences in the second bullet under this comment dealing with disclosures for shared-equity mortgages. In the discussion on preferred-rate employee loans contained in the third bullet under comment 18(f)–6, the language would be revised to take into account transactions where the initial underlying rate is fixed, and the reference to the hypothetical example in the last sentence would be deleted.

Paragraph 19(b)(1). Comment 19(b)(1)–1 would be added to make clear that a creditor must provide either the *Consumer Handbook on Adjustable Rate Mortgages* or a suitable substitute to consumers at an early stage of the application process. It explains that the substitute should at least be comparable to the *Consumer Handbook* in substance and comprehensiveness, but may offer more detailed information about ARMs than the *Consumer Handbook.*

Paragraph 19(b)(2). Comment 19(b)(2)–1 would be added to explain that a creditor must provide disclosures for each of the creditor's variable-rate

programs in which the consumer expresses an interest, as well as any additional disclosures requested after initial disclosures have been made under this section. Comment 19(b)(2)–2 would be added to clarify that the disclosures required under proposed § 226.19(b)(2) need only be made as applicable, and comment 19(b)(2)–3 would explain the circumstances under which a creditor must give revised disclosures under this section.

Comments to proposed § 226.19(b)(2)(i) through (xiv) have been added to describe the requirements imposed by these paragraphs concerning disclosure of detailed, specific information about all major aspects of a variable-rate transaction secured by a consumer's principal dwelling. In general, under proposed § 226.19(b)(2), creditors would be required to identify the index to which interest rate changes are tied, or provide a brief description of the formula used in calculating changes if no index is used, as well as disclose a source of information about the index. Proposed § 226.19(b)(2) would also require an explanation of how a consumer's interest rate and payment will be determined and a statement telling consumers to ask for the current margin value and interest rate. Creditors would also need to provide consumers with information about a discount feature when the initial rate is discounted, and disclose the frequency of rate and payment adjustments, as well as the existence of rate and payment caps. If no payment or rate caps exist, the disclosure would indicate conspicuously that there are no limits on potential increases in payments or rates. If the presence of rate or payment caps would result in interest rate carryover or negative amortization, the disclosure statement would need to contain a reference to those features. A creditor would also have to disclose if a loan program contains a demand feature, and state what information will be contained in an adjustment notice and when such notice will be provided. Creditors would also be required to provide consumers with a statement that disclosure forms are available for other variable-rate loan programs.

In addition to these disclosures, § 226.19(b)(2) would require creditors to provide a fifteen-year historical example of how changes in the index or formula values used to compute interest rates would have affected the interest rates and payments on a $10,000 loan made at the beginning of that period. The creditor would also need to disclose the maximum interest rate and payment that could result under the loan program for a $10,000 loan. Section 226.19(b)(2) would also require a creditor to explain how a consumer can calculate his or her payments for a loan amount other than $10,000.

The comments to paragraphs 19(b)(2)(i) through (xiv) would clarify these proposed disclosure requirements and illustrate how a creditor may comply with these provisions.

Section 226.20—Subsequent Disclosure Requirements

20(b) Assumptions

Comment 20(b)–6 would be amended to clarify that assumptions of variable-rate transactions secured by the consumer's principal dwelling are not subject to the disclosure provisions of proposed §§ 226.18(f)(2)(ii) or 226.19(b).

20(c) Variable-Rate Adjustments

Comment 20(c)–1 would be added to explain what subsequent disclosures are required in cases where a rate adjustment is scheduled in a variable-rate transaction subject to proposed § 226.19(b). Comment 20(c)–2 would clarify that shared-equity loans and preferred-rate employee loans with an underlying fixed rate would be exempt from the proposed subsequent disclosure requirements of § 226.20.

Appendix H—Closed-End Model Forms and Clauses

Appendix H has been revised to illustrate the new disclosures that would be required under the proposed regulatory amendments. Model H–4 would contain model forms H–4(A), H–4(B), H–4(C), and H–4(D), with commentary provided for each form. Model H–4(A) contains the material currently in Model H–4, while Model H–4(B) would be added to illustrate the variable-rate disclosures required under proposed § 226.18(f)(2). Similarly, Model H–4(C) would be added to illustrate the early disclosures required under proposed § 226.19(b), while Model H–4(D) would be added to explain the requirements of the adjustment notice provided for in proposed § 226.20(c). These additions would be numbered as paragraphs four through seven in Appendix H. Existing paragraphs five through eight, which incorporate commentary on Models H–5 through H–9, would be renumbered as paragraphs eight through eleven.

The commentary to current Sample H–14 would be replaced by commentary for the new Sample H–14. It explains how a creditor may adapt the model clauses in Model H–4(C) to the creditor's own particular variable-rate program. As a result of the addition of Models H–4(B) through H–4(D), current paragraphs nine through twenty in Appendix H, which incorporate commentary on the sample forms, would be renumbered as paragraphs twelve through twenty-three.

List of Subjects in 12 CFR Part 226

Advertising, Banks, Banking, Consumer protection, Credit, Federal Reserve System, Finance, Penalties, Truth in lending.

Certain conventions have been used to highlight the proposed revisions. New language is shown inside arrows, while language that would be removed is set off with brackets. Pursuant to authority granted in section 105 of the Truth in Lending Act (15 U.S.C. 1604 as amended), the Board proposes to amend the official staff commentary to Regulation Z (12 CFR Part 226 Supp. I) as follows:

PART 226—[AMENDED]

(1) The authority citation for Part 226 continues to read:

Authority: Sec. 105, Truth in Lending Act, as amended by sec. 605, Pub. L. 96–221, 94 Stat. 170 (15 U.S.C. 1604 *et seq.*).

(2) *Text of proposed revisions.* The proposed revisions to the commentary (Supplement I to 12 CFR Part 226) include removing the information contained in the fifth bullet under comment 17(a)(1)–5 and changing the reference in the ninth bullet under this comment from § 226.18(f)(3) to § 226.18(f)(1)(iii); revising comment 17(b)–1, changing the reference in the first bullet under comment 17(c)(1)–2 from § 226.18(f) to § 226.19(b); redesignating existing comments 17(c)(1)–9 and 17(c)(1)–10 as comments 17(c)(1)–12 and 17(c)(1)–13, respectively and adding new comments 17(c)(1)–9 through 17(c)(1)–11; changing the reference in comment 17(f)–3 from § 226.19(b) to § 226.19(a)(2); revising comment 18(f)–1; removing comments 18(f)–5 through 18(f)–8; redesignating comments 18(f)(1)–1, 18(f)(2)–1, 18(f)(3)–1, 18(f)(4)–1 and 18(f)(4)–2 as comments 18(f)(1)(i)–1, 18(f)(1)(ii)–1, 18(f)(1)(iii)–1, 18(f)(1)(iv)–1, and 18(f)(1)(iv)–2, respectively; adding new comment 18(f)(2)–1; revising the title to the commentary on § 226.19; redesignating paragraphs 19(a) and 19(b) as paragraphs 19(a)(1) and 19(a)(2), respectively; redesignating comments 19(a)–1 through 19(a)–5 as comments 19(a)(1)–1 through 19(a)(1)–5 and comments 19(b)–1 through 19(b)–4 as 19(a)(2)–1 through 19(a)(2)–4; adding new comments 19(b), (b)(1), (2) and (2)(i)–(xiv); revising comment 20(b)–6 introductory text and the concluding

paragraph and adding comments 20(c)–1 and 20(c)–2; amending the commentary to Appendix H by redesignating H–5 through H–20 as H–8 through H–23, adding new comments H–5 through H–7, and revising newly redesignated H–18, to read as follows:

Supplement I—Proposed Official Staff Interpretation

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Section 226.17—General Disclosure Requirements.

* * * * *

17(b) Time of disclosures.

1. *Consummation.* As a general rule, disclosures must be made before "consummation" of the transaction. The disclosures need not be given by any particular time before consummation, except in certain mortgage transactions ❵and variable-rate mortgage transactions secured by the consumer's principal dwelling❵ under § 226.19. (See the commentary to § 226.2(a)(13) regarding the definition of consummation.)

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17(c) Basis of Disclosures and Use of Estimates.

Paragraph 17(c)(1)

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❵9. *Discounted variable-rate transactions.* In some variable-rate transactions, creditors may set an initial interest rate that is not determined by the index or formula used to make later interest rate adjustments. Typically, this initial rate charged to consumers is lower than the rate would be if it were calculated using the index or formula. However, in some cases the initial rate may be higher. In a discounted transaction, for example, a creditor may calculate interest rates according to a formula using the six-month Treasury bill rate plus a 2 percent margin. If the Treasury bill rate at consummation is 10 percent, the creditor may forgo the 2 percent spread and charge only 10 percent for a limited time, instead of setting an initial rate of 12 percent.

• When creditors use an initial interest rate that is not calculated using the index or formula for later rate adjustments, the disclosures should reflect a composite annual percentage rate based on the initial rate for as long as it is charged and, for the remainder of the term, the rate that would have been applied using the index or formula at the time of consummation. The rate at consummation need not be used if a contract provides for a delay in the implementation of changes in an index value. For example, if the contract specifies that rate changes are based on the index value in effect 45 days before the change date, creditors may use the index value in effect not more than 45 days before consummation in calculating a composite annual percentage rate.

• The effect of the multiple rates must also be reflected in the calculation and disclosure of the finance charge, total of payments, and payment schedule.

• If a loan contains a rate or payment cap that would prevent the initial rate or payment, at the time of the first adjustment, from changing to the rate determined by the index or formula at consummation, the effect of that rate or payment cap should be reflected in the disclosures.

• Because these transactions involve irregular payment amounts, an annual percentage rate tolerance of ¼ of 1 percent applies, in accordance with § 226.22(a)(3) of the regulation.

• Examples of discounted variable-rate transactions include—

—A 30-year loan for $100,000 with no prepaid finance charges and rates determined by the Treasury bill rate plus 2 percent. Rate and payment adjustments are made annually. Although the Treasury bill rate at the time of consummation is 10 percent, the creditor sets the interest rate for one year at 9 percent, instead of 12 percent according to the formula. The disclosures should reflect a composite annual percentage rate of 11.63 percent based on 9 percent for one year and 12 percent for 29 years. Reflecting those two rate levels, the payment schedule should show 12 payments of $804.62 and 348 payments of $1,025.31. The finance charge should be $266,463.32 and the total of payments $366,463.32.

—Same loan as above, except with a 2 percent rate cap on periodic adjustments. The disclosures should reflect a composite annual percentage rate of 11.53 percent based on 9 percent for the first year, 11 percent for the second year, and 12 percent for the remaining 28 years. Reflecting those three rate levels, the payment schedule should show 12 payments of $804.62, 12 payments of $950.09, and 336 payments of $1,024.34. The finance charge should be $265,234.76, and the total of payments $365,234.76.

—Same loan as above, except with a 7½ percent cap on payment adjustments. The disclosures should reflect a composite annual percentage rate of 11.64 percent, based on 9 percent for one year and 12 percent for 29 years. Because of the payment cap, five levels of payment should be reflected. The payment schedule should show 12 payments of $804.62, 12 payments of $864.97, 12 payments of $929.86, 12 payments of $999.60, and 312 payments of $1,070.03. The finance charge should be $277,037.96, and the total of payments $377,037.96.

This paragraph does not apply to variable-rate loans in which the initial interest rate is set according to the index or formula used for later adjustments but is not set at the value of the index or formula at consummation. For example, if a creditor commits to an initial rate based on the formula on a date prior to consummation, but the index has moved during the period between that time and consummation, a creditor should base its disclosures on the initial rate.

10. *Other variable-rate transactions.* Examples of variable-rate transactions include:

• Renegotiable rate mortgage instruments that involve a series of short-term loans secured by a long-term obligation, where the lender is obligated to renew the short-term loans at the consumer's option. At the time of renewal, the lender has the option of increasing the interest rate. Disclosures must be given for the longer term of the obligation, with all disclosures calculated on the basis of the rate in effect at the time of consummation of the transaction.

• "Shared-equity" or "shared-appreciation" mortgages that have a fixed rate of interest and an appreciation share based on the consumer's equity in the mortgaged property. The appreciation share is payable in a lump sum at a specified time. Disclosures must be based on the fixed interest rate. If the transaction is not secured by the consumer's principal dwelling, the creditor should refer to comment 18(f)–1. Disclosures under § 226.18(f) would include, for example, the time at which the shared appreciation would be collected and the limitation on the creditor's share. If the transaction is secured by the consumer's principal dwelling the creditor should refer to § 226.19(b). (As discussed in § 226.2, other types of shared-equity arrangements are not considered "credit" and are not subject to Regulation Z.)

• Preferred-rate employee loans where the terms of the legal obligation provide that the rate will increase only if the employee leaves the employ of the creditor and the note reflects the preferred rate. The disclosures are to be based on that rate.

11. *Growth-equity mortgages.* Also referred to as payment-escalated mortgages, these mortgage plans involve scheduled payment increases to prematurely amortize the loan. The initial payment amount is determined as for a long-term loan with a fixed interest rate. Payment increases are scheduled periodically, based on changes in an index. The larger payments result in accelerated amortization of the loan. In disclosing these mortgage plans, creditors may either:

• Estimate the amount of payment increases, based on the best information reasonably available; or

• Disclose by analogy to the variable-rate disclosures. (This discussion does not apply to growth-equity mortgages in which the amount of payment increases can be accurately determined at the time of disclosure. For these mortgages, as for graduated-payment mortgages, disclosures should reflect the scheduled increases in payments.)❵

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Section 226.18—Content of Disclosures

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18(f) Variable Rate

1. *Coverage.* The requirements of § 226.18(f) apply to all transactions in which the terms of the legal obligation allow the creditor to increase the rate originally disclosed to the consumer. It includes not only increases in the interest rate but also increases in other components, such as the rate of required credit life insurance. The provisions, however, do not apply to increases resulting from delinquency (including late payment), default, assumption, acceleration or transfer of the collateral. ❵Moreover, loans in which the annual percentage rate may increase after consummation and where the transaction is secured by the consumer's principal dwelling

are subject to the special early disclosure requirements of § 226.19(b).◆

* * * * *

18(f)(2)

◆1. *Disclosure required.* In a variable-rate transaction that is secured by the consumer's principal dwelling, the creditor must give special early disclosures under § 226.19(b) in addition to the later Truth in Lending disclosures required under § 226.18(f)(2). The creditor, in making disclosures under § 226.18(f)(2), must state that the variable-rate feature exists and that variable-rate disclosures have been provided earlier.◆

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Section 226.19—Certain Residential ◆and Variable-Rate◆ Mortgage Transactions.

* * * * *

19(b) ◆Variable-Rate Mortgage Transactions

1. *Coverage.* The requirements of § 226.19(b) apply to all transactions in which the annual percentage rate may increase after consummation and where the transaction is secured by the consumer's principal dwelling. It includes not only purchase-money mortgages, where the consumer obtains a mortgage loan to purchase a home, but also other closed-end transactions in which the consumer uses the home as security for a loan. All other variable-rate transactions which are not secured by the consumer's principal dwelling are subject to the disclosure requirements of § 226.18(f)(1).

2. *Timing.* A creditor must generally give the disclosures required under this section at the time an application form is provided or before the consumer pays a non-refundable fee, whichever is earlier. In cases where a creditor receives a written application through an intermediary agent or broker, however, footnote 45b provides that the creditor shall deliver the disclosures or place them in the mail not later than three business days after the creditor receives the consumer's written application.

3. *Other variable-rate regulations.* Transactions in which the creditor is required to comply with and has complied with variable-rate regulations of other federal agencies are exempt from the requirements of § 226.19(b), by virtue of footnote 45a. Those variable-rate regulations include the adjustable mortgage loan instrument regulation issued by the Federal Home Loan Bank Board (12 CFR 545.33), and the adjustable-rate mortgage regulation issued by the Comptroller of the Currency (12 CFR 29), and the adjustable-rate mortgage regulations issued by the Department of Housing and Urban Development (24 CFR 203 and 24 CFR 234). The exception in footnote 45a is also available to creditors that are required by state law to comply with the federal variablerate regulations noted above and to creditors that are authorized by title VIII of the Depository Institutions Act of 1982 (12 U.S.C. 3801 *et seq.*) to make loans in accordance with those regulations. Creditors using this exception should comply with the timing requirements of those regulations rather than the timing requirements of Regulation Z in making the variable-rate disclosures.

4. *Examples of variable-rate transactions.* The following transactions, if secured by the consumer's principal dwelling, constitute variable-rate transactions subject to the disclosure requirements of § 226.19(b) unless specifically exempted. (If these variable-rate transactions are not secured by the consumer's principal dwelling, disclosures pursuant to § 226.18(f)(1) must be provided.)

- Renegotiable rate mortgage instruments that involve a series of short-term loans secured by a long-term obligation, where the lender is obligated to renew the short-term loans at the consumer's option. At the time of renewal, the lender has the option of increasing the interest rate.
- "Shared-equity" or "shared-appreciation" mortgages that have a fixed rate of interest and an appreciation share based on the consumer's equity in the mortgaged property. The appreciation share is payable in a lump sum at a specified time. Sections 226.19(b)(2) (iv), (v), (ix), (x), (xi) and (xiii) do not apply to shared-equity mortgages, however. (As discussed in § 226.2, other types of sharedequity arrangements are not considered "credit" and are not subject to Regulation Z.)
- Preferred-rate employee loans where the terms of the legal obligation provide that the initial underlying rate is fixed, but will increase if the employee leaves the employ of the creditor, and the note reflects the preferred rate. The disclosures are to be based on that rate. Where the underlying fixed-rate loan has such a variable-rate feature, the disclosures under §§ 226.19(b)(2) (ix), (x), (xiii) and (xiv) are inapplicable. (Graduated-payment mortgages and step-rate transactions without a variable-rate feature are not considered variable-rate transactions.)

Paragraph 19(b)(1)

1. *Substitutes.* Creditors who wish to use ARM information publications other than the *Consumer Handbook on Adjustable Rate Mortgages* must make a good faith determination that their brochures are suitable substitutes to the *Consumer Handbook.* A substitute is suitable if it is, at a minimum, comparable to the *Consumer Handbook* in substance and comprehensiveness. Creditors are permitted to provide more detailed information about ARMs than is contained in the *Consumer Handbook.*

Paragraph 19(b)(2)

1. *Disclosure for each variable-rate program.* In variable-rate transactions subject to § 226.19(b) requirements, a creditor must provide disclosures that fully describe each of the creditor's variable-rate loan programs in which the consumer expresses an interest at the time an application form is provided or before the consumer pays a non-refundable fee, whichever is earlier. Moreover, if a consumer requests disclosures for other ARM programs, a creditor must provide disclosures for as many other of the creditor's ARM programs as the consumer requests.

2. *As applicable.* The disclosures required by this section need only be made as applicable. Any disclosure not relevant to a particular transaction may be eliminated. For example, if the transaction does not contain a demand feature, the disclosure required under § 226.19(b)(2)(xii) need not be given.

3. *Revisions.* A creditor must revise the disclosures required under this section generally in two circumstances—once a year when the new index value becomes available and when the loan program changes.

Paragraph 19(b)(2)(i)

1. *Change in interest rate, payment, or term.* A creditor must disclose the fact that the terms of the legal obligation permit the creditor, after consummation of the transaction, to increase (or decrease) the interest rate, payment, or term of the loan initially disclosed to the consumer. For example, the disclosures might read, "Your payment can change yearly based on changes in the interest rate."

Paragraph 19(b)(2)(ii)

1. *Identification of index or formula.* If a creditor ties interest rate changes to a particular index, this fact must be disclosed, along with a source of information about the index. For example, if a creditor uses the 1-year Treasury Bill rate as its index, the disclosure might read, "Your index is the rate for a 1-year Treasury Bill adjusted to a constant maturity published weekly in the *Wall Street Journal.*" If no particular index is used, the creditor must briefly describe the formula used to calculate interest rate changes.

2. *Changes at creditor's discretion.* If interest rate changes are at the creditor's discretion, this fact must be disclosed. If an index is internally defined, such as by a creditor's prime rate, the creditor should either briefly describe that index or state that interest rate changes are at the creditor's discretion.

Paragraph 19(b)(2)(iii)

1. *Determination of interest rate and payment.* This section requires an explanation of how the creditor will determine the consumer's interest rate and payment. In cases where a creditor bases its interest rate on a specific index (such as the 1-year Treasury Bill rate) and adjusts the index through the addition of a margin, for example, the disclosure might read, "Your interest rate is based on the index plus a 2% margin, and your payment will be based on the interest rate."

Paragraph 19(b)(2)(iv)

1. *Current margin value and interest rate.* Because the disclosures can be prepared in advance, the interest rate and margin may be several months old when the disclosures are delivered. A statement, therefore, is required alerting the consumers to the fact that they should inquire about the current margin value applied to the index and the current interest rate. For example, the disclosure might state, "You should ask us for our current interest rate and margin."

Paragraph 19(b)(2)(v)

1. *Discounted interest rate.* In some variable-rate transactions, creditors may set an initial interest rate that is not determined by the index or formula used to make later

interest rate adjustments. Typically, this initial rate charged to consumers is lower than the rate would be if it were calculated using the index or formula. However, in some cases the initial rate may be higher. If the initial interest rate contains a discount feature, creditors must alert the consumer to this fact, as well as disclose the amount of the discount and the period for which the low initial rate applies. For example, if a creditor discounted a consumer's initial rate for six months, the disclosure might state, "Your initial interest rate is not based on the index used to make later adjustments and will be 3 percentage points lower than the index and margin for the first six months." (See the commentary to § 226.17(c)(1) for a further discussion of discounted variable-rate transactions.) This paragraph does not apply to variable-rate loans in which the initial interest rate is set according to the index or formula used for later adjustments but is not set at the value of the index or formula at consummation. For example, this paragraph does not apply if a creditor commits to an initial rate based on the formula on a date prior to consummation, but the index has moved during the period between that time and consummation.

Paragraph 19(b)(2)(vi)

1. *Frequency.* The frequency of interest rate and payment adjustments must be disclosed. If interest rate changes will be imposed more frequently or at different intervals than payment changes, then a creditor must reveal the frequency and timing of both types of changes. For example, in a variable-rate transaction where interest rate changes are made monthly, but payment changes would only occur on an annual basis, this fact must be disclosed.

Paragraph 19(b)(2)(vii)

1. *Rate and payment caps.* If the variable-rate transaction limits changes (increases or decreases) in the interest rate or payment, the creditor must disclose those limitations.

2. *Negative amortization and interest rate carryover.* A creditor must disclose, where applicable, the possibility of negative amortization. For example, the disclosure might state, "If any of your payments is not sufficient to cover the interest due, the difference will be added to your loan amount." In addition, the creditor must disclose the existence of any interest rate carryover provisions. For example, if the index rises 3 percentage points during the year, the loan contains a 2 percentage cap on annual changes (increases or decreases) in the interest rate, and the creditor may impose the additional percentage point the following year, the creditor must disclose the fact that changes in the index will be carried over to subsequent interest rate adjustment dates. The disclosure might state, "Changes in the index not passed on as changes in the interest rate will be carried over to subsequent interest rate adjustment dates."

3. *Conversion option.* If a loan program permits consumers to convert their variable-rate loans to fixed-rate mortgages at a designated time, the rules relating to this feature must be disclosed.

4. *Preferred-rate employee loans.* This provision applies to preferred-rate employee loans, where the rate will increase if the employee leaves the creditor's employ, whether or not the underlying rate is fixed or variable. For example, in transactions where the terms of the legal obligation provide that the initial underlying rate is variable, but also provide that the rate will increase if the employee leaves the employ of the creditor, the creditor must disclose that the rate may increase if the employee leaves the creditor's employ.

Paragraph 19(b)(2)(viii)

1. *Conspicuous statement.* The requirement that a creditor provide a "conspicuous" statement that there are no limits on increases in a borrower's payment or interest rate may be satisfied through the use of boldface print, underscoring, or capital letters to disclose this information. (See the commentary to § 226.17(a)(2) for additional information concerning how to make disclosures more conspicuous.)

Paragraph 19(b)(2)(ix)

1. *Index movement.* This section requires a creditor to provide an historical example, based on a $10,000 loan amount originating in 1977, showing how interest rate changes implemented according to the terms of the loan program would have affected payments and the loan balance at the end of each year during a 15 year period. Pursuant to this section, the creditor must provide a history of index values for the preceding 15 years. Initially, the disclosures would give a 10-year history of the index values beginning with 1977 values. Each year thereafter, disclosures pursuant to this section would include an additional year of index values until 15 years of values are shown. The 15-year history in the disclosures must reflect the most recent 15 years of index values. If the values for an index have not been available for 15 years, a creditor need only go back as far as the values are available in giving a history. If a creditor uses an index value as of a certain date, which is changed several times annually, the creditor may assume one date on which to base the history of index values. In all cases, only one index value per year need be shown. Thus, in transactions where interest rate adjustments are implemented more frequently than once per year, a creditor may assume that the interest rate and payment resulting from the index value chosen will stay in effect for the entire year for purposes of calculating the loan balance as of the end of the year and for reflecting other loan program terms. Moreover, if a creditor uses an average of index values or any other index formula, the history given should reflect those values. In cases where interest rate changes are at the creditor's discretion (see the commentary to § 226.19(b)(2)(ii)), the creditor must provide a history of the rates imposed for the preceding period, beginning with an initial 10-year history of rates starting in 1977. Each year thereafter, disclosures would include an additional year until 15 years of index values are shown. In giving this history, the creditor need only go back as far as the creditor's rates can reasonably be determined.

2. *Selection of margin.* For purposes of the disclosure required under § 226.19(b)(2)(ix), a creditor may select a margin that has been used during the six months preceding preparation of the disclosures, and should disclose that the margin is one that the creditor has used recently. A creditor is permitted to assume a representative margin in order to make calculations for the historical example required under this section since the disclosure form must be given early in the application process. The margin selected may be used until a creditor updates the disclosure form to reflect the most recent index values.

Paragraph 19(b)(2)(x)

1. *Calculation of payments.* A creditor is required to include a statement on the disclosure form that explains how a consumer may calculate his or her actual monthly payments for a loan amount other than $10,000. The example should be based upon the most recent payment shown in the historical example. The creditor, however, is not required to calculate the consumer's payments. (See the model clauses in H–4(C).)

Paragraph 19(b)(2)(xi)

1. *Maximum interest rate and payment.* The disclosure form must state the maximum interest rate and payment for a $10,000 loan, based on the most recent interest rate shown in the historical example. In calculating the maximum payments under this section, a creditor should assume that the interest rate has increased as rapidly as possible under the loan program, and the maximum payment disclosed should reflect the amortization of the loan during this period. Thus, in a loan with 2 percent annual (and 5 percent overall) interest rate limitations or "caps," the maximum interest rate would be 5 percentage points higher than the most recent rate shown in the historical example. Moreover, the loan would not reach the maximum interest rate increase until the third year because of the 2 percent annual rate limitations, and the maximum payment disclosed would reflect the amortization of the loan during this period. The requirement that the maximum interest rate and payment be disclosed would not be required if the loan contained no caps, although the disclosure under § 226.19(b)(2)(viii) would state that there are no limits on potential increases in rates or payments.

Paragraph 19(b)(2)(xii)

1. *Demand feature.* If a variable-rate loan subject to § 226.19(b) requirements contains a demand feature, this fact must be disclosed. (Pursuant to § 226.18(i), creditors would also disclose the demand feature in the standard disclosures given later.)

Paragraph 19(b)(2)(xiii)

1. *Adjustment notices.* A creditor must disclose to the consumer what information will be contained in subsequent notices of adjustments and when such notices will be provided. (See § 226.20(c) regarding notices of adjustments.) For example, in transactions providing that payment adjustments may accompany each interest rate adjustment, the disclosure might state, "You will be notified at least 30, but no more than 120, days before the effective date of any scheduled interest

rate adjustment that may be accompanied by a payment adjustment. This notice will contain information about the index and interest rates, payment amount, and loan balance." In transactions where the creditor would be required to send at least one notice each year during which there have been interest rate adjustments without accompanying payment adjustments, the disclosure might read, "You will be notified once each year during which interest rate adjustments, but no payment adjustments, have been made to your loan. This notice will contain information about the index and interest rates, payment amount, and loan balance."

Paragraph 19(b)(2)(xiv)

1. *Multiple loan programs.* A creditor who offers multiple variable-rate loan programs is required to have disclosures for each variable-rate loan program offered pursuant to § 226.19(b)(2). The creditor must inform the consumer that other variable-rate programs exist, and that disclosure forms are available for these additional loan programs. For example, the disclosure form might state, "Information on other ARM programs is available upon request"◆

Section 226.20—Subsequent Disclosure Requirements.

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20(b) Assumptions

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6. *Disclosures.* For transactions that are assumptions within this provision, the creditor must make disclosures based on the "remaining obligation." For example:

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If a transaction involves add-on or discount finance charges, the creditor may make abbreviated disclosures, as outlined in § 226.20(b) (1) through (5). ◆Creditors providing disclosures pursuant to this section for assumptions of variable-rate transactions secured by the consumer's principal dwelling need not provide new disclosures under § 226.18(f)(2)(ii) or 226.19(b).◆

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◆20(c) Variable-Rate Adjustments

1. *Additional disclosures.* This section would require a creditor to provide certain limited disclosures in cases where an adjustment to the interest rate is scheduled in a variable-rate transaction subject to § 226.19(b). A notice of a scheduled rate adjustment must be sent to the consumer, whether or not the scheduled rate adjustment is accompanied by a corresponding adjustment to the consumer's payment. There are two timing rules, depending on whether payment changes may accompany interest rate changes. In transactions where the interest rate may be adjusted more frequently than the payment, a creditor is required to send at least one notice each year during which interest rate adjustments have occurred without accompanying payment adjustments. In transactions providing for payment adjustments to accompany each interest rate adjustment, a creditor must notify borrowers at least 30, but not more than 120, days before the effective date of each scheduled rate adjustment. The disclosure must include the new payment amount, the current and prior interest and index rates and the loan balance, as well as notify the consumer of the extent to which any increase in the interest rate has been foregone. The disclosure must also state the payment that would be required to fully amortize the loan if this amount is different from the payment already disclosed. Information about this adjustment notice should be provided to the consumer in the variable-rate loan disclosures provided under § 226.19(b)(2)(xiii).

2. *Exceptions.* Section 226.20(c) does not apply to shared-equity loans and preferred-rate employee loans with an underlying fixed rate.◆

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Appendix H—Closed-End Model Forms and Clauses

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◆5. *Model H–4(B).* This model clause illustrates the variable rate disclosure required under § 226.18(f)(2), which would alert consumers to the fact that the transaction contains a variable-rate feature and that earlier disclosures were provided under § 226.19(b) in cases where the variable-rate transaction is secured by the consumer's principal dwelling.

6. *Model H–4(C).* This model clause illustrates the early disclosures required generally under § 226.19(b) when the variable-rate transaction is secured by the consumer's principal dwelling. It includes information on how the consumer's interest rate is determined and how it can change over the term of the loan, and explains changes that may occur in the borrower's monthly payment. In variable-rate loans where there are no limits on increases in the borrower's interest rate or in the monthly payment (other than limits on changes in interest rates), this fact must be expressed conspicuously. The model clause includes an example of this disclosure. (See the commentary to § 226.19(b)(2)(viii) for a discussion of what is included in the meaning of the term "conspicuous.") The model clause also contains an example of how to disclose historical changes in the index or formula values used to compute interest rates for the preceding 15 years. In addition, the model clause illustrates the disclosure required to explain how a consumer may calculate his or her actual monthly payments for a loan amount other than $10,000.

7. *Model H–4(D).* This model clause illustrates the adjustment notice required under § 226.20(c). The notice should contain the new payment amount, the current and prior interest and index rates, and the loan balance. The adjustment notice must also disclose the extent to which any increase in interest rate has been foregone, and, where different from the payment already disclosed, the payment that would be required to fully amortize the loan.◆

* * * * *

◆18. *Sample H–14.* This sample disclosure form illustrates the disclosures under section 19(b) for a variable-rate mortgage where the annual percentage rate may increase after consummation and the transaction is secured by the consumer's principal dwelling. The sample form shows a creditor how to adapt the model clauses in Appendix H–4(C) to the creditor's own particular variable-rate program. The sample disclosure form describes the features of a specific variable-rate mortgage program and alerts the consumer to the fact that information on other variable-rate programs is available upon request. It includes information on how the borrower's interest rate is determined and how it can change over time, and explains how the monthly payment can change based on a $10,000 loan amount, payable in 360 monthly installments, based on historical changes in the values for a 1-year Treasury Bill adjusted to a constant maturity for the period of January 1977 to January 1986. This 10-year history reflects the requirement under § 226.19(b)(2)(ix) that the index history begin with index values for 1977. Thus, the index history in 1986 would contain only 10 years of index values. In making these disclosures in 1991, however, a creditor would need to show a 15-year index history beginning with the values in 1977. The sample disclosure also illustrates the requirement under § 226.19(b)(2)(xi) that the maximum interest rate and payment be shown for a $10,000 loan originated at the most recent rate shown in the historical example. In the sample, the loan is assumed to have an initial interest rate of 10.73% (which was the rate in 1986 for the index used) and has 2 percent annual (and 5 percent overall) interest rate limitations or caps. Thus, the maximum amount that the interest rate could rise under this program is 5 percentage points higher than the 10.73% initial rate to 15.73%, and the monthly payment could rise from $94.39 to a maximum of $131.59. The loan would not reach the maximum interest rate increase until its third year because of the 2 percent annual rate limitations, and the maximum payment disclosed would reflect the amortization of the loan during that period. The sample disclosure form also reflects the requirement that, in cases where there is no limit on increases in the borrower's monthly payments (other than limits on increases in interest rates), that this fact must be stated conspicuously. (See the commentary to § 226.19(b)(2)(viii) for a discussion of what is included in the meaning of the term "conspicuous.") The sample form also illustrates how to provide consumers with a method for calculating their actual monthly payment for a loan amount other than $10,000.◆

Board of Governors of the Federal Reserve System, November 17, 1986.

William W. Wiles,

Secretary of the Board.

[FR Doc. 86-26249 Filed 11-21-86; 8:45 am]

BILLING CODE 6210-01-M

SMALL BUSINESS ADMINISTRATION

13 CFR Part 129

Small Business Development Center Program

AGENCY: Small Business Administration.

ACTION: Extension of comment period on proposed rulemaking.

SUMMARY: On October 23, 1986, the Small Business Administration (SBA) published in the **Federal Register** a Notice of Proposed Rulemaking (NPRM) regarding the Small Business Development Center Program (see 51 FR 37580).

That publication provided that comments on the NPRM would be received for a period of 60 days from the date of publication. This notice extends the comment period pertaining to the NPRM for an additional 30 days to allow the public more time to consider this comprehensive proposal.

DATE: Comments on the above-referenced proposed rule must be received by January 21, 1987.

ADDRESS: Written comments should be addressed to: Johnnie L. Albertson, Deputy Associate Administrator for Business Development/Small Business Development Centers, 1441 L Street, NW., Room 317, Washington, DC 20416.

FOR FURTHER INFORMATION CONTACT: Freddie Collins, Special Assistant to the Deputy Associate Administrator for Business Development/Small Business Development Centers, (202) 653-6768.

SUPPLEMENTARY INFORMATION: In order to provide more time for public comment on the above-referenced proposed rules, SBA is hereby extending the comment period relative to the proposal for an additional 30 days.The public is encouraged to supply written comments to the address indicated above so that a complete record can be established in this rulemaking.

Dated: November 10, 1986.

Charles L. Heatherly,

Acting Administrator.

[FR Doc. 86-26374 Filed 11-21-86; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Ch. 1

[Docket No. 25128; Summary Notice No. PR-86-19]

Summary of Rulemaking Petition Received From USAir, Inc.

AGENCY: Federal Aviation Administration [FAA], DOT.

ACTION: Notice of petition for rulemaking.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for rulemaking (14 CFR Part 11), this notice contains a summary of a petition by USAir, Inc., seeking additional restrictions on high density airport slots awarded in a lottery conducted under Special Federal Aviation Regulation (SFAR) No. 48. The additional restrictions would be requirements that a carrier drawing slots in the lottery operate the slots (1) for 2 years (in lieu of the current 90 days), (2) using aircraft which are in the carrier's fleet and which have 56 or more seats, and (3) using aircrews which are the employees of the carrier, before the carrier would be permitted to transfer the slots by other than a one-for-one trade. The purpose of this notice is to improve the public's awareness of this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of the petition or its final disposition.

DATE: Comments on petitions received must identify the petition docket number involved and be received on or before December 5, 1986.

ADDRESS: Send comments on the petition in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket [AGC-204], Docket No. 25128, 800 Independence Avenue, SW., Washington, DC 20591.

FOR FURTHER INFORMATION CONTACT: David L. Bennett, Office of the Chief Counsel, AGC-230, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, Telephone: (202) 267-3491.

SUPPLEMENTARY INFORMATION: The petition, any comments received, and a copy of any final disposition are filed in the assigned regulatory docket and are available for examination in the Rule Docket [AGC-204], Room 916, FAA Headquarters Building [FOB-10A], Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 426-3644.

Petitioner requests that the requirements of the SFAR No. 48 (51 FR 8632; March 12, 1986) be amended to increase the restrictions which apply to the transfer of slots selected in a special lottery. SFAR No. 48 provided for the withdrawal and allocation of up to 5 percent of the air carrier slots at LaGuardia, O'Hare International, and Washington National Airports. Participation in the allocation lottery was limited to new entrant carriers and limited incumbent carriers with fewer than 8 slots at the airport. The rule provided for two lotteries, the first of which was conducted on March 27, 1986. The second and final SFAR No. 48 lottery is scheduled for December 9.

SFAR No. 48 provided that slots selected in the lottery could not be sold or traded on other than a one-for-one basis for slots at the same airport until the carrier had operated the slots with aircraft having 56 or more seats for 90 days.

Petitioner states that the 90-day restriction does not serve the policy of the special lottery to permit entry and expansion by new entrant and limited incumbent carriers at high density airports. Several carriers which selected slots in the lottery operated them for the minimum time and then sold them. To avoid this result in the secondary lottery, petitioner requests that SFAR No. 48 be amended to prohibit a carrier from transferring a slot drawn in the lottery, except for trades on a one-for-one basis for another slot at the same airport unless the carrier operates the slot:

(1) For a 2-year period.

(2) With aircraft having 56 or more seats;

(3) With aircraft which are part of the carrier's fleet, as verified by their inclusion on the FAA's list of Active Aircraft for that carrier), and

(4) With aircrews that are employees of the carrier.

Issued in Washington, DC, on November 17, 1986.

John H. Cassady,

Assistant Chief Counsel, Regulations and Enforcement.

[FR Doc. 86-26346 Filed 11-21-86; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Parts 71 and 73

[Airspace Docket No. 86-AGL-25]

Proposed Relocation and Subdivision of Restricted Area R-5503 Wilmington, OH, Into R-5503A and R-5503B

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to subdivide and relocate Restricted Area R-5503 Wilmington, OH. The proposal would relocate the existing restricted area to the east by approximately 10 to 15 nautical miles. The relocated segment, designated R-5503A, would extend from 4,500 feet mean sea level (MSL) to Flight Level (FL) 600. An additional area, R-5503B extending from FL 240 to FL 600, would be established to the west of the relocated area. The proposed changes are needed to provide unencumbered airspace in the vicinity of Federal Airway V-5 between the Port Columbus, OH, and Greater Cincinnati, OH, Airports. The additional airspace is essential to Air Route Traffic Control Center (ARTCC) operations due to a forthcoming major expansion of activities at Greater Cincinnati Airport by Delta Airlines and Comair, Inc.

DATE: Comments must be received on or before December 29, 1986.

ADDRESSES: Send comments on the proposal in triplicate to: Director, FAA, Great Lakes Region, Attention: Manager, Air Traffic Division, Docket No. 86-AGL-25, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, IL 60018.

The official docket may be examined in the Rules Docket, weekdays, except Federal holidays, between 8:30 a.m. and 5:00 p.m. The FAA Rules Docket is located in the Office of the Chief Counsel, Room 916, 800 Independence Avenue, SW., Washington, DC.

An informal docket may also be examined during normal business hours at the office of the Regional Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: Paul Gallant, Airspace and Aeronautical Information Requirements Branch (ATO-240), Airspace-Rules and Aeronautical Information Division, Air Traffic Operations Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone: (202) 267-0246.

SUPPLEMENTARY INFORMATION:

Comments invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 86-AGL-25." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Inquiry Center, APA-230, 800 Independence Avenue, SW., Washington, DC 20591, or by calling (202) 267-3484. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11-2 which describes the application procedure.

The Proposal

The FAA is considering amendments to Parts 71 and 73 of the Federal Aviation Regulations (14 CFR Parts 71 and 73) to move Restricted Area R-5503, Wilmington, OH, approximately 10 to 15 nautical miles to the east and to include new R-5503A and R-5503B into the Continental Control Area. The relocated airspace would be designated as R-5503A with vertical limits from 4,500 feet MSL to FL 600. A second segment, designated as R-5503B, would be established west of R-5503A extending from FL 240 to FL 600. The floor of R-5503A would be 4,500 feet MSL vice the current 4,000 feet MSL for R-5503. It is essential for ARTCC operations to obtain additional unencumbered airspace in the vicinity of VOR Federal Airway V-5 between the Port Columbus, OH, and Cincinnati, OH, Airports. The combination of heavy civil and military traffic and the present configuration of R-5503 create a concentration of aircraft along V-5. Presently, arrivals and departures for Cincinnati travel V-5 headon. An already crowded situation is forecast to worsen as Delta Airlines and Comair, Inc., increase their Cincinnati operations by approximately 150% and 50% respectively starting in late 1986. Due to this increase in civil aviation traffic around Cincinnati, Indianapolis ARTCC needs access to the airspace in the northwest portion of the current R-5503. However, the present design of R-5503 provides the minimum acceptable size to accommodate using agency missions. Moving R-5503 eastward ensures that the using agency retains sufficient airspace to meet its requirements while allowing separate arrival and departure corridors for Cincinnati, reducing controller workload, and reducing the possibility of inadvertent intrusion into hazardous restricted airspace. A separate docket action, 86-AGL-20, proposes a minor adjustment to VOR Federal Airway V-493 to accommodate the relocation of R-5503. Overall, aviation safety and efficient airspace utilization will be enhanced by this proposal. Sections 71.151 and 73.55 of Parts 71 and 73 of the Federal Aviation Regulations were republished in Handbook 7400.6B dated January 2, 1986.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) Is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Parts 71 and 73

Aviation safety, Continental control area and restricted areas.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend Parts 71 and 73 of the Federal Aviation Regulations (14 CFR Parts 71 and 73) as follows:

PART 71—[AMENDED]

1. The authority citation for Part 71 continues to read as follows:

Authority: 49 U.S.C. 1348(a), 1354(a), 1510; Executive Order 10854; 49 U.S.C. 106(g) (Revised Pub. L. 97–449, January 12, 1983); 14 CFR 11.69.

§ 71.151 [Amended]

2. § 71.151 is amended as follows:

R–5503 Wilmington, OH [Removed]

R–5503A Wilmington, OH [New]

R–5503B Wilmington, OH [New]

PART 73—[AMENDED]

3. The authority citation for Part 73 continues to read as follows:

Authority: 49 U.S.C. 1348(a), 1354(a), 1510, 1522; Executive Order 10854; 49 U.S.C. 106(g) (Revised Pub. L. 97–449, January 12, 1983); 14 CFR 11.69.

§ 73.55 [Amended]

4. § 73.55 is amended as follows:

R–5503 Wilmington, OH [Removed]

R–5503A Wilmington, OH [Removed]

Boundaries. Beginning at lat. 39°30'00"N., long. 82°55'45"W.; to lat. 39°23'00"N., long. 82°47'30"W.; to lat. 39°18'45"N., long. 82°48'00"W.; to lat. 38°52'40"N., long. 82°54'00"W.; to lat. 38°49'00"N., long. 82°02'00"W.; to lat. 38°54'40"N., long. 83°54'45"W.; to lat. 39°11'05"N., long. 83°54'45"W.; to lat. 39°30'00"N., long. 83°19'20"W.; to the point of beginning.

Designated altitudes. 4,500 feet MSL to FL 600.

Time of designation. 0800–2200 hours, local time, Monday–Saturday; other times by NOTAM.

Controlling agency. FAA, Indianapolis ARTCC.

Using agency. U.S. Air Force, 4950 Test Wing/DO, Wright-Patterson AFB, OH.

R–5503B Wilmington, OH [New]

Boundaries. Beginning at lat. 39°30'00"N., long. 83°19'20"W.; to lat. 39°11'05"N., long. 83°54'45"W.; to lat. 38°54'40"N., long. 83°54'45"W.; to lat. 38°59'00"N., long. 84°05'00"W.; to lat. 39°16'00"N., long. 84°05'00"W.; to lat. 39°26'00"N., long. 83°48'00"W.; to lat. 39°30'00"N., long. 83°39'00"W.; to the point of beginning.

Designated altitudes. FL 240 to FL 600.

Time of designation. By NOTAM.

Controlling agency. FAA, Indianapolis ARTCC.

Using agency. U.S. Air Force, 4950 Test Wing/DO, Wright-Patterson AFB, OH.

Issued in Washington, DC, on November 14, 1986.

Harold H. Downey,

Acting Manager, Airspace-Rules and Aeronautical Information Division.

[FR Doc. 86–26345 Filed 11–21–86; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Part 1910

[Docket No. H–71]

Occupational Exposure to Methylene Chloride

AGENCY: Occupational Safety and Health Administration (OSHA), Labor Department.

ACTION: Advance Notice of Proposed Rulemaking (ANPR).

SUMMARY: The Occupational Safety and Health Administration is considering revising the present occupational health standard regulating employee exposure to methylene chloride (also known as methylene dichloride, dichloromethane or DCM), 29 CFR 1910.1000, Table Z–2. Recent scientific studies have reported that inhalation of DCM caused cancer in two animal species. As a result of the report of these animal studies, several Federal agencies have taken actions that could result in new regulation of methylene chloride, and several unions have also petitioned OSHA to act expeditiously on issuing a revised standard.

The results of the animals studies indicate that the present OSHA standards (permissible exposure limit (PEL) for DCM of 500 parts per million parts of air (ppm) as an 8–hour time weighted average (TWA), 1000 ppm as a ceiling concentration, and 2000 ppm as a maximum peak for a period not to exceed 5 minutes in any 2 hours) may not provide exposed workers adequate protection against potential cancer risks and other adverse health effects, including DCM's suppression of the blood's ability to transport oxygen. In addition, human studies have shown DCM to be a neurotoxin and to impair the capacity of blood to transport oxygen, an effect similar to that produced by carbon monoxide exposure.

This notice summarizes the potential adverse health effects associated with exposure to DCM and invites interested parties to submit comments, recommendations, data and information on several important issues. Based on the information expected to be gathered as a result of this notice, OSHA will decide upon the action that must be taken to provide workers the necessary protection.

DATE: Comments in response to this Advance Notice of Proposed Rulemaking should be submitted on or before February 23, 1987.

ADDRESS: Comments, in quadruplicate, should be mailed or delivered to the Docket Office, Occupational Safety and Health Administration, Docket No. H–71, Room N–3670, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210, Telephone No. (202) 523–7894).

All materials submitted will be available for inspection and copying at this address.

FOR FURTHER INFORMATION CONTACT: James F. Foster, Director Office of Information and Consumer Affairs, Room N–3641, Occupational Safety and Health Administration U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210, (202) 523–8151.

SUPPLEMENTARY INFORMATION:

a. Background

OSHA's current Permissible Exposure Limit (PEL) for Methylene Chloride (dichloromethane or DCM) is 500 ppm as an 8-hour time weighted average (TWA), 1000 ppm as a ceiling concentration, and 2000 ppm as a maximum peak for a period not to exceed 5 minutes in any 2 hours.

The current standard provides that administrative and engineering controls must be implemented to reduce exposures to within the PEL whenever feasible. When such controls are not feasible to achieve full compliance, personal protective equipment or any other protective measure shall be used to keep the exposure or employees to DCM within the limits prescribed in 29 CFR 1910.1000.

The current standard for DCM was adopted in 1971 as a national consensus standard under Section 6(a) of the Occupational Safety and Health Act of 1970 (84 Stat. 1593, 29 U.S.C. 655).

The source of the standard (Ex. 7–001) was the American National Standards Institute (ANSI) standard for acceptable concentrations of methylene chloride (ANSI—Z37.23–1969).

The ANSI exposure limits were intended to protect workers from injury to the neurological system including loss of awareness and functional deficits linked to anesthetic and irritating properties of DCM which had been observed from excessive, acute or chronic exposures to DCM in humans and experimental animals. The potential

for DCM to cause cancer (and/or reproductive damage) and the effect of carbon monoxide were not the basis for the establishment of the current exposure limits for DCM.

Although the American Conference of Governmental Industrial Hygienists (ACGIH) lowered the Threshold Limit Value (TLV) of DCM from 500 ppm to 100 ppm in 1975 (Ex. 7–011), OSHA's PEL was not changed.

In March 1976, the National Institute for Occupational Safety and Health (NIOSH) published "Criteria for a recommended standard for DCM" (Ex. 2), which recommended a reduction of the occupational exposures to DCM to 75 ppm, as TWA, and a lower peak exposure not to exceed 500 ppm. Since the recommended TWA assumed the absence of exposure to carbon monoxide (CO), further reduction based on the ambient level of CO was also recommended.

The International Labor Office in Geneva, in its 1984 publication (Ex. 7–050), listed DCM standards for Rumania, Poland and the USSR as 145, 14.5, and 14.5 ppm, respectively.

In March 1985, the National Toxicology Programs (NTP) reported the final results of animal studies indicating that DCM is a potential cancer causing agent. Subsequently, the Environmental Protection Agency (EPA), upon receipt of the NTP studies, initiated a risk assessment evaluation to determine whether or not DCM presents an unreasonable risk to human health or environment and to determine if regulatory actions are needed to eliminate or reduce exposures. The NTP study is discussed in more detail in the health effects section of this notice.

Other Federal regulatory actions soon followed:

On April 11, 1985, the U.S. Consumer Product Safety Commission (CPSC) released its risk assessment findings and began to consider a regulatory action to ban DCM containing products and to develop a voluntary hazard communication program for consumers.

On May 14, 1985, EPA announced the initiation of a 180-day priority review (50 FR 20126) under section 4(f) of the Toxic Substances Control Act (TSCA). Further, in this May 14, 1985 publication, EPA considered DCM a probable human carcinogen and classified it as Group B2, in accordance with its interim guidelines for cancer risk (49 FR 46294).

On July 19, 1985, in response to the NTP report of March, 1985, and the EPA action of May, 1985, Owen Bieber, President of International Union, United Automobile, Aerospace and Agricultural Implement Workers of America (UAW) petitioned OSHA to act expeditiously on reducing workers' exposure to DCM. Specifically, Mr. Bieber requested that: (1) OSHA publish a hazard alert; (2) OSHA issue an emergency temporary standard (ETS); and (3) OSHA begin work on a new permanent standard for controlling DCM exposure. Subsequently, several other unions joined UAW in petitioning OSHA to act on revising the current standard.

In meeting its mandate under section 4(f) of TSCA to initiate a requlatory action, on October 17, 1985, EPA published an Advance Notice of Proposed Rulemaking (ANPR) (50 FR 42037) for the purpose of collecting the necessary information required for initiating a rulemaking. In this notice, EPA established December 16, 1985, as its deadline for receiving comments.

On December 18, 1985, the U.S. Food and Drug Administration (FDA) published a proposal to ban the use of methylene chloride as an ingredient in aerosol cosmetic products (50 FR 51551). This proposal was based on a risk assessment that used the NTP animal data.

In March 1986, in response to the UAW petition, OSHA issued a "Guideline for Controlling Exposure to Methylene Chloride." This document was intended to provide information to employers and workers on risks and methods of controlling exposure (Ex. 8–011).

In April 1986, NIOSH provided OSHA with a Current Intelligence Bulletin on metylene chloride reflecting the findings of the NTP study (Ex. 8–026). In it, NIOSH concluded that methylene chloride should be regarded as a potential occupational carcinogen and that exposure be controlled to the lowest feasible level.

In May 29, 1986, the Occupational Safety and Health Reporter (BNA) published the announced intention of the American Conference of Governmental Industrial Hygienists (ACGIH) to lower the Threshold Limit Value (TLV) for Methylene Chloride (DCM) from 100 ppm to 50 ppm and to classify DCM as A2 (an industrial substance suspect of carcinogenic potential for man (Ex. 8–207)).

Also in November 1986, OSHA notified the UAW that it had granted in part and denied in part the UAW petition. OSHA denied the request for an ETS (Ex. 3–001), but agreed that work on a permanent 6(b) standard should commence. This ANPR begins that process and is intended to gather information on risk assessments and feasibility of control measures.

While pursuing this course of action, OSHA has also been participating in an interagency committee to define regulatory needs for chlorinated solvents in general. This effort is being led by EPA, and it includes representatives from OSHA, FDA, and CPSC. Its focus is on manufacturing, use, and disposal of the highest volume chlorinated solvents, which include DCM, perchloroethylene, trichloroethylene, carbon tetrachloride, methyl chloroform, and CFC–113.

All of these chemicals are considered to be toxic to humans or hazardous to the environment. Four of them have positive evidence of carcinogenicity. The interagency committee was created (1) to avoid duplication and inconsistency among the several government agencies regulating chlorinated solvents; (2) to account for potential interchangeability among these solvents; and (3) to avoid transfer of risks from one medium—air, water, waste—or one population—workers, consumers, general public—to another as a result of piecemeal and uncoordinated regulation.

As with DCM, OSHA's current standards for these chlorinated solvents may not be adequately protective. OSHA will continue to explore this issue with the interagency committee while proceeding with its current effort on DCM. All information derived from the interagency committee will be shared and will be incorporated into OSHA's docket on DCM.

b. Chemical Identifications and Properties

Methylene chloride (Chemical Abstracts Service Registry Number 75–09–2) is a member of the aliphatic halogenated hydrocarbon family and has a chemical formula of CH_2Cl_2, a molecular weight of 84.9, a boiling point at 760 mm Hg of 39.8 °C (104°F), a specific gravity of 1.3, a vapor density (relative to air) of 2.9, and a vapor pressure at 20 °C (68 °F) of 350 mm Hg. It has low water solubility (1.32 gm per 100 gm of water at 20 °C), an extensive oil and fat solubility, and a low flammability potential. It is used as a flame suppressant in solvent mixtures (lower explosive limit of 12% and upper explosive limit of 19%). It is colorless volatile liquid with a chloroform-like odor and threshold odor warning properties at approximately 200 ppm. Contact with strong oxidizers, caustics and active metal powder may cause explosions and fires. Decomposition products during combustion or fire include phosgene, hydrogen chloride and carbon monoxide.

c. Production and Use

Methylene chloride is widely used in industrial processes, food preparation, and agriculture (Ex. 7–009). In industry, DCM is used as a solvent in paint removers, degreasing agents, aerosol propellants, and triacetate solutions; as a blowing agent in flexible urethane foams; and as a process solvent in the manufacture of steroids, antibiotics, vitamins, and tablet coatings. DCM has been used in foodstuffs and cosmetics as an extraction solvent (for spice oleoresins, hops, and caffeine) and has been exempted from certification by the U.S. Food and Drug Administration (50 FR 51553). In addition. DCM has been used as an inhalation anesthetic and as a fumigant grain and strawberries.

(i) Production

Available information indicates that there are two basic processes utilized for the production of DCM. The first process utilizes methane and chlorine (also called methane chlorination process) in a closed reactor. The chlorinated methane is then fed into a series of scrubbers, strippers and distillation columns to separate excess methane, hydrochloric acid and methyl chloride. Two chemicals are produced by this process, methylene chloride and carbon tetrachloride. Sulphuric acid is used as a drying agent. After methylene chloride is dried, inhibitors are added to retard degradation before storage or shipping.

The second process utilizes methyl chloride and chlorine (also called chlorination of methyl chloride) in a reactor vessel. The process flow then passes through a hydrochloric acid stripper.

Methylene chloride is produced by four major companies with plants at six locations (*Diamond Shamrock Corp.*, at Belle, W.V.; *Dow Chemical Co.*, at Freeport, Tx. and Plaquemine, La.; *Linden Chemical Co.*, at Moundsville, W.V.; and *Vulcan Chemicals* at Geismar, La. and Wichita, Kansas). Methylene chloride is shipped in bulk by rail, trucks and barges or in 55 gallon drums.

The total U.S. production was estimated in 1983 to be 265,000 metric tons, of which 13,000 tons were exported. Recent data, however, indicate that both the production and use volumes of DCM are declining.

(ii) Industrial Use

DCM has been widely used in various industrial operations because it is believed to have low toxicity potency. DCM has been used as a substitute for carbon tetrachloride and other chlorinated or fluorinated hydrocarbons, after the hazardous properties of these other chemicals were identified.

There are nine major industrial uses of DCM, which are listed in table (1) in the order of DCM rate of consumption or use. Whenever applicable, in each use category, information on the extent of the chemical recoverability is noted. The recoverable solvent, in most cases, is regarded as an index of the effectiveness of controls that limit the amount of fugitive emissions which affect occupational and environmental concentrations and workers exposure.

TABLE 1.—ESTIMATED PRODUCTION AND EXPOSED WORKERS*

	Tons	Percent	Number of plants	Workers
1. Aerosol	69,400	26.2	112	91,507
2. Paint remover	63,100	23.8	128	38,400
3. Miscellaneous use	48,225	18.2	N/K	614,370
4. Foam blowing	22,700	8.6	86	567
5. Degreasing and reclaiming	16,400	6.2	36,645	228,018
6. Electronic	16,400	6.2	343	21,666
7. Pharmaceutical	11,375	4.3	67	19,046
8. Triacetate fiber	2,250	0.8	2	920
9. PolyCarbonate resin	2,150	0.8	2	1,200
10. (Export)	13,000	4.9	N/A	N/A
11. Production	265,000	100	6	1,200
Total	265,000	100		1,016,894

N/K—Not known.
N/A—Not applicable.
*Source: (Ex. 7–009).

1. Aerosols

It is estimated that 26.2% (69,400 tons) of the total production is used in aerosol packaging such as coatings, paint removers, hair sprays, room deodorants, herbicides and insecticides. None of DCM being used in this category is recoverable.

2. Paint Remover

Because of the unique characteristics of DCM, its second major use is as a paint remover. DCM has a unique ability to penetrate, blister and lift paint coatings. It is estimated that 23.8% (63,100 tons) of the total U.S. production is used as paint remover. None of DCM being used in this category is recoverable.

3. Other Miscellaneous Use

18.2% (48,225 tons) of the total U.S. production is used in various industrial processes such as photographic film splicing and gluing, production of adhesives, solvent, cleaning and thining agents for plastics and ink. None of DCM being used in this category is recoverable.

4. Polyurethane Foam Blowing

There are 81 plants consuming 8.6% (22,700 tons) of DCM in the foam blowing of polyurethanes. None of DCM being used in this category is recoverable.

5. Metal Degreasing

There are 35,200 cold degreasers consuming 12,600 tons, 950 open top degreasers consuming 2,700 tons and 410 conveyorized vapor degreasers consuming 1,100 tons of DCM. Out of 16,400 tons used in degreasing, 4,229 tons are estimated to be reclaimed (recovered) in 283 plants throughout the U.S. The percent of recovery varies significantly with the type of degreasing operations (55%, 22% and 16% for the three degreasing operations, respectively).

6. Electronic

There are 16,400 tons of DCM, all of which is assumed to be released into the air, used by 432 electronic production facilities. Basically, DCM is used in the production of printed circuit boards (using photoresist chemicals) for the purpose of removing or stripping the

remaining or unwanted "resist" chemicals. DCM also is used as a vapor degreaser for removing flux from wave soldered circuit boards and as a diffusing element for introducing impurities into semiconductors to modify their electrical properties. None of DCM used in this category is believed to be recoverable.

7. Pharmaceuticals

There are 11,373 tons of DCM used in 1,200 pharmaceutical production facilities. Most of this amount is used in pill coating and the remainder is used in the extraction of reserpine, cephalothin, cephaloride, cephaprin, tolbutamide and estrone and in the production of several steroids, antibiotics and vitamins.

8. Extrusion of Triacetate Fibers

There are 2,250 tons of DCM used to dissolve triacetate polymer flake for extruding fibers. *Celanese Corp.* is the only company that uses DCM in the production of triacetate fibers, at two sites, Rock Hill, S.C. and Cumberland, Md. None of the DCM used in this category is recoverable.

9. Production of Polycarbonate Resins

There are 2,150 tons of DCM used by two facilities (General Electric, at Mont Vernon, Indiana, and Mobay at Cedar Bayou, Texas) for the production of polycarbonate resins.

In this process, DCM is used as a solvent in the polymerization reaction of bisphenol A and phosgene in the presence of pyridine. The methylene chloride polymer is precipitated by alphatic hydrocarbon, filtered and then dried. Information on recovery of DCM in the distillation columns and from the drying process is lacking at this time.

d. Occupational Exposure

The primary source of occupational exposure date is the Pedco Environmental, Inc. (PEI) report prepared for EPA (Ex. 7–009). This report indicates that a large number of workers are exposed to high levels of DCM in the workplace. Estimates of occupational exposure levels were based on data from several sources including reports submitted to EPA under TSCA section 8(a), (d), and (e); OSHA's Inspection Summary Reports; the NIOSH Health Hazard Evaluation Reports HHEs); the NIOSH National Occupational Hazard Survey (NOHS); and industrial trade association reports. The OSHA and HHE reports contain extensive monitoring data for most of the industrial uses of methylene chloride. For three exposure categories—DCM production, paint remover/formulation, and polycarbonate resin production—no monitoring data was available, and PEI assumed exposure was at the OSHA PEL. This appears to be a considerable overestimate and OSHA expects to be able to make better estimates on the basis of new field survey data from NIOSH. This new data may also allow OSHA to refine the estimates for other industry categories. In eight exposure categories where data were lacking, estimates for the total exposed population were made based on individual plant work forces and the total number of plants estimated for the entire industry.

A summary of the occupational exposure data and population at risk reported by PEI is shown in Table (2).

Since the current permissible exposure level (PEL) for DCM, as an eight-hour time weighted average (TWA) is 500 ppm or 1750 milligrams per cubic meter of air (1750 mg/m [3]), it is estimated that approximately 26,000 workers may be exposed to levels approaching the current PEL.

TABLE 2.—SUMMARY OF OCCUPATIONAL EXPOSURE TO METHYLENE CHLORIDE [1]

[PEI Associates, 1985]

Industry category	Job category	Estimated number of workers	8-hr TWA exposure (ppm) [2]
Methylene chloride manufacturing.	Production worker	[3] 1,200	500
Aerosol packing	Packer	[3] 896	91
Aerosol use	Spray painter	14,296	13
	Mold release	25,972	23
	Other worker	50,343	7
Paint remover formulation.	Production filling	1,280	500
Paint remover use	Paint stripper	[3] 7,680	16
	Water wash	[3] 25,600	19
	Other worker	[3] 3,840	55
Polyurethane foam blowing.	Foam operator	[3] 405	15
	Other worker	[3] 162	28
Metal degreasing	Degreaser	227,848	13
Solvent recovery	Solvent reclaimer	[3] 170	4
Pharmaceutical solvent.	Production worker	19,046	41
Triacetate extrusion.	Extrusion	340	426
	Finish	460	31
	Other worker	120	298
Photographic applications.	Splicer	1,376	1
Solvent for plastics	Gluer	1,514	126
	Assembler	984	57
	Other worker	8,022	6
Adhesives use	Laminator	1,366	9
	Gluer	280	2
	Other worker	901	4
Printing	Printer	43,931	5
	Platemaker	15,911	9
	Other worker	27,531	19
Production solvent	Compounder	15,041	13
	Other worker	1,531	2
Electronic	Assembler	10,399	4
	Other Worker	11,267	8
Cleaning solvent	Maintenance	49,884	9
	Painter	1,831	9
	Machine operator	79,951	9
	Assembler	22,252	288
Polycarbonate resin production.	Production worker	1,200	500
Not classified [4]	Other worker	342,064	17
Total		1,016,894	[5] (22.4)

[1] Values are based on the geometric mean of the monitoring samples reported for a given job category.

[2] ppm=(mg/m³x24.45)/(m.wt. 84.9) or mg/m³x0.288 or 1 ppm=3.4 mg/m³

[3] Estimated number of workers based on average number of workers per plant multiplied by the total number of plants identified.

[4] The "not classified" category represents data obtained from surveys of many types of industrial plants which are not well defined from "Analysis of the Applicability of TSCA Section 4(f) to Methylene Chloride", May 1985.

[5] Industry wide Average Exposure Level.

e. Health Effects

1. Absorption, Metabolism and Elimination

Humans and laboratory animals readily absorb DCM by inhalation and ingestion. Dermal absorption of DCM has been observed in rats (Ex. 7–012) and humans (Ex. 7–013). In humans, absorption of DCM following dermal exposure occurs more slowly than absorption occurring after ingestion or inhalation. DCM is distributed throughout the body after being inhaled or ingested by humans or laboratory animals. DCM has been detected in the urine of dogs and humans (Exs. 7–014, 7–015), in human milk (Ex. 7–016), and in the kidney (Ex. 7–017), liver, and brain (Ex. 7–018) of humans accidentally poisoned by the chemical.

When DCM is taken into the body, it is metabolized to carbon monoxide (Exs. 7–023, 7–005) as an end-product via one metabolic pathway (the P–450 mixed function oxidase pathway located in the microsomal fraction of the cell). That is, the biotransformation of DCM to carbon monoxide occurs through the process of microsomal oxidative dechlorination (Ex. 7–024) which takes place primarily in the liver.

DCM is also metabolized to carbon dioxide (Exs. 7–024, 7–025) as an end product (with formaldehyde and formic acid as metabolic intermediates) via another metabolic pathway (the glutathione-dependent enzyme found in the cystosolic fraction of the liver cell (Ex. 7–025)). The detection of formic acid in the urine of workers exposed to DCM has led investigators to suggest that DCM is first metabolized to formaldehyde and then to formic acid (Ex. 7–019).

Both pathways (microsomal, yielding carbon monoxide, and cytosolic, yielding carbon dioxide) generate metabolically active intermediates,

formyl chloride and S-chloromethyl glutathione, which are theoretically capable of binding to cellular macromolecules such as DNA (Ex. 4–005).

In vivo data suggest that during exposure to low concentrations of methylene chloride, the two pathways appear to be utilized concurrently. The metabolism of DCM by both pathways is dose dependent; i.e., the percentage of the total dose that is metabolized decreases with increasing dose concentrations, indicating that at high doses, the metabolic pathways become saturated. The oxidative (microsomal) pathway appears to be more readily saturated than the glutathione-dependent (cytosolic) pathway (Ex. 7–007).

The carbon monoxide generated as an end product of methylene chloride metabolism impairs the ability of the blood to transport oxygen to the tissues. Hemoglobin has a strong affinity for carbon monoxide, approximately 210 times greater than for oxygen. This results in carbon monoxide being readily attached to hemoglobin and slowly dissociated. Once the carboxyhemoglobin is formed, the hemoglobin becomes unavailable to transport oxygen and the release of oxygen from oxygenated hemoglobin is affected.

Elimination of DCM from the body occurs primarily through pulmonary excretion; approximately 85% is excreted unchanged. Small amounts of DCM are eliminated via the kidney. The plasma half-life of inhaled DCM in humans is estimated to be 40 minutes (Ex. 7–015). Elimination of DCM from human muscle and adipose tissue has been estimated to occur in 60–80 minutes and 240 minutes, respectively (Exs. 7–023, 7–005).

2. Non-Carcinogenic Health Effects

DCM has been associated with several adverse health effects (in addition to cancer) as reported in EPA's Health Assessment Document for DCM (Ex. 4–005). These include effects on the cardiovascular system, the central nervous system, as well as possible effects on the kidneys and liver. These effects were observed in studies of workers and laboratory animals. Central nervous system effects have been observed in humans at concentrations at or above 200 parts per million parts of air (ppm). Kidney, liver or cardiovascular effects either have not been reported in humans or have been reported only at concentrations above 500 ppm, the current OSHA standard.

Central nervous system depression has accompanied accidental DCM poisoning, indicating that the chemical crosses the blood/brain barrier (Ex. 7–017, 7–019). DCM also crosses the placental barrier, but teratogenic effects were not observed in studies in which DCM was administered by inhalation to Swiss-Webster mice and to Long-Evans and Sprague-Dawley rats (Exs. 7–020, 7–021, 7–022).

Various *in vivo* toxicity experiments have established the liver as the primary target organ for DCM, and central nervous system depression as the major grossly observable effect. In cases of accidental poisoning in humans, the prominent effects include central nervous system depression, behavioral changes, irritation of the mucous membranes, cardiovascular effects, pulmonary irritation and edema, and carboxyhemoglobinemia.

In single dose experiments in mice, the subcutaneous and intraperitioneal LD_{50} values for DCM were found to be 6,452 and 1,987 mg/kg, respectively (Exs. 7–027, 7–028). When dogs, rabbits, guinea pigs, and rats were exposed to air containing 5,000 ppm DCM (7 hours per day, 5 days per week for up to 6 months) only the guinea pigs were affected (Ex. 7–003). Decreased growth in the guinea pigs was the only observable effect; no DCM-related lesions were seen. Exposure to DCM at a concentration of 10,000 ppm (4 hours per day, 5 days per week for up to 8 weeks) produced fatty metamorphosis of the liver in guinea pigs and dogs, but no DCM-related lesions were seen in rats and rabbits. In addition, exposure to DCM was associated with increased incidence of hepatic hemosiderosis, cytomegaly, cytoplasmic vacuolization, necrosis, granulomatous inflammation, and bile duct fibrosis in rats.

3. Carcinogenic effects

Data provided in a recent NTP biossay (Ex. 4–035) demonstrate that DCM is a carcinogen in two species of laboratory animals, rats and mice.

In this study, eight-week-old F 344/N rats and nine-week-old B6C3F1 mice were exposed to various concentrations of DCM through inhalation. Fifty rats of each sex were exposed to DCM at concentrations of 0, 1000, 2000, or 4000 ppm, while the same number of mice were exposed to concentrations of 0, 2000, or 4000 ppm of DCM. The inhalation exposures were administered 6 hours a day, 5 days a week for 102 weeks. All animals were observed for mortality, and moribund animals were sacrificed. All animals were necropsied and histologically examined.

The incidence of mammary adenoma or fibroadenoma in the male rats was 0/50 (number of animals with the response/number of animals examined for that response) in the controls (o ppm), 0/50 in the low-dose group (1000 ppm), 2/50 in the mid-dose group (2000 ppm), and 5/50 in the high-dose group (4000 ppm). Combining subcutaneous tissue fibromas with mammary tumors increased the tumor incidence to 1/50, 1/50, 4/50 and 9/50 for the control, low-, mid- and high-dose groups, respectively.

The incidence of mammary adenoma or fibroadenoma in the female rats was 5/50 in the controls, 11/50 in the low-dose group, 13/50 in the mid-dose group, and 23/50 in the high-dose group. The combined incidence of several other tumors of the mammary gland (adenoma, fibroadenoma, adenocarcinoma, or mixed malignant tumors) was also significantly increased in the treated female rats.

In the female mice, the incidence of alveolar/bronchiolar adenoma (lung) was 2/50 in the controls, 23/48 in the low-dose group, and 28/48 in the high-dose group. The incidence of alveolar/bronchiolar carcinoma was 1/50 in the control group, 13/48 in the low-dose group, and 29/48 in the high-dose group. The number of females with either alveolar-bronchiolar adenoma or carcinoma combined was 3/50 in the control group, 30/48 in the low-dose group, and 41/48 in the high-dose group. The incidence of hepatocellular adenoma (liver) was 2/50 in the controls, 6/48 in the low-dose group, and 22/48 in the high-dose group. The incidence of hepatocellular carcinoma was 1/50 in the controls, 11/48 in the low-dose group, and 32/48 in the high-dose group, while the number of female mice with either hepatocellular carcinoma or adenoma combined was 3/50 in the control group, 16/48 in the low-dose group, and 40/48 in the high-dose group.

In the male mice, the incidence of alveolar/bronchiolar adenoma was 3/50 in the control group, 19/50 in the low-dose group, and 24/50 in the high-dose group. The incidence of alveolar/bronchiolar carcinoma was 2/50 in the control group, 10/50 in the low-dose group, and 28/50 in the high-dose group, while the number with either adenoma or carcinoma combined was 5/50 in controls, 27/50 in the low-dose group, and 40/50 in the high-dose group. The incidence of hepatocellular carcinoma was 13/50 in the controls, 15/49 in the low-dose group, and 26/49 in the high-dose group. The incidence of hepatocellular adenoma or carcinoma combined was 22/50 is controls, 24/49 in the low-dose group, and 33/49 in the high-dose group. The incidence of hepatocellular adenomas was not

significantly increased as compared to controls.

In summary, there was a positive but marginal trend in the incidence of hepatocellular neoplastic nodules or hepatocellular carcinomas (combined) in female rats. The incidence of squamous metaplasia of the nasal cavity was higher in female than male rats. The incidence of increased mononuclear cell leukemia was also noted. Exposure to DCM was also associated with increased incidence of lung tumors (alveolar, bronchiolar adenomas and carcinomas) in mice.

In addition to the hepatocellular adenomas and carcinomas, and liver and lung neoplasms, testicular atrophy (male) and uterine and ovarian atrophy (female) and cytologic degeneration of liver were also increased in mice. These adverse health effects may have an additional impact on the new revised DCM standard.

DCM induced a dose-dependent, statistically significant increase in liver and lung adenomas and carcinomas in both sexes of mice. It also produced a dose-related, increased incidence of mammary gland fibroadenomas in female rats. In male rats, the combined incidence of mammary gland tumors and subcutaneous tissue fibromas was statistically significant.

Based on the above findings, NTP concluded that there was *some evidence* of carcinogenicity in male rats (neoplasms of mammary gland), and *clear evidence* of carcinogenicity in female rats (neoplasms of mammary gland) and in both male and female mice (alveolar/bronchiolar neoplasms and hepatocellular neoplasms).

The tumors observed in the NTP bioassay are consistent with the types of tumors observed in several other oncogenicity studies (Ex. 4–005) of DCM. Three other studies (Exs. 4–025, 7–029, 7–030) reported an increase in benign mammary tumors in rats, as well as increases of other tumors at other sites.

Dow Chemical Company in 1980 (Ex. 4–025) tested male and female Syrian hamsters with air concentrations of 0, 500, 1,500, or 3,500 ppm DCM (6 hours per day, 5 days per week) for 2 years. These exposures did not adversely affect survival or produce DCM-related lesions. When male and female Sprague-Dawley rats were exposed under the same conditions, reduced survival was seen in the group of females exposed at the highest concentration. Dose-related increases were observed in the total number of fibromas or fibroadenomas in the mammary gland of females. The increase in fibromas reflected an increase in the number of tumors found in individual animals, since the number of females with mammary tumors did not increase. Increased incidences of mammary tumors were also found in male rats exposed at 1,500 or 3,500 ppm DCM, although the increases were not as pronounced as those seen in females. Male rats also demonstrated a statistically significant increase of sarcomas of the salivary gland region at these two dose levels.

In a subsequent inhalation study by Dow Chemical Company in 1982, (Ex 7–029) male and female Sprague-Dawley rats were exposed to DCM at concentrations of 0, 50, 200, and 500 ppm. The 500 ppm concentration produced mammary fibroma/fibroadenomas in males and females, but salivary gland tumors were not observed. Exposure to DCM at concentrations of 200 ppm or less could not be associated with tumor production.

In 2-year studies sponsored by the National Coffee Association (Exs. 7–030, 4–029), F344 rats were administered 0, 5, 50, 125, and 250 mg/kg per day of DCM in drinking water and $B6c3F_1$ mice were administered 0, 60, 125, 185, and 250 mg/kg per day in drinking water. The "no evidence" of chemically induced carcinogenesis could be associated with the relatively low doses being administered to the animals.

A review of two epidemiology studies (Exs. 4–027, 4–030. 8–014c) on workers in plants using DCM, concluded that design limitations of these studies made them inadequate to assess the statistical significance of cancer mortality. Moreover, neither study reported a statistical increase in death from cancer except the occurrence of 8 pancreatic cancer deaths (vs. 3.1 expected) among the cohort. Study limitations such as small population of workers and insufficient follow-up periods prevented obtaining conclusive results.

4. Risk Assessment

The NTP bioassays have provided clear evidence of carcinogenicity in female rats and in both sexes of mice. EPA (50 FR 42037), FDA (50 FR 51551) and CPSC (Ex. 5–005) determined that these data are suitable for use in a quantitative assessment of risks to human populations exposed to DCM. Briefly, the results of these risk assessments are listed below:

The EPA Cancer Assessment Group (CAG) assumes that humans and animals exposed to equal doses of a carcinogen on a $(mg/kg)^{2/3}$ basis over equivalent proportions of a lifetime will encounter the same degree of cancer risks (Ex. 4–006. pp. 101–3). This means that a rodent with weight WR, exposed to a dose of D mg/kg/day and a human exposed to a dose of D $(WH/WR)^{-1/3}$ mg/kg/day would be expected to encounter the same lifetime cancer risks.

The dose conversion factors are:

1 mg/kg/day for male rat = 0.186 mg/dk/day for human
1 mg/kg/day for female rat = 0.158 mg/kg/day for human
1 mg/kg/day for male mice = 0.0809 mg/kg/day for human
1 mg/kg/day for female mice = 0.0770 mg/kg/day for human

The standard CAG assumption of a human inhalation rate of 20 m^3/day is applied to obtain an estimate of the unit risk for a human inhaling 1 ug/m^3 of DCM continuously over a lifetime.

A continuous exposure to 1 ug/m^3 of DCM is equal to an exposure of 1 ug/m^3 X 10^{-3} mg/ug X 20 m^3day X (1/70) kg = 2.86 X 10^{-4} mg/kg/day.** exposure). Using the NTP female mouse data and the multistage model, an upper-limit incremental lifetime cancer risk estimate of 4.1×10^{-6} is calculated for this exposure. That is, a continuous exposure to 1 $\mu g/m^3$ of DCM over a lifetime, will yield upper-limit incremental life cancer risk estimates of 4.1×10^{-6} (4.1 cases per million exposed workers).

Since 1 $\mu g/m^3$ DCM is equivalent to 2.88×10^{-4} ppm, the upper-limit incremental life cancer risk estimate is $(4.1\times10^{-6})/(2.88\times10^{-4}) = 1.4\times10^{-2}$. That is a continuous exposure at 1 ppm will yield 1.4 excess cancer cases per hundred workers.

The continuous lifetime equivalent DCM exposure of the Kodak employees (Exs. 4–027, 4–030, 7–040, 8–014c) in the aforementioned epidemiological studies was estimated to be between 1.88 and 7.52 ppm. based on a 20 year exposure for the 252 long-term workers. Based on the upper-limit incremental lifetime cancer risk estimate of 1.4×10^{-2} ppm $^{-1}$ for continuous human exposure, the upper bound of the lifetime cancer risk encountered by these workers is estimated to between 0.026 $(1.88\times1.4\times10^{-2})$ and 0.105. $(7.52\times1.4\times10^{-2})$. This is equivalent to 6.6(0.026×2.52) to 26.5 (0.105×2.52) excess cancer deaths over the life time of 252 (2.52×100) workers. However, EPA stated that "because the study follow-up period was 21 years and most workers were not observed until death, it is probable that only a fraction of the estimated excess cancer deaths were seen." In the absence or a more rigorous method, it is estimated by CAG/EPA that the fraction of cancer cases that would be observed in the follow-up

** 1 ug/m^3 = 2.86×10^{-4} mg/kg/day (continous exposure).
1 ppm = 1 mg/kg/day.
1 ppm = 3472 ug/m^3.
1 ug/m^3 = 2.88×20^{-4} ppm.

period is approximately 43% of the calculated value. Thus the 95% upper limits are $6.6 \times 43\% = 2.8$ and $26.5 \times 43\% = 11.3$ cancer death due to DCM exposure at 1.88 and 7.52 ppm, respectively. The power of the study to detect an excess of 2.8 deaths from total cancer is 0.07. The power to detect 11.3 cancer deaths is 0.51.

The ability of the Friedlander et al. study (Exs. 4–027, 4–030) to detect excess lung cancer deaths is calculated similarly by obtaining an estimate of risk for lung cancer from the observed excess of lung tumors in female mice. Again using the NTP mouse data for lung carcinoma or adenoma, the upper-limit incremental unit lung cancer risk estimate for humans is found to be 9.5×10^{-3} (ppm^{-1}) for continuous exposure. Using this risk value for total cancers leads to the estimate of an upper bound of 1.9 to 7.7 lung cancers due to DCM exposure, which is well above the power of the Friedlander study in which 8.1 lung cancer deaths were expected. The power of the Friedlander approach to detect such risks is 0.09 and 0.62 for the 1.9 and 7.7 lung cancers, respectively.

In conclusion, based on current published data, the essentially negative Friedlander studies do not appear to have the power to rule out an overall cancer risk or the lung cancer risk that is predicted from the NTP mice study.

Consistent with EPA's assessment (50 FR 42037), FDA, in its risk assessment, concluded that the epidemiological results must be considered inconclusive due to design limitations such as small numbers of workers and insufficient duration of exposure. In its risk assessment, FDA calculated exposure estimates and assumed that a consumer will use a DCM hair spray once a day, that the spray period is 5 seconds, that the consumer will remain in the spraying zone for 5 to 10 minutes, and that the average concentration of methylene chloride in the breathing zone is 50 ppm for consumers (equivalent to 0.174 ppm continuous exposure relative to 357 ppm continuous exposure for mice exposed to 2000 ppm for 6 hour/day for 5 days/week). Using the incidence of benign and malignant neoplasms in female mice exposed at 2000 ppm (NTP Study), FDA estimated the upper bound lifetime cancer risk for *consumers* to be ranging from 1×10^{-3} (1 in 1000) to $1 \times {}^{-4}$ (in 10,000) depending on the extrapolation method (mg/Kg/day or ppm air concentration).

Since the DCM time weighted average concentration for hair dressers is in the order of one magnitude (1.74 ppm), based on FDA's determations, the upper bound lifetime cancer risk would range from 1 in 100 to 1 in 1000. At the current OSHA's PEL of 500 ppm, the time weighted average for continuous exposure is 500 ppm × (8/24) hours. × (5/7 day = 119 ppm (684 times the consumers exposure or 86 times the hair dressers exposure).

If the FDA approach is used, it appears that the upper bound estimate of lifetime cancer risk for industrial workers at the current PEL would be ranging from

$(1 \times 10^{-3} \times 684) = (2 \text{ in } 3) = 66.6 \times 10^{-2}$
to $(1 \times 10^{-4} \times 684) = (2 \text{ in } 30) = 6.66 \times 10^{-2}$

Since EPA's and FDA's risk assessments used different approaches and assumptions, OSHA is currently conducting a detailed risk assessment that meets OSHA's needs and that takes into account a more appropriate assumptions as to prevailing occupational exposure levels and risks. However, even though the risk data of EPA and FDA do not meet OSHA's need, OSHA has determined, preliminarily, that the available risk information does warrant the initiation of revised DCM standard.

CPSC does not have a formal risk assessment available at this time, but plans to make their staff assessment available to the public in the near future. On February 28, 1986, CPSC expressed concern that the regulation of DCM would be too late for many consumers (estimated 1,380 Americans/year) contracting cancer from use of DCM containing paint strippers (Ex. 5–005).

5. Mutagenic Effects

Mutagenicity data indicate that DCM is a mutagen with the potential for inducing gene mutations in exposed human cells.

DCM is mutagenic in *Salmonella typhimurium* in the presence and absence of S9 (rat-liver microsomal activation mixture, also called rat-liver homogenate) when the cells are exposed to DCM vapor in a desiccator (Ex. 7–034). The International Agency for Research on Cancer (IARC) (Ex.7–035) has concluded that DCM is mutagenic in *S. typhimurium* TA98 and TA100. The vapor is also mutagenic in the plant *Tradescantia* and causes mitotic recombination and gene conversion in yeast. DCM has given mixed results in the sex-linked recessive lethal assay in Drosophila and in cell tranformation studies *in vitro*. Most *in vivo* or *in vitro* studies in mammalian systems have given negative results. DCM, however, did induce some chromosomal aberrations in Chinese hamster cells (Ex. 7–049).

Investigation of the role of bacterial metabolism in the mutagenicity of DCM revealed that *S. typhimurium* strain TA100 metabolized this compound to water-soluble metabolites and to both carbon monoxide and carbon dioxide. The detection of these gases suggests that metabolism by the bacteria occurs by pathways similar to those known in the rat. Furthermore, DCM is shown to be a C–1 substrate for bacterial strain DM–1, the metabolic pathways again being very similar to those in mammalian systems. The finding of a large number of water-soluble metabolites in the metabolism of DCM by TA100 is consistent with the use of the compound as a C–1 substrate by these bacteria also.

Deactivation of the mutagenic metabolites occurs mainly by rapid chemical decomposition and is relatively independent of the site of formation or the distribution of deactivating enzymes (Ex. 7–036). Consequently, the lack of mutagenicity in mammalian systems may be due to the inability of the target cells to metabolize DCM or to the instability of mutagenic metabolities (if formed by the S9) preventing transport into the cell and interaction with the DNA.

6. Environmental Effects

Environmental effects information is limited. Some of these effects are summarized in EPA's 1980 Criteria Document (Ex. 4–007) for fresh water and salt water which was developed for certain halomethanes, including DCM. In this document. EPA collected some information on the toxicity of DCM to aquatic species. These effects, and any other environmental effects identified, will be evaluated as part of this rulemaking, to the extent that OSHA's revised standard may have an impact in this area.

7. Conclusion

In conclusion, the available body of information on DCM provides sufficient evidence of carcinogenicity in two animal species and positive indications of mutations in three organisms, but the human epidemiological data are considered inconclusive. OSHA determined that the inconclusiveness of the human data are due to lack of definitive studies follow-up as well as possible dilution of data. Therefore, OSHA uses the carcinogenicity evidence in the published animal studies, supported by the positive mutagenicity assays, as the basis for publishing this ANPRM.

It should be noted that several industry-sponsored metabolic and pharmacokinetic studies are now under way that may answer some of the

questions about the metabolism of DCM. OSHA will take these data into consideration during the analyses and assessments of DCM hazards.

Other relevant information on the effects of DCM on man and the environment is summarized in the EPA Health Assessment Document (EPA 600/8–82–004F) (Ex. 4–005).

f. Request for Comments

Interested parties are requested to submit, in quadruplicate, written comments, and additional data related to the information provided in this Advance Notice of Proposed Rulemaking. To supplement previous submissions to OSHA's and EPA's dockets, new submissions, written comments, suggestions, and any information on industrial production, consumption, use, recovery, and distribution of DCM are herein solicited. It would facilitate the Agency's action, if interested parties address their comments to the issues listed below. Information is specifically requested in response to the following issues:

A. Health Effects

(1) What studies, including their strengths and weaknesses (if any) should OSHA consider in its assessment of potential health risks, especially the carcinogenic, chronic neurological effects, encephalopathy, teratogenic and mutagenic effects of DCM?

(2) What dermal absorption studies are available and what is the extent of potential adverse health effects resulting from dermal exposure?

(3) Are there studies or evidence indicating the combined effects of inhalation and dermal exposures?

(4) How should OSHA estimate the significance of risk at the current exposure limits, including risks at the 1000 ppm STEL and 2000 ppm peak. Specifically:

(a) What methods are most appropriate to quantify the risk of cancer and other adverse health effects from exposure to DCM?

(b) Which studies of DCM should be used for a quantitative risk assessment?

(c) Which tumor incidences, in which animal species, by which route(s) of administration and dose level(s), should be selected for use?

(d) How should dose levels in experimental studies be converted to equivalent dose for occupationally exposed persons and how should the dose levels be expressed?

(e) Should corrections be made for species-to-species extrapolation and for combined routes of exposure (i.e. dermal and inhalation)? How?

(f) Which mathematical models should be used for describing the dose response relationship between DCM occupational exposures and the risk of cancer or other health effects?

(g) Are there data available to indicate a "dose-rate" effect for DCM exposure? (i.e., are any health effects of DCM dependent on the time period over which exposure occurs rather than solely on the total dose received?)

B. Permissible Exposure Levels

Before the release of the recent animal studies indicating the potential human carcinogenicity of DCM, ACGIH, in 1975, recommended reducing the PEL from 500 ppm to 100 ppm. In 1976, NIOSH recommended a reduction of the TLV from 500 ppm to 75 ppm (in the absence of carbon monoxide) and lowering it further if CO was present. On April 18, 1986, NIOSH published the Current Intelligence Bulletin (CIB) No. 46; Methylene Chloride (Ex. 8–026). In its CIB, NIOSH recommended that "methylene chloride be regarded as a potential occupational carcinogen" and "be controlled to the lowest feasible limit." On May 21, 1986, ACGIH announced the TLV's intended change for DCM (Ex. 8–027). In it, ACGIH reduced the TLV from 100 ppm to 50 ppm, eliminated the STEL of 500 ppm, and classified DCM as an industrial substance suspect of carcinogenic potential for man (A2). These recommendations, combined with the new evidence of the potential carcinogenicity of DCM, indicate that OSHA should consider lowering the current permissible exposure limit.

Based on quantitative risk assessment data:

(1) Should a revised standard be developed to include an 8-hour time weighted average, ceiling limit, an action level or a combination of limits?

(2) What permissible exposure limits should be proposed and what support, in the health evidence, is available for these numbers?

(3) What data support the feasibility for measuring the lower permissible limits (including accuracy and precision of collection and analytical procedures)?

(4) What data support the technological feasibility for achieving lower permissible limits for the major industrial sectors (e.g. production facilities, degreasing, paint removal, extrusion of triacetate fiber, pharmaceutical, electronic, foam blowing, aerosol packaging, production of polycarbonate resins, photographic, adhesive, and other industrial usage)?

(5) How should the standard deal with the effects of occupational exposures to DCM in conjunction with those of carbon monoxide (metabolite of DCM), and possibly phosgene (product of DCM heat decomposition)? Should the PEL for DCM be lower when these other substances are present? How should an air monitoring strategy deal with such combined exposures?

C. Production and Control Systems

(1) What are current production and industrial processes and their associated engineering controls?

(2) Are there data indicating the efficiency of the currently employed control techniques?

(3) Is there any industrial sector or industrial operation within a certain sector that can demonstrate infeasibility of employing engineering methods for controlling workers' exposure at lower than current limits?

(4) What are the potential modifications in process or production technologies that are available or can be implemented for reducing workers' exposures?

(5) What level of exposure reduction can be expected from employing specific process modifications or installing specific engineering controls?

D. Substitution Availability

(1) Are there substitutes for DCM and what are their limitations?

(2) For any available substitute, are there studies available documenting potential adverse health effects?

(3) Are there unique situations or industrial operations or uses where substitutes are determined to be either unavailable or infeasible to use for controlling workers' exposures?

(4) Are there industrial uses where substitutes can replace only a portion of the total DCM in a mixture?

(5) What is the extent and the impact of such partial substitution?

(6) How efficient are substitutes as compared to DCM in specific industrial uses?

(7) Are there non-chemical substitutes for uses that now employ methylene chloride?

E. Protective Equipment and Respirators

(1) What types of respirators are available for protection against DCM? What type are currently being supplied by employers for protection against DCM?

(2) What other types of protective equipment, such as gloves and aprons, are currently being supplied by employers?

(3) What is the durability or resistivity of this protective equipment to DCM?

(4) Under what conditions (e.g. exposure level, type of operation,

duration of exposure) do employers presently provide protective equipment and respirators to their exposed employees?

F. Workers Exposure and Monitoring

(1) What are the job categories for each operation or process within each industrial sector (i.e. production, reclamation, degreasing, extrusion of triacetate fibers, pharmaceutical, electronic, foam blowing, aerosol packing, production of polycarbonate resins, photographic, adhesive, pesticides and paint remover), in which workers are potentially exposed to DCM? For each job category, please provide a brief description of the operation.

(2) How many workers are exposed or have the potential for exposure to DCM in each job category?

(3) What are the frequency, duration and levels of exposures to DCM at each job category? Please include the sampling and analytical methods and type of samples used for determining exposure levels.

(4) What engineering controls are in use and what are the types of protective equipment available or in use for each job category?

(5) What methods are currently available to measure DCM in the workplace? Please provide details on the accuracy and precision of the sampling method, the range and limits of detection, methods of validation of sampling and analyses, and chemical interferences.

G. Workers Training

(1) Describe the training workers currently receive to lower the risk associated with DCM exposure (e.g. length of course, topics covered, frequency, and availability of audio visual aids, and written operating instructions).

(2) Is there any evidence documenting the effectiveness of the training being received by the employee (e.g. decreased absenteeism, decreased medical/insurance costs, decrease in accident rates/severity, increase in productivity)?

(3) What are the basic elements considered in developing or revising the training given to workers in the DCM industry?

H. Medical Surveillance

(1) What elements are appropriate for inclusion in medical and clinical examinations performed to identify overexposed workers and/or to indicate the status of workers' health?

(2) What documentation is available to correlate DCM exposure with specific illnesses or ailments?

(3) Do employers currently provide specific tests or procedures as part of medical surveillance for DCM-exposed employees? What is the basis for selecting or choosing these tests or procedures? At what frequency these tests are performed?

(4) What are the exposure levels encountered by workers (including type of operations or job classifications) who are covered by medical surveillance programs?

(5) What evidence is available indicating risk reduction due to implementation of medical surveillance programs?

I. Control Measures and Benefits

(1) What are the costs of implementing engineering controls or modifications to production and process equipment (either currently in place or planned to be instituted for reducing worker's exposures)? How much reduction in employee exposure can be achieved by each particular control measure? What are the service life and maintenance costs for this equipment?

(2) What is the cost of the personal protective equipment currently in use or projected for future use? Which employees or job descriptions would be required to wear what type of equipment? (Please indicate the type of protective equipment as well as process descriptions).

(3) What is the cost of the currently employed and/or projected medical surveillance program?

(4) What is the cost of the currently instituted and/or projected training program?

(5) What is the cost of the currently employed and/or projected personnel exposure monitoring and sampling analyses?

(6) What values can be determined for benefits of reduced DCM exposure, such as projected reductions in medical treatment, insurance premiums, and workers compensation payments, decreased absenteeism and employment turnover, and increased productivity?

J. Environmental Effects

The National Environmental Policy Act (NEPA) of 1969 (42 U.S.C 4321, et seq.), the Council on Environmental Quality (CEQ) regulations (40 CFR Ch. V Part 1500) and the Department of Labor (DOL) NEPA Compliance Regulations (29 CFR Part 11) require that Federal agencies give appropriate consideration to environmental issues and impacts of proposed actions significantly affecting the quality of the human environment. OSHA is currently collecting written information and data on possible environmental impacts that may occur outside of the workplace as a direct or indirect result of promulgation of a revised standard for occupational exposure to DCM. Such information should include any negative or positive environmental effects that could be expected to result from a revised regulation. Specifically, OSHA requests comments and information on the following:

1. How might a revised regulation for DCM exposure affect the environment?

2. What is the potential direct or indirect impact on water and air pollution, energy usage, solid waste disposal or land use?

3. How would DCM substitutes (if available) alter the ambient air quality, water quality, solid waste disposal and/or land use?

K. Impact on Small Entities

Under the Regulatory Flexibility Act (5 USC 602 et seq.), agencies are required to assess the impact of proposed and final rules on small entities. In that regard, OSHA solicits the following information:

(1) How many and what kind of small businesses or other small entities would be affected by regulating exposures to DCM?

(2) Could difficulties be encountered by small entities when attempting to comply with specific provisions of a DCM regulation covering such areas as exposure monitoring, exposure limits, methods of compliance, medical surveillance, respirators, protective clothing, hygiene facilities, recordkeeping, housekeeping information and training and labels and signs?

(3) Could such provisions be modified for small entities which would assure equivalent protection of the health of their employees?

L. Duplication/Overlapping/Conflicting Rules

(1) Are there other federal regulations which may duplicate, overlap or conflict with an OSHA regulation concerning DCM?

(2) Are there critical federal programs

(defense, energy. . . .) which may be impacted by an OSHA regulation concerning DCM?

M. Financial and Economic Profile

(1) What are the total annual volumes and dollar values (for the last 5 years or relevant business cycle) of production, shipments, inventories, imports and exports of DCM? Are these expected to increase or decrease in future years?

(2) What are the total annual investments of companies engaged in DCM production, distribution and use (for the last 5 years) categorized as replacement, expansion, modernization and health and safety programs?

(3) For the last 5 years, what are the total assets, stockholders' equity, net worth, depreciation charges, debt-equity ratios and rate of return on assets and equity?

(4) For each DCM facility, what was the date it began operation and how much longer it is expected to remain in operation?

(5) How would the balance of trade in this or related products be affected by a more stringent U.S. occupational or health standard for DCM?

(6) What were the total annual employment and labor turnover for the industry for at least the last 5 years?

(7) Are there any unique characteristics of this industry (e.g. rental of capital equipment, unique employee skills) that could affect the ability to achieve compliance with a DCM standard?

(8) What is the degree of market concentration in the industry including the role of small business and approximate number of firms?

(9) What is the geographic distribution of the industry and its customers?

(10) What were the total annual volume and dollar value of DCM product output, shipments and inventories for at least 5 years? How much DCM is manufactured by companies for their own use as a raw material or product (captive use)?

(11) What are the availability, price and serviceability of substitutes for products containing DCM?

(12) Assuming no change in regulation, what are the projected trends in the use of DCM?

(13) If the market price of DCM were to increase by 5%, by approximately what percent would consumers decrease their consumption of DCM?

(14) How profitable are the production processes which either produce or consume DCM? Are there other processes available?

(15) What is the gross annual consumption of DCM? What is the approximate, annual consumption of DCM per firm?

(16) Does the company purchase DCM, from one or several suppliers of the product, and where are these suppliers located geographically with respect to the facility that uses or processes it?

(17) For products in which DCM is used, what portion of the cost could be accounted for by the use of DCM?

(18) Compared to other chemicals used in DCM production or product formulation or to potential substitutes for DCM, how would DCM rate as to the hazard it poses to exposed employees and why?

(19) As a firm using DCM, what other chemicals covered by OSHA standards are currently used in the plant? How would engineering controls or process modification for DCM affect exposure to these other chemicals?

g. References

The exhibits referred to in this notice are available for inspection and copying at the OSHA Technical Data Center, Docket Office (Docket H–71) Room N–3670, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210.

Public Participation

Interested persons are invited to submit comments on these and other pertinent issues related to the development of a revised standard for occupational exposure to DCM by February 23, 1987. Comments should be sent in quadruplicate to the Docket Officer, at the address noted above where they will be available for inspection and copying. The data received will be carefully reviewed by OSHA for use in preparation of a Notice of Proposed Rulemaking for DCM.

Statutory Authority

This document was prepared under the direction of John A. Pendergass, Assistant Secretary of Labor for Occupational Safety and Health Administration, 200 Constitution Avenue, NW., Washington, DC 20210. It is issued pursuant to section 6(c) of the Occupational Safety and Health Act of 1970 (84 Stat. 1593; 29 U.S.C. 655).

Signed at Washington, DC, this 18th day of November 1986.

John A. Pendergrass,

Assistant Secretary of Labor.

[FR Doc. 86–26331 Filed 11–21–86; 8:45 am]

BILLING CODE 4510–26–M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 904

Reopening and Extension of Public Comment Period on a Proposed Amendment to the Arkansas Permanent Regulatory Program

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSMRE), Interior.

ACTION: Reopening and extension of public comment period.

SUMMARY: By a letter dated March 10, 1986, Arkansas submitted proposed program amendments. This was in response to OSMRE notifying the State that certain changes were necessary to ensure consistency with the Surface Mining Control and Reclamation Act of 1977 (SMCRA) and revised Federal regulations. OSMRE published a notice in the **Federal Register** on April 15, 1986, announcing receipt of the amendments and inviting public comment on the adequacy of the proposed amendments (51 FR 12713–12714).

On September 3, 1986, OSMRE sent Arkansas a list of concerns regarding the proposed amendment. By letter dated October 17, 1986, Arkansas formally responded to the list and resubmitted a revised package. The resubmission contains some differences from the initial set of rules that were announced in the April 15, 1986 **Federal Register**.

Accordingly, OSMRE is reopening and extending the comment period on the State's March 10, 1986 amendments as modified on October 17, 1986. This action is being taken to provide the public an opportunity to consider the adequacy of the revised proposed amendments.

DATES: Written comments, data or other relevant information relating to this rulemaking not received on or before 4:30 p.m. December 9, 1986, will not necessarily be considered in the Director's decision.

ADDRESSES: Written comments should be mailed or hand delivered to: Mr. James Moncrief, Director, Tulsa Field Office, Office of Surface Mining Reclamation and Enforcement, 333 West 4th Street, Room 3432, Tulsa, Oklahoma 74103.

Copies of the Arkansas program, the proposed modifications to the program, and the administrative record of the Arkansas program are available for public review and copying at the

OSMRE offices and the State regulatory authority office listed below, Monday through Friday, 9:00 a.m. to 4:00 p.m. excluding holidays. Each requestor may receive, free of charge, one copy of the proposed amendment by contacting the OSMRE Tulsa Field Office.

Office of Surface Mining Reclamation and Enforcement, Tulsa Field Office, 333 West 4th Street, Room 3432, Tulsa, Oklahoma 74103, Telephone: (918) 745–7927

Office of Surface Mining Reclamation and Enforcement, 1100 "L" Street, N.W., Room 5315A, Washington, D.C. 20240, Telephone: (202) 343–4855

Department of Pollution Control and Ecology, 8001 National Drive, P.O. Box 9583, Little Rock, Arkansas 72209, Telephone: (501) 371–2130

FOR FURTHER INFORMATION CONTACT: Mr. James Moncrief, Director, Tulsa Field Office, Office of Surface Mining Reclamation and Enforcement, 333 West 4th Street, Room 3432, Tulsa, Oklahoma 74103, Telephone: (918) 745–7927.

SUPPLEMENTARY INFORMATION:

I. Background

The Secretary of the Interior conditionally approved the Arkansas program on November 21, 1980. Information pertinent to the general background, revisions, modifications and amendment to the permanent program submissions, as well as the Secretary's findings, the disposition of comments and a detailed explanation of the conditions of approval of the Arkansas program can be found in the November 21, 1980 **Federal Register** (45 FR 77003–77017). Subsequent actions concerning the approval and program amendments are identified at 30 CFR 904.10, 904.15 and 904.16.

III. Submission of Amendment

In accordance with the provisions of 30 CFR 732.17(d) through (f), on April 17, 1985, OSMRE notified Arkansas of the changes necessary to ensure that the approved State regulatory program was consistent with SMCRA and no less effective than its implementing regulations. To comply with this letter, the State of Arkansas completed a partial rewrite of the affected regulations governing its permanent regulatory program.

By letter of March 10, 1986, Arkansas submitted these regulations to OSMRE as a program amendment [Administrative Record No. AR–302]. The proposed regulations, consisting of sections 701.5, 761, 762.5, 764, 771.23(c)(4), 772.2, 776, 779, 780, 784.20, 785, 766, 788.18(d), 795, 800, 805, 806.11(b), 807.11(d)(2)(v), 808.14, 815.15(a), 816, 819.11(c)(1)&(2), 823, 826.12(c), 827.11, 842.16(a), 843.11(a)(2)&(3) and 845.12(b) would replace the currently approved regulations.

After considering comments and reviewing the proposed amendment, a letter was written to the State dated September 3, 1986, identifying 22 substantive changes that were required in order for the Director to approve these provisions. The letter also listed a number of minor typographical and editorial changes which would improve clarity and readability of the rules when they were finally adopted by Arkansas. In response to the letter the State submitted a revised amendment to OSMRE on October 17, 1986 (Administrative Record No. AR–312).

In accordance with the provisions of 30 CFR 732.17, OSMRE is now seeking comment on whether the proposed regulations satisfy the criteria for approval of State program amendments set forth at 30 CFR 732.15 and 732.17. If the amendment are found to be in accordance with SMCRA and no less effective than the Federal regulations, they will be approved and the amendment will become part of the Arkansas permanent regulatory program.

List of Subjects in 30 CFR Part 904

Coal mining, Intergovernmental relations, Suface mining, Underground mining.

Dated: November 18, 1986.

Brent Walquist,

Assistant Director, Program Policy.

[FR Doc. 86–26432 Filed 11–21–86; 8:45 am]

BILLING CODE 4310–05–M

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30 CFR Part 917

Withdrawal of a Proposed Rulemaking To Amend the Kentucky Permanent Regulatory Program

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSMRE), Interior.

ACTION: Withdrawal of a proposed rule.

SUMMARY: OSMRE is announcing the withdrawal of a proposed rulemaking for an amendment submitted by the Commonwealth of Kentucky to amend its permanent regulatory program (hereinafter referred to as the Kentucky program). The proposed amendment pertained to effluent limitations and water quality standards for surface and underground mining; and to secondary coal recovery operations. The proposed amendment was withdrawn by Kentucky in a letter to OSMRE dated October 14, 1986.

DATE: Effective November 24, 1986.

FOR FURTHER INFORMATION CONTACT: Mr. W. Hord Tipton, Director, Lexington Field Office, Office of Surface Mining Reclamation and Enforcement, 340 Legion Drive, Suite 28, Lexington, Kentucky 40504; Telephone: (606) 233–7327.

SUPPLEMENTARY INFORMATION: On July 29, 1986, Kentucky submitted proposed amendments to its approved regulatory program. The amendments proposed to revise 405 KAR 16:070 and 405 KAR 18:070 of the Kentucky Administrative Regulations, concerning water quality standards and effluent limitations for surface and underground mines. The amendments also proposed to add new regulations at 405 KAR 8:060 and 405 KAR 20:090 to establish permit requirements and performance standards for secondary coal recovery operations, and to address the required amendments at 30 CFR 917.16(c)(2).

On September 11, 1986, OSMRE published a notice on the **Federal Register** announcing receipt of the amendment and soliciting public comment on its adequacy (51 FR 32336). The comment period ended on October 14, 1986.

On October 14, 1986, Kentucky sent a letter to OSMRE to withdraw the amendments. Kentucky expects to submit a modified proposal at a later date. When Kentucky submits the modified proposal OSMRE will announce another comment period.

Dated: November 18, 1986.

Brent Walquist,

Assistant Director, Program Policy.

[FR Doc. 86–26434 Filed 11–21–86; 8:45 am]

BILLING CODE 4310–05–M

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30 CFR Part 938

Public Comment and Opportunity for Public Hearing on Modifications to the Pennsylvania Permanent Regulatory Program

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSMRE), Interior.

ACTION: Proposed rule.

SUMMARY: OSMRE is announcing procedures for the public comment period and for a public hearing on the substantive adequacy of a program amendment submitted by the Commonwealth of Pennsylvania as a modification to the Pennsylvania Permanent Regulatory Program

(hereinafter referred to as the Pennsylvania program) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The amendment includes revisions to the Pennsylvania Surface Mining Conservation and Reclamation Act pertaining to licensing requirements, water supply replacement insurance, permit issuance, prohibition of burning of underground anthracite coal, right of entry based on leases for bituminous, anthracite and non coal minerals, timing of informal conferences and permit review, reclamation of forfeited sites and the creation of Mining and Reclamation Advisory Board. The amendments also include proposed regulations on bond forfeiture at Chapter 86 to implement section 18 of the Pennsylvania Surface Mining Conservation and Reclamation Act.

This notice sets forth the times and locations that the Pennsylvania program and the proposed amendments are available for public inspection, the comment period during which interested persons may submit written comments on the proposed program provisions, and the procedures that will be followed regarding the public hearing.

DATES: Written comments not received on or before 4:00 p.m. December 24, 1986, will not necessarily be considered.

If requested, a public hearing on the proposed modifications will be held on December 19, 1986, beginning at 9:00 a.m. at the location shown below under **"ADDRESSES".**

Persons wishing to comment at the public hearing should contact the person listed under **"FOR FURTHER INFORMATION CONTACT"** by the close of business December 19, 1986.

ADDRESSES: Written comments should be mailed or hand delivered to: Mr. Robert Biggi, Harrisburg Field Office, Office of Surface Mining, 101 South 2nd Street, Suite L–4, Harrisburg, Pennsylvania 17101.

If a public hearing is held its location will be: Penn Harris Motor Inn and Convention Center at the Camp Hill Bypass and U.S. 11 and 15, Camp Hill, Pennsylvania.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Biggi, Harrisburg Field Office, Office of Surface Mining Reclamation and Enforcement, 101 South 2nd Street, Suite L–4, Harrisburg, Pennsylvania 17101; Telephone: (717) 782–4036.

SUPPLEMENTARY INFORMATION:

I. Public Comment Procedures

Availability of Copies

Copies of the Pennsylvania program, the proposed modifications to the program, a listing of any scheduled public meeting and all written comments received in response to this notice will be available for review at the OSMRE offices and the office of the State regulatory authority listed below, Monday through Friday, 8:00 a.m. to 4:00 p.m., excluding holidays. Each person may receive, free of charge, one single copy of the proposed modifications by contacting the Harrisburg Field Office.

Harrisburg Field Office, Office of Surface Mining Reclamation and Enforcement, 101 South 2nd Street, Suite L–4, Harrisburg, Pennsylvania 17101

Office of Surface Mining Reclamation and Enforcement, Administrative Record Room, 1100 L Street, NW., Washington, DC 20240

Pennsylvania Department of Environmental Resources, Fulton Bank Building, Third and Locust Streets, Harrisburg, Pennsylvania 17120

Written Comments

Written comments should be specific, pertain only to the issues proposed in this rulemaking, and include explanations in support of the commenter's recommendations. Comments received after the time indicated under **"DATES"** or at locations other than Harrisburg, Pennsylvania, will not necessarily be considered and included in the Adminisrative Record for this final rulemaking.

Public Hearing

Persons wishing to comment at a public hearing should contact the person listed under **"FOR FURTHER INFORMATION CONTACT"** by the close of business December 9, 1986. If no one requests to comment at a public hearing, the hearing will not be held.

If only one person requests to comments, a public meeting, rather than a public hearing, may be held and the results of the meeting included in the Administrative Record.

Public Meeting

Persons wishing to meet with OSMRE representatives to discuss the proposed amendments may request a meeting at the OSMRE office listed under **"ADDRESSES"** by contacting the person listed under **"FOR FURTHER INFORMATION CONTACT."**

All such meetings are open to the public and, if possible, notices of meetings will be posted in advance in the Administrative Record. A written summary of each public meeting will be made a part of the Administrative Record.

II. Background on the Pennsylvania State Program

On February 29, 1980, the Secretary of the Interior received a proposed regulatory program from the State of Pennsylvania. On October 22, 1980, following a review of the proposed program as outlined in 30 CFR Part 732, the Secretary disapproved the Pennsylvania praogram. The State resubmitted its program on January 25, 1982, and subsequently the Secretary approved the program subject to the correction of minor deficiencies. Information pertinent to the general background, revisions, modifications, and amendments to the proposed permanent program submission, as well as the Secretary's findings, the disposition of comments and a detailed explanation of the conditions of approval of the Pennsylvania program can be found in the July 30, 1982 **Federal Register** notice (47 FR 33050). Subsequent action concerning the conditions of approval and program amendments are identified at 30 CFR 938.11 938.15 and 938.16.

III. Submission of Program Amendment

On September 24, 1986, Pennsylvania submitted for OSMRE a proposed amendment to the State program (OSMRE Administrative Record PA 612). The amendment includes revisions to the Pennsylvania Surface Mining Conservation and Reclamation Act pertaining to licensing requirements, water supply replacement insurance, permit issuance, prohibition of burning of underground anthracite coal, right of entry based on leases for bituminous, anthracite and non coal minerals, timing of informal conferences and permit review, reclamation of forfeited sites and the creation of Mining and Reclamation Advisory Board. The amendments also include proposed regulations on bond forfeiture at Chapter 86 to implement section 18 of the Pennsylvania SMCRA. Specifically the existing regulations of Chapter 86 at sections 86.182 and 86.186–190 are proposed for amendment.

The Director is seeking comment on the adequacy of the proposed amendment in satisfying the criteria for approval of State program amendments set forth at 30 CFR 732.15 and 732.17. Comments should specifically address whether the proposed amendments are in accordance with SMCRA and no less effective than the Federal regulations.

The full text of the proposed amendment is available for review in the OSMRE Administrative Record

under No. PA 612 at the addresses listed above.

IV. Additional Determinations

1. Compliance With the National Environmental Policy Act

The Secretary has determined that, pursuant to section 702(d) of SMCRA, 30 U.S.C. 1292(d), no environmental impact statement need be prepared on this rulemaking.

2. Executive Order No. 12291 and the Regulatory Flexibility Act

On August 28, 1981, the Office of Management and Budget (OMB) granted OSMRE an exemption from sections 3, 4, 7, and 8 of Executive Order 12291 for actions directly related to approval or conditional approval of State regulatory programs. Therefore, this action is exempt from preparation of a Regulatory Impact Analysis and regulatory review by OMB.

The Department of the Interior has determined that this rule would not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). This rule would not impose any new requirements; rather, it would ensure that existing requirements established by SMCRA and the Federal rules would be met by the State.

3. Paperwork Reduction Act

This rule does not contain information collection requirements which require approval by the Office of Management and Budget under 44 U.S.C. 3507.

List of Subjects in 30 CFR Part 938

Coal mining, Intergovernmental relations, Surface mining, Underground mining.

Dated: November 18, 1986.

Arthur W. Abbs,

Acting Deputy Director, Operations and Technical Services, Office of Surface Mining Reclamation and Enforcement.

[FR Doc. 86-26433 Filed 11-21-86; 8:45 am]

BILLING CODE 4310-05-M

DEPARTMENT OF THE TREASURY

31 CFR Part 103

Extension of Time for Comments on Bank Secrecy Act Regulations

AGENCY: Office of the Secretary, Treasury.

ACTION: Proposed rule; extension of comment period.

SUMMARY: Notice is hereby given that the Department of the Treasury is extending the comment period on the Amendments to the Implementing Regulations; the Bank Secrecy Act published in the **Federal Register** on August 25, 1986 (51 FR 30233).

DATE: Comments will now be accepted through December 24, 1986.

ADDRESS: Address written comments to Jonathan J. Rusch, Director, Office of Financial Enforcement, Office of the Assistant Secretary (Enforcement), Department of the Treasury, Room 4317, 1500 Pennsylvania Ave., NW., Washington, DC 20220.

FOR FURTHER INFORMATION CONTACT: Linda Noonan, Attorney Advisor, Office of the Assistant General Counsel (Enforcement), Department of the Treasury, Room 2000, 1500 Pennsylvania Ave., NW., Washington, DC 20220, (202/566-2941).

Dated: November 18, 1986.

Francis A. Keating II,

Assistant Secretary (Enforcement).

[FR Doc. 86-26377 Filed 11-21-86; 8:45 am]

BILLING CODE 4810-25-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 110

[CGD12 86-13]

Anchorage Regulations; San Francisco Bay

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard is considering a petition by the Richardson Bay Regional Agency for removal of the designation of San Francisco Bay Anchorage No. 3, Belvedere Cove, as a Federal General Anchorage.

DATES: Comments must be received on or before January 8, 1987.

ADDRESSES: Comments should be mailed or hand-delivered to Marine Safety Division, Twelfth Coast Guard District, Coast Guard Island, Building 54-B, Room 250, Alameda, CA 94501-5100. The comments and other materials referenced in this notice will be available for inspection and copying between 8:00 a.m. and 4:00 p.m., Monday through Friday, except holidays.

FOR FURTHER INFORMATION CONTACT: Lieutenant Stephen J. Danscuk at (415) 437-3465.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in this proposed rulemaking by submitting written views, data, or arguments. Persons submitting comments should include their names and addresses, identify this notice [CGD12-86-13] and the specific section of the proposal to which their comments apply, and give reasons for each comment. Receipt of comments will be acknowledged if a stamped self-addressed postcard or envelope is enclosed. The proposed rules may be revised in light of comments received. All comments submitted before the expiration of the comment period will be considered before final action is taken on this proposal. No public hearing is planned, but one may be held if written requests for a hearing are received and it is determined that the opportunity to make oral presentations will aid the rulemaking process.

Drafting Information

The drafters of this notice are Lieutenant Stephen J. Danscuk, project officer, Twelfth Coast Guard District Marine Safety Division, and Lieutenant Commander Wayne Raabe, project attorney, Twelfth Coast Guard District Legal Office.

Discussion of the Proposed Regulation

On August 7, 1986, the Coast Guard received a petition from the Richardson Bay Regional Agency (composed of a member from each of the governing bodies of Sausalito, Tiburon, Mill Valley, Belvedere and Marin County) requesting removal of the designation of San Francisco Bay Anchorage No. 3, Belvedere Cove, as a Federal General Anchorage. Portions of this petition are included in this proposal.

At the present time, San Francisco Bay Anchorage No. 3, the area known as Belvedere Cove, is designated as a Federal General Anchorage. The Richardson Bay Regional Agency petition seeks to remove this designation based upon the lack of need for this area as a general anchorage, and in the interests of navigational safety. Given that there are numerous mooring floats in Belvedere Cove and virtually no open spaces for anchoring, they believe that this designation is in the interests of navigation, safety, and recreational boating activities. Existing mooring floats would continue to be used in this area. Further, there are no services available to boaters in Belvedere Cove, such as fuel docks, pump-out facilities or public berths or tie-ups. Due to its sheltered nature, Belvedere Cove is extensively used by very small boats (such as Lasers and Sunfish) and sailing classes. The use of this area for anchoring significantly conflicts with these uses and creates a hazardous condition.

The Richardson Bay Regional Agency cites the following reasons for petitioning the Coast Guard for changes to these areas:

1. There is not adequate space in Belvedere Cove for anchoring in addition to the mooring which is now allowed and which would continue to be permitted under a proposed local ordinance of the Richardson Bay Regional Agency.

2. There are no services available to boaters in Belvedere Cove, such as fuel docks, pump out facilities, public berths and tie ups.

3. Belvedere Cove is used extensively by very small boats and sailing classes since it is a sheltered harbor. The use of this area for anchoring creates a hazardous condition for these uses.

4. There is virtually no use of Belvedere Cove for commercial navigation.

A review of Coast Guard statistics on use of Anchorage No. 3, maintained by Vessel Traffic Service San Francisco, indicates minimal commercial use of this anchorage for the past year. Having reviewed the analyses and solutions posed by the Richardson Bay Regional Agency, and reviewing historic use and need of this anchorage area, the Coast Guard concurs that there is insufficient need to retain Belvedere Cove as a general anchorage. The Coast Guard concurs with the reasoning for removal of the designation of Belvedere Cove as a Federal General Anchorage and finds it appropriate for proposal as a change to existing federal regulations.

Economic Assessment and Certification

These proposed regulations are considered to be non-major under Executive Order 12291 on Federal Regulation and nonsignificant under Department of Transportation regulatory policies and procedures (44 FR 11034; February 26, 1979). The economic impact is expected to be so minimal that a full regulatory evaluation is unnecessary. There is no economic impact associated with removal of the designation of Belvedere Cove as a general anchorage.

Since the impact of this proposal is expected to be minimal the Coast Guard certifies that if adopted, it will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 33 CFR Part 110

Anchorage grounds.

Proposed Regulations

In consideration of the foregoing, the Coast Guard proposes to amend Chapter I of Title 33, Code of Federal Regulations, as follows:

PART 110—ANCHORAGE REGULATIONS

Subpart B—Achorage Grounds

1. The authority citation for Part 110 Subpart B continues to read as follows:

Authority: 33 U.S.C. 471, 2030, 2035 and 2071; 49 CFR 1.46 and 33 CFR 1.05–1(g). Section 110.1a and each section listed in 110.1a are also issued under 33 U.S.C. 1223 and 1231.

§ 110.224 San Francisco Bay, San Pablo Bay, Carquinez Strait, Suisun Bay, Sacramento River, San Joaquin River, and connecting waters, Calif. [Amended]

2. By removing Anchorage No. 3 and its associated General Location, Purpose, and Specific Regulations from Table 110.224(d)(1).

3. By removing 33 CFR paragraph (e)(1) *Anchorage No. 3,* from § 110.224.

4. By redesignating paragraphs (e)(2) through (e)(21) as paragraphs (e)(1) through (e)(20) without content change.

Dated: September 30, 1986.

John D. Costello,

Vice Admiral, U.S. Coast Guard Commander, Twelfth Coast Guard District.

[FR Doc. 86–26446 Filed 11–21–86; 8:45 am]

BILLING CODE 4910–14–M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 86–326, RMs-5323, 5588, 5592]

Radio Broadcasting Services; Albany, Buffalo, Ilion, Utica, NY, and Boston, MA

AGENCY: Federal Communication Commission.

ACTION: Proposed rule; extension of time.

SUMMARY: At the request of Mohawk Valley Telecasters, Inc. the time for filing reply comments is extended to respond to the counterproposals to assign VHF TV Channel 4 to Ilion, New York, or to Albany, New York, as a reserved noncommercial educational channel on a short-spaced drop-in basis, and to the opposition to the change in offset designation for Channel 4 at Buffalo, New York.

DATE: Reply comments must be filed on or before November 14, 1986.

ADDRESS: Federal Communication Commission, Washington, DC 20554 In addition to filing comments with the FCC, interested parties should serve the petitioners, or their counsel or consultant, as follows: Richard F. Swift, Tierney & Swift, 1000–19th St. NW., Washington, DC 20036 (Counsel to Mohawk Valley Telecasters); Alfred C. Cordon, Dennis J. Kelley, Cordon & Kelly, 1920 N Street NW, 2nd Fl., Washington, DC 20036 (Counsel to Buffalo Broadcasting) James L. Oyster, 8315 Tobin Rd., Annandale, Virginia, 22003–1101 (Counsel to Mohawk Valley Broadcasting); and Robert A Woods, Malcolm G. Stevenson, Schwartz, Woods & Miller, 1325—18th St. NW., Suite 206, Washington, DC 20036 (Counsel to Mohawk-Hudson Council).

FOR FURTHER INFORMATION CONTACT: Leslie K. Shapiro, Mass Media Bureau (202) 634–6530.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Order Exending Time for Filing Reply Comments, MM Docket No. 86–326, adopted October 15, 1986, and released October 21, 1986. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857–3800, 2100 M Street NW., Suite 140, Washington, DC 20037.

Proposed of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission's consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1231 for rules governing permissible *ex parte* contact.

For information regarding proper filing procedures for comments, See 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio Broadcasting.

Federal Communication Commission.

Charles Schott,

Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 86–26440 Filed 11–21–86; 8:45 am]

BILLING CODE 6712–01–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 222

[Docket No. 61096-6196]

Proposed Regulations Governing Approaching Humpback Whales in Hawaiian Waters

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Proposed rule.

SUMMARY: NMFS proposes this rule for the protection of the humpback whale, an endangered species, when it is in Hawaiian waters. These regulations would not allow vessels or people to approach whales closer than 100 yards or aircraft closer than 1,000 feet of any whale and would replace the current "Notice of Interpretation of Harassment of Humpback Whales in Hawaiian Waters" (44 FR 1113, January 4, 1979) with enforceable regulations. This action is necessary to reduce the level of disturbance experienced by humpback whales from vessel traffic.

DATES: Written comments are being solicited from the general public, user interests, state and local agencies, and other Federal agencies and will be accepted until December 24, 1986. A public hearing is scheduled for December 15, 1986 at a location to be arranged in Lahaina, Maui.

ADDRESS: Send Comments to E.C. Fullerton, Regional Director, Southwest Region, National Marine Fisheries Service, 300 South Ferry Street, Terminal Island, CA 90731, Telephone: (213) 514-6201.

FOR FURTHER INFORMATION CONTACT:

Doyle E. Gates, Administrator, Western Pacific Program Office, National Marine Fisheries Service, P.O. Box 3830, Honolulu, HI 96812, Telephone: (808) 955-8831;

H.E. Witham, Senior Resident Agent, Enforcement Division, Southwest Region, National Marine Fisheries Service, P.O. Box 50246, Honolulu, HI 96850, Telephone: (808) 546-5670; or

James H. Lecky, Wildlife Biologist, Southwest Region, National Marine Fisheries Service, 300 South Ferry Street, Terminal Island, CA 90731, Telephone: (213) 514-6664.

SUPPLEMENTARY INFORMATION:

Background

As a result of commercial whaling during the first half of this century, the number of humpback whales (*Megaptera novaeangliae*) in the North Pacific is seriously reduced from former levels. It is now the second most depleted of all the North Pacific great whales. Population levels have declined from an estimated 15,000 (Rice 1978) in 1905 to a present estimate of 1,200 (Rice and Wolman 1979). Humpback whales received protection in 1966 when the International Whaling Commission placed a prohibition on commercial whaling of this species. In 1970, the humpback whale was designated an endangered species under the Endangered Species and Conservation Act of 1969 (since superseded by the Endangered Species Act of 1973, as amended). The Marine Mammal Protection Act of 1972, and the Convention on International Trade in Endangered Species of Wild Fauna and Flora, March 3, 1973, also provide some measure of protection from direct take (injury and mortality) and from international trade in whale products.

Estimates of the number of humpback whales that winter in Hawaiian waters range from about 650 to 1,000 animals (Rice and Wolman 1979; Darling and Morowitz 1983). It is believed that whales which winter in Hawaii are part of one eastern North Pacific stock which also breeds in Mexican waters and summers throughout Alaskan waters (Darling and McSweeney 1985).

Each year, humpback whales begin arriving in the Hawaiian Islands area in late October. Their numbers usually peak in late February. The whales return each year to the waters inside the 100-fathom isobath surrounding the main Hawaiian Islands to calve, nurse, and breed. Hawaii provides the only habitat under U.S. jurisdiction used by humpback whales for these purposes. The major areas of concentration are around Penguin Bank, the waters bounded by the islands of Molokai, Lanai, Maui, and Kahoolawe, and the northwest coastal waters of the island of Hawaii from Hilo to Keahole Point. The annual northward migration begins in April, and by mid-May, most of the humpback whales have left the Hawaiian Islands area.

Coastal waters of the Hawaiian Islands comprise preferred calving, nursing, and breeding habitat for approximately half of the North Pacific population of humpback whales. Activities that force the humpback whales to abandon these breeding grounds or interrupt breeding and calf-rearing behaviors may result in a lower birth rate. These activities assume greater importance since currently there is no evidence of recovery, or population growth, of humpback whales in the North Pacific (Johnson and Wolman 1984). While in the Hawaiian Islands area, humpback whales are the subject of whale watching and scientific research. Marine construction, recreational boating, commercial shipping, private and military aircraft flights, and turbidity resulting from agricultural run off also are affecting the behavior and distribution of humpback whales. Glockner-Ferrari and Ferrari (1985) report a decrease in the number of cows and calves seen annually in the nearshore waters of the Lahaina, Maui, area. Results of recent aerial surveys (Forestell, in prep.) bear out earlier observations (Herman *et al.*, 1980) that increased human activity in localized areas is correlated with a decrease in the number of whales using those areas. Whales appear to be continuing to avoid the Lahaina area and, recently, are avoiding the Keawakapu area off Maui, near the site of a recently built and heavily used public boat ramp (Forestell, in prep.).

During the late 1970's, NMFS became concerned that harassment of whales, associated with increasing interest in whale watching could lead to adverse effects on the humpback whales that breed in Hawaii. Much of the problem appeared to be the result of inexperienced boaters who were not familiar with whale behavior or proper conduct for vessel operators in the vicinity of whales. NMFS decided that a public education program would be an effective way to deal with the problem. In 1979, NMFS published a "Notice of Interpretation" (44 FR 1113, January 4, 1979) to inform the public of activities that could be interpreted as harassment of whales. The "Notice of Interpretation" contained guidelines for approaching whales and proper conduct of vessel operators when following or watching whales.

Since 1979, the number of vessels registered in Maui County increased from 835 to 1223. Many of these vessels operate in the same areas used by females to rear calves. A boat ramp constructed at Keawakapu in 1983 improved access to Malaea Bay, an important calving area. Prior to construction of the ramp, vessels were launched at Lahaina or Makena and infrequently used Malaea Bay. Since the ramp opened, an average of 50 vessels are launched in Malaea Bay daily. During peak periods, more than 100 vessels may be launched in a day (Witham pers. comm.). Hawaii's Visitor Bureau estimates that 52% of the State's annual 5 million visitors use the state's ocean resources. Increasing tourist traffic leads to increased water-based recreational services. Jet ski rentals, small boat rentals, and parasail

operations have increased in the last seven years. An accelerated interest in whale watching has supported an increase in the number of commercial whale watching boats from 18 to 65 over the same period.

Observations of NMFS enforcement agents and complaints from the public indicate that vessels and aircraft frequently approach closer than the distances prescribed in the "Notice of Interpretation." This is likely contributing to the increasing levels of disturbance and may be a factor in the redistribution of whales in the vicinity of Lahaina, Maui. In addition, the studies referenced in this rule indicate more restrictive management measures are needed to control human interactions with humpback whales in Hawaii.

Studies of whale behavior conducted in the vicinity of vessels in Hawaii (Bauer and Herman 1985) and Alaska (Johnston 1985) indicate that whales may respond to vessel traffic at distances from one to several kilometers. Responses are manifested by increased dive times, decreased blow intervals, avoidance responses, and increases in aggressive displays. These responses appear to be short in duration, but a cumulative exposure to increasing levels of vessel traffic may deter whales from their preferred habitat.

Whale watching from private platforms and commercial vessels is a major component of the increasing vessel traffic in Hawaii. This activity can be both beneficial and deterimental to the whales. It provides a tool for educating the public about the status of whale populations and encourages public support for management programs to recover depleted whale populations. Also it provides an opportunity to familiarize the public with other marine environmental issues. Whale watching can also be detrimental because it can result in disturbing whales and contribute to an increased cumulative degradation of the whales' breeding habitat from human activities.

NMFS's intent in proposing these regulations is to minimize the detrimental effects of whale encounters without losing the beneficial aspects. There is little information available to provide guidance on what constitutes an acceptable distance for approaching whales. In 1978 and 1979, Jones and Swartz (1984) investigated the effects of whale watching on gray whales in San Ignacio Lagoon, Baja California, Mexico. San Ignacio is one of several lagoons used by gray whales for calving and nursing. Because gray whales calve in shallow confined lagoons, it was suspected that whale watching might be more detrimental in the lagoons than in the open ocean. However, Jones and Swartz detected no significant difference in whale distribution on days when vessels were present and says when vessels were absent. They also found no significant difference in calf mortality between San Ignacio Lagoon and adjacent lagoons where no whale watching occurred. A preliminary study of the effect of whale watching on humpback whales in the southern Gulf of Maine was done from 1979 to 1983. The study found no change in the whales' calving intervals, or calf survivorship, and concluded that whale watching in the southern Gulf of Maine, up to 1983, did not affect the survival of the species (Chu *et al.*, 1985).

While the available scientific information on the effects of vessel traffic and whale watching does not provide precise guidance on proximity limit for approaching whales, NMFS is establishing 100 yards as an approach limit in Hawaiian waters based on its experience in enforcing the prohibition of harassment. Activities that are initiated or occur within 100 yards of a whale have a high probability of causing harassment. NMFS's experience with the commercial whale watching industry indicates that whales can be followed at a distance of 100 yards or more without disturding them.

The calving and breeding areas designated in the "Notice of Interpretation" are not being included in the proposed rule because more recent studies on the distribution of whales (Forestell 1985) indicate that persistent and distinct calving areas probably do not exist. The 100-yard minimum does not eliminate the prohibition of harassment outside that limit. Any actions occurring beyond 100 yards that result in harassment are still prohibited by the Endangered Species Act and the Marine Mammal Protection Act.

NMFS will continue to monitor the effects of all activities occurring in proximity to whales in order to determine if additional measures are necessary to protect humpback whales. NMFS will also continue to consult with Federal agencies (e.g., the Army Corps of Engineers and the Maritime Administration) as required by section 7 of the Endangered Species Act.

CLASSIFICATION: Applicability to other Laws, Regulations and Requirements.

NMFS has prepared an environmental assessment in which it determined that approval and implementation of the proposed rule and the alternatives would not significantly affect the quality of the human environment, and that the preparation of an environmental impact statement would not be required by section 102(2) of the National Enviornmental Policy Act or its implementing regulations.

The National Marine Fisheries Service has made a preliminary determination under Executive Order 12291 that the proposed action will not result in (1) an annual effect on the economy of $100 million or more; (2) major increase in cost or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions; and (3) significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S. based enterprise to compete in domestic or export markets.

This rule does not contain a collection of information requirements for purposes of the Paperwork Reduction Act.

NMFS has determined that the proposed action will not have a significant impact on a substantial number of small businesses, and there will not be a difference in degree of impact due to varying sizes of businesses affected.

List of Subjects in 50 CFR Part 222

Endangered and Threatened Species.

Dated: November 18, 1986.

James E. Douglas, Jr.,

Acting Deputy Assistant Administrator for Fisheries.

For the reasons set forth in the preamble, it is proposed to amend 50 CFR Part 222 by adding a new Subpart D to read as follows:

PART 222—[AMENDED]

1. The authority citation for Part 222 continues to read as follows:

Authority: 16 U.S.C. 1531–1543.

2. A new Subpart D consisting of § 222.31 is added, to read as follows:

Subpart D—Special Prohibitions

Sec.
222.31 Approaching humpback whales in Hawaii.

Subpart D—Special Prohibitions

§ 222.31 Approaching humpback whales in Hawaii.

Except as provided in §§ 222.23–222.28 (Scientific permits) it is unlawful for any person subject to the jurisdiction of the United States to commit, to attempt to commit, to solicit another to commit, or to cause to be committed, within 200 nautical miles of the Islands of Hawaii, any of the following acts with respect to

humpback whales (*Megaptera novaeangliae*):

(a) To operate any aircraft within 1,000 feet of any humpback whale or;

(b) Approaching, by any means, within 100 yards of any humpback whale;

(c) Causing a vessel or other object to approach within 100 yards of any humpback whale; or

(d) Disrupting the normal behavior or prior activity of a whale by any other act or omission. A disruption of normal behavior may be manifested by, among other actions on the part of the whale, a rapid change in direction or speed; escape tactics such as prolonged diving, underwater course changes, underwater exhalation or evasive swimming patterns; interruptions of breeding or nursing activities; attempts by a whale to shield a calf from a vessel or human observer by tail swishing or by other protective movements; or the abandonment of a previously frequented area.

[FR Doc. 86-26371 Filed 11-21-86; 8:45 am]
BILLING CODE 3510-22-M

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50 CFR Part 661

[Docket No. 61104-6204]

Ocean Salmon Fisheries off the Coasts of Washington, Oregon, and California

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Proposed rule.

SUMMARY: NOAA issues this proposed rule to implement the seventh amendment (amendment) to the Fishery Management Plan for Commercial and Recreational Salmon Fisheries off the Coasts of Washington, Oregon, and California commencing in 1978 (FMP). The amendment provides a formula for annual alteration of the escapement goal for Oregon coastal natural coho salmon based on stock abundance, increases the flexibility of inseason management provisions, and modifies the allocation scheme for coho salmon south of Cape Falcon, Oregon. It is intended to allow an equitable division of ocean harvest between recreational and commercial fisheries of the maximum number of salmon surplus to inside fishery and spawning needs.

DATE: Comments on the amendment and the proposed rule are invited until January 2, 1987.

ADDRESSES: Comments may be sent to Rolland A. Schmitten, Director, Northwest Region, NMFS, 7600 Sand Point Way NE., BIN C15700, Seattle, WA 98115; or E. Charles Fullerton, Director, Southwest Region, NMFS, 300 South Ferry Street, Terminal Island, CA 90731. Copies of the seventh amendment, including the environmental assessment and the regulatory impact review/initial regulatory flexibility analysis, are available from the Pacific Fishery Management Council, 2000 SW. First Avenue, Suite 420, Portland, OR 97201.

FOR FURTHER INFORMATION CONTACT: Rolland A. Schmitten, 206-526-6150; E. Charles Fullerton, 213-514-6196; or Joseph C. Greenley, Pacific Fishery Management Council, 503-221-6352.

SUPPLEMENTARY INFORMATION:

Background

Under the Magnuson Fishery Conservation and Management Act (Magnuson Act), the FMP was prepared by the Pacific Fishery Management Council (Council), and was approved by the Secretary of Commerce (Secretary) on March 2, 1978. Since then, the FMP has been amended six times, with implementing regulations codified at 50 CFR Part 661. From 1979 to 1983, the FMP was amended annually. In 1984, a framework amendment was implemented which provided the mechanism for making preseason and inseason adjustments in the regulations without annual amendments (49 FR 43679, October 31, 1984).

Development of the seventh amendment began in 1985. A draft document was distributed to interested persons for review in August 1986. Comments were invited, and five public hearings were held August 27-28, 1986. After considering the comments received during the comment period, at public hearings, and during the July and September (1986) Council meetings, and after receiving advice from the Council's Salmon Plan Development Team, Salmon Advisory Subpanel, and Scientific and Statistical Committee, the Council made its final selection of options for the amendment at its September 17-18, 1986, meeting in Portland, Oregon.

The major purposes of the seventh amendment are to (1) provide a formula for annual alteration of the escapement goal for Oregon coastal natural (OCN) coho salmon based on stock abundance; (2) increase the flexibility of inseason management provisions to be more responsive to changing biological, social, and economic conditions during the season; and (3) modify the allocation schedule for coho salmon south of Cape Falcon, Oregon, to provide the optimum yield to recreational and commercial fisheries at varying stock abundance levels. These issues are described below.

Amendment Issue 1—Stock Abundance-Dependent Formula for Annual Determination of the Oregon Coastal Natural (OCN) Coho Salmon Escapement Goal

The amendment implements the use of a formula to adjust escapement goals for OCN coho based on expectations of stock abundance.

In 1982, the Oregon Department of Fish and Wildlife (ODFW) established a stock rebuilding schedule and a long-term annual escapement goal of 200,000 OCN coho. The ODFW escapement goal for OCN coho was promulgated in federal regulations implementing the framework amendment in 1984.

In 1983, adverse environmental conditions (from "El Nino" effect) drastically reduced abundance of one of the three cycles of OCN coho and made attainment of the 1983 goal, and three years later the 1986 goal, incompatible with the socio-economic needs of the ocean fisheries. (The other two cycles of OCN coho have been rebuilt to approach an annual natural spawning escapement of 200,000 adults returning to Oregon coastal streams.)

Federal regulations were implemented in 1986, under the Magnuson Act mandate to manage the ocean salmon fisheries to achieve optimum yield, which allowed a higher level of ocean harvest than that which was likely to meet the OCN coho 1986 escapement goal (51 FR 16522, May 5, 1986). Nevertheless, the 1986 escapement is expected to be 80-90 percent of the original 1986 escapement goal of 170,000 fish—a considerable improvement over the 1983 parent stock which returned to coastal streams at only 41 percent of that year's escapement goal of 140,000 fish.

Under the framework rebuilding schedule, the escapement goal for OCN coho adults beginning in 1987 is 200,000 fish. The new stock abundance-dependent escapement goal would provide increased flexibility to respond to socio-economic concerns at stock sizes below 400,000 coho salmon, while rebuilding OCN coho salmon stocks. A spawning escapement goal floor of 135,000 coho is established for stock sizes of up to 270,000 coho. Between stock sizes of 270,000 and 400,000, the spawning escapement goal will be one-half of the estimated stock size. For stock sizes above 400,000, the escapement goal will be 200,000 coho salmon.

Two alternate methods of estimating the abundance of coho salmon south of Leadbetter Point, Washington, have been employed in recent years. One

method, recommended by the ODFW was used in 1985 and 1986 and is known as the "partitioning method." The partitioning method is being refined by ODFW and will be evaluated by Council advisors early in 1987. Another method of estimating coho abundance, the Oregon Production (OPI) method, is described in the framework regulations (49 FR 43686–43687, October 31, 1984).

The amendment deletes the description of methodology to estimate OPI coho abundance. Instead, with advice from its scientific advisors, the Council will choose the best scientific methodology to estimate OCN coho abundance each year. The resulting OCN coho abundance estimate will be the basis for determining the allowable harvest and the escapement goal for the upcoming season.

Amendment Issue 2—Inseason Management Flexibility

The amendment increases the flexibility of the framework inseason management provisions.

The 1984 framework amendment provided authority to make certain inseason modifications to ocean salmon regulations when necessary to facilitate meeting the objectives of the FMP. Numerous incidents arose during the first season under these inseason management provisions when the Council, its advisors, or the States recommended an inseason change which could not be implemented. Several of the framework provisions were too narrow in scope, and others were unclear as to what modifications could be made under them.

As a result, the Council recommended that increased inseason management flexibility be tested during the 1986 season. An emergency rule similar to that being proposed in the amendment was implemented (51 FR 18451, May 20, 1986), and proved to be more responsive to the changing biological, social, and economic conditions of the fishery.

Under the revised inseason management authority contained in the amendment, increased management flexibility is achieved by authorizing any inseason regulatory change so long as specified factors are considered and the adjustment is consistent with Ocean escapement goals, conservation of the salmon resource, any adjudicated Indian fishing rights, and the ocean allocation scheme in the FMP. The provision to adjust abundance estimates in season was included in the option recommended by the Council in case accepted methodology to do so becomes available.

Although consultation with fishery participants prior to taking inseason action is not required by this rule, State and federal manageers have indicated publicly that they will continue to consult with user representatives prior to making inseason adjustments.

Amendment Issue 3—Allocation of Coho Salmon South of Cape Falcon, Oregon

The amendment modifies the allocation scheme for coho salmon south of Cape Falcon, Oregon, originally established in 1984 by the framework amendment.

The framework allocation schedule has become increasingly controversial due primarily to the relatively low abundance of coho salmon in the OPI area south of Leadbetter Point, Washington, in recent years, and the disastrous effect this decreased abundance has had on the economy of coastal communities. As a result, in May 1985 the Oregon Fish and Wildlife Commission (OFWC) commissioned a study of the economic aspects of the recreational/commercial allocation of coho salmon in the ocean fisheries. An Augsut 1985 progress report on the economic study concluded "that a reasonable reallocation of the allowable cocho catch from commercial to recreational could significantly increase coastal community income, provided wise choices are made about the accompanying regulations and coho stock sizes increase above the depressed levels recently experienced." On January 24, 1986, following extensive public review of the report, the OFWC urged fishery participants to develop a new allocation schedule which would more adequately reflect the socio-economic needs of the coastal communities and the user groups.

A revised allocation was negotiated subsequently by commerical and recreational representatives and adopted by the OFWC. It forms the basis of the revised allocation scheme in the seventh amendment.

The new allocation schedule provides that sufficient coho will be allocated to the commerical fishery at low stock levels to provide for incidental hooking mortality in a commerical all-salmon-except-coho fishery. An allowance for incidental coho mortality in the commerical all-salmon-except-coho fishery will have priority in the allocation scheme.

The new allocation schedule also increases the likelihood that recreational fisheries south of Cape Falcon will complete their established seasons by increasing the recreational share of allowable harvest.

Under the amendment, commerical and recreational seasons and coho quotas will be established preseason. The coho quotas will be calculated from the modified allocation schedule. Near the first of August each year, fishery managers will estimate the number of coho salmon needed to complete the recreational seasons and reallocate any unneeded recreational fish to the commercial fishery ("roll-over provision"). Transfers between the commerical and recreational fisheries south of Cape Falcon, Oregon, other than the "roll-over provision," are not authorized.

Classification

Section 304(a)(1)(C)(ii) of the Magnuson Act requires the Secretary to publish regulations proposed by a Council within 230 days of receipt of the FMP amendment and regulations. At this time, the Secretary has not determined that the FMP amendment this rule would implement is consistent with the national standards, other provisions of the Magnuson Act, and other applicable law. The Secretary, in making that determination, will take into account the data, views, and comments received during the comment period on the proposed rule.

The Council prepared an environmental assessment for this amendment and concluded that there will be no significant impact on the environment as a result of this rule. The enviornmental assessment is part of the seventh amendment and may be obtained from the Council at the address listed above.

The NOAA Administrator had determined that this proposed rule is not a "major rule" requiring a regulatory impact analysis under Executive Order 12291. This determination was based on analysis of the regulatory impact review (RIR) prepared for this rule. This proposed rule, if adopted, may have a significant economic impact on a substantial number of small businesses for purposes of the Regulatory Flexibility Act, and thus required an initial regulatory flexibility analysis (IRFA). The RIR/IRFA may be obtained from the Council at the address listed above. A summary of the economic impacts set forth below all apply to small business entities because this industry consist only of small entities.

Amendment Issue 1—Escapement Goal for Oregon Coastal Natural (OCN) Coho Salmon—A scenario of low OCN coho abundance compared to other OPI stocks was utilized to estimate the difference in socio-economic benefits between options. Under this scenario, net economic benefits of $1,112,000 to $1,234,000 were estimated. Details of the

increases or decreases by specific fishery are provided in the RIR/IRFA.

Amendment Issue 2—Inseason Management Flexibility—The options were analyzed with respect to the impacts on management costs and opportunities to provide more effective utilization of available harvest. The selected option 2 provides the greatest potential for shaping fisheries to obtain the maximum benefits inseason. While both options may result in similar or slightly highter inseason management costs compared to the status quo, the need for costly FMP amendments would be reduced.

Amendment Issue 3—Allocation of Coho Salmon South of Cape Falcon, Oregon—The estimated change in net economic value resulting from the adoption of a revised allocation schedule depends on the increase in recreational allocation of a range of total available harvests and the degree of utilization of the additional allocation. An increase in net economic value from $295,000 to $3,080,000 was calculated. The amount of personal income generated in coastal communities would follow a similar trend.

This proposed rule is exempt from the procedures of Executive Order 12291 under section 8(a)(2) of that order. Deadlines imposed under the Magnuson Act, as amended by Pub. L. 97–453, require the Secretary to publish this proposed rule within 30 days of its receipt. The proposed rule is being reported to the Director, Office of Management and Budget, with an explanation of why it is not possible to follow procedures of the order.

This rule does not contain a collection of information requirement for purposes of the Paperwork Reduction Act.

The Council determined that this rule will be implemented in a manner that is consistent to the maximum extent practicable with the approved coastal zone management programs of the States of Washington, Oregon, and California, and the San Francisco Bay Conservation and Development Commission (Commission). NMFS has submitted this determination for review by the responsible state agencies and the San Francisco Bay Commission under section 307 of the Coastal Zone Management Act.

List of Subjects in 50 CFR Part 661

Fisheries, Indians.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: November 19, 1986.

James E. Douglas, Jr.,

Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service.

For the reasons set forth in the preamble, 50 CFR Part 661 is proposed to be revised to read as follows:

PART 661—[AMENDED]

1. The authority citation for Part 661 continues to read as follows:

Authority: 16 U.S.C. 1801 *et seq.*

2. In § 661.20, the introductory text of paragraph (a) is revised to read as follows:

§ 661.20 Annual actions.

(a) The Secretary will annually establish or, as necessary, adjust management specifications for the commercial, recreational, and treaty Indian fisheries by publishing a notice in the **Federal Register** under § 661.23. Management specifications may include allowable ocean harvest levels (including quotas), allocations, management boundaries and zones, minimum size limits, gear definitions, seasons, and selective fisheries for each fishery and may be specified as follows:

* * * * *

3. In § 661.21, paragraph (b) is revised to read as follows:

§ 661.21 Inseason actions.

* * * * *

(b) *Flexible inseason management provisions.* (1) Flexible inseason management provisions include, but are not limited to, the following:

(i) Modification of quotas and/or fishing seasons.

(ii) Modifications in the species which may be caught and landed during specific seasons and the establishment or modification of limited retention regulations.

(iii) Changes in recreational bag limits and recreational fishing days per calendar week.

(iv) Establishment or modification of gear restrictions.

(v) Modification of boundaries, including landing boundaries, and establishment of closed areas.

(2) The procedures for development and implementation of flexible inseason management provisions are described in § 661.23 and in the Appendix to this Part, Section III.

4. In the Appendix, paragraph II.B.1(a) is revised to read as follows:

APPENDIX

* * * * *

II. Annual Changes to Management Specifications

* * * * *

B. *Procedures for Establishing and Adjusting Annual Management Measures.* 1. Allowable ocean harvest levels and quotas.

* * * * *

(a) *Coho south of Leadbetter Point.* A preseason estimate will be made each year of the Oregon coastal natural coho salmon stock size, using the best scientific information and methodology available as determined by the Council.

5. In the Appendix, paragraphs II.B.2(b)(i) and (b)(iii) are revised, paragraph II.B.2(b)(ii) is redesignated as paragraph (b)(iv), and a new paragraph II.B.2(b)(iii) is added to read as follows:

APPENDIX

* * * * *

II. * * *

* * * * *

B. * * *

2. Allocation of Ocean harvest levels.

* * * * *

(b) *Coho south of Cape Falcon.* (i) The following allocation schedule will be used in determining presason allocation shares of coho salmon south of Cape Falcon, Oregon. The respective shares may be altered inseason if coho surplus to completing the recreational season are reallocated to the commercial fishery in accordance with paragraph 2(b)(iii) of this section below.

Allowable ocean harvest (thousands of fish)	Commercial		Recreational	
	Number (thousands)	Percentage	Number (thousands)	Percentage
2,700	2,230	82.6	470	17.4
2,600	2,140	82.3	460	17.7
2,500	2,050	82.0	450	18.0
2,400	1,960	81.7	440	18.3
2,300	1,870	81.3	430	18.7
2,200	1,780	80.9	420	19.1
2,100	1,690	80.5	410	19.5
2,000	1,600	80.0	400	20.0
1,900	1,510	79.5	390	20.5
1,800	1,420	78.9	380	21.1
1,700	1,330	78.2	370	21.8
1,600	1,240	77.5	360	22.5
1,500	1,150	76.7	350	23.3
1,400	1,060	75.7	340	24.3
1,300	970	74.6	330	25.4
1,200	880	73.3	320	26.7
1,100	790	71.8	310	28.2
1,000	700	70.0	300	30.0
900	610	67.8	290	32.2
800	520	65.0	280	35.0
700	434	62.0	266	38.0
600	348	58.0	252	42.0
500	262	52.4	238	47.6
400	176	44.0	224	56.0
350	133	38.0	217	62.0
300	100	33.3	200	66.7
200	33	[1] 16.5	[1] 167	[1] 83.5
100	[1]	[1]	[1]	[1]

[1] An incidental coho allowance associated with any commercial all-salmon-except-coho fishery will be deducted from the recreational share during periods of low stock abundance when the troll allocation of coho under the schedule would be insufficient to allow for incidental hooking mortality of coho during a troll all-salmon-except-coho fishery.

(ii) The allocation schedule is based on the following formula.

(*A*) Up to 350,000 allowable ocean harvest: the first 150,000 fish will be allocated to the recreational fishery. Additional fish will be allocated 66.7 percent to troll and 33.3 percent to recreational. The incidental coho mortality for a commercial all-expert-coho fishery will be deducted from the troll allocation. If the troll allocation is insufficient for this purpose, the remaining number of coho needed for this estimated incidental coho mortality will be deducted from the recreational share.

(*B*) From 350,000 to 800,000 allowable ocean harvest: the recreational allocation is equal to 14 percent of the allowable harvest above 350,000 fish, plus 217,000 fish. The remainder of the allowable ocean harvest will be allowable to the troll fishery.

(*C*) Above 800,000 allowable ocean harvest: the recreational allocation is equal to 10 percent of the allowable harvest above 800,000 fish, plus 280,000 fish. The remainder of the allowable ocean harvest will be allocated to the troll fishery.

(*D*) The above formula will be used to interpolate between allowable harvest levels shown in the table above.

(iii) On or about August 1 each year, the Salmon Plan Development Team will estimate the number of coho salmon needed to complete the recreational seasons. Any coho salmon allocated to the recreational fishery which are not needed to complete the recreational seasons will be reallocated to the commercial fishery.

* * * * *

6. In the Appendix, the heading of section III.B. is revised to read "General procedures for flexible inseason management provisions" and paragraph III.B.1 is revised to read as follows:

APPENDIX

* * * * *

III. Inseason Changes to Management Measures

* * * * *

B. *General procedures for flexible inseason management provisions.* 1. Fishery managers must determine that any inseason adjustment in management measures is consistent with fishery regimes established by the U.S.-Canada Pacific Salmon Commission, ocean escapement goals, conservation of the salmon resource, and adjudicated Indian fishing rights, and the ocean allocation scheme in the FMP. In addition, all inseason adjustments will be based on consideration of the following factors:

(a) Predicted sizes of salmon runs;

(b) Harvest quotas and hooking mortality limits for the area and total allowable impact limitations if applicable;

(c) Amount of the recreational, commercial, and treaty Indian catch for each species in the area to date;

(d) Amount of recreational, commercial, and treaty Indian fishing effort in the area to date;

(e) Estimated average daily catch per fisherman;

(f) Predicted fishing effort for the area to the end of the scheduled season; and

(g) Other factors as appropriate.

* * * * *

7. In the Appendix, the introductory text of paragraph III.B.2 is revised to read as follows:

APPENDIX

* * * * *

III. * * *

* * * * *

B. * * *

2. For those actions taken during the season, the following procedures will be followed:

* * * * *

8. In the Appendix, sections, III. C through III. F are removed.

9. In Appendix section IV, the table entitled "Summary of Specific Management Goals for Stocks in the Salmon Management Unit" is revised to read as follows:

SUMMARY OF SPECIFIC MANAGEMENT GOALS FOR STOCKS IN THE SALMON MANAGEMENT UNIT

System	Spawning [1] escapement goal	Rebuilding schedule
Sacramento Fall Chinook [2]	Range of 122–180,000 for natural and hatchery	
Klamath Fall Chinook	97,500 natural; 17,500 hatchery	Achieve in-river run sizes (natural and hatchery continued) as follows: 1983–86—68,900 1987–90—82,700 1991–94—99,200 1995–98—[3] 115,000+
Oregon Coastal Chinook	150–200,000 natural	
Columbia River Chinook:		
Upper River Fall	40,000 bright adults above McNary Dam	
Upper River Summer	80,000 adults above Bonneville	
Upper River Spring	100–200,000 adults above Bonneville	
Upper River Spring (Willamette)	30–35,000	
Columbia River and Oregon Coastal Coho	Oregon coastal natural (OCN) coho spawning escapement goal is based on OCN coho stock abundance. See footnote 4, below	
Puget Sound Pink	900,000 natural	
Lake Washington Sockeye [5]	300,000 to Lake Washington	
Columbia River Sockeye [5]	80,000 over Priest Rapids	

[1] Represents adult natural spawning escapement goal for viable natural stocks or adult hatchery return goal for stocks managed for artificial production

[2] The Sacramento River escapement goal is presented as a range within which annual escapements can be expected to vary. Achieving the upper end of the range, especially for the up-river chinook stocks, will be contingent upon solving the problems associated with the Red Bluff Diversion Dam.

[3] The long-term Klamath River escapement goals of 115,000 chinook is spawning escapement to which in-river harvest must be added to calculate the ocean escapement goal.

[4] Achieve escapement of OCN coho natural spawning stocks as follows:

Estimated stock size	Spawning escapement goal
Up to 270,000	135,000.
270,000 to 400,000	One-half of stock size.
Over 400,000	200,000.

[5] These stocks represent a negligible component of the Washington ocean harvest.

[FR Doc. 86-26464 Filed 11-19-86; 4:38 pm]

BILLING CODE 3510-27-M

Notices

Federal Register
Vol. 51, No. 226
Monday, November 24, 1986

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF COMMERCE

Agency Forms Under Review by the Office of Management and Budget (OMB)

DOC has submitted to OMB for clearance the following proposals for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: National Oceanic and Atmospheric Administration.
Title: Survey of Inshore Shrimp Fishery in the Gulf of Mexico.
Form Number: Agency—N/A; OMB—0648–0171.
Type of Request: Extension of the expiration date of a currently approved collection.
Burden: 300 respondents; 230 reporting hours.
Needs and Uses: The U.S. shrimp fishery in the Gulf of Mexico has been in a depressed state during the last several years. Data collected will be used to refine management strategies for this fishery.
Affected Public: Businesses or other for-profit institutions; small businesses or organizations.
Frequency: One background interview and a monthly intercept survey.
Respondent's Obligation: Voluntary.
OMB Desk Officer: Sheri Fox, 395–3785.

Agency: National Oceanic and Atmospheric Administration.
Title: Survey of Intent and Capacity to Harvest and Process Fish and Shellfish.
Form Number: Agency—N/A; OMB—0648–0114.
Type of Request: Extension of the expiration date of a currently approved collection.
Burden: 215 respondents; 42 reporting hours.
Needs and Uses: Assessments are made of the U.S. fishing industry's intent and capacity to harvest and process fish and shellfish. Results are used to establish allocations of fishery resources among users and in determining the impact of management measures.
Affected Public: Businesses or other for-profit institutions; small businesses or organizations.
Frequency: Semi-annually; annually.
Respondent's Obligation: Mandatory.
OMB Desk Officer: Sheri Fox, 395–3785.

Copies of the above information collection proposals can be obtained by calling or writing DOC Clearance Officer, Edward Michals, (202) 377–4217, Department of Commerce, Room 6622, 14th and Constitution Avenue NW., Washington, DC 20230.

Written comments and recommendations for the proposed information collections should be sent to Sheri Fox, OMB Desk Officer, Room 3235, New Executive Office Building, Washington, DC 20503.

Dated: November 18, 1986.

Edward Michals,

Departmental Clearance Officer, Information Management Division Management.

[FR Doc. 86–26414 Filed 11–21–86; 8:45 am]

BILLING CODE 3510–CW–M

Agency Form Under Review by the Office of Management and Budget (OMB)

DOC has submitted to OMB for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: National Technical Information Service.
Title: Assessment of the Foreign Technical Information Market in the United States; Follow-up Questionnaire.
Form Number: Agency—N/A; OMB—0605–0017.
Type of Request: Revision of currently approved collections.
Burden: 9,400 respondents; 4,700 reporting hours.
Needs and Uses: This survey is aimed at individuals who responded to a previous questionnaire and who have been exposed to NTIS' foreign technical information resources. The results of this survey will determine whether foreign information available from NTIS has been useful, what difficulties have been encountered in using foreign information, and suggestion to improve the format for presenting foreign information.
Affected Public: State or local governments; businesses or other for-profit institutions; federal agencies or employees; non-profit institutions; small businesses or organizations.
Frequency: One-time.
Respondent's Obligation: Voluntary.
OMB Desk Officer: Timothy Sprehe, 395–4814.

Copies of the above information collection proposal can be obtained by calling or writing DOC Clearance Officer, Edward Michals, (202) 377–4217, Department of Commerce, Room 6622, 14th and Constitution Avenue NW., Washington, DC 20230.

Written comments and recommendations for the proposed information collection should be sent to Timothy Sprehe, OMB Desk Officer, Room 3235, New Executive Office Building, Washington, DC 20503.

Dated: November 19, 1986.

Ed Michals,

Departmental Clearance Officer, Information Management Division, Office of Information Resources Management.

[FR Doc. 86–26415 Filed 11–21–86; 8:45 am]

BILLING CODE 3510–CW–M

International Trade Administration

[A–122–020]

Pig Iron From Canada; Final Results of Antidumping Duty Administrative Review

AGENCY: International Trade Administration/Import Administration/Commerce.

ACTION: Notice of final results of antidumping duty administrative review.

SUMMARY: On August 14, 1986, the Department of Commerce published the preliminary results of its administrative review and tentative determination to revoke in part the antidumping finding on pig iron from Canada. The review covers one manufacturer and/or exporter of this merchandise to the United States and the period July 1, 1983 through June 30, 1985.

We gave interested parties an opportunity to comment on the preliminary results and tentative determination to revoke in part. We received no comments. Based on our analysis, the final results of review are

unchanged from those presented in the preliminary results.

EFFECTIVE DATE: November 24, 1986.

FOR FURTHER INFORMATION CONTACT: Americo A. Tadeu or John R. Kugelman, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone: (202) 377–5255/3601.

SUPPLEMENTARY INFORMATION:

Background

On August 14, 1986, the Department of Commerce ("the Department") published in the **Federal Register** (51 FR 29142) the preliminary results of its administrative review and tentative determination to revoke in part the antidumping finding on pig iron from Canada (36 FR 1370, July 24, 1971). We began this review under our old regulations. After the promulgation of our new regulations, one respondent, Dofasco, Inc., requested in accordance with § 353.53a(a) of the Commerce Regulations that we complete the administrative review. We have now completed the administrative review in accordance with section 751 of the Tariff Act of 1930 ("the Tariff Act").

Scope of the Review

Imports covered by the review are shipments of pig iron, which is used in steel production and in the iron foundry industry for making iron castings such as pipe, automobile castings, and machine parts. Pig iron is currently classifiable under items 606.1300 and 606.1500 of the Tariff Schedules of the United States Annotated.

The review covers one manufacturer and/or exporter of Canadian pig iron to the United States and the period July 1, 1983 through June 30, 1985.

Final Results of the Review

We invited interested parties to comment on the preliminary results and tentative determination to revoke in part. We received no comments or requests for a hearing. Based on our analysis, the final results of our review are unchanged from those we presented in the preliminary results. We determine that no margin exists for Dofasco, Inc. for the period July 1, 1983 through June 30, 1985.

Further, as provided for in section 751(a)(1) of the Tariff Act, since there was no margin the Department shall not require a cash deposit of estimated antidumping duties for Dofasco, Inc. For any shipments from the remaining four known manufacturers and/or exporters not covered by this review, the cash deposit will continue to be at the rates published in the final results of the last administrative review for each of those firms (50 FR 11003, March 19, 1985). For any shipments from a new exporter not covered by this or prior administrative reviews, whose first shipments of Canadian pig iron occurred after June 30, 1985, and who is unrelated to Dofasco, Inc., or any other previously reviewed firm, no cash deposit shall be required. These deposit requirements are effective for all shipments of Canadian pig iron entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice and shall remain in effect until publication of the final results of the next administrative review.

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 § 353.53a of the Commerce Regulations (19 CFR 353.53a).

Dated: November 19, 1986.

Gilbert B. Kaplan,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 86–26468 Filed 11–21–86; 8:45 am]

BILLING CODE 3510-DS-M

National Oceanic and Atmospheric Administration

Marine Mammals; Application for Permit; Mr. Nelio B. Barros and Dr. Daniel K. Odell (P38B)

Notice is hereby given that an Applicant has applied in due form for a Permit to take marine mammals as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407), and the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216).

1. Applicant: Mr. Nelio B. Barros and Dr. Daniel K. Odell, Division of Biology and Living Resources, Rosenstiel School of Marine and Atmospheric Science, University of Miami, 4600 Rickenbacker Causeway, Miami, Florida 33149.

2. Type of Permit: Scientific Research.

3. Name and Number of Marine Mammals:

Tucuxi (*Sotalia fluviatilis*) 1 skull & stomach contents

Southern bottlenose dolphin (*Tursiops truncatus*) 1 skull.

4. Type of Activity: Importation for scientific research

5. Present Location of Specimens: Natural History Museum of Curitiba, Parana, Brazil.

6. Period of Activity: 2 Years.

Concurrent with the publication of this notice in the **Federal Register**, the Secretary of Commerce is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors.

Written data or views, or requests for a public hearing on this application should be submitted to the Assistant Administrator for Fisheries, National Marine Fisheries Service, U.S. Department of Commerce, Washington, DC 20235, within 30 days of the publication of this notice. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular application would be appropriate. The holding of such hearing is at the discretion of the Assistant Administrator for Fisheries.

All statements and opinions contained in this application are summaries of those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

Documents submitted in connection with the above application are available for review by interested persons in the following offices:

Office of Protected Species and Habitat Conservation, National Marine Fisheries Service, 1825 Connecticut Avenue NW., Room 805, Washington, DC;

Director, Southeast Region, National Marine Fisheries Service, 9450 Koger Boulevard, St. Petersburg, Florida 33702.

Dated: November 17, 1986.

William E. Evans,

Assistant Administrator for Fisheries, National Marine Fisheries Service.

[FR Doc. 86–26372 Filed 11–21–86; 8:45 am]

BILLING CODE 3510-22-M

[Modification No. 4 to Permit No. 347]

Marine Mammals Permit Modification; Southwest Fisheries Center

Notice is hereby given that pursuant to the provisions of §§ 216.33 (d) and (e) of the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216), Scientific Research Permit No. 347 issued to the Southwest Fisheries Center, National Marine Fisheries Service, P.O. Box 271, La Jolla, California 92038, on July 25, 1981 (46 FR 38950), as modified on February 7, 1983 (48 FR 6381), September 1, 1983 (48 FR 40933), and January 28, 1986 (51 FR 4409), is further modified as follows:

Section A.1 is deleted and replaced by:

"1. Up to 5100 California sea lions (*Zalophus californianus*) may be taken for mark/recapture studies as described in the application and modification request."

Section B.5 is deleted and replaced by:

"5. This permit is valid with respect to the activities authorized herein until December 31, 1988."

This modification became effective on November 17, 1986.

The Permit, as modified, and documentation pertaining thereto are available for review in the following offices:

Protected Species Division, National Marine Fisheries Service, 1825 Connecticut Avenue, Room 805, Washington, DC; and

Director, Southwest Region, National Marine Fisheries Service, 300 South Ferry Street, Terminal Island, California 90731.

Dated: November 17, 1986.

William E. Evans,

Assistant Administrator for Fisheries, National Marine Fisheries Service.

[FR Doc. 86-26390 Filed 11-21-86; 8:45 am]

BILLING CODE 3510-22-M

Patent and Trademark Office

Advisory Committee for Patents and Trademarks; Establishment

In accordance with the provisions of the Federal Advisory Committee Act (5 U.S.C. App. 2.) and General Services Administration Interim Rule on Federal Advisory Committee Management, 41 CFR Part 101-6, as amended, and after consultation with GSA, the Secretary of Commerce has determined that the establishment of the Advisory Committee for Patents and Trademarks is in the public interest in connection with the performance of duties imposed on the Department by law.

1. The Committee will advise the Patent and Trademark Office on broad policy issues involving both patents and trademarks, and the overall operation of the Office including matters concerning office-wide Automation programs.

2. The Committee will consist of at least 10 but no more than 18 members to be appointed by the Assistant Secretary and Commissioner of Patents and Trademarks to assure a balanced representation among patent and trademark attorneys, corporate executives, technical research directors, inventors, the judiciary, professional patent and trademark searchers, information specialists and publishers, automation experts, consumer groups, entrepreneurs, and educators. The Committee will function solely as an advisory body and in compliance with the provisions of the Federal Advisory Committee Act. Its charter will be filed under the Act, 15 days from the date of the publication of this notice.

Interested persons are invited to submit comments regarding the establishment of the Advisory Committee for Patents and Trademarks. Such comments, as well as any inquiries, may be addressed to the Executive Assistant to the Assistant Secretary and Commissioner of Patents and Trademarks, U.S. Department of Commerce, Washington, DC 20231, phone: 703-557-3071, or the Department's Committee Management Analyst, phone: 202-377-4217.

Dated: November 14, 1986.

Donald J. Quipp,

Assistant Secretary and Commissioner of Patents and Trademarks.

[FR Doc. 86-26451 Filed 11-21-86; 8:45 am]

BILLING CODE 3510-16-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Adjusting the Import Limit for Certain Cotton Textile Products Produced or Manufactured in India

November 18, 1986.

The Chairman of the Committee for the Implementation of Textile Agreements (CITA), under the authority contained in E.O. 11651 of March 3, 1972, as amended, has issued the directive published below to the Commissioner of Customs to be effective on November 18, 1986. For further information contact Ann Fields, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 377-4212. For information on the quota status of these limits, please refer to the Quota Status Reports which are posted on the bulletin boards of each Customs port. For information on embargoes and quota re-openings, please call (202) 377-3715.

Background

A CITA directive of February 14, 1986, as amended, which established import limits for specified categories of cotton, wool and man-made fiber textile products, including women's, girls' and infants' cotton blouses and shirts in Category 341, produced or manufactured in India and exported during the twelve-month period which began on January 1, 1986 and extends through December 31, 1986, was published in the **Federal Register** on February 20, 1986 (51 FR 6159).

Under the terms of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of December 21, 1986, as amended, between the Governments of the United States and India the restraint limit for Category 341 is being increased 40,113, dozen, from 2,275,411 dozen to 2,315,524 dozen, for the current agreement year to account for carryforward applied to the 1985 agreement year that was charged to the limit for the current year but was not used.

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on December 13, 1982 (47 FR 55709), as amended on April 7, 1983 (48 FR 15175), May 3, 1983 (48 FR 19924), December 14, 1983, (48 FR 55607), December 30, 1983 (48 FR 57584), April 4, 1984 (49 FR 13397), June 28, 1984 (49 FR 26622), July 16, 1984 (49 FR 28754), November 9, 1984 (49 FR 44782), July 1986 (51 FR 25386) and in Statistical Headnote 5, Schedule 3 of the TARIFF SCHEDULES OF THE UNITED STATES ANNOTATED (1986).

William H. Houston III,

Chairman, Committee for the Implementation of Textiles Agreements.

Committee for the Implementation of Textiles Agreements

November 18, 1986.

Commissioner of Customs,
Department of the Treasury, Washington, DC 20229

Dear Mr. Commissioner: This directive further amends, but does not cancel, the directive of February 14, 1986, from the Chairman of the Committee for the Implementation of Textile Agreements, which established restraint limits for certain specified categories of textile products, produced or manufactured in India.

Effective on November 18, 1986, the directive of February 14, 1986 is hereby amended to increase the previously established restraint limit for cotton textile products in Category 341 to 2,315,524 doxen [1] under the terms of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of December 21, 1982, and amended.[2]

The Committee for the Implementation of Textile Agreements has determined that this action falls within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553.

Sincerely,

William H. Houston III,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 86-26378 Filed 11-21-86; 8:45 am]

BILLING CODE 3510-DR-M

[1] The limit has not been adjusted to account for any imports exported after December 31, 1985.

[2] The bilateral agreement provides, in part, that: (1) Certain group and specific limits may be exceeded by designated percentages for swing, carryover and carryforward, and (2) administrative arrangements or adjustments may be made to resolve minor problems arising in the implementation of the agreement.

Adjustment of Import Restraint Limits for Certain Man-Made Fiber Textile Products Produced or Manufactured in Romania

November 18, 1986.

The Chairman of the Committee for the Implementation of Textile Agreements (CITA), under the authority contained in E.O. 11651 of March 3, 1972, as amended, has issued the directive published below to the Commissioner of Customs to be effective on November 25, 1986. For further information contact Kathryn Cabral, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce (202) 377–4212. For information on the quota status of these limits, please refer to the Quota Status Reports which are posted on the bulletin boards of each Customs port. For information on embargoes and quota re-openings, please call (202) 377–3715.

Background

On December 26, 1985 a notice was published in the **Federal Register** (50 FR 52829), which announced import restraint limits for man-made fiber textile products in Categories 604 and 635, produced or manufactured in Romania and exported during the twelve-month period which began on January 1, 1986 and extends through December 31, 1986. In accordance with the terms of the Bilateral Wool and Man-Made Fiber Textile Agreement on November 7 and 16, 1984, and at the request of the Socialist Republic of Romania, swing and carryforward are being applied to the restraint limit previously established for man-made fiber textile products in Category 604, increasing it from 3,005,163 pounds to 3,395,834 pounds, for the current agreement year. The limit for Category 635 is being reduced from 52,677 dozen to 31,794 dozen to account for swing being applied to Category 604. In the letter published below, the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs to adjust the restraint limits previously established for Categories 604 and 635.

A description of the cotton, wool and man-made fiber textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on December 13, 1982 (47 FR 55709), as amended on April 7, 1983 (48 FR 15175), May 3, 1983 (48 FR 19924), December 14, 1983 (48 FR 55607), December 30, 1983 (48 FR 57584), April 4, 1984 (49 FR 13397), June 28, 1984 (49 FR 26622), July 16, 1984 (49 FR 28754), November 9, 1984 (49 FR 44782), and in Statistical Headnote 5, Schedule 3 of the TARIFF SCHEDULES OF THE UNITED STATES ANNOTATED (1986).

William H. Houston III,

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

November 18, 1986.

Commissioner of Customs,
Department of the Treasury, Washington, DC 20229

Dear Mr. Commissioner: This directive further amends, but does not cancel, the directive issued to you on December 20, 1985 by the Chairman, Committee for the Implementation of Textile Agreements, concerning imports into the United States of certain wool and man-made fiber textile products, produced or manufactured in the Socialist Republic of Romania and exported during 1986.

Effective on November 25, 1986, the directive of December 20, 1986 is hereby further amended to adjust the previously established limits for man-made fiber textile products in Categories 604 and 635, as provided under the terms of the bilateral agreement of November 7 and 16, 1984:[1]

Category	Adjusted 1986 limit [1]
604	3,395,834 pounds.
635	31,794 dozen.

[1] The limits have not been adjusted to account for any imports exported after December 31, 1985.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

William H. Houston III,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 86–26379 Filed 11–21–86; 8:45 am]

BILLING CODE 3510-DR-M

Import Control Limits for Certain Cotton and Man-Made Fiber Textile Products Produced or Manufactured in Taiwan

November 18, 1986.

The Chairman of the Committee for the Implementation of Textile Agreements (CITA), under the authority contained in E.O. 11651 of March 3, 1972, as amended, has issued the directive published below to the Commissioner of Customs to be effective on November 25, 1986. For further information contact Kathy Davis, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce (202) 377–4212.

Background

In consultations held under the terms of the bilateral agreement of November 18, 1982, as amended, concerning cotton, wool and man-made fiber textile products, between representatives of the American Institute in Taiwan (AIT) and the Coordination Council for North American Affairs (CCNAA), the CCNAA agreed to limit shipments from Taiwan of man-made fiber coveralls and overalls in Category 659–C (only T.S.U.S.A. numbers 381.3325, 381.9805, 384.2205, 384.2530, 384.8606, 384.8607, and 384.9310) to 1,121,377 pounds during the agreement year which began on January 1, 1986 and extends through December 31, 1986. Accordingly, in the letter which follows this notice, the CITA Chairman directs the Commissioner of Customs to control imports at the agreed limit.

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on December 13, 1982 (47 FR 55709), as amended on April 7, 1983 (48 FR 15175), May 3, 1983 (48 FR 19924), December 14, 1983, (48 FR 55607), December 30, 1983 (48 FR 57584), April 4, 1984 (49 FR 13397), June 28, 1984 (49 FR 26622), July 16, 1984 (49 FR 28754), November 9, 1984 (49 FR 44782), and in Statistical Headnote 5, Schedule 3 of the Tariff Schedules of the United States Annotated (1986).

William H. Houston III,

Chairman, Committee for the Implementation of Textiles Agreements.

Committee for the Implementation of Textile Agreements

November 18, 1986.

Commissioner of Customs,
Department of the Treasury, Washington, DC 20229

Dear Mr. Commissioner: This directive further amends, but does not cancel, the directive of December 27, 1985 which directed you to prohibit entry of certain cotton, wool and man-made fiber textile products, produced or manufactured in Taiwan.

Effective on November 25, 1986, the directive of December 27, 1986 is hereby further amended to establish a level of 1,121,377 pounds [1] for man-made fiber textile products in Category 659–C [2] produced or manufactured in Taiwan and exported during the twelve-month period which began on January 1, 1986 and extends through December 31, 1986.

[1] The agreement provides, in part, that: (1) Specific limits may be increased for carryover and carryforward; consultations may be held to adjust levels for categories not subject to specific limits; and (2) administrative arrangements or adjustments may be made to resolve minor problems arising in the implementation of the agreement.

[1] The level has not been adjusted to account for any imports exported after December 31, 1985.

[2] In Category 659, only T.S.U.S.A. numbers 381.3325, 381.9805, 384.2205, 384.2530, 384.8606, 384.8607, and 384.9310.

Textile products in Category 659–C which have been exported to the United States prior to January 1, 1986 shall not be subject to this directive.

Textile products in Category 659–C which have been released from the custody of the U.S. Customs Service under the provisions of 19 U.S.C. 1448(b) or 1484(a)(1)(A) prior to the effective date of this directive shall not be denied entry under this directive.

The Committee for the Implementation of Textile Agreements has determined that this action falls within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553.

Sincerely,

William H. Houston III,

Chairman, Committee for the Implementation of Textiles Agreements.

[FR Doc. 86–26380 Filed 11–21–86; 8:45 am]

BILLING CODE 3510–DR–M

Establishing Import Restraint Limits for Certain Cotton, Wool and Man-Made Fiber Textile Products Produced or Manufactured in Colombia

November 19, 1986.

The Chairman of the Committee for the Implementation of Textile Agreements (CITA), under the authority contained in E.O. 11651 of March 3, 1972, as amended, has issued the directive published below to the Commissioner of Customs to be effective on November 25, 1986. For further information contact Janet Heinzen, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 377–4212. For information on the quota status of these limits, please refer to the Quota Status reports which are posted on the bulletin boards of each Customs port. For information on embargoes and quota re-openings, please call (202) 377–3715.

Background

The Governments of the United States and the Republic of Colombia have agreed to extend their expiring Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of July 1 and August 11, 1982, as amended, for six months, beginning on July 1, 1986 and extending through December 31, 1986. The agreement, as amended and extended, included limits for Categories 330–359, 431–459 and 630–659, as a group, and for individual Categories 313, 315, 338, 363, 433, 434, 435, 442, 443, 444, 448, 633, 641 and 666, produced or manufactured in Colombia and exported during the six-month period which began on July 1, 1986 and extends through December 31, 1986. The agreed limits for the foregoing categories have not been adjusted to account for any charges for imports during the restraint period. Such charges will be made to these limits as the data become available.

The bilateral agreement also provides for percentage increases in certain limits during an agreement year (swing) and for carryover of shortfalls from the previous agreement period (carryover). Under the terms of the bilateral agreement, and at the request of the Republic of Colombia, the restraint limits established for Categories 435, 442, 444 and 448 are being increased, variously, for swing and carryover, and a special increase granted, for the six-month restraint period. In addition, at the request of the Republic of Colombia, the consultation levels for Categories 338, 434 and 666 are being increased.

Accordingly, in the letter published below, the CITA Chairman directs the Commissioner of Customs to prohibit entry into the United States for consumption, or withdrawal from warehouse for consumption, of textile products in the group and individual limits which are in excess of the six-month limit which began on July 1, 1986 and extends through December 31, 1986.

A description of the cotton, wool and man-made fiber textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on December 13, 1982 (47 FR 55709), as amended on April 7, 1983 (48 FR 15175), May 3, 1983 (48 FR 19924), December 14, 1983 (48 FR 55607), December 30, 1983 (48 FR 57584), April 4, 1984 (49 FR 13397), June 28, 1984 (49 FR 26622), July 16, 1984 (49 FR 28754), November 9, 1984 (49 FR 44782), and in Statistical Headnote 5, Schedule 3 of the Tariff Schedules of the United States Annotated (1986).

This letter and the actions taken pursuant to it are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

William H. Houston III,

Chairman, Committee for the Implementation of Textile Agreements.

November 19, 1986.

Committee for the Implementation of Textile Agreements

Commissioner of Customs,
Department of the Treasury, Washington, DC 20229.

Dear Mr. Commissioner: Under the terms of section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854), and the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as further extended on July 31, 1986; pursuant to the bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of July 1 and August 11, 1982, as amended and extended, between the Governments of the United States and the Republic of Colombia; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended, you are directed to prohibit, effective on November 25, 1986, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton, wool and man-made fiber textile products in the following categories, produced or manufactured in Colombia and exported during the six-month period which began on July 1, 1986 and extends through December 31, 1986, in excess of the following restraint limits:

Category	6-mo. restraint limit[1]
330–359, 431–459, 630–659, as a group.	31,786,444 square yards equivalent.
313	7,813,452 square yards.
315	3,210,000 square yards.
338	111,111 dozen.
363	2,143,825 numbers.
433	3,606 dozen.
434	1,852 dozen.
435	5,191 dozen.
442	6,841 dozen.
443	6,176 dozen.
444	3,539 dozen.
448	5,836 dozen.
633	60,943 dozen.
641	114,111 dozen.
666	384,615 pounds.

[1] The limits have not been adjusted to account for any imports exported after June 30, 1986.

In carrying out this directive, entries of textile products listed in the table above, which have been exported during previously established restraint periods which ended on June 30, 1986, shall, to the extent of any unfilled balances, be charged against the established limits for such goods during those periods. In the event the limits established for those periods have been exhausted by previous entries, such goods shall be subject to the limits set forth in this directive. Charges will be provided in a separate directive.

The limits set forth above are subject to further adjustment in the future according to the provisions of the bilateral agreement between the Governments of the United States and Colombia, which provide, in part, that specific limits may be increased by designated percentages for swing, carryover and carryforward; and administrative arrangements or adjustments may be made to resolve problems arising in the implementation of the bilateral agreement. Appropriate adjustments, referred to above, will be made to you by letter.

A description of the cotton, wool and man-made fiber textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on December 13, 1982 (47 FR 55709), as amended on April 7, 1983 (48 FR 15175), May 3, 1983 (48 FR 19924), December 14, 1983 (48 FR 55607), December 30, 1983 (48 FR 57584), April 4, 1984 (49 FR 13397), June 28, 1984 (49 FR 26622), July 16, 1984 (49 FR 28754, November 9, 1984 (49 FR 44782), and in Statistical Headnote 5, Schedule 3 of the TARIFF SCHEDULES OF THE UNITED STATES ANNOTATED (1986).

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumpiton to include entry for consumption into the Commonwealth of Puerto Rico.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553 (a)(1).

Sincerely,

William H. Houston III,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 86-26466 Filed 11-21-86; 8:45]

BILLING CODE 3510-DR-M

Import Limits for Certain Cotton and Man-Made Fiber Textiles and Textile Products Produced or Manufactured in Thailand; Correction

November 19, 1986.

On November 6, 1986 a notice was published in the **Federal Register** (51 FR 40350), which announced import limits for cotton and man-made fiber textile products in Categories 300, 301, 611 and 669 pt. (polypropylene bags). The following paragraph should have been included as paragraph one in the letter to the Commissioner of Customs which followed that notice:

This directive cancels and supersedes the directive of August 13, 1986 and that portion of the directive of December 19, 1985 which established a sublimit of 4,822,912 pounds for cotton textile products in Category 301 pt. (only TSUSA numbers 300.6026 and 300.6028).

The limit established in the letter for man-made fiber textile products in Category 669 pt.[4] should be corrected to read "850,000 pounds."

William H. Houston III,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 86-26467 Filed 11-21-86; 8:45 am]

BILLING CODE 3510-DR-M

Bilateral Textile Consultations With the Government of the People's Republic of China Concerning Cotton, Wool and Man-Made Fiber Textile Products; Request for Public Comment; Correction

November 19, 1986.

The ninety-day restraint levels for Categories 330/630 and 435 in the letter to the Commissioner of Customs dated October 17, 1986 (51 FR 37471) should be corrected to 858,766 dozen for Category 330/630 and 3,669 dozen for Category 435.

William H. Houston III,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 86-26469 Filed 11-21-86; 8:45 am]

BILLING CODE 3510-DR-M

DEPARTMENT OF DEFENSE

Department of the Army

Army Science Board; Closed Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following Committee Meeting:

Name of the Committee: Army Science Board (ASB).

Dates of Meeting: Tues. & Wed., 9-10 December 1986.

Times of Meeting: 0830-1630 hours each day.

Place: U.S. Army Training & Doctrine Command, Ft. Monroe, VA.

Agenda: The Army Science Board Ad Hoc Subgroup for Army Analysis will meet for briefings by TRADOC Staff covering analytical support being provided to Army Materiel Acquisition Process. This meeting will be closed to the public in accordance with section 552b(c) of Title 5, U.S.C., specifically subparagraph (1) thereof, and Title 5, U.S.C., Appendix 1, subsection 10(d). The classified and nonclassified matters to be discussed are so inextricably intertwined so as to preclude opening any portion of the meeting. The ASB Administrative Officer, Sally Warner, may be contacted for further information at (202) 695-3039 or 695-7046.

Sally A. Warner,

Administrative Officer, Army Science Board.

[FR Doc. 86-26566 Filed 11-21-86; 8:45 am]

BILLING CODE 3710-08-M

Department of the Navy

Decision To Proceed With the North River Access at the Fleet Ballistic Missile Submarine Support Base, Kings Bay, GA

Pursuant to section 102(2)(C) of the National Environmental Policy Act (NEPA) of 1969 and the Council on Environmental Quality Regulations (40 CFR Part 1500), the U. S. Navy announces its decision to proceed with the North River Access restriction at the Fleet Ballistic Missile Submarine Support Base Kings Bay, Georgia.

The restriction consists of completing the security barrier for the southern perimeter of the Submarine Base, at the North River. Draft and Final Environmental Impact Statments (EISs) were filed with the Environmental Protection Agency (EPA) and the public on May 8, 1986 and September 12, 1986, respectively. Alternatives considered included "no action"; administrative closure; restricting access to various lengths of the North River; use of fixed, floating or gate barriers extending to different depths in the river; and using either barbed or plain wire beneath the water's surface. Alternatives which could not meet security requirements were subsequently eliminated from consideration. A floating barrier extending approximately 12 inches below the surface of the water across the river at a location 60-80 feet north of New Peter-Point Road bridge was the alternative selected.

This barrier would restrict surface traffic from entering the base while permitting the passage of wildlife, especially the Manatee, which is endangered species. The river barrier noted above will be installed in cooperation with U.S. Fish and Wildlife Service and the Georgia State Department of Natural Resources. Socioeconomic factors were evaluated as well as potential impacts to surface waters and land use. No significant short or long term impacts were identified as a result of the project except for the restriction to river traffic as noted.

Dated: November 18, 1986.

Harold L. Stoller,

CDR JAGC, USN, Federal Register Liaison Officer.

[FR Doc. 86-26358 Filed 11-21-86; 8:45 am]

BILLING CODE 3810-AE-M

Naval Research Advisory Committee; Closed Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C. App.), notice is hereby given that the Naval Research Advisory Committee Panel on Soviet Submarine Threat will meet on December 8, 1986 at the Pentagon, Room 5B725, Washington, DC. The meeting will commence at 9:00 A.M. and terminate at 3:00 P.M. on December 8, 1986. All sessions of the meeting will be closed to the public.

The purpose of the meeting is to assess the potential of U.S. defensive systems now in the pipeline to meet the Soviet submarine threat, as well as from an overall system approach, determine the major elements required to match the threat and recommend modifications, if required, to current Navy programs in order to maintain technological superiority. The agenda for the meeting will consist of technical briefings and discussions addressing the Soviet submarine threat. These briefings and discussions will contain classified information that is specifically authorized under criteria established by Executive order to be kept secret in the interest of national defense and is in fact properly classified pursuant to such Executive order. The classified and nonclassified matters to be discussed are so inextricably intertwined as to preclude opening any portion of the

meeting. Accordingly, the Secretary of the Navy has determined in writing that the public interest requires that all sessions of the meeting be closed to the public because they will be concerned with matters listed in section 552b(c)(1) of title 5, United States Code.

For further information concerning this meeting contact: Commander T.C. Fritz, U.S. Navy, Office of the Chief of Naval Research (Code OONR), 800 North Quincy Street, Arlington, VA 22217–5000, Telephone number (202) 696–4870.

Dated: November 17, 1986.

Harold R. Stoller,

Commander, JAGC, U.S. Navy, Federal Register Liaison Officer.

[FR Doc. 86–26359 Filed 11–21–86; 8:45 am]

BILLING CODE 3810-AE-M

Naval Research Advisory Committee; Closed Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C. App.), notice is hereby given that the Naval Research Advisory Committee Panel on Integrated Avionics for Advanced Aircraft and Aircraft Retrofit will meet on December 8–11, 1986. The meeting will be held at the Pentagon, Washington, DC on December 8 and 9; the Naval Air Development Center, Warminster, Pennsylvania on December 10; and the Wright-Patterson Air Force Base, Dayton, Ohio on December 11, 1986. The meeting will commence at 8:00 A.M. and terminate at 4:00 P.M. on December 8, 9, and 10; and commence at 8:00 A.M. and terminate at 1:00 P.M. on December 11, 1986. All sessions of the meeting will be closed to the public.

The purpose of the meeting is to define what is meant by integrated avionics, what new aircraft and avionics suites should be addressed, assess common service requirements, and determine if the magnitude of the problem necessitates the establishment of a separate joint program office. The agenda will include technical briefings and discussions addressing integrated avionics technologies of the services. These briefings and discussions will contain classified information that is specifically authorized under criteria established by Executive order to be kept secret in the interest of national defense and is in fact properly classified pursuant to such Executive order. The classified and nonclassified matters to be discussed are so inextricably intertwined as to preclude opening any portion of the meeting. Accordingly, the Secretary of the Navy has determined in writing that the public interest requires that all sessions of the meeting be closed to the public because they will be concerned with matters listed in section 552b(c)(1) of title 5, United States Code.

For further information concerning this meeting contact: Commander T.C. Fritz, U.S. Navy, Office of Naval Research (Code 100N), 800 North Quincy Street, Arlington, VA. 22217–5000, Telephone number (202) 696–4870.

Dated: November 17, 1986.

Harold R. Stoller, Jr.,

Commander, JAGC, U.S. Navy, Federal Register Liaison Officer.

[FR Doc. 86–26360 Filed 11–21–86; 8:45 am]

BILLING CODE 3810-AE-M

DEPARTMENT OF EDUCATION

Application Notice for New Awards Under Training Personnel for the Education of the Handicapped: State Education Agency Programs

AGENCY: Department of Education.

ACTION: Withdrawal notice.

SUMMARY: An application notice for fiscal year 1987 for the State Education Agency Program grants was published on July 14, 1986, at 51 FR 25388 as part of the application notice for grants under the Training Personnel for the Education of the Handicapped program. Subsequently, Congress passed, and the President signed, the Education of the Handicapped Act Amendments of 1986, Pub. L. 99–457. Pub. L. 99–457 amends section 632 by requiring that each State Education Agency receive a grant. This amendment changes the basis on which grants to State Education Agencies are awarded and, therefore, a new funding priority is necessary.

That part of the July 14, 1986, notice dealing with the State Education Agency Programs (84.029H) at 51 FR 25390, is withdrawn. A new notice regarding the State Education Agency Programs will be issued which is consistent with the amendment of section 632 by Pub. L. 99–457.

FOR FURTHER INFORMATION CONTACT: Frank S. King, Division of Personnel Preparation, Office of Special Education Programs, U.S. Department of Education, 400 Maryland Avenue, SW., Room 4625, Mary E. Switzer Building, Washington, DC 20202. Telephone: (202) 732–1086.

Program Authority: (20 U.S.C. 1432).

(Catalog of Federal Domestic Assistance No. 84.029H; State Education Agency Programs)

Dated: November 19, 1986.

Carol R. Inman,

Acting Assistant Secretary, Office of Special Education and Rehabilitative Services.

[FR Doc. 86–26450 Filed 11–21–86; 8:45 am]

BILLING CODE 4000-01-M

List of Applications Accepted for Review by Education Appeal Board

AGENCY: Department of Education.

ACTION: Notice of applications for review accepted for hearing by Education Appeal Board.

SUMMARY: This notice lists the applications for review accepted for hearing by the Education Appeal Board (Board) between July 24, 1986, and October 14, 1986. A summary of each appeal has been included to help potential intervenors. In addition, the notice explains how interested third parties may intervene in proceedings before the Board.

FOR FURTHER INFORMATION CONTACT: Ernest C. Canellos, Chairman, Education Appeal Board, 400 Maryland Avenue, SW. (Room 1065, FOB–6), Washington, D.C. 20202. Telephone: (202) 732–1756).

SUPPLEMENTARY INFORMATION: Under sections 451 through 454 of the General Education Provisions Act (20 U.S.C. 1234 *et seq.*), the Education Appeal Board has authority to conduct: (1) audit appeal hearings, (2) withholding, termination, and cease and desist hearings initiated by the Secretary of Education, and (3) other proceedings designated by the Secretary as being within the jurisdiction of the Board.

The Secretary has designated the Board as having jurisdiction over appeal proceedings related to final audit determinations, the withholding or termination of funds, and cease and desist actions for most grant programs administered by the Department of Education (ED). The Secretary also has designated the Board as having jurisdiction to conduct hearings concerning most ED-administered programs that involve: (a) a determination that a grant is void, (b) the disapproval of a request for permission to incur an expenditure during the term of a grant, or (c) determinations regarding cost allocation plans or special rates negotiated with specified grantees.

Regulations governing Board jurisdiction and procedures were published in the **Federal Register** on May 18, 1981, at 46 FR 27304 (34 CFR Part 78).

Applications Accepted

Appeal of the State of Indiana, Docket No.: 16(216)86, ACN: 05–65002

The State appealed a final letter of determination issued by the Assistant Secretary for Elementary and Secondary Education. The underlying audit reviewed the State's implementation and administration of Title IV of the Elementary and Secondary Education Act for a two year period ending June 30, 1983.

The Assistant Secretary sustained the auditor's findings that costs associated with the Title IV program were improperly charged to Federal grants after expiration of the statutory period of availability.

The Department seeks a refund of $574,192. The State disputes all liability.

Appeal of the State of Louisiana, Docket No.: 17(217)86, ACN: 06–62003

The State appealed a final letter of determination issued by the Division of Certification and Program Review.

The final letter of determination was based upon a Single System Audit of the State of Louisiana for the fiscal year ending June 30, 1984.

Specific program costs attributable to Chapter 2 of the Education Consolidation and Improvement Act of 1981 were disallowed because they did not solely or directly benefit the program.

The Department seeks a refund of $12,506. The State disputes liability in the amount of $12,500.

Appeal of the State of California, Docket No.: 18(218)86, ACN: 09–50284

The State appealed a final letter of determination issued by the Grants and Contracts Service. The underlying audit reviewed unemployment insurance charges to Federal grants during the period January 1, 1981, through June 30, 1984.

The final audit determination seeks to establish joint and several liability against the State and the California Employment Development Department which administers the unemployment compensation fund. The disallowance is based on an allegedly higher unemployment insurance contribution rate for employees of federally-funded programs than for employees of State-funded programs.

The Department requests a refund of $10,006,057. The State disputes this liability and questions the validity of the audit, the imposition of interest charges, and the authority of the Department to audit these funds.

Appeal of the Indiana State Library, Docket No.: 19(219)86, ACN: 05–65013

The Indiana State Library (the Library) appealed a final letter of determination issued by the Assistant Secretary for Educational Research and Improvement. The underlying audit reviewed the Library's administration of the Library Services and Construction Act program for the period between July 1, 1983, and June 30, 1985.

The Assistant Secretary disallowed expenses because specific salary and fringe benefits were not adequately documented.

The Department seeks a refund of $79,637. The Library disputes all liability.

Appeal of the State of Indiana, Docket No.: 20(220)86, ACN: 05–65006

The State appealed a final letter of determination issued by the Acting Regional Commissioner, Rehabilitation Services Administration. The underlying audit reviewed the administration of grant awards for the period between July 1, 1981, and June 30, 1983.

The Acting Regional Commissioner sustained the auditor's findings that the State had failed to maintain a quality assurance program in conjunction with the counselor performance evaluation and failed to maintain and establish policies to govern the rate of payment for all purchased vocational rehabilitation services.

The Department seeks a refund of $197,223. The State concedes $1,025, leaving $196,198 in dispute.

Appeal of Housing, Industry, Training, Inc., Docket No.: 22(222)86, ACN: 08–50490

Housing, Industry, Training, Inc. (HIT) of Mandan, North Dakota, appealed a final letter of determination issued by the Grants and Contracts Service (GCS). The underlying audit reviewed the grant allocations to the Center for Independent Living for the period of September 15, 1984, through June 30, 1986.

GCS disallowed certain costs associated with space rental and janitorial services.

The Department seeks a refund of $5,924. HIT disputes all liability.

Intervention

Regulations establishing intervention procedures for the Education Appeal Board in 34 CFR 78.43 provide that an interested person, group, or agency may, upon application to the Board Chairman, intervene in appeals before the Education Appeal Board.

An application to intervene must indicate to the satisfaction of the Board Chairman or, as appropriate, the Panel Chairperson, that the potential intervenor has an interest in, and information relevant to, the specific issues raised in the appeal. If an application to intervene is approved, the intervenor becomes a party to the proceedings.

Applications to intervene, or questions, should be addressed to Ernest C. Canellos, Chairman, Education Appeal Board, 400 Maryland Avenue, S.W. (Room 1065, FOB–6), Washington, D.C. 20202. Telephone: (202) 732–1756.

(20 U.S.C. 1234)

(Catalog of Federal Domestic Assistance No. not applicable)

Dated: November 19, 1986.

Peter R. Greer,

Deputy Under Secretary, Intergovernmental and Interagency Affairs.

[FR Doc. 86–26449 Filed 11–21–86; 8:45 am]

BILLING CODE 4000–01–M

DEPARTMENT OF ENERGY

Compliance With the National Environmental Policy Act; Notice of Project Termination and Cessation of Preparation of an Environmental Impact Statement

AGENCY: Department of Energy.

ACTION: Notice is hereby given that the Department of Energy (DOE) will not prepare and issue a final environmental impact statement (EIS) to assess the environmental impacts associated with construction and operation of a Central Waste Disposal Facility (CWDF) for low-level radioactive waste within the Oak Ridge reservation, in the environs of Oak Ridge, Tennessee. Plans for the project, as described in the draft EIS, have been terminated.

SUMMARY: In accordance with section 102(2)(C) of the National Environmental Policy Act (NEPA), as amended, the DOE prepared and issued a draft EIS (DOE/EIS–0110–D, September 1984) to assess the environmental implications of constructing and operating a CWDF for low-level radioactive waste within the Oak Ridge reservation near Oak Ridge, Tennessee. A notice of the availability of the draft EIS for agency and public comment and a notice of a public hearing with regard to the project were given in the **Federal Register** and local news media in September 1984.

Because of issues raised during the NEPA process and other contributing factors, the CWDF project has been canceled. Consequently, the DOE will not prepare and issue a final EIS for this action. The Department is considering new alternatives for disposal of the low-level waste and will prepare the appropriate NEPA document for the new proposed action. If an EIS is required,

the Department will issue a Notice of Intent.

All correspondence concerning the CWDF should be addressed to R.C. Sleeman, U.S. Department of Energy, Post Office Box E, Oak Ridge, Tennessee 37831.

General information on the NEPA process as followed by DOE may be obtained from Dr. Robert Stern, Office of Environmental Guidance, U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585.

Dated this 3d day of November at Washington, D.C.

Mary L. Walker,

Assistant Secretary, Environment, Safety and Health.

[FR Doc. 86-26393 Filed 11-21-86; 8:45 am]

BILLING CODE 6450-01-M

Economic Regulatory Administration

Patton Oil Co.; Proposed Consent Order

AGENCY: Economic Regulatory Administration, Department of 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 for $1,100,742.17 with Patton Oil Co., and provides an opportunity for public comment on the terms and conditions of the proposed Consent Order.

DATE: November 10, 1986.

Comments by: December 24, 1986.

ADDRESS: Send comments to Patton Oil Co., Comments, Office of the Solicitor, Economic Regulatory Administration, Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585.

FOR FURTHER INFORMATION CONTACT: Gregory Lattimer, Office of the Solicitor (RG-43), Economic Regulatory Administration, 1000 Independence Avenue, SW., Washington, DC 20585. Copies of the proposed Consent Order may be obtained free of charge by writing or calling this office at (202) 252-4803.

SUPPLEMENTARY INFORMATION: On October 21, 1986, the ERA executed a proposed Consent Order with Patton Oil Co. Under 10 CFR 205.100J(b), a proposed Consent Order which involves the sum of $500,000 or more, excluding interest and penalties, becomes effective no sooner than thirty (30) days after publication of a notice in the Federal Register requesting comments concerning the proposed Consent Order. Although 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 a modification of the Consent Order, or issue the Consent Order as signed.

I. Background

During the period June 1, 1979 through April 30, 1980, Patton Oil Co. (Patton) was the operator and working interest owner in the Gibson property located in Edwards County, Kansas. As a result of this activity Patton was a "producer" of crude oil, as defined in 10 CFR 212.31 and was therefore subject to the provisions of the Mandatory Petroleum Price Regulations located at 10 CFR Part 212, Subpart D, which governed the first sale of domestic crude oil prior to decontrol on January 28, 1981.

The ERA conducted an audit of the books and records of Patton for the period June 1, 1979 to April 30, 1980, and on May 24, 1984 issued a Proposed Remedial Order (PRO) to Patton. The PRO alleged that Patton caused overcharges in the amount of $982,956.41 during the audit period attributable to sales from the Gibson property. The PRO ordered Patton to refund the overcharge amount, plus interest to DOE for proper distribution. Patton filed a Notice of Objection to the PRO on June 25, 1984. Patton's Statement of Objections (S/O) to the PRO was filed on October 2, 1984. In its S/O Patton objected to the property definition relied upon by ERA in calculating overcharges and raised several additional defenses which it claimed reduced its liability for overcharges.

Throughout the Remedial Order Proceeding, Patton has claimed that its treatment of its operated lease as multiple properties was consistent with the crude oil provisions of the Mandatory Pertroleum Price Regulations. In taking this position, Patton contends that it has met the factual criteria necessary to qualify for several of the exceptions to single property treatment. Based on an analysis of the firm's arguments and the entire record in this proceeding, and in light of the expense to the government associated with any additional litigation, ERA believes that a payment of $1,100,742.17 is a satisfactory compromise of the issues raised in this audit.

II. The Consent Order.

The proposed Consent Order has been entered into in order to resolve all civil and administrative disputes, claims, and causes of action by DOE relating to Patton's compliance with the federal petroleum price and allocation regulations during the period June 1, 1979 through April 30, 1980. Although Patton contends that in all respects it correctly construed and complied with applicable regulations, Patton has entered into this proposed Consent Order to avoid possible further expense and disruption of its business. DOE believes the proposed Consent Order is in the public interest and provides a satisfacory resolution of the issues raised by the audit.

III. Refunds.

Under the terms of the proposed Consent Order, Patton shall pay to DOE the sum of $988,742.17 upon the effective date of the Consent Order. An additional payment of $112,000 plus accrued interest on this amount, shall be tendered to DOE one year after the effective date of the Consent Order. The refund amounts will be deposited in a suitable account for appropriate distribution by DOE.

VI. Submission of Written Comments.

Interested persons are invited to submit written comments concerning the terms and conditions of this proposed Consent Order to the address given above. The ERA will consider all comments it receives by 4:30 P.M., local time, on the 30th day after the date of publication of this notice. Any information or data considered confidential by the person submitting it must be identified as such in accordance with the procedures in 10 CFR 205.9(f).

Issued in Washington, DC on this 10th day of November 1986.

Marshall Staunton,

Acting Solicitor, Office of the Solicitor, Economic Regulatory Administration.

[FR Doc. 86-26394 Filed 11-21-86; 8:45 am]

BILLING CODE 6450-01-M

Energy Information Administration

Alternative Fuel Price Ceilings and Incremental Price Threshold for High Cost Natural Gas

The Natural Gas Policy Act of 1978 (NGPA) (Pub. L. 95-621) signed into law on November 9, 1978, mandated a new framework for the regulation of most facets of the natural gas industry. In general, under Title II of the NGPA, interstate natural gas pipeline companies are required to pass through certain portions of their acquisition costs for natural gas to industrial users in the form of surcharge. The statute

requires that the ultimate costs of gas to the industrial facility should not exceed the cost of the fuel oil which the facility could use as an alternative.

Pursuant to Title II of the NGPA, section 204(e), the Energy Information Administration (EIA) herewith publishes for the Federal Energy Regulatory Commission (FERC) computed natural gas ceiling prices and the high cost gas incremental pricing threshold which are to be effective December 1, 1986. These prices are based on the prices of alternative fuels.

FOR FURTHER INFORMATION CONTACT: Leroy Brown, Jr., Department of Energy, Energy Information Administration, 1000 Independence Avenue, SW., Room BE–034, Washington, DC 20595, Telephone: (202) 252–6077.

Section I.

As required by FERC Order No. 50, computed prices are shown for the 48 contigious States. The District of Columbia's ceiling is included with the ceiling for the State of Maryland. FERC, by an Interim Rule issued on April 2, 1981, in Docket No. RM79–21, revised the methodology for calculating the monthly alternative fuel price ceilings for State regions. Under the revised methodology, the applicable alternative fuel price ceiling published for each of the contiguous States shall be the lower of the alternative fuel price ceiling for the State or the alternative fuel price ceiling for the multistate region in which the State is located.

The price ceiling is expressed in dollars per million British Thermal Units (BTU's). The method used to determine the price ceilings is described in Section III.

State	Dollars per million BTU's
Alabama [1]	1.71
Arizona [1]	1.47
Arkansas [1]	1.81
California [1]	1.47
Colorado [2]	1.52
Connecticut [1]	1.52
Delaware [1]	1.82
Florida [1]	1.57
Georgia [1]	1.67
Idaho [2]	1.52
Illinois	1.47
Indiana [1]	1.68
Iowa	1.72
Kansas	1.74
Kentucky	1.68
Louisiana	1.76
Maine [1]	1.52
Maryland [1]	1.82
Massachusetts	1.45
Michigan [1]	1.68
Minnesota [1]	1.95
Mississippi [1]	1.71
Missouri	1.68
Montana [2]	1.52
Nebraska [1]	1.95
Nevada [1]	1.47
New Hampshire [1]	1.52
New Jersey	1.52
New Mexico [1]	1.81
New York [1]	1.82
North Carolina [1]	1.71
North Dakota [1]	1.95
Ohio	1.44
Oklahoma [1]	1.81
Oregon	1.33
Pennsylvania	1.73
Rhode Island [1]	1.52
South Carolina [1]	1.71
South Dakota [1]	1.95
Tennessee	1.69
Texas [1]	1.81
Utah [2]	1.52
Vermont [1]	1.52
Virginia	1.65
Washington	1.23
West Virginia [1]	1.68
Wisconsin [1]	1.68
Wyoming [2]	1.52

[1] Region based price as required by FERC Interim Rule, issued on April 2, 1981, in Docket No. RM–79–21.
[2] Region based price computed as the weighted average price of Regions E, F, G, and H.

Section II. Incremental Pricing Threshold for High Cost Natural Gas

The EIA has determined that the volume-weighted average price for No. 2 distillate fuel oil landed in the greater New York City Metropolitan area during September 1986 was $14.55 per barrel. The EIA has implemented a procedure to partially compensate for the two-month lag between the end of the month for which data are collected and the beginning of the month for which the incremental pricing threshold becomes effective. The prices found in *Platt's Oilgram Price Report* are given for each trading day in the form of high and low prices for No. 2 fuel oil in Metropolitan New York and Northern New Jersey. A lag adjustment factor was calculated using the average of the low posted price for these two areas for the ten trading days ending November 14, 1986, and dividing that price by the corresponding average price computed from prices published by Platt's for the month of September 1986. This lag adjustment factor was applied to the September price yielding $14.44 per barrel. In order to establish the incremental pricing threshold for high cost natural gas, as identified in the NGPA, Title II, section 203(a)(7), this price was multiplied by 1.3 and converted to its equivalent in millions of BTU's by dividing by 5.8. Therefore, the incremental pricing threshold for high cost natural gas, effective December 1, 1986, is $3.24 per million BTU's.

Section III. Method Used to Compute Price Ceilings

The FERC, by Order No. 50, issued on September 29, 1979, in Docket No. RM79–21, established the basis for determining the price ceilings required by the NGPA. FERC also, by Order No. 167, issued in Docket No. RM81–27 on July 24, 1981, made permanent the rule that established that only the price paid for No. 6 high sulfur content residual fuel oil would be used to determine the price ceilings. In addition, the FERC, by Order No. 181, issued on November 6, 1981, in Docket No. RM81–28, established that price ceilings should be published for only the 48 contiguous States on a permanent basis.

A. Data Collected

The following data were required from all companies identified by the EIA as sellers of No. 6 high sulfur content (greater than 1 percent sulfur content by weight) residual fuel oil: for each selling price, the number of gallons sold to large industrial users in the months of July 1986, August 1986, and September 1986.[1] All reports of volume sold and price were identified by the State into which the oil was sold.

B. Method Used to Determine Alternative Price Ceilings

(1) Calculation of Volume-Weighted Average Price

The prices which will become effective December 1, 1986, (shown in section I) are based on the reported price of No. 6 high sulfur content residual fuel oil, for each of the 48 contiguous States, for each of the 3 months, July 1986, August 1986, and September 1986. Reported prices for sales in July 1986 were adjusted by the percent change in the nationwide volume-weighted average price from July 1986 to September 1986. Prices for August 1986 were similarly adjusted by the percent change in the nationwide volume-weighted average price from August 1986 to September 1986. The volume-weighted 3-month average of the adjusted July 1986 and August 1986, and the reported September 1986 prices were then computed for each State.

(2) Adjustment for Price Variation

States were grouped into the regions identified by the FERC (see section III.C.). Using the adjusted prices and associated volumes reported in a region during the 3-month period, the volume-weighted standard deviation of prices was calculated for each region. The volume-weighted 3-month average price (as calculated in Section III.B.(1) above)

[1] Large Industrial User—A person/firm which purchases No. 6 fuel oil in quantities of 4,000 gallons or greater for consumption in a business, including the space heating of the business premises. Electric utilities, governmental bodies (Federal, State, or Local), and the military are excluded.

for each State was adjusted downward by two times this standard deviation for the region to form the adjusted weighted average price for the State.

(3) Calculation of Ceiling Price

The lowest selling price within the State was determined for each month of the 3-month period (after adjusting up or down by the percent change in oil prices at the national level as discussed in section III.B(1) above). The products of the adjusted low price for each month times the State's total reported sales volume for each month were summed over the 3-month period for each State and divided by the State's total sales volume during the 3 months to determine the State's average low price. The adjusted weighted average price (as calculated in Section III.B.(2)) was compared to this average low price, and the higher of the values was selected as the base for determining the alternative fuel price ceiling for each State. For those States which had no reported sales during one or more months of the 3-month period, the appropriate regional volume-weighted alternative fuel price was computed and used in combination with the available State data to calculate the State alternative fuel price ceiling base. The State's alternative fuel price ceiling base was compared to the alternative fuel price ceiling base for the multistate region in which the State is located and the lower of these two prices was selected as the final alternative fuel price ceiling base for the State. The appropriate lag adjustment factor (as discussed in section III.B.4) was then applied to the alternative fuel price ceiling base. The alternative fuel price (expressed in dollars per gallon) was multiplied by 42 and divided by 6.3 to estimate the alternative fuel price ceiling for the State (expressed in dollars per million BTU's).

There were insufficient sales reported in Region G for the months of July 1986, August 1986, and September 1986. The alternative fuel price ceilings for the States in Region G were determined by calculating the volume-weighted average price ceilings for Region E, Region F, Region G, and Region H.

(4) Lag Adjustment

The EIA has implemented a procedure to partially compensate for the two-month lag between the end of the month for which data are collected and the beginning of the month for which ceiling prices become effective. It was determined that *Platt's Oilgram Price Report* publication provides timely information relative to the subject. The prices found in *Platt's Oilgram Price Report* publication are given for each trading day in the form of high and low prices for No. 6 residual oil in 20 cities throughout the United States. The low posted prices for No. 6 residual oil in these cities were used to calculate a national and a regional lag adjustment factor. The national lag adjustment factor was obtained by calculating a weighted average price for No. 6 high sulfur residual fuel oil for the ten trading days ending November 14, 1986, and dividing that price by the corresponding weighted average price computed from prices published by Platt's for the month of September 1986. A regional lag adjustment factor was similarly calculated for four regions. These are: one for FERC Regions A and B combined; one for FERC Region C; one for FERC Regions D, E, and G combined; and one for FERC Regions F and H combined. The lower of the national or regional lag factor was then applied to the alternative fuel price ceiling for each State in a given region as calculated in Section III.B.(3).

Listing of States by Region

States were grouped by the FERC to form eight distinct regions as follows:

Region A	*Region B*
Connecticut	Delaware
Maine	Maryland
Massachusetts	New Jersey
New Hampshire	New York
Rhode Island	Pennsylvania
Vermont	
Region C	*Region D*
Alabama	Illinois
Florida	Indiana
Georgia	Kentucky
Mississippi	Michigan
North Carolina	Ohio
South Carolina	West Virginia
Tennessee	Wisconsin
Virginia	
Region E	*Region F*
Iowa	Arkansas
Kansas	Louisiana
Missouri	New Mexico
Minnesota	Oklahoma
Nebraska	Texas
North Dakota	
South Dakota	
Region G	*Region H*
Colorado	Arizona
Idaho	California
Montana	Nevada
Utah	Oregon
Wyoming	Washington

Issued in Washington, DC, November 20, 1986.

L.A. Pettis,

Deputy Administrator, Energy Information Administration.

[FR Doc. 86-26481 Filed 11-20-86; 10:51 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

Determinations Under the Natural Gas Policy Act for OCS Leases Issued on or After April 20, 1977

Issued November 19, 1986.

On September 27, 1983, the Federal Energy Regulatory Commission (Commission) issued Order No. 336 under Docket Nos. RM83-3 and RM81-12 (48 FR 44,508 September 29, 1983). In that order, the Commission amended its regulations relating to filing requirements for well category applications under the Natural Gas Policy Act of 1978 (NGPA). The determination process for natural gas produced from a new lease, i.e., a lease entered into on or after April 20, 1977, on the Outer Continental Shelf (OCS), and qualifying as new natural gas under Section 102 of the NGPA, was amended in two respects. First, the Commission eliminated the requirement that a determination be made for each well producing gas from a new OCS lease. Second, in lieu of filing an application for each well, the Commission now permits the grant of a new OCS lease to constitute the requisite jurisdictional agency determination that the gas is produced from a new OCS lease.

Under the revised procedures, the U.S. Department of Interior, Minerals Management Service (MMS), must file within 60 days of the grant of the lease a notice of determination which includes the lease number, the area and block number, and the date on which the OCS lease was issued by the Secretary of the Interior. The determination is subject to Commission review in the same manner as other jurisdictional agency determinations.

On October 29, 1986, the Commission received notice from MMS, Gulf of Mexico OCS Region, that 101 leases were issued as a result of OCS Sale 104 for the Central Gulf of Mexico on April 30, 1986. Gas produced from the following leases has been determined to be gas produced from a new OCS lease under NGPA section 102:

Lease No. OCS-G	Area	Block	Effective date
8400	West Cameron	26	6-1-86
8401	West Cameron	55F	7-1-86
8402	West Cameron	141	6-1-86
8403	West Cameron	142	7-1-86
8404	West Cameron	208	6-1-86
8405	West Cameron, West	304	7-1-86
8406	West Cameron, West	314	7-1-86
8407	West Cameron, West	315	7-1-86
8408	West Cameron, West	402	6-1-86
8409	West Cameron, South	472	6-1-86
8410	West Cameron, South	585	7-1-86
8411	West Cameron, South	599	7-1-86

Lease No. OCS-G	Area	Block	Effective date
8412	West Cameron, South	610	7-1-86
8413	East Cameron	14G	7-1-86
8414	East Cameron	51	7-1-86
8416	East Cameron	149	6-1-86
8417	East Cameron	188	7-1-86
8418	East Cameron	189	7-1-86
8420	East Cameron, South	364	7-1-86
8421	Vermilion	43	7-1-86
8423	Vermilion	196	7-1-86
8424	Vermilion	207	7-1-86
8426	Vermilion, South	274	7-1-86
8427	Vermilion, South	341	6-1-86
8428	Vermilion, South	279	6-1-86
8431	South Marsh Island, South	111	7-1-86
8432	Eugene Island	49	6-1-86
8433	Eugene Island	179	7-1-86
8434	Eugene Island	190	7-1-86
8435	Eugene Island	232	6-1-86
8436	Eugene Island	234	6-1-86
8437	Eugene Island	235	6-1-86
8438	Eugene Island	241	6-1-86
8439	Eugene Island, South	317	7-1-86
8441	Ship Shoal	117	7-1-86
8442	Ship Shoal	118	7-1-86
8443	South Timbalier	75	7-1-86
8444	South Timbalier	84	7-1-86
8445	South Timbalier, South	270	7-1-86
8446	South Timbalier, South	274	7-1-86
8448	South Timbalier, South	279	6-1-86
8449	South Timbalier, South	303	7-1-86
8450	South Timbalier, South	304	7-1-86
8451	South Timbalier, South	306	71—86
8452	Grand Isle, South	104	7-1-86
8453	Grand Isle, South	110	7-1-86
8454	West Delta	36G	7-1-86
8455	West Delta	78F	6-1-86
8456	West Delta	78G	6-1-86
8457	West Delta	97	6-1-86
8458	West Delta, South	121	7-1-86
8459	West Delta, South	122	7-1-86
8460	Main Pass	44	7-1-86
8461	Main Pass	59	7-1-86
8462	Main Pass, South & East	206	6-1-86
8463	Main Pass, South & East	240	7-1-86
8465	Main Pass, South & East	275	7-1-86
8467	Main Pass, South & East	315	7-1-86
8469	Viosca Knoll	871	6-1-86
8470	Viosca Knoll	872	6-1-86
8471	Viosca Knoll	873	6-1-86
8472	Viosca Knoll	916	6-1-86
8473	Viosca Knoll	917	6-1-86
8474	Viosca Knoll	955	6-1-86
8475	Viosca Knoll	957	6-1-86
8476	Viosca Knoll	983	7-1-86
8478	Ewing Bank	783	7-1-86
8479	Ewing Bank	827	7-1-86
8480	Ewing Bank	870	7-1-86
8481	Ewing Bank	957	7-1-86
8483	Mississippi Canyon	72	6-1-86
8484	Mississippi Canyon	84	6-1-86
8485	Mississippi Canyon	128	6-1-86
8486	Mississippi Canyon	208	6-1-86
8487	Mississippi Canyon	252	6-1-86
8488	Mississippi Canyon	504	6-1-86
8489	Mississippi Canyon	538	6-1-86
8490	Mississippi Canyon	539	6-1-86
8491	Mississippi Canyon	582	6-1-86
8492	Mississippi Canyon	583	6-1-86
8493	Mississippi Canyon	612	6-1-86
8494	Mississippi Canyon	613	6-1-86
8495	Mississippi Canyon	656	6-1-86
8496	Mississippi Canyon	657	6-1-86
8497	Mississippi Canyon	673	6-1-86
8498	Mississippi Canyon	674	6-1-86
8499	Mississippi Canyon	717	6-1-86
8500	Green Canyon	55	7-1-86
8501	Green Canyon	120	6-1-86
8502	Green Canyon	122	6-1-86
8503	Green Canyon	168	6-1-86
8504	Green Canyon	209	6-1-86
8505	Atwater Valley	387	6-1-86
8506	Atwater Valley	388	6-1-86
8507	Atwater Valley	427	6-1-86
8508	Atwater Valley	428	6-1-86
8509	Atwater Valley	429	6-1-86
8510	Atwater Valley	430	6-1-86
8511	Atwater Valley	431	6-1-86
8512	Atwater Valley	471	6-1-86
8513	Atwater Valley	472	6-1-86

The complete list of OCS leases submitted by the MMS for this sale, with area and block descriptions, is available for inspection at the Commission's Division of Public Information, Romm 100, 825 North Capitol St., Washington, DC. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission within twenty days after this notice is issued by the Commission.

Kenneth F. Plumb,

Secretary

[FR Doc. 86-26458 Filed 11-21-86; 8:45 am]

BILLING CODE 6717-01-M

Determinations Under the Natural Gas Policy Act for OCS Leases Issued on or After April 20, 1977

Issued November 19, 1986.

On September 27, 1983, the Federal Energy Regulatory Commission (Commission) issued Order No. 336 under Docket Nos. RM83-3 and RM81-12 (48 FR 44,508 September 29, 1983). In that order, the Commission amended its regulations relating to filing requirements for well category applications under the Natural Gas Policy Act of 1978 (NGPA). The determination process for natural gas produced from a new lease, i.e., a lease entered into on or after April 20, 1977, on the Outer Continental Shelf (OCS), and qualifying as new natural gas under section 102 of the NGPA, was amended in two respects. First, the Commission eliminated the requirement that a determination be made for each well producing gas from a new OCS lease. Second, in lieu of filing an application for each well, the Commission now permits the grant of a new OCS lease to constitute the requisite jurisdictional agency determination that the gas is produced from a new OCS lease.

Under the revised procedures, the U.S. Department of Interior, Minerals Management Service (MMS), must file within 60 days of the grant of the lease a notice of determination which includes the lease number, the area and block number, and the date on which the OCS lease was issued by the Secretary of the Interior. The determination is subject to Commission review in the same manner as other jurisdictional agency determinations.

On September 2, 1986, the Commission received notice from MMS, Gulf of Mexico OCS Region, that 30 leases were issued as a result of OCS Sale 94 for the Eastern Gulf of Mexico on December 18, 1985. Notice of these determinations was issued by the Commission on September 12, 1986. On October 28, 1986, MMS notified the Commission that eight additional leases have been granted under this same sale. Gas produced from the following leases has been determined to be gas produced from a new OCS lease under NGPA section 102:

Lease No. OCS-G	Area	Block	Effective date
8361	FMG	411	8-1-86
8362	FMG	412	8-1-86
8363	FMG	455	8-1-86
8364	FMG	456	8-1-86
8365	FMG	499	8-1-86
8366	FMG	500	8-1-86
8367	FMG	543	8-1-86
8368	FMG	587	8-1-86

The complete list of OCS leases submitted by the MMS for this sale, with area and block descriptions, is available for inspection at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, DC. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission within twenty days after this notice is issued by the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 86-26459 Filed 11-21-86; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP85-206-008]

Northern Natural Gas Company; Tariff Revisions and Rate Adjustment

November 18, 1986.

Take notice that on November 10, 1986, Northern Natural Gas Company, Division of Enron Corp. (Northern) tendered for filing with the Commission certain revised tariff sheets, to be effective as noted on the sheets, to be included in its FERC Gas Tariff, Third Revised Volume No. 1.

Northern states that in the Stipulation and Agreement of Settlement in Docket No. RP85-206-000 dated April 11, 1986 (RP85-206 Settlement), it agreed to file, within 115 days from the date such settlement was certified by the Administrative Law Judge to the Commission, new tariff sheets to implement the provisions of the RP85-206 settlement effective the later of January 1, 1987 or the first day of the billing month following the date the Commission order approving the RP85-206 Settlement becomes final.

Northern further states that the parties agreed in the RP85-206 Settlement to implement certain provisions of the Stipulation and

Agreement of Settlement in Docket No. RP82–71 (RP82–71 Settlement). Such RP82–71 Settlement provisions include Phases I, II & III of the Firm Entitlement Adjustment Program and the proposed General Service Rate Schedule (GS–1) for which Northern has requested certificate authority in applications in Docket Nos. CP85–636, CP85–775, CP86–633, and CP85–511, respectively. The hardship provisions of the RP82–71 Settlement have been incorporated herein. Northern also desires to offer a Contract Demand Reductions/Conversions Program as part of its implementation of an open transportation system under Order No. 436, as proposed in the RP85–206 Settlement. Rate adjustments reflecting the changes in the D–1 billing demand units associated with the First Year's Contract Demand Reduction/Conversions and the impact of any additional transfers to GS–1 Rate Schedule are filed herein.

Northern requests waiver of all Commission rules and regulations as necessary to permit the tariff sheets to be effective the beginning of the gas day on October 1, 1986. Copies of this filing were served on all of Northern's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 214 and 211 of the Commission's rules of practice and procedure (18 CFR 385.214, 385.211). All such motions or protests should be filed on or before November 25, 1986. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 86–26460 Filed 11–21–86; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP87–18–000]

Northwest Alaskan Pipeline Co.; Tariff Changes

November 18, 1986.

Take notice that on November 14, 1986, Northwest Alaskan Pipeline Company ("Northwest Alaskan"), 295 Chipeta Way, Salt Lake City, Utah 84108–0900, tendered for filing in Docket No. RP87–18–000, the following tariff sheets to its FERC Gas Tariff Original Volume No. 2.:

Nineteenth Revised Sheet No. 5
Fourth Revised Sheet No. 150
Second Revised Sheet No. 172
First Revised Sheet No. 172A
First Revised Sheet No. 172B
First Revised Sheet No. 172C
Third Revised Sheet No. 186A
Fourth Revised Sheet No. 200
Second Revised Sheet No. 272
First Revised Sheet No. 272A
First Revised Sheet No. 272B
First Revised Sheet No. 272C
Fourth Revised Sheet No. 286
Second Revised Sheet No. 450
Second Revised Sheet No. 467
First Revised Sheet No. 467A
First Revised Sheet No. 467B
First Revised Sheet No. 467C
First Revised Sheet No. 476D
First Revised Sheet No. 477A

Northwest Alaskan states that it is submitting Nineteenth Revised Sheet No. 5 reflecting a decrease in total demand charges for Canadian gas purchased by Northwest Alaskan from Pan-Alberta Gas Ltd. ("Pan-Alberta") and resold to three of Northwest Alaskan's U.S. purchasers, Northern Natural Gas Company, Division of Enron Corp. ("Northern"), Panhandle Eastern Pipe Line Company ("Panhandle"), and Pacific Interstate Transmission Company ("PIT"), under Rate Schedules X–1, X–2 and X–4 respectively, and essentially no change in total demand charges for gas resold to Northwest Alaskan's fourth U.S. purchaser, United Gas Pipe Line Company ("United") under Rate Schedule X–3.

Northwest Alaskan states that it is submitting Nineteenth Revised Sheet No. 5 pursuant to the provisions of the amended purchase agreements between Northwest Alaskan and Northern, Panhandle, United and PIT, and pursuant to Rate Schedules X–1, X–2, X–3, and X–4, which provide for Northwest Alaskan to file 45 days prior to the commencement of the next demand charge period (January 1, 1987 through June 30, 1987) the demand charges and demand charge adjustments which Northwest Alaskan will charge during that period.

Northwest Alaskan requests that Nineteenth Revised Sheet No. 5 becomes effective January 1, 1987.

Northwest Alaskan states that the remaining above-referenced tariff sheets incorporate administrative changes to Exhibit A of Northwest Alaskan's tariff as a result of a change in the manner in which the NOVA portion of Pan-Alberta's demand charge is determined. Northwest Alaskan requests waiver of § 154.22 and special permission under § 154.51 of the Commission's regulations as well as waiver of any other rules and regulations the Commission deems necessary in order to allow these tariff sheets to become effective November 1, 1986, the effective date of the Eighth Amending Contract to the Western Contract and the Eighteenth and Nineteenth Amending Contracts to the Eastern Contract between Northwest Alaskan and Pan-Alberta.

Northwest Alaskan states that a copy of this filing is being served on Northwest Alaskan's customers.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's rules of practice and procedure. All such motions or protests should be filed on or before 11–25, 1986. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 86–26461 Filed 11–21–86; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. TA87–1–002]

Northwest Pipeline Corp.; Compliance Filing

November 18, 1986.

Take notice that on November 14, 1986, Northwest Pipeline Corporation (Northwest) tendered for filing and acceptance Thirtieth Revised Sheet No. 10 to be a part of its FERC Gas Tariff, First Revised Volume No. 1. Thirtieth Revised Sheet No. 10 reflects an increase in its jurisdictional sales rates of 1.142¢ per therm or approximately $21.3 million. The purpose of this filing is to reflect the impact of a renegotiated contract with Northwest's Canadian supplier of natural gas, Westcoast Transmission Company Limited (Westcoast). The new contract covers the period November 1, 1986 through October 31, 1987.

Northwest states that the instant filing

is made in compliance with the Commission's October 31, 1986 order in this docket and has requested waivers to allow an effective date of December 1, 986. A copy of this filing has been served on all parties of record in Docket No. RP72-154, on all jurisdictional customers, and affected state regulatory commissions.

Any persons desiring to be heard or protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825, North Capitol Street NE, Washington DC 20426, in accordance with Rules 211 or 214 of the Commission's rules of practice and procedure. All such motions or protests should be filed on or before November 25, 1986. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 86-26462 Filed 11-21-86; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CI87-88-000, etc.]

Phillips Petroleum Company, et al.; Applications for Certificates, Abandonments of Service and Petitions To Amend Certificates [1]

November 19, 1986.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before December 3, 1986, file with the Federal Energy Regulatory Commission, Washington, DC 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or to be represented at the hearing.

Kenneth F. Plumb,

Secretary.

Docket No. and date filed	Applicant	Purchaser and location	Price per Mcf	Pressure base
CI87-88-000 (CI77-412), B, Oct. 28, 1986.	Phillips Petroleum Company, 336 HS&L Building, Bartlesville, Okla. 74004.	United Gas Pipe Line Company, Waveland Field, Hancock County, Mississippi.	(1)	
CI79-645-002, F, Nov. 3, 1986	Shell Offshore Inc. (Succ. in Interest to Petro-Lewis Funds, Inc.), P.O. Box 4480, Houston, Texas 77210.	Florida Gas Transmission Company, Mississippi Canyon Block 194 Field, Offshore Lousiana.	(2)	
CI75-497-000, D, Nov. 3, 1986	Sun Exploration and Production Co., P.O. Box 2880, Dallas, Texas 75221-2880.	Michigan Wisconsin Pipeline Company, Seiling Field, Woodward County, Oklahoma.	(3)	
G-5663-000, D, Nov. 3, 1986	Amoco Production Company, P.O. Box 3092, Houston, Texas 77253.	Natural Gas Pipeline Company of America, East Bay City Field, Matagorda County, Texas.	(4)	
G-4579-039, D, Oct. 31, 1986	Cities Service Oil and Gas Corp., P.O. Box 300, Tulsa, Okla. 74102.	Northern Natural Gas Company, Div. of Enron Corp., Sec. 23-31S-34W, Seward County, Kansas.	(5)	
CI85-32-001, F, Oct. 30, 1986	Mobile Exploration and Producing North America Inc. (Partial Succ. in Interest to Texaco Inc.) Nine Greenway Plaza—Suite 2700, Houston, Texas 77046.	Columbia Gas Transmission Corporation, Vermilion Bay, Vermilion and Iberia Parishes, Louisiana.	(6)	
G-13098-001, D, Nov. 3, 1986	ARCO Oil & Gas Company, Division of Atlantic Richfield Company, P.O. Box 2819, Dallas, Texas.	Northern Natural Gas Company, Div. of Enron Corp., Mocane-Laverne Field, Beaver County, Oklahoma.	(7)	
CI87-84-000 (CI67-1208), B, Oct. 27, 1986.	do	United Gas Pipe Line Company, East Franklin Field, St. Mary Parish, Louisiana.	(8)	
CI87-82-000 (CI73-254), B, Oct. 27, 1986.	BHP Petroleum (Americas) Inc., 1300 Post Oak Tower, 5051 Westheimer, Houston, Texas 77056.	Northern Natural Gas Company, Div. of Enron Corp., Bechthold Field, South Lipscomb County, Texas.	(9)	
CI87-98-000, B, Nov. 3, 1986	Kaiser Energy, Inc., P.O. Box 8, Ravenswood, W. Va. 26164.	Consolidated Gas Transmission Corporation, Elk-Poca Field, Kenna Quad, Ripley District, Jackson County, West Virginia.	(10)	
CI87-70-000, (G-3966), B, Oct. 20, 1986.	Colonial Exploration and Development Inc., 811 Dallas—Suite 1424, Houston, Texas 77002.	Texas Gas Pipe Line Corporation, Nome Field, Jefferson County, Texas.	(12)	
CI87-100-000 (CI76-509) B, Nov. 4, 1986.	Amoco Production Company, P.O. Box 3092, Houston, Texas 77253.	Texas Gas Pipeline Corporation, Marrs McLean Field, Jefferson County, Texas.	(13)	
CI87-101-000, B, Nov. 5, 1986	Texaco Producing Inc., P.O. Box 52332, Houston, Texas 77052.	Phillips Petroleum Company, Eunice Plant and Skaggs Drinkard Field, Lea County, New Mexico.	(14)	
CI87-104-000, (G-6986), B, Nov. 7, 1986.	Amoco Production Company	Nueces Corporation, Aqua Dulce Field, Nueces County, Texas.	(15)	
CI77-89-001, D, Nov. 7, 1986	Sun Exploration & Production Co., P.O. Box 2880, Dallas, Texas 75221-2880.	Arkansas Louisiana Gas Company, Ivan Field, Bossier & Webster Parishes, Louisiana.	(16)	
CI62-356-000, D, Nov. 7, 1986	Anadarko Petroleum Corporation, P.O. Box 1330, Houston, Texas 77251-1330.	Northern Natural Gas Company, Div. of Enron Corp., Hugoton Field, Stevens County, Kansas.	(5)	
CI87-103-000, F, Nov. 7, 1986	Conoco Inc. (Partial Succ. in Interest to ARCO Oil & Gas Co., Division of Atlantic Richfield Company), P.O. Box 2197, Houston, Texas 77252.	Transco Gas Supply Company, Eugene Island Blocks 242 and 243, Offshore Louisiana.	(17)	
CI87-107-000 (CI61-1291), B, Nov. 10, 1986.	Union Oil Company of California, P.O. Box 7600, Los Angeles, Calif. 90051.	Phillips Petroleum Company, Azalea Field, Midland County, Texas.	(18)	
CI86-106-000, B, Nov. 10, 1986	Hamon Operating Company	Transcontinental Gas Pipe Line Corp., Gueydan Field, Vermilion Parish, Louisiana.	(19)	
CI87-105-000, F, Nov. 5, 1986	Cities Service Oil & Gas Corp., (Partial Succ. in Interest to Mesa Petroleum Company, Operator), et al. P.O. Box 300, Tulsa, Okla. 74102.	Northern Natural Gas Company, Div. of Enron Corp., Gooch Field, Texas County, Oklahoma.	(20)	

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No. and date filed	Applicant	Purchaser and location	Price per Mcf	Pressure base
CI86-700-000 (CI75-60), B, Aug. 22, 1986.	Fina Oil and Chemical Company, 8350 N. Central Expressway, Suite 1866, Dallas, Texas 75206.	United Gas Pipe Line Company, West Greta Field, Refugio County, Texas.	([21])	
CI80-62-002, F, Nov. 7, 1986	Conoco Inc. (Succ. in interest to ARCO Oil and Gas Company, Division of Atlantic Richfield Company).	Transco Gas Supply Company, East Cameron Block 97, Offshore Louisiana.	([22])	
CI72-390-000, D, Nov. 10, 1986	Texaco Producing Inc.	United Gas Pipe Line Company, East Texas Field, Gregg County, Texas.	([23])	

[1] Phillips Petroleum Company has assigned all its interest to Texas Crude Exploration Inc. This change in ownership occurred by assignment effective 7-1-86 and executed on 10-2-86.
[2] Effective as of 9-1-86, SOI acquired certain interest in the Mississippi Canyon Block 194 Field, Offshore Louisiana, from Petro-Lewis Funds, Inc.
[3] Property sold to Bill Bowers.
[4] By assignment, effective 10-1-85, Amoco sold its interest in various properties to W. C. Martin Inc., Risden Ltd. Inc. and Natural Gas Management Company.
[5] Release of gas for irrigation fuel.
[6] Effective 7-6-83, MEPNA, acquired certain interest previously held by Texaco, Inc., and MEPNA also proposes to add a new delivery point.
[7] Assignment executed 11-16-84, ARCO assigned its interest in certain acreage to Richard L. Parker.
[8] All of the property covered by Rate Schedule No. 309 was surrendered in the years 1969 through 1971, the last lease being surrendered in September, 1971.
[9] BHP Petroleum (Americas) Inc. assigned certain acreage to Charles H. Bentley, effective 5-1-80.
[10] Due to facility constraints of purchaser, purchaser has agreed to give up its rights to gas from two existing wells and any future wells drilled between April 17, 1986, and April 17, 1990.
[11] Not used.
[12] Texas Gas Pipe Line Corporation (TGPL), has sold its Nome Field facilities to Winnie Pipeline Company (WPL), an intrastate marketer. TGPL no longer purchases gas in this area. WPL wants to purchase this gas; however, they cannot buy gas dedicated for sale to the interstate market.
[13] Frost National Bank Gas Unit 2 is the only property dedicated to the gas contract. The last producing well in the unit was plugged and abandoned in 1981.
[14] The terms of Applicant's contract with Phillips expired 11-21-86, with day-to-day sales thereafter. Applicant intends to enter into a percentage-of-proceeds type arrangement to provide for the processing at TPI's Eunice Plant of the gas from the leases previously contracted and delivered to Phillips. After processing, 60% of the residue gas would continue to be sold to El Paso by TPI at its Eunice, New Mexico Plant but under TPI's G.R.S. No. 390, Certificate No. CI72-771 and 40% of the residue gas would be sold to Northern Natural Gas Company by TPI at its Eunice, New Mexico Plant but under TPI's FERC No. 389, Certificate No. CI72-762.
[15] The casinghead gas sales contract covered by Rate Schedule No. 187 was terminated in December, 1978. The only lease dedicated to said contract expired on 12-31-78. Last production from the lease was 9-27-74. The only well on the lease was plugged and abandoned on 3-10-76.
[16] Property sold to TXO Production Corp.
[17] Effective 6-1-86, Conoco acquired the interest previously held by ARCO Oil and Gas Company, Division of Atlantic Richfield Company in Eugene Island Block 242 (OCS-G-2898) and ⅔ (two-thirds) of Eugene Island Block 243 (OCS-G-2899), Offshore Louisiana.
[18] The pressure of the gas being delivered had decreased to a level below 250 psig. The last delivery of high pressure gas was made in November, 1965. Gas below the minimum 250 psig is being delivered to the same buyer and is sold in the interstate market under a percentage of proceeds type gas purchase contract.
[19] Gas production has ceased from this well. There will be no future development. Pipeline wishes to remove facilities previously used by the well.
[20] Applicant is filing to continue to sell its interest under contract dated 4-17-68 under its own Rate Schedule and Certificate.
[21] The farmout agreement covering Applicant's interest in the subject acreage terminated due to lack of production, and the section 108 well that is subject to the application, being incapable of production, has been plugged and abandoned.
[22] Effective 6-1-86, Conoco acquired the interest previously held by ARCO Oil and Gas Company, Division of Atlantic Richfield Company in East Cameron Block 97 (OCS-G-3294).
[23] On 6-1-86, Texaco Producing Inc. assigned the W. D. Lacy Lease in Gregg County, Texas to R. A. Miller Energy Inc.

Filing Code: A—Initial Service; B—Abandonment; C—Amendment to add acreage; D—Amendment to delete acreage; E—Total Succession; F—Partial Succession.

[FR Doc. 86-26361 Filed 11-21-86; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. QF87-51-000]

American Cyanamid Co.; Application for Commission Certification of Qualifying Status of a Cogeneration Facility

November 13, 1986.

On October 29, 1986, American Cyanamid Company (Applicant), of Chemical Products Division, Warners Plant, P.O. Box 31, Linden, New Jersey 07036, submitted for filing an application for certification of a facility as a qualifying cogeneration facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The topping-cycle cogeneration facility will be located in Linden, New Jersey. The facility will consist of two combustion turbine generating units with two heat recovery steam generators. Steam produced by the facility will be used for various chemical manufacturing processes and heating buildings. The electric power production capacity of the facility will be 5.4 MW. The primary energy source will be natural gas with No. 2 fuel oil as a backup fuel. The installation of the facility will begin in July 1987.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such petitions or protests must be filed within 30 days after the date of publication of this notice and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 86-26362 Filed 11-21-86; 8:45 am]
BILLING CODE 6717-01-M

[Docket Nos. RP86-105-003 and RP86-169-001]

ANR Pipeline Co.; Notice of Compliance Filing

November 17, 1986.

On November 5, 1986, ANR Pipeline Company (ANR), tendered for filing proposed changes in its F.E.R.C. Gas Tariff, Original Volume Nos. 1 and 1-A, to become effective as the dates indicated below. ANR's filing states that this submission effectuates the changes required by the Commission in its Orders dated October 21, 1986 at Docket No. RP86-105-000 and October 31, 1986 at Docket Nos. RP86-169-000 and RP86-105-000.

The tariff sheets listed below were submitted by ANR to become effective on the dates indicated:

Tariff sheet	Effective date
Original Volume No. 1:	
Substitute First Revised Sheet No. 85	Nov. 1, 1986.
Original Volume No. 1-A:	
Second Substitute Original Sheet No. 5	July 1, 1986.
Substitute Original Sheet No. 6	Do.
Original Sheet Nos. 6A and 6B	Do.
First Revised Sheet Nos. 11 through 13	Nov. 1986.
First Revised Sheet Nos. 32 through 35	Do.
Substitute First Revised Sheet No. 133	Do.

ANR states that Substitute First Revised Sheet No. 85 of its Original Volume No. 1 tariff reflects the deletion of ANR's take-or-pay tracker in compliance with Ordering Paragraph C of the Commission's October 31, 1986 Order.

Insofar as ANR's Volume No. 1-A tariff is concerned, Sheet Nos. 5, 6, 6A and 6B reflect ANR's compliance with Ordering Paragraphs A(1) and A(3) of the Commission's October 21, 1986 Order. Sheet Nos. 11 through 13 and 32 through 35 reflect the correction of improper pagination in compliance with Ordering Paragraph A of the Commission's October 31, 1986 Order. Sheet No. 133 reflects revisions made in compliance with Ordering Paragraph A(4) of the Commission's Order dated October 21, 1986.

Any person desiring to be heard or to protest said filing should file a motion to

intervene or a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 214 and 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.214, 385.211). All such motions or protests should be filed on or before November 24, 1986. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 86-26362 Filed 11-21-86; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CI87-89-000]

EnTrade Corp.; Application for Certificate of Public Convenience and Necessity, and for Pre-Granted Abandonment

November 19, 1986.

Take notice that on October 30, 1986, EnTrade Corporation (EnTrade), pursuant to sections 4 and 7 of the Natural Gas Act, 15 U.S.C. 717 (c) and (f), and the provisions of 18 CFR Part 157, applied for a blanket certificate of public convenience and necessity and for pre-granted abandonment to permit the sale, and pre-granted abandonment of the sale, of natural gas which remains subject to the Commission's jurisdiction under the Natural Gas Act (NGA) for which producers have already received abandonment authority under section 7(b) of the NGA in separate proceedings.

EnTrade states that it is seeking additional authority to purchase and resell natural gas abandoned pursuant to the Commission's recent orders allowing producers to abandon gas with a maximum lawful price equal to or below the maximum lawful price for NGPA section 109 gas. EnTrade is not seeking such authority with regard to any gas not previously abandoned by Commission order, nor is it seeking any transportation authority. EnTrade currently has limited-term abandonment authority for the purchase and resale of natural gas whose maximum lawful price is greater than the NGPA section 109 maximum lawful price (*Tenneco Oil Company, et al.*, 33 FERC (CCH) ¶ 61,134 (1985)), which authority was extended by the Commission through March 31, 1987, in *Marathon Oil Company, et al.*, 34 FERC (CCH) ¶ 61,317 (1986).

EnTrade states that it has been offered gas for which producers have received abandonment authority that it cannot purchase and resell to its markets, and is aware of other gas for which such authority is being sought. In addition, EnTrade's first limited/term abandonment will expire on March 31, 1987, and EnTrade seeks through this application to receive blanket authority for the resale of abandoned gas, without any limitation on term, other than the underlying abandonment authority of the producer involved in the transactions. EnTrade seeks this authority subject to the same terms and conditions as contained in the original order granting such authority, other than the termination date for such authority.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 3, 1986, file with the Federal Energy Regulatory Commission, Washington, DC 20426, a motion to intervene or protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Under the procedures herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearings.

Kenneth F. Plumb,

Secretary.

[FR Doc. 86-26364 Filed 11-21-86; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA87-1-4-000 and 001]

Granite State Gas Transmission, Inc.; Proposed Changes in Rates

November 17, 1986.

Take notice that on November 10, 1986, Granite State Gas Transmission, Inc. (Granite State), 120 Royall Street, Canton, Massachusetts 02021 tendered for filing with the Commission the following revised tariff sheets in its FERC Gas Tariff, First Revised Volume No. 1, containing changes in rates and certain other tariff provisions:

Third Substitute Sixteenth Revised Sheet No. 7
Fourth Revised Sheet No. 7-A
Eighth Revised Sheet No. 8
Ninth Revised Sheet No. 8
Substitute Third Revised Sheet No. 68
Substitute Second Revised Sheet No. 70
Second Revised Sheet No. 72
Substitute Second Revised Sheet No. 75
Substitute Original Sheet No. 75-A
First Revised Sheet No. 81
Substitute Original Sheet No. 82

The above listed tariff sheets are proposed for effectiveness on November 1, 1986, except Eighth and Ninth Revised Sheet No. 8; Eighth Revised Sheet No. 8 is proposed for effectiveness on February 1, 1986 and Ninth Revised Sheet No. 8 for effectiveness on October 1, 1986.

Granite State has also submitted for filing a superseding Gas Sales Contract with Bay State Gas Company (Bay State) reducing firm daily delivery obligations to Bay State under Rate Schedule DC-1 from 83,640 Mcf to 80,566 Mcf, effective November 1, 1986.

According to Granite State, the proposed rate adjustments are submitted pursuant to the purchased gas cost and transportation cost adjustment provisions in its tariff to reflect (1) a reduction in its available gas for system supply authorized in the amended certificate issued in Docket No. CP84-50-000 at Consolidated Gas Supply Corporation, et al., 27 FERC ¶ 61,426 (1984) in which a purchase of gas from Consolidated Gas Transmission Corporation was terminated (2) a partial replacement supply from Algonquin Gas Transmission Company (Algonquin) was authorized and (3) firm transportation services by Texas Eastern Transmission Corporation (Texas Eastern) and Algonquin were also terminated, as of November 1, 1986. Granite State further states that the revised tariff sheets also reflect a reduction in a rate for a storage service provided by Penn-York Energy Corporation and a rate for a storage-related transportation service provided by Tennessee Gas Pipeline Company, a Division of Tenneco Inc. which Granite State is authorized to track in orders issued in Granite State Gas Transmission, Inc. et al., 21 FERC ¶ 61,199 (1982) and Tennessee Gas Pipeline Co., et al., 18 FERC ¶ 61,013 (1982), respectively.

Granite State further states that its proposed rates and tariff changes are applicable to its two affiliated distribution company customers: Bay State and Northern Utilities, Inc. (Northern Utilities). According to Granite State, the effect on Bay State of the revised rates for services under Rate Schedule CD-1 on Third Substitute Sixteenth Revised Sheet No. 7 is an increase of $854,724 on an annualized basis compared with the rates on Second Substitute Sixteenth Revised

Sheet No. 7, effective September 1, 1986, and the revised rates for Northern Utilities, for service under Rate Schedule CD–2, calculated on the same basis result in an annual increase of $244,604. According to Granite State, the foregoing takes into account all the changes in the sources and costs of gas supply available to Granite State as of November 1, 1986, compared to the gas supply and costs as of September 1, 1986 and, in the case of Bay State, the discontinuance of the costs for the firm transportation services rendered by Texas Eastern and Algonquin.

According to Granite State, copies of the filing were served upon its customers and the regulatory commissions of the State of Maine, Massachusetts and New Hampshire.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20460, in accordance with sections 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before November 24, 1986. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 86–26365 Filed 11–21–86; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. CP85–57–013]

Natural Gas Pipeline Company of America; Notice of Petition to Amend

November 13, 1986.

Take notice that on October 8, 1986, Natural Gas Pipeline Company of America (Natural), 701 East 22nd Street, P.O. Box 1207, Lombard, Illinois 60148, filed in Docket No. CP85–57–013 a petition to amend the order issued November 12, 1985, as amended March 13, 1986, pursuant to section 7(c) of the Natural Gas Act so as to authorize the extension of the Interruptible Optional Service (IOS) program to December 31, 1987, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Natural states that by the order issued November 12, 1985 (33 FERC ¶ 61,188), in Docket No. CP85–57–000, the Commission approved a settlement submitted by Natural embodying its IOS program. It is further stated that the settlement provided, among other provisions, for a term ending December 31, 1985. Natural indicates that by the order issued March 13, 1986 (34 FERC ¶ 61,335) in Docket No. CP85–57–003, the Commission authorized an extension of the term of the IOS services until December 31, 1986, while leaving all other conditions in the approved settlement the same, except one. Natural further indicates that the original order permitted Natural to make IOS sales to end-use customers of Natural's customers. Natural explains that the March 13, 1986, order eliminated this provision. Natural states that in the petition herein, it seeks extension of the term of the IOS program until December 31, 1987, together with certain modifications.

Natural states that the major provisions of its IOS program as currently authorized are as follows:

(1) Blanket authority for on-system sales for a limited period ending December 31, 1986. Within limitations described below, IOS gas would be available to on-system customers of Natural.

(2) Total IOS sales would be limited to the cumulative aggregate volume for the period commencing October 1, 1984, by which Natural's sales fell short of the entitlements of its customers.

(3) IOS sales would be made at rates between a floor and a ceiling. The floor is Natural's average gas costs per the PGA (inclusive of deferred purchase gas cost adjustments), plus fuel, a 6 cent increment for out-of-pocket expenses and the GRI surcharge. A ceiling of the DMQ–1 or G–1 commodity rate, as applicable, would apply to all sales. The IOS rate would be determined monthly at Natural's option and reflected on a revised Tariff Sheet posted five (5) days prior to the beginning of a month.

(4) Natural would credit to Account 191 the gas cost component of revenues from IOS sales and would retain all other revenues from such sales.

(5) Natural's distribution company customers would be eligible to make IOS purchases in any month to the extent they had purchased a threshold volume that month. This threshold volume is based on the lower of a percentage of monthly entitlements or a percentage of purchases by that customer for the corresponding month of the period year. Such percentages are to be published in Natural's tariff prior to the beginning of each month and may not exceed 90 percent.

(6) The program provides for monthly reports.

Natural proposes to continue the IOS program until December 31, 1987, in its existing form except for the modifications described herein.

Natural requests the issuance of a certificate of public convenience and necessity to authorize:

(1) The extension of the IOS program, amended as set out below, to December 31, 1987.

(2) Thresholds and IOS rates to be filed twenty-four (24) hours prior to the first of the month for which a change is elected.

(3) IOS rates set at the start of a month may be lowered on twenty-four (24) hours' notice during that month in which event all IOS volumes purchased during the month are billed at the lowest IOS rates made effective during that month.

(4) The IOS rates to be revised such that they consist of a gas and non-gas cost component:

—The non-gas cost component would be set at Natural's discretion, but not to exceed the non-gas cost component of the currently effective DMQ–1 or G–1 rates and;

—The gas cost component would always be equal to the cost component of Natural's commodity rate, as reflected in Natural's currently effective PGA.

(5) The threshold percentage established by Natural may be one of the following:

—A percentage of monthly entitlements only,

—A percentage of purchases for the corresponding month of the prior year only, or

—The lower of a percentage of entitlements or a percentage of purchases for the corresponding month or the prior year.

(6) IOS rates and percentages effective shall remain in effect until changed by Natural.

(7) Waiver of the Commission's filing fee requirements under § 381.204 of its Regulations.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before December 1, 1986, file with the Federal Energy Regulatory Commission, Washington, DC 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be

considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding.

Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 86-26366 Filed 11-21-86; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA86-3-59-007]

Northern Natural Gas Co.; Change in Rates

November 17, 1986.

Take notice that on November 7, 1986, Northern Natural Gas Company, Division of Enron Corp. (Northern), tendered for filing with the Commission the following tariff sheet to be included in Northern's FERC Gas Tariff, Third Revised Volume No. 1:

Third Revised Volume No. 1

Forty-Third Revised Sheet No. 4a

Northern states that this filing involves Northern's proposal to reflect its Canadian gas costs on "as-billed" basis as originally filed on July 11, 1986 in Docket No. TA86-3-59. As a result of settlement negotiations, Northern states that an agreement has been reached by the parties in such proceeding to reflect the cost of gas purchased by Northern from Canadian suppliers on an "as-billed" basis as follows:

(1) the portion of Canadian gas costs billed to Northern by its Canadian suppliers as a commodity charge will be included in Northern's commodity rates;

(2) fifty percent of demand charges billed to Northern by its Canadian suppliers as a demand charge will be included in the D-1 component of Northern's demand rates and the remaining 50 percent of such Canadian demand charges will be included in the D-2 component of Northern's demand rates.

Northern asserts that a Stipulation and Agreement (S&A) is being filed contemporaneously with this filing to reflect the agreement reached by the parties. Paragraph 3 of Section I of that S&A states that Northern will make the filing herein to adjust its market area sales demand rates to reflect the demand rate design described in 2 above.

Accordingly, Northern is filing the following adjustments to its demand rates:

	Present rate	Proposed rate	Adjustment
D-1 Demand Rate—Zone 1	$6.877	$7.540	$.663
D-1 Demand Rate—Zone 2	7.515	8.178	.663
D-1 Demand Rate	.1962	.1730	(.0232)

Per Paragraph 3 of Section I of the S&A, Northern submits the above-referenced tariff sheet to be effective for the billing month of November, 1986, or if not approved in time for such billing, then effective on the first billing month after Commission acceptance of such tariff sheet.

Copies of the filing were served on all of Northern's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with Rules 208 and 214 of the Commission's Rules of Practice and Procedure. All such motions or protests should be filed on or before November 24, 1986. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 86-26367 Filed 11-21-86; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA87-1-43-002]

Northwest Central Pipeline Corp.; Proposed Changes in FERC Gas Tariff

November 17, 1986.

Take notice that Northwest Central Pipeline Corporation (Northwest Central) on November 6, 1986 tendered for filing Revised Original Sheet Nos. 83a and 83b to its FERC Gas Tariff, Original Volume No. 1.

Revised Original Sheet Nos. 83a and 83b are being filed in compliance with Order Paragraph (C) of the Commission's order of October 22, 1986 in Docket No. TA87-1-43-000 and 001. Ordering Paragraph (C) required Northwest Central to file revised tariff sheets to clarify its flexible PGA proposal by:

(a) Stating that the term "Purchase Gas Adjustment" means a fully supported PGA, as opposed to an interim adjustment;

(b) Stating that the calculation of interim adjustments will be consistent with the calculation of Northwest Central's semi-annual PGA, as set forth in Section 21 of its General Terms and Conditions; and

(c) Stating that it will exclude the effects of storage activity from the determination of gas costs for its flexible PGA in determining compliance with the three percent limitation.

Northwest Central states that copies of its filing were served on all jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with §§ 385.211 and 385.214 of the Commission's Rules of Practice and Procedure [18 CFR 385.211 and 385.214]. All such motions or protests should be filed on or before November 24, 1986. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 86-26368 Filed 11-21-86; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP86-63-006]

Southern Natural Gas Co.; Proposed Changes in FERC Gas Tariff

November 17, 1986.

Take notice that on November 5, 1986, Southern Natural Gas Company (Southern) tendered for filing the following revised sheets to its FERC Gas Tariff:

Sixth Revised Volume No. 1

Seventy-First Revised Sheet No. 4A
Second Revised Sheet No. 4B
Original Sheet No. 30I
Original Sheet No. 30J

Original Volume No. 2

Sixteenth Revised Sheet No. 242

Southern states that these sheets are in compliance with the Commission's April 30, 1986 and October 28, 1986 orders in Docket No. RP86-63-000. Southern further states that the only difference between these revised tariff sheets and its September 30, 1986

compliance filing in this proceeding is the utilization of the D–2 annual units contained in the original rate filing of March 31, 1986 in Docket No. RP86–63–000.

Southern requests whatever waivers of the Commission regulations as may be necessary in order to permit its proposed tariff sheets to become effective October 1, 1986. Copies of this filing were served upon Southern's jurisdictional customers, interested state public commissions and all parties of record.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 214 and 211 of the Commission's Rules of Practice and Procedure. All such motions or protests should be filed on or before the November 24, 1986. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 86–26369 Filed 11–21–86; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP85–170–003]

Texas Eastern Transmission Corp.; Petition for Extension of Authority To Institute Direct Billing Procedure for Retroactive Production-Related Cost Allowances

November 17, 1986.

Take notice that on November 12, 1986, Texas Eastern Transmission Corporation (Texas Eastern) filed a petition requesting the Commission to extend through September 30, 1987 its direct billing program to recover production-related cost allowances authorized by 18 CFR 271.1104 of the Commission's regulations as promulgated under Order No. 94, et al. By order dated September 30, 1985 and December 12, 1985, the Commission granted Texas Eastern's petitions in Docket No. RP85–170–000 to institute a direct billing for retroactive production-related cost allowances Texas Eastern paid or would soon pay to its producers and pipeline suppliers. Texas Eastern requests that it be permitted to extend its direct billing procedure previously authorized by the Commission through September 30, 1987. Texas Eastern desires a twelve-month extension to allow it to directly bill its customers for the "yet to be invoiced" amounts of its producers and pipeline suppliers. In all other respects, Texas Eastern's previously authorized direct billing procedures will remain in full force and effect.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 214 and 211 of the Commission's Rules of Practice and Procedure. All such motions or protests should be filed on or before November 24, 1986. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 86–26370 Filed 11–21–86; 8:45 am]

BILLING CODE 6717–01–M

ENVIRONMENTAL PROTECTION AGENCY

[OPP–180708; FRL–3116–7]

California Department of Food and Agriculture; Receipt of Application for Emergency Exemption To Use Hydrogen Cyanamide; Solicitation of Public Comment

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUBJECT: EPA has received a request for an emergency exemption from the California Department of Agriculture and Consumer Services (hereafter referred to as the "Applicant") to use the active ingredient hydrogen cyanamide (Dormex) to promote uniform bud break in 15,000 acres of table grapes grown in the Coachella Valley in Riverside County, California. Dormex contains an unregistered active ingredient and, therefore, in accordance with 40 CFR 166.24, EPA is soliciting comment before making the decision whether or not to grant the exemption.

DATE: Comments must be received on or before December 9, 1986.

ADDRESSES: Three copies of written comments, bearing the identifying notation "OPP–180708," should be submitted by mail to: Information Services Section, Program Management and Support Division (TS–757C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

In person, bring comments to: Rm. 236, CM#2, 1921 Jefferson Davis Highway, Arlington, VA.

Information submitted in any comment concerning this notice may be claimed confidential by marking any part or all of that information as "Confidential Business Information (CBI)." Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR Part 2. A copy of the comment that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice to the submitter. All written comments will be available for inspection in Rm. 236 at the address given above from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays.

FOR FURTHER INFORMATION CONTACT: By mail: Libby Pemberton, Registration Division (TS–767C), Officer of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

Office location and telephone number: Rm. 716, Crystal Mall 2, 1921 Jefferson Davis Highway, Arlington, VA, (703–557–1806).

SUPPLEMENTARY INFORMATION: Pursuant to section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) (17 U.S.C. 136p), the Administrator may, at his discretion, exempt a State agency from any provision of FIFRA if he determines that emergency conditions exist which require such exemption.

The Applicant has requested the Administrator to issue a specific exemption to permit the use of the unregistered plant regulator, hydrogen cyanamide (CAS 420–04–2), manufactured as Dormex, by SKW Trostberg Aktiengesellschaft, to promote uniform bud-break in table grapes grown in the Coachella Valley in Riverside County, California. Information in accordance with 40 CFR Part 166 was submitted as part of this request.

Approximately 16,000 acres of table grapes, *Vitis* spp., are grown in the Coachella Valley. The Applicant indicates that California growers of early market table grapes are facing economic losses due to increasing competition from foreign imports from Mexico and Chile. The Applicant states

that table grapes grown in the Coachella Valley may not experience adequate winter chilling to promote uniform bud break and fruit ripening in the spring. As a result, cane growth can be delayed and uneven, causing the harvest to be late and allowing foreign competition to dominate the market. Currently there are no registered materials to promote uniform bud-bread in grapes.

Dormex will be applied by ground at a maximum rate of 4 gallons product (16 pounds active ingredient) per acre. Applications will be made once in dormancy after pruning sometime between December 1 and February 15, 1986 to approximately 16,000 acres of table grapes in Riverside County.

This notice does not constitute a decision by EPA on the application itself. The regulations governing section 18 require publication of receipt of an application for a specific exemption proposing use of a new chemical (i.e., an active ingredient not contained in any currently registered pesticide). Such notice provides for the opportunity for public comment on the application. Accordingly, interested persons may submit written views on this subject to the Program Management and Support Division at the address above. The comments must be received on or before December 9, 1986, and should bear the identifying notation "OPP-180708." All written comments filed pursuant to this notice will be available for public inspection in Rm. 236, Crystal Mall No. 2 at the address given above, from 8 a.m. to 4 p.m., Monday through Friday, except legal holidays.

The Agency, accordingly, will review and consider all comments during the comment period in determining whether to issue the emergency exemption requested by the California Department of Food and Agriculture.

Dated: November 19, 1986.

Edwin F. Tinsworth,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 86-26392 Filed 11-21-86; 8:45 am]

BILLING CODE 6560-50-M

[SAB-FRL-3117-4]

Science Advisory Board Environmental Engineering Committee; Open Meeting

Under Pub. L. 92-463, notice is hereby given that a two-day meeting of the Environmental Engineering Committee of the Science Advisory Board will be held at the Environmental Protection Agency, Room 1101 of the West Tower, Waterside Mall, 401 M Street SW., Washington, DC on December 15-16, 1986, the meeting will begin at 8:30 a.m. and last until 5:30 p.m. on December 15, and begin at 8:30 a.m. and last until 12:00 noon on December 16.

The purpose of the meeting will be to complete a review of technical documents supporting Agency regulations for the reuse and disposal of municipal treatment plant sludges under section 405(d) of the Clean Water Act, and proposed revisions to the Agency's Ocean Dumping Regulations (40 CFR 220-229). The committee will also conduct general business from 9:30 to 9:30 on Tuesday the 16th.

The meeting is open to the public. Any member of the public wishing to participate or obtain further information about the meeting should contact Mr. Eric Malès, Executive Secretary at (202) 382-2552, or Dr. Terry F. Yosie, Director, Science Advisory Board, at (202) 382-4126. For further technical information on the documents supporting the development of national criteria for sludge management, interested parties should contact Al Rubin (Chief, Waste Water Solids Criteria Branch, Office of Water) at 202/245-3036. For further technical information on the document supporting the distinctions between sludge and dredge materials, interested parties should contact Al Wastler (Senior Science Advisor, Office of Marine and Estuarine Protection) at 202/382-5455.

Public comment will be accepted at the meeting. Written comments will be accepted in any form, and there will be opportunity for brief oral statements. Anyone wishing to make oral or written comments must contact Mr. Malès prior to December 8, 1986 in order to be placed on the agenda. Any member of the public wishing to attend should contact Mrs. Brenda Browne at (202) 382-2552.

Dated: November 18, 1986.

Terry F. Yosie,

Director, Science Advisory Board.

[FR Doc. 86-26422 Filed 11-21-86; 8:45 am]

BILLING CODE 6560-50-M

[FRL-3093-2]

Denial of Application for Waiver of Oxides of Nitrogen (NOx) Standard for 1981 Through 1984 Model Year Light-Duty Diesel Vehicles; Summary of Decision

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This action denies an application by Holzer's Imported Car Service, Inc. ("HICS") for a waiver of the oxides of nitrogen (NOx) standard applicable under section 202(b)(1)(B) of the Clean Air Act, as amended ("Act"), 42 U.S.C. 7521(b)(1)(B), to 1981 and subsequent model year light-duty motor vehicles. One of HICS' imported vehicles is not eligible to receive a waiver under section 202(b)(6)(B) of the Act, 42 U.S.C. 7521(b)(6)(B). Moreover, HICS did not show that its vehicles met the substantive waiver criteria.

ADDRESS: Information relevant to this denial, including the decision document, is contained in Public Docket EN-85-01 at the Central Docket Section of the Environmental Protection Agency, Gallery I, 401 M Street SW., Washington, DC 20460, and is available for review between the hours of 8:00 a.m. and 4:00 p.m. As provided in 40 CFR Part 2, EPA may charge a reasonable fee for copying services. Interested parties may also obtain the decision document by contacting the Manufacturers Operations Division as indicated below.

FOR FURTHER INFORMATION CONTACT: Richard Bergovoy, Attorney/Advisor, Manufacturers Operations Division (EN-340F), U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC 20460, (202) 382-2522.

SUPPLEMENTARY INFORMATION: Section 202(b)(6)(B) of the Act authorizes the Administrator, upon application by any manufacturer, to waive the 1.0 gram per vehicle mile (g/mi) NOx standard for 1981 through 1984 model year light-duty diesel vehicles. Holzer's Imported Car Service, Inc. (HICS) applied in 1984 for a NOx waiver for certain European-version diesel vehicles which it imports into the United States for resale. I am denying HICS' waiver application as to one vehicle because its NOx emissions were in compliance with the statutory standard of 1.0 g/mi. I am denying HICS' application as to all of its other vehicles because they have failed to meet the substantive waiver criteria in regard to necessity for the waiver and fuel economy benefit. Additionally, almost all the test data submitted by HICS were generated using incorrect testing procedures.

My decision to deny the waiver application is based on the statutory criteria and my determinations about the engine families covered by the applications. I have considered information submitted in the form of written and oral comments. *See* 50 FR 11739 (March 25, 1985) (notice of hearing and opportunity for comment). My reasoning is explained in detail in a decision document which may be obtained as noted above. NOTE: The Office of Management and Budget

(OMB) has exempted this action from the requirements of sections 3 and 7 of Executive Order 12291.

Under section 307(b)(i) of the Clean Air Act (Act), EPA has determined that this decision is a final Agency action of nationwide scope and effect. Accordingly, judicial review of this action is available only by filing a petition for review in the United States Court of Appeals for the District of Columbia Circuit on or before January 23, 1987. Under section 307(b)(2) of the Act, this final action and the basis for it may not be challenged later in civil or criminal proceedings brought by EPA to enforce this action.

Under the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, EPA is required to determine whether a regulation will have a significant effect on a substantial number of small entities so as to require a regulatory flexibility analysis. The denial of this NOx waiver application directly affects only HICS. Hence, pursuant to 5 U.S.C. 605(b), I hereby certify that these rules will not have a significant economic impact on a substantial number of small entities.

Dated: November 17, 1986.

Lee M. Thomas,

Administrator.

[FR Doc. 86-26420 Filed 11-21-86; 8:45 am]

BILLING CODE 6560-50-M

[FRL-3117-7]

Establishment of the Office of Ombudsman

AGENCY: Environmental Protection Agency.

ACTION: Notice of the establishment of the Office of Ombudsman.

SUMMARY: This action announces the establishment of the Office of Ombudsman under the Hazardous and Solid Waste Amendments of 1984 (HSWA). It is the function of the Office of Ombudsman to receive individual complaints, grievances and problems submitted by any person with respect to any program or requirement under the Resource Conservation and Recovery Act (RCRA). The establishment of the Office of Ombudsman shall not affect any procedures for grievances, appeals, or administrative matters in any other provision of law, or any Federal regulation. The objective of the RCRA Ombudsman program is to ensure that the general public is provided assistance with complaints or problems. The RCRA Ombudsman should not be used routinely, but rather as a last resort.

Request for general information on the RCRA Programs may be obtained by calling the RCRA Hotline toll free (800) 424-9364, or in Washington, DC by calling 382-3000.

ADDRESSES: To submit a complaint, grievance or problem contact the RCRA Ombudsman in EPA headquarters in Washington or in one of the regional offices:

Robert J. Knox, Director, Office of Ombudsman, U.S. Environmental Protection Agency, Office of Solid Waste and Emergency, Response (WH-562A), 401 M Street SW., Washington, DC 20460, (202) 475-9361.

EPA Region 1

Paul Ciriello, JFK Federal Building, Boston, MA 02203, Connecticut, Massachusetts, Maine, New Hampshire, Rhode Island, Vermont

EPA Region 2

RCRA Ombudsman, 26 Federal Plaza, New York, NY 10278, (212) 264-2515, New Jersey, New York, Puerto Rico, Virgin Islands

EPA Region 3

Charles Howard, 841 Chestnut Street, Philadelphia, PA 19107, (215) 597-0982, Delaware, Maryland, Pennsylvania, Virginia, West Virginia, District of Columbia

EPA Region 4

Dean Norris, 345 Courtland Street, NE, Atlanta, GA 30365, (404) 881-4727, Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee

EPA Region 5

Kenneth Westlake, 230 South Dearborn Street, Chicago IL 60604, (312) 353-5821, Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin

EPA Region 6

Holly Anderson, 1201 Elm Street, Dallas, TX 75270, (214) 767-0176, Arkansas, Lousiana, New Mexico, Oklahoma, Texas

EPA Region 7

Jack Coakley, 726 Minnesota Avenue, Kansas City, KS 66101, (913) 236-2852, Iowa, Kansas, Missouri, Nebraska

EPA Region 8

Charles Stevens, One Denver Place, 999 18th Street, Suite 1300, Denver, CO 80202-2413, (303) 293-1694, Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming

EPA Region 9

William D. Wilson, 215 Fremont Street, San Francisco, CA 94105, (415) 974-8391, Arizona, California, Hawaii, Nevada, American Samoa, Guam, Trust Territories of the Pacific

EPA Region 10

David Teeter, 1200 Sixth Avenue, Seattle, WA 98101 (206) 442-2871, Alaska, Idaho, Oregon, Washington.

FOR FURTHER INFORMATION CONTACT: Robert J. Knox, Director, Office of Ombudsman, U.S. Environmental Protection Agency, Office of Solid Waste and Emergency Response (WH-562A), 401 M Street, SW., Washington, DC 20460, (202) 475-9361.

Dated: November 18, 1986.

J.W. McGraw,

Acting Assistant Administrator, Solid Waste and Emergency Response.

[FR Doc. 86-26423 Filed 11-21-86; 8:45 am]

BILLING CODE 6560-50-M

[Docket No. ECAO-HA-84-3; FRL-3117-3]

Draft Health Assessment Document for Phosgene

AGENCY: Environmental Protection Agency.

ACTION: Availability of first external review draft.

SUMMARY: This notice announces the availability of the first external review draft of a Health Assessment Document for Phosgene.

DATES: The Agency will make the document available for public review and comment on or about December 1, 1986. Comments must be postmarked by January 30, 1987.

ADDRESSES: To obtain a copy of the document, interested parties should contact the ORD Publications Center, CERI-FRN, U.S. Environmental Protection Agency, 26 West St. Clair Street, Cincinnati, OH 45268, (513) 569-7562 or FTS/684-7562, and request the first external review draft of the Health Assessment Document for Phosgene. Please provide your name, mailing address, and the EPA document number, EPA/600/8-86/022A.

The draft document will also be available for public inspection and copying at the EPA library, EPA headquarters, Waterside Mall, 401 M Street SW., Washington, DC.

Comments on the draft should be sent to the Project Manager for Phosgene, U.S. Environmental Protection Agency, Environmental Criteria and Assessment Office, MD-52, Research Triangle Park, NC 27711.

FOR FURTHER INFORMATION CONTACT: Ms. Diane Ray, U.S. Environmental Protection Agency, Environmental Criteria and Assessment Office, MD-52, Research Triangle Park, NC 27711, (919) 541-3637 or FTS/629-3637.

SUPPLEMENTARY INFORMATION: In March 1985, Office of Air Quality Planning and Standards (OAQPS) requested that the Environmental Criteria and Assessment Office (ECAO), Office of Health and Environmental Assessment (OHEA), prepare a health assessment document

for phosgene. The document will be used by EPA in the decision-making process to possibly regulate phosgene under the Clean Air Act as amended, 42 U.S.C., 7401 *et seq.*

Dated: November 17, 1986.

Vaun A. Newill,

Assistant Administrator for Research and Development.

[FR Doc. 86-26421 Filed 11-21-86; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION

Public Information Collection Requirement Submitted to Office of Management and Budget for Review

November 14, 1986

The Federal Communication Commission has submitted the following information collection requirement to OMB for review and clearance under the Paperwork Reduction Act of 1980 (44 U.S.C. 3507).

Copies of the submission may be purchased from the Commission's copy contractor, International Transcription Service, (202) 857-3800, 2100 M Street NW., Suite 140, Washington, DC 20037. For further information on this submission contact Jerry Cowden, Federal Communications Commission, (202) 632-7513. Persons wishing to comment on this information collection should contact J. Timothy Sprehe, Office of Management and Budget, Room 3235 NEOB, Washington, DC 20503, (202) 395-4814.

OMB No.: None
Title: Section 73.1690, Modification of Transmission Systems
Action: New collection
Respondents: Licensees of broadcast stations
Estimated Annual Burden: 30 Recordkeepers; 8 Hours.

Federal Communication Commission.

William J. Tricarico,

Secretary.

[FR Doc. 86-26442 Filed 11-21-86; 8:45 am]

BILLING CODE 6712-01-M

Advisory Committee for the ITU World Administrative Radio Conference on the Use of the Geostationary Satellite Orbit and the Planning of the Space Services Utilizing It (Space WARC Advisory Committee); Main Committee Meeting

November 14, 1986.

The Space WARC Advisory Committee will convene its next meeting on December 3, 1986. The Committee will be reviewing the work of the working groups and will be considering recommendations and advice to the Commission concerning U.S. participation within the intersessional work program of the International Telecommunication Union in preparation for the second session in 1988. Details regarding the date, place and agenda of the meeting are provided below.

Chairman: Ronald F. Stowe (202) 383-6433
Vice Chairman: Stephen E. Doyle (916) 355-6941
Date: Wednesday, December 3, 1986
Time: 9:30 a.m.-1:00 p.m.
Location: Federal Communications Commission, 1919 M Street NW., Room 856, Washington, DC 20554
Designated Federal Employee: Thomas S. Tycz, (202) 632-3214
Agenda:

(1) Adoption of Agenda
(2) Status of ITU Preparatory Activities
(3) Working Group Reports
(4) Recommendations for Notice of Inquiry
(5) Date of Next Meeting
(6) Other Business
(7) Adjournment.

For additional information, please contact Thomas S. Tycz (202) 632-3214.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 86-26443 Filed 11-21-86; 8:45 am]

BILLING CODE 6712-01-M

[CC Docket No. 85-166, Phase I; FCC 86-466]

Investigation of Special Access Tariffs of Local Exchange Carriers

AGENCY: Federal Communications Commission (FCC).

ACTION: Memorandum Opinion and Order on Reconsideration.

SUMMARY: This action disposes of petitions for reconsideration of decisions made in *Investigation of Special Access Tariffs of Local Exchange Carriers,* CC Docket No. 85-166, Phase I, FCC 86-52, released January 24, 1986, which completed Phase I of the Commission's investigation of special access rates and rate structure in that docket. The Commission reviewed the petitions and responsive pleadings and affirmed its previous decisions on the issues they raised.

ADDRESS: Federal Communications Commission, 1919 M Street NW., Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Lawrence R. Krevor, tele: 202-632-6917.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's *Memorandum Opinion and Order on Reconsideration* in CC Docket No. 85-166, Phase I, FCC 86-466, adopted October 23, 1986 and released November 5, 1986.

The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, (202) 857-3800, 2100 M Street NW., Suite 140, Washington, DC 20037.

Summary of Memorandum Opinion and Order on Reconsideration

1. On January 24, 1986, the Commission released a Memorandum Opinion and Order completing Phase I of its investigation of special access rates and rate structure in Docket 85-166 (*Phase I Order*). In the *Phase I Order,* the Commission resolved issues relating to certain aspects of the special access rate structure as well as questions regarding cost allocations to various special access rate elements. It also prescribed a 1.6 to 1 ratio between 4-wire and 2-wire channel termination rates and directed carriers to adjust their rates accordingly.

2. Petitions for Reconsideration of the *Phase I Order* were filed by the Television User Parties (User Parties), Western Union Telegraph Company (Western Union), and the International Telephone and Telegraph Company (ITT). The User Parties sought reconsideration of that part of the *Phase I Order* which disallowed 50 percent of the local exchange carriers' (LECs') investment in unused polyethylene shielded video (PSV) cable. Western Union sought reconsideration of the allocation of voice-grade performance and facility interface costs to channel termination rates as well as the allocation of central office and other related costs to metallic services which it alleges do not use facilities. It also argued that the LECs improperly failed to reduce their metallic channel termination rates in light of the Commission's prescription of a 1.6 to 1 ratio of 4-wire to 2-wire channel termination rates. Finally, ITT sought reconsideration of the Commission's decision to prescribe a single ratio for 4-wire to 2-wire channel termination rates which applies nationwide. Responsive pleadings were filed.

3. The Commission denied the petitions. It concluded that the petitioners had failed to demonstrate that the findings and conclusions reached in the *Phase I Order* were in error or should be modified. For example, the User Parties presented no facts to support disallowance of the entire unused PSV investment or that undercut the Commission's conclusion that the 50 percent disallowance represents a reasonable balance of the interests of carriers and ratepayers taking into account equitable considerations. The Commission also concluded that Western Union's petition is largely a re-argument of issues that have been fully developed and resolved in this and previous proceedings. Accordingly, it affirmed the various cost allocation decisions reached in the *Phase I Order*. It also rejected Western Union's request for adjustment of the rate for 2-wire metallic service concluding that the carrier had not demonstrated why the differential that had existed previously between this rate and the rate for 2-wire voice grade service should be maintained.

5. Finally, with regard to ITT's petition, the Commission concluded that in the absence of more reliable data from the LECs supporting alternate ratios, the prescription of a 1.6 to 1 nationwide ratio between 4-wire and 2-wire channel termination rates should be retained. It stated, however, that carriers may be able to demonstrate, based on their own costs, that a different ratio should be applied and emphasized its willingness to consider properly supported requests for waiver of the prescription. The Commission also affirmed the Common Carrier Bureau's previous grant of a waiver of the 1.6 to 1 prescription to Southwestern Bell Telephone Company and denied ITT's separate petition for reconsideration of that Bureau action. See *Investigation of Special Access Tariffs of Local Exchange Carriers*, CC Docket No. 85–166, Phase I, Mineo No. 2757, released February 21, 1986.

Ordering Clauses

4. Accordingly, It Is Ordered that the petitions for reconsideration filed by the Television User Parties, Western Union Telegraph Company and the International Telephone and Telegraph Company regarding the *Phase I Order* Are Denied.

6. It Is Further Ordered that the petition for reconsideration filed by the International Telephone and Telegraph Company against the Common Carrier Bureau's Order in CC Docket No. 85–166, Mimeo No. 2757, released February 21, 1986 Is Denied.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 86–26441 Filed 11–21–86; 8:45 am]

BILLING CODE 6712-01-M

Applications for Consolidated Hearing; Abbeville Educational Broadcasting Foundation, et al.

1. The Commission has before it the following mutually exclusive applications for a new FM station:

Applicant, city, and State	File No.	MM Docket No.
A. Abbeville Educational Broadcasting Foundation Abbeville, LA.	BPED–831103AG	86–426
B. TRC Educational Broadcasting Foundation Lafayette, LA.	BPED–831219AN	

2. Pursuant to section 309(e) of the Communications Act of 1934, as amended, the above applications have been designated for hearing in a consolidated proceeding upon the issues whose headings are set forth below. The text of each of these issues has been standardized and is set forth in its entiretly under the corresponding headings at 51 FR 19347, May 29, 1986. The letter shown before each applicant's name, above, is used below to signify whether the issue in question applies to that particular applicant.

Issue Heading and Applicant(s)

1. Air Hazard, A, B
2. 307(b)—Noncommercial Educational, A, B
3. Contingent Comparative—Noncommercial Educational, A, B
4. Ultimate, A, B

3. If there is any non-standardized issue(s) in this proceeding, the full text of the issue and the applicant(s) to which it applies are set forth in an Appendix to this Notice. A copy of the complete HDO in this proceeding is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington DC. The complete text may also be purchased from the Commission's duplicating contractor, International Transcription Services, Inc., 2100 M Street, NW., Washington, DC 20037. (Telephone (202) 857–3800).

W. Jan Gay,

Assistant Chief, Audio Services Division, Mass Media Bureau.

[FR Doc. 86–26437 Filed 11–21–86; 8:45 am]

BILLING CODE 6712-01-M

Applications for Consolidated Hearing; Robert G. Payne, et al.

1. The Commission has before it the following mutually exclusive applications for a new FM station:

Applicant, city and State	File No.	MM Docket No.
A. Robert G. Payne, Ft. Mitchell, AL.	BPH–84122OMB	86–427
B. Bohanan Broadcasting, Ft. Mitchell, AL.	BPH–850506NN	
C. Minority Radio Associates, Ft. Mitchell, AL.	BPH–850531MM	
D. Rosie R. Strong & Kathryn G. Cason, Ft. Mitchell, AL.	BPH–850531MS	
E. Janice M. Camba, Ft. Mitchell, AL.	BPH–850531ND	

2. Pursuant to section 309(e) of the Communications Act of 1934, as amended, the above applications have been designated for hearing in a consolidated proceeding upon the issues whose headings are set forth below. The text of each of these issues has been standardized and is set forth in its entirety under the corresponding headings at 51 FR 19347, May 29, 1986. The letter shown befoe each applicant's name, above, is used below to signify whether the issue in question applies to that particular applicant.

Issue Heading and Applicant(s)

1. Financial, E
2. Air Hazard, A, C, D, E
3. Comparative, A, B, C, D, E
4. Ultimate, A, B, C, D, E

3. If there is any non-standardized issue(s) in this proceeding, the full text of the issue and the applicant(s) to which it applies are set forth in an Appendix to this Notice. A copy of the complete HDO in this proceeding is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington DC. The complete text may also be purchased from the Commission's duplicating contractor, International Transcription Services, Inc., 2100 M Street, NW., Washington, DC 20037. (Telephone (202) 857–3800).

W. Jan Gay,

Assistant Chief, Audio Services Division, Mass Media Bureau.

[FR Doc. 86–26438 Filed 11–21–86; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL MARITIME COMMISSION

Agreements Filed

The Federal Maritime Commission hereby gives notice of the filing of the

following agreement(s) pursuant to section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, DC Office of the Federal Maritime Commission, 1100 L Street NW., Room 10325. Interested parties may submit comments on each agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days after the date of the **Federal Register** in which this notice appears. The requirements for comments are found in § 572.603 of Title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Agreement No.: 224–003938–002.
Title: Los Angeles Terminal Agreement.
Parties:
The City of Los Angeles (Port)
American President Lines, Ltd. (APL)

Synopsis: The proposed amendment would modify the compensation to be paid by APL to the Port and would add new force majeure provisions. It would also settle differences between the parties concerning wharfage due on invitee cargo during the first five years of the agreement's term.

Agreement No.: 217–010723–001.
Title: International Navigation Ltd./ Lash Carriers, Inc. Space Charter and Cooperative Working Agreement.
Parties:
International Navigation Limited
Lash Carriers, Inc.

Synopsis: The proposed amendment would reduce the number of vessels subject to the agreement from three to two and would change the name of one of the vessels.

Agreement No.: 224–011029.
Title: Oakland Terminal Agreement.
Parties:
City of Oakland (Port)
Schnitzer Steel Products Co. (SSP)

Synopsis: The proposed agreement would permit the Port to lease 1.84 acres of water area in the Port's Inner Harbor to SSP for use in its cargo loading and discharging operations.

Agreement No.: 224–011030.
Title: Anchorage Terminal Agreement.
Parties:
Municipality of Anchorage (Port)
Sea-Land Service, Inc. (Sea-Land)

Synopsis: Under the terms of the proposed agreement the Port would purchase a container crane and related equipment to be conveyed, installed and delivered by Sea-Land. Sea-Land would also improve two existing cranes. During the twenty-year term of the agreement Sea-Land would have preferential use of the cranes. The parties have requested a shortened review period.

Agreement No.: 224–011031.
Title: Los Angeles Terminal Agreement.
Parties:
The City of Los Angeles
American President Lines, Ltd. (APL)

Synopsis: The proposed agreement would provide for the replacement of four container-handling cranes to accommodate a new type of container vessel to be used in APL's trans-pacific service.

By Order of the Federal Maritime Commission.

Dated: November 19, 1986.

Joseph C. Polking,

Secretary.

[FR Doc. 86–26427 Filed 11–21–86; 8:45 am]

BILLING CODE 6730–01–M

FEDERAL RESERVE SYSTEM

Chemical New York Corp.; Proposal To Underwrite and Deal in Certain Securities to a Limited Extent

Chemical New York Corporation ("Applicant"), New York, New York, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and 225.23(a)(3) of the Board's Regulation Y (12 CFR 225.23(a)(3)), for permission to engage through Chemical Securities, Inc. ("Company"), New York, New York, or through one or more wholly-owned subsidiaries of Company, in the activities of underwriting and dealing in, to a limited extent, the following securities which are eligible for purchase by banks for their own account but not eligible for banks to underwrite and deal in (hereinafter "ineligible securities"):

(1) Commercial paper;

(2) Municipal revenue obligations (including certain industrial development bonds);

(3) Mortgage-related securities (obligations secured by, or representing interests in, residential real estate mortgages);

(4) Consumer-receivable-related securities (obligations secured by, or representing an interest in, loans or receivables of a type generally made to or due from consumers) (hereinafter "CRRs").

Applicant has previously applied for approval under § 225.25(b)(16) of Regulation Y (12 CFR 225.25(b)(16)) to engage, *de novo* through Company in underwriting and dealing in securities and money market instruments that banks are expressly authorized to underwrite and deal in under section 16 of the Glass-Steagall Act (12 U.S.C. 24 Seventh), including U.S. government obligations and general obligations of states and their political subdivisions. The foregoing activities are presently conducted by Applicant's principal banking subsidiary, Chemical Bank. Applicant expects that the underwriting and dealing activities in eligible securities presently conducted by Chemical Bank will ultimately be transferred to Company.

Upon consummation of the proposal, Company would commence underwriting and dealing in ineligible securities subject to the limitations set forth in the application. The activities would be performed principally through Company's offices in New York, serving customers throughout the United States. Company may establish offices in other locations as it deems necessary and appropriate.

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." The Board has not previously approved the proposed activities for bank holding companies.

Applicant states that the proposed activities are so closely related to banking or managing or controlling banks as to be a proper incident thereto on the basis of its belief that banks engage in activities that it believes are functionally and operationally similar to those involved in the application, including discounting commercial paper; underwriting and dealing in eligible U.S. government and municipal securities, mortgage-backed securities and money market instruments; assessing credit and interest rate risk; and originating, purchasing and pooling mortgage and consumer loans.

In determining whether a particular activity is a proper incident to banking, the Board considers whether the performance of the activity by an affiliate of a holding company 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 interest or unsound banking practices. Applicant maintains that permitting bank holding

companies to engage in the proposed activities would be procompetitive and would enable holding companies to provide increased services to customers. In addition, Applicant believes the proposal would not result in adverse effects.

The application also presents issues under section 20 of the Glass-Steagall Act (12 U.S.C. 377). Section 20 of the Glass-Steagall Act prohibits the affiliation of a member bank, such as Chemical Bank, with a firm that is "engaged principally" in the "underwriting, public sale or distribution" of securities.

Applicant states that it would not be "engaged principally" in such activities on the basis of restrictions that would limit the amount of the proposed activity relative to the total business conducted by Company and relative to the total market in such activity.

During any two year period, the Company's underwriting and dealing in ineligible securities ("ineligible activities") will account for no more than 15 percent of its total activities, measured by compliance with two of the three indicia set forth below:

(1) the dollar volume of underwriting commitments (or underwriting or primary sales if larger) and dealer or secondary sales attributable to ineligible activities, compared with total dollar volume of all of Company's activities;

(2) the average assets acquired in connection with ineligible activities, compared with the average assets acquired in connection with all of Company's activities; and

(3) the gross income from ineligible activities, compared with the gross income from all of Company's activities.

In addition, Applicant will limit Company's involvement in the market for ineligible activities through the following restrictions:

(1) The volume of all municipal revenue securities underwritten by Company in any one calendar year shall not exceed three percent of the total amount of such securities underwritten domestically by all firms during the previous calendar year.

(2) The amount of all municipal revenue securities held by Company for dealing at any one time shall not exceed three percent of the total amount of such securities underwritten domestically by all firms during the previous calendar year.

(3) The aggregate volume of all mortgage-related securities and CRRs underwritten by Company in any one calendar year shall not exceed three percent of the total aggregate amount of such securities underwritten domestically by all firms during the previous calendar year.

(4) The aggregate amount of all mortgage-related securities and CRRs held by Company for dealing at any one time shall not exceed three percent of the total aggregate amount of such securities underwritten domestically by all firms during the previous calendar year.

(5) The total amount of commercial paper outstanding on any day underwritten by Company shall not exceed 10 percent of the average daily amount of dealer-placed commercial paper outstanding during the prior four calendar quarters (Applicant would reduce this limit from 10 percent to 3 percent if the Board determines that such a reduction in market share is legally required).

(6) The total amount of commercial paper held in inventory by Company on any day shall not exceed 10 percent of the average daily amount of dealer-placed commercial paper outstanding during the prior four calendar quarters. (Applicant would reduce this limit from 10 percent to 3 percent if the Board determines that such a reduction in market share is legally required).

In addition, Applicant has stated that it would be prepared to conduct all of the proposed activities in a single corporation should the Board decide that the activities of Company and one or more of its subsidiaries may not be viewed on a consolidated basis for section 20 purposes.

In publishing Chemical's proposal for comment, the Board does not take any position on the "engaged principally" issue under the Glass-Steagall Act or other issues raised by the proposal under the Bank Holding Company Act. Notice of the proposal is published solely in order to seek the views of interested persons on the issues presented by the application and does not represent a determination by the Board that the proposal is consistent or inconsistent with the Glass-Steagall Act or that the proposal meets or is likely to meet the standards of the Bank Holding Company Act. The Board previously published for comment applications by Citicorp (50 FR 20847), J.P. Morgan & Co. Incorporated (50 FR 41025) and Bankers Trust (51 FR 16590) to underwrite and deal in the proposed ineligible securities.

Comments are requested on the scope of activity permitted by the phrase "engaged principally" under the Glass-Steagall Act, including whether the phrase contemplates the type of limitations involved in this application, which are based on Applicant's market share and on a percentage of the affiliate's total business activities. The Board also seeks comment on whether the term "engaged principally" in section 20 would preclude a member bank affiliate from engaging in activities restricted by this section on a substantial and regular or non-incidental basis and without regard to the amount of other activities conducted by the affiliate.

Comments are also requested on whether the proposed activities are "so closely related to banking or managing or controlling banks as to be a proper incident thereto," and whether the proposal as a whole 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."

Upon the expiration of the public comment period, depending upon the comments received, the Board may wish first to consider the legal issue presented by the application under the Glass-Steagall Act in order to determine whether there is a legal basis for considering whether the activities could be permitted for a bank holding company under the Bank Holding Company Act.

Any request for a hearing on these questions must, as required by section 262.3(e) of the Board's Rules of Procedure (12 CFR 262.3(e)), be accompanied by a statement of the reasons why 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 the Federal Reserve Bank of New York.

Any comments or requests for hearing should be submitted in writing and received by William W. Wiles, Secretary, Board of Governors of the Federal Reserve System, Washington, DC 20551, not later than December 19, 1986.

Board of Governors of the Federal Reserve System, November 18, 1986.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 86-26399 Filed 11-21-86; 8:45 am]

BILLING CODE 6210-01-M

John E. Goodenow et al.; Acquisitions of Banks or Bank Holding Companies

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. Once the notices have been accepted for processing, they will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than December 10, 1986.

A. **Federal Reserve Bank of Minneapolis** (James M. Lyon, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. *John E. Goodenow & Gerald Schmitz,* Wall Lake, Iowa, to acquire 38.3 percent and 27.9 percent, respectively, of the voting shares of Fairmont Bancorporation, Fairmont, Minnesota, and thereby indirectly acquire Fairmont National Bank, Fairmont, Minnesota.

2. *Mr. Harris A. Peterson,* Grand Forks, North Dakota; to acquire 60 percent of the voting shares of Crookston Financial Services, Inc., Crookston, Minnesota, and thereby indirectly acquire Crookston National Bank, Crookston, Minnesota.

Board of Governors of the Federal Reserve System, November 18, 1986.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 86-26400 Filed 11-21-86; 8:45 am]

BILLING CODE 6210-01-M

Sovran Financial Corp., et al.; Acquisitions of Companies Engaged in Permissible Nonbanking Activities

The organizations listed in this notice have applied under § 225.23 (a)(2) or (f) of the Board's Regulation Y (12 CFR 225.23 (a)(2) or (f)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C.1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to acquire or control voting securities or assets of a company engaged in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing 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.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated for the application or the offices of the Board of Governors not later than December 12, 1986.

A. **Federal Reserve Bank of Richmond** (Lloyd W. Bostian, Jr., Vice President) 701 East Byrd Street, Richmond, Virginia 23261:

1. *Sovran Financial Corporation,* Norfolk, Virginia; to acquire Cash Flow, Inc., Norfolk, Virginia, and thereby engage in the administration of the Cash Flow Network and Switch; standardization of Cash Flow Products; administration of complimentary network affiliations, and analysis and implementation of other electronic funds transfer related ventures pursuant to § 225.25(b)(7) of the Board's Regulation Y.

2. *Sovran Financial Corporation,* Norfolk, Virginia; to acquire Sovran Leasing Corporation, Richmond, Virginia, and thereby engage in commercial financing; making, acquiring and/or servicing for its own account and for the account of others, loans and leases of real and personal property; arranging, financing, financial structuring and analysis of equipment leasing problems pursuant to § 225.25(b)(1)(iv) and (5) of the Board's Regulation Y.

B. **Federal Reserve Bank of Kansas City** (Thomas M. Hoenig, Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. *Eastman National Bankshares, Inc.,* Newkirk, Oklahoma; to acquire The Eastman Company, Newkirk, Oklahoma, and thereby engage in making and servicing loans pursuant to § 225.25(b)(1) of the Board's Regulation Y. Comments on this application must be received by December 10, 1986.

Board of Governors of the Federal Reserve System, November 18, 1986.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 86-26401 Filed 11-21-86; 8:45 am]

BILLING CODE 6210-01-M

Sovran Financial Corp. et al.; Applications To Engage de Novo in Permissible Nonbanking Activities

The companies listed in this notice have filed an application under § 225.23(a)(1) of the Board's Regulation Y (12 CFR 225.23(a)(1)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to commence or to engage *de novo,* either directly or through a subsidiary, in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing 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.

Unless otherwise noted, comments regarding the applications must be received at the Reserve Bank indicated

or the offices of the Board of Governors not later than December 12, 1986.

A. **Federal Reserve Bank of Richmond** (Lloyd W. Bostian, Jr., Vice President) 701 East Byrd Street, Richmond, Virginia 23261:

1. *Sovran Financial Corporation,* Norfolk, Virginia; to engage *de novo* through its subsidiary, Sovran Equity Mortgage Corporation, Richmond, Virginia, in making, acquiring, and servicing, for its own account or for the account of others, loans secured principally by second mortgages on real property; acting as agent in the sale of credit life insurance and accident and health insurance in connection with such loans pursuant to § 225.25(b)(1)(iii) and (8) of the Board's Regulation Y.

B. **Federal Reserve Bank of Dallas** (Anthony J. Montelaro, Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. *Texas Commerce Bancshares, Inc.,* Houston, Texas; to engage *de novo* through its subsidiary, Texas Commerce Investment Management Co., Houston, Texas, in advising a mortgage or real estate trust of a company registered under the Investment Company Act of 1940 and providing portfolio investment advice to any person, economic information and advice, statistical forecasting services and industry studies and providing financial advice to state and local governments pursuant to § 225.25(b)(4) of the Board's Regulation Y.

Board of Governors of the Federal Reserve System, November 18, 1986.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 86-26402 Filed 11-21-86; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Alcohol, Drug Abuse, and Mental Health Administration

Reestablishment of Committees

Pursuant to the Federal Advisory Committee Act of October 6, 1972. (Pub. L. 92-463, 86 Stat. 770-776) and the Anti-Drug Abuse Act of 1986, (Pub. L. 99-570, section 501(j)), the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, (ADAMHA), announces the reestablishment, effective December 31, 1986, of the following committees:

Alcohol Biomedical Research Review Committee

Alcohol Psychosocial Research Review Committee

Drug Abuse Biomedical Research Review Committee

Drug Abuse Clinical and Behavioral Research Review Committee

Drug Abuse Epidemiology, Prevention, and Services Research Review Comm.

The duration of these committees is continuing unless formally determined by the Administrator, ADAMHA, that termination would be in the best public interest.

Dated: November 17, 1986.

Donald Ian Macdonald,

Administrator, Alcohol, Drug Abuse, and Mental Health Administration.

[FR Doc. 86-26416 Filed 11-21-86; 8:45 am]

BILLING CODE 4160-20-M

Reestablishment of Committees

Pursuant to the Federal Advisory Committee Act of October 6, 1972. (Pub. L. 92-463, 86 Stat. 770-776) and the Anti-Drug Abuse Act of 1986, (Pub. L. 99-570, section 501(j)), the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, (ADAMHA), announces the reestablishment, effective December 15, 1986, of the following committees:

Life Course and Prevention Research Review Committee

Mental Health Research Education Review Committee

Research Scientist Development Review Committee.

The duration of these committees is continuing unless formally determined by the Administrator, ADAMHA, that termination would be in the best public interest.

Dated: November 17, 1986.

Donald Ian Macdonald,

Administrator, Alcohol, Drug Abuse, and Mental Health Administration.

[FR Doc. 86-26417 Filed 11-21-86; 8:45 am]

BILLING CODE 4160-20-M

Food and Drug Administration

Advisory Committee; Meeting

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: This notice announces a forthcoming meeting of a public advisory committee of the Food and Drug Administration (FDA). This notice also summarizes the procedures for the meetings and methods by which interested persons may participate in open public hearings before FDA's advisory committees.

Meeting: The following advisory committee meeting is announced:

Circulatory System Devices Panel

Date, time, and place. December 12, 8:30 a.m., Auditorium, Hubert H. Humphrey Bldg., 200 Independence Ave. SW., Washington, DC.

Type of meeting and contact person. Open public hearing, 8:30 a.m. to 9:30 a.m.; open committee discussion, 9:30 a.m. to 12 m.; closed presentation of data and closed committee deliberations, 1 p.m. to 4 p.m.; Keith Lusted, Center for Devices and Radiological Health (HFZ-450), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-7594.

General function of the committee. The committee reviews and evaluates available data on the safety and effectiveness of medical devices currently in use and makes recommendations for their regulation.

Agenda—Open public hearing. Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Those desiring to make formal presentations should notify the contact person before November 28, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time required to make their comments.

Open committee discussion. The committee will discuss the current information on strut fracture, thrombosis and thromboembolism rates of the Shiley 60° convexo-concave valves in order to determine if the smaller-sized valves (21-27 millimeters) currently on the market may still be considered safe and effective from a clinical risk-benefit perspective.

Closed presentation of data. Trade secret and/or confidential commercial or financial information will be presented to the committee regarding manufacturing and quality control methods, and sales and distribution figures for these valves. This portion of the meeting will be closed to permit discussion of this information (5 U.S.C. 552b(c)(4)).

Closed committee deliberations. The committee will discuss trade secret and/or confidential commercial or financial information regarding manufacturing and quality control methods, sales and distribution figures for these valves, and possibly similar data on other premarket approval valves on the market. This portion of the meeting will be closed to permit discussion of this information (5 U.S.C. 552b(c)(4)).

Each public advisory committee meeting listed above may have as many as four separable portions: (1) An open public hearing, (2) an open committee discussion, (3) a closed presentation of data, and (4) a closed committee deliberation. Every advisory committee meeting shall have an open public hearing portion. Whether or not it also includes any of the other three portions will depend upon the specific meeting involved. The dates and times reserved for the separate portions of each committee meeting are listed above.

The open public hearing portion of each meeting shall be at least 1 hour long unless public participation does not last that long. It is emphasized, however, that the 1 hour time limit for an open public hearing represents a minimum rather than a maximum time for public participation, and an open public hearing may last for whatever longer period the committee chairperson determines will facilitate the committee's work.

Public hearings are subject to FDA's guideline (Subpart C of 21 CFR Part 10) concerning the policy and procedures for electronic media coverage of FDA's public administrative proceedings, including hearings before public advisory committees under 21 CFR Part 14. Under 21 CFR 10.205, representatives of the electronic media may be permitted, subject to certain limitations, to videotape, film, or otherwise record FDA's public administrative proceedings, including presentations by participants.

Meetings of advisory committees shall be conducted, insofar as is practical, in accordance with the agenda published in this **Federal Register** notice. Changes in the agenda will be announced at the beginning of the open portion of a meeting.

Any interested person who wishes to be assured of the right to make an oral presentation at the open public hearing portion of a meeting shall inform the contact person listed above, either orally or in writing, prior to the meeting. Any person attending the hearing who does not in advance of the meeting request an opportunity to speak will be allowed to make an oral presentation at the hearing's conclusion, if time permits, at the chairperson's discretion.

Persons interested in specific agenda items to be discussed in open session may ascertain from the contact person the approximate time of discussion.

A list of committee members and summary minutes of meetings may be requested from the Dockets Management Branch (HFA–305), Rm. 4–62, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, between 9 a.m. and 4 p.m., Monday through Friday.

The Commissioner, with the concurrence of the Chief Counsel, has determined for the reasons stated that those portions of the advisory committee meetings so designated in this notice shall be closed. The Federal Advisory Committee Act (FACA), as amended by the Government in the Sunshine Act (Pub. L. 94–409), permits such closed advisory committee meetings in certain circumstances. Those portions of a meeting designated as closed, however, shall be closed for the shortest possible time, consistent with the intent of the cited statutes.

The FACA, as amended, provides that a portion of a meeting may be closed where the matter for discussion involves a trade secret; commercial or financial information that is privileged or confidential; information of a personal nature, disclosure of which would be a clearly unwarranted invasion of personal privacy; investigatory files compiled for law enforcement purposes; information the premature disclosure of which would be likely to significantly frustrate implementation of a proposed agency action; and information in certain other instances not generally relevant to FDA matters.

Examples of portions of FDA advisory committee meetings that ordinarily may be closed, where necessary and in accordance with FACA criteria, include the review, discussion, and evaluation of drafts of regulations or guidelines or similar preexisting internal agency documents, but only if their premature disclosure is likely to significantly frustrate implementation of proposed agency action; review of trade secrets and confidential commercial or financial information submitted to the agency; consideration of matters involving investigatory files compiled for law enforcement purposes; and review of matters, such as personnel records or individual patient records, where disclosure would constitute a clearly unwarranted invasion of personal privacy.

Examples of portions of FDA advisory committee meetings that ordinarily shall not be closed include the review, discussion, and evaluation of general preclinical and clinical test protocols and procedures for a class of drugs or devices; consideration of labeling requirements for a class of marketed drugs or devices; review of data and information on specific investigational or marketed drugs and devices that have previously been made public; presentation of any other data or information that is not exempt from public disclosure pursuant to the FACA, as amended; and, notably deliberative sessions to formulate advice and recommendations to the agency on matters that do not independently justify closing.

This notice is issued under section 10(a)(1) and (2) of the Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770–776 (5 U.S.C. App. I)), and FDA's regulations (21 CFR Part 14) on advisory committees.

Dated: November 14, 1986.

Frank E. Young,

Commissioner of Food and Drugs.

[FR Doc. 86–26356 Filed 11–21–86; 8:45 am]

BILLING CODE 4160–01–M

[Docket No. 85N–0569]

Health Aspects of Sugar Alcohols and Lactose; Availability of Report

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that the final report of the Federation of American Societies for Experimental Biology (FASEB) on sugar alcohols and lactose is available to the public. The final report was issued on October 20, 1986.

ADDRESSES: Requests for a copy of the final report should be sent to FASEB's Special Publications Office, Federation of American Societies for Experimental Biology, 9650 Rockville Pike, Bethesda, MD 20814, along with $15 to cover the cost. In the near future, the report will be available from the National Technical Information Service, 5285 Port Royal Rd., Springfield, VA 22161. Copies are on display at the Life Sciences Research Office, FASEB (address above), and at the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT:

F.R. Senti, Life Sciences Research Office, Federation of American Societies for Experimental Biology, 9650 Rockville Pike, Bethesda, MD 20814, 301–530–7030

or

Catherine J. Bailey, Center for Food Safety and Applied Nutrition (HFF–334), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–426–8950.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of January 17, 1986 (51 FR 2577), FDA announced that the Life Sciences Research Office (LSRO) of FASEB, under its contract with FDA

(223–83–2020), was undertaking a study of certain effects observed in animal experiments in which the test animals were fed sugar alcohols or lactose. In response to a request from FDA, the Scientific Steering Group that FASEB established under the contract recommended that LSRO appoint an ad hoc expert panel to study this matter. As a result, LSRO established the ad hoc Expert Panel on Sugar Alcohols and Lactose (the Expert Panel).

The Expert Panel conducted a closed meeting on February 3 and 4, 1986, to review study objectives, define the scope of the task, develop plans for an open meeting, and begin evaluation of the available scientific data and information (51 FR 2577; January 17, 1986). Subsequently, the Expert Panel conducted an open meeting on April 7, 1986, to receive written and oral views, information, and data. The Expert Panel also held closed meetings on April 7, continuing until April 9, 1986, and again on June 23 and 24, 1986, to consider all the information and views received at the open meeting, written submissions, and all other published data and information obtained in the course of the study. The April and June meetings were announced in the **Federal Register** of March 7, 1986 (51 FR 8030).

The Expert Panel presented its evaluation of the data and information that it received to FASEB. FASEB has reviewed the Expert Panel's work and has prepared and submitted to FDA a final report entitled "Health Aspects of Sugar Alcohols and Lactose." This report is now available to the public.

Dated: November 18, 1986.

John M. Taylor,

Associate Commissioner for Regulatory Affairs.

[FR Doc. 86–26355 Filed 11–21–86; 8:45 am]

BILLING CODE 4160–01–M

Health Resources and Services Administration

Application Announcement and Proposed Funding Preferences for Cooperative Agreements for Area Health Education Center Programs

The Health Resources and Services Administration announces that applications are now being accepted for Fiscal Year 1987 Cooperative Agreements for Area Health Edu ation Center (AHEC) Programs under the authority of Section 781(a)(1) of the Public Health Service Act, as amended by Pub. L. 99–129, and invites comments on the proposed additional funding preferences listed below.

The Administration's budget request for Fiscal Year 1987 does not include funding for this program. This notice regarding applications does not reflect any change in this policy. However, should funds become available unexpectedly for this purpose, this contingency action will assure that grants can be awarded in a timely fashion consistent with the needs of the programs as well as to provide for even distribution of funds throughout the fiscal year.

Section 781(a)(1) authorizes Federal assistance to medical and osteopathic schools which have cooperative arrangements with one or more public or nonprofit private area health education centers for the planning, development and operation of area health education center programs. New applications, submitted under this authority will be accepted from medical and osteopathic schools for the purpose of planning, developing and operating new area health education center programs. Applicants may request up to three years of support with the expectation that centers planned and developed in years one and two would be operational no later than the third year.

To be eligible to receive support for an area health education center cooperative agreement, the applicant must be a public or nonprofit private accredited school of medicine or osteopathy, or consortium of such schools, or the parent institution on behalf of such school(s).

To receive support, programs must meet the requirements of the regulations as set forth in 42 CFR Part 57, Subpart MM.

Personnel of the Bureau of Health Professions have substantial programmatic involvement with the planning, developing, and administering of the AHEC projects by:

1. Reviewing and approving plans, upon which continuation of the cooperative agreement is contingent, to permit appropriate direction and redirection of activities.

2. Reviewing all contracts and agreements among recipient medical or osteopathic schools, other health professions schools and community-based centers.

3. Participating with project staff in the development of funding projections.

4. Developing with project staff individual project data collection systems and procedures.

5. Participating with project staff in the design of project evaluation protocols and methodologies.

Section 781(e)(2) of the Act requires that not more than 75 percent of total operating funds of a program in any year shall be provided by the Secretary.

In making awards for Fiscal Year 1987, the following funding preferences are established:

(1) Competing continuation applications,

(2) Planning and development projects under section 781(a)(1), and

(3) Supplements to existing awards.

Proposed Additional Funding Preferences

It is proposed that after a 30-day public comment period, additional funding preferences will be given to:

(1) Applications proposing Centers that serve health manpower shortage areas with a greater proportion of American Indian/Alaskan Natives, Asian/Pacific Islanders, Blacks and/or Hispanics; or low-income individuals.

An individual will be deemed to be of "low income" if that individual comes from a family with an annual income below a level based on low income thresholds according to family size published by the U.S. Bureau of the Census, adjusted annually for changes in the Consumer Price Index, and adjusted by the Secretary for use in all health professions programs. The following income figures determine what constitutes a low income family for purposes of the Area Health Education Centers Program for Fiscal Year 1987.

Size of family [1]	Level [2]
1	$7,200
2	9,400
3	11,100
4	14,300
5	16,800
6 or more	18,900

[1] Includes only dependents based on Federal income tax forms.

[2] Adjusted gross income for calendar year 1985, rounded to $100.

An application will be evaluated with respect to other approved applications to determine whether it has a "greater proportion" of the stated minority individuals.

(2) Applications proposing Centers located in primary care health manpower shortage areas designated under section 332 of the Public Health Service Act.

Interested persons are invited to comment on the proposed funding preferences. Normally, the comment period would be 60 days. However, due to the need to implement any changes for the Fiscal Year 1987 award cycle, this comment period has been reduced to 30 days. All comments received by December 24, 1986, will be considered before the final funding preferences are established. No funds will be allocated

or final selections made until a final notice is published indicating whether the proposed funding preferences are to be applied.

Written comments should be addressed to: Acting Director, Division of Medicine, Bureau of Health Professions, Health Resources and Services Administration, Parklawn Building, Rm. 4C–25, 5600 Fishers Lane, Rockville, Maryland 20857.

All comments received will be available for public inspection and copying at the Division of Medicine, Bureau of Health Professions at the above address (Federal holidays excepted) between the hours of 8:30 a.m. and 5:00 p.m.

Requests for application materials and questions regarding grants policy should be directed to: Grants Management Officer (U–76), Bureau of Health Professions, Health Resources and Services Administration, Rockville, Maryland 20857, Telephone: (301) 443–6857.

Questions regarding programmatic information should be directed to: Division of Medicine, Area Health Education Center Branch, Bureau of Health Professions, Health Resources and Services Administration, 5600 Fishers Lane, Room 4C–05, Rockville, Maryland 20857, Telephone: (301) 443–6950.

The standard application form and specific instructions for this program have been approved by the Office of Management and Budget under the Paperwork Reduction Act. The OMB clearance number is 0915–0060.

The application deadline date is December 30, 1986. Applications will be considered as meeting the deadline if they are either:

(1) *Received* on or before the deadline date, or

(2) *Postmarked* on or before the deadline and received in time for submission to the independent review group. A legibly dated receipt from a commercial carrier or the U.S. Postal Service will be accepted in lieu of a postmark. Private metered postmarks shall not be acceptable as proof of timely mailing.

This program is listed at 13.824 in the *Catalog of Federal Domestic Assistance.* Applications submitted in response to this announcement are not subject to the provisions of Executive Order 12372, Intergovernmental Review of Federal Programs, or 45 CFR Part 100.

Dated: November 17, 1986.

David N. Sundwall,

Administrator, Assistant Surgeon General.

[FR Doc. 86–26357 Filed 11–21–86; 8:45 am]

BILLING CODE 4160–15–M

Office of Human Development Services

Federal Allotments to States for Social Services Expenditures; Social Services Block Grant Act; Promulgation for Fiscal Year 1988

AGENCY: Office of Human Development Services, HHS.

ACTION: Notification of allocation of title XX—social services block grant allotments for fiscal year 1988.

SUMMARY: This issuance sets forth the individual allotments to States for Fiscal Year 1988 pursuant to Title XX of the Social Security Act, as amended (Act). The allotments to the States published herein are based upon the authorization set forth in section 2003 of the Act and are contingent upon Congressional appropriations actions for the fiscal year. If Congress enacts and the President approves an amount different from the authorization, the allotments will be adjusted proportionately.

FOR FURTHER INFORMATION CONTACT: HDS Regional Administrators.

SUPPLEMENTARY INFORMATION: Section 2003 of the Act authorizes $2.7 billion for Fiscal Year 1988 and provides that it be allocated as follows:

(1) Puerto Rico, Guam, the Virgin Islands, and the Northern Mariana Islands each receive an amount which bears the same ratio to $2.7 billion as its allocation for Fiscal Year 1981 bore to $2.9 billion.

(2) The remainder of the $2.7 billion is allotted to each State in the same proportion as that State's population is to the population of all States, based upon the most recent data available from the Department of Commerce.

For Fiscal year 1988, the allotments are based upon the Bureau of Census population statistics contained in its publication "Current Population Reports" (Series P–26 No. 85–52–C issued August 1986), which is the most recent satisfactory data available from the Department of Commerce at this time as to the population of each State and of all States.

EFFECTIVE DATE: The allotments shall be effective October 1, 1987.

FISCAL YEAR 1988 FEDERAL ALLOTMENTS TO STATES SOCIAL SERVICES—TITLE XX BLOCK GRANTS

Total	$2,700,000,000
Alabama	45,222,719
Alaska	5,859,497
Arizona	35,843,025
Arkansas	26,530,811
California	296,517,528
Colorado	36,337,877

FISCAL YEAR 1988 FEDERAL ALLOTMENTS TO STATES SOCIAL SERVICES—TITLE XX BLOCK GRANTS—Continued

Connecticut	35,696,819
Delaware	6,995,407
Dist. of Columbia	7,040,393
Florida	127,829,251
Georgia	67,209,890
Guam	465,517
Hawaii	11,853,953
Idaho	11,302,868
Illinois	129,729,932
Indiana	61,845,245
Iowa	32,435,295
Kansas	27,554,255
Kentucky	41,904,961
Louisiana	50,396,171
Maine	13,091,083
Maryland	49,395,220
Massachusetts	65,477,908
Michigan	102,209,417
Minnesota	47,157,140
Mississippi	29,387,457
Missouri	56,559,326
Montana	9,289,720
Nebraska	18,062,095
Nevada	10,526,850
New Hampshire	11,224,142
New Jersey	85,047,052
New Mexico	16,307,620
New York	199,998,907
North Carolina	70,347,701
North Dakota	7,703,945
No. Mariana Islands	93,103
Ohio	120,833,844
Oklahoma	37,125,141
Oregon	30,219,708
Pennsylvania	133,306,362
Puerto Rico	13,965,517
Rhode Island	10,886,742
South Carolina	37,642,487
South Dakota	7,962,617
Tennessee	53,556,475
Texas	184,107,412
Utah	18,500,714
Vermont	6,016,950
Virgin Islands	465,517
Virginia	64,173,298
Washington	49,586,413
West Virginia	21,773,485
Wisconsin	53,702,681
Wyoming	5,724,537

Dated: November 18, 1986.

G. Barry Nielsen,

Acting Director, Office of Policy, Planning, and Legislation.

Approved: November 18, 1986.

Jean K. Elder,

Acting Assistant Secretary for Human Development Services.

[FR Doc. 86–26398 Filed 11–21–86; 8:45 am]

BILLING CODE 4130–01–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[N–45131; 4310–HC; 7–00154]

Airport Lease Application; Nevada

Notice is hereby given that pursuant to the Act of May 24, 1928 (49 U.S.C. 211–214), Bevada, Inc. has applied for an airport lease for the following land:

Mount Diablo Meridian, Nevada

T. 5 S., R. 43 E., (unsurveyed)
Sec. 17, SW¼SW¼;
Sec. 18, SE¼SE¼;
Sec. 19, E½;
Sec. 20, NW¼NW¼;
Sec. 30, NE¼.

Containing 180 acres, more or less.

The area described is located in Esmeralda County, Nevada. The application was filed on October 6, 1986, and on that date the land was segregated from all other forms of appropriation under the public land laws.

For a period of 45 days from the date of this notice, interested persons may submit comments to the District Manager, Bureau of Land Management, Battle Mountain District, N. 2nd and Scott Streets, P.O. Box 1420, Battle Mountain, Nevada 89820.

Terry L. Plummer,

District Manager.

[FR Doc. 86-26452 Filed 11-21-86; 8:45 am]

BILLING CODE 4310-84-M

Fish and Wildlife Service

Availability of the Arctic National Wildlife Refuge, Alaska, Coastal Plain Resource Assessment and Draft Legislative Environmental Impact Statement

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability.

SUMMARY: As required by section 1002(h) of the Alaska National Interest Lands Conservation Act of 1980 (ANILCA), the U.S. Fish and Wildlife Service has prepared a report to Congress concerning the coastal plain of the Arctic National Wildlife Refuge, Alaska. In accordance with 40 CFR 1506.4 and 1506.8 of the Council on Environmental Quality's regulations to implement the National Environmental Policy Act (NEPA), this report incorporates a legislative environmental impact statement (LEIS). This draft report/LEIS is being made available for public review and comment due to the court's order in *Trustees for Alaska, et al.* v. *Donald Hodel, et al.*, Civ. No. A85-551 (D. Ak. Feb. 25, 1986). The United States has appealed the district court's ruling to the ninth circuit court of appeals because the government feels that the district court imposed administrative requirements in the preparation of the report/LEIS not required by law. The government's appeal was argued on September 3, 1986, but a date for the ninth circuit's decision is not known and no decision has been rendered yet. Even though the government feels that the district court's ruling is wrong, the Department of the Interior is commencing the administrative process laid down by the district court because a final report/LEIS has already been delayed beyond the September 1986 deadline established by ANILCA and so that the process can be completed in time to give the members of Congress sufficient opportunity to consider the report/LEIS during their upcoming term. Should the court of appeals rule in the government's favor before it completes the steps imposed by the district court, the Department of the Interior will review the course of action which it is now commencing and advise the public through a future public notice of any changes that might be made in the procedures to be followed in completing and submitting the final report/LEIS to Congress.

DATES: Comments must be submitted on or before January 23, 1987, to receive consideration.

ADDRESS: Comments should be addressed to the Director, U.S. Fish and Wildlife Service, Division of Refuges, Room 2343 Main Interior Building, 18th and C Sts. NW., Washington, DC 20240.

FOR FURTHER INFORMATION CONTACT: Noreen Clough, U.S. Fish and Wildlife Service, Division of Refuges, 18th and C Streets NW., Room 2343 Main Interior Building, Washington, DC, 20240, telephone (202) 343-4313; or Clay Hardy, U.S. Fish and Wildlife Service, Division of Planning, 1011 E. Tudor Road, Anchorage, AK 99503, telephone (907) 786-3388.

Copies of the draft report/LEIS have been sent to all Federal, state and local agencies with jurisdiction by law or special expertise; to concerned conservation organizations; to affected Native regional and village corporations and other organizations; and to the oil and gas industry. Copies have also been distributed to selected members of Congress. Additionally, copies have been made available at major libraries in the State of Alaska and the other 49 states, in the Arctic National Wildlife Refuge headquarters in Fairbanks, and all regional offices of the Fish and Wildlife Service, as listed below:

Arctic National Wildlife Refuge, 101 12th Ave., Box 20, Fairbanks, AK 99701, telephone (907) 456-0250.

U.S. Fish and Wildlife Service, Refuges and Wildlife, Lloyd 500 Building, Suite 1692, 500 NE Multnomah St., Portland, OR 97232, telephone (503) 231-6118.

U.S. Fish and Wildlife Service, Refuges and Wildlife, 500 Gold Ave. SW., Room 1306, Albuquerque, NM 87103, telephone (505) 766-2321.

U.S. Fish and Wildlife Service, Refuges and Wildlife, Federal Building, Fort Snelling, Twin Cities, MN 55111, telephone (612) 725-3563.

U.S. Fish and Wildlife Service, Refuges and Wildlife, Richard B. Russell Federal Bldg., 75 Spring St., Atlanta, GA 30303, telephone (404) 221-3588.

U.S. Fish and Wildlife Service, Refuges and Wildlife, One Gateway Center, Suite 700, Newton Corner, MA 02158, telephone (617) 965-5100.

U.S. Fish and Wildlife Service, Refuges and Wildlife, 134 Union Blvd., Lakewood, CO 80225, telephone (303) 236-7920.

Individuals wanting a copy of the document should contact Ms. Clough or Mr. Hardy.

Public meetings on the report/LEIS will be held in Anchorage and Kaktovik, Alaska, during the week of January 5, 1987. The exact times and locations will be announced in a future **Federal Register** notice and in local newspapers in the affected areas. A public meeting will also be held on January 9, 1987, at 1:30 p.m., in the Main Interior Building Auditorium, 18th and C Streets, NW., Washington, DC.

SUPPLEMENTARY INFORMATION: Section 1002(h) of the Alaska National Interest Lands Conservation Act (ANILCA), 16 U.S.C. 3142(h), of December 2, 1980, requires that the Secretary of the Interior prepare and submit to Congress a report concerning the resources of the 1.5-million acre coastal plain of the 19-million acre Arctic National Wildlife Refuge, Alaska. This report is to contain the following:

(1) The identification of those areas within the Arctic Refuge coastal plain ("1002 area") that have oil and gas production potential and estimates of the volume of oil and gas;

(2) A description of the fish and wildlife, their habitats, and other resources in the 1002 area;

(3) An evaluation of the adverse effects of carrying out futher exploration, development and production of oil and gas on the 1002 area;

(4) A description of how oil and gas, if produced within the 1002 area, may be transported to processing facilities;

(5) An evaluation of how this oil and gas relates to the national need for additional domestic sources of oil and gas; and

(6) The recommendations of the Secretary with respect to whether further exploration for, and the development and production of oil and gas in the 1002 area should be permitted and, if so, what additional legal authority is necessary to ensure that the adverse effects of such activities on fish

and wildlife, their habitat, and other resources are avoided or minimized.

The draft report/LEIS culminates more than 5 years of biological baseline studies, surface geological studies, and two seasons of seismic exploration surveys. The analyses of the data represent the exhaustive efforts of more than 50 scientists of the Department of the Interior. The draft report/LEIS has been prepared by the Fish and Wildlife Service, with cooperation from the U.S. Geological Survey and Bureau of Land Management.

Section 1002(h)(6) asks for a recommendation as to whether or not the coastal plain should be opened for oil and gas activity. To assist in making this recommendation, the draft report/LEIS analyzes a range of alternatives for management of the 1002 area: opening the entire area for oil and gas leasing; opening a limited area to oil and gas leasing; permitting additional exploration, including exploratory wells; taking no action regarding oil and gas activity but including the 1002 area in the comprehensive conservation planning process for the entire refuge; or designating the 1002 area as wilderness. The potential environmental consequences of implementing these alternatives are also examined.

Based on the analyses presented, on the national need for domestic sources of oil and gas, and on the ability of industry to minimize damage as learned from oil and gas activities elsewhere in the Alaskan arctic, the proposed action (preferred alternative) in the draft report/LEIS is to lease the entire 1002 area for further oil and gas exploration and development. To afford the special protection necessary to conserve the high natural resource values of the 1002 area the proposed action asks for authority to impose restrictions to ensure environmental integrity during all oil and gas operations. It is further recommended that development to be designed so as to result in no necessary adverse effects, and that unavoidable habitat losses be fully compensated.

During the early stages of preparing a preliminary draft report and detailed legislative environmental impact statement (LEIS) for departmental review, legal action was taken against the Department and the Fish and Wildlife Service by Trustees for Alaska and other environmental groups in *Trustees for Alaska, et al.*, Civ. No. A85–551 (D. AK. Feb. 25, 1986). The plaintiffs contended that the Department's plans (i.e., to circulate the report/LEIS for public comment concurrently with its submittal to Congress and to forward any comments received and the Department's responses subsequently) failed to fully comply with the National Environmental Policy Act (NEPA), and the Department must provide an opportunity for public participation in preparation of the report/LEIS in advance of its submittal to Congress. The court ruled in favor of the plaintiffs and by court order dated February 25, 1986, directed the Department to prepare both a draft and final report/LEIS's, and permit public review and comment on the draft LEIS. The court further directed that public meetings on the draft report/LEIS be held in Alaska and elsewhere and that the Department's responses to public comments be published locally before or at the time the final report/LEIS is submitted to Congress. It is the position of the Department and the Service that a draft report/LEIS need not be circulated in advance and that a single detailed report/LEIS, as provided for in 40 CFR 1506.8(b)(2), fully complies with the requirements of NEPA. Therefore, the Department has appealed the court's decision.

The appeal was argued on September 3, 1986. No decision has been issued yet and it is not possible to ascertain when the court of appeals will rule. Section 1002(h) of ANILCA requires the report be submitted by Congress no later than September 2, 1986. However, as a result of the lawsuit and appeal, submission of the report has been delayed. To afford the new Congress adequate time to consider the findings and recommendations of the Department of the Interior, the decision has been made to proceed with the administrative process imposed by the district court. By initiating the steps necessary to permit the early submission of the report/LEIS to the upcoming session of Congress, the Department of the Interior does not intend to disavow the government's position in *Trustees for Alaska v. Hodel*, not has it requested the Department of Justice to withdraw its appeal.

Unless the public is notified otherwise in a future public notice, public comments will be included, together with the Department's responses, in the final report/LEIS and forwarded concurrently to the Congress with the Secretary's final report/LEIS and the Record of Decision for consideration by Congress in deciding the future management of the Arctic Refuge coastal plain.

Dated: November 19, 1986.

Bruce Blanchard,

Director, Office of Environmental Project Review.

[FR Doc. 86–26489 Filed 11–21–86; 8:45 am]

BILLING CODE 4310–55–M

DEPARTMENT OF JUSTICE

Lodging of Consent Decree; Western Sand and Gravel, Inc. et al.

In accordance with Departmental policy, 28 CFR 50.7, notice is hereby given that on November 14, 1986 a proposed Consent Decree in *United States* v. *Western Sand & Gravel, Inc.*, Civil Action No. 86–0608–B and the consolidated case of *Violet* v. *Western Sand & Gravel, Inc.*, Civil Action No. 83–0788–B , was lodged with the United States District Court for the District of Rhode Island. The proposed consent decree concerns the discharge of pollutants from a hazardous waste site in Burrillville and North Smithfield, Rhode Island. The proposed consent decree requires the defendants to undertake certain site cleanup actions, prepare and implement a long-term groundwater contamination study, and reimburse the United States and State of Rhode Island for costs incurred and to be incurred in cleaning up the hazardous waste site and ensuring safe drinking water supplies for neighboring residences.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the proposed Consent Decree. Comments should be addressed to the Assistant Attorney General of the Land and Natural Resources Division, Department of Justice, Washington, DC 20530, and should refer to *United States* v. *Western Sand and Gravel, Inc.*, D.J. Ref. #90–11–2–83.

The proposed Consent Decree may be examined at the Office of the United States Attorney, Room 208 Federal Building and Courthouse, Kennedy Plaza, Providence, Rhode Island 02903; at the Region I Office of the Environmental Protection Agency, Office of Regional Counsel, 20th Floor, John F. Kennedy Federal Building, Boston, Massachusetts, 02203; and at the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice, Room 1515, 10th Street and Pennsylvania Avenue, NW., Washington, DC 20530. A copy of the proposed Consent Decree may be obtained in person or by mail from the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice at the above address. In requesting a copy, please enclose a check in the amount of $18.40

payable to the Treasurer of the United States, to cover the cost of reproduction.

F. Henry Habicht II,

Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 86-26381 Filed 11-21-86; 8:45 am]

BILLING CODE 4410-01-M

Antitrust Division

United States v. Rohm and Haas Co. Proposed Final Judgment and Competitive Impact Statement

Notice is hereby given pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. 16(b)(-(h), that a complaint, proposed final judgment, stipulation, and competitive impact statement have been filed with the United States District Court for the District of Columbia in *United States of America* v. *Rohm and Haas Company*.

The complaint of the United States in this case alleges that the effect of Rohm and Haas Company's May 29, 1984 acquisition of the ion exchange resins business and assets of a subsidiary of Diamond Shamrock Corporation, Duolite International Inc., may be substantially to lessen competition in the United States in the sale of ion exchange resins in violation of section 7 of the Clayton Act (15 U.S.C. 18). Ion exchange resins are synthetic resinous beads principally used to remove objectionable ions from aqueous solutions thereby purifying the solution. In 1983, total sales of ion exchange resins in the United States were approximately $112 million. Rohm and Haas accounted for approximately 35 percent of those sales, and Duolite accounted for approximately 16 percent of those sales.

The proposed Final Judgment would require Rohm and Haas, through a broker, to divest the Duolite ion exchange resin plant, which is located in Redwood City, California, and a non-exclusive technology license for the manufacture and sale of the ion exchange resins that Diamond Shamrock produced at the plant at any time during the two year period prior to the acquisition.

Public comment is invited within the statutory 60-day comment period. Such comments, and responses thereto, will be published in the **Federal Register** and filed with the Court. Comments should be directed to P. Terry Lubeck, Chief, Litigation II Section, Antitrust Division, Room 10-437 Judiciary Center Building, U.S. Department of Justice, Washington, DC 20001 (202/724-7966).

Dated: November 17, 1986.

Joseph H. Widmar,

Director of Operations, Antitrust Division.

United States District Court for the District of Columbia

United States of America, Plaintiff, v. *Rohm and Haas Company*, Defendant.

[Civil No. 86-3091]

Filed: November 10, 1986.
Judge Gasch.

Stipulation

It is stipulated by and between the undersigned parties, by their respective attorneys, that:

(1) The parties consent that a Final Judgment in the form hereto attached may be filed and entered by the Court, upon the motion of any party or upon the Court's own motion, at any time after compliance with the requirements of the Antitrust Procedures and Penalties Act (15 U.S.C. 16), and without further notice to any party or other proceedings, provided that plaintiff has not withdrawn its consent, which it may do at any time before the entry of the proposed Final Judgment by serving notice thereof on defendants and by filing that notice with the Court;

(2) The parties shall abide by and comply with the provisions of the proposed Final Judgment pending entry of the Final Judgment;

(3) In the event plaintiff withdraws its consent or if the proposed Final Judgment is not entered pursuant to this Stipulation, this Stipulation shall be of no effect whatever and the making of this Stipulation shall be without prejudice to any party in this or any other proceeding.

Dated: ———.

For the Plaintiff United States of America:

Douglas H. Ginsburg,

Assistant Attorney General.

Roger B. Andewelt,

P. Terry Lubeck,

Mark C. Schechter,

Attorneys, Antitrust Division, U.S. Department of Justice.

Burney P.C. Boote,

Robert M. Huber,

Attorneys, Antitrust Division, U.S. Department of Justice, Washington, DC 20530, (202) 724-7966.

For Defendant Rohm and Haas Company

Ky P. Ewing, Jr.,

Vinson and Elkins, 1455 Pennsylvania Avenue, N.W., Washington, DC 20004-1007, Attorney for Rohm and Haas Company.

Stipulation Approved for Filing

Done this ——— day of November, 1986.

United States District Judge.

United States District Court for the District of Columbia

United States of America, Plaintiff, v. *Rohm and Haas Company*, Defendant.

[Civil Action No. 86-3091]

Filed: November 10, 1986.
Entered: ———.
Judge Gasch.

Final Judgment

Whereas, plaintiff, United States of America, having filed its Complaint herein on ———, and plaintiff and defendant, by their respective attorneys, having consent to the entry of this Final Judgment without trial or adjudication of any issue of fact or law herein and without this Final Judgment constituting any evidence against or an admission by any party with respect to any such issue;

And whereas, the defendant has agreed to be bound by the provisions of this Final Judgment pending its approval by the Court;

And whereas, prompt and certain divestiture is the essence of this agreement;

Now, therefore, before the taking of any testimony and without trial or adjudication of any issue of fact or law herein, and upon consent of the parties hereto, it is hereby

Ordered, adjudged and decreed as follows:

I

The Court has jurisdiction over the subject matter of this action and over each of the parties hereto. The Complaint states a claim upon which relief may be granted against defendant under Section 7 of the Clayton Act, as amended (15 U.S.C. 18).

II

As used in this Final Judgment:

A. "Rohm and Haas" means defendant, Rohm and Haas Company; each division, subsidiary of affiliate thereof; and each officer, director, employee, attorney, agent, or other person acting for or on behalf of any of them.

B. "Diamond Shamrock" means Diamond Shamrock Corporation; and each division, subsidiary or affiliate thereof.

C. "Redwood City plant" means the Ion Exchange Resin plant coated at Redwood City, Calfiornia, that Rohm and Haas purchased from Diamond Shamrock on May 29, 1984.

D. "Ion Exchange Resin" means a solid resinous material comprising a polymeric matrix having fixed, charged sites distributed throughout the matrix and having associated with those sites ionized, exchangeable ions, wherein the electric charges of the sites are opposite to those of the ions.

E. "Specified Resins" means all Ion Exchange Resins that Diamond Shamrock produced at the Redwood City plant at any time during the two (2) year period ending May 29, 1984.

F. "Ion Exchange Technology" means all technology, information, and know-how, whether patented or unpatented, that Diamond Shamrock used at the Redwood City plant to produce any of the Specified Resins and that Rohm and Haas acquired from Diamond Shamrock on May 29, 1984.

G. "Ion Exchange Assets" means all of the following:

(1) the land comprising the Redwood City plant site, consisting of approximately 11 acres;

(2) all buildings, fixtures, machinery, and equipment located on the Redwood City Plant site at the time of its acquisition by Rohm and Haas;

(3) A non-exclusive license to practice the Ion Exchange Technology for the manufacture and sale of ion exchange resins anywhere in the world; and

(4) Ion Exchange Resins inventory existing at the Redwood City plant at the time of the divestiture required by Section IV. of this Final Judgment.

H. "Divestiture" (and "to divest") means:

(1) the sale of the assets identified in Sections II.G. (1), (2) and (4) above, and

(2) the license of the Ion Exchange Technology as described in section II.G.(3) above.

I. "Person" means any natural person, corporation, association, firm, partnership, or other business or legal entity.

III

A. The provisions of this Final Judgment shall apply to Rohm and Haas, its successors and assigns, and to all other persons in active concern or participation with any of them who shall have received actual notice of this Final Judgment by personal service or otherwise.

B. Except for section IV.F. of this Final Judgment, nothing herein contained shall suggest that any portion of this Final Judgment is or has been created for the benefit of any third party and nothing herein shall be construed to provide any rights to any third party.

C. Rohm and Haas shall require, as a condition of the sale or other disposition of all or substantially all of its assets or stock, that the purchaser agree to be bound by the provisions of this Final Judgment.

IV

A. Rohm and Haas is hereby ordered and directed to:

(1) divest to a purchaser, or pursuant to Section IV.C. more than one purchaser, all of its direct and indirect ownership and control of the Ion Exchange assets; and

(2) in the event of such divestiture, refrain from using the Duolite trademark in the United States, except to the extent necessary under United States laws to maintain Rohm and Haas' rights to the trademark and as provided in section IV.H. of this Final Judgment.

B. Divestiture of the Ion Exchange Assets shall be accomplished so as to obtain the highest dollar value then obtainable for the Ion Exchange Assets, but shall not be made to a producer of Ion Exchange Resins without plaintiff's permission.

C. Rohm and Haas may divest less than all of the Ion Exchange Assets, and to more than one purchaser, but only with the written approval of the plaintiff. In the event that the plaintiff approves a sale to a purchaser pursuant to this paragraph, such sale shall fully discharge Rohm and Haas' obligation to divest the Ion Exchange Assets under Section IV.A.(1) of this Final Judgment.

D. Rohm and Haas shall continue to operate the Redwood City plant until the divestiture required by Section IV.A. is completed or at least until one hundred and eighty days after the filing of the Complaint in this action, and shall use its best efforts to retain present plant personnel, provided that nothing contained herein shall be construed to deny Rohm and Haas the opportunity to petition the Court to be permitted to discontinue any operation at the Redwood City plant if, in the reasonable opinion of Rohm and Haas, the continuation of such operation would pose an unreasonable risk of harm to plant personnel or the public. After such date, Rohm and Haas shall be free to cease operations at the Redwood City plant and discharge plant personnel, subject only to the right of representatives of the Department of Justice to apply to the Court under Section V.D. of this Final Judgment for an order compelling Rohm and Haas to continue to operate the Redwood City plant. Until this Final Judgment shall be discharged, Rohm and Haas shall not dismantle or remove any equipment from the Redwood City plant.

E. Any license of the Ion Exchange Technology may contain appropriate provisions (1) Requiring the licensee to hold in confidence and not disclose the licensed technology to third parties, other than an assignee of the entire license, (2) restricting the licensee's right to sublicense the licensed technology without the prior written consent of Rohm and Haas, (3) requiring the licensee to indemnify and hold Rohm and Haas harmless against claims by third parties who purchase Specified Resins produced with the licensed technology, and (4) disclaiming any warranties that might be implied in connection with the license of the technology, including any warranty that the licensed technology will produce Ion Exchange Resins of a certain grade or quality, or at certain costs, or will achieve certain production yields, or that any Specified Resin will be merchantable or fit for any particular purpose.

F. Subject to the provisions set out in Section IV.G. of this Final Judgment, which is subject to any orders or directions the Court may issue on motion of Rohm and Haas under Section XIV. of this Final Judgment, Rohm and Haas shall:

(1) furnish to all bona fide prospective purchasers who so request all pertinent information regarding the Ion Exchange Assets, the Specified Resins, Ion Exchange Technology, and the assistance Rohm and Haas shall provide pursuant to Sections VIII. and IX. of this Final Judgment;

(2) provide such information to the plaintiff at the time it furnishes such information to any other person; and

(3) permit all bona fide prospective purchasers to have access to personnel at Rohm and Haas' Redwood City plant and to Rohm and Haas personnel who have responsibilities for Rohm and Haas' Ion Exchange Resin business at the Redwood City plant, and to make such inspection of the physical facilities at the Redwood City plant, and any and all financial and operation records, documents, and information as may be relevant to the divestiture required under Section IV.

G. Rohm and Haas may decline to furnish or grant any prospective purchaser access to any confidential or proprietary information relating to the Ion Exchange Assets, the Specified Resins, or the Ion Exchange Technology, or to permit such person access to the Redwood City plant unless such person shall have executed an appropriate confidentiality agreement that shall prohibit such person from disclosing or using (except for purposes of evaluating the acquisition of the assets to be divested pursuant to the terms of this Final Judgment, or unless such person purchases the assets to be divested pursuant to the terms of this Final Judgment) any confidential information of Rohm and Haas for a period of ten (10) years from the date of the confidentiality agreement. In addition, Rohm and Haas may decline to furnish any prospective purchaser with the recipes and operating instructions for the production of the Specified Resins unless and until such person shall have offered to enter into an agreement to purchase the Specified Resins or Ion Exchange Technology covered by the disclosure.

H. Notwithstanding Rohm and Haas' obligation under Section IV.A.(2) of this Final Judgment, and subject to the right of a purchaser of the Ion Exchange Assets to purchase inventories of Ion Exchange Resins as provided in section II.G.(4) of this Final Judgment, Rohm and Haas may dispose of already packaged stocks bearing the Duolite trademark existing in the United States on the closing date of the required divestiture.

V

A. First San Francisco Corporation shall act as an independent broker with full power and authority to carry out the divestiture ordered in Section IV. of this Final Judgment at such price and on such terms as are then obtainable upon a reasonable effort by the independent broker, subject to the provisions of section VI. of the Final Judgment, and shall have such other powers as the Court deems appropriate. The independent broker shall serve at the cost and expense of Rohm and Haas. The compensation of such broker shall be based on a fee arrangement providing the independent broker with an incentive based on the price and terms of the divestiture and the speed with which it is accomplished. Only the independent broker, and not Rohm and Haas, shall have the right to effect divestitute under Section IV. of this Final Judgment, but Rohm and Haas shall use all reasonable efforts to assist the independent broker in accomplishing the required divestiture. Rohm and Haas may object to a proposed divestiture pursuant to this Final Judgment only if (1) The circumstances of such divestiture indicate malfeasance on the part of the independent broker, or (2) the proposed divestiture does not satisfy the requirements set forth in Section IV.B. of this Final Judgment. Any such objection by Rohm and Haas must be conveyed in writing to the plaintiff and the independent broker within fifteen (15) days after the independent broker has notified Rohm and Haas of the proposed sale.

B. The independent broker shall commence efforts to find a purchaser and to effect the required divestiture immediately upon the date of the filing of the Complaint in this civil action. The independent broker shall at all

times use its best efforts to effect divestiture of the Ion Exchange Assets. Rohm and Haas shall promptly notify the independent broker of any contact it has had with any person that has made an offer or expressed an interest or desire to acquire any of the Ion Exchange Assets together with full details of the same.

C. The independent broker shall have full and complete access to the personnel, books, records, and facilities of Rohm and Haas related to the Ion Exchange Assets, and Rohm and Haas shall develop such financial or other information relevant to the Ion Exchange Assets as the independent broker may request. Rohm and Haas shall take no action to interfere with or impede the independent broker's accomplishment of the required divestiture.

D. Thirty (30) days from the date of the filing of the Complaint in this civil action and every thirty (30) days thereafter until the divestiture required by Section IV of this Final Judgment has been completed, the independent broker shall submit a report to the parties and the Court setting forth the independent broker's efforts to accomplish the required divestiture. If the independent broker has not accomplished such divestiture within one hundred and eighty (180) days after filing of the Complaint in this civil action, the independent broker shall thereupon promptly file with the Court a report setting forth: (1) The independent broker's efforts to accomplish the required divestiture, (2) the reasons, in the independent broker's judgment, why the required divestiture has not been accomplished, and (3) the independent broker's recommendations. The independent broker shall at the same time furnish such report to the parties, which shall each have the right to be heard and to make additional recommendations consistent with this Final Judgment. The Court shall thereafter enter such orders as it shall deem appropriate, which shall, if necessary, include extending the term of the independent broker's appointment if the independent broker is in active negotiations with a prospective purchaser or if the Court finds that Rohm and Haas has filed to comply with its obligations under this Final Judgment, and which may also include an order deeming the purposes of this Final Judgment to have been fully complied with by the efforts made by the independent broker through such date and relieving Rohm and Haas of further obligations under this Final Judgment.

VI

At least thirty (30) days prior to the scheduled closing date of the proposed divestiture pursuant to Section IV of this Final Judgment, the independent broker shall notify the plaintiff and Rohm and Haas of the proposed divestiture. The notice shall set forth the details of the proposed transaction and, for each person not previously identified who offered or expressed an interest or desire to acquire any ownership interest in the Ion Exchange Assets, the name, address, and telephone number of that person together with full details of that person's interest or desire to acquire such ownership interest, and certify that the proposed divestiture is to the highest bidder. Withiin fifteen (15) days after receipt of notice of the proposed divestiture, the plaintiff may request from Rohm and Haas and the proposed purchaser additional information concerning the proposed divestiture. Rohm and Haas shall furnish the additional information requested from it within twenty (20) days of the receipt of the request, unless plaintiff shall agree to extend the time. Until plaintiff certifies in writing that it is satisfied that the proposed purchaser has provided the additional information requested from it, the divestiture shall not be consummated. Within thrity (30) days after receipt of the notice or within fifteen (15) days after receipt of the additional information from Rohm and Haas and the proposed purchaser, whichever is later, unless Rohm and Haas shall agree to extend the time, plaintiff shall notify in writing Rohm and Haas and the independent broker if it objects to the proposed divestiture. If plaintiff fails to object within the period specified, or if plaintiff notifies in writing Rohm and Haas and the independent broker that it does not object, the divestiture may be consummated, subject only to Rohm and Haas' right to object to the sale under the proviso in Section V.A. Upon objection by the plaintiff, the proposed divestiture shall not be consummated unless approved by the Courts. Upon objection by Rohm and Haas under Section V.A. of this Final Judgment, the proposed divestiture shall not be consummated unless approved by the Court. The one hundred and eighty (180) day time peridd set forth in Section V.D. of this Final Judgment shall be tolled from the time either the plaintiff or Rohm and Haas files with the Court such an objection to the proposed divestiture, until the conclusion of any Court proceeding relating to such objection. In any such proceeding involving any objection by Rohm and Haas, Rohm and Haas shall have the burden of proof.

VII

Rohm and Haas shall not finance without the plaintiff's permission all or any part of the purchase of the Ion Exchange Assets pursuant to the divestiture required by Section IV. of this Final Judgment.

VIII

A. Upon request of the purchaser, Rohm and Haas shall use its best efforts to make available, at a reasonable time and place and for a period not to exceed one hundred and eighty (180) days from the closing date of the required divestiture, qualified technical personnel to assist the purchaser to design a laboratory for research and development with respect to Specified Resins.

B. Upon request of the purchaser, Rohm and Haas shall use its best efforts to make available, at a reasonable time and place and for a period not to exceed one hundred and eighty (180) days from the closing date of the required divestiture, qualified technical personnel to advise the purchaser on the production of Specified Resins.

C. Upon request of the purchaser, Rohm and Haas shall use its best efforts to make available, at a reasonable time and place and for a period not to exceed one hundred and eighty (180) days from the closing date of the required divestiture, qualified personnel to assist the purchaser to hire and train a sales and technical support staff for marketing Specified Resins.

D. If, within ninety (90) days from the closing date of the required divestiture, the purchaser states that it intends to relocate the Ion Exchange Resin production equipment currently located at the Redwood City plant to some other location, upon request of the purchaser, Rohm and Haas shall use its best efforts to make available, at a reasonable time and place and until one hundred and eighty (180) days following the closing date of the required divestiture, qualified technical personnel to advise the purchaser on transferring and reassembling the production equipment. In the event that the purchaser chooses to transfer the Ion Exchange Resin production equipment currently located at the Redwood City plant to some other location pursuant to this paragraph, and at the request of the purchaser, the time periods provided for in section VIII.A.–D. of this Final Judgment shall be tolled until such time as the relocated facility is operational, but not to exceed three hundred and sixty (360) days.

E. All assistance and advice made available pursuant to this Section VIII. shall be made available at cost (salary, benefits, and out-of-pocket expenses), determined in accordance with generally accepted accounting principles. Any controversy concerning the cost of the assistance and advice shall be settled by arbitration.

F. With respect to Rohm and Haas' obligations under this Section VIII. to provide advice and/or assistance in the start-up of anion resin production, if, in the reasonable opinion of Rohm and Haas, Rohm and Haas employees engaged in furnishing on-site assistance during the start-up of anion resin production would be exposed to undue risk of bodily harm as a result of the purchaser's failure to install adequate systems and equipment to protect the health and safety of persons involved in the production of anion resins, then Rohm and Haas may refuse to furnish such on-site assistance, provided that Rohm and Haas shall promptly notify in writing representatives of the Department of Justice, and the purchaser, of such refusal. Such notice shall state why, in the opinion of Rohm and Haas, such operation is unsafe, and describe the systems or equipment Rohm and Haas believes is required to render such operation safe and estimate the current cost of the systems or equipment. The Department shall have fifteen (15) days from the receipt of such notice in which to notify Rohm and Haas that it either disagrees with Rohm and Haas' conclusion or lacks sufficient information upon which to form a belief as to the safety of the anion operation. If the Department shall fail to so notify Rohm and Haas, then Rohm and Haas shall not be required to furnish on-site assistance to the purchaser in the start-up of anion resin production, unless and until the purchaser shall have installed the systems or equipment Rohm and Haas believes is required to render the operation safe. If the Department shall so notify Rohm and Haas, then Rohm and Haas shall have fifteen (15) days from the receipt

of such notice in which to petition the Court for an order relieving it of its responsibility to furnish the purchaser with on-site assistance in the start-up of anion resin production. If Rohm and Haas shall file its petition within the aforesaid period, then Rohm and Haas shall not be required to furnish the purchaser with on-site assistance in the start-up of anion resin production until the Court has ruled on Rohm and Haas' petition. If, under this section VIII.F., Rohm and Haas refuses to provide on-site assistance in the start-up of anion resin production, the time period provided in section VIII.B. of this Final Judgment (as applicable to Rohm and Haas' obligation to provide advice on the production of anion resins) shall be tolled from the time of such refusal until the Court has ruled on Rohm and Haas' petition.

IX

At the closing of the required divestiture, Rohm and Haas shall furnish to the purchaser at no charge a list of: (1) The names and addresses of all persons in the United States that purchased one or more Specified Resins at any time during the period beginning May 29, 1982 and ending on the tenth day preceding the closing date of the required divestiture, and (2) for each such person, the Specified Resins the person purchased and the amounts (by calendar year) of such purchases.

X

Rohm and Haas shall provide current Rohm and Haas employees who were formerly employees of Diamond Shamrock in the United States at the time Rohm and Haas acquired the Redwood City plant and who leave Rohm and Haas to work for the purchaser within sixty (60) days of the closing date of the required divestiture with a severance package equal to the severance package equal to the severance package Diamond Shamrock offered to its employees at the time Rohm and Haas acquired the Redwood City plant. Rohm and Haas will make the same severance payment to other employees of Rohm and Haas who are engaged in the production, sales, or marketing of Ion Exchange Resins in the United States and who leave Rohm and Haas to work for the purchaser within sixty (60) days of the date of the closing of the required divestiture on the first anniversary date of such person's employment with the purchaser, provided that such employee has worked for the purchaser for one (1) year.

XI

At the time of the required divestiture, Rohm and Haas shall enter into a reasonable arbitration agreement with the purchaser concerning controversies to be settled by arbitration pursuant to this Final Judgment. When any controversy is submitted to arbitration, Rohm and Haas shall promptly notify plaintiff in writing of the controversy being arbitrated and shall promptly serve a copy of the final award on plaintiff.

XII

Rohm and Haas shall require, as a condition of its sale or other disposition of all, or substantially all, of the assets used by it in the production, distribution, and sale of Ion Exchange Resins other than the Ion Exchange Assets, that the acquiring party agree to be bound by the provisions of this Final Judgment, and that such agreement be filed with this Court.

XIII

For the purpose of determining or securing compliance with this Final Judgment, and subject to any legally recognized privilege, from time to time:

A. Duly authorized representatives of the Department of Justice shall, upon written request of the Attorney General or of the Assistant Attorney General in charge of the Antitrust Division, and on reasonable notice to Rohm and Haas made to its principal office, be permitted:

(1) access during office hours of Rohm and Haas to inspect and copy all books, ledgers, accounts, correspondence, memoranda and other records and documents in the possession or under the control of Rohm and Haas, who may have counsel present, relating to any matters contained in this Final Judgment; and

(2) subject to the reasonable convenience of Rohm and Haas and without restraint or interference from it, to interview officers, employees and agents of Rohm and Haas, who may have counsel present, regarding any such matter.

B. Upon the written request of the Attorney General or of the Assistant Attorney General in charge of the Antitrust Division, made to Rohm and Haas' principal office, Rohm and Haas shall submit such written reports, under oath if requested, with respect to any of the matters contained in this Final Judgment as may be requested.

C. No information or documents obtained by the means provided in this section XIII. shall be divulged by any representative of the Department of Justice to any person other than a duly authorized representative of the Executive Branch of the United States, except in the course of legal proceedings to which the United States is a party (including grand jury proceedings), or for the purpose of securing compliance with this Final Judgment, or as otherwise required by law.

D. If at the time information or documents are furnished by Rohm and Haas to plaintiff, Rohm and Haas represents and identifies in writing the material in any such information or documents to which a claim of protection may be asserted under Rule 26(c)(7) of the Federal Rules of Civil Procedure, and Rohm and Haas marks each pertinent page of such material, "subject to claim of protection under Rule 26(c)(7A) of the Federal Rules of Civil Procedure," then ten (10) days notice shall be given by plaintiff to Rohm and Haas prior to divulging such material in any legal proceeding (other than a grand jury proceeding).

XIV

Jurisdiction is retained by this Court for the purpose of enabling any of the parties to this Final Judgment to apply to this Court at any time for such further orders and directions as may be necessary or appropriate for the construction implementation, or modification of any of the provisions of this Final Judgment, for the enforcement of compliance herewith, and for the punishment of any violation hereof.

XV.

This Final Judgment will expire on the tenth anniversary of its date of entry.

XVI

Entry of this Final Judgment is in the public interest.

United States District Judge.

Dated: ———.

United States District Court For The District of Columbia

United States of America, Plaintiff, v. *Rohm and Haas Company*, Defendant.

[Civil Action No. 86–309]

Filed: November 10, 1986.
Judge Gasch.

Competitive Impact Statement

Pursuant to section 2(b) of the Antitrust Procedures and Penalties Act (15 U.S.C. 16(b)–(h)), the United States of America files this Competitive Impact Statement relating to the proposed Final Judgment submitted for entry with the consent of Rohm and Haas Company in this civial antitrust proceeding.

I. Nature and Purpose of the Proceeding

This civil action began on ———, 1986, when the United States filed a Complaint alleging that the acquisition by Rohm and Haas Company (hereinafter "Rohm and Haas") of the assets of the ion exchange resins business of Duolite International, Inc. (hereinafter "Doulite USA"), a subsidiary of Diamond Shamrock Corporation (hereinafter "Diamond"), violated section 7 of the Clayton Act (15 U.S.C. 18). The Complaint alleges that the effect of the acquisition may be substantially to lessen competition for sale in the production of ion exchange resins in the United States. Ion exchange resins are synthetic resinous beads principally used to remove objectionable ions from aqueous solutions thereby purifying the solutions. The Complaint requests that Rohm and Haas be required to divest the assets comprising the Duolite USA ion exchange resins business and to continue to operate the business until the earlier of the completion of the required divestiture or one hundred and eighty days after the filing of the Complaint.

The United States and Rohm and Haas have stipulated that the proposed Final Judgment may be entered after compliance with the Antitrust Procedures and Penalties Act. Entry of the proposed Judgment will terminate the action, except that the Court will retain jurisdiction to construe, modify, and enforce the Judgment, and to punish violations of the Judgment.

II. Events Giving Rise to the Alleged Violation

On May 19, 1984, Rohm and Haas purchased from Diamond for about $45 million the Duolite USA ion exchange resins business and assets, located at Redwood City, California, and the Duolite International, S.A. (hereafter "Duolite France") ion exchange resins business and

assets, located at Chauny, France. At the time of the acquisition, Rohm and Haas and Duolite USA both produced ion exchange resins for sale in the United States. Rohm and Haas is now, and was then, the world's largest producer of ion exchange resins. At the time of the acquisition, Diamond, through Duolite USA and Duolite France and a facility located in Wales, was the World's second largest producer of such resins. In the United States, Rohm and Haas ranked first and Duolite USA ranked third based on sales. The Complaint alleges that in 1983, Rohm and Haas and Duolite USA together accounted for about $57 million or about 50 percent of the $112 million of United States sales of ion exchange resins.

The complaint alleges that for antitrust purposes the relevant product market is ion exchange resins and the relevant geographic market is the United States, and that the combination of the ion exchange resins businesses of Rohm and Haas and Duolite USA may substantially lessen competition in the ion exchange resins market in the United States in violation of section 7 of the Clayton Act.

Ion exchange resins are used principally to remove objectionable ions from aqueous solutions. Resins are small, solid, water-insoluble, synthetic resinous beads that contain either positively or negatively charged replaceable ions. When resins are brought in contact with an aqueous solution, they exchange unobjectionable ions located on the beads for objectionable ions in the solution, thereby removing the objectionable ions from the solution. Resins have a broad range of uses in there general applications: industrial water treatment; home water treatment; and specialty applications.

The Complaint alleges that the production of ion exchange resins for sale in the United States is highly concentrated. In 1983, Rohm and Haas accounted for approximately 35 percent of the sales of ion exchange resins in the United States, and Duolite USA accounted for 16 percent of United States sales. The Herfindahl-Hirschman Index ("HHI"), a measure of market concentration, was about 2559 in the market for ion exchange resins in the United States prior to Rohm and Haas' acquisition of Duolite USA. The combination of Rohm and Haas and Duolite USA increased the HHI 1020 points to a postmerger HHI of 3579.

Successful new entry into the production and sale of ion exchange resins involves significant time and costs. A small but significant nontransitory price increase would not induce new entry.

III. Explanation of the Proposed Final Judgment and Its Anticipated Effects on Competition

The United States brought this action because the effect of the acquisition by Rohm and Haas of the assets of the ion exchange resins business of Duolite USA may be substantially to lessen competition in violation of Section 7 of the Clayton Act in the production of ion exchange resins for sale in the United States. The anticompetitive effects associated with Rohm and Haas' acquisition of the Duolite USA assets would be eliminated if those assets could be sold to a purchaser that would operate the business as an active and independent competitor of Rohm and Haas.

To this end, section IV of the proposed Final Judgment would require Rohm and Haas to divest the Duolite USA ion exchange resins assets it acquired from Diamond to a purchaser acceptable to the United States. In addition, this section of the proposed Final Judgment would require Rohm and Haas to continue to operate its Redwood City Plant until the divestiture required by the proposed Final Judgment is completed, or at least until one hundred and eighty days after the filing of the Complaint in this action.

Section V of the proposed Final Judgment provides that the sale of the assets would be accomplished by First San Francisco Corporation, an independent broker, whose term of appointment will commence upon the filing of the Complaint. The independent broker, and not Rohm and Haas, would have the right to sell the business. The independent broker would be required to sell the ion exchange resins assets at the best price obtainable to a purchaser acceptable to the United States. If the independent broker has not accomplished the divestiture within one hundred and eighty (180) days after the Complaint is filed, the Court would have the power to enter such orders as it shall deem apropriate. Further, Rohm and Haas would be required to pay all of the independent broker's expenses in selling the assets.

Section VI of the proposed Final Judgment would provide the United States with an opportunity to review any proposed divestiture before it occurs. Under section VI, the United States could request information from Rohm and Haas and the proposed purchaser to assess a proposed divestiture. If the United States requests such information from Rohm and Haas and the proposed purchaser, the divestiture could not be consummated until the United States certifies in writing that it is satisfied that Rohm and Haas and the proposed purchaser have provided the additional information. Rohm and Haas and the proposed purchaser could not consummate the divestiture until 20 days after they have supplied the information. If the United States were to object to a divestiture of the Duolite assets proposed under section IV, the divestiture could not be completed unless approved by the Court.

Section VII of the proposed Final Judgment would prevent Rohm and Haas from financing without the permission of the United States all or any part of the divestiture required by the Final Judgement.

Under Section VIII, Rohm and Haas would be required, upon request of the purchaser, to use its best efforts to provide technical assistance to assist the purchaser to design an R&D laboratory, to advise the purchaser on the production of ion exchange resins,and to assist the purchaser to hire and train a sales and technical support staff for marketing resins. Section VIII also would require Rohm and Haas, if the purchaser decides to relocate the production equipment currently located at the Redwood City plant, and requests Rohm and Haas' assistance, to advise the purchaser on the relocation. Rohm and Haas would be required to make all such assistance available at cost.

Section IX would require Rohm and Haas to provide the purchaser at no charge a list of customers for ion exchange resins produced at Redwood City.

Section X would require Rohm and Haas to provide current Rohm and Haas employees who leave Rohm and Haas to work for the purchaser the same severance package that Diamond offered to its employees at the time Rohm and Haas acquired Duolite. Section XIII would permit the United States to obtain information and documents concerning compliance with the proposed Final Judgment.

Finally, Section XV would provide that the Final Judgment would expire on the tenth anniversary of the date of entry of the Final Judgment.

IV. Remedies Available to Potential Private Litigants

Section 4 of the Clayton Act (15 U.S.C. 15) provides that any person who had been injured as a result of conduct prohibited by the antitrust laws may bring suit in federal court to recover three times the damages the person has suffered, as well as costs and reasonable attorney fees. Entry of the proposed Final Judgment would neither impair nor assist the bringing of any private antitrust damage actions. Under provisions of section 5(a) of the Clayton Act (15 U.S.C. 16(a)), entry of the proposed Final Judgment would have no prima facie effect in any subsequent private lawsuit that may be brought against the defendant.

V. Procedures Available for Modification of the Proposed Final Judgment

The United States and defendant Rohm and Haas have stipulated that the proposed Final Judgment may be entered by the Court after compliance with the provisions of the Antitrust Procedures and Penalties Act, provided that the United States has not withdrawn its consent. The Act conditions entry upon the Court's determination that the proposed Final Judgment is in the public interest.

The Act provides a period of at least sixty (60) days preceding the effective date of the proposed Final Judgment within which any person may submit to the United States written comments regarding the proposed Final Judgment. Any person who wants to comment should do so within sixty (60) days of the date of publication of this Competitive Impact Statement in the **Federal Register**. The United States will evaluate the comments, determine whether it should withdraw its consent, and respond to the comments. The comments and the response of the United States will be filed with the Court and published in the **Federal Register**.

Written comments should be submitted to: P. Terry Lubeck, Chief, Litigation II Section, Antitrust Division, U.S. Department of Justice, Washington, DC 20530.

Under section XIV. of the proposed Final Judgment, the Court would retain jurisdiction over this matter for the purpose of enabling the United States or Rohm and Haas to apply to the Court for such further orders or directions as may be necessary or appropriate for the construction, implementation, modification, or enforcement

of compliance with the Judgment, or for the punishment of any violations of the Judgment.

VI. Alternatives to the Proposed Final Judgment

The United States considered only one alternative to settling this matter with the proposed Final Judgment. The alternative considered was to file suit seeking, in addition to divestiture of the Duolite USA ion exchange resin assets, divestiture of the assets of the ion exchange resins business of Duolite France, which Rohm and Haas also acquired at the same time from Diamond. At the time of the acquisition, Duolite France's ion exchange resins business, which Rohm and Haas still operates in Chauny, France, produced resins for sale in the United States and France as well as other parts of the world in competition with Rohm and Haas.

The United States decided to accept the proposed Final Judgment, rather than to file suit seeking divestiture of the assets of both Duolite USA and Duolite France, because the United States concluded that a prompt divestiture of Duolite USA would offer the best result for United States consumers of ion exchange resins. At the time Rohm and Haas acquired it, Duolite France played only a minor role in the United States ion exchange resins market. Duolite France accounted for about 6 percent of the combined sales in the United States of Duolite France and Duolite USA and only about one percent of total sales of all competitors in the United States market. Moreover, since the acquisition, Rohm and Haas has spent considerable time and money making the French facility more efficient, by combining its technology with that of Duolite France, and as a result, the French facility has substantially improved Rohm and Haas' competitive position in foreign markets. Rohm and Haas would argue in litigation that the pro-competitive effects resulting from these increased efficiencies far outweigh any alleged anticompetitive effect in the United States market attributable to the Duolite France assets.

Although the United States can present arguments to counter these points, a significant risk exists that after litigation on the merits, a court would order a divestiture limited to the assets of Duolite USA. In addition, litigation is not only risky but is also likely to be quite costly and lengthy. Accordingly, United States resin consumers would be denied, until the litigation was completed, the prospect of the competition created by a prompt divestiture of the assets of Duolite USA.

Under the circumstances, the United States has determined that the public interest in preserving competition in the market for ion exchange resins would be served best by obtaining Rohm and Haas' consent to an enforceable decree requiring it to divest the assets of Duolite USA. Although the proposed Final Judgment may not be entered until the criteria established by the Antitrust Procedures and Penalties Act (15 U.S.C. 16(b)–(h)) have been satisfied, the public will benefit immediately from the safeguards in the proposed Final Judgement because Rohm and Haas has stipulated to comply with the terms of the Judgment pending its entry by the Court.

VII. Determinative Documents

No documents were determinative in the formulation of the proposed Final Judgment. Consequently, the United States has not attached any such documents to the proposed Final Judgment.

Dated: ———, 1986.

Respectfully submitted,

Burney P.C. Boote,

Attorney, U.S. Department of Justice, Antitrust Division, Room 10–437, Judiciary Center Building, Washington, DC 20001, 202/724–7969.

[FR Doc. 86–26428 Filed 11–21–86; 8:45 am]

BILLING CODE 4410–01–M

DEPARTMENT OF LABOR

Pension and Welfare Benefit Programs

Advisory Council on Employee Welfare and Pension Benefit Plan; Meeting

Pursuant to Section 512 of the Employee Retirement Income Security Act of 1974 (ERISA) 29 U.S.C. 1142, a meeting of the Advisory Council on Employee Welfare and Pension Benefit Plans will be held on Tuesday, December 16, 1986, in Room S–4215C, U.S. Department of Labor Building, Third and Constitution Avenue, NW. Washington, DC.

The purpose of the meeting, which will begin at 9:30 a.m., is to consider the items listed below and to invite public comment on any aspect of the administration of ERISA.

1. Installation of New Members.

2. Hear Status Report of Advisory Council Work Group on Individual Benefit Reporting and Recordkeeping.

3. Council Discussion: New Enforcement Strategy.

4. Statements from the Public.

Members of the public are encouraged to file a written statement pertaining to any topic concerning ERISA by submitting 20 copies on or before December 12, 1986, to Charles W. Lee, Jr., Executive Secretary, ERISA Advisory Council, U.S. Department of Labor, Room N–5677, 200 Constitution Avenue, NW., Washington, DC 20210. Individuals wishing to address the Advisory Council should forward their request to the Executive Secretary or telephone (202/523–8753). Oral presentations will be limited to ten minutes, but an extended statement may be submitted for the record.

Signed at Washington, DC, this 18th day of November, 1986.

Dennis M. Kass,

Assistant Secretary, Pension and Welfare Benefits Administration.

[FR Doc. 86–26388 Filed 11–21–86; 8:45 am]

BILLING CODE 4510–29–M

Advisory Council on Employee Welfare and Pension Benefit Plans; Work Group Meeting

Pursuant to the authority contained in section 512 of the Employee Retirement Income Security Act of 1974 (ERISA), 29 U.S.C. 1142, a public meeting of the Work Group on Individual Benefit Reporting and Recordkeeping of the Advisory Council on Employee Welfare and Pension Benefit Plans will be held at 9:30 a.m., December 17, 1986, at the U.S. Department of Labor, 200 Constitution Avenue, NW., Room N–5437B, Washington, DC 20210.

This four-member work group was formed by the Advisory Council to study issues relating to individual benefit reporting and recordkeeping for employee benefit pension plans covered by ERISA.

The purpose of the December 17 meeting is to study regulatory issues relating to individual benefit reporting and recordkeeping by ERISA covered employee benefit pension plans.

Signed at Washington, DC this 18th day of November, 1986.

Dennis M. Kass,

Assistant Secretary, Pension and Welfare Benefits Administration.

[FR Doc. 86–26389 Filed 11–21–86; 8:45 am]

BILLING CODE 4510–29–M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Agency Information Collection Activities Under OMB Review

AGENCY: National Endowment for the Arts.

ACTION: Notice.

SUMMARY: The National Endowment for the Arts (NEA) has sent to the Office of Management and Budget (OMB) the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

DATE: Comments on this information collection must be submitted by December 15, 1986.

ADDRESSES: Send comments to Mrs. Judy Egan, Office of Management and Budget, New Executive Office Building,

726 Jackson Place, NW., Room 3208, Washington, DC 20503; (202–395–6880). In addition, copies of such comments may be sent to Ms. Marianna Dunn, National Endowment for the Arts, Administrative Services Division, Room 203, 1100 Pennsylvania Avenue, NW., Washington, DC 20506; (202–682–5464).

FOR FURTHER INFORMATION CONTACT: Ms. Marianna Dunn, National Endowment for the Arts, Administrative Services Division, Room 203, 1100 Pennsylvania Avenue, NW., Washington, DC 20506; (202–682–5464) from whom copies of the documents are available.

SUPPLEMENTARY INFORMATION: The Endowment requests the reinstatement of a previously approved collection for which approval has expired. The entry is issued by the Endowment and contains the following information: (1) The title of the form; (2) how often the required information must be reported; (3) who will be required or asked to report; (4) what the form will be used for; (5) an estimate of the number of responses; (6) an estimate of the total number of hours needed to prepare the form.

This entry is not subject to 44 U.S.C. 3504 (h).

Title: Music Presenters and Festivals Application Guidelines FY 1988.

Frequency of Collection: One-time.

Respondents: Non-profit institutions.

Use: Guideline instructions and applications elicit relevant information from nonprofit organizations that apply for funding under specific Program categories. This information is necessary for the accurate, fair and thorough consideration of competing proposals in the peer review process.

Estimated Number of Respondents: 375.

Estimated Hours for Respondents to Provide Information: 17,884.

Murray R. Welsh,

Director, Administrative Services Division, National Endowment for the Arts.

[FR Doc. 86–26382 Filed 11–21–86; 8:45 am]

BILLING CODE 7537–01–M

NATIONAL SCIENCE FOUNDATION

Forms Submitted for OMB Review

In accordance with the Paperwork Reduction Act and OMB Guidelines, the National Science Foundation is posting this notice of information collection that will affect the public.

Agency Clearance Officer: Herman G. Fleming, (202) 357–9451.

OMB Desk Officer: Carlos Tellez, (202) 395–7340.

I. *Title*: Higher Education Surveys (previously "Higher Education Panel".

Affected Public: Non-profit Institutions.

Number of Respondents: 400 respondents, total of 3,600 burden hours.

Abstract: The panel surveys are responsive to a variety of policy issues. Topics are not predetermined. Survey instruments are designed specifically for each survey. Recent individual surveys served program management needs, research objectives, and general purposes not available through existing information sources.

II. *Title*: 1987 Survey of Doctorate Recipients.

Affected Public: Individuals or Households.

Number of Respondents: 50,100 respondents, total of 5,993 burden hours.

Abstract: This survey will collect demographic and employment data on PH.D. scientists, engineers, and humanists. This information will be used in policy and planning activities by government agencies, educational institutions, and private industry.

Dated: November 18, 1986.

Herman G. Fleming,

NSF Reports Clearance Officer.

[FR Doc. 86–26429 Filed 11–21–86; 8:45 am]

BILLING CODE 7555–01–M

Advisory Panel on Measurement Methods and Data Improvement; 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 Panel on Measurement Methods and Data Improvement.

Date/Time: December 8–9, 1986: 9:00 a.m. to 6:00 p.m.

Place: Room 1242, National Science Foundation, 1800 G Street, NW., Washington, DC 20550

Type of Meeting: Closed—December 8–9, 1986: 9:00 a.m. to 6:00 p.m.

Contact Person: Dr. Murray Aborn, Program Director, Measurement Methods and Data Improvement, Room 312, National Science Foundation, Washington, DC 20550; Telephone (202) 357–7326.

Summary of Minutes: May be obtained from the contact person, Dr. Murray Aborn, at the above address

Purpose of Advisory: To provide advice and recommendations concerning support for research and research-related projects in Measurement Methods and Data Improvement.

Agenda: Review and evaluation of research and research-related proposals as part of the selection process.

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 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 Officer.

[FR Doc. 86–26430 Filed 11–21–86; 8:45 am]

BILLING CODE 7555–01–M

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards Subcommittee on Containment Requirements; Meeting

The ACRS Subcommittee on Containment Requirements will hold a meeting on December 9, 1986, Room 1046, 1717 H Street, NW, Washington, DC.

The entire meeting will be open to public attendance.

The agenda for the subject meeting shall be as follows:

Tuesday, December 9, 1986—1:00 P.M. until the conclusion of business

The Subcommittee will discuss the NRR proposed generic letter on Mark I BWR containment requirements. Included will be a discussion of Revision 4, BWR Emergency Procedure Guidelines (covers venting concepts).

Oral statements may be presented by members of the public with the concurrence of the Subcommittee Chairman; written statements will be accepted and made available to the Committee. Recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the ACRS staff member named below as far in advance as is practicable so that appropriate arrangements can be made.

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, may exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions

with representatives of the NRC Staff, its consultants, and other interested persons regarding this review.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant ACRS staff member, Mr. Dean Houston (telephone 202/634–3267) between 8:15 a.m. and 5:00 p.m. Persons planning to attend this meeting are urged to contact the above named individual one or two days before the scheduled meeting to be advised of any changes in schedule, etc., which may have occurred.

Dated: November 19, 1986

Morton W. Libarkin,

Assistant Executive Director for Project Review.

[FR Doc. 86–26470 Filed 11–21–86; 8:45 am]

BILLING CODE 7590–01–M

PENSION BENEFIT GUARANTY CORPORATION

Exemption From Bond/Escrow Requirement Relating to Sale of Assets by an Employer Who Contributes to a Multiemployer Plan; Hudson I.C.S.

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Notice of exemption.

SUMMARY: The Pension Benefit Guaranty Corporation has granted a request from Hudson I.C.S. for an exemption from the bond/escrow requirement of section 4204(a)(1)(B) of the Employee Retirement Income Security Act of 1974, as amended. A notice of the request for exemption from the requirement was published on September 19, 1986 (51 FR 33324). The effect of this notice is to advise the public of the decision on the exemption request.

ADDRESSES: The request for an exemption and the PBGC response to the request are available for public inspection at the PBGC Communications and Public Affairs Department, Suite 7100, at the above address, between the hours of 9:00 a.m. and 4:00 p.m.

FOR FURTHER INFORMATION CONTACT: John Carter Foster, Attorney, Corporate Policy and Regulations Department (35100), Pension Benefit Guaranty Corporation, 2020 K Street NW., Washington, DC 20006; telephone 202–778–8850 (202–778–8859) for TTY and TDD). These are not toll-free numbers.

SUPPLEMENTARY INFORMATION:

Background

Section 4204 of the Employee Retirement Income Security Act of 1974, as amended by the Multiemployer Pension Plan Amendments Act of 1980, ("ERISA" or "the Act"), provides that a bona fide arm's-length sale of assets of a contributing employer to an unrelated party will not be considered a withdrawal if three conditions are met. These conditions, enumerated in section 4204(a)(1)(A)–(C), are that—

(A) The purchaser has an obligation to contribute to the plan with respect to the operations for substantially the same number of contribution base units for which the seller was obligated to contribute;

(B) The purchaser obtains a bond or places an amount in escrow, for a period of five plan years after the sale, in an amount equal to the greater of the seller's average required annual contribution to the plan for the three plan years preceding the year in which the sale occurred or the seller's required annual contribution for the plan year preceding the year in which the sale occurred (the amount of the bond or escrow is doubled if the plan is in reorganization in the year in which the sale occurred); and

(C) The contract of sale provides that if the purchaser withdraws from the plan within the first five plan years beginning after the sale and fails to pay any of its liability to the plan, the seller shall be secondarily liable for the liability it (the seller) would have had but for section 4204.

The bond or escrow described above would be paid to the plan if the purchaser withdraws from the plan or fails to make any required contributions to the plan within the first five plan years beginning after the sale.

Additionally, section 4204(b)(1) provides that if a sale of assets is covered by section 4204, the purchaser assumes by operation of law the contribution record of the seller for the plan year in which the sale occurred and the preceding four plan years.

Section 4204(c) of ERISA authorizes the Pension Benefit Guaranty Corporation ("PBGC") to grant individual or class variances or exemptions from the purchaser's bond/escrow requirement of section 4204(a)(1)(B) when warranted. The legislative history of section 4204 indicates a Congressional intent that the sales rules be administered in a manner that assures protection of the plan with the least practicable intrusion into normal business transactions. The granting of an exemption or variance from the bond/escrow requirement does not constitute a finding by the PBGC that a particular transaction satisfies the other requirements of section 4204(a)(1).

Under the PBGC's regulation on variances for sales of assets (29 CFR Part 2643), a request for a variance or waiver of the bond/escrow requirement under any of the tests established in the regulation (§§ 2643.12–2643.14) is to be made to the plan in question. The PBGC will consider waiver requests only when the request is not based on satisfaction of one of the four regulatory tests or when the parties assert that the financial information necessary to show satisfaction of one of the regulatory tests is privileged or confidential financial information with the meaning of section 552(b)(4) of the Freedom of Information Act.

Under § 2643.3 of the regulation, the PBGC shall approve a request for a variance or exemption if it determines that approval of the request is warranted, in that it—

(1) Would more effectively or equitably carry out the purposes of Title IV of the Act; and

(2) Would not significantly increase the risk of financial loss to the plan.

Section 4204(c) of ERISA and 2643.3(b) of the regulation require the PBGC to publish a notice of the pendency of a request for a variance or exemption in the **Federal Register**, and to provide interested parties with an opportunity to comment on the proposed variance or exemption.

Decision

On September 19, 1986 (51 FR 33326), the PBGC published a request from Hudson I.C.S. ("the Buyer") for an exemption from the bond/escrow requirement of section 4204(a)(1)(B) as it applies to the purchase of the assets of the Hudson Lumber Company ("the purchased facility") from the Berol Corporation ("the Seller"). The sale of assets became effective on or about June 21, 1985. No comments were received in response to the notice.

Employees at the purchased facility are covered by a multiemployer pension plan, and Lumber Industry Pension Fund ("the Fund"). The Buyer has assumed the obligation to contribute to the Fund on behalf of the employees at the purchased facility and the Seller has agreed to be secondarily liable for any withdrawal liability should the Buyer withdraw from the Fund within five years of the sale. The seller's potential withdrawal liability is estimated to be between $3,395,586 and $3,719,237. The amount of the bond/escrow that would be required of the Buyer under section

4204(a)(1)(B) is $645,162.09 (the annual contribution the Seller made to the Fund for the plan year preceding the plan year in which the sale of assets occurred).

According to its consolidated financial statements, dated March 29, 1986, the Buyer meets the requirements of the net tangible assets test described in 29 CFR 2643.14(a)(2). These financial statements indicate that the buyer's net tangible assets exceed the estimated withdrawal liability. The Buyer has requested confidential treatment of these statements on the ground they are confidential within the meaning of 5 U.S.C. 552(b)(4) in that the information is of a type that would customarily not be released to the public by the Buyer and its disclosure is likely to cause substantial harm to the Buyer's competitive position.

Based on the facts of this case and the representations and statements made in connection with the request for an exemption, the PBGC has determined that an exemption from the bond/escrow requirement is warranted, in that it would more effectively carry out the purposes of Title IV of ERISA and would not significantly increase the risk of financial loss to the plan. Therefore, the PBGC hereby grants the request for an exemption for the bond/escrow requirement. The granting of an exemption or variance from the bond/escrow requirement of section 4204(a)(1)(B) does not constitute a finding by the PBGC that the transaction satisfies the other requirements of section 4204(a)(1). The determination of whether the transaction satisfies such other requirements is a determination to be make by the plan sponsor.

Issued at Washington, DC, on this 14th day of November 1986.

Kathleen P. Utgoff,

Executive Director.

[FR Doc. 86-26396 Filed 11-21-86; 8:45 am]

BILLING CODE 7708-01-M

SECURITIES AND EXCHANGE COMMISSION

[Rel. No. 34-23809; File No. SR-CBOE-86-36]

Self-Regulatory Organizations; Proposed Rule Change by the Chicago Board Options Exchange, Inc.; Relating to Listing Australian Dollar Option Contracts

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on October 27, 1986, the Chicago Board Options Exchange, Incorporated ("CBOE" or the "Exchange") 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 proposed rule change provides for the listing of Australian dollar option contracts, which contracts will be traded under the Exchange's current rules for the trading of other foreign currency option contracts. The contract size will be 50,000 Australian dollars; exercise prices will be quoted in United States dollars, that is, cents per unit of underlying currency; bids and offers normally shall be expressed as follows: ¢.01.

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 and is set forth in sections (A), (B), and (C) below.

(A) Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

The purpose of the proposed rule change is to add Australian dollar option contracts to the foreign currency option contracts already traded on the Exchange. Australian dollar option contracts will be traded in the same manner as other foreign currency option contracts are traded on the Exchange. The statutory basis for the proposed rule change is section 6(b)(5) of the Securities Exchange Act of 1934 ("the Act"), in that the proposed rule change will enable investors to trade Australian dollar option contracts on the Exchange.

(B) Self-Regulatory Organization's Statement on Burden on Competition

The proposed rule change will not impose a burden on competition.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants or Others

Comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period: (i) As the Commission may designate up to 90 days of such date it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW, Washington, DC. 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 December 15, 1986.

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

Dated: November 14, 1986.

Jonathan G. Katz,

Secretary.

[FR Doc. 86-26408 Filed 11-21-86; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. 34-23801; File No. SR-PHLX-86-32]

Self-Regulatory Organizations; Philadelphia Stock Exchange, Inc.; Order Granting Accelerated Approval of Proposed Rule Change

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given

that on September 19, 1986, the Philadelphia 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 Philadelphia Stock Exchange ("PHLX" or the "Exchange") proposes to amend its Exchange Rule 1014(c)(i) to narrow the bid-ask differential applicable to single equity options and index options (the latter by operation of Exchange Rule 1000(a)) traded on the Exchange. (Italics indicates material proposed to be added; brackets indicate material proposed to be deleted.)

Obligations and Restrictions Applicable to Specialists and Registered Options Traders

Rule 1014 (a)–(c): No change.

(i) Options on Stocks. (A) Bidding and/or offering so as to create differences of no more than ¼ of $1 between the bid and the offer for each option contract for which the prevailing bid is $1 or less, no more than ⅜ of $1 where the prevailing bid is more than $1 but does not exceed *$5* [$3], no more than ½ of $1 where the prevailing bid is more than *$5* [3] but does not exceed $10, no more than ¾ of $1 where the prevailing bid is more than $10 but less than $20, and no more than $1 where the prevailing bid is $20 or more provided that the Exchange may establish differences other than the above for one or more series or classes of options.

(B)–(e)(iii): No change.

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 Statements of the Purpose of, and Statutory Basis for the Proposed Rule Change

The purpose of the proposed rule change is to improve price continuity in single equity options contracts and index options contracts for which the prevailing bid does not exceed $5 by narrowing the maximum allowable bid-ask differential. The proposed amendment to Rule 1014 would require a specialist or registered options trader to bid or offer so as to create a difference of no more than ⅜'s of $1 between the bid and offer for each option contract for which the prevailing bid is more than $1 but does not exceed $5. The previous parameters allowed ½ point differentials for bids or offers where the prevailing bid was more than $3.

The proposed rule change is consistent with the requirements of the Securities Exchange Act of 1934 ("the Act") in that it can be expected to promote the maintenance of fair and orderly markets and in particular section 6(b)(5) of the Act which provides in pertinent part that the rules of the Exchange be designed to promote just and equitable principles of trade and to protect the investing public.

B. Self-Regulatory Organization's Statement on Burden on Competition

The PHLX does not believe that the proposed rule change will impose any burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange requests that the proposed rule change be given accelerated effectiveness pursuant to Section 19(b)(2) of the 1934 Act to allow the Exchange to coordinate the systems changes necessary for this proposed rule change and rapidly implement narrow bid-ask parameters. The proposal should assist in the maintenance of price continuity in the Exchange's equity and index option products.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange, and in particular, the requirements of Section 6 and the rules and regulations thereunder.

The Commission finds good cause for approving the proposed rule change prior to the thirtieth day after the date of publication of notice of filing thereof because the proposed rule change can be expected to promote the maintenance of fair and orderly markets, increase pricing efficiency in PHLX equity and index options, and provide narrower bid/ask spreads to investors in these products.

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, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC 20549. Copies of such filing 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 December 15, 1986.

It is therefore ordered, that the above referenced rule change be, and hereby is, approved.

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

Dated: November 13, 1986.

Jonathan G. Katz,

Secretary.

[FR Doc. 86–26409 Filed 11–21–86; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. 34-23810; File No. SR-PHLX-86-38]

Self-Regulatory Organizations; Proposed Rule Change by the Philadelphia Stock Exchange, Incorporated; Relating to Options Trading on the Australian Dollar

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on October 24, 1986, the Philadelphia 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 Philadelphia Stock Exchange ("PHLX" or the "Exchange") proposes to trade options on the Australian dollar ("A$"). The Australian dollar contract will be traded pursuant to PHLX Rules which govern the trading of foreign currency options. Australian dollar option specifications will be as follows:

Contract Size—50,000 Units (At today's value of $.635 per Australian dollar, the contract value in dollar terms would be approximately $31,750.)

Strike Price Intervals—1 cent (For example, if the Australian dollar is valued at $.63, strike prices would be 62, 63 and 64.)

Premium Quotations—cents per unit currency:

.01 = $5.00
.1 = $50.00
1.0 = $500.00

Minimum Premium—.01 cents per unit of currency or $5.00.

Bid/Offer Differentials:

.40 or less = .04 = $20.00
.41 to 1.60 = .08 = $40.00
More than 1.60 = .12 = $60.00

In order to list options on the Australian dollar, it is necessary to amend the following PHLX rules:

1000(b)(13)
1000(b)(15)
1009(d)
1014(c)(ii)
1033(b)(ii)
1034(ii)

(Brackets indicate deletions; Italics indicates additions.)

Rule 1000. Applicability, Definitions and References

(a) No change.
(b) 1 through 12—No change.
(b)(13) Foreign Currency—The term "foreign currency" means the standard unit of the official medium of exchange of a sovereign government other than the United States Government (e.g., the British pound, the German mark, the Swiss franc, the Canadian dollar, the French franc, *The Australian dollar*, or the Japanese yen.) or the official medium of exchange of the European Economic Community's European Monetary System.
(b)(14) No change.
(b)(15) Unit of Underlying Foreign Currency—The term "unit of underlying foreign currency" means a single unit of the foreign currency which the Options Clearing Corporation shall be obligated to sell (in the case of a call option) or purchase (in the case of a put option) upon the valid exercise of a foreign currency option contract (e.g., one British pound, one German mark, one Swiss franc, one Canadian dollar, one French franc, *one Australian dollar*, one Japanese yen, or one European Currency Unit).

* * * * *

Rule 1009. Approval of Underlying Stocks or Underlying Foreign Currencies

(a) No change.
(b) No change.
(c) No change.
(d) The British pound, the German mark, the Swiss franc, the Canadian dollar, the French franc, *The Australian dollar*, the Japanese yen, and the European Currency Unit each may be approved as an underlying foreign currency for options transactions by the Exchange, subject to any approval criteria the Exchange may deem necessary or appropriate in the interests of maintaining a fair and orderly market or for the protection of investors. In the event that any of the sovereign governments or the European Economic Community's European Monetary System issuing any of the above-mentioned currencies should isue a new currency intended to replace one of the above-mentioned currencies as the standard unit of the official medium of exchange of such government, such new currency also may be approved as an underlying foreign currency for options transactions by the Exchange, subject to any approval criteria the Exchange may deem necessary or appropriate in the interests of maintaining a fair and orderly market or for the protection of investors, and options trading in such new currency may occur simultaneously with options trading in any of the above-mentioned currencies; provided, however, that the Exchange shall withdraw its approval of options transactions in the currency which is intended to be replaced by such new currency as expeditiously as it deems consistent with the maintenance of a fair and orderly market or the protection of investors.

* * * * *

Rule 1014. Obligations and Restrictions Applicable to Specialists and Registered Options Traders

(a) No change.
(b) No change.
(c)(i) No change.
(c)(ii) Options on Foreign Currencies—In the case of option contracts on the British pound, bidding and/or offering so as to create differences of not more than $.0020 between the bid and the offer for each option contract for which the bid is $.0200 or less, no more than $.0040 where the bid is more than $.0200 but does not exceed $.0800, and no more than $.0060 where the bid is more than $.0800.

In the case of option contracts on the German mark, Swiss franc, *Australian dollar* and [in the case of option contracts on the] European Currency Unit, bidding and/or offering so as to create differences of no more than $.0004 between the bid and the offer for each option contract for which the bid is $.0040 or less, no more than $.0005 where the bid is more than $.0040 but does not excees $.0160, and no more than $.0006 where the bid is more than $.0160.

In the case of option contracts on the Canadian dollar, bidding and/or offering so as to create differences of no more than $.0005 between the bid and the offer for each option contract for which the bid is $.0050 or less, no more than $.0010 where the bid is more than $.0050 but does not exceed $.0200, and no more than $.0015 where the bid is more than $.0200.

In the case of option contracts on the French franc, bidding and/or offering so as to create differences of not more than $.0002 between the bid and the offer for each option contract for which the bid is $.0020 or less, no more than $.00040 where the bid is more than $.0020 but does not exceed $.0080 and no more than $.0006 where the bid is more than $.0080.

In the case of option contracts on the Japanese yen, bidding and/or offering so as to create differences of not more than $.000004 between the bid and the offer for each option contract for which the bid if $.000040 or less, no more than $.000005 where the bid is more than $.000040 but does not exceed $.000160, and no more than $.000006 where the bid is more than $.000160.

The Exchange may establish, however, differences other than the above for one or more series of classes

of foreign currency options. The bid-ask differentials as stated above shall apply to all but the longest term series of foreign currency options open for trading in each class. For these series, the bid-ask differentials shall be twice those stated above.

* * * * *

Rule 1033. Bids and Offers—Premium

(a) No change.

(b)(i) No change.

(b)(ii) In the case of options on foreign currencies, in terms of dollars per unit of the underlying foreign currency. However, the first two decimal places shall be omitted from all bid and offer quotations for the British pound, the German mark, the Swiss franc, the Canadian dollar, *the Australian dollar* the French franc, and the European Currency Unit and the first four decimal places shall be omitted from all bid and offer quotations for the Japanese yen (e.g., a bid of ".88" for an option contract on the German mark shall represent a bid to pay $.0088 per unit of underlying foreign currency—i.e., a premium of $550—for an option contract having a unit of trading of 62,500 marks; a bid of "9.2" for an option contract on the British pound shall represent a bid to pay $.0920 per unit of underlying foreign currency—i.e., a premium of $1,150—for an option contract having a unit of trading of 12,500 pounds; a bid of .44 for an option contract on the ECU shall represent a bid to pay .0044 per unit of underlying foreign currency—i.e., a premium of $275—for an option contract having a unit of trading of 62,500 ECU's; a bid of ".52" for an option contract on the French franc shall represent a bid to pay .0052 per unit of underlying foreign currency—i.e., a premium of $650—for an option contract having a unit of trading of 125,000 francs; and a bid of "1.6" for an option contract on the Japanese yen shall represent a bid to pay $.000160 per unit of underlying foreign currency—i.e., a premium of $2,000—for an option contract having a unit of trading of 6,250,000 yen.

* * * * *

Rule 1034. Minimum Fractional Changes

(i) No change.

(ii) In the case of options on foreign currencies, $.0005 for option contracts on the British pound, $.0001 for option contracts on the German mark, $.0001 for option contracts on the Swiss franc, $.0001 for option contracts on the Canadian dollar, *.0001 for option contracts on the Australian dollar,* $.0001 for option contracts on the ECU, $.00005 for option contracts on the French franc and $.000001 for option contracts on the Japanese yen.

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 Statements of the Purpose of, and Statutory Basis for the Proposed Rule Change

The proposed rule change would permit Phlx to list options on the Australian dollar. As with other cuurrencies subject to options trading on the Phlx, the Australian dollar accounts for a major portion of interbank foreign exchange market turnover,[1] is issued by a country with substantial trade relations with the U.S., and is not pegged to a fixed rate of exchange vis a vis the U.S. dollar. The Chicago Mercantile Exchange has recently applied to the Commodities Futures Trading Commission ("CFTC") to initiate currency futures trading in the Australian dollar. According to the Phlx, the Philadelphia Board of Trade, a subsidiary of the Phlx, plans to submit a filing with the CFTC respecting foreign currency futures trading on the Australian dollar.

The Phlx asserts that the proposed rule change is consistent with section (6)(b)(5) of the Securities Exchange Act of 1934 in that it will facilitate transactions in securities and protect investors and the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange believes that the proposed rule change will not impose any burden on competition.

[1] This fact was confirmed by Mr. John Fraser, Minister for Economics, Australian Embassy, Washington, DC, in an October 14, 1986 telephone conversation with Mr. Murray Ross, Secretary, Phlx. Mr. Fraser estimates that the Australian dollar traditionally accounts for 2.5% or more of U.S. interbank currency trading. Staff officials of the Federal Reserve Bank of New York on October 6, 1986 stated in a telephone conversation with Mr. Bruce Teague, Vice President, Phlx, that over the last six months, the Australian dollar was the fifth most active U.S. interbank traded currency.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants, or Others

No written comments were solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period: (i) As the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or,

(B) Institute proceedings to determine whether the propose rule change should be disapproved.

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, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section 450 Fifth Street, NW., Washington, DC 20549. Copies of such filing 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 December 15, 1986.

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

Dated: November 14, 1986.

Jonathan G. Katz,

Secretary.

[FR Doc. 86-26410 Filed 11-21-86; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. 34-23821; File No. SR-Phlx-86-36]

Self-Regulatory Organizations; Proposed Rule Change by the Philadelphia Stock Exchange, Inc.; Relating to Use of Irrevocable Letters of Credit for Foreign Currency Option Margin

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on October 20, 1986 the Philadelphia 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 Philadelphia Stock Exchange, ("Phlx or Exchange") proposes to amend Exchange Rule 722 regarding the pilot program respecting use of irrevocable letters of credit for foreign currency option margin. The Phlx also requests Commission approval of the pilot program on a permanent basis. Italics indicate material to be added; brackets indicate material to be deleted.

Rule 722—Margin Accounts

(a)–(d) No Change.

* * * Commentary:

.01–.05 No Change.

.06 [Both] U.S. [and non-U.S.] institutions:

(A) (1) must supply the Exchange at the time of application for approval with its most recent annual financial report, and, in the event such report is as of a date more than 90 days prior to the date of application, its most recent published quarterly financial statements;

(2) must supply the Exchange subsequent to approval with annual reports and quarterly financial statements as issued; and

(3) must provide the Exchange, in a form satisfactory to the Exchange, appropriate documentation as to individuals authorized to sign letters of credit on the institution's behalf and the institution's legal authority to issue letters of credit [; and].

(B) Non-U.S. Institutions:

(1) must supply the Exchange at the time of application for approval with its most recent annual financial report, and, in the event such report is as of a date more than 90 days prior to the date of application, its most recent published semi-annual financial statements;

(2) must supply the Exchange subsequent to approval with annual reports and semi-annual financial statements as issued; and

(3) must provide the Exchange, in a form satisfactory to the Exchange, appropriate documentation as to individuals authorized to sign letters of credit on the institution's behalf and the institution's legal authority to issue letters of credit.

.07–.09 No change.

.10 [A member organization's ability to accept a letter of credit is satisfaction of the margin due with respect to a customer's foreign currency option position(s) shall continue for a period of one year from the effective date of the amendment of Rule 722(2)(J), unless sooner terminated pursuant to the second sentence hereof. During the one-year period subsequent to the effective date of the amendment of Rule 722(c)(2)(J),] 7[t]he Exchange may, at any time, on its own initiative or at the direction of the Securities and Exchange Commission or the Board of Governors of the Federal Reserve System, suspend, terminate or otherwise modify a member organization's ability to accept a letter of credit in satisfaction of a customer's margin obligations.

.11 No change.

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 Statements of the Purpose of, and Statutory Basis for the Proposed Rule Change

The purpose of the proposed rule change is to request Commission approval, on a permanent basis, of the Phlx foreign currency option irrevocable letters of credit program embodied in Phlx Rule 722—Margin Accounts. The Phlx foreign currency option letters of credit program was approved as a pilot program by the Commission in December 1983 after review by the staff of the Federal Reserve Board.[1] The pilot program originally limited the use of letters of credit to initial margin requirements. In October 1984, the Phlx reported to the Commission on its experience with the pilot program.[2] The report recommended that the pilot program be extended to permit the use of letters of credit to satisfy both initial and maintenance margin requirements; it also suggested modification of certain reporting requirements imposed on broker-dealers accepting letters of credit. In June 1985, the Commission approved these further amendments to Phlx Rule 722.[3] In April 1986, the Phlx reported to the Commission that the pilot program was positioned for significantly expanded utilization.[4] Since that report, another domestic financial institution, Pittsburgh National Bank, has been approved by the Phlx for participation in the program and significantly larger letters of credit have been issued by existing participants.

The Phlx believes that the proposed rule change is consistent with section 6(b)(5) of the Securities Exchange Act of 1934 since it facilitates trading activities of customers, enabling them to effect different trading strategies in foreign currency options without immediate concern for cash flow problems arising from margin requirements. The Phlx asserts that the growth of the use of letters of credit has been orderly and undertaken in a prudent manner by issuing institutions and accepting broker-dealer organizations. The proposed rule change takes into account the different financial reporting timetable non-U.S. institutions operate under; it provides an alternative semi-annual standard for submission of such information to the Exchange since quarterly financial statements are unavailable from non-U.S. institutions. The Phlx anticipates that usage of letters of credit will accelerate as recognition of their flexibility in margining and trading of foreign currency options is perceived by customers, financial institutions, and clearing broker-dealer organizations. An important factor in achieving increased use of letters of credit is the recognition which will be fostered by Commission approval of this

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[1] Securities Exchange Act Release No. 34-20497, December 16, 1983, 48 FR 56882.

[2] Letter from Robert B. Gilmore, Senior Vice President, Phlx, to Richard G. Ketchum, Director, Division of Market Regulation, SEC, dated October 19, 1984.

[3] Securities Exchange Act Release No. 34-22189, June 28, 1985, 50 FR 31802.

[4] Letter from Susan R. Mann, Vice President, Phlx, to Richard G. Ketchum, Director, Division of Market Regulation, SEC, dated April 30, 1986.

rule change, which will take the program from a pilot to a permanent status.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Phlx does not believe that the proposed rule change will impose any burden on competition.

C. Self-Regulatory Organization's Statement on the Proposed Rule Change Received from Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of the publication of this notice in the **Federal Register** or within such longer period: (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding; or (ii) as to which the self- regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change; or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule, change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC. 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 December 15, 1986.

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

Dated: November 17, 1986.

Jonathan G. Katz,

Secretary.

[FR Doc. 26411 Filed 11-21-86; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. 15412; (File No. 811-3161)]

Franklin Mesbic Corp.; Application for an Order Declaring that Applicant Has Ceased to be an Investment Company

November 13, 1986

Notice is hereby given that Franklin Mesbic Corporation ("Applicant"), 1 Rockefeller Plaza, New York, New York 10020, registered under the Investment Company Act of 1940 ("Act") as an closed-end, diversified, management investment company, filed an application on July 8, 1986, and amendments thereto on September 12, and November 7, 1986, for an order of the Commission, pursuant to section 8(f) of the Act, declaring that Applicant has ceased to be an investment company. 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, and to the Act and the rules thereunder for the applicable provisions thereof.

Applicant is registered under the Act and filed a registration statement pursuant to Section 8(b) of the Act on March 30, 1981. Applicant states that it has not more than 100 securityholders for purposes of section 3(c)(1) of the Act and rules thereunder, has never made a public offering of its securities, and does not propose to make a public offering or engage in business of any kind. Applicant also states that it still exists as a New York corporation, but that it never had any assets nor conducted any business, and, thus, no funds are available for the cost of dissolution and no distributions were made to its shareholders. Applicant further states that it has not transferred any of its assets to a separate trust, the beneficiaries of which were or are securityholders of Applicant, that it is not a party to any litigation or administrative proceeding and does not propose to engage in any business activities other than those necessary for winding-up its affairs.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than December 9, 1986, at 5:30 p.m., do so by submitting a written request setting forth the nature of his interest, the reasons for his request, and the specific issues, if any, of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, 450 5th Street, NW., Washington, DC 20549. A copy of the request should be served personally or by mail upon Applicants at the address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. After said date an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon its own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 86-26412 Filed 11-21-86; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. IC-15417; (812-6483)]

National Australia Bank Limited; Application for Exemption

November 17, 1986.

AGENCY: Securities and Exchange Commission ("SEC").

ACTION: Notice of Application for Exemption under the Investment Company Act of 1940 ("the 1940 Act").

Applicant: National Australia Bank Limited ("Applicant") (formerly National Commercial Banking Corporation of Australia Limited).

Relevant 1940 Act Sections: Exemption requested under Section 6(c) from all provisions.

Summary of Applicant: Applicant seeks an order amending an existing order to permit it to issue and sell its equity securities in the United States, either directly or in the form of American Depository Shares, evidenced by American Depository Receipts. The prior order (Investment Company Act Release No. 13520, September 21, 1983) permits Applicant to issue and sell its commercial paper and other debt securities in the United States.

DATE: *Filing Date:* The application was filed on September 23, 1986, and amended on October 21, 1986.

Hearing or Notification of Hearing: If no hearing is ordered, the application will be granted. Any interested person may request a hearing on this application, or ask to be notified if a hearing is ordered. Any requests must be received by the SEC by 5:30 p.m. on December 12, 1986. Request a hearing in writing, giving the nature of your interest, the reason for the request, and the issues you contest. Serve the Applicant with the request either personally or by mail, and also send it to

the Secretary of the SEC, along with proof of service by affidavit, or, for lawyers, by certificate. Request notification of the date of a hearing by writing to the Secretary of the SEC.

ADDRESSES: Secretary, SEC, 450 5th Street, NW., Washington, DC 20549. Applicant, c/o David M. Huggin, Esq., Sullivan & Cromwell, 125 Broad Street, New York, New York 10004.

FOR FURTHER INFORMATION CONTACT: Victor R. Siclari, Staff Attorney (202) 272–2847 or Brion R. Thompson, Special Counsel (202) 272–3016 (Division of Investment Management).

SUPPLEMENTARY INFORMATION: Following is a summary of the application; the complete application is available for a fee from either the SEC's Public Reference Branch in person or the SEC's commercial copier (800) 231–3282 (in Maryland (301) 258–4300).

Applicant's Representations:

1. Applicant is a private trading bank licensed under the Banking Act 1959 of the Commonwealth of Australia (the "Banking Act") to carry on the business of banking in Australia. A "trading bank" as that term is used in Australia is the same as a "commercial bank" as that term is generally understood in the United States.

2. Applicant's principal business, similar to that of major United States banks, is the receipt of deposits and the making of loans, but it also conducts or engages in, either directly or through subsidiaries, a savings bank business, the provision of consumer credit, lease and mortgage finance, factoring, merchant banking, insurance, travel, trust and investment services, and share and stockbrokerage.

3. Applicant currently ranks as the third largest trading bank in Australia, among the ten largest companies in Australia, and was ranked 108th among the world's largest commercial banks at year end 1985. As of March 31, 1986, Applicant had total assets, on a consolidated basis, of A$39.2 billion, of which A$25.3 billion (64.5%) consisted of loans, advances, bills discounted and other lending (including loans to authorized dealers in the short term money market, money at short call—overseas and amounts due from other banks), and total liabilities of A$37.1 billion, of which A$29.9 billion (80.6%) consisted of deposits, both time and demand (including amounts due to banks). Its consolidated net operating profit for the six months ended March 31, 1986, was A$153.4 million, of which 94.2% was attributable to its banking business.

4. Applicant is subject to extensive regulation by the Reserve Bank of Australia under the Banking Act. Such regulation includes, *inter alia*, statutory reserve deposit requirements, prudential supervision of banking operations and capital adequacy, controls over lending, interest rates and types of investments, and reporting requirements. Applicant also complies with the Reserve Bank's guidelines regarding association with non-bank institutions. Applicant is also subject to extensive regulation by the Victorian (State) Corporate Affairs Office and the Australian Associated Stock Exchange, and to inspection by the Commonwealth Auditor General at least annually.

5. With respect to its operations in the United States, Applicant operates a full federal branch in New York, a limited federal branch in Chicago, a state agency in Los Angeles, and three representative offices. The full and limited federal branches are licensed under the provisions of the International Banking Act of 1978 ("the IBA") and, therefore, are subject to most of the restrictions on interstate banking and on non-banking activities imposed by the Bank Holding Company Act of 1956. Applicant is also subject to extensive supervision and regulation by the Comptroller of the Currency including, but not limited to, furnishing financial and other information, lending and other prudential limitations, and reserve and reporting requirements similar to those imposed on domestic banks. The Los Angeles agency is licensed and subject to extensive regulation by the Superintendent of Banks of the State of California.

6. As of March 31, 1986, Applicant had Stockholders Funds of A$2.1 billion and A$1.8 billion of assets recorded on the books of its United States branches and agency. The figures included herein are unaudited, and on March 31, 1986, the noon buying rate for cable transfers in New York City payable in Australian dollars, as certified for customs purposes by the Federal Reserve Bank of New York, was U.S. $0.7116=A$1.00.

7. Applicant believes its assets, two branches and state agency in the United States constitutes a bona fide presence in the United States.

8. The proposed offer and sale of Applicant's equity securities in the United States would be either (a) pursuant to a firm commitment underwritten public offering registered under the Securities Act of 1933 (the "1933 Act"), (b) pursuant to an exemption from the registration requirements of the 1933 Act which, in the opinion of U.S. counsel to Applicant, was available to Applicant with respect to such offers and sales, or (c) pursuant to the advice of the staff of the SEC that it would not recommend that the SEC take any action under the 1933 Act if such offers and sales were made without registering such securities under the 1933 Act.

9. In connection with any registered public offering, or in connection with listing Applicant's equity securities on a national securities exchange or having such securities quoted on an "automated inter-dealer quotation system," Applicant's equity securities would be registered under the Securities Exchange Act of 1934 (the "1934 Act") and Applicant would thereafter file periodic reports pursuant to the 1934 Act. In addition, Applicant currently makes available to the SEC the documents required to establish the exemption from registration under the 1934 Act found in Rule 12g3–2(b) thereunder, which exemption is currently available to it.

10. The requested order is both necessary and appropriate in the public interest because Applicant would be effectively precluded from issuing and selling its equity securities in the United States if it were required to register as an investment company and comply with the provisions of the 1940 Act. Such a result would be both inherently inequitable and in direct conflict with the objective of the IBA which was intended to place United States and foreign banks on a basis of competitive equality in their transactions in the United States. The order also enables investors to purchase in the United States equity securities issued by Applicant with the protection of the disclosure provisions of the 1933 Act.

11. The order is consistent with the protection of investors because: (1) There are already in place regulatory structures which afford sufficient protection for investors; (2) Applicant is subject to a regulatory structure comparable to that imposed on the United States banks; and (3) the particular abuses against which the 1940 Act was directed are not present in the instant case.

12. The order is consistent with the purposes fairly intended by the policy and provisions of the 1940 Act since Applicant is a closely regulated banking entity with investments and objectives totally different from the investment companies at which the 1940 Act is directed and for which its substantive provisions are neither necessary nor suitable.

13. Applicant undertakes that any offering of its equity securities in the United States will be made on the basis of disclosure documents which are appropriate and customary for such offering, whether made pursuant to a

registration statement under the 1933 Act or an exemption therefrom.

14. In connection with any such offering in the United States, Applicant also undertakes to appoint an agent to accept service of process in any action based on the equity securities and instituted in any State or Federal court located in New York City by a holder thereof and will expressly submit to the jurisdiction of any such court for the purposes of any such action. Such appointment of an agent to accept service of process and such consent to jurisdiction will be irrevocable so long as any of the equity securities issued in reliance on the amended order sought hereby are outstanding in the United States.

15. Applicant further undertakes to only issue equity securities in the United States so long as it is supervised and examined by governmental authorities in Australia having the power of supervision over banks in that country and by State or Federal authorities in the United States having the power of supervision over banks in this country. Applicant represents that it presently intends to maintain its banking operations in Australia, and has no present intention to curtail such operations so that it would cease to be regulated as a bank in Australia.

16. Applicant represents that it presently intends to maintain its banking operations in the United States. If, however, such operations in the future are curtailed with the result that Applicant is no longer regulated as a bank in the United States, Applicant will continue to comply with its undertakings concerning appointment of an agent in New York City and submission to jurisdiction, as set forth in the Application, until such time as there shall be no holders in the United States of equity securities of the Applicant issued in reliance upon any Commission order made pursuant to the Application.

Applicant's Conditions:

Applicant consents to any Commission order being expressly conditioned on its compliance with the undertakings and representations contained in the Application.

For the Commission, by the Division of Investment Management, under delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 86-26413 Filed 11-21-86; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. 34-23804; File No. S7-820]

Options Price Reporting Plan: Notice of Immediate Effectiveness of Amendment

On October 28, 1986, the participants in the "Options Price Reporting Authority"("OPRA") submitted to the Commission, pursuant to Rule 11Aa3-2 under the Securities Exchange Act of 1934 ("Act"), an amendment to the "Plan for Reporting of Consolidated Options Last Sale Reports and Quotation Information," [1] which was submitted to the Commission pursuant to section 11A(a)(3)(B) of the Act.[2]

I. Description of the Amendment

OPRA proposes to establish a fee to be paid by vendors and subscribers who furnish a voice-synthesized market data service to their customers. The fee would be established at a monthly rate of $5.00 per active computer port through which the service is provided.

II. Purpose of the Amendment

OPRA indicates that the purpose of the new fee is to permit securities firms and others to offer a voice-synthesized market data service to their customers without requiring the customers who receive the service to become OPRA subscribers and pay applicable subscriber fees. Currently, OPRA contracts state that OPRA vendors may provide such a service to only OPRA subscribers. Several firms have indicated to OPRA that they could lower the cost of providing current market information to their customers by having computers that can respond to customer's inquiries with quotations delivered in synthesized speech. However, such a service would not be practical if every customer who could make an inquiry of a computer had to be an OPRA subscriber subject to subscriber fees. The proposed new fee would replace such a requirement by imposing a small device chage on the firm providing the service. The charge is consistent with OPRA's present fee structure, which imposes a charge upon professional subscribers based upon the number of devices through which current market information may be accessed. The new fee has been established at a level below the aggregate subscriber fee that would be payable if a voice-synthesized service could be offered only to subscribers.

III. Manner of Implementation of the Amendment

The Voice-Synthesized Market Data Service Fee will be implemented by adopting a Voice-Synthesized Market Data Service Rider to OPRA's existing vendor and subscriber agreements,[3] which must be executed by every subscriber of vendor who wishes to offer this service. The Rider describes the terms and conditions governing the service.

IV. Request for Comment

Pursuant to Rule 11Aa3-2(c)(3) under the Act, the amendment and the Voice-Synthesized Market Data Service Fee and Rider became effective upon filing with the Commission. The Commission, however, may summarily abrogate the amendment within 60 days of its filing and require refiling and approval of the amendment by Commission order pursuant to Rule 11Aa3-2(c)(2), if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors and the maintenance of fair and orderly markets, to remove impediments to and perfect the mechanisms of a national market system, or otherwise in furtherance of the purposes of the Act. In order to assist the Commission in determining whether to abrogate the amendment and to require refiling and further review, interested persons are invited to submit their comments to Jonathan G. Katz, Secretary, Securities and Exchange Commission 450 Fifth Street, N.W., Washington, DC 20549, by December 15, 1986. All communications should refer to File No. S7-820.

For the Commission, by the Division of Market Regulation pursuant to delegated authority, 17 CFR 200.30-3(a)(27).

Dated: November 14, 1986.

Jonathan G. Katz,

Secretary.

[FR Doc. 86-26407 Filed 11-21-86; 8:45 am]

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[1] *See* Securities Exchange Act Release No. 17638 (March 18, 1981).

[2] The Commission previously, by order, granted registration to OPRA as a securities information processor. At that time, OPRA's functions were limited to the collection and dissemination of options last sale reports. *See* Securities Exchange Act Release No. 12035 (January 22, 1976), 41 FR 4372. In order to comply with the procedures of Rule 11Aa3-2 applicable to the establishment of fees for exclusive securities processors, OPRA has filed this fee as a Plan amendment under the Rule.

[3] *See* Exhibit A of OPRA's submission filed October 28, 1986.

DEPARTMENT OF STATE

Advisory Committee on International Investment, Technology, and Development; Meeting

The Department of State will hold a meeting of the Advisory Committee on International Investment, Technology, and Development on December 12, 1986 from 9:30 a.m. to 12:30 p.m. The meeting will be held in Conference Room 1107 of the Department of State, 2201 C Street NW., Washington, DC 20520.

At the end of this year the Department will reorganize the Advisory Committee. Consequently, this will be the last session of the Committee as it is presently constituted. The various functions of the Committee will continue. A brief explanation of the plans for reorganization will be given at the December 8 meeting.

Agenda and Approximate Times:

—9:30 OECD—Latest developments, including a discussion of priorities and future directions for international investment in the OECD.

Members are encouraged to make comments or suggestions on how U.S. interests related to international investment can best be served in the OECD.

William B. Milam, Deputy Assistant Secretary for International Finance and Development, Department of State.

—10:15 Multilateral Investment Guarantee Agency (MIGA). Recent Developments. James Conrow, Deputy Assistant Secretary for Developing Nations, Department of the Treasury.

—11:00 Bilateral Investment Treaties (BITs): Where do we stand? William B. Milam, Clarke N. Ellis, Director, Office of Investment Affairs, Department of State.

—11:30 UN Code of Conduct on TNCs and UN Commission on TNCs. Latest developments and significant issues: Clarke N. Ellis and Walter Lockwood, Deputy Director, Office of Investment Affairs, Department of State.

—12:00 Reorganization of the Committee: Walter Lockwood.

Access to the State Department is controlled. Therefore, members of the public must contact the Office of Investment Affairs, (202) 647–2585, in order to arrange admittance. Please use the C Street entrance.

The Chairman will, as time permits, entertain comments from members of the public at the meeting.

Dated: November 13, 1986.

Walter B. Lockwood, Jr.,

Executive Secretary.

[FR Doc. 86–26352 Filed 11–21–86; 8:45 am]

BILLING CODE 4710–07–M

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

Reports, Forms, and Recordkeeping Requirements: Submittals to OMB on November 17, 1986

AGENCY: Department of Transportation (DOT), Office of the Secretary.

ACTION: Notice.

SUMMARY: This notice lists those forms, reports, and recordkeeping requirements imposed upon the public which were transmitted by the Department of Transportation on November 17, 1986, to the Office of Management and Budget (OMB) for its approval in accordance with the requirements of the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35).

FOR FURTHER INFORMATION CONTACT: John Chandler, Annette Wilson, or Cordelia Shepherd, Information Requirements Division, M–34, Office of the Secretary of Transportation, 400 Seventh Street SW., Washington, DC 20590, telephone (202) 366–4735, or Gary Waxman or Sam Fairchild, Office of Management and Budget, New Executive Office Building, Room 3228, Washington, DC 20503, (202) 395–7340.

SUPPLEMENTARY INFORMATION:

Background

Section 3507 of Title 44 of the United States Code, as adopted by the Paperwork Reduction Act of 1980, requires that agencies prepare a notice for publication in the **Federal Register**, listing those information collection requests submitted to the Office of Management and Budget (OMB) for initial, approval, or for renewal under that Act. OMB reviews and approves agency submittals in accordance with criteria set forth in that Act. In carrying out its responsibilities, OMB also considers public comments on the proposed forms, reporting and recordkeeping requirements. OMB approval of an information collection requirement must be renewed at least once every three years.

Information Availability and Comments

Copies of the DOT information collection requests submitted to OMB may be obtained from the DOT officials listed in the **"For Further Information Contact"** paragraph set forth above. Comments on the requests should be forwarded, as quickly as possible, directly to the OMB officials listed in the "For Further Information Contact" paragraph set forth above. If you anticipate submitting substantive comments, but find that more than 10 days from the date of publication are needed to prepare them, please notify the OMB officials of your intent immediately.

Items Submitted for Review by OMB

The following information collection requests were submitted to OMB on November 17, 1986.

DOT No: 2817
OMB No: 2135–0002
By: St. Lawrence Seaway Development Corporation
Title: Application for Preclearance
Form(s): S/VM 429–01–80 (Canadian form)
Frequency: On occasion
Respondents: Businesses or other for-profit
Need/Use: Used by the Corporation to determine whether vessels are properly fitted in a manner to allow it to safely transit through the Seaway system.

DOT No: 2818
OMB No: 2135–0003
By: St. Lawrence Seaway Development Corporation
Title: Transit Declaration
Form(s): S/VM 755–11–77 (Canadian form)
Frequency: On occasion
Respondents: Businesses or other for-profit
Need/Use: Assessment of toll charges in accordance with the St. Lawrence Seaway Tariff of Tolls.

DOT No: 2819
OMB No: 2135–0004
By: St. Lawrence Seaway Development Corporation
Title: Seaway Explosive Permit
Form(s): SLSDC–10–7–1–6200.31
Frequency: On occasion
Respondents: Businesses or other for-profit
Need/Use: Providing for certain safeguards in transiting the Seaway system.

DOT No: 2820
OMB No: 2130–0523
By: Federal Railroad Administration
Title: Rear-End Marking Devices
Form(s): None
Frequency: Recordkeeping and On occasion
Respondents: Railroads
Need/Use: The Federal Railroad Administration reviews and evaluates the data to determine if the device meets critical angle, color and intensity requirements.

Dot No: 2821
OMB No: 2130–0519
By: Federal Railroad Administration
Title: Bad Order and Home Shop Card
Form(s): None

Frequency: On occasion
Respondents: Railroads
Need/Use: The Bad Order and Home Shop Card allows a railroad to move defective freight cars to a designated repair point and allows the Federal Railroad Administration to determine if cars which are an immediate hazard are being moved in trains.

Dot No: 2822
OMB No: New
By: Federal Highway Administration
Title: Certification of Enforcement of Heavy Vehicle Use Tax
Form(s): None
Frequency: Annually
Respondents: States
Need/Use: For FHWA to obtain a certification from each State as proof of payment of the vehicle use tax.

Dot No: 2823
OMB No: New
By: Federal Highway Administration
Title: Nationwide Truck Activity and Commodity Survey
Form(s): None
Frequency: One time only
Respondents: Farms/businesses or other organizations
Need/Use: To provide DOT essential data for the analysis of highway user charges, truck size and weight issues, and related aspects of the Federal-Aid Highway Program.

Dot No: 2824
OMB No: 2125–0040
By: Federal Highway Administration
Title: Annual Interstate Maintenance Program
Form(s): N/A
Frequency: Annually
Respondents: State highway agencies
Need/Use: To meet the requirements contained in 23 CFR Subpart E, which requires each state to certify that the Interstate System is being maintained in accordance with an approved Interstate Maintenance Program.

Dot No: 2825
OMB No: 2120–0505
By: Federal Aviation Administration
Title: Indirect Air Carrier Security, FAR–109
Form(s): None
Frequency: On occasion
Respondents: Businesses (Indirect Air Carriers)
Need/Use: Security programs required by FAR–109 set forth procedures to be used by indirect air carriers in carrying out their responsibilities involving the protection of persons and property against acts of criminal violence and aircraft piracy in the forwarding of package cargo.

Dot No: 2826
OMB No: 2130–0004
By: Federal Railroad Administration
Title: Railroad Locomotive Safety Standards
Form(s): FRA–F–6180–49A
Frequency: On occasion and Recordkeeping
Respondents: Railroads
Need/Use: The Federal Railroad Administration utilizes the information in the enforcement of the Locomotive Inspection Act and in post accident investigations.

Dot No: 2827
OMB No: 2115–0066
By: Federal United States Coast Guard
Title: Shipping Articles
Form(s): CG–705A
Frequency: On occasion
Respondents: U.S. Merchant Seamen and Shipping Companies
Need/Use: This information collection requirement is needed by the Coast Guard to meet statutory obligations. The shipping articles are used to ensure that various navigational statutes are being complied with for its commercial vessel safety program. This information is used by (1) the Coast Guard as a permanent voyage/contractual record; (2) seamen to obtain their entitlements or benefits; and (3) casualty investigators to examine the qualifications of crew members.

Dot No: 2828
OMB No: 2115–0111
By:United States Coast Guard
Title: Course Approvals for Merchant Marine Training Schools
Form(s): N/A
Frequency: Every 5 years for reporting; 1 year for recordkeeping
Respondents: Merchant Marine Training Schools
Need/Use: This information collection requirement is needed and used by the Coast Guard to approve the curriculum, facility and faculty for these training schools. Collection of this information ensures that training programs meet minimum standards. The courses may be substituted for required sea experience or training.

DOT No: 2829
OMB No: 2115–0514
By: U.S. Coast Guard
Title: Licenses and Certificates of Registry for U.S. Merchant Marine Personnel
Form(s): CG–887, CG–2849, CG–2987, CG–3750, CG–4865, CG–5205, CG–5206
Frequency: Every five years
Respondents: Vessel pilot, master, chief engineer, chief mate, second or third mate, first, second or third engineer, radio officer, staff officer, and operators of small passenger or uninspected towing vessels
Need/Use: This information collection requirement is needed and used by the Coast Guard to identify licensed officers as qualified to serve on a vessel in one of the above capacities.

DOT No: 2830
OMB No: 2115–0003
By: United States Coast Guard
Title: Casualty Reporting Requirement
Form(s): CG–2692 and CG–2692A
Frequency: On occasion
Respondents: Owners, agents, or persons in charge of vessels and outer-continental shelf facilities
Need/Use: These information requirements are required by 46 USC 6101 and 43 U.S.C. 1348. The information is needed to inform the Coast Guard that a vessel or personnel casualty has occurred and to conduct investigations as required by 46 U.S.C. 6301. The information is used to initiate suspension and revocation proceedings against licenses or documents held be merchant seamen due to negligence, in attention to duty, misconduct or violation of law or regulation connected with the casualty. These investigative reports are used by other Federal, state or local agencies for law enforcement or other purposes; by law firms for litigation purposes, and by shipping companies, seamen unions, researchers and other interested parties.

DOT No: 2831
OMB No: New
By: National Highway Traffic Safety Administration
Title: Letter to Motor Vehicle Manufacturers
Form(s): None
Frequency: One time only
Respondents: Motor vehicle manufacturers
Need/Use: To prepare a report to Congress (requested by the Committee on Appropriations) that analyzes the auto manufacturers' methods of meeting the crash protection requirements of FMVSS No. 208.

DOT No: 2832
OMB No: 2127–0047
By: National Highway Traffic Safety Administration
Title: 49 CFR Odometer Disclosure Statement, Part 580
Form(s): None
Frequency: On Occasion
Respondents: Individuals thru small businesses
Need/Use: 15 U.S.C. 1988 requires the Secretary to prescribe rules regarding the transferor of a motor vehicle to give a written disclosure statement to the transferee.

DOT No: 2833
OMB No: 2115–0063

By: U.S. Coast Guard
Title: U.S. Merchant Mariners Documents with Various Endorsements
Form(s): CG–2838
Frequency: On occasion
Respondents: Personnel manning or employed aboard U.S. merchant vessels
Need/Use: This information collection requirement is needed to ensure the effectiveness of the commercial vessel safety program. The information is used by the Coast Guard and shipping companies to determine qualifications of shipboard personnel and to ensure that only qualified personnel sail U.S. merchant vessels.

Issued in Washington, DC on November 17, 1986.

John E. Turner,

Director of Information Resource Management.

[FR Doc. 86–26338 Filed 11–21–86; 8:45 am]

BILLING CODE 4910–62–M

Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits Filed Under Subpart Q During the Week Ended November 14, 1986

The following applications for certificates of public convenience and necessity and foreign air carrier permits were filed under Subpart Q of the Department of Transportation's Procedural Regulations (See 14 CFR 302.1701 et seq.). The due date for answers, conforming application, or motions to modify scope are set forth below for each application. Following the answer period DOT may process the application by expedited procedures. Such procedures may consist of the adoption of a show-cause order, a tentative order, or in appropriate cases a final order without further proceedings.

Docket No. 44496

Date Filed: November 14, 1986.
Due Date for Answers, Conforming Applications, or Motion to Modify Scope: December 12, 1986.
Description: Application of Nippon Cargo Airlines Co., Ltd., pursuant to section 402 of the Act and Subpart Q of the Regulations, applies for an amendment of its foreign air carrier permit for authority to engage in charter foreign air transportation of property and mail between the United States and Japan.

Docket No. 43625

Dated Filed: November 13, 1986.
Due Date for Answers, Conforming Applications, or Motion to Modify Scope: December 11, 1986.
Description: Amendment No. 2 to the Application of Cathay Pacific Airways Limited to operate scheduled air services with passenger/combination aircraft over U.K. Route 6 as described in the Air Transport Services Agreement between the United Kingdom of Great Britain and Northern Ireland and the United States.

Phyllis T. Kaylor,

Chief, Documentary Services Division.

[FR Doc. 86–26340 Filed 11–21–86; 8:45 am]

BILLING CODE 4910–62–M

Aviation Proceedings; Agreements Filed During the Week Ending November 14, 1986.

The following agreements were filed with the Department of Transportation under the provisions of 49 U.S.C. 408, 409, 412, and 414. Answers may be filed within 21 days of date of filing.

Docket No. 44488

Parties: Members of International Air Transport Association.
Date Filed: November 13, 1986.
Subject: CAFs ex UK/Gibraltar to So Atlantic Points.
Proposed Effective Date: December 1, 1986.

Docket No. 44489 R–1 & R–3

Parties: Members of International Air Transport Association.
Date Filed: November 13, 1986.
Subject: Amend Within Africa Fares and CAFs.
Proposed Effective Date: December 1, 1986.

Docket No. 44490

Parties: Members of International Air Transport Association.
Date Filed: November 13, 1986.
Subject: CAFs ex UK/Gibraltar to select Mid Atlantic.
Proposed Effective Date: December 1, 1986.

Docket No. 44491 R–1 & R–3

Parties: Members of International Air Transport Association.
Date Filed: November 13, 1986.
Subject: Auth-Eur Arbitraries and Excursion Fares.
Proposed Effective Date: December 1, 1986.

Docket No. 44492 R–1 & R–2

Parties: Members of International Air Transport Association.
Date Filed: November 13, 1986.
Subject: Amend Jap/Kor-Eur Afr CAFs/Fares.
Proposed Effective Date: December 1, 1986.

Docket No. 44493

Parties: Members of International Air Transport Association.
Date Filed: November 13, 1986.
Subject: Increase rates ex Yeman by 7%.
Proposed Effective Date: December 1, 1986.

Docket No. 44494 R–1 & R–3

Parties: Members of International Air Transport Association.
Date Filed: November 13, 1986.
Subject: Aust/NZ-Japan CAFs and Japan-Asia PEX fares.
Proposed Effective Date: December 1, 1986.

Docket No. 44486

Parties: Alaska Air Group, Inc., Alaska Airlines Inc., Jet America Airlines, Inc. and San Juan Airlines, Inc.
Date Filed: November 10, 1986.
Subject: Joint Application of Alaska Air Group, Inc., Alaska Airlines, Inc., Jet America Airlines, Inc. and San Juan Airlines, Inc. for an exemption from the 45-day notice requirement of § 303.57(a) of the Regulations in connection with the proposed acquisition by Alaska Air Group of 50 percent of the common stock of San Juan. Alaska Air Group recently entered into an agreement of San Juan. Alaska Air Group recently entered into an agreement to acquire 50 percent of the outstanding common stock of San Juan and it is contemplated that the closing will take place on November 30, 1986.

Phyllis T. Kaylor,

Chief, Documentary Services Division.

[FR Doc. 86–26339 Filed 11–21–86; 8:45 am]

BILLING CODE 4910–62–M

[Docket No. 43343; Notice 86–14]

Filing, Posting and Publishing of Tariffs by Air Carriers and Foreign Air Carriers; Formation of an Advisory Committee

AGENCY: Office of the Secretary, DOT.

ACTION: Notice of formation of an advisory committee.

SUMMARY: The Department hereby announces the establishment of an advisory committee to make continuing recommendations on the technical, operational, and policy issues involved in the implementation of the proposed automated tariff filing and information system. The committee is to be composed of representatives of interests that would be affected by an electronic

tariff filing system, including representatives of airline tariff agents, airlines, consumer groups, airline industry associations, and the information industry.

DATE: The Advisory Committee Charter (attached as Appendix A) will be filed with the Secretariat, General Services Administration, 15 days after the date of this notice. Comments and requests to participate as members of the Committee (original and 12 copies) are due by December 9, 1986.

ADDRESS: Comments and requests to participate should be mailed to Docket Clerk, C–55, Docket 43343, Department of Transportation, Room 4107, 400 7th Street, SW., Washington, DC 20590. Comments will be available for review by the public at this address from 9:00 a.m. through 5:00 p.m., Monday through Friday. Persons wishing acknowledgment of their comments should include a stamped, self-addressed postcard with their comments. The docket clerk will time and date-stamp the card and return it to the commenter.

FOR FURTHER INFORMATION CONTACT: Desta McDowell or Thomas Moore, Tariffs Division, Office of Aviation Operations, P–44, Department of Transportation, 400 7th St., SW., Washington, DC 20590, telephone (202) 366–2414.

SUPPLEMENTARY INFORMATION: On August 19, 1985, the Department of Transportation (DOT) issued an Advance Notice of Proposed Rulemaking (50 FR 33452) announcing its intention to consider development of an electronic tariff filing system and requesting public comment on that idea.

As required by sections 403 and 1601 of the Federal Aviation Act of 1958, as amended (the Act), and as implemented in international aviation agreements, both U.S. and foreign airlines must file their international passenger fares, cargo rates, and related rules with DOT for approval prior to implementation. DOT is responsible for reviewing all such proposed fares, rates, and rules, determining whether they should be accepted, rejected, or suspended, certifying the accuracy of the tariffs, negotiating fares/rates/rules with foreign governments, and maintaining public tariff files. In addition, under section 403 of the Act and Subpart N of Part 221 of DOT Regulations (14 CFR Part 221), each airline is required to post a copy of its proposed and currently effective tariffs at each of its sales locations.

The current system is implemented manually, and it has remained virtually unchanged since 1938. Although the major airlines and tariff filing agents have computerized their tariff data systems, DOT has not. As a result, airlines have the burden of converting computerized fare and rate data back into printed form for the sole purpose of meeting the statutory filing requirements.

The proposal to automate the tariff system stems from the need to update the existing antiquated paper tariff procedures that have been tremendously burdened by the competitive growth in international aviation, and our interest in responding to requests from U.S. airline executives to bring the government's tariff function into some equality with the airlines' computerized systems.

The tariff volume is enormous; there are more than one million currently effective international fares, rates, and rules on file at DOT, and the Office of Aviation Operations (OAO) is reviewing new filings at the rate of more than 650 pages a day. Since 1980, the number of pages filed has increased at an average rate of eight percent a year. This trend is accelerating as price competition continues to evolve in international aviation markets. During the first nine months of 1986, volume increased 17 percent over the same period in 1985.

If the trend continues, OAO will handle in excess of 175,000 pages for 1986. In the last ten years the number of international filings per tariff analyst has increased 400 percent. Numerous administrative and procedural changes have been instituted in response to this upsurge in activity, but, at this rate of filings, the staff is still overburdened. Automation of tariff filing procedures will reduce the time spent in processing and filing paper documents and automate many of the routine information checks which are now done manually. In addition, time spent researching historical data will be greatly reduced.

The system has become expensive and unwieldly for the airlines as well, since they must print, file and distribute a complete page of tariff data, printed on two sides, whenever a single item on a page is amended. Preliminary results of a cost/benefit analysis currently being conducted by the Vanguard Corporation indicate that the combined federal and industry costs associated with the current tariff filing system amount to approximately $11,300,000, or $78.50 per page of tariffs now being filed. Approximately 78 percent of the total cost is supported by the private sector. With the accelerated rate of filings in competitive markets, tariff production and distribution have become significant expense items for many airlines and a considerable administrative burden.

Comments on the Advance Notice of Proposed Rulemaking (ANPRM)

In response to the ANPRM, the Department received comments from 17 parties: two tariff publishers (Airlines Tariff Publishing Company (ATPCO) and Official Airline Guides, Inc. (OAG)), the International Air Transport Association (IATA), Air Transport Association of America (ATA), five U.S. carriers (American Airlines, Inc. Continental Air Lines, Inc., Northwest Airlines, Inc., The Flying Tiger Line Inc., and Transamerica Airlines, Inc.), three foreign carriers (British Airways Plc., KLM Royal Dutch Airlines, and Varig Brazilian Airlines), one commuter airline (Harbor Airlines), two private firms (Transax Data Corporation and Numerax Transportation Traffic Services, Inc.), the Information Industry Association, and one private citizen. The proposal to establish an electronic tariff filing system was very favorably received by all parties except Transamerica and Harbor Airlines, who were concerned that the costs would be burdensome to small carriers. As noted in the ANPRM, however, we expect to continue the filing of paper tariff documents for any airline that would experience financial hardship if compelled to use an electronic system.

Both of the major tariff agents, who handle approximately 98 percent of all tariff filings submitted to the Department, endorsed the proposal to substitute electronic filing and distribution of tariff data for printed documents and requested that a group be created at an early stage to assist with the plans for the system.

ATPCO urged that before final action is taken to establish—or even develop—a program of the type envisioned in the ANPRM, the Department create an advisory committee or working group of policy and technical experts, representing all interested parties, to study and advise how best to deal with the problems involved in the design of such a program.

OAG suggested a meeting with other vendors and airlines to design specifications for the system. OAG says that "knowing what is required in the DOT reports and analysis will enable OAG to determine that all necessary data elements have been provided in a filing, and that necessary support data . . . are available."

IATA supported the Department's rulemaking initiative and its intention to consult with interested parties.

ATA urged DOT to create a joint government-industry group to examine the implications of automating the tariff filing system. The group should be composed of individuals who possess policy and technical expertise and should have responsibility for ascertaining the various needs of an automated system and exploring the means to meet those needs.

The majority of airlines who responded to the ANPRM expressed enthusiastic support for an electronic tariff system and for a joint industry/government group to work together on the system design.

American and Continental strongly concurred with the ATPCO recommendation.

Northwest supported a joint effort by industry and government to develop this system, but did not specifically call for an industry advisory group.

Flying Tiger recommended that before the DOT takes any action, an international task force composed of DOT officials, tariff publishers, and airline representatives should be established "to study the complexities of the current tariff filing system and design computerized procedures most suitable to meet the unique needs of the Department and the carriers."

British Airways suggested an initial meeting of interested parties and the establishment of an industry-government task force or working group, and expected to be "fully involved" in whatever process DOT may establish.

KLM suggested that DOT and its automation experts develop an informal face-to-face dialogue with groups of industry experts with the objective of defining the scope and standards of a proposed DOT automated tariff system. KLM would be willing to provide its experts for such a task.

VARIG suggested an on-going working group composed of DOT, airlines, and filing agents.

The Information Industry Association emphasized the importance of seeking the perspective and advice of the interested and expert outside groups which will be providing and using the relevant systems and information and expressed hope that there will be future opportunity for consultation and comment as the project progresses.

In summary, the majority of commenters believe it is essential that DOT establish an industry advisory or work group to assist in system development. We agree. We believe that discussion and recommendations by those interests affected by automation of tariff filing during the process of designing and implementing the system are essential to the success of this effort. These interests can anticipate and address many potential problem areas. Moreover, the dynamic nature of the aviation industry is such that conditions can change and unexpected contingencies arise during the course of the project. The availability of a standing body of representatives of affected interests to evaluate and make recommendations on problems as they arise is critical.

Finally, this approach is consistent with that recommended by a recent congressional report (House Report 99-560, 992 Cong., 2nd Sess., Electronic Collection and Dissemination of Information by Federal Agencies: A Policy Overview, Committee on Government Operations (1986)], specifically, that an automated information system be developed with the assistance of private industry expertise and be responsive to the needs of outside users.

Purpose of the Advisory Committee

The principal aim in developing an electronic filing system is to provide the Department with the ability to receive, process, analyze, and store tariff matter in an electronic data processing environment compatible with the responsibilities of the Department and attuned to the needs of all users. In addition to the mechanics of system design, the Committee will be asked to consider the following policy goals:

(1) An electronic tariff system will enhance the Department's ability to fulfill its tariff processing responsibilities.

(2) Private sector resources will be used wherever feasible.

(3) The system will improve the availability and dissemination of tariff matter to the public.

(4) The electronic tariff environment will be compatible with systems used in the airline industry and will thereby minimize disruption to existing industry systems.

(5) The system will reduce the paperwork burden of manual tariff processing which now exists on the government and the airlines.

(6) The impact of an electronic tariff system on tariff posting requirements will be evaluated.

(7) A reasonable fee schedule will be established which will not deter or impair full public use of tariff information.

(8) DOT will ensure the integrity of the electronic tariff system.

(9) Airlines will be allowed to file tariffs electronically on an individual basis or through an appointed agent; airlines for whom electronic filing would be burdensome will be allowed to continue filing tariffs in a paper format.

(10) The system will provide historical retention, retrieval, and reproduction capabilities.

(11) The system will have adequate security features to prevent loss of data and unauthorized access to, or modification of, the ETS database.

(12) The system will create the potential for interagency sharing of air tariff information.

(13) Direct competition with organizations commercially engaged in the dissemination of tariff data will be avoided except where inconsistent with statutory responsibilities for maintaining the public availability of this information.

The nature and complexity of the issues to be considered in automation of the tariff system require careful evaluation and close cooperation with the aviation industry to insure that we meet the needs of all users. Against this background, we see public discussion and recommendations of the foregoing policy goals as an important aspect of the Advisory Committee's function.

In anticipation of the need to address the many questions that would arise in developing an electronic tariff system, the Department's staff, since publication of the ANPRM in August 1985, has been engaged in:

(1) Analyzing and documenting the needs of the Department in collecting and processing tariff filings and Special Tariff Permission and waiver applications;

(2) Studying record layouts of passenger fare data provided by the tariff publishers;

(3) Completing a cost/benefit analysis of alternative methods for processing tariff data in conjunction with Vanguard Technologies Corporation at DOT's Transportation Computer Center; and

(4) Preparing estimates of tariff volume and preliminary studies of ADP requirements of an electronic tariff filing system, in conjunction with the DOT Transportation Systems Center.

Findings of these studies will be discussed fully with the Advisory Committee.

Committee Membership and Organization

Representatives will serve on the Advisory Committee without compensation or reimbursement of out-of-pocket expenses. Facilities and support staff for the Committee will be provided by the Department at its office in Washington, DC.

Meetings of the Committee will be held in Washington, DC and will be open to the public. Records of the proceedings will be maintained. Regular meetings of the Committee will be held not more than four times per year. Subcommittees may be formed to work on particular subject areas and members may be asked to attend additional meetings as necessary.

In addition to required agency representatives, the Advisory Committee will consist of 10–20 persons (that is, either individuals or representatives of organizations) whose interests are affected by the proposed electronic tariff filing system.

Those persons shall include:

Airline tariff agent representatives,
Airline representatives,
Airline association representatives,
Consumer group representatives, and
Information industry representatives.

Organizations or persons wishing to participate as voting members of the Advisory Committee should so indicate in their comments and advise as to the interest they wish to represent and why they can adequately represent that interest. The Secretary shall appoint members to the Committee upon recommendation of the Assistant Secretary for Policy and International Affairs. Individuals or organizations not chosen as voting members of the Committee may attend the meetings and participate in the public discussion portion of the sessions.

Upon receipt of all comments and requests to participate, the Department will issue invitations to those who are selected as members of the Committee and publish a Notice announcing the date and agenda of its first meeting.

Issued this 18th day of November 1986, at Washington, DC.

Matthew V. Scocozza,

Assistant Secretary for Policy and International Affairs.

Appendix A—Department of Transportation; Advisory Committee Charter; Electronic Tariff Filing System Advisory Committee

Purpose: This Charter establishes an Advisory Committee for the Department of Transportation's Electronic Tariff Filing System and sets forth guidelines for its operation.

Scope and Objectives: The Committee shall advise the Department on the technical, operational and policy objectives of an automated tariff filing and information system currently in the initial conceptual phase. The advice and recommendations of the Committee shall be the result of its independent, collective judgment. The Committee shall act solely in an advisory capacity to the Department of Transportation and shall not exercise program management responsibility nor make decisions directly affecting the programs on which it provides advice.

Duties: The Committee shall be responsive to specific assignments made by the Sponsor and shall meet from time to time to review the progress of the Electronic Tariff Filing System and address the matters that may arise during this period. It shall make specific recommendations to the Sponsor on how DOT should proceed in resolving these matters.

Duration: The Committee shall terminate upon full implementation of the final automated system, or two years from the date of filing this charter, whichever shall occur first.

Official To Whom the Committee Reports: Assistant Secretary for Policy and International Affairs or his/her designee through the Committee sponsor.

Sponsor and Office of Support: The Director of the Office of Aviation Operations shall be the Sponsor and his/her office shall furnish support services.

Estimated Annual Cost: $5,000 and .30 work-years.

Membership: The Committee shall consist of no less than 10 and no more than 20 members appointed by the Secretary of Transportation on the recommendation of the Assistant Secretary for Policy and International Affairs. Committee members shall be appointed for two years. The Committee shall be comprised of persons who represent the interests affected by the Electronic Tariff Filing System, including persons representing tariff agents, airlines, consumer groups, airline industry associations, and the information industry.

Officers: The Assistant Secretary for Policy and International Affairs shall appoint an employee of the Department of Transportation as Executive Director and Chairperson of the Committee. The Assistant Secretary for Policy and International Affairs shall designate other officers as needed.

Meetings: The Committee shall hold meetings as required, but not to exceed four per year. Meetings shall be held at the call of the Chairperson, with the agenda for each meeting approved in advance by the Chairperson. All meetings will be conducted in accordance with the requirements of section 10 of the Federal Advisory Committee Act (5 U.S.C. App. 1 & 10).

Compensation for Members: The members shall receive neither salary compensation nor reimbursement for travel expenses.

Subcommittees: The sponsor is authorized to establish subcommittees from among the membership.

Filing Date: ———. This is the effective date of this Charter, which will expire two years from that date unless sooner terminated or extended.

[FR Doc. 86-26424 Filed 11-21-86; 8:45 am]

BILLING CODE 4910-62-M

Coast Guard

[CGD 86-13]

Lower Mississippi River Waterway Safety Advisory Committee; Solicitation for Applications to Membership

AGENCY: Coast Guard, DOT.

ACTION: Request for applications.

SUMMARY: The U.S. Coast Guard is seeking applications for appointment to membership on the Lower Mississippi River Waterway Safety Advisory Committee. Present appointments to membership will expire with the present committee charter on 1 August 1987. Approximately twenty-four memberships will be filled.

Applicants may be State and local government, the marine industry, environmental groups, academia, and other interested parties. To achieve the balance of membership required by the Federal Advisory Committee Act, the Coast Guard is especially interested in receiving applications from minorities and women.

The purpose of the committee is to provide consultation and advice on all areas of maritime safety affecting this waterway. The committee normally meets once each quarter at various locations within the New Orleans area. Members serve voluntarily, without compensation from the Federal Government for salary, travel, or per diem. Term of membership will not exceed the expiration of the committee charter, 1 August 1989.

DATES: Requests for applications should be received no later than 15 December 1986. Completed applications should be returned no later than 30 January 1987.

ADDRESS: Persons interested in applying should write to Commander, Eighth Coast Guard District (mps), Hale Boggs Federal Building, 500 Camp Street, New Orleans, LA 70130-3396.

FOR FURTHER INFORMATION CONTACT: Commander David F. Withee, USCG, Executive Secretary, Lower Mississippi River Waterway Safety Advisory Committee, c/o Commander, Eighth Coast Guard Distict (mps), Hale Boggs Federal Building, Room 1341, 500 Camp Street, New Orleans, LA 70130-3396; (504) 589-6901.

Dated: November 10, 1986.

E.B. Acklin,

Captain, U.S. Coast Guard, Commander, 8th Coast Guard District, Acting.

[FR Doc. 86-26448 Filed 11-21-86; 8:45 am]

BILLING CODE 4910-14-M

Federal Aviation Administration

Aircraft Position Lights

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of availability of technical standard order (TSO) and request for comments.

SUMMARY: The proposed TSO–C30c prescribes the minimum performance standards that aircraft position lights must meet to be identified with the marking "TSO–C30c."

DATE: Comments must identify the TSO file number and be received on or before March 17, 1987.

ADDRESS: Send all comments on the proposed technical standard order to:

Technical Analysis Branch, AWS–120, Aircraft Engineering Division, Office of Airworthiness—File No. TSO–C30c, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591.

or deliver comments to:

Federal Aviation Administration, Room 335, 800 Independence Avenue SW., Washington, DC 20591.

FOR FURTHER INFORMATION CONTACT: Ms. Bobbie J. Smith, Technical Analysis Branch, AWS–120, Aircraft Engineering Division, Office of Airworthiness, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, Telephone (202) 267–9546.

Comments received on the proposed technical standard order may be examined, before and after the comment closing date, in Room 335, FAA Headquarters Building (FOB–10A), 800 Independence Avenue SW., Washington, DC 20591, weekdays except Federal holidays, between 8:30 a.m. and 4:30 p.m.

SUPPLEMENTARY INFORMATION:

Comments invited

Interested persons are invited to comment on the proposed TSO listed in this notice by submitting such written data, views, or arguments as they desire to the above specified address. All communications received on or before the closing date for comments specified above will be considered by the Director of Airworthiness before issuing the final TSO.

Background

The Federal Aviation Regulation (FAR) sections .1385 through .1397 of FAR 91.73 provide requirements for installation of position lights on U.S. registered civil aircraft. TSO–C30c proposes to update the minimum performance standards that describe a suitable means for equipment complying with these regulations.

How To Obtain Copies

A copy of the propsed TSO–C30c may be obtained by contacting the person under **"FOR FURTHER INFORMATION CONTACT."** TSO–C30c references Society of Automotive Engineers, Inc. (SAE), Aerospace Standard (AS) Document No. AS 8037, dated January 1986, for the minimum performance standard, and Radio Technical Commission for Aeronautics (RTCA) Document No. DO–160B, dated July 1984 for the environmental standard. SAE AS Document No. AS 8037 may be purchased from the Society of Automotive Engineers, Inc., 400 Commonwealth Drive, Warrendale, PA 15096. RTCA/DO–160B may be purchased from the Radio Technical Commission for Aeronautics Secretariat, One McPherson Square, Suite 500, 1425 K Street NW., Washington, DC 20005.

Issued in Washington, DC, or November 17, 1986.

Thomas E. McSweeny,

Manager, Aircraft Engineering Division, Office of Airworthiness.

[FR Doc. 86–26347 Filed 11–21–86; 8:45 am]

BILLING CODE 4910–13–M

Anticollision Light Systems

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of availability of technical standard order (TSO) and request for comments.

SUMMARY: The proposed TSO–C96a prescribes the minimum performance standards that anticollision light systems must meet to be identified with the marking "TSO–C96a."

DATE: Comments must identify the TSO file number and be received on or before March 17, 1987.

ADDRESS: Send all comments on the proposed technical standard order to:

Technical Analysis Branch, AWS–120, Aircraft Engineering Division, Office of Airworthiness—File No. TSO–C96a, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591

or deliver comments to:

Federal Aviation Administration, Room 335, 800 Independence Avenue, SW., Washington, DC 20591.

FOR FURTHER INFORMATION CONTACT: Ms. Bobbie J. Smith, Technical Analysis Branch, AWS–120, Aircraft Engineering Division, Office of Airworthiness, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, Telephone (202) 267–9546.

Comments received on the proposed technical standard order may be examined, before and after the comment closing date, in Room 335, FAA Headquarters Building (FOB–10A), 800 Independence Avenue, SW., Washington, DC 20591, weekdays except Federal holidays, between 8:30 a.m. and 4:30 p.m.

SUPPLEMENTARY INFORMATION: .

Comments Invited

Interested persons are invited to comment on the proposed TSO listed in this notice by submitting such written data, views, or arguments as they desire to the above specified address. All communications received on or before the closing date for comments specified above will be considered by the Director of Airworthiness before issuing the final TSO.

Background

The Federal Aviation Regulations (FAR) sections .1397 and .1401 of FAR Pats 23, 25, 27 and 29, FAR 91.33, FAR 91.73 provide requirements for installation of anticollision lights on U.S. registered civil aircraft. TSO–C96a proposes to update the minimum performance standards that describe a suitable means for equipment complying with these regulations.

How to obtain copies

A copy of the proposed TSO–C96a may be obtained by contacting the person under "For Further Information Contact." TSO–C96a references Society of Automotive Engineers, Inc. (SAE), Aerospace Standard (AS) Document No. AS 8017A, dated January 30, 1986, for the minimum performance standard, and Radio Technical Commission for Aeronautics (RTCA) Document No. DO–160B, dated July 1984 for the environmental standard. SAE AS Document No. AS 8017A may be purchased from the Society of Automotive Engineers, Inc., 400 Commonwealth Drive, Warrendale, PA 15096. RTCA/DO–160B may be purchased from the Radio Technical Commission for Aeronautics Secretariat, One McPherson Square, Suite 500, 1425 K Street, NW., Washington, DC 20005.

Issued in Washington, DC, on November 17, 1986.

Thomas E. McSweeny,

Manager, Aircraft Engineering Division, Office of Airworthiness.

[FR Doc. 86–26348 Filed 11–21–86; 8:45 am]

BILLING CODE 4910–13–M

Federal Highway Administration

Environmental Impact Statement; Fairbanks, AK

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an environmental impact statement will be prepared for a proposed road project in Fairbanks, Alaska.

FOR FURTHER INFORMATION CONTACT:

Barry F. Morehead, Division Administrator, Federal Highway Administration, P.O. Box 1648, Juneau, Alaska, 99802, Telephone: (907) 586–7428

Michael Tinker, Regional Environmental Coordinator, Alaska Department of Transportation and Public Facilities, 2301 Peger Road, MS 2550–08, Fairbanks, Alaska 99709–6394, Telephone: (907) 451–2238.

SUPPLEMENTARY INFORMATION: The FHWA in cooperation with the Alaska Department of Transportation and Public Facilities and URS/Thomas and Associates, will prepare an environmental impact statement (EIS) on a proposal to improve the South Cushman Road through the southern portion of Fairbanks, Alaska. Depending upon the alternative(s) selected, proposed improvements would reconstruct and widen the existing two lane road to a possible five lanes. Other alternatives, such as new couplets, roads and interchanges may also be constructed. The "do nothing" alternative and upgrading the existing facility will be considered. Improvements to the corridor are considered necessary to provide for the existing and projected traffic demands.

A scoping meeting for the South Cushman project will be held on November 13, 1986 at 8:30 a.m. at the Alaska Department of Transportation and Public Facilities Planning Section offices, 600 University Avenue, Fairbanks, Alaska. Letters inviting participation in the scoping meeting and process were sent to all pertinent Federal, State, local, and private agencies that have authority or interest in the proposed project.

Issued on: November 14, 1986.

Robert E. Ruby,

Assistant Division Administrator, Federal Highway Administration, Juneau, Alaska.

[FR Doc. 86–26353 Filed 11–21–86; 8:45 am]

BILLING CODE 4910–22–M

Environmental Impact Statement: Fairbanks, AK

AGENCY Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an environmental impact statement will be prepared for a proposed highway project in Fairbanks, Alaska.

FOR FURTHER INFORMATION CONTACT:

Mr. Barry Morehead, Division Administrator, Federal Highway Administration, P.O. Box 1648, Juneau, Alaska 99802

Mr. Bob Thomas, Project Manager, URS/Thomas, 3515 Industrial Avenue, Fairbanks, Alaska 99701, Telephone: (907) 451–7455

Mr. Michael Tinker, Alaska Department of Transportation and Public Facilities, 2301 Peger Road, Fairbanks, Alaska 99709–6394, Telephone: (907) 451–2238.

SUPPLEMENTARY INFORMATION: The proposed highway project involves widening and rehabilitating University Avenue between the Parks Highway on the south and College Road on the north. The project length is approximately 2.5 miles. Widening of the facility is needed to accommodate projected traffic demands of the next 20 years.

Possible alternatives include a non-action alternative and the proposed action, upgrading the existing University Avenue. Construction on new alignment, mass transit or multimodal design are not considered reasonable alternatives.

Scoping is a process of identifying and determining the significance of areas of concern early in a project development. A scoping meeting for this proposed project will be held on November 13, 1986, 1:30 p.m., at the Alaska Department of Transportation and Public Facilities, 600 University Avenue, Fairbanks, Alaska.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Research, Planning and Construction. The provisions of OMB Circular No. A–95 regarding State and local clearinghouse review of Federal and Federally assisted programs and projects apply to this program)

Issued on November 14, 1986.

Robert E. Ruby,

Acting Division Administrator, Juneau.

[FR Doc. 86–26354 Filed 11–21–86; 8:45 am]

BILLING CODE 4910–22–M

Federal Railroad Administration

Petitions for Exemption or Waiver of Compliance, Bay Colony Railroad Corp. et al

In accordance with 49 CFR 211.9 and 211.41, notice is hereby given that the Federal Railroad Administration (FRA) has received requests for an exemption from or waiver of compliance with certain requirements of its safety standards. The individual petitions are described below, including the party seeking relief, the regulatory provisions involved, and the nature of the relief being requested.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number (e.g., Waiver Petition Docket Number RST–84–21) and must be submitted in triplicate to the Docket Clerk, Office of Chief Counsel, Federal Railroad Administration, Nassif Building, 400 Seventh Street, SW., Washington, D.C. 20590. Communications received before January 8, 1987 will be considered by FRA before final action is taken. Comments received after that date will be considered as far as practicable. All written communications concerning these proceedings are available for examination during regular business hours (9 a.m. to 5 p.m.) in Room 8201, Nassif Building, 400 Seventh Street, SW., Washington, DC 20590.

The individual petitions seeking an exemption or waiver of compliance are as follows:

Bay Colony Railroad Corporation

(Waiver Petition Docket Numbers RSGM–86–25, SA–86–8 and LI–86–4)

The Bay Colony Railroad Corporation (BCLR) seeks a permanent waiver of compliance with certain provisions of the Safety Glazing Standards (49 CFR Part 223), the Safety Appliance Standards (49 CFR Part 231) and the Locomotive Safety Standards (49 CFR Part 229) for two locomotives, numbers BCLR 410 and BCLR 411. The locomotive glazing presently installed is Duolite Safety Glass and does not comply with 49 CFR Part 223. The locomotive

switching steps and uncoupling mechanisms do not comply with 49 CFR Part 231, and the locomotives are not equipped with slip/slide protective devices (49 CFR 229.115) and speed indicators (49 CFR 229.117). The BCLR 410 and BCLR 411 are General Electric 44-ton, 400 horsepower switching locomotives built in 1949 and 1956, respectively. The BCLR indicates the locomotives will be used largely on trackage within yard limits.

Santa Cruz, Big Tree and Pacific Railway Company

(Waiver Petition Docket Number SA–86–5)

The Santa Cruz, Big Tree and Pacific Railway Company (SCBT&P) seeks a permanent waiver of compliance with certain provisions of the Safety Appliance Standards (49 CFR Part 231) for locomotive number 20. The locomotive corner stairways do not comply with 49 CFR 231.29. The SCBT&P 20 is a 44-ton Whitcomb diesel locomotive. The railroad indicates that the locomotive will be used in road service between their Roaring Camp depot through park lands to the city of Santa Cruz.

Issued in Washington, DC on November 17, 1986.

J.W. Walsh,

Associate Administrator for Safety.

[FR Doc. 86–26425 Filed 11–21–86; 8:45 am]

BILLING CODE 4910–06–M

UNITED STATES INFORMATION AGENCY

Radio Engineering Advisory Committee; Meeting

The Radio Engineering Advisory Committee of the United States Information Agency (USIA) will meet in Washington, DC, on Friday, December 12, 1986, to discuss current operations and future plans of the Voice of America (VOA). The meeting will be held at the USIA Headquarters Building, 301 4th Street, SW., Washington, DC. The meeting will begin at 8 a.m. Point of contact for the meeting is Jeri Glinski, telephone (202) 485–8048.

This meeting will include reports from senior members of the VOA management and engineering staff on the progress being made on the overall VOA modernization and enhancement effort. Specific topics of discussion will include the testing of 500 kW high frequency broadcasting transmitters, the status of site negotiations and major construction projects and other technical and regulatory issues relating to VOA modernization.

This meeting will be closed to the public because issues relating to future site negotiations for VOA relay stations will be discussed throughout the meeting. This meeting will be closed because disclosure of the matters to be discussed is likely to divulge information that is: (A) Specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy, and (B) in fact, is properly classified pursuant to such Executive Order (5 U.S.C. 552b(c)(1)).

Dated: November 13, 1986.

Charles Z. Wick,

Director.

[FR Doc. 86–26405 Filed 11–21–86; 8:45 am]

BILLING CODE 8230–01–M

Fulbright Teacher Exchange Program

Note.–This is a reprint of the announcement which appeared in the **Federal Register** of November 18, 1986 on page 41720. Some of the narrative material was inadvertently omitted from the original announcement.

The United States Information Agency seeks to secure the services of two institutions of higher education to coordinate and implement orientation/workshop programs in the United States for the Fulbright Teacher Exchange Program. The Fulbright Teacher Exchange Program provides opportunities for U.S. teachers to exchange teaching positions with foreign counterpart teachers for an academic year.

Universities or colleges in metropolitan Washington, DC, with schools or colleges of education or graduate programs in international studies, and located within reasonable proximity of Washington, DC's international gateway airports, are invited to submit project proposals for a grant. Universities and colleges in California with schools or colleges of education or graduate programs in international studies, and located in San Francisco or Los Angeles or within reasonable proximity of one of those cities' international gateway airports, are invited to submit project proposals for a grant. For application information, please contact Mr. David N. Levin no later than December 10, 1986, at the following address: Teacher Exchange Branch (E/ASX), Office of Academic Programs, United States Information Agency, 301 Fourth Street, SW., Washington, DC, 20547. Phone: (202) 485–2555.

Dated: November 19, 1986.

Charles N. Canestro,

Federal Register Liaison.

[FR Doc. 86–26483 Filed 11–21–86; 8:45 am]

BILLING CODE 8230–01–M

Sunshine Act Meetings

Federal Register
Vol. 51, No. 226
Monday, November 24, 1986

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).

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DATE AND TIME: Monday, December 1, 1986, 2:00 p.m. (eastern time).

PLACE: Clarence M. Mitchell, Jr., Conference Room No. 200–C on the 2nd Floor of the Columbia Plaza Office Building, 2401 E Street, NW., Washington, DC 20507.

STATUS: Part will be open to the public and part will be closed to the public.

MATTERS TO BE CONSIDERED:

Open

1. Announcement of Notation Vote(s)
2. A Report on Commission Operations (Optional)
3. Certification of New Mexico Human Rights Commission
4. Request for Approval of the Annual Report on the Employment of Minorities, Women, and Handicapped Individuals in the Federal Government for Fiscal Year 1984

Closed

1. Litigation Authorization: General Counsel Recommendations
2. Proposed Contract for Expert Services In Connection With A Court Case
3. Agency Adjudication and Determination on the Record of Federal Agency Discrimination Complaint Appeals

Note.—Any matter not discussed or concluded may be carried over to a later meeting. (In addition to publishing notices on EEOC Commission meetings in the **Federal Register**, the Commission also provides a recorded announcement a full week in advance on future Commission sessions. Please telephone (202) 634–6748 at all times for information on these meetings.)

CONTACT PERSON FOR MORE INFORMATION: Cynthia C. Matthews, Executive Officer at (202) 634–6748.

Dated and issued: November 19, 1968.

Cynthia C. Matthews,

Executive Officer, Executive Secretariat.

[FR Doc. 86–26463 Filed 11–19–86; 4:27 pm]

BILLING CODE 6750–06–M

Corrections

Federal Register
Vol. 51, No. 226
Monday, November 24, 1986

This section of the FEDERAL REGISTER contains editorial corrections of previously published Rule, Proposed Rule, and Notice documents. These corrections are prepared by the Office of the Federal Register. Agency-prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

ENVIRONMENTAL PROTECTION AGENCY

[OPTS-51647; FRL-3104-5]

Certain Chemicals Premanufacture Notices

Correction

In notice document 86–24664 beginning on page 39795 in the issue of Friday, October 31, 1986, make the following corrections:

On page 39795, third column, first complete paragraph, seventh line, remove "December 20, 1986." from the seventh line and place on the eighth line, after "97,".

On page 39796, third column, under **P 87–91**, third line, "Import" should read "Production".

On the same page, same column, under **P 87–92**, first line, insert "." after the first word.

On page 39797, second column, under **P 87–99**, fourth line, "2,3, dihydro–" should read "2,3–dihydro–".

On the same page, third column, under **P 86–103**, fifth line, remove ";" after "methylethenyl".

On the same page, same column, under **P 87–105**, third line, "(S)" should read "(G)", and on the fourth line, "N,M" should read "N,N".

BILLING CODE 1505-01-D

ENVIRONMENTAL PROTECTION AGENCY

[OPTS-59779; FRL-3104-3]

Certain Chemicals Premanufacture Notices

Correction

In notice document 86–24666 beginning on page 39798 in the issue of Friday, October 31, 1986, make the following corrections:

On page 39798, second column, ninth line from the bottom in the **SUMMARY**, "commerces" should read "commences".

On page 39799, first column, under **Y 86–211**, eleventh line, "Toxicity" was misspelled.

On the same page, same column, under **Y 86–212**, eighth line, "Environmental" was misspelled.

Also on the same page, same column, under **Y 86–213**, third line, "Chemical" was misspelled, on the eighth and ninth lines "fluorescent" was misspelled, and on the tenth line, "227,00" should read "227,000".

BILLING CODE 1505-01-D

Federal Register

Monday
November 24, 1986

Part II

Department of Health and Human Services

Public Health Service; Office of the Assistant Secretary for Health; Alcohol, Drug Abuse, and Mental Health Administration; National Institutes of Health; Centers for Disease Control; Health Resources and Services Administration; and Food and Drug Administration

Privacy Act of 1974; Annual Publication of Systems of Records

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Public Health Service

Office of the Assistant Secretary for Health

Privacy Act of 1974; Annual Publication of Systems of Records

AGENCY: Office of the Assistant Secretary for Health (OASH), Public Health Service (PHS), HHS.

ACTION: OASH is publishing this document to meet the requirements of the Office of Management and Budget (OMB) Circular No. A–130, "Management of Federal Information Resources," Appendix I, "Federal Agency Responsibilities for Maintaining Records About Individuals," which limits republication to revised system notices only.

SUMMARY: This preamble summarizes significant changes to systems of individually identifiable records which have occurred since the 1985 annual publication. Eleven of these revised systems are published in their entirety below and are complete as of the date of signature. None of the modifications being made meets the Office of Management and Budget (OMB) criteria either for a new or altered system report, or for an advance period of public comment.

OASH has added one new system of records to its inventory since the 1985 annual publication. OASH also has revised its system notices to comply with the OMB "Privacy Act Guidance Update" of May 24, 1985, regarding the addition of a routine use permitting disclosure of information for purposes of prosecution and defense, as stated below. In addition, OASH has reviewed all system notices and has made changes to improve the clarity and specificity of the notices, as discussed below.

OASH is republishing the inventory of all of its current systems of records. An asterisk indicates that a system notice has been revised and is being republished below. For the remaining systems, the citation of the most recent publication of each system is provided following the system's title.

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 (5 U.S.C. 552a) 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 Census for purposes of planning or carrying out a sensus 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 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;

"(11) Pursuant to the order of a court of competent jurisdiction; or

"(12) To a consumer reporting agency in accordance with section 3(d) of the Federal Claims Collection Act of 1966 (31 U.S.C. 952(d))."

2. Except as noted below, all changes being published are editorial in nature, clarify and update existing statements, and reflect organizational, address, and other miscellaneous administrative revisions which have occurred since the system notices were last published.

B. Specific Information

1. OASH published one new system of records during the year: 09–37–0019, "National Medical Expenditure Survey, HHS/OASH/NCHSR," 51 FR 2762, January 21, 1986.

2. OASH added a routine use permitting disclosure of information to the Department of Justice, courts, and other tribunals for purposes of prosecution and defense litigation to all system notices published below except #09–37–0003, in accordance with the OMB "Privacy Act Guidance Update" of May 24, 1985.

3. OASH reviewed the "Safeguards" section of all Privacy Act system notices to ensure that the published description fully and accurately reflects the manner in which both manual and computerized records in each system are protected. As a result, the "Safeguards" section of all notices of OASH systems of records has been reformatted to delineate clearly who the authorized user are and what physical and procedural safeguards are being used to protect the records.

4. OASH reviewed the "Authorities" section of all Privacy Act system notices and has added, where appropriate, a description of the title following the legal citation. OASH made this change to aid the reader who has no access to the documents cited.

5. OASH deleted from system #09–37–0017 the statement indicating that certain records would be exempt from access pursuant to U.S.C. 552a (k)(5) and (k)(6) pending the Secretary's approval. The Secretary has postponed approval of the exemption until a departmentwide policy regarding the confidentiality of individually identifiable personnel records has been established.

6. The Commissioned Personnel Operations Division (CPOD/OASH) extensively revised its system notices (#09–37–0002, 09–37–0003, 09–37–0005, 09–37–0006, and 09–37–0008) to reflect more accurately the interaction between that Division, which is responsible for the daily administration of the commissioned corps, and the various agencies and organizations to which PHS commissioned officers are assigned, and to provide greater specifity and clarity. Specifically, CPOD:

a. Deleted from systems #09–37–0002 and 09–37–0005 the statement indicating that certain records in these systems were exempt from access pursuant to 5 U.S.C. 552a (k)(5) and (k)(6); these exemptions have never been published due to an administrative oversight.

CPOD will reapply for these exemptions after a departmentwide policy regarding the confidentiality of individually identifiable personnel records has been established;

b. Deleted from system #09–37–0002 the routine use permitting disclosure of information to Federal agencies regarding cost-of-living adjustments of retired officers' pay, because such disclosures are no longer being made:

c. Changed in system #09–37–0005 the title of the seventh Board from "Continuation Pay (CP) Review Board" to "Dental Officer Special Pay Review Board," to satisfy statutory changes regarding continuation pay;

d. Deleted from system #09–37–0005 all reference to the eleventh Board, the "Board for Correction;" those records are now maintained separately in system #09–37–0017;

e. Changed the title of system #09–37–0006 from "PHS Commissioned Corps Grievance, Non-Board and Pre-Board Involuntary Retirement/Separation, and Disciplinary Files, HHS/OASH/OM," to the more descriptive title of "PHS Commissioned Corps Grievance, Investigatory, and Disciplinary Files, HHS/OASH/OM";

f. Revised the "System Location" section of system #09–37–0006 to indicate that records may also be maintained at offices and organizations to which an individual commissioned officer is assigned.

Readers who notice any inadvertent errors or omissions in OASH system notices are invited to bring them to my attention of 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: October 14, 1986.

Wilford J. Forbush,

Deputy Assistant Secretary for Health Operations and Director, Office of Management.

Office of the Assistant Secretary of Health Inventory of Privacy Act Systems of Records

*09–37–0001 Office of the Assistant Secretary for Health Correspondence Control System, HHS/OASH/OM
*09–37–0002 PHS Commissioned Corps Personnel Records, HHS/OASH/OM
*09–37–0003 PHS Commissioned Corps Medical Records, HHS/OASH/OM
*09–37–0005 PHS Commissioned Corps Board Proceedings, HHS/OASH/OM
*09–37–0006 PHS Commissioned Corps Grievance, Investigatory, and Disciplinary Files, HHS/OASH/OM
*09–37–0008 PHS Commissioned Corps Unofficial Personnel Files and Other Station Files, HHS/OASH/OM
*09–37–0009 Applicants for National Center for Health Statistics Technical Assistance, HHS/OASH/NCHS
*09–37–0010 Health and Demographic Surveys Conducted in Probability Samples of the U.S. Population, HHS/OASH/NCHS, 49 FR 37693, September 25, 1984
*09–37–0011 Health Manpower Inventories and Surveys, HHS/OASH/NCHS, 49 FR 37694, September 25, 1984
*09–37–0012 Vital Statistics for Births, Deaths, Fetal Deaths, Marriages and Divorces Occurring in the United States During Each Year, HHS/OASH/NCHS, 49 FR 37695, September 25, 1984
*09–37–0013 Health Resources Utilization Statistics, HHS/OASH/NCHS, 49 FR 37697, September 25, 1984
*09–37–0014 Curricula Vitae of Consultants to the National Center for Health Statistics, HHS/OASH/NCHS
*09–37–0015 National Center for Health Services Research and Health Care Technology Assessment (NCHSR) Grants Records System, HHS/OASH/NCHSR
*09–37–0016 Users of Health Statistics, HHS/OASH/NCHS
*09–37–0017 Proceedings of the Board for Correction of Public Health Service Commissioned Corps Records, HHS/OASH/OM
*09–37–0018 Disaster Health Services Information Systems, HHS/OASH/DEP, 50 FR 38212, September 20, 1985
*09–37–0019 National Medical Expenditure Survey, HHS/OASH/NCHSR, 51 FR 2762, January 21, 1986

*Indicates that the system notice is being republished below.

09–37–0001

SYSTEM NAME:

Office of the Assistant Secretary for Health Correspondence Control System, HHS/OASH/OM.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Public Health Service Executive Secretariat, Room 710H, Hubert H. Humphrey Building, 200 Independence Ave. SW., Washington, DC 20201
Office of Population Affairs, OASH, 200 Independence Ave. SW., Washington, DC 20201
National Center for Health Statistics, Room 2–19, 3700 East-West Highway, Hyattsville, MD 20782
National Center for Health Services Research and Health Care Technology Assessment, Parklawn Building, Room 18–23, 5600 Fishers Lane, Rockville, Maryland 20857 and
Federal Records Center, 4205 Suitland Road, Washington, DC 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, 3 x 5 card file, 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 Departmental Regulations.

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:

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. The Department of Health and Human Services (HHS) may disclose information from this system of records to the Department of Justice, or to a court or other tribunal, when

(a) HHS, or any component thereof; or

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

(c) Any HHS employee in his or her individual capacity where the Department of Justice (or HHS, where it is authorized to do so) has agreed to represent the employee; or

(d) The United States or any agency thereof where HHS determines that the litigation is likely to affect HHS or any of its components,

is a party to litigation or has an interest in such litigation, and HHS determines that the use of such records by the Department of Justice, the court or other tribunal is relevant and necessary to the litigation and would help in the effective representation of the governmental party, provided, however, that in each case, HHS determines that such disclosure is compatible with the purpose for which the records were collected.

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 in 3 x 5 card file and 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:

1. Authorized Users: Office directors, correspondence assistants, and professional and support staff with designated functional responsibilities directly relating to the purpose of the correspondence.

2. Procedural Safeguards: Confidential and/or sensitive documents are either handcarried or transmitted in sealed envelopes. Employees who handle correspondence are instructed to observe established office procedures to protect correspondence documents from unauthorized access. The computerized subsystem is protected by passwords assigned to specific correspondence assistants; passwords are changed periodically; the password is changed when a correspondence assistant terminates employment.

3. Physical Safeguards: 24-hour guard service in buildings, locked rooms after office hours, lockable file cabinets, word processing disks are off-loaded and stored when not in use.

RETENTION AND DISPOSAL:

Records may be retired to a Federal Records Center and subsequently disposed of in accordance with the Office of the Assistant Secretary for Health 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), Staff Assistant to the Deputy Assistant Secretary for Population Affairs (address as above); Director, National Center for Health Statistics (address as above; Director, National center for Health Services Research and Health Care Technology Assessment (address as above).

Policy coordination is provided by: Director, Office of Organization Management Systems, Office of Management, Room 17–51, 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 PROCEDURE:

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.

Requesters may also ask for an accounting of disclosures that have been made of their records, if any.

CONTESTING RECORD 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, with supporting information to show how the record is inaccurate, incomplete, untimely, or irrelevant.

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.

09–37–002

SYSTEM NAME:

PHS Commissioned Corps General Personnel Records, HHS/OASH/OM.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Commissioned Personnel Operations Division, Office of Personnel Management/OM/PHS, Room 4–35, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857.

Records in this system are kept at the address shown above when the person to whom the record pertains has an active or potentially active relationship with the PHS Commissioned Corps personnel system. Two years from the time the relationship ceases to be active, the records are sent to the address shown below:

General Services Administration, Federal Records Center, 111 Winnebago Street, St. Louis, MO 63118

Records in this system that are kept at the St. Louis location are considered closed. A record is closed two years from the date on which one of the following occurs: A final decision has been made that an applicant is no longer under consideration for an appointment to the commissioned corps; the person to whom the record pertains has permanently severed all ties with PHS; or the person to whom the record pertains is deceased.

Critical data that can be used to construct key actions concerning an individual's appointment, creditable service, compensation, retirement, or benefits may be micro-fiched and stored at a location apart from the system locations shown above to serve as an emergency data base in the event the original records are destroyed. Because this data is intended to be used only in the event that the original records are destroyed, it includes only duplicates of existing records maintained at the system locations shown above. For this reason, disclosure from and access to this data will generally be unnecessary, since requests for disclosure or access will be granted from the original records.

Names and addresses of contractors given information under routine use 9 can be obtained from the system manager at the Rockville, Maryland location identified above.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who are part of or who have some relationship with the Public Health Service (PHS) Commissioned Corps, including: Active duty commissioned officers, former commissioned officers, inactive reserve officers, retired commissioned officers, deceased commissioned officers, dependents and survivors of the above, former spouses of retired officers, and applicants to the PHS Commissioned Corps.

CATEGORIES OF RECORDS IN THE SYSTEM:

These records contain:

1. Applications for appointment, references and other documents relating to qualifications or suitability for appointment and assignment, including

medical intern and residency evaluations;

2. Official Personnel Folders (OPFs), for all officers who are, or were at one time, on active duty, which include: All documents related to the application and appointment process; effectiveness reports; career development and training records; documents relating to assignment, promotion, retention, separation, and all other personnel actions; records of personnel actions relating to pay, travel, and allowances (including overseas educational allowances for dependents); documentation of dependant status used to determine entitlement or eligibility for benefits and identification and privilege cards; applications and records of Service action relating to the Commissioned Officer Residency Deferment Program and Commissioned Officer Student Training and Extern Programs; survivor benefit elections; information supporting officer awards, honors and commendations, documentation supporting non-board terminations and reprimands issued after final administrative action; pay records and medical data after separation or death of the subject individual; and leave records;

3. Worksheets, internal forms, internal memoranda, and other documents which result in, or contribute to an action resulting in a record identified in 2. above;

4. Service Record Cards (summarizing personnel actions); and

5. Correspondence relating to the above.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

The Public Health Service Act (42 United States Code (U.S.C.) 202–217, 218a, 224, 228, 233, and other pertinent sections); The Social Security Act (42 U.S.C. 410(m) et seq.); portions of Title 10, U.S.C., related to the uniformed services; portions of Title 37, U.S.C., related to pay and allowances for members of the uniformed services; portions of Title 38, U.S.C., related to benefits administered by the Veterans Administration; sections of 50 U.S.C. App., related to the selective service obligation and the Soldiers' and Sailors' Civil Relief Act; Executive Order (E.O.) 9397, "Numbering System for Federal Accounts Relating to Individual Persons;" E.O. 10450, "Security Requirements for Government Employment;" and E.O. 11140, which delegates the authority to administer the PHS Commissioned Corps from the President to the Secretary, DHHS.

PURPOSES:

The information is used by the Commissioned Personnel Operations Division (CPOD) to:

1. Determine qualifications and suitability for appointment, selection, career development, training, promotions, assignments, mobilization, temporary duty, and other types of officer utilization;

2. Determine eligibility for pay, allowances, entitlements, privileges, and benefits;

3. Prepare the Commissioned Officer Roster and Promotion Seniority of the Public Health Service;

4. Determine the eligibility or entitlements of dependents and beneficiaries for benefits based on the service of a PHS commissioned officer;

5. Give legal force and effect to personnel transactions and establish officer rights and obligations under the pertinent laws and regulations governing the commissioned corps personnel system;

6. Provide 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 professionals.

7. Provide information to DHHS components seeking to collect an overdue debt to the Federal government, but only to the extent necessary to collect that overdue debt; and

8. Provide information about professional qualifications, past performance, and career interests of PHS officers to Department offcials involved in the selection or assignment of an officer to a particular program.

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 locate individuals for personnel research or survey response, and in the production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained, or for related work force studies. While published statistics and studies do not contain individual identifiers, in some instances the selection of elements of data included in the study may be structured in such a way as to make the data individually identifiable by inference.

2. To disclose information to a congressional office from the record of an individual in response to a verified inquiry from the congressional office made at the written request of that individual.

3. To the Department of Justice, to a court of other tribunal, when:

(a) HHS, or any component thereof; or

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

(c) Any HHS employee in his or her individual capacity where the Department of Justice (or HHS, where it is authorized to do so) has agreed to represent the employee; or

(d) The United States or any agency thereof where HHS determines that the litigation is likely to affect HHS or any of its components, is a party to litigation or has an interest in such litigation, and HHS determines that the use of such records by the Department of Justice, the court, or other tribunal is relevant and necessary to the litigation and would help in the effective representation of the governmental party, provided, however, that in each case, HHS determines that such disclosure is compatible with the purpose for which the records are collected.

4. To disclose information, such as, but not limited to, name, home address, social security number, earned income withholding status, and amount of taxes withheld, to the Department of Treasury for the following purposes: preparation and issuance of salary, retired pay, and annuity checks; issuance of U.S. Savings bonds; recording income information; and collecting income taxes.

5. To disclose to State and local government agencies having taxing authority pertinent records relating to employees, retirees, and annuitants, including name, home address, social security number, earned income, and amount of taxes withheld, when these agencies have entered into tax withholding agreements with the Secretary of Treasury, but only to those State and local taxing authorities for which a member, retiree, or annuitant is or was subject to tax, regardless of whether tax is or was withheld.

6. To disclose pertinent information to appropriate Federal, State, or local agencies; international agencies; or foreign governments responsible for investigating, prosecuting, enforcing, or implementing statutes, rules, regulations, or orders, when PHS becomes aware of evidence of a potential violation of civil or criminal law.

7. To disclose information to an individual who has been asked to provide a reference, to the extent necessary to clearly identify the individual to whom the reference will pertain, inform the source of the purpose(s) of the reference, and to identify the type of information requested from the source, where

necessary to obtain information relevant to an agency decision concerning the hiring or retention of any employee, the issuance of a security clearance, the conducting of a security or suitability investigation of an individual, the classifying of jobs, the letting of a contract, or the issuance of a license, grant, or other benefit.

8. To disclose to any agency in the executive, legislative, or judicial branch; the District of Columbia Government; a State or local government agency; a professional credentialing agency; or a nonprofit institution; in response to its request, or at the initiation of the Public Health Service, information in connection with the hiring of an employee; the issuance of a security clearance; the conducting of a security or suitability investigation of an individual; the classifying of jobs; the letting of a contract; the issuance of a license, grant or other benefit by the requesting agency; or the lawful statutory, administrative, or investigative purpose of the agency to the extent that the information is relevant and necessary to the requesting agency's decision on the matter. Information disclosed to professional credentialing of licensing organizations may be made through the computer matching program described in the **Federal Register**, January 10, 1986 (52 FR 1302).

9. When the Department contemplates contracting 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. These safeguards are explained in the section entitled "Safeguards."

10. To disclose information to the Department of State and officials of foreign governments for the issuance of passports, visas, and other clearance before an active, retired, or inactive reserve officer is assigned to that country.

To disclose information to the Department of Labor, Veterans Administration, Social Security Administration, or other Federal agencies having special employee benefit programs; to a national, State, county, or municipal agency; or to a publicly recognized charitable organization when necessary to adjudicate a claim under a benefit program, or to conduct analytical studies of benefits being paid under such programs, provided such disclosure is consistent with the purposes for which the informatin was originally collected.

12. To disclose information to the Office of Management and Budget (OMB) at any stage in the legislative coordination and clearance process in connection with private relief legislation as set forth in OMB Circular No. A-19, or for budgetary or management oversight purposes.

13. When an individual to whom a record pertains is mentally incompetent or under other legal disability, information in the individual's record may be disclosed to any person who is legally responsible for the care of the individual, to the extent necessary to assure payment of benefits to which the individual is entitled.

14. In response to interrogatories in the prosecution of a divorce action or settlement for purposes stated in 10 U.S.C. 1408 ("The Former Spouses' Protection Act").

15. To disclose information about the entitlements and benefits of a beneficiary of a deceased active duty officer, retiree, or annuitant for purposes of making disposition of the estate.

16. To disclose information to the Department of Defense, United States Coast Guard, or Federal Emergency Management Agency, to the extent necessary to facilitate participation of PHS members in planning, training, and emergency operations in support of civil defense activities, and to provide support in the event of a national emergency.

17. To disclose information to Government training facilities (Federal, State, and local) and to non-Government training facilities (e.g., private vendors of training courses or programs, private schools) for training purposes, such as crediting of work experience in the Commissioned Officer Student Training and Extern Program, or verification of status or income.

18. To disclose information to the Defense Enrollment/Eligibility Reporting System (DEERS), uniformed services medical treatment facilities and to the Department of Defense Office of the Civilian Health and Medical Program of the Uniformed Services, when the information is needed to verify the eligibility of an officer, his/her dependents, or a former spouse for medical benefits.

19. To disclose information to agencies or organizations established in medically underserved areas who apply to the National Health Service Corps for the assignment of commissioned officers to such agencies or organizations.

20. To disclose information on officers assigned to Federal health care facilities to private sector (i.e., other than Federal, State, or local government) agencies, boards, or commissions (e.g. the Joint Commission on Accreditation of Hospitals), to obtain accreditation or other approval rating and only to the extent that the information disclosed is relevant and necessary for that purpose.

21. When 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 may make such records available.

22. To disclose to a private employer who considers hiring a former officer information such as the officer's dates of employment, salary, job title and description, duty station, and character and nature of separation.

23. To disclose information to the Equal Employment Opportunity Commission when requested in connection with investigations into alleged or possible discrimination practices in the Federal sector, examination of Federal affirmative employment programs, or other functions vested in the Commission by the President's Reorganization Plan No. 1 of 1978.

24. To disclose to Federal and non-Federal agencies information allowing the consideration and selection of officers for honor awards made as a result of the individual's work as a commissioned officer, and to publicize those awards granted. This may include disclosure to other public and private organizations, including news media, which grant or publicize officer awards and honors.

25. To disclose information to officials of the Selective Service Administration to allow crediting of active service performed by an individual with PHS so that the individual may be properly classified if draft laws once again become operative.

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

STORAGE:

Automated files are stored on disks, micro-fiche, and magnetic tapes. Nonautomated (hard-copy) files are kept in offices, and may be stored in Lektrievers, Conserv-a-files, safes, cabinets, bookcases, or desks.

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, "Numbering System for Federal Accounts Relating to Individual Persons".

SAFEGUARDS:

1. *Authorized Users.*

a. *Automated Records.* Access to and use of automated records is limited to personnel employed in the Commissioned Personnel Operations Division, Office of Personnel Management/OM/PHS whose official duties require such access. The Commissioned Officers Systems Division (COSD), Office of Human Resource Information Management, Office of the Assistant Secretary for Personnel Administration, Office of the Secretary, provides computer design, programming and support to CPOD, and has access to the data to the extent necessary to facilitate the provision of these services to CPOD. However, COSD personnel are not authorized to grant access to or make disclosures from automated data in this system to *anyone* or any *organization* without the express written approval of the Assistant Director for Operations, CPOD.

b. *Nonautomated records.* Access to and use of nonautomated records is limited to departmental employees whose official duties require such access or to individuals needing access to the information for purposes stated under routine uses. These individuals are permitted access to records only after they have satisfactorily identified themselves as having an official need to review the information and have provided satisfactory proof of their identities. Access is also granted to individuals who have written permission to review the record when that permission has been obtained from the individual to whom the record pertains. All individuals from outside the Department, to whom disclosure is made pursuant to a routine use, must complete Privacy Act nondisclosure oaths and must submit written requests for access to these records showing the name and employing office of the requester, the date on which the record is requested, and the purpose for reviewing the information in the record. This written request is then placed into the record.

2. *Physical safeguards.*

a. *Automated records.* Terminals by which automated records are accessed are kept in offices secured with combination locks. Automated records on magnetic tape, disks, and other computer equipment are kept in rooms designed to protect the physical integrity of the record media and equipment. These rooms are within inner offices to which access is permitted only with special clearance. Outer offices are secured with combination locks. During nonwork hours all cabinets, storage facilities, rooms and offices are locked and the premises are patrolled regularly by building security forces.

b. *Nonautomated records.* Nonautomated records are kept in such a way as to prevent observation by unauthorized individuals while the records are actively in use by an authorized employee. When records are not in use, they are closed and secured in desk drawers with locks, metal filing cabinets with locks, or other security equipment, all of which are kept inside authorized office space which is locked whenever it is not in use. Keys to furniture and equipment are kept only by the individual who is assigned to that furniture or equipment and by the CPOD security officer.

3. *Procedural safeguards.*

a. *Automated records.* Automated records are secured by assigning individual access codes to authorized personnel, and by use of passwords for specific records created by authorized personnel. Access codes and passwords are changed for each authorized user approximately every 90 days, on a random schedule. In addition, programming for automated records allows authorized personnel to access only those records that are essential to their duties. No access is permitted to automated records from remote terminal sites maintained by individuals or organizations outside of CPOD.

b. *Nonautomated records.* All files are secured when employees are absent from the premises and are further protected by combination locks on entryways and by the building security force. Official records may not be removed from the physical boundaries of CPOD. When records are needed at a remote location, copies of the records will be provided. When copying records for authorized purposes, care is taken to ensure that any imperfect or extra copies are not left in the reproduction room where they can be read, but are destroyed or obliterated.

4. *Implementing Guidelines.* Safeguards for automated records are provided in accordance with Part 6 of the Department's Information Resources Management Manual. Safeguards for nonautomated records are provided in accordance with chapters 45–13 and PHS.hf:45–13 of the Department's General Administration Manual.

5. *Contractor Guidelines.* A contractor who is given records under routine use 9 must maintain the records in a secured areas, allow only those individuals immediately involved in the processing of the records to have access to them, prevent any unauthorized persons from gaining access to the records, caution employees about the confidentiality of the records, and return the records to the System Manager immediately upon completion of the work specified in the contract. Contractor compliance is assured through inclusion of Privacy Act requirements in contract clauses, and through monitoring by contract and project officers. Contractors who maintain records are instructed to make no disclosure of the records except as authorized by the System Manager.

RETENTION AND DISPOSAL:

These records are maintained for varying periods of time. Applicant files of individuals selected for appointment as commissioned officers become the Official Personnel Folder. Applicant files of individuals not selected for appointment are maintained for two years after the application process has been completed and are then destroyed, unless an applicant requests that the file be held open for an additional year. The OPF is maintained for two years after an officer separates from active duty, at which time such officer's OPF is transferred to a Federal Records Center for permanent storage.

The records of a retired or deceased officer are maintained until two years after an individual's death and are then transferred to a Federal Records Center for permanent storage, unless a dependent of a deceased officer continues to receive benefits from PHS based upon the deceased's PHS service. When a dependent or beneficiary dies or becomes ineligible for further benefits based on a deceased officer's service, all records are maintaned for one year, in the event information is needed from the records to help settle an estate, and are then transferred to the Federal Records Center for permanent storage.

Service Record Cards, which list critical data with regard to the dates of all officers' appointments, reassignments, separations, retirements and deaths are maintained permanently by the System Manager.

SYSTEM MANAGER AND ADDRESS:

Director, CPOD (See System Location above).

NOTIFICATION PROCEDURE:

Same as Access Procedures. Requesters should also reasonably specify the record contents being sought.

RECORD ACCESS PROCEDURES:

1. *General procedures.* An individual seeking access to his/her records may initially contact any CPOD office or employee for information about

obtaining access to the records. CPOD employees will inform each individual of the appropriate procedures to follow. Each individual seeking access will be required to verify his/her identity to the satisfaction of the CPOD employee providing access. Refusal to provide sufficient proof of identity will result in denial of the request for access until such time as proof of identity can be obtained. The system manager, the Director, CPOD, has delegated authority to release automated records to the Assistant Director for Operations, CPOD and the authority to release nonautomated records to the CPOD Privacy Act Coordinator and Branch Chiefs.

2. *Requests in person.* An individual who is the subject of a record and 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. The record will be reviewed in the presence of an appropriate CPOD employee, who will answer questions and ensure that the individual neither removes nor inserts any material into the record without the knowledge of the CPOD employee. If the individual requests a copy of any records reviewed, the CPOD employee will provide them to the individual. The CPOD employee will record the name of the individual granted access, the dates and times of access, and information about the verification of identity on a separate log sheet maintained in the office of the CPOD employee who reviewed the record.

3. *Requests by mail.* Written requests must be addressed to the System Manager or the CPOD Privacy Act Coordinator, at the address shown as the system location above. All written requests must be signed by the individual seeking access. A comparison will be made of that signature and the signature maintained on file prior to release of the material requested. Copies of the records to which access has been requested will be mailed to the individual. The original version of a record will not be released except in very unusual situations when only the original will satisfy the purpose of the request.

4. *Requests by phone.* Because positive identification of the caller cannot be established with sufficient certainty, telephone requests for access to records generally will not honored.

5. *Accounting of disclosures.* An individual who is the subject of records maintained in this record system may also request an accounting of all disclosures that have been made from that individual's records, provided that disclosures have in fact been made.

CONTESTING RECORD PROCEDURES:

Contact the System Manager at the address specified under System Location above and reasonably identify the record. Specify the information being contested. State the corrective action sought, with supporting justification, along with information to show how the record is inaccurate, incomplete, untimely or irrelevant.

RECORD SOURCE CATEGORIES:

From individual officers, applicants, persons providing references, dependents, former spouses of retired officers, governmental and private training facilities, health professional licensing and credentialing organizations, government officials and employees and from the records contained in the following systems: 09–37–0003, "PHS Commissioned Corps Medical Records," HHS/OASH/OM; 09–37–0005, "PHS Commissioned Corps Board Proceedings," HHS/OASH/OM; 09–37–0006, "PHS Commissioned Corps Grievance, Investigatory, and Disciplinary Files," HHS/OASH/OM; 09–37–0008, "PHS Commissioned Corps Unofficial Personnel Files and Other Station Files," HHS/OASH/OM; and 09–90–0017, "Pay, Leave and Attendance Records," HHS/OS/ASPER.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09–37–0003

SYSTEM NAME:

PHS Commissioned Corps Medical Records, HHS/OASH/OM.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Medical Branch, Commissioned Personnel Operations Division, Room 4A–07, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857.

Records in this system are kept at the address shown above for the period of time during which the person to whom the record pertains has an active or potentially active relationship with the PHS Commissioned Corps personnel system. Two years from the time the relationship ceases to be active, the records are combined with the Official Personnel File in record system 09–37–0002 and transferred to the storage facility at the address shown below:

General Services Administration, Federal Records Center, 111 Winnebago Street, St. Louis, MO 63118

Names and addresses of contractors given information under routine use 5 can be obtained from the system manager at the first location identified above.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

PHS commissioned officers (including active, inactive, terminated, retired and deceased officers); applicants to the commissioned corps; and incapacitated dependents of officers when officers request certification of dependents' incapacities.

CATEGORIES OF RECORDS IN THE SYSTEM:

Medical files and records on individuals identified above; medical board records from Medical Review Boards—General and Psychiatric, and Appeals Boards, including board reports, any records of discussions held by board members, and supporting medical documents; death case files and supporting documents; and correspondence relating to the above.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

The Public Health Service Act (42 U.S.C. 202–217, 218a, 224, 228, 233, and other pertinent sections); The Social Security Act (42 U.S.C. 410(m) et seq.); portions of Title 10, U.S.C., related to the uniformed services; portions of Title 37, U.S.C., related to pay and allowances for members of the uniformed services; portions of Title 38, U.S.C., related to benefits administered by the Veterans' Administration; sections of 50 U.S.C. App., related to the selective service obligation and the Soldiers and Sailors' Civil Relief Act; Executive Order (E.O.) 9397, "Numbering System for Federal Accounts Relating to Individual Persons;" E.O. 10450, "Security Requirements for Government Employment;" and E.O. 11140, which delegates the authority to administer the PHS Commissioned Corps from the President to the Secretary, DHHS.

PURPOSE(S):

The information is used by the Commissioned Personnel Operations Division (CPOD) to:

1. Evaluate applicant for appointment and officers for reassignment and fitness for duty;

2. Make determinations about the level of an officer's disability and entitlement to disability severance or retired pay;

3. Make determinations about the level of a dependent's disabilities or incapacities which may make the dependent eligible for benefits from PHS;

4. Make budgetary estimates about the cost of disability severance and retired pay;

5. Prepare reports or provide statistical information relating to the medical status of officers;

6. 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;

7. Provide information to help adjudicate post-service claims for benefits.

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, Bureau of Prisons (Department of Justice), Coast Guard (Department of Transportation), Agency for International Development (Department of State), Department of Defense, Environmental Protection Agency, and other Federal agencies where commissioned officers are assigned or are receiving medical treatment, to ensure continuity of care.

2. To disclose information to a congressional office from the record of an individual in response to a verified inquiry from the congressional office made at the written request of that individual.

3. To promote continuity of care by supplying information to medical care facilities and/or practitioners who, under contract or due to an emergency, provide treatment to officers and their dependents.

4. When an individual to whom a record pertains is mentally incompetent or under other legal disability, information in the individual's record may be disclosed to any person who is legally responsible for the care of the individual, to the extent necessary to assure payment of benefits to which the individual is entitled.

5. When the Department contemplates contracting 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. These safeguards are explained in the section entitled "Safeguards."

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.

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

STORAGE:

Automated files are stored on disks, micro-fiche, and magnetic tapes. Nonautomated (hard-copy) files are kept in offices, and stored in Lektrievers, Conserv-a-files, safes, cabinets, bookcases, or desks.

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, "Numbering System for Federal Accounts Relating to Individual Persons".

SAFEGUARDS:

1. *Authorized Users.*

a. *Automated Records.* Access to and use of automated records is limited to personnel employed in the Medical Branch, and certain employees of the Office of the Director, CPOD. Selected information may be released to employees in the Commissioned Personnel Operations Division, Office of Personnel Management, OM, whose official duties require such access. The Commissioned Officers Systems Division (COSD), Office of Human Resource Information Management, Office of the Assistant Secretary for Personnel Administration, Office of the Secretary, provides computer design, programming and support to CPOD, and has access to the data to the extent necessary to facilitate the provision of these services. However, COSD personnel are not authorized to grant access to or make disclosures from automated data in this system to *anyone* or any *organization.*

b. *Nonautomated records.* Access to and use of nonautomated records is limited to Medical Branch, CPOD employees, certain members of the Office of the Director, CPOD, departmental employees whose official duties require such access, or to individuals needing access to the information for purposes stated under routine uses. These individuals are permitted access to records only after they have satisfactorily identified themselves as having an official need to review the information and have provided satisfactory proof of their identities. Access is also granted to individuals who have written permission to review the record when that permission has been obtained from the individual to whom the record pertains. All individuals other than CPOD employees must complete Privacy Act nondisclosure oaths and must submit written requests for access to these records showing the name and employing office of the requester, the date on which the record is requested, and the purpose for reviewing the information in the record. This written request is then placed into the record.

2. *Physical safeguards.*

a. *Automated records.* Terminals by which automated records are accessed are kept in offices secured with combination locks. Automated records on magnetic tape, disks, and other computer equipment are kept in rooms designed to protect the physical integrity of the record media and equipment. These rooms are within inner offices to which access is permitted only to those with special clearance. Outer offices are secured with combination locks. During nonwork hours all cabinets, storage facilities, rooms and offices are locked and the permises are patrolled regularly by building security forces.

b. *Nonautomated records.* Nonautomated records are kept in such a way as to prevent observation by unauthorized individuals while the records are actively in use by an authorized employee. When records are not in use, they are closed and secured in desk drawers with locks, metal filing cabinets with locks, or other security equipment, all of which are kept inside authorized office space which is locked whenever it is not in use. Keys to furniture and equipment are kept only by the individual who is assigned to that furniture or equipment and by the CPOD security officer.

3. *Procedural safeguards.*

a. *Automated records.* Automated records are secured by assigning

individual access codes to authorized personnel, and by use of passwords for specific records created by authorized personnel. Access codes and passwords are changed for each authorized user approximately every 90 days, on a random schedule. In addition, programming for automated records allows authorized personnel to access only those records that are essential to their duties. No access is permitted to automated records from remote terminal sites maintained by individuals or organizations outside of OPM.

b. *Nonautomated records.* All files are secured when employees are absent from the premises and are further protected by combination locks on entryways and by the building security force. Official records may not be removed from the physical boundaries of Medical Branch, CPOD. When records are needed at a remote location, copies of the records will be provided. When copying records for authorized purposes, care is taken to ensure that any imperfect or extra copies are not left in the reproduction room where they can be read, but are destroyed or obliterated.

4. *Implementing Guidelines.* Safeguards for automated records are provided in accordance with Part 6 of the Department's Information Resources Management Manual. Safeguards for nonautomated records are provided in accordance with chapters 45–13 and PHS.hf:45–13 of the Department's General Administration manual.

5. *Contractor Guidelines.* A contractor who is given records under routine use 6 must maintain the records in a secured area, allow only those individuals immediately involved in the processing of the records to have access to them, prevent any unauthorized persons from gaining access to the records, caution employees about the confidentiality of the records, and return the records to the System Manager immediately upon completion of the work specified in the contract. Contractor compliance is assured through inclusion of Privacy Act requirements in contract clauses, and through monitoring by contract and project officers. Contractors who maintain records are instructed to make no disclosure of the records except as authorized by the System Manager.

RETENTION AND DISPOSAL:

When an officer terminates his/her commission, records are incorporated into the Official Personnel Folder (see system 09–37–0002, "PHS Commissioned Corps Personnel Files" for more information) and transferred to a Federal Records Center within two years after the officer is separated from the commissioned corps. Medical records on nonselected applicants are destroyed after five years. Records of retirees are incorporated into their OPF's following retirement and are retained and disposed of in accordance with procedures explained in system 09–37–0002, unless the individual is on the temporary disability retirement list, in which case the file is maintained under the same conditions as an active duty officer's file until the individual is permanently retired, returned to active duty, or terminated. Medical records of a dependent incapable of self support are maintained until the dependent is no longer eligible for benefits from PHS for which time the records are transferred to a Federal Records Center for permanent storage.

SYSTEM MANAGER(S) AND ADDRESS:

Director, CPOD (See System location above).

NOTIFICATION PROCEDURE:

Same as Access Procedures. Requesters should also reasonably specify the record contents being sought.

RECORD ACCESS PROCEDURES:

1. *General procedures.* An individual seeking access to his/her records may initially contact any CPOD office or employee for information about obtaining access to the records. CPOD employees will inform each individual of the appropriate procedures to follow. Each individual seeking access will be required to verify his/her identity to the satisfaction of the CPOD employee providing access. Refusal to provide sufficient proof of identity will result in denial of the request for access until such time as proof of identity can be obtained.

If a determination is made that the material sought contains medical information that is likely to have an adverse effect on the requester, the requester 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. Such a representative must provide proof that he/she is duly authorized to review the record by either the individual or the individual's legal guardian. 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 his/her relationship to the dependent/incompetent person as well as his/her own identity.

2. *Requests in person.* An individual who is the subject of a record and 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. The record will be reviewed in the presence of an appropriate CPOD employee, who will answer questions and ensure that the individual neither removes nor inserts any material into the record without the knowledge of the CPOD employee. If the individual requests a copy of any records reviewed, the CPOD employee will provide them to the individual. The CPOD employee will record the name of the individual granted access, the dates and times of access, and information about the verification of identity on a separate log sheet maintained in the office of the CPOD employee who reviewed the record.

3. *Requests by mail.* Written requests must be addressed to the System Manager, the CPOD Privacy Act Coordinator, or the Medical Branch at the address shown as the system location above. All written requests must be signed by the individual seeking access. A comparison will be made of that signature and the signature maintained on file prior to release of the material requested. Copies of the records to which access has been requested will be mailed to the individual. The original version of a record will not be released except in very unusual situations when only the original will satisfy the purpose of the request.

4. *Requests by phone.* Because positive identification of the caller cannot be established with sufficient certainty, telephone requests for access to records generally will not be honored.

5. *Accounting of Disclosures.* An individual who is the subject of records maintained in this record system may also request an accounting of all disclosures that have been made from that individual's records, provided that disclosures have in fact been made.

CONTESTING RECORD PROCEDURES:

Contact the System Manager at the address specified under System Location above and reasonably identify the record. Specify the information being contested. State the corrective action sought, with supporting justification, along with information to show how the

record is inaccurate, incomplete, untimely, or irrelevant.

RECORD SOURCE CATEGORIES:

From individual officers and other commissioned corps officials; applicants; private and Government physicians; hospitals and clinics rendering treatment; investigative reports; records contained in system 09–37–0002, "PHS Commissioned Officer Personnel Records," HHS/OASH/OM; records from system 09–15–0008, "Emergency Non-PHS Treatment Authorization File, HHS/HRSA/BHCDA;" records from system 09–15–0029, "PHS Beneficiary-Contract Medical/Health Care Records, HHS/HRSA/BHCDA;" death certificates and reports of death; and from survivors and executors of estates.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09–37–0005

SYSTEM NAME:

PHS Commissioned Corps Board Proceedings, HHS/OASH/OM.

SYSTEM CLASSIFICATION:

None.

SYSTEM LOCATION:

Commissioned Personnel Operations Division, Office of Personnel Management/OM/PHS, Room 4–35, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857.

Names and addresses of contractors given information under routine use 4 can be obtained from the system manager at the address shown above.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Commissioned officers (including active, inactive, terminated, retired, and deceased officers) and applicants to the PHS Commissioned Corps.

CATEGORIES OF RECORDS IN THE SYSTEM:

The categories of records in the system consist of the following:

1. Commissioned Officers Awards Board files consisting of nominations, citations, and related documents.

2. Appointment Board files consisting of applications, references, school transcripts, transmutation charts, and other materials used in the appointment examination process.

3. Promotion Board files consisting of Commissioned Officer Effectiveness Reports (COERs), recommendations from PHS components, citations and awards, information pertaining to disciplinary actions, and other materials used to examine candidates for promotion.

4. Involuntary Separation Board files consisting of COERs, 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. Board of Inquiry files consisting of COERs, PHS component allegations of misconduct, documentation relating to misconduct, and statements of the officer relating to alleged instances of misconduct.

6. Retirement Board files consisting of COERs, PHS component evaluations on the continued need for the officer, and statements of the officer concerning his/her request for retirement.

7. Dental Officer Special Pay Review Board files consisting of COERs, Continuation Pay and Additional Special Pay contracts, certification of eligibility by PHS components, school transcripts, and related documents.

8. Medical Officer Special Pay Review Board files consisting of performance evaluations, retention special pay contracts, certification of eligibility by PHS components, school transcripts, and related documents.

9. Assimilation Board files consisting of performance evaluations, PHS component recommendations, awards and citations, and information pertaining to disciplinary actions.

10. Three-Year File Review Board files consisting of performance evaluations, recommendations from PHS components, citations and awards, and information pertaining to disciplinary actions.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

The Public Health Service Act (42 U.S.C. 202—217, 218a, 224, 228, 233, and other pertinent sections); The Social Security Act (42 U.S.C. 410(m) et seq.); portions of Title 10, U.S.C., related to the uniformed services; portions of Title 37, U.S.C., related to pay and allowances for members of the uniformed services; portions of Title 38 U.S.C. related to benefits administered by the Veterans Administration; sections of 50 U.S.C. App., related to the selective service obligation and the Soldiers' and Sailors' Civil Relief Act; Executive Order (E.O.) 9397, "Numbering System for Federal Accounts Relating to Individual Persons;" E.O. 10450, "Security Requirements for Government employment;" and E.O. 11140, which delegates the authority to administer the PHS Commissioned Corps from the President to the Secretary, DHHS.

PURPOSE(S):

Used by PHS Commissioned Corps Boards to recommend or decide on appropriate actions in the areas of commissioned corps personnel administration 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 and status of officers on active duty.

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 a verified inquiry from the congressional office made at the written request of that individual.

2. To the Department of Justice, to a court or other tribunal, when:

(a) HHS, or any component thereof; or

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

(c) Any HHS employee in his or her individual capacity where the Department of Justice (or HHS, where it is authorized to do so) has agreed to represent the employee; or

(d) The United States or any agency thereof where HHS determines that the litigation is likely to affect HHS or any of its components.

Is a party to litigation or has an interest in such litigation, and HHS determines that the use of such records by the Department of Justice, the court or other tribunal is relevant and necessary to the litigation and would help in the effective representation of the governmental party, provided, however, that is each case, HHS determines that such disclosure is compatible with the purpose for which the records are collected.

3. To disclose pertinent information to appropriate Federal, State, or local agencies; international agencies; or foreign governments responsible for investigating, prosecuting, enforcing, or implementing statutes, rules, regulations, or orders, when PHS becomes aware of evidence of a potential violation of civil or criminal law.

4. When the Department contemplates contracting 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. These safeguards are explained in the section entitled "Safeguards."

5. To disclose information to the Department of Labor, Veterans Administration, Social Security Administration, or other Federal agencies having special employee benefit programs; to a national, State, county, or municipal agency; or to a publicly recognized charitable organization when necessary to adjudicate a claim under a benefit program, or to conduct analytical studies of benefits being paid under such program, provided such disclosure is consistent with the purposes for which the information was originally collected.

6. To the Office of Management and Budget (OMB) at any stage in the legislative coordination and clearance process in connection with private relief legislation as set forth in OMB Circular No. A–19, or for budgetary or management oversight purposes.

7. To disclose information to Government training facilities (Federal, State, and local) and to non-Government training facilities (e.g., private vendors of training courses or programs, private schools) for training purposes, such as crediting or work experience in the Commissioned Officer Student Training and Extern Program, or verification of status or income.

8. When an individual to whom a record pertains is mentally incompetent or under other legal disability, information in the individual's record may be disclosed to any person who is legally responsible for the care of the individual, to the extent necessary to assure payment of benefits to which the individual is entitled.

9. To disclose to Federal and non-Federal agencies information allowing the consideration and selection of officers for honor awards made as a result of the individual's work as a commissioned officer, and to publicize those awards granted. This may include disclosure to other public and private organizations, including news media, which grant or publicize officer awards or honors.

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

STORAGE:

Information and files related to boards and their proceedings exist in hard-copy form, with supporting data stored on automated word processing tapes, micro-fiche, and disks.

RETRIEVABILITY:

Alphabetically by name of officer for records in hard-copy form, and by access code for information stored on automated disks and tapes.

SAFEGUARDS:

1. *Authorized Users.*

a. *Automated Records.* Access to and use of automated records is limited to CPOD personnnel involved in the specific Board process for which the information was collected. Selected information may be release to employees in the Office of Personnel Management, OM, whose offical duties require such access. The Commissioned Officers Systems Division (COSD), Office of Human Resource Information Management, Office of the Assistant Secretary for Personnel Administration, Office of the Secretary, provides computer design, programming and support to CPOD, and has access to the data to the extent necessary to facilitate the provision of these services. However, COSD personnel are not authorized to grant access to or make disclosures from automated data in this system to *anyone* or any *organization.*

b. *Nonautomated records.* Access to and use of nonautomated records is limited to CPOD personnel involved in the specific Board process for which the information was collected, departmental employees whose official duties require such access or to individuals needing access to the information for purposes stated under routine uses. Individuals other than CPOD employees are permitted access to records only after they have satisfactorily identified themselves as having an official need to review the information and have provided satisfactory proof of their identities. Access is also granted to individuals who have written permission to review the record when that permission has been obtained from the individual to whom the record pertains. All individuals from organizations outside the Department, to whom disclosure is made pursuant to a routine use, must complete Privacy Act nondisclosure oaths and must submit a written request for access to these records showing the name and employing office of the requester, the date on which the record is requested, and the purposed for reviewing the information in the record. This written request is then placed into the record.

2. *Physical safeguards.*

a. *Automated records.* Terminals by which automated records are accessed are kept in offices secured with combination locks. Automated records on magnetic tape, disks, and other computer equipment are kept in rooms designed to protect the physical integrity of the record media and equipment. These rooms are within inner offices to which access is prohibited except to those with special clearance for access into the area. Outer offices are secured with combination locks and the combinations are changed periodically. During nonwork hours all cabinets, storage facilities, rooms and offices are locked and the premises are patrolled regularly by building security forces.

b. *Nonautomated records.* Nonautomated records are kept in such a way as to prevent observation by unauthorized individuals while the records are actively in use by an authorized employee. When records are not in use, they are closed and secured in desk drawers with locks, metal filing cabinets with locks, or other security equipment, all of which is kept inside authorized office space which is locked whenever it is not in use. Keys to furniture and equipment are kept only by the individual who is assigned to that furniture or equipment and by the CPOD security officer.

3. *Procedural safeguards.*

a. *Automated records.* Automated records are secured by assigning individual access codes to authorized personnel, and by use of passwords for specific records created by authorized personnel. Access codes and passwords are changed for each authorized user approximately every 90 days, on a random schedule. In addition, programming for automated records allows authorized personnel to access only those records that are essential to their duties. No access is permitted to automated records from remote terminal sites maintained by individuals or organizations outside of OPM.

b. *Nonautomated records.* All files are secured when employees are absent from the premises and are further protected by combination locks on entryways, to which the combinations are periodically changed, and by the building security force. Official records may not be removed from the physical boundaries of the offices in which the personnel who work with the records are assigned unless the records are hand-carried and safeguarded by the individuals authorized to use the records. When copying records for authorized purposes, care is taken to ensure that any imperfect or extra copies are not left in the reproduction room where they can be read, but are destroyed or obliterated.

4. *Implementing Guidelines.* Safeguards for automated records are provided in accordance with Part 6 of the Department's Information Resources

Management Manual. Safeguards for nonautomated records are provided in accordance with chapters 45–13 and PHS.hf:45–13 of the Department's General Administration Manual.

5. *Contractor Guidelines.* A contractor who is given records under routine use 4 must maintain the records in a secured area, allow only those individuals immediately involved in the processing of the records to have access to them, prevent any unauthorized persons from gaining access to the records, caution employees about the confidentiality of the records, and return the records to the System Manager immediately upon completion of the work specified in the contract. Contractor compliance is assured through inclusion of Privacy Act requirements in contract clauses, and through monitoring by contract and project officers. Contractors who maintain records are instructed to make no disclosure of the records except as authorized by the System Manager.

RETENTION AND DISPOSAL:

Material from board files which result in a personnel action affecting an individual are placed into the individual's OPF after the board has completed its deliberations and/or the action has been effected, and are then treated in the same manner as other material in system 09–37–0002, "PHS Commissioned Corps Personnel Records, HHS/OASH/OM," with the following exception: files pertaining to involuntary separation/retirement boards and boards of inquiry are only incorporated into system 09–37–0002 to the extent required to provide sufficient documentation of an involuntary or adverse action. Remaining involuntary separation/retirement board or board of inquiry records remain in this system for as long as they are needed for administrative purposes, after which time they are destroyed by shredding.

SYSTEM MANAGER(S) AND ADDRESS:

Director, CPOD (See System Location above).

NOTIFICATION PROCEDURE:

Same as Access Procedures. Requesters should also reasonably specify the record contents being sought.

RECORD ACCESS PROCEDURES:

1. *General procedures.* An individual seeking access to his/her records may initially contact any CPOD office or employee for information about obtaining access to the records. CPOD employees will inform each individual of the appropriate procedures to follow. Each individual seeking access will be required to verify his/her identity to the satisfaction of the CPOD employee providing access. Refusal to provide sufficient proof of identity will result in denial of the request for access until such time as proof of identity can be obtained.

If a determination is made that the material sought contains medical information that is likely to have an adverse effect on the requester, the requester 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. Such a representative must provide proof that he/she is duly authorized to review the record by either the individual or the individual's legal guardian. 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 his/her relationship to the dependent/incompetent person as well as his/her own identity.

2. *Requests in person.* An individual who is the subject of a record and 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. The record will be reviewed in the presence of an appropriate CPOD employee, who will answer questions and ensure that the individual neither removes nor inserts any material into the record without the knowledge of the CPOD employee. If the individual requests a copy of any records reviewed, the CPOD employee will provide them to the individual. The CPOD employee will record the name of the individual granted access, the dates and times of access, and information about the verification of identity on a separate log sheet maintained in the office of the CPOD employee who reviewed the record.

3. *Requests by mail.* Written requests must be addressed to the System Manager at the address shown as the system location above. All written requests must be signed by the individual seeking access. A comparison will be made of that signature and the signature maintained on file prior to release of the material requested. Copies of the records to which access has been requested will be mailed to the individual. The original version of a record will not be released except in very unusual situations when only the original will satisfy the purpose of the request.

4. *Requests by phone.* Because positive identification of the caller cannot be established with sufficient certainty, telephone requests for access to records generally will not be honored.

5. *Accounting of Disclosures.* An individual who is the subject of records maintained in this record system may also request an accounting of all disclosures that have been made from that individual's records, provided that disclosures have in fact been made.

CONTESTING RECORD PROCEDURES.

Contact the System Manager at the address specified under System Location above and reasonably identify the record. Specify the information being contested. State the corrective action sought, with supporting justification, along with information to show how the record is inaccurate, incomplete, untimely, or irrelevant.

RECORD SOURCE CATEGORIES:

From individuals themselves or their service records; efficiency and progress reports; persons providing references; reports of findings and recommendations made by Board members; supervisors; private and Government physicians; hospitals and clinics rendering treatment; licensure and professional credentialing organizations; investigative reports; law enforcement organizations; court records; death certificates and reports of death; survivors and executors of estates; and records contained in systems 09–37–0002, "PHS Commissioned Corps Personnel Records," HHS/OASH/OM; 09–37–0003, "PHS Commissioned Corps Personnel Records," HHS/OASH/OM; 09–37–0006, "PHS Commissioned Corps Personnel Records," HHS/OASH/OM; "PHS Commissioned Corps Grievance, Investigatory, and Disciplinary Files," HHS/OASH/OM; and 09–37–0008, "PHS Commissioned Corps Unofficial Personnel Files and Other Station Files," HHS/OASH/OM.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09–37–0006

SYSTEM NAME:

PHS Commissioned Corps Grievance, Investigatory, and Disciplinary Files, HHS/OASH/OM.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Office of the Director, Commissioner Personnel Operations Division Office of Personel Management/OM/PHS, Room 4–35, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857.

Offices and organizations to which an individual commissioned officer is assigned. The exact location of any record may be obtained by contacting the Director, CPOD, at the address shown above.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

PHS Commissioned Corps officers, including active duty, inactive, terminated, separated and deceased officers.

CATEGORIES OF RECORDS IN THE SYSTEM:

Files concerning grievances filed by or against commissioned officers; investigative files, records related to disciplinary actions, records related to 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:

The Public Health Service Act (42 U.S.C. 202–217, 218a, 224, 228, 233, and other pertinent sections); The Social Security Act (42 U.S.C. 410(m) et seq.); portions of Title 10, U.S.C., related to the uniformed services; portions of Title 37, U.S.C., related to pay and allowances for members of the uniformed services; portions of Title 38, U.S.C., related to benefits administered by the Veterans Administration; sections of 50 U.S.C. App., related to the selective service obligation and the Soldiers' and Sailors' Civil Relief Act; Executive Order (E.O.) 9397, "Numbering System for Federal Accounts Relating to Individual Persons;" E.O. 10450, "Security Requirements for Government Employment;" and E.O. 11140, which delegates the authority to administer the PHS Commissioned Corps from the President to the Secretary, DHHS.

PURPOSE(S):

Used by the Commissioned Personnel Operations Division (CPOD) to: Investigate allegations of misconduct or marginal and substandard performance; and to process and decide grievances, involuntary retirements, involuntary separations, or disciplinary actions. These records may also be used by officials elsewhere in the Department who have the authority to review or make decisions about grievances.

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 a verified inquiry from the congressional office made at the written request of that individual.

2. To the Department of Justice, to a court or other tribunal, when:

(a) HHS, or any component thereof; or

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

(c) Any HHS employee in his or her individual capacity where the Department of Justice (or HHS, where it is authorized to do so) has agreed to represent the employee; or

(d) The United States or any agency thereof where HHS determines that the litigation is likely to affect HHS or any of its components,

is a party to litigation or has an interest in such litigation, and HHS determines that the use of such records by the Department of Justice, the court, or other tribunal is relevant and necessary to the litigation and would help in the effective representation of the governmental party, provided, however, that in each case, HHS determines that such disclosure is compatible with the purpose for which the records are collected.

3. To disclose pertinent information to appropriate Federal, State, or local agencies; international agencies; or foreign governments responsible for investigating, prosecuting, enforcing, or implementing statutes, rules, regulations, or orders, when PHS becomes aware of evidence of a potential violation of civil or criminal law.

4. When 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 may make such records available.

5. To disclose information to the Equal Employment Opportunity Commission when requested in connection with investigations into alleged or possible discrimination practices in the Federal sector, examination of Federal affirmative employment programs, or other functions vested in the Commission by the President's Reorganization Plan No. 1 of 1978.

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

STORAGE:

Records in this system are stored primarily in hard-copy form in safes and locked metal filing cabinets in interior offices, with supporting data stored on automated word processing tapes, micro-fiche, and disks.

RETRIEVABILITY:

Alphabetically by the name of the officer.

SAFEGUARDS:

1. *Authorized Users.*

a. *Automated Records.* Access to and use of automated records is limited to CPOD personnel involved in the grievance or investigation for which the information was collected. Selected information may be released to employees in the Office of Personnel Management, OPM, whose official duties require such access. The Commissioned Officers Systems Division (COSD), Office of Human Resource Information Management, Office of the Assistant Secretary for Personnel Administration, Office of the Secretary, provides computer design, programming and support to CPOD, and has access to the data to the extent necessary to facilitate the provision of these services. However, COSD personnel are not authorized to grant access to or make disclosures from automated data in this system to *anyone* or any *organization.*

b. *Nonautomated records.* Access to and use of nonautomated records is limited to CPOD personnel involved in the specific grievance or investigatory process for which the information was collected. These records may be copied and related to Departmental officials involved in a discisionmaking capacity in a given case. These individuals are permitted access to records only after they have provided satisfactory proof of their identities. Access is also granted to individuals, such as attorneys, who have written permission to review the record when that permission has been obtained from the individual to whom the record pertains. All individuals from organizations outside the Department, to whom disclosure is made pursuant to a routine use, must complete Privacy Act nondisclosure oaths and must submit a written request for access to these records showing the name and employing office of the requester, the date on which the record is requested, and the purpose for reviewing the information in the record. In certain cases, CPOD may require notarization of

the document giving CPOD permission to disclose a record to a third party. This written request is then placed into the record.

2. *Physical safeguards.*

a. *Automated records.* Terminals by which automated records are accessed are kept in offices secured with combination locks, the combinations to which are changed periodically. Automated records on magnetic tape, disks, and other computer equipment are kept in rooms designed to protect the physical integrity of the record media and equipment. These rooms are within inner offices to which access is permitted only to those with special clearance. Outer offices are secured with combination locks and the combinations are changed periodically. During nonwork hours all cabinets, storage facilities, rooms and offices are locked and the premises are patrolled regularly by building security forces.

b. *Nonautomated records.* Nonautomated records are kept in such a way as to prevent observation by unauthorized individuals while the records are actively in use by an authorized employee. When records are not in use, they are closed and secured in desk drawers with locks, metal filing cabinets with locks, or other security equipment, all of which is kept inside authorized office space which is locked whenever it is not in use. Keys to furniture and equipment are kept only by the individual who is assigned to that furniture or equipment and by the CPOD security officer.

3. *Procedural safeguards.*

a. *Automated records.* Automated records are secured by assigning individual access codes to authorized personnel, and by use of passwords for specific records created by authorized personnel. Access codes and passwords are changed for each authorized user approximately every 90 days, on a random schedule. In addition, programming for automated records allows authorized personnel to access only those records that are esssential to their duties. No access is permitted to automated records from remote terminal sites maintained by individuals or organizations outside of OPM.

b. *Nonautomated records.* All files are secured when employees are absent from the premises and are further protected by combination locks on entryways, to which the combinations are periodically changed, and by the building security force. Official records may not be removed from the physical boundaries of the offices in which the personnel who work with the records are assigned unless the records are hand-carried and safeguarded by the individuals authorized to use the records. When copying records for authorized purposes, care is taken to ensure that any imperfect or extra copies are not left in the reproduction room where they can be read, but are destroyed or obliterated.

4. *Implementing Guidelines.* Safeguards for automated records are provided in accordance with Part 6 of the Department's Information Resources Management Manual. Safeguards for nonautomated records are provided in accordance with chapters 45–13 and PHS.hf:45–13 of the Department's General Administration Manual.

RETENTION AND DISPOSAL:

Grievance files are destroyed after two years, or earlier if no longer needed for administrative purposes. Records which directly support personnel actions affecting an individual are placed into the individual's OPF after a final, official decision has been made and/or the action has been effected, and are then treated in the same manner as other material in system 09–37–0002, "PHS Commissioned Corps Personnel Records, HHS/OASH/OM." Investigatory records concerning cases in which no final decisions have been made, or which are ongoing over a period of time are kept indefinitely until a final decision is made. Records concerning cases which are closed or on which final action has been taken, but which are not essential to document or support the final action, are retained as long as they are needed for administrative purposes and are then destroyed by shredding.

SYSTEM MANAGER(S) AND ADDRESS:

Director, CPOD (See System Location above).

NOTIFICATION PROCEDURE:

Same as Access Procedures. Requesters should also reasonably specify the record contents being sought.

RECORD ACCESS PROCEDURES:

1. *General procedures.* An individual seeking access to his/her records may initially contact any CPOD office or employee for information about obtaining access to the records. CPOD employees will inform each individual of the appropriate procedures to follow. Each individual seeking access will be required to verify his/her identity to the satisfaction of the CPOD employee providing access. Refusal to provide sufficient proof of identity will result in denial of the request for access until such time as proof of identity can be obtained.

If a determination is made that the material sought contains information that is likely to have an adverse effect on the health of the requester, the requester 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. Such a representative must provide proof that he/she is duly authorized to review the record by either the individual or the individual's legal guardian. A parent or guardian who requests notifiction 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 his/her relationship to the dependent/incompetent person as well as his/her own identity.

2. *Requests in person.* An individual who is the subject of a record and 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. The record will be reviewed in the presence of an appropriate CPOD employee, who will answer questions and ensure that the individual neither removes nor inserts any material into the record without the knowledge of the CPOD employee. If the individual requests a copy of any records reviewed, the CPOD employee will provide them to the individual. The CPOD employee will record the name of the individual granted access, the dates and times of access, and information about the verification of identity on a separate log sheet maintained in the office of the CPOD employee who reviewed the record.

3. *Requests by mail.* Written requests must be addressed to the System Manager at the address shown as the system location above. All written requests must be signed by the individual seeking access. A comparison will be made of that signature and the signature maintained on file prior to release of the material requested. Copies of the records to which access has been requested will be mailed to the individual. The original version of a record will not be released except in very unusual situations when only the original will satisfy the purpose of the request.

4. *Requests by phone.* Because positive identification of the caller

cannot be established with sufficient certainty, telephone requests for access to records generally will not be honored.

5. *Accounting of Disclosures.* An individual who is the subject of records maintained in this record system may also request an accounting of all disclosures that have been made from that individual's records, provided that disclosures have in fact been made.

CONTESTING RECORD PROCEDURES:

Contact the System Manager at the address specified under System Location above and reasonably identify the record. Specify the information being contested. State the corrective action sought, with supporting justification, along with information to show how the record is inaccurate, incomplete, untimely, or irrelevant.

RECORD SOURCE CATEGORIES:

From individuals themselves or their service records; efficiency and progress reports; persons providing references; reports of findings and recommendations made by commissioned corps Board members; supervisors; private and Government physicians; hospitals and clinics rendering treatment; licensure and professional credentialing organizations; investigative reports; law enforcement organizations; court records; death certificates and reports of death; survivors and executors of estates; and records contained in systems 09–37–0002, "PHS Commissioned Corps Personnel Records," HHS/OASH/OM; 09–37–0003, "PHS Commissioned Officer Medical Records," HHS/OASH/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:

None.

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 (duty stations) of the Department or of other agencies and organizations to which PHS Commissioned Corps officers are assigned.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Applicants to the PHS commissioned corps; active-duty, inactive reserve, retired and former officers; and dependents of the above.

CATEGORIES OF RECORDS IN THE SYSTEM:

Training records, financial management records, travel and transportation documents, approval of outside activity records, and other documents used solely by personnel employed at a field station. Duplication of personnel records contained in system 09–37–0002, "PHS Commissioned Corps Personnel Records," HHS/OASH/OM, such as long-term training records, billet descriptions, performance evaluations, specialty board examination requests, medical intern and residency evaluations, leave records, identification and privilege card records, and correspondence relating to the individuals covered. Duplication of records contained in systems 09–37–0005, "PHS Commissioned Corps Board Records, HHS/OASH/OM," and 09–37–0006, "PHS Commissioned Corps Grievance, Investigatory, and Disciplinary Files, HHS/OASH/OM," but only to the extent that the records are needed to resolve an official Board action, grievance, or other investigation involving officials and officers assigned to field stations.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

The Public Health Service Act, (42 United States Code (U.S.C.) 202—217, 218a, 224, 228, 233, and other pertinent sections); The Social Security Act (42 U.S.C. 410(m) et seq.); portions of Title 10, U.S.C., related to the uniformed services; portions of Title 37, U.S.C., related to pay and allowances for members of the uniformed services; portions of Title 38, U.S.C., related to benefits administered by the Veterans Administration; sections of 50 U.S.C. App., related to the selective service obligation and the Soldiers' and Sailors' Civil Relief Act; Executive Order (E.O.)9397, "Numbering System for Federal Accounts Relating to Individual Persons;" E.O. 10450, "Security Requirements for Government Employment;" and E.O. 11140, which delegates the authority to administer the PHS Commissioned Corps from the President to the Secretary, DHHS.

PURPOSE(S):

Records and information in this system are used by the offices to which PHS commissioned officers are actually assigned for the purposes of making determinations about an individual's training, leave, job assignments, local benefits, performance appraisals, grievances, certain disciplinary actions and related employment matters. Records which are originally collected as part of this system are also used as primary source documents for personnel administration matters which are the responsibility of the Commissioned Personnel Operations Division/OPM/OM/OASH.

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 a verified inquiry from the congressional office made at the written request of that individual.

2. To the Department of Justice, to a court or other tribunal, when:

(a) HHS, or any component thereof; or

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

(c) Any HHS employee in his or her individual capacity where the Department of Justice (or HHS, where it is authorized to do so) has agreed to represent the employee; or

(d) The United States or any agency thereof where HHS determines that the litigation is likely to affect HHS or any of its components, is a party to litigation or has an interest in such litigation, and HHS determines that the use of such records by the Department of Justice, the court, or other tribunal is relevant and necessary to the litigation and would help in the effective representation of the governmental party, provided, however, that in each case, HHS determines that such disclosure is compatible with the purpose for which the records are collected.

3. To disclose pertinent information to appropriate Federal, State, or local agencies responsible for investigating, prosecuting, enforcing, or implementing statutes, rules, regulations, or orders, when PHS becomes aware of evidence of a potential violation of civil or criminal law.

4. To disclose information to an individual who has been asked by PHS to provide a reference, to the extent necessary to clearly identify the individual to whom the reference will pertain, inform the source of the purpose(s) of the reference, and to identify the type of information requested from the source, where necessary to obtain information relevant to an agency decision concerning the hiring or retention of any employee, the issuance of a security clearance, the conducting of a security or suitability investigation of an individual, the classifying of jobs, the letting of a

contract, or the issuance of a license, grant, or other benefit.

5. To disclose to any agency in the executive, legislative, or judicial branch; the District of Columbia government; a State or local government agency; or a nonprofit institution; but only after being authorized to make such disclosure by the Office of the Assistant Secretary for Health, information in connection with the hiring of an employee; the issuance of a security clearance; the conducting of a security or suitability investigation of an individual; the classifying of jobs; the letting of a contract; the issuance of a license, grant or other benefit by the requesting agency; or the lawful statutory, administrative, or investigative purpose of the agency to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

6. When 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 may make such records available.

7. To disclose information to the Department of Labor, Veterans Administration, Social Security Administration, or other Federal agencies having special employee benefit programs; a national, State, county, or municipal agency; or a publicly recognized charitable organization; when necessary to adjudicate a claim under a benefit program, or to conduct analytical studies of benefits being paid under such programs provided such disclosure is consistent with the purposes for which the information was originally collected.

8. When an individual to whom a record pertains is mentally incompetent or under other legal disability, information in the individual's record may be disclosed to any person who is legally responsible for the care of the individual, to the extent necessary to assure payment of benefits to which the individual is entitled.

9. In response to interrogatories in the prosecution of a divorce action or settlement for purposes stated in 10 U.S.C. 1408.

10. To disclose information to Government training facilities (Federal, State, and local) and to non-Government training facilities (e.g., private vendors of training courses or programs, private schools) for training purposes, such as crediting of work experience in the Commissioned Officed Student Training and Extern Program, or verification of status or income.

11. To disclose information to the Defense Enrollment/Eligibility Reporting System (DEERS), uniformed services medical treatment facilities and to the Department of Defense Office of the Civilian Health and Medical Program of the Uniformed Services, when the information is needed to verify the eligibility of an officer, his/her dependents, or a former spouse for medical benefits.

12. To disclose information to agencies or organizations established in medically underserved areas who apply to the National Health Service Corps for the assignment of commissioned officers to such agencies or organizations.

13. To disclose information on officers assigned to Federal health care facilities to private sector (i.e., other than Federal, State, or local government) agencies, boards, or commissions (e.g., the Joint Commission on Accreditation of Hospitals), to obtain accreditation or other approval rating and only to the extent that the information disclosed is relevant and necessary for that purpose.

14. To disclose to Federal and non-Federal agencies information allowing the consideration and selection of officers for honor awards made as a result of the individual's work as a commissioned officer, and to publicize those awards granted. This may include disclosure to other public and private organizations, including news media, which grant or publicize officer awards or honors.

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

STORAGE:

Records in this system are stored in hard-copy form in locked metal filing cabinets, lektreivers, Conserv-a-files, and safes in interior offices.

RETRIEVABILITY:

Alphabetically by the name of the officer.

SAFEGUARDS:

1. *Authorized Users:* Access to and use of these records is limited to duty station personnel involved in the personnel/administrative activities for which the records were collected. These records may be copied and released to other departmental employees, and individuals from outside the Department who represent organizations to which commissioned officers are assigned, when they have a need to know information from these records in order to perform their official duties. These individuals are permitted access to records only after they have provided satisfactory proof of their identities. All individuals from organizations outside the Department, to whom disclosure is made pursuant to a routine use, must complete Privacy Act nondisclosure oaths and must submit written requests for access to these records showing the name and employing office of the requester, the date on which the record is requested, and the purpose for reviewing the information in the record. This written request is then placed into the record.

2. *Physical safeguards.* These records are kept in such a way as to prevent observation by unauthorized individuals while the records are actively in use by an authorized employee. When records are not in use, they are closed and secured in desk drawers with locks, metal filing cabinets with locks, or other security equipment, all of which is kept inside authorized office space which is locked whenever it is not in use. Keys to furniture and equipment are kept only by the individual who is assigned to that furniture or equipment and by the facility security officer.

3. *Procedural safeguards.* All files are secured when employees are absent from the premises and are further protected by locks on entryways, to which the combinations are periodically changed, and by the building security force. Official records may not be removed from the physical boundaries of the offices in which the personnel who work with the records are assigned unless the records are hand-carried and safeguarded by the individuals authorized to use the records. When copying records for authorized purposes, care is taken to ensure that any imperfect or extra copies are not left in the reproduction room where they can be read, but are destroyed or obliterated.

4. *Implementing Guidelines.* Safeguards for nonautomated records are provided in accordance with chapters 45–13 and PHS.hf:45–13 of the Department's General Administration Manual.

RETENTION AND DISPOSAL:

Station personnel files are destroyed two years after the individual to whom the records pertain permanently leaves the duty station. Leave records are forwarded to an individual's new duty station, or if the officer is leaving active duty, the leave record card is sent to CPOD and incorporated in record system 09–37–0002, "PHS Commissioned Corps Personnel Records/HHS/OASH/OM. Grievance records are destroyed two years from the date on which the grievance was settled. 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. Identification and privilege cards and records are disposed of when the officer and his/her dependents are no longer entitled to use them.

SYSTEM MANAGER(S) AND ADDRESS:

The Director, CPOD/OPM/OM, is the overall system manager. Inquiries concerning these records may be addressed to Director, Commissioned Personnel Operations Division, Room 4A–15, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857; or by contacting the duty station to which the individual to whom the records pertain is assigned.

NOTIFICATION PROCEDURE:

Same as Access Procedures. Also, the individual seeking access should reasonably describe the type of record being sought.

RECORD ACCESS PROCEDURES:

1. *General procedures.* An individual seeking access to his/her records may initially contact any CPOD office or employee for information about obtaining access to these records. CPOD employees will inform each individual of the appropriate procedures to follow. Individuals may also seek access to these records by initially contacting the duty station at which they believe the records are located. Individuals at the duty station will ascertain whether the records being sought are maintained at that location. If the records are not located at that duty station, the employee will instruct the individual to address his/her inquiry to CPOD. Regardless of where the records are actually located, the procedures to be followed are explained below.

Each individual seeking access will be required to verify his/her identity to the satisfaction of the employee providing access. Refusal to provide sufficient proof of identity will result in denial of the request for access until such time as proof of identity can be obtained.

2. *Requests in person.* An individual who is the subject of a record and 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. The record will be reviewed in the presence of an appropriate employee, who will answer questions and ensure that the individual neither removes nor inserts any material into the record without the knowledge of the employee. If the individual requests a copy of any records reviewed, the employee will provide them to the individual. The employee will record the name of the individual granted access, the dates and times of access, and information about the verification of identity on a separate log sheet maintained in the office of the employee who reviewed the record.

3. *Requests by mail.* Written requests may be addressed to the System Manager at the address shown as the system location above, or directed to the specific duty station involved. All written requests must be signed by the individual seeking access. A comparison will be made of that signature and the signature maintained on file prior to release of the material requested. Copies of the records to which access has been requested will be mailed to the individual. The original version of a record will not be released except in very unusual situations when only the original will satisfy the purpose of the request.

4. *Requests by phone.* Because positive identification of the caller cannot be established with sufficient certainty, telephone requests for access to records generally will not be honored.

5. *Accounting of Disclosures.* An individual who is the subject of records maintained in this record system may also request an accounting of all disclosures that have been made from that individual's records, provided that disclosures have in fact been made.

CONTESTING RECORD PROCEDURES:

Contact the appropriate official indicated under System Manager above; reasonably identify the record; and specify the information being contested. State the corrective action sought, with supporting justification, along with information to show how the record is inaccurate, incomplete, untimely, or irrelevant. The duty station will refer requests for record correction to the Director, CPOD, when it appears that a correction of a record in this system will be inconsistent with other commissioned corps records maintained by CPOD in other record systems.

RECORD SOURCE CATEGORIES:

Information is furnished by the subject individual, persons who provide references, reports of supervisors and other officials, from personnel actions taken by CPOD, and from the records contained in the following systems: 09–37–0002, PHS Commissioned Corps Personnel Records," HHS/OASH/OM; 09–37–0005, "PHS Commissioned Corps Board Proceedings," HHS/OASH/OM; and 09–37–0006, "PHS Commissioned Corps Grievance, Investigatory, and Disciplinary Files," HHS/OASH/OM.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09–37–0009

SYSTEM NAME:

Applicants for National Center for Health Statistics Technical Assistance, HHS/OASH/NCHS.

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:

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), authorizing the Secretary to use resources to provide technical assistance.

PURPOSE(S):

To set up courses, notify applicants of acceptance or non-acceptance, and acceptance for a future course if necessary. Used exclusively within the National Center for Health Statistics (NCHS).

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. The Department of Health and Human Services (HHS) may disclose information from this system of records to the Department of Justice, or to a court or other tribunal, when

(a) HHS, or any component thereof; or

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

(c) Any HHS employee in his or her individual capacity where the Department of Justice (or HHS, where it is authorized to do so) has agreed to represent the employee; or

(d) The United States or any agency thereof where HHS determines that the litigation is likely to affect HHS or any of its components,

is a party to litigation or has an interest in such litigation, and HHS determines that the use of such records by the Department of Justice, the court or other tribunal is relevant and necessary to the litigation and would help in the effective representation of the governmental party, provided, however, that in each case, HHS determines that such disclosure is compatible with the purpose for which the records were collected.

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:

Measures to prevent unauthorized disclosures are implemented as appropriate for the particular records maintained. NCHS implements personnel, physical, and procedural safeguards as follows:

(1) Authorized Users: Records are used only by staff administering the technical assistance programs.

(2) Physical Safeguards: Routine building security.

(3) Procedural Safeguards: Persons other than staff authorized to work with the records are not allowed access to them.

These safeguards are established in accordance with guidelines in DHHS Chapter 45–13 of the General Administration Manual, in supplementary 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, 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. Individuals may also request an accounting of disclosures that have been made of their records, if any.

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under System Manager above, reasonably identify the record, specify the information being contested, the corrective action sought, and your reasons for requesting the correction, along with supporting information to show how the record is inaccurate, incomplete, untimely, or irrelevant.

RECORD SOURCE CATEGORIES:

Voluntary submission of Application Form by person wishing to take the courses.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09–37–0014

SYSTEM NAME:

Curricula Vitae of Consultants to the National Center for Health Statistics, HHS/OASH/NCHS.

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 (NCHS). 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, or 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 USC 242b), authorizing the Secretary to take the necessary steps to implement statistical and epidemiological activities relating to health.

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:

1. 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.

2. 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.

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. The Department of Health and Human Services (HHS) may disclose informaton from this system of records to the Department of Justice, or to a court or other tribunal, when

(a) HHS, or any component thereof; or

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

(c) Any HHS employee in his or her individual capacity where the Department of Justice (or HHS, where it is authorized to do so) has agreed to represent the employee; or

(d) The United States or any agency thereof where HHS determines that the

litigation is likely to affect HHS or any of its components,

is a party to litigation or has an interest in such litigation, and HHS determines that the use of such records by the Department of Justice, the court or other tribunal is relevant and necessary to the litigation and would help in the effective representation of the governmental party, provided, however, that in each case, HHS determines that such disclosure is compatible with the purpose for which the records were collected.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORS 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:

Measures to prevent unauthorized disclosures are implemented as appropriate for the particular records maintained. NCHS implements personnel, physical, and procedural safeguards as follows:

(1) Authorized Users: Records are used only by staff whose official duties require them to use records on consultants.

(2) Physical Safeguards: Records are maintained in locked metal files or in a locked room when not in use. Computerized files are further protected by the Resource Access Control Facility ("RACF").

(3) Procedural Safeguards: Persons other than staff authorized to work with the records are not allowed access to them.

These safeguards are established in accordance with guidelines in DHHS Chapter 45–13 of the General Administration Manual, in supplementary 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, 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. Individuals may also request an accounting of disclosures that have been made of their records, if any.

CONTESTING RECORD PROCEDURES:

Write to the official at the address specified under notification procedures above, and reasonably identify the record, specify the information being contested, the corrective action sought, and your reasons for requesting the correction, along with supporting information to show how the record is inaccurate, incomplete, untimely, or irrelevant.

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.

09–37–0015

SYSTEM NAME:

National Center for Health Services Research and Health Care Technology Assessment (NCHSR) Grants Records System, HHS/OASH/NCHSR.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

National Center for Health Services Research and Health Care Technology Assessment, Room 18A–12, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857.

Federal Records Center, 4205 Suitland Road, Suitland, Maryland 20409.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Principal Investigators.

CATEGORIES OF RECORDS IN THE SYSTEM:

Grant files, including summary reports, grant applications, grant award notices, credit 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 Service Act, Title II, Administration, Section 304, (General Authority Respecting Health Statistics and Health Services Research, Evaluations, and Demonstrations (42 U.S.C. 242b)), Section 305, (National Center for Health Services Research (42 U.S.C. 242c)), Section 308, (General Provisions Respecting Sections 304, 305, 306, and 307 (42 U.S.C. 242m)), Title XII, Emergency Medical Services Systems, Section 1205, (Grants and Contracts for Research (42 U.S.C. 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.

These records may be referred to the DHHS fiscal office for the purpose of debt collection.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PROPOSES 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. The Department may disclose information from this system of records to the Department of Justice, to a court or other tribunal, when

(a) HHS, or any component thereof; or

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

(c) Any HHS employee in his or her individual capacity where the Department of Justice (or HHS, where it is authorized to do so) has agreed to represent the employee; or

(d) The United States or any agency thereof where HHS determines that the litigation is likely to affect HHS or any of its components,

is a party to litigation or has an interest in such litigation, and HHS determines that the use of such records by the Department of Justice, the court or other tribunal, is relevant and necessary to the litigation and would help in the effective representation of the governmental party, provided, however, that in each case, HHS determines that such disclosure is compatible with the purpose for which the records were collected.

3. NCHSR may disclose information about an individual grant applicant to credit reporting agencies to obtain a credit report in order to determine his/her creditworthiness.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosure pursuant to 5 U.S.C. 522a(b)(12): Disclosure may be made from this system to "consumer reporting agencies" as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)): The purpose of this disclosure is to aid in the collection of outstanding debts owed to the Federal Government; typically, to provide an incentive for debtors to repay delinquent Federal Government debts by making these debts part of their credit records. Disclosure of records is limited to the individual's name, address, Social Security number, and other information necessary to establish the individual's identity; the amount, status, and history of the claim; and the agency or program under which the claim arose. This disclosure will be made only after the procedural requirements of 31 U.S.C. 3711(f) have been followed.

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:

1. Authorized Users: Only staff members of the Grants Management Branch (GMB) have regular access.
2. Physical Safeguards: Locked file cabinets, general building security.
3. Procedural Safeguards: NCHSR staff may inspect and review records on a need-to-know basis only, with the approval and in the presence of GMB staff.
4. These safeguards are in compliance with DHHS Chapter 43–13 and Chapter PHS.hf: 45–13 of the General Administration 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 following address.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Grants Management Branch; National Center for Health Services Research and Health Care Technology Assessment, Parklawn Building, Room 18A–12, 5600 Fishers Lane, Rockville, Maryland 20857.

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. Positive identification is required, except that no verification of identity shall be required where the record is one which is required to be disclosed under the Freedom of Information Act. You may also request an accounting of disclosures that have been made of your record, if any.

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under System Manager above and reasonably identify the record, specify the information being contested, the corrective action sought, and your reasons for requesting the correction, along with supporting information to show how the record is inaccurate, incomplete, untimely, or irrelevant.

RECORD SOURCE CATEGORIES:

Applications, reports and correspondence from the research community, and statements from grant review committees; consumer reporting agencies.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09–37–0016

SYSTEM NAME:

Users of Health Statistics, HHS/OASH/NCHS.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Room 2–19, Center Building, 3700 East-West Highway, Hyattsville, Maryland 20782; and offices of contractors employed to survey, process, or otherwise develop information regarding users of data from the National Center for Health Statistics (NCHS). Contractor locations are available upon request directed to the System Manager.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons who are past, present, or potential users of health statistics and would therefore have special interests in the programs conducted by NCHS, such as (1) persons who subscribe to NCHS publication series, (2) persons who purchase NCHS public use data tapes or publications, (3) persons who contact NCHS to request data or information on health statistics, (4) persons who attend health statictics conferences, and (5) persons known from their publications or otherwise to have a research, legislative, policy, or adminstrative interest in data produced by NCHS.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system consists of information relating to the professional health statistical interests of health statistics users, such as their: Name, address, position, organization, education, memberships in professional organizations, special committee and task force assignments, offices held in organizations, publications, health statistics meetings attended, uses made of health statistics, health statistics projects, purchases of NCHS tapes or publications, and expressions of interests and concerns about health statistics.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Public Health Service Act, Section 308(g)(2) (42 U.S.C. 242m(g)(2), which authorizes the Secretary to take necessary action to assure that appropriate, high quality data are disseminated on as wide a basis as is practicable.

PURPOSE(S):

NCHS uses the data in detemining how improvements can be made in (1) the content and methodology of its data programs, (2) its data publications, (3) dissemination of health statistics, and (4) meetings or other means for soliciting users' concerns and knowledge sharing.

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

1. The Department occasionally contracts with a private firm for the purpose of conducting surveys or collecting, analyzing, aggregating, otherwise refining, or evaluating data 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.

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. The Department of Health and Human Services (HHS) may disclose information from this system of records to the Department of Justice, or to a court or other tribunal, when

(a) HHS, or any component thereof; or

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

(c) Any HHS employee in his or her individual capacity where the Department of Justice (or HHS, where it is authorized to do so) has agreed to represent the employee; or

(d) The United States or any agency thereof where HHS determines that the litigation is likely to affect HHS or any of its components,

is a party to litigation or has an interest in such litigation, and HHS determines that the use of such records by the Department of Justice, the court or other tribunal is relevant and necessary to the litigation and would help in the effective representation of the governmental party, provided, however, that in each case, HHS determines that such disclosure is compatible with the purpose for which the records were collected.

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

STORAGE:

The information is contained on paper records and/or computer-readable tape.

RETRIEVABILITY:

Information is retrieved by name, and may also be retrievable by unique identifying number, address, specialty, or other identifying characteristics.

SAFEGUARDS:

Measures to prevent unauthorized disclosures are implemented as appropriate for the particular records maintained in each project.

NCHS and its contractors implement personnel, physical, and procedural safeguards such as the following:

(1) Authorized Users: Employees who maintain records in this system are instructed to grant regular access only to authorized contractor personnel, the NCHS project officer, and NCHS employees whose duties require the use of such information. One-time and special access to the data is controlled by the System Manager, the NCHS Project Officer, and the Contract and/or Project Director. Furthermore, all employees of NCHS and contractor personnel with access to NCHS records are required, as a condition of employment, to sign an affidavit binding them to nondisclosure of identifiable individuals' information.

(2) Physical Safeguards: Records are stored in locked files or secured areas. Computer terminals are in secured areas. Computerized files are further protected by the Resources Access Control Facility ("RACF").

(3) Procedural Safeguards: Data stored in computers are accessed through the use of passwords/keywords known only to the principal investigators or authorized personnel. These passwords/keywords are changed frequently.

Contractors who maintain records in this system are instructed to make no further disclosure of the records except as authorized by the system manager and permitted by the Privacy Act. Privacy Act requirements are specifically included in contracts for research activities related to this system. The HHS project directors, contract officers, and project officers oversee compliance with these requirements.

The particular safeguards implemented in each project are developed in accordance with chapter 45–13, "Safeguarding Records Contained in Systems of Records," of the HHS General Administration Manual, supplementary chapter PHS hf. 45–13; Part 6, "ADP Systems Security," of the HHS Information Resources Manual; the National Bureau of Standards Federal Information Processing Standards (FIPS Pub. 41 and FIPS Pub. 31).

RETENTION AND DISPOSAL:

Records are retained for various periods of time depending upon how useful they are considered to be, in accordance with NCHS policy. Some records of users may be maintained indefinitely. Disposal methods include burning or shredding hard copy and erasing computer tapes and disks.

SYSTEM MANAGER AND ADDRESS:

Director, National Center for Health Statistics, Center Building, Room 2–19, 3700 East-West Highway, Hyattsville, MD 20782.

NOTIFICATION PROCEDURE:

To determine if a record exists, write to the System Manager. Information needed consists of name and address of individual.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requestors should also reasonably specify the record contents being sought. Positive indentification is required from anyone seeking access. You may also request an accounting of disclosures that have been made of your record, if any.

CONTESTING RECORD PROCEDURES:

Write to the official at the address specified under notification procedures above, and reasonably identify the record and specify the information being contested, the corrective action sought, and your reasons for requesting the correction, along with supporting information to show how the record is inaccurate, incomplete, untimely, or irrelevant.

RECORD SOURCE CATEGORIES:

Records may be obtained from (1) order forms for publications or public use data tapes, (2) mailing lists, (3) registration forms of meetings, (4) author information in books and journals, (5) reference citations, and (6) reports of colleagues.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09–37–0017

SYSTEM NAME:

Proceedings of the Board for Correction of Public Health Service Commissioned Corps Records, HHS/OASH/OM.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Board for Correction of PHS Commissioned Corps Records, HHS/OASH/OM, Room 17–65, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857; and Washington National Records Center, 4205 Suitland Road, Suitland, Maryland 20409. Records also may be located at the contractor site. The names and addresses of contractors used by the Board for Correction can be obtained from the System Manager.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Commissioned Officers of the PHS Commissioned Corps, and former officers.

CATEGORIES OF RECORDS IN THE SYSTEM:

Commissioned Officer case files consisting of applications requesting corrections of alleged errors or injustices, administrative reports, case summaries, findings, conclusions, recommendations, Board decisions, and related documents, including copies of records from other systems of records as specified under Record Source Categories below.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 1552 "Correction of Military Records"; Public Health Service Act, 42 U.S.C. 213a(a)(12); Executive Order 9397, "Numbering System for Federal Accounts Relating to Individual Persons."

PURPOSES(S):

This system of records in used:

1. To process requests from present or former Commissioned Officers for the correction of alleged errors or injustices resulting from the administration of laws and regulations;

2. To review and adjudicate these requests;

3. To disclose the decisions of the Board for Correction to the Commissioned Personnel Operations Division (CPOD) for appropriate action;

4. To document all actions and activities of the Board of Correction.

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

1. These records may be used 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. The Department of Health and Human Services (HHS) may disclose information from this system of records to the Department of Justice, or to a court or other tribunal, when

(a) HHS, or any component thereof; or

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

(c) Any HHS employee in his or her individual capacity where the Department of Justice (or HHS, where it is authorized to do so) has agreed to represent the employee; or

(d) The United States or any agency thereof where HHS determines that the litigation is likely to affect HHS or any of its components,

is a party to litigation or has an interest in such litigation, and HHS determines that the use of such records by the Department of Justice, the court or other tribunal is relevant and necessary to the litigation and would help in the effective representation of the governmental party, provided, however, that in each case, HHS determines that such disclosure is compatible with the purpose for which the records were collected.

3. These records may be used to disclose pertinent information to appropriate Federal, State, or local agencies; international agencies; or foreign governments responsible for investigating, prosecuting, enforcing, or implementing statutes, rules, regulations, or orders, when PHS becomes aware of evidence of a potential violation of civil or criminal law.

4. Disclosure of information may be made to private contractors who record and transcribe tapes of Board for Correction meetings. Contractors are required to comply with Privacy Act safeguards and the HHS Privacy Act Regulations with respect to such records. These safeguards are explained in the section entitled "Safeguards."

5. Disclosure of information may be made to properly identified attorneys of subject individuals or their personally designated representatives, to court-appointed representatives of mentally incompetent or otherwise legally handicapped subject individuals and to guardians to the extent necessary to assure attainment of rights or payment of benefits to which such individuals would be entitled.

6. Disclosure of information may be made to Federal, State or local government agencies (such as those concerned with disability compensation, health and human services, hospitals, and legal affairs) or to public interest organizations (such as the American Red Cross, the American Civil Liberties Union, Disabled American Veterans, and the Legal Aid Society) when the subject individual's request for correction will affect the individual's entitlement to rights or benefits, and when such agencies may have information which will assist the Board for Correction in clarifying that entitlement.

7. Disclosure of information may be made to authorized experts or consultants in a Federal agency or in the private sector if the Board for Correction has determined that it needs such opinions to arrive at an equitable decision concerning the subject individual's request. Consultants or experts are required to comply with Privacy Act safeguards and the HHS Privacy Act Regulations with respect to such records.

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

STORAGE:

File folders, word processing disks and microfiche.

RETRIEVABILITY:

Alphabetically by name, by service number, and by Social Security Number (SSN).

SAFEGUARDS:

1. *Authorized Users:* The System Manager and/or the Executive Secretary of the Board for Correction, will control access to the data. Additional authorized personnel having access to the data are: (1) The Director, Office of Management; (2) Designated clerical support staff in the offices of the System Manager and the Executive Secretary; (3) Board for Correction members on a need-to-know basis; and (4) Experts, consultants or private contractors when approved by the System Manager.

2. *Physical Safeguards:* Hard-copy records, word processing disks and microfiche are stored in locked metal file cabinet located in an inner office occupied continuously during working hours and locked at all other times. The doors to the inner and outer offices are secured with combination locks. The building has a 24-hour security guard, and entry into the building is controlled before and after normal working hours. A contractor who is given records must maintain the records in a secured area, allow only those individuals immediately involved in the processing of the records to have access to them, prevent any unauthorized persons from gaining access to the records, caution employees about the confidentiality of the records, and return the records to the System Manager immediately upon completion of the work specified in the contract.

3. *Administrative Safeguards:* Authorized personnel have been trained to comply with provisions of the Privacy Act and the HHS Privacy Act Regulations. Records are transmitted in sealed envelopes and are identified as confidential material. When copying records for authorized purposes, care is taken to ensure that no imperfect or extra pages are left in the reproduction room. These pages are disposed of by shredding. Contractor compliance is assured through inclusion of privacy requirements in contract clauses, and through monitoring by contract and project officers. Contractors who maintain records are instructed to make no disclosure of the records except as authorized by the System Manager.

RETENTION AND DISPOSAL:

Records are transferred to the Washington National Records Center (WNRC) one year after CPOD has implemented the Board for Correction's (favorable) decision, or three years after the Board for Correction has denied the applicant's request, whichever applies to the final disposition of a case. Records are destroyed by the WNRC after 20 years by pulping.

SYSTEM MANAGERS AND ADDRESS:

Chairperson, Board for Correction of PHS Commissioned Corps Records, Room 17–51, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857.

NOTIFICATION PROCEDURES:

To determine if a record exists, the subject individual should contact the System Manager at the above address. A subject individual who appears in person is required to provide his/her name and at least one piece of tangible identification (e.g., PHS Commissioned Corps Identification Card, driver's license, Social Security card, or discharge or separation papers). An individual making a written inquiry is required to sign the request mailed to the System Manager. The signature given is compared with the signature on file prior to release of the material requested.

If the subject individual is represented by an attorney, other than the one shown on the application to the Board for Correction, it would be necessary to have in the case file a dated letter signed by the subject individual giving the name of the attorney and stating that he/she has been authorized access to the case file. If the subject individual is represented by another person, it would also be necessary to have in the case file a dated letter signed by the individual giving the name of the representative and stating that he/she has been authorized access to the case file. In both instances, the persons representing the subject individual would be required to present documentation identifying him/herself as being the person mentioned in the application or in a letter on file with the Board for Correction.

If the subject individual is judged to be mentally incompetent to handle his/her personal affairs, a court order should have been issued to that effect. The person identifying him/herself as representing the subject individual in this circumstance would be required to present a copy of the court order and to personally identify him/herself as being the person mentioned in the order.

If the subject individual is physically incapacitated, a medical statement certifying to the physical disability would be required, signed and dated by a licensed physician. The person presenting this statement would be required to personally identify him/herself and provide documentation of his/her relationship to the subject individual (e.g., marriage license, birth certificate, etc.).

If the subject individual is deceased, proof of death would be required, signed and dates by the appropriate certifying agency of Government. The person presenting this document would be required to personally identify him/herself and provide documentation of his/her relationship to the decreased (e.g., marriage license, birth certificate, etc.).

If a determination is made that the material sought contains medical information that is likely to have an adverse effect on either the subject individual or the determination of his/her request, the requester (whether the subject individual, his/her personal representative, an attorney other than the one shown on the application to the Board for Correction, a court appointed representative, or a guardian) shall be asked to designate in writing a physician or other health professional who is willing to review the material and inform the requester of its contents, at the discretion of the health professional. The person designated to evaluate the medical information must provide proof that he/she is duly authorized by the requester to review the material.

RECORD ACCESS PROCEDURE:

Same as Notification Procedures. The requester is required to specify reasonably the contents of the records being sought. Access to records granted exemptions from the Privacy Act access requirements is made at the discretion of the System Manager subject to the appropriate approvals. Denial of access is ultimately appealable to the Assistant Secretary for Health, Room 716G, Hubert H. Humphrey Building, 200 Independence Avenue SW., Washington, D.C. 20201.

The requester may also ask for an accounting of disclosures that have been made of his/her records, if any.

CONTESTING RECORD PROCEDURES:

If access has been granted, the requester shall contact the System Manager above, reasonably identify the records, specify the information being contested, and state the corrective action sought, with supporting documentation to show how the record is inaccurate, incomplete, untimely, or irrelevant.

RECORD SOURCE CATEGORIES:

Records are obtained from applicants: reports of findings and recommendations made by Board for Correction members; Board for Correction decisions; supervisors; private and Government physicians; hospitals and clinics rendering treatment; investigative reports; death certificates and reports of death; survivors and executors of estates; private and Government agency reports of service delivery, compensation, disability and legal opinions; and records contains in systems 09–37–0002, "PHS Commissioned Corps Personnel Records, HHS/OASH/OM"; 09–37–0003, "PHS Commissioned Officer Medical Records, 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"; 09–37–0008, "PHS Commissioned Corps Unofficial Personnel Files and other Station Files, HHS/OASH/OM."

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 86–25458 Filed 11–21–86; 8:45 am]

BILLING CODE 4160–17–M

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: Privacy Act: Annual republication of notices of systems of records.

SUMMARY: ADAMHA is publishing this document to meet the requirements of OMB Circular A–130, Appendix I, "Federal Agency Responsibilities for Maintaining Records about Individuals," 3a(8), which requires that agencies review each system of records annually and publish any minor changes in the **Federal Register** (FR). ADAMHA has reviewed all of its systems and is republishing all except the systems for Saint Elizabeths Hospital.

SUPPLEMENTARY INFORMATION:

ADAMHA last republished all of its systems of records on October 13, 1982; on November 29, 1983, and September 25, 1984, only systems with significant (i.e., not editorial) changes were republished. In 1985 only a listing of systems was published.

ADAMHA is currently republishing all of its headquarters systems. Nineteen systems for Saint Elizabeths Hospital are not being republished since those records will be transferred to the District of Columbia in 1987 in accordance with the Saint Elizabeths Hospital and District of Columbia

Mental Health Services Act, Pub. L. 98–621.

The following information summarizes the current status of all systems of records which ADAMHA maintains:

1. Changes

Changes appearing in this year's publication include, but are not necessarily limited to, the following:

a. Titles, addresses, and room numbers were updated and minor editorial changes make the systems clearer and more accurate.

b. In systems 09–30–0022 and 09–30–0027, routine use numbers 1 and 3 respectively were revised to clarify the types of contractors who may have access to records.

c. In systems 09–30–0020, 09–30–0022, 09–30–0038, and 09–30–0048 the defense litigation routine use has been deleted since these systems are covered by section 523 or 527 of the PHS Act (42 U.S.C. 290dd3 or 290ee3).

d. In system 09–30–0047 the litigation routine use, number 1, has been revised to show use only in defense of the Department.

e. Revisions clarified the Safeguards by reformatting the language, the Notification Procedures and Records Access Procedures by adding additional language, and the Authority through editorial changes.

2. System Notices Deleted

No system notices have been deleted since the publication of the ADAMHA table of contents on October 10, 1985, *FR*, Vol, 50, No. 197, P. 41414.

3. Section 3(b) of the Privacy Act permits the following types of disclosures for which no routine use is required, in addition to those made at the request of the subject individual.

"(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;

"(3) For a routine use as defined in subsection (a)(7) of this section and described under subsection (e)(4)(D) of this section;

"(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;

"(11) Pursuant to the order of a court of competent jurisdiction; or

"(12) To a consumer reporting agency in accordance with section 3(d) of the Federal Claims Collection Act of 1966 (31 U.S.C. 3711(f)."

4. Readers who notice any errors or omissions in 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: November 3, 1986.

Charles A. Coffindaffer,

Deputy Executive Officer, Alcohol, Drug Abuse, and Mental Health Administration.

5. Table of Contents

The following is a list of system notices which ADAMHA currently maintains:

09–30–0004 Intramural Research Program Records of Research Performed on In- and Out-Patients with Various Types of Mental Illness, HSS/ADAMHA/NIMH

*09–30–0005 Saint Elizabeths Hospital Research Subjects Data Records, HHS/ADAMHA/NIMH

*09–30–0006 Saint Elizabeths Hospital Medical Support Programs File Systems, HHS/ADAMHA/NIMH

*09–30–0007 Saint Elizabeths Hospital Clinical Support Services Record System, HHS/ADAMHA/NIMH

*09–30–0008 Saint Elizabeths Hospital Social Services Record System, HHS/ADAMHA/NIMH

*09–30–0009 Saint Elizabeths Hospital Multidisciplinary Raw Data Consultation Files, HHS/ADAMHA/NIMH

*09–30–0010 Saint Elizabeths Hospital Juvenile Education Monitoring System, HHS/ADAMHA/NIMH

*09–30–0011 Saint Elizabeths Hospital Emergency Psychiatric Service Non-Admission File System, HHS/ADAMHA/NIMH

*09–30–0012 Saint Elizabeths Hospital Pre-Service Education Records, HHS/ADAMHA/NIMH

*09–30–0013 Saint Elizabeths Hospital Training Videotape Records, HHS/ADAMHA/NIMH

*09–30–0014 Saint Elizabeths Hospital Financial System, HHS/ADAMHA/NIMH

*09–30–0015 Saint Elizabeths Hospital General Security System, HHS/ADAMHA/NIMH

*09–30–0016 Saint Elizabeths Hospital Patients' Personal Property Record System, HHS/ADAMHA/NIMH

*09–30–0017 Saint Elizabeths Hospital Legal Office Record System, HHS/ADAMHA/NIMH

*09–30–0018 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 Patient Records on PHS Beneficiaries (1935–1974) and Civilly Committed Drug Abusers (1967–1978), 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

*09–30–0026 Saint Elizabeths Hospital Research Project Records, HHS/ADAMHA/NIMH

09–30–0027 Grants and Cooperative Agreements: Research, Research Training, Research Scientist Development, Education, Demonstration, Prevention, Fellowships, Clinical Training, Community Programs, 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 Management Information Reporting System, HHS/ADAMHA/NIMH

09–30–0033 Correspondence Files, HHS/ADAMHA/OA

09–30–0035 Three Mile Island Mental Health Survey Respondents Record, HHS/ADAMHA/NIMH

09–30–0036 Alcohol, Drug Abuse, and Mental Health Epidemiological and Biometric Research Data HHS/ADAMHA/OA

09–30–0037 Psychotherapy of Opiate-Dependent Individuals, HHS/ADAMHA/NIDA

09–30–0038 Subject-Participants in Pharmacokinetic Studies on Drugs of Abuse, HHS/ADAMHA/NIDA

09–30–0039 Drug Abuse Treatment Outcome Prospective Study (TOPS), HHS/ADAMHA/NIDA
09–30–0041 Subject-Participants in Drug Abuse Research Studies Supporting New Drug Applications, HHS/ADAMHA/NIDA
09–30–0043 Shipment Records of Drugs of Abuse of Authorized Researchers, HHS/ADAMHA/NIDA
09–30–0047 Patient Records on Chronic Mentally Ill Merchant Seamen Treatment at Nursing Homes in Lexington, Kentucky (1942 to the Present), HHS/ADAMHA/NIMH
09–30–0048 Intramural Research Program Records of In- and Out-Patients with Various Types of Alcohol Abuse and Dependence, Relatives of Patients with Alcoholism, and Healthy Volunteers, HHS/ADAMHA/NIAAA

*These systems are for Saint Elizabeths Hospital. Since the records are being transferred to the District of Columbia in 1987, they are not being republished below.

09-30-0004

SYSTEM NAME:

Intramural Research Program Records of Research Performed on In- and Out-Patients with Various Types of Mental Illness. HHS/ADAMHA/NIMH.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

National Institutes of Health
9000 Rockville Pike
Bethesda, Maryland 20205 AND
Saint Elizabeths Hospital
Washington, D.C. 20032

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

In- and out-patients 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 U.S.C. 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 a verified inquiry from the congressional office made at the written 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:

Safeguards:

1. Authorized Users: Only authorized medical and research staff have access to these records.

2. Physical Safeguards: Magnetic tapes, files, indexes, and other tapes that contain individually identifiable data are stored in a locked cabinet in a limited access area.

3. Procedural Safeguards: Magnetic data are further protected by special account numbers and passwords.

4. Implementation Guidelines: DHHS Chapter 45-13 and supplementary Chapter PHS.hf: 45-13 of the General Administration Manual, and Part 6, 'ADP System Security' in the HHS ADP Systems Security Manual.

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 10, Room 4N-224
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. Individuals may also request an accounting of disclosures of his/her record, if any.

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, with supporting information to show how the record is inaccurate, incomplete, untimely, or irrelevant.

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.

09-30-0020

SYSTEM NAME:

Patient Records on PHS Beneficiaries (1935-1974) and Civilly Committed Drug Abusers (1967-1978) Treated at the PHS Hospitals in Fort Worth, Texas, or Lexington, Kentucky. HHS/ADAMHA/NIDA.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Addiction Research Center
National Institute on Drug Abuse
Francis Scott Key Medical Center
4940 Eastern Avenue
Baltimore, Maryland 21224

Federal Records Center
1557 St. Joseph Avenue
East Point, Georgia 30344

Washington National Records Center
4205 Suitland Road
Washington, D.C. 20409

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Civilly committed narcotic addicts (1967-1978) and adult PHS beneficiaries (1935-1974) treated at either the PHS hospital in Fort Worth, Texas, or Lexington, Kentucky.

CATEGORIES OF RECORDS IN THE SYSTEM:

Administrative records, such as treatment admission and release dates, name and address, and other demographic data; medical records, such as, but not limited to, medical history information, drug abuse/use data as well as treatment information, any laboratory tests, etc.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Narcotic Addict Rehabilitation Act of 1966, and Narcotic Addict Rehabilitation Amendments of 1971, Titles I and III (42 U.S.C. 3411 et seq. and 28 U.S.C. 2901 et seq.), and Public Health Service Act, Sections 321-326, 341(a) and (c) (42 U.S.C. 248-253, 257(a) and (c)).

PURPOSE(S):

The records were collected originally to monitor the individual's progress while being treated at either of two PHS hospitals and to ensure continuity of that care. These systems are now inactive. The records are used to respond to requests from subject individuals (or his/her designated representative) to (1) establish eligibility for certain Federal benefits for the individual or his/her dependent(s), and (2) provide information to subsequent health care providers at the request of the individual regarding medical treatment received to ensure continuity of care.

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

None

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

STORAGE:

Records at National Institute on Drug Abuse (NIDA) are on microfilm and contain only part of the admission and discharge information. The microfilm is stored in a file cabinet in a locked room. Records sent to Federal Records Center are stored in GSA-approved storage containers.

RETRIEVABILITY:

The administrative records and microfilm are filed by patient name.

The medical records are filed either by patient name or by patient's hospital number with a cross-reference list at NIDA matching number to name.

SAFEGUARDS:

Safeguards:

1. Authorized Users: Only the System Manager and designated staff.

2. Physical Safeguards: The microfilm is in a room which has limited access. The room is located in a building with a 24-hour security patrol/television surveillance system. Sign in and out procedures are used at all times.

3. Procedural Safeguards: Only the System Manager and his/her staff have access to the microfilm information and have been trained in accordance with the Privacy Act.

4. Implementation Guidelines: DHHS Chapter 45-13 and supplementary Chapter PHS.hf: 45-13 of the General Administration Manual.

RETENTION AND DISPOSAL:

All administrative and medical records have been retired to a Federal Records Center. The records collected under the Narcotic Addict Rehabilitation Act of 1966 will be destroyed when they are 25 years old, which will be in 2003 because the last patient was released from treatment in 1978. The PHS beneficiaries' records will be destroyed at the same time. The records will be shredded in 2003 upon written request from the System Manager.

SYSTEM MANAGER(S) AND ADDRESS:

Librarian
Addiction Research Center
National Institute on Drug Abuse
Francis Scott Key Medical Center
4940 Eastern Avenue
Baltimore, Maryland 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 a notarized signature. The request should include, if known: patient hospital record number, full name or any alias used, patient's address during treatment, birth date, veteran status (if applicable) and approximate dates in treatment.

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 individual of its content at the representative's discretion.

RECORD ACCESS PROCEDURES:

Same as Notification Procedures. Requesters should also reasonably specify the record contents being sought. An individual may also request an accounting of disclosures of his/her record, if any.

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, with supporting information to show how the record is inaccurate, incomplete, untimely, or irrelevant.

RECORD SOURCE CATEGORIES:

Patients; patients' drug treatment program counselors; court records; hospital personnel.

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 Research Files, HHS/ADAMHA/NIDA.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

NIDA Addiction Research Center
Francis Scott Key Medical Center - Building C
4940 Eastern Avenue
Baltimore, Maryland 21224

Maryland Medical Laboratories, Inc.
Pathology Building
1901 Silver Spring Road
Baltimore, Maryland 21227

Federal Records Center
1557 St. Joseph Avenue
East Point, Georgia 30344

Washington National Records Center
4205 Suitland Road
Washington, D.C. 20409

Bionetics, Inc.
Francis Scott Key Medical Center - Building C
4940 Eastern Avenue
Baltimore, Maryland 21224

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Volunteers, adult males (from 1968 to present), adult females (beginning in 1985) and adolescents (ages 13-18, beginning in 1985) involved in clinical research projects conducted at the Addiction Research Center (ARC). This system also includes records on adult Federal prisoners involved in research projects at ARC when located at Lexington, Kentucky, from 1968-1976, and some records from system 09-30-0020 to be used for statistical research only.

CATEGORIES OF RECORDS IN THE SYSTEM:

The categories of records involved are administrative, medical and research records.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Public Health Service Act, Section 301(a) (42 U.S.C. 241(a)); Sections 341(a) and 344(d) (42 U.S.C. 257(a) and 260(d)); Sections 503 and 515 (42 U.S.C 290aa-2 and 290cc). These sections authorize the conduct of research in all areas of drug abuse.

PURPOSE(S):

(1) To collect and maintain a data base for research activities at ARC, and (2) to enable Federal drug abuse researchers to evaluate and monitor the subjects' health during participation in a research project. The areas of research include, but are not limited to, biomedical, clinical, behavioral, pharmacological, psychiatric, psychosocial, epidemiological, etiological, statistical, treatment and prevention of narcotic addiction and drug abuse.

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

1. The Alcohol, Drug Abuse, and Mental Health Administration (ADAMHA) uses a contractor to recruit volunteers and to screen these individuals for their acceptability to participate in specific research projects, and limits the contractor's access to the records to these procedures. ADAMHA also uses a contractor to perform routine medical laboratory tests on blood and urine samples. These routine tests verify that the subject is in good health. Both contractors disclose records from this system only to ADAMHA and are 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:

Data may be stored in file folders or on computer disks or magnetic tapes.

RETRIEVABILITY:

Administrative and medical records are indexed and retrieved by the subject's name. Research records are indexed and retrieved by the subject's name and an identification code.

SAFEGUARDS:

Safeguards:

1. Authorized Users: Only authorized ARC staff (Principal Investigator and his/her research team) are allowed access to these files. The contractor staff has access to the files during the recruitment/screening process. The medical laboratory contractor has access only to the blood or urine samples provided them by ARC.

2. Physical Safeguards: Files and file rooms are locked after business hours. Building has controlled entry (sign in and out) at all times with a 24-hour guard/television surveillance system. The computer terminals are in a further secured area.

3. Procedural Safeguards: All users of personal information in connection with the performance of their jobs protect information from unauthorized personnel. Access codes to the research records are available only to the Principal Investigator and his/her research team. Access to the records is strictly limited to those staff members trained in accordance with the Privacy Act. The contractor staff members are required to secure the information in accordance with the Privacy Act. ARC Project Officer and contracting officials will monitor contractor compliance.

4. Implementation Guidelines: DHHS Chapter 45-13 and supplementary Chapter PHS.hf: 45-13 of the General Administration Manual; and Chapter 6-05, 'Risk Management,' under Part 6 in the Department's ADP Systems Security Manual.

In addition, 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 Protection of Identity--Research Subjects Regulations (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 proceeding 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 will be disposed of in accordance with the ADAMHA Records Control Schedule, i.e., when the records are 10 years old or no longer required for administrative or research purposes. The records on individuals who do not qualify for a specific research project are kept for one year by the contractor who then destroys them by shredding.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Research Support Branch
NIDA Addiction Research Center
Francis Scott Key Medical Center - Building C
4940 Eastern Avenue
Baltimore, Maryland 21224

NOTIFICATION PROCEDURE:

To determine if a record exists, write to the System Manager at the address above. Provide a notarized signature is proof of identity. The request should include the patient's register number and/or the number of years of incarceration (for prisoner subjects), full name at time of participation in the research project, date(s) of research participation, and title of research project or name of drug being studied. 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.

A parent or legal guardian who requests notification of an adolescent'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 legal guardian must verify in writing the relationship to the adolescent as well as his/her own identity.

RECORD ACCESS PROCEDURES:

Same as Notification Procedures. Requesters should also reasonably specify the record contents being sought. An individual may also request an accounting of disclosures that have been made of his/her records, if any.

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 and reasons for requesting the correction, along with supporting information to show how the record is inaccurate, incomplete, untimely, or irrelevant.

RECORD SOURCE CATEGORIES:

The individual; observations and medical recordings (such as blood pressure, dosage of compound administered, etc.) made by the Principal Investigator and his/her research team; system of records number 09-30-0020; drug treatment programs; Bureau of Prisons; case workers; psychiatrists; research laboratories; and pharmacies and hospitals. Many of these records are confidential and privileged communication is 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 Building
5600 Fishers Lane
Rockville, Maryland 20857

National Institute on Alcohol Abuse and Alcoholism
Contracts Management Branch
Room 14C-06, Parklawn Building
5600 Fishers Lane
Rockville, Maryland 20857

National Institute of Mental Health
Contracts Management Branch, OPS
Room 18-101, Parklawn Building
5600 Fishers Lane
Rockville, Maryland 20857

Procurement Section
Saint Elizabeths Hospital
Washington, D.C. 20032

Washington National Records Center
4205 Suitland Road
Washington, D.C. 20409

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

An individual who receives a contract as well as individuals who apply or compete for an award but do not receive the award and their 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, Sections 301, 503, 502 and 504) (42 U.S.C. 241, 290aa-2, 290aa-1, and 290-aa3). NIDA: Drug Abuse Prevention, Treatment and Rehabilitation Act, Section 410 (21 U.S.C. 1177). NIAAA: Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970, Section 311 (42 U.S.C. 4577). NIMH: Community Mental Health Centers Act.

PURPOSE(S):

To document the history of each contract procurement action and award made within ADAMHA to an individual. The records are also used by contract review committee members when evaluating a proposal submitted by an individual.

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 a verified inquiry from the congressional office made at the written request of that individual.

2. The Department of Health and Human Services (HHS) may disclose information from this system of records to the Department of Justice, or to a court or other tribunal, when (a) HHS, or any component thereof; or (b) any HHS employee in his or her official capacity; or (c) any HHS employee in his or her individual capacity where the Department of Justice (or HHS, where it is authorized to do so) has agreed to represent the employee; or (d) the United States or any agency thereof where HHS determines that the litigation is likely to affect HHS or any of its components, is a party to litigation or has an interest in such litigation, and HHS determines that the use of such records by the Department of Justice, the court or other tribunal is relevant and necesaary to the litigation and would help in the effective representation of the governmental party, provided

however, that in each case, HHS determines that such disclosure is compatible with the purpose for which the records were collected.

3. A record from this system may be disclosed to the following entities in order to help collect a debt owed the United States:

(a) to another Federal agency so that agency can effect a salary offset;
(b) to another Federal agency so that agency can effect an administrative offset under common law or under 31 U.S.C. 3716 (withholding from money payable to, or held on behalf of, the individual);
(c) to the Treasury Department to request his/her mailing address under I.R.C. 6103(m)(2) in order to locate him/her or in order to have a credit report prepared;
(d) to agents of the Department and to other third parties to help locate him/her in order to help collect or compromise a debt;
(e) to debt collection agents under 31 U.S.C. 3718 or under common law to help collect a debt; and
(f) to the Justice Department for litigation or further administrative action.

Disclosure under part (d) of this routine use is limited to the individual's name, address, Social Security number, and other information necessary to identify him/her. Disclosure under parts (a)-(c) and (e) is limited to those items: the amount, status, and history of the claim; and the agency or program under which the claim arose. An address obtained from IRS may be disclosed to a credit reporting agency under part (d) only for purposes of preparing a commercial credit report on the individual. Part (a) applies to claims or debts arising or payable under the Social Security Act if and only if the employee consents in writing to the offset.

4. ADAMHA may disclose information from its records in this system to consumer reporting agencies in order to obtain credit reports to verify credit worthiness of contract applicants. Permissible disclosures include name, address, Social Security number or other information necessary to identify the individual; the funding being sought; and the program for which the information is being obtained.

5. When a debt becomes partly or wholly uncollectable, either because the time period for collection under the statute of limitations has expired or because the Government agrees with the individual to forgive or compromise the debt, a record from this system of records may be disclosed to the Internal Revenue Service to report the written-off amount as taxable income to the individual.

6. A record from this system may be disclosed to another Federal agency that has asked the Department to effect an administrative offset under common law or under 31 U.S.C. 3716 to help collect a debt owed the United States.

Disclosure under this routine use is limited to: name, address, Social Security number, and other information necessary to identify the individual, information about the money payable to or held for the individual, and other information concerning the administrative offset.

7. ADAMHA may disclose from this system of records to the Department of Treasury, Internal Revenue Service (IRS): (1) A delinquent debtor's name, address, Social Security number, and other information necessary to identify the debtor; (2) the amount of the debt; and (3) the program under which the debt arose, so that IRS can offset against the debt any income tax refunds which may be due to the debtor.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosures pursuant to 5 U.S.C. 522a(b)(12). Disclosures may be made from this system to 'consumer reporting agencies' as defined in the Fair Credit Reporting Act (15 U.S.C. 1681 (F)) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)). The purpose of such disclosures is to provide an incentive for debtors to repay delinquent Federal Government debts by making these debts part of their credit records. Information disclosed will be limited to name, Social Security number, address, other information necessary to establish the identity of the individual, and amount, status, and history of the claim, and the agency or program under which the claim arose. Such disclosures will be made only after the procedural requirements of 31 U.S.C. 3711(f) have been met.

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 individual's name.

SAFEGUARDS:

Safeguards:

1. Authorized Users: Federal contract and support personnel, Federal contract review staff and outside consultants acting as peer reviewers of the project.

2. Physical Safeguards: All folders are in file cabinets in a room that is locked after business hours in a building with controlled entry (picture identification). Files are withdrawn from cabinet for Federal staff who have a need to know by a sign in and out procedure.

3. Procedural Safeguards: Access to records is strictly limited to those staff members trained in accordance with the Privacy Act.

4. Implementation Guidelines: DHHS Chapter 45-13 and supplementary Chapter PHS.hf: 45-13 of the General Administration Manual.

RETENTION AND DISPOSAL:

Records are 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, Maryland 20857

National Institute on Alcohol Abuse and Alcoholism
Chief, Contracts Management Branch
Room 14C-06, Parklawn Building
5600 Fishers Lane
Rockville, Maryland 20857

National Institute of Mental Health
Chief, Contracts Management Branch
Room 18-101, Parklawn Building
5600 Fishers Lane
Rockville, Maryland 20857

Procurement Officer
Saint Elizabeths Hospital
Washington, D.C. 20032

NOTIFICATION PROCEDURE:

To determine if a record exists, write to the appropriate 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, contractor's name, contract number, and approximate date contract was awarded. An individual may also request accounting of disclosures that have been made of his/her record, if any.

RECORD ACCESS PROCEDURES:

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

individual may also request an accounting of disclosures of his/her record, if any.

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under notification procedures above and reasonably identify the record, specify the information being contested, the corrective action sought, along with supporting information to show how the record is inaccurate, incomplete, untimely, or irrelevant.

RECORD SOURCE CATEGORIES:

Contract proposals and supporting contract documents, contract review committees, site visitors.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-30-0027

SYSTEM NAME:

Grants and Cooperative Agreements: Research, Research Training, Research Scientist Development, Education, Demonstration, Prevention, Fellowships, Clinical Training, Community Programs. HHS/ADAMHA/OA.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

National Institute on Drug Abuse
Grants Management Branch
Room 10-25, Parklawn Building
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-23, Parklawn Building
5600 Fishers Lane
Rockville, Maryland 20857

Washington National Records Center
4205 Suitland Road
Washington, D.C. 20409

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, payback records of research training awardees (i.e., recipients under the National Research Services Awards Program), and payback records of clinical training awardees.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Public Health Service Act, Sections 301, 303, 487, 504(f), 504(g), 510, 511, 512, 515(b)(2) and (3), 516 (42 U.S.C. 241, 242a, 288, 290aa-3, 290bb, 290bb-1, 290bb91a, 290cc, 290cc-2); Pub. L. 99-319, Protection and Advocacy of Mentally Ill Individuals Act of 1986; Refugee Assistance Act of 1980, Section 501(c), Pub. L. 96-422; Refugee Assistance - Mental Health, 9 U.S.C.1521 et. seq.; and Mental Health Disaster and Emergency Mental Health Disaster Relief Act of 1974, Section 413, Pub. L. 93-288.

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 for research training under the National Research Service Awards Program (42 U.S.C. 290aa-3 or for clinical training (42 U.S.C. 242a).

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 on specific research projects to the National Technical Information Service (NTIS), Department of Commerce, to contribute to the Smithsonian Science Information Exchange.

2. Disclosure may be made to qualified experts not within the definition of Department employees for opinion during the application review process.

3. Disclosure may be made to ADAMHA contractors for the purpose of providing services related to the grant review or for carrying out quality assessment, program evaluation, and management reviews. Contractors are required to maintain Privacy Act safeguards with respect to the records.

4. 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) or State (e.g., the State's Attorney's Office), 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 for litigation.

5. 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.

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. Disclosure may be made to a congressional office from the record of an individual in response to a verified inquiry from the congressional office made at the written request of that individual.

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

9. A record from this system may be disclosed to the following entities in

order to help collect a debt owed the United States:

(a) to another Federal agency so that agency can effect a salary offset;

(b) to another Federal agency so that agency can effect an administrative offset under common law or under 31 U.S.C. 3716 (withholding from money payable to, or held on behalf of, the individual);

(c) to the Treasury Department to request his/her mailing address under I.R.C. 6103(m)(2) in order to locate him/her or in order to have a credit report prepared;

(d) to agents of the Department and to other third parties to help locate him/her in order to help collect or compromise a debt;

(e) to debt collection agents under 31 U.S.C. 3718 or under common law to help collect a debt; and

(f) to the Justice Department for litigation or further administrative action.

Disclosure under part (d) of this routine use is limited to the individual's name, address, social security number, and other information necessary to identify him/her. Disclosure under parts (a)-(c) and (e) is limited to those items; the amount, status, and history of the claim; and the agency or program under which the claim arose. An address obtained from IRS may be disclosed to a credit reporting agency under part (d) only for purposes of preparing a commercial credit report on the individual. Part (a) applies to claims or debts arising or payable under the Social Security Act if and only if the employee consents in writing to the offset.

10. ADAMHA may disclose information from its records in this system to consumer reporting agencies in order to obtain credit reports to verify credit worthiness of grant/cooperative agreement applicants. Permissible disclosures include name, address, Social Security number or other information necessary to identify the individual; the funding being sought; and the program for which the information is being obtained.

11. When a debt becomes partly or wholly uncollectable, either because the time period for collection under the statute of limitations has expired or because the Government agrees with the individual to forgive or compromise the debt, a record from this system of records may be disclosed to the internal revenue service to report the written-off amount as taxable income to the individual.

12. A record from this system may be disclosed to another Federal agency that has asked the Department to effect an administrative offset under common law or under 31 U.S.C. 3716 to help collect a debt owed the United States.

Disclosure under this routine use is limited to: name, address, Social Security number, and other information necessary to identify the individual, information about the money payable to or held for the individual, and other information concerning the administrative offset.

13. ADAMHA may disclose from this system of records to the Department of Treasury, Internal Revenue Service (IRS): (1) A delinquent debtor's name, address, Social Security number, and other information necessary to identify the debtor; (2) the amount of the debt; and (3) the program under which the debt arose, so that IRS can offset against the debt any income tax refunds which may be due to the debtor.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosures may be made from this system to 'consumer reporting agencies' as defined in the Fair Credit Reporting Act (15 U.S.C. 1681 (f)) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)). The purpose of such disclosures is to provide an incentive for debtors to repay delinquent Federal Government debts by making these debts part of their credit records. Information disclosed will be limited to name, Social Security number, address, other information necessary to establish the identity of the individual, the amount, status, and history of the claim, and the agency or program under which the claim arose. Such disclosures will be made only after the procedural requirements of 31 U.S.C. 3711(f) have been met.

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

STORAGE:

Noncomputerized documents are 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 disk form.

RETRIEVABILITY:

By grant numbers and cross-indexed by name.

SAFEGUARDS:

Safeguards:

1. Authorized Users: Access is limited to the Chief, Grants Management Branch, and staff authorized by him/her: grants specialists, grants technicians, program officials, assigned computer personnel, and possibly contractor staff including the project director and research associates.

2. Physical Safeguards: Records are maintained in a secured area. During normal work hours, area is staffed by authorized personnel who must show identification for entry. At other times, the computer area is locked. Hard copy files are stored in rooms which are locked at night. A 24-hour security guard patrols building.

3. Procedural Safeguards: Computer records are password protected; passwords are changed periodically. Contractors working on computerized records are given passwords to access data only on a need-to-know basis.

4. Implementation Guidelines: DHHS Chapter 45-13 and supplementary Chapter PHS.hf: 45-13 of the General Administration Manual and Part 6, 'ADP System Security' of the ADP Systems Security Manual.

RETENTION AND DISPOSAL:

Records are retired to a Federal Records Center 2 years after termination of support and the completion of final audit.

SYSTEM MANAGER(S) AND ADDRESS:

National Institute on Drug Abuse
Chief, Grants Management Branch, OA
Room 10-25, Parklawn Building
5600 Fishers Lane
Rockville, Maryland 20857

National Institute on Alcohol Abuse and Alcoholism
Chief, Grants Management Branch
Room 16-86, Parklawn Building
5600 Fishers Lane
Rockville, Maryland 20857

National Institute of Mental Health
Chief, Grants Management Branch
Room 7C-23, Parklawn Building
5600 Fishers Lane
Rockville, Maryland 20857

NOTIFICATION PROCEDURE:

To determine if a record exists, write to the appropriate System Manager at the above address. Verifiable proof of identity is 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. An individual may also request an accounting of disclosures of his/her record, if any.

CONTESTING RECORD PROCEDURES:

Contact the appropriate System Manager at the address specified above and reasonably identify the record, specify the information being contested, the corrective action sought, along with

supporting information to show how the record is inaccurate, incomplete, untimely, or irrelevant.

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.

09-30-0029

SYSTEM NAME:

Record of Guest Workers, HHS/ADAMHA/OA.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Alcohol, Drug Abuse, and Mental Health Administration
Division of Personnel Management
Room 15C-18, Parklawn Building
5600 Fishers Lane
Rockville, Maryland 20857

Alcohol, Drug Abuse, and Mental Health Administration
Personnel Office
Room 4C-101, Building 10
9000 Rockville Pike
Bethesda, Maryland 20205

Addiction Research Center
National Institute on Drug Abuse
P.O. Box 5180
Baltimore, Maryland 21224

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:

Public Health Service Act, Section 301, (42 U.S.C. 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 a verified inquiry from the congressional office made at the written request of that individual.

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

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:

Safeguards:

1. Authorized Users: Authorized employees of the Division of Personnel Management and ADAMHA managers and supervisors with legitimate interest in guest worker.

2. Physical Safeguards: Records are stored in locked rooms.

3. Procedural Safeguards: Authorized individuals have been trained in accordance with the Privacy Act.

4. Implementation Guidelines: DHHS Chapter 45-13 and supplementary Chapter PHS.hf: 45-13 of the General Administration Manual.

RETENTION AND DISPOSAL:

Retained for 2 years after completion of visit, then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Director
Division of Personnel Management, ADAMHA
Room 12-95, Parklawn Building
5600 Fishers Lane
Rockville, Maryland 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. An individual may also request an accounting of disclosures of his/her record, if any.

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, with supporting information to show how the record is inaccurate, incomplete, untimely, or irrelevant.

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
Room 15C-18, Parklawn Building
5600 Fishers Lane
Rockville, Maryland 20857

Alcohol, Drug Abuse, and Mental Health Administration

Personnel Office
Room 4C-101, Building 10
9000 Rockville Pike
Bethesda, Maryland 20205

Addiction Research Center
National Institute on Drug Abuse
P.O. Box 5180
Baltimore, Maryland 21224

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:

Public Health Service Act, Sections 301 and 504 (42 U.S.C. 241 and 290aa-1).

PURPOSE(S):

To maintain information concerning their training 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 a verified inquiry from the congressional office made at the written request of that individual.

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

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:

Safeguards:

1. Authorized Users: Access is limited to authorized employees of the Division of Personnel Management and ADAMHA managers and supervisors with a legitimate interest in the individual as a trainee.

2. Physical Safeguards: Records are kept in locked rooms accessible only to authorized employees.

3. Procedural Safeguards: Authorized users have been trained in accordance with the Privacy Act.

4. Implementation Guidelines: DHHS Chapter 45-13 and supplementary Chapter PHS.hf: 45-13 of the General Administration Manual.

RETENTION AND DISPOSAL:

Retained for 2 years after completion of fellowship, then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Director
Division of Personnel Management, ADAMHA
Room 12-95, Parklawn Building
5600 Fishers Lane
Rockville, Maryland 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. An individual may also request an accounting of disclosures of his/her record, if any..

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, with supporting information to show how the record is inaccurate, incomplete, untimely, or irrelevant.

RECORD SOURCE CATEGORIES:

Fellowship applicant.

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, Maryland 20857

Executive Secretariat, National Institute on Drug Abuse
Room 10A-23, Parklawn Building
5600 Fishers Lane
Rockville, Maryland 20857

Executive Secretariat, National Institute on Alcohol Abuse and Alcoholism
Room 16-97, Parklawn Building
5600 Fishers Lane
Rockville, Maryland 20857

Washington National Records Center
4205 Suitland Road
Washington, D.C. 20409

Executive Secretariat, National Institute of Mental Health
Room 17C-25, Parklawn Building
5600 Fishers Lane
Rockville, Maryland 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:

Public Health Service Act, Sections 301, 302, 303 and Title V, Part A and B, (42 U.S.C. 241, 242, 242a, and 290aa-dd).

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 a verified inquiry from the congressional office made at the request of that individual.

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

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 disk.

RETRIEVABILITY:

Hard copy records indexed alphabetically by name and date of outgoing correspondence, by subject, and/or by computerized numerical code. Records are cross-referenced in detail on computer.

SAFEGUARDS:

Safeguards:

1. Authorized Users: Authorized correspondence control staff in each location and managers and supervisors on a need-to-know basis.

2. Physical Safeguards: Records are maintained in file cabinets in a locked, secure location; computer system records are secured through the use of passwords which are changed frequently.

3. Procedural Safeguards: Only authorized personnel have access to files and passwords.

4. Implementation Guidelines: DHHS Chapter 45-13 and supplementary Chapter PHS.hf: 45-13 of the General Administration Manual and Part 6, 'ADP System Security' in the HHS ADP Systems Security Manual.

RETENTION AND DISPOSAL:

Records are retired to the Federal Records Center after 3 years.

SYSTEM MANAGER(S) AND ADDRESS:

Same as location.

NOTIFICATION PROCEDURE:

An individual may learn if a record exists about himself or herself by contacting the applicable System Manager at the address above. Give name and approximate date of records requested. 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. An individual may also request an accounting of disclosures of his/her record, if any.

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, with supporting information to show how the record is inaccurate, incomplete, untimely, or irrelevant.

RECORD SOURCE CATEGORIES:

Records are derived from incoming and outgoing correspondence.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-30-0035

SYSTEM NAME:

Three Mile Island Mental Health Survey Respondents Records. HHS/ADAMHA/NIMH.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Western Psychiatric Institute and Clinic
University of Pittsburgh
Pittsburgh, Pennsylvania 15260

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

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 19, 1979. Control group participants from Beaver County, Pennsylvania, are also included. The research and control groups both consist of workers in nuclear plants, mothers 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:

Public Health Service Act, Section 301 (42 U.S.C. 241).

PURPOSE(S):

The system is created to enable the Government to arrange for followup study at a later date. Such a followup 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 times 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. Followup 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 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 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 relevant 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 a verified 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:

Safeguards:

1. Authorized Users: Contractor or grant personnel whose duties require the use of information in the file for research purposes.

2. Physical Safeguards: Original questionnaires were converted to microfiche, and the questionnaires destroyed by shredding. Two sets of microfiche, including the cross indexes, are being maintained in separate locations. Records are maintained in numerical order by the assigned identification number. An index is also maintained by name and identification number for cross reference. The microfiche are boxed and sealed and are stored in a secured safe and/or vault.

3. Procedural Safeguards: Access to the safe and/or vault in which the microfiche are stored is permitted only if authorized in writing by the Director of Sponsored Research or an authorized university official.

4. Implementation Guidelines: DHHS Chapter 45-13 and supplementary Chapter PHS.hf: 45-13 of the General Administration Manual.

RETENTION AND DISPOSAL:

Retention of microfiche will not exceed 22 years from date of recording. Destruction will be by burning, certified by an authorized unversity official.

SYSTEM MANAGER(S) AND ADDRESS:

Chief
Emergency Services Branch
Division of Education and Service Systems Liaison
National Institute of Mental Health
Room 7C-02, Parklawn Building
5600 Fishers Lane
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. Requesters 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. An individual may also request an accounting of disclosures of his/her record, if any.

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, with supporting information to show how the record is inaccurate, incomplete, untimely, or irrelevant.

RECORD SOURCE CATEGORIES:

Individuals in the system.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-30-0036

SYSTEM NAME:

Alcohol, Drug Abuse, and Mental Health Epidemiologic and Biometric Research Data. HHS/ADAMHA/OA.

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, but are not limited to, research centers, clinics, hospitals, universities, research foundations, national associations, and coordinating centers. Records may also be located at the research facilities of the Division of Biometry and Epidemiology, National Institute on Alcohol Abuse and Alcoholism (NIAAA); the Division of Clinical Research and Division of Epidemiology and Statistical Analysis, National Institute on Drug Abuse (NIDA); and the Division of Biometry and Applied Sciences and the Division of Clinical Research, National Institute of Mental Health (NIMH); and the Finance and Coverage Policy Staff, Office of the Administrator (OA). A current list of sites is available by writing to the appropriate 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 and surveys of mental health and alcohol and drug use/abuse and mental, alcohol, and/or drug abuse disorders. These individuals are selected as representative of the general adult and/or child population or of special groups. Special groups include, but are not limited to, normal individuals serving as controls; clients referred for or receiving medical, mental health, and alcohol and/or drug abuse related treatment and prevention services; providers of 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 who have experienced mental health and/or alcohol, and/or drug abuse disorders, life stresses, or have previous history of mental, alcohol, and/or drug abuse related illness.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system contains data about the individual as relevant to a particular research study. Examples include, but are not limited to, items about the health/mental health and/or alcohol or drug consumption patterns of the individual; demographic data; past and present life experiences; personality characteristics; social functioning; utilization of health/mental health, alcohol, and/or drug abuse services; family history; physiological measures; and characteristics and activities of health/mental health, alcohol abuse, and/or drug abuse care providers.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Public Health Service Act, Section 301 (42 U.S.C. 241, General Research and Investigation Authorities); Public Health Service Act, Sections 301, 302, 303 and Title V, Parts A and B (42 U.S.C. 241, 242, 242(a), and 290 (aa-dd)); Drug Abuse Prevention, Treatment, and Rehabilitation Act, Section 410 (42 U.S.C. 1177); Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act, Section 311 (42 U.S.C 4591).

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 Applied Sciences and the Division of Clinical Research, NIMH, and the Division of Biometry and Epidemiology of NIAAA, the Division of Epidemiology and Statistical Analysis and the Division of Clinical Research, both of NIDA, and the Finance and Coverage Policy Staff, OA. 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, alcohol, and/or drug abuse disorders, their diagnosis, treatment and prevention, and the promotion of good physical and 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. 290 (dd-3), 42 U.S.C. 290 (ee-3), 42 C.F.R. Part 2, and where applicable, no disclosures will be made inconsistent with an authorization of confidentiality under 42 U.S.C. 242a and 42 C.F.R. 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 participation in activities of a Federal Government supported research project).

4. 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 may be stored on index cards, file folders, computer tapes and disks, microfiche, microfilm, and audio and video tapes. 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:

Safeguards:

1. Authorized Users: Access to identifiers and to link files 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, including contractor 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.

2. Physical Safeguards: Records are stored in locked rooms, locked file cabinets, and/or secured computer facilities. Personal identifiers and link files are separated as much as possible and stored in locked files. Computer data access is limited through the use of key words known only to authorized personnel.

3. Procedural Safeguards: Collection and maintenance of data is consistent with legislation and regulations in the protection of human subjects, informed consent, confidentiality, and confidentiality specific to drug and alcohol abuse patients where these apply. When an Institute Division or a contractor provides anonymous data to research scientists for analysis, study numbers which can be matched to personal identifiers will be eliminated, scrambled, or replaced by the agency or contractor with random numbers which cannot be matched. Contractors who maintain records in this system are instructed to make no further disclosure of the records. Privacy Act requirements are specifically included in contracts for survey and research activities related to this system. The HHS project directors, contract officers, and project officers oversee compliance with these requirements.

4. Implementation Guidelines: DHHS Chapter 45-13 and supplementary Chapter PHS.hf: 45-13 of the General Administration Manual and Part 6, 'ADP System Security' of the HHS ADP Systems Security Manual.

RETENTION AND DISPOSAL:

Personal identifiers are retained only as long as they are needed for the purposes of the current research project, and for followup studies generated by the present study. Removal or 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:

The policy coordinating official for this system of records is also the System Manager for NIMH, Division of Clinical Research subsystem.

Director, Division of Biometry and Applied Sciences
National Institute of Mental Health
Room 18C-26, Parklawn Building
5600 Fishers Lane
Rockville, Maryland 20857

Director, Division of Clinical Research
National Institute of Mental Health
Room 10-105, Parklawn Building
5600 Fishers Lane
Rockville, Maryland 20857

Director, Division of Biometry and Epidemiology
National Institute on Alcohol Abuse and Alcoholism
Room 14C-26, Parklawn Building
5600 Fishers Lane
Rockville, Maryland 20857

Director, Division of Clinical Research
National Institute on Drug Abuse
Room 10A-38, Parklawn Building
5600 Fishers Lane
Rockville, Maryland 20857

Director, Division of Epidemiology and Statistical Analysis
National Institute on Drug Abuse
Room 11A-55, Parklawn Building
5600 Fishers Lane
Rockville, Maryland 20857

Finance and Coverage Policy Staff
Office of the Administrator
Room 13C-06, Parklawn Building
5600 Fishers Lane
Rockville, Maryland 20857

NOTIFICATION PROCEDURE:

To determine if a record exists, write to the appropriate 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 may also request an accounting of disclosures of his/her record, if any.

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 appropriate official at the address specified under System Manager(s) above and reasonably identify the record, specify the information being contested, and state corrective action sought, with supporting information to show how the record is inaccurate, incomplete, untimely, or irrelevant.

RECORD SOURCE CATEGORIES:

The system contains information obtained directly from the subject individual 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, mental health, alcohol, and/or drug abuse care providers; relatives; guardians; and clinical medical research records.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

one.

09-30-0037

SYSTEM NAME:

Psychotherapy of Opiate-Dependent Individual. HHS/ADAMHA/NIDA.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Drug Dependence Treatment and Research Center
Philadelphia Veterans Administration Hospital (116D)
University of Pennsylvania
39th Street and Woodland Avenue
Philadelphia, Pennsylvania 19104

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Research subjects are adult clients admitted to a participating drug abuse treatment program offered by and located in the Philadelphia Veterans Administration Hospital, between September 30, 1977, and September 29, 1981.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name and address of study subjects and their responses to interview instruments and tests in the following areas: Sociodemographic characteristics; and psychiatric diagnosis; symptom, social functioning, and personality measures. Information on the drug abuse treatment and psychotherapy provided, and therapists' evaluations, are also included.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Drug Abuse Prevention, Treatment and Rehabilitation Act (1972), Section 410 (21 U.S.C. 1177); Public Health Act, Sections 301 and 515 (42 U.S.C. 241 and 290cc).

PURPOSE(S):

The system was created to provide a data base to be used by NIDA for research leading to a better knowledge and understanding of the psychiatric status of opiate-dependent individuals and to determine the efficacy of psychotherapy as part of a treatment program for such individuals. We do not anticipate any disclosure of individually identifiable information to other persons or organizations within the Department of Health and Human Services. Should a request for disclosure occur within the Department, such as provided by Section 3(b) of the Privacy Act, disclosure would not be permitted except in accordance with confidentiality regulations.

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, (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.

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

STORAGE:

Records are maintained on interview forms, audiotapes, keypunch cards, magnetic tapes, and disks.

RETRIEVABILITY:

Research records and locational information for followup are maintained in numerical order by assigned client number. A list is also maintained by name and assigned client number for cross reference.

SAFEGUARDS:

1. Authorized Users: Federal Project Officer and staff (administrative assistant secretary) and contract staff designated on the negotiated contract to work as part of the contract staff. These persons could be, but not limited to, Project Director, and his/her assistants and secretary. All contract staff are required to maintain all Privacy Act safeguards requirements.

2. Physical Safeguards: Records are stored in files that are locked in a room that is locked after hours. The building has controlled entry (i.e., picture identification and/or sign in and out procedures). The computerized information is password protected and the passwords are changed periodically.

3. Procedural Safeguards: An authorization under Section 303(a) of the Public Health Service Act as amended (42 U.S.C. 242a(a), implemented by confidentiality regulations (42 CFR Part 2a), has been issued to the contractor to assure that the contractor may not be compelled in any legal proceeding to identify the research subjects. In addition, these records are subject to the protective restrictions of the Confidentiality of Alcohol and Drug Abuse Patient Records Regulations (42 CFR 2.56).

Project documentation, including cross-reference list, completed interview forms, audiotapes, and computerized data files, is maintained under strict controls in a secure room at the contractors' facilities to ensure data integrity and confidentiality. The list, interview forms and audiotapes are stored in a locked and secure work space until data is entered on magnetic media and verified. The forms and cross-reference list are destroyed by burning or shredding, and audiotapes are erased when the connection to the individual is no longer necessary in the analysis of the data. The analysis is now in progress (1986) and is expected to be completed in approximately 5 years (1991). After study source documents are disposed of, no connection can be made between computer file data and the individual. Magnetic tapes and disks are kept in a vault area. During all stages of processing and storage, senior project personnel control access to and removal and replacement of all documents from specified working and storage areas. Access is permitted only upon the written authority of the Principal Investigator or Co-Principal Investigators. The contractor has developed an extensive computer facilities security system which is used by programmers to protect computer account codes and data from access by unauthorized users.

4. Implementation Guidelines: DHHS Chapter 45-13 and supplementary Chapter PHS.hf: 45-13 of the General Administration Manual, and Part 6, 'ADP System Security' in the HHS ADP Systems Security Manual.

RETENTION AND DISPOSAL:

After all data collection and processing are completed (which is anticipated to be no more than five years after the analysis of the data is completed), the NIDA project officer will authorize, in writing, the destruction of the personal identifiers and source documents unless the information is needed for research purposes.

SYSTEM MANAGER(S) AND ADDRESS:

Project Officer, Psychotherapy of Opiate-Dependent Individuals
Technology Transfer Branch
Division of Prevention and Communications
National Institute on Drug Abuse
Room 10A-37, 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 request should include, if known: name of the researcher, name of the study, location of the research site, approximate date of data collection, any alias used by individual, and assigned client number.

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. An individual may also request an accounting of disclosures of his/her record, if any.

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, with supporting information to show how the record is inaccurate, incomplete, untimely, or irrelevant.

RECORD SOURCE CATEGORIES:

Research subjects, drug treatment programs, clinical evaluators, counselors, psychiatrists, psychotherapists, family members, research assistants, pharmacies, hospitals.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-30-0038

SYSTEM NAME:

Subject-Participants in Pharmacokinetic Studies on Drugs of Abuse. HHS/ADAMHA/NIDA.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Department of Psychiatry
School of Medicine
University of North Carolina
Chapel Hill, North Carolina 27514

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Normal, healthy adults who voluntarily participate in studies on the pharmacokinetics of drugs of abuse, at the University of North Carolina, during the period November 1979 through September 1984.

CATEGORIES OF RECORDS IN THE SYSTEM:

Research records on each subject-participant contain the following information: name; clinician's records including medical history, laboratory test results, physical examinations, psychological profile, and drug use profile; drug study data including records of drugs administered, exposures to radioactivity, and drug reactions; and date of study in which the subject participated.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Public Health Service Act, Sections 301(a), 503 and 515 (42 U.S.C. 241(a), 290aa-2 and 290cc).

PURPOSE(S):

The primary purpose of this system is to support research on the pharmacokinetics of drugs of abuse. The term 'pharmacokinetics' refers to the manner in which the human body processes a drug.

The clinical investigator used data of a medical nature that is contained in the system to make determinations regarding drug dosages and/or radiochemical exposures appropriate to the individual human subject-participants, in order to preserve and protect the health of each. The system also provides baseline data for studying the drug effects.

The Food and Drug Administration (FDA) also may use the records in routine inspections FDA conducts in accordance with its responsibilities to develop standards on the composition, quality, safety, and efficacy of drugs administered to humans, and to monitor experimental usage of drugs.

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

1. We may disclose to a congressional office the record of an individual in response to a verified inquiry from the congressional office made at the written request of the individual.

2. The School of Medicine of the University of North Carolina, an ADAMHA contractor, uses the records in this system to accomplish the research purpose for which the records are collected. 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:

The contractor maintains the records on paper in file folders.

RETRIEVABILITY:

The contractor indexes and retrieves the records by the subject-participant's name.

SAFEGUARDS:

1. Authorized Users: Only the contract Project Director and his/her research team and the Federal Project Officer and his/her support staff have access to these records.

2. Physical Safeguards: The contractor keeps all records in a locked metal file cabinet in premises with limited accessibility. Only the clinical investigator (Project Director) has the key to the locked files.

3. Procedural Safeguards: Only the contract staff have access to the files. Persons other than subject participants who request individually identifiable data from a record, must provide written consent from the subject participant permitting the requested disclosure. The only exception would be for disclosure to persons or organizations permitted by the Privacy Act, Section 3(B) to obtain personally identifiable data.

4. Implementation Guidelines: DHHS Chapter 45-13 and supplementary Chapter PHS.hf: 45-13 of the General Administration Manual. In addition, the contract staff complies with contractor's (School of Medicine of the University of North Carolina) standard procedures for safeguarding data.

RETENTION AND DISPOSAL:

The records will be kept no later than September 1989 (5 years after the anticipated completion of the studies). At that time, the NIDA project officer will authorize in writing the clinical investigators to destroy the records by shredding or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Project Officer
Pharmacokinetic Studies on Drugs of Abuse (Contract No. 271-80-3705)
Division of Preclinical Research
National Institute on Drug Abuse
Alcohol, Drug Abuse, and Mental Health Administration
Room 10A-19, Parklawn Building
5600 Fishers Lane
Rockville, Maryland 20857

NOTIFICATION PROCEDURE:

To determine if a record exists, an individual should provide a written request with a notarized signature to:
Research Physician for NIDA's Contract No. 271-80-3705
Pharmacokinetic Studies on Drugs of Abuse
School of Medicine
University of North Carolina
Chapel Hill, North Carolina 27514

Provide the following information: Subject-participant's full name and a letter of request (or permission, if the requester is not the subject-participant) with notarized signature of the individual who is the subject of the record, approximate date(s) of experiment(s) in which the individual participated, and drug name (if known). 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 content at the representative's discretion.

RECORD ACCESS PROCEDURES:

Same as Notification Procedures. Requesters should also reasonably specify the record contents being sought. An individual may also request an accounting of disclosures of his/her record, if any.

CONTESTING RECORD PROCEDURES:

Contact the System Manager at the address above and reasonably identify the record, specify the information to be contested, the corrective action sought, with supporting information to show how the record is inaccurate, incomplete, untimely, or irrelevant.

RECORD SOURCE CATEGORIES:

The subject-participants and the contractor personnel conducting the research studies.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-30-0039

SYSTEM NAME:

Drug Abuse Treatment Outcome Prospective Study (TOPS). HHS/ADAMHA/NIDA.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Computer Applications Center
Research Triangle Institute
Box 12194
Research Triangle Park, North Carolina 27709

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Voluntary adult clients of federally funded treatment programs, including Treatment Alternative Street Crime (TASC) programs of the Department of Justice, who have requested to be included in TOPS. Data collection began in 1979 and will continue through 1986.

CATEGORIES OF RECORDS IN THE SYSTEM:

The categories are: demographic data, treatment outcome data, treatment process data, client locator information, and personal identifiers (name and assigned numerical identifier).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Public Health Service Act, Sections 301(a), 503 and 515 (42 U.S.C. 241(a), 290aa-2 and 290cc).

PURPOSE(S):

The purpose of the system is to compile information on drug abusers who obtain treatment in Federally funded drug abuse treatment programs in order to derive information on the effectiveness of treatment environments and abusers' behavior and characteristics subsequent to treatment. Researchers and drug abuse service providers may use the aggregate data to address issues and generate hypotheses to understand better the interactions among the client, clinic, and community.

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

1. Within the restrictions set forth in HHS regulations concerning the confidentiality of drug abuse patient records (42 CFR 2.56), we may disclose a record 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.

2. The Research Triangle Institute, an ADAMHA contractor, uses the records in this system to accomplish the research purpose for which the records are collected. In the event of followup studies or continuation studies because the contract has been terminated for convenience by the Government, we may disclose records in this system to a subsequent ADAMHA contractor. We would require the new contractor 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:

Interview forms, magnetic tapes, and disks.

RETRIEVABILITY:

Records are indexed and retrieved by name and unique numerical identifier. In order to relate the data collected to specific individuals, one must use the link file discussed under Safeguards.

SAFEGUARDS:

1. Authorized Users: Contractor personnel, the agency project officer, and agency employees whose duties require the use of the information in the system.

2. Physical Safeguards: The data management task leader, the project leader, or the project director provide technical supervision of all data collection and processing activities. Individually identified forms are stored in a secure, vault-like room provided for this purpose. Authorized personnel have access to the room by one locked door with controlled entry, i.e., only on the written authority of the professional staff member in charge. Computerized records are kept in a vault area with limited accession.

3. Procedural Safeguards: Because some of the data collected in this study, such as data on drug use, are sensitive and confidential, special safeguards have been established. A Certificate of Confidentiality has been issued under 42 CFR Part 2a. 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 the 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 proceedings 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.'

Another safeguard is that the forms containing subject identification information for client followup and data matching purposes do not include any reference to the purpose of the study. Identification and location information is kept separate from any information that would suggest that the respondent has been in a drug treatment program.

Information on completed forms is entered immediately on the computer. Completed forms and computerized data are released only to authorized persons. Only aggregate data are provided and used in the preparation of necessary and appropriate reports.

A link file system is used. This system has three components: (1) Personal information, (2) data base information, and (3) the link file, which contains identifying number pairs which can be used to match data with individuals. The advantage of this system is that the data base can be used directly for report generation, etc., without the use of decrypting subroutines or access to the personal information or matching link files.

In addition, the computer center being utilized has developed an extensive security system to protect computer account codes and data. This system is described in a publication that is available from the System Manager upon request.

We do not anticipate any disclosure of individually identifiable information to other persons or organizations within the Department of Health and Human Services. Nor does the contractor provide individually identification information to the Department of Justice, with which NIDA has a cooperative agreement for this study.

4. Implementation Guidelines: We used the National Bureau of Standards guidelines and Part 6, HHS ADP Systems Security Manual, 'ADP System Security' in developing the computer safeguard procedures. Safeguards for nonautomated records are in accordance with DHHS Chapter 45-13 and supplementary Chapter PHS.hf: 45-13 of the General Administration Manual. In addition, project staff complies with the contractor's (Research Triangle Institute) standard procedures for safeguarding data.

The contractor provides only aggregate information to NIDA.

RETENTION AND DISPOSAL:

The contractor destroys interview forms by shredding or burning immediately after contractor staff have completed and verified direct entry on magnetic tape or disk storage. The contractor will destroy individual identification and location data by shredding or burning, under the explicit written authorization of the System Manager, which is anticipated to be no longer than 5 years after the termination of the study unless the information is needed for research purposes. We will retain aggregate data tapes for research purposes. These tapes will not have any individually identifiable information. In accordance with the ADAMHA Records Control Schedule, these tapes will be retained for 5 years after completion of the project. At that time, the tapes will be retired to the Federal Records Center and destroyed when they are 10 years old or when they are no longer needed for research purposes.

SYSTEM MANAGER(S) AND ADDRESS:

Treatment Outcome Prospective Study (TOPS)
Chief, Clinical Medicine Branch
Division of Clinical Research
National Institute on Drug Abuse
Alcohol, Drug Abuse, and Mental Health Administration
Room 10A-08, 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/herself upon written request, with notarized signature. The request should include, if known, name of the researcher, location of the research site, approximate date of data collection, any alias used, and subject identification number.

An individual who requests notification of 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.

RECORD ACCESS PROCEDURES:

Same as Notification Procedures. Requesters should also reasonably specify the record contents being sought. An individual may also request an accounting of disclosures of his/her record, if any.

Persons other than subject individuals, who request individually identifiable data from a record must provide written consent from the subject individual permitting the requested disclosure. The only exception (if not in conflict with confidentiality regulations) would be for disclosure to persons or organizations permitted by the Privacy Act, Section 3(b), to obtain personally identifiable data.

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under Notification Procedures above and reasonably identify the record, specify the information being contested, the corrective action sought, with supporting information to show how the record is inaccurate, incomplete, untimely, or irrelevant.

RECORD SOURCE CATEGORIES:

Research subjects, and staff in participating drug abuse treatment programs, written clinical evaluations, counselors, psychiatrists, psychotherapists, family members, research assistants, hospitals.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-30-0041

SYSTEM NAME:

Subject-Participants in Drug Abuse Research Studies Supporting New Drug Applications. HHS/ADAMHA/NIDA.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

LAAM: Dixon and Williams Pharmaceutical
43 Old Woods Road
Bernardville, New Jersey 07924
Addiction Research Center
National Institute on Drug Abuse
Francis Scott Key Medical Center
4940 Eastern Avenue
Baltimore, Maryland 21224

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Voluntary adult clients of federally funded and other drug abuse treatment programs who have requested to receive naltrexone or levo-alpha acetylmethadol (LAAM) as part of their treatment. Data collection for LAAM began in 1975 and continued through September 1979; and, for naltrexone began in 1977 and continued through June 1984.

CATEGORIES OF RECORDS IN THE SYSTEM:

Demographic data, treatment outcome data, treatment process data, client locator information, and personal identifiers (name and assigned numerical identifier).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Public Health Service Act, Sections 301(a), 303, 503, and 515 (42 U.S.C. 241(a), 242a, 290aa-2 and 290cc).

PURPOSE(S):

1. To maintain information on the effectiveness of drugs with abuse potential in various treatment environments and modalities and changes in the behavior and characteristics of drug abusers who received these substances as part of their treatment regimen.

2. To provide data required by the Food and Drug Administration (FDA) to support new drug applications for various drugs with abuse potential. A new drug application is a notice to FDA that a pharmaceutical company believes they have enough data to demonstrate the safety and efficacy of a substance to satisfy FDA for marketing the substance. FDA may also use the records in routine inspections. FDA conducts in accordance with its responsibilities to develop standards on the composition, quality, safety and efficacy of drugs administered to humans, and to monitor experimental usage of drugs.

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

ADAMHA contractor(s) use the records in the system in order to accomplish the research and development purposes for which the records were collected. In the event of a followup study or continuation study, the responsible project officer may disclose records in this system to a subsequent ADAMHA contractor(s). Any new contractor(s) is and would be required to maintain Privacy Act safeguards with respect to such records and to comply with the confidentiality restrictions of 42 CFR Part 2.

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

STORAGE:

Interview forms, magnetic tapes, disks and microfiche in boxes in closed cabinets in a locked room with limited accessibility.

RETRIEVABILITY:

The records are indexed and retrieved by subject-participant's name and unique numerical identifier. In order to relate the data collected to specific individuals, however, one must use the link file discussed under safeguards.

SAFEGUARDS:

1. Authorized Users: For the naltrexone study, the System Manager or Federal Project Officer and only authorized contract staff have access to the records (computerized and hard copy files) in the system. The contractor provides only aggregate data in reports to NIDA, FDA, or the public. Only the NIDA personnel mentioned previously and selected authorized contract staff have access to the stored LAAM records.

A certificate of confidentiality has been issued to researchers conducting the naltrexone study under 42 CFR, Part 2, Protection of Identity--Research Subjects. 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 the 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 proceedings to identify such individuals. The LAAM study was not conducted under a certificate of confidentiality. These regulations do not prohibit voluntary disclosure by the researcher. However, the records of both studies also 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 of in response to any legal process whether Federal or State.'

The contractor's institutional review board reviewed and approved the safeguards described above in accordance with 45 CFR Part 46 on the Protection of Human Subjects.

2. Physical Safeguards: For the naltrexone records, the contractor(s) stored individually identified forms in a locked room with controlled entry. The contractor staff entered the collected information onto computer tape or disks as soon after contact with the subject-participant as possible, and NIDA now stores the computerized records in a secured area with access limited as above.

For the LAAM records, NIDA stores the individually identified forms in a lockable cabinet in a secure room. Only authorized NIDA personnel, i.e., Addiction Research Center professional staff (research psychologist or medical officer) and their support staff (program assistant, clerk-typist, or secretary) have access to the room with controlled entry. The room is in a building which has a 24-hour guard/television surveillance system and has controlled entry (picture identification sign in and out procedures) at all times.

Another safeguard for both studies is that the forms containing subject identification information do not include any reference to the purpose of the study. The identification information is separate from any information that would suggest that the respondent is or has been in a drug abuse treatment program. In addition, the computer center being utilized for naltrexone has developed an extensive security system to protect computer account codes and data.

3. Procedural Safeguards: Access to the computerized records of the naltrexone study is protected by a computerized password routine which is changed periodically. In addition, the project staff complies with the contractor's standard procedures for safeguarding data. The link file system that identifies individuals with personal data has three components: (1) Identification information, (2) data base information, and (3) the link file, which contains identifying number pairs which match data with individuals. The advantage of this system is that one may use the baseline data directly for report generation, etc., without using the subroutines or accessing the personal information or link files.

4. Implementation Guidelines: DHHS Chapter 45-13 and supplementary Chapter PHS.hf: 45-13 of the General Administration Manual and Part 6, 'ADP System Security' in the HHS ADP Systems Security Manual.

RETENTION AND DISPOSAL:

The naltrexone ARC staff will destroy identifiable information by shredding or burning when it is no longer needed for analysis or research purposes; then the tapes will be erased. NIDA will destroy individual identification and match-up information by shredding or burning 5 years after FDA completes the review and approves the new drug applications.

NIDA will retain the aggregate data tapes from both studies for research purposes. These tapes will not have any

individually identifiable information. In accordance with the FDA regulations governing new drug applications, the aggregate tapes will be retained for 5 years after FDA approves the new drug applications. At that time, the tapes will be retired to the Federal Records Center and destroyed when they are 5 years old or when they are no longer needed for research purposes.

SYSTEM MANAGER(S) AND ADDRESS:

Project Officer, Naltrexone Study
Addiction Research Center
National Institute on Drug Abuse
Francis Scott Key Medical Center
4940 Eastern Avenue
Baltimore, Maryland 21224
Project Officer, LAAM Records
Addiction Research Center
National Institute on Drug Abuse
Francis Scott Key Medical Center
4940 Eastern Avenue
Baltimore, Maryland 21224

NOTIFICATION PROCEDURE:

An individual may determine 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, to the appropriate system manager at the address above. The following information should be included, if known: subject-participant's full name and a letter of request with notarized signature of the subject-participant of the record, any alias used, subject-participant's identification number, name of the researcher, name of clinic or research center, name of substance, and approximate date of study participation.

An individual who requests notification of a medical record must, 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. An individual may also request an accounting of disclosures of his/her record, if any.

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under notification procedures above and reasonably identify the record, specify the information being contested, the corrective action sought, with supporting information to show how the record is inaccurate, incomplete, untimely, or irrelevant.

RECORD SOURCE CATEGORIES:

Research subject-participants, staff in the participating drug abuse treatment programs, written clinical evaluations, private physicians, counselors, psychiatrists, psychotherapists, family members, research assistants, and hospital records.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-30-0043

SYSTEM NAME:

Shipment Records of Drugs of Abuse to Authorized Researchers. HHS/ADAMHA/NIDA.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Research Technology Branch
Division of Preclinical Research
National Institute on Drug Abuse
Room 10A-19, Parklawn Building
5600 Fishers Lane
Rockville, Maryland 20857
Research Triangle Institute
Research Triangle Park, North Carolina 27709

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individual researchers and organizations who are registered with the Drug Enforcement Administration (DEA), Department of Justice (DOJ), some since 1966, and who have voluntarily submitted documentation to the National Institute on Drug Abuse (NIDA) in order to obtain, through the NIDA Drug Supply Program (DSP), drugs of abuse for use in a research project.

CATEGORIES OF RECORDS IN THE SYSTEM:

While the records in this system are research project-related, they support the eligibility of individual researchers to receive drugs of abuse. Types of information contained in the records are: Researcher's name, curriculum vitae, research protocol, DEA and (if applicable) Nuclear Regulatory Commission registration numbers (when a radiolabeled compound is requested and shipped), business address (location of research project) and telephone number, summary of research project(s), requests for substance(s), name and amount of each compound requested and shipped, dates material is shipped and received, shipment numbers, and order form numbers.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Public Health Service Act, Sections 301(a), 503 and 515 (42 U.S.C. 241(a), 290aa-2, and 290cc); Controlled Substances Act of 1970 (21 U.S.C. 801 et seq.); Atomic Energy Act of 1954, as amended, Section 81 (42 U.S.C 2111); and Energy Reorganization Act of 1974, Section 201 (42 U.S.C. 5841). Energy Reorganization Act of 1974, Section 201 (42 U.S.C. 5841).

PURPOSE(S):

To facilitate operation of DSP which is a centralized research support service through which the United States Government supplies to the national and international scientific community for research purposes, most Schedule I and many Schedule II-V controlled and noncontrolled substances as specified in the Controlled Substances Act (CSA) of 1970 (21 U.S.C. 801 et seq.). Controlled substances are chemicals and other substances, and their immediate precursors, that the Attorney General has determined to have such potential for abuse as to warrant regulation under the CSA. Some of these substances are radiolabeled materials. Radiolabeled materials are substances to which a small amount of radioactivity is added for use in various studies, such as drug metabolism and mechanisms of drug actions.

This system of records was established to facilitate DSP by enabling NIDA:

1. To verify that requests for drugs of abuse, some of which are radiolabeled, are from authorized individuals/organizations for use in a research project;

2. To verify that the amounts of the materials requested by researchers for animal, in vivo, and in vitro research are justified and available;

3. To supply controlled substances in amounts approved by the Food and Drug Administration (FDA) to researchers conducting research with human subjects;

4. To ship these materials securely in accordance with CSA and the Atomic Energy Act; and

5. To maintain records of these transactions.

FDA also may use the records in routine inspections in accordance with FDA's responsibilities to develop standards on the composition, safety, and efficacy of drugs administered to humans, and to monitor experimental usage of drugs.

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

1. We may disclose the record of an individual to a congressional office in response to a verified inquiry from the

congressional office made at the written request of the individual.

2. We may disclose information to DEA, DOJ, to enable DEA to carry out its responsibilities as described in the Controlled Substances Act of 1970.

3. An ADAMHA contractor routinely uses the records in this system to ship controlled substances to authorized recipients. Such contractor is required to maintain Privacy Act safeguards with respect to these records.

4. An ADAMHA contractor may have access to the records in this system in the performance of its software modification/correction tasks specified in its contract. Such contractor is required to maintain Privacy Act safeguards with respect to these records.

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

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

STORAGE:

NIDA maintains 'hard copy' records in file folders and automated records on computer disk.

RETRIEVABILITY:

Authorized NIDA and contractor personnel index and retrieve the computerized records by a researcher code number assigned by a computer program at the time a new record is established. Authorized NIDA personnel index and retrieve 'hard copy' records by researcher's name. NIDA maintains a computerized, alphabetical cross-reference list that matches names and numbers.

SAFEGUARDS:

1. Authorized Users: The Chief, Research Technology Branch and his or her support staff, program assistant and clerk-typist, and the contracts' project directors and their support staffs have access to the records.

2. Physical Safeguards: The 'hard copy' records and main computer are physically located at the Parklawn Building, Rockville, Maryland. The computerized records are kept in a room with limited admittance. The room is locked after working hours. The 'hard copy' records are stored in locked file cabinets in a room with very limited admittance. This room is also locked after working hours. The Parklawn Building has a 24-hour guard patrol service.

3. Procedural Safeguards: The terminals are housed in a secured work area with limited admittance. Contract personnel use a password identification system to obtain access; NIDA changes the passwords periodically.

4. Implementation Guidelines: DHHS Chapter 45-13 and supplementary Chapter PHS.hf: 45-13 of the General Administration Manual, and Part 6, 'ADP System Security,' in the HHS ADP Systems Security Manual.

RETENTION AND DISPOSAL:

NIDA maintains an individual's record for 5 years after the researcher's last request for, or shipment of, a drug of abuse. We consider the record inactive after that, and erase it from the computer disk by a delete routine. The delete routine automatically deletes the computerized cross-reference as well. We destroy the 'hard copy' record by shredding. The system is checked once a year for inactive records.

SYSTEM MANAGER(S) AND ADDRESS:

Project Director, Drug Supply Program
Research Technology Branch
Division of Preclinical Research
Room 10A-19, 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. The request should include the researcher's name and business address at the time of last shipment. The request must be signed in ink by the individual researcher. Verifiable proof of identity is required.

RECORD ACCESS PROCEDURES:

Same as Notification Procedures. Requesters should also reasonably specify the record contents being sought. An individual may also request an accounting of disclosures of his/her record, if any.

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under Notification Procedures above and reasonably identify the record, specify the information being contested, the corrective action sought, with supporting information to show how the record is inaccurate, incomplete, untimely, or irrelevant.

RECORD SOURCE CATEGORIES:

Initial source is the individual researcher. Some of the DEA registration information provided by a researcher is verified through a DEA computer check. FDA provides information concerning type and amount of controlled substance(s) to be shipped to an individual researcher for research projects involving human subjects.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-30-0047

SYSTEM NAME:

Patient Records on Chronic Mentally Ill Merchant Seamen Treated at Nursing Homes in Lexington, Kentucky (1942 to the Present). HHS/ADAMHA/NIMH.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

CONTRACTOR: Commonwealth of Kentucky, Department of Mental Health/Mental Retardation, Mental Health Branch, Cabinet for Human Resources, 275 E. Main Street, Frankfort, Kentucky 40621. SUBCONTRACTORS: Homestead Nursing Center, Inc., 1608 Versailles Road, Lexington, Kentucky 40505.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Chronic mentally ill former merchant seamen originally treated at PHS Hospitals in Fort Worth, Texas, and Lexington, Kentucky, and now in nursing homes in Lexington, Kentucky (1942 to the present).

CATEGORIES OF RECORDS IN THE SYSTEM:

Administrative records, such as admission and release dates; name, address, Social Security number, and other demographic data; medical records, such as, but not limited to, psychological, medical and social evaluations as well as treatment information, any laboratory test, etc.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Executive Order 9079 (1942) authorizes the care and treatment of these individuals.

PURPOSE(S):

The records are used to facilitate patient care, to monitor progress, and to ensure quality and continuity of care.

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

1. 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.

2. Disclosure may be made to National Institute of Mental Health (NIMH) contractors and subcontractors, including nursing home staff, for the purpose of carrying out and maintaining quality care. Contractors maintain, and are also required to ensure that the subcontractors maintain, Privacy Act safeguards with respect to the records.

3. Disclosure may also 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 or his legally authorized representative.

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

STORAGE:

Hard copy files stored in locked file cabinets in the State office. In the nursing homes records are hard copy maintained at nursing stations.

RETRIEVABILITY:

The records are retrieved by patient name.

SAFEGUARDS:

1. Authorized Users: Only the System Manager and designated staff, designated contractor staff and appropriate subcontractor staff at the nursing home.

2. Physical Safeguards: The State records are stored in locked file cabinets. These cabinets are in a room within a building that is locked at night after business hours. Patient records of subject individuals at the nursing homes are commingled with the records of other patients at nursing stations under the supervision of the attendant on duty.

3. Procedural Safeguards: Only the System Manager, contractor staff and appropriate nursing home staff have access to the files. Only those authorized personnel are allowed to gain access to material in the locked file cabinets.

4. Implementation Procedures: DHHS Chapter 45-13 and supplementary Chapter PHS.hf: 45-13 in the General Administration Manual.

RETENTION AND DISPOSAL:

The administrative and medical records will be retained for 25 years after last treatment or after the death of a patient, and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Project Officer for Kentucky Contract
State Planning and Human Resources Development Branch
Division of Education and Service Systems Liaison
National Institute of Mental Health
Room 11C-16, 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 or his legally authorized representative may learn if a record exists about himself upon written request with notarized signature. The request should include full name or any alias used and birth date.

An individual or his legally authorized representative who requests notification of, or access to, a medical 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 will be released. The representative must verify relationship to the individual as well as his/her own identity.

RECORD ACCESS PROCEDURES:

Same as Notification Procedures. Requestors should also reasonably specify the record contents being sought. An individual or his legally authorized representative may also request an accounting of disclosures that have been made of the subject individual's records, if any.

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 with supporting information to show how the record is inaccurate, incomplete, untimely, or irrelevant.

RECORD SOURCE CATEGORIES:

Patients; legally authorized representatives; nursing home and hospital personnel.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-30-0048

SYSTEM NAME:

Intramural Research Program Records of In- and Out-Patients With Varies Types of Alcohol Abuse and Dependence, Relatives of Patients With Alcoholism, and Healthy Volunteers. HHS/ADAMHA/NIAAA.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland 20892. A list of specific project sites is available from the System Manager.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

In- and out-patients with alcohol abuse and dependence, alcohol-induced organic brain syndromes; their relatives; and healthy volunteers.

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, as amended, Sections 301 (42 U.S.C. 241) and 510 (42 U.S.C. 290bb). These sections authorize the conduct of general health research and research into alcoholism and alcohol abuse.

PURPOSE(S):

These records are used for diagnosis and treatment of patients with alcohol abuse and dependence and related conditions; behavioral research relating to the causes, diagnoses, and treatment

of addictions; and basic research on behavioral and biological processes.

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

Records in this system are covered by Section 527 of the Public Health Service Act (42 U.S C. 290ee-3) and 42 CFR, Chapter I, Subchapter A, Part 2, on confidentiality of alcohol and drug abuse patient records. In accordance with these regulations, the records are confidential and may only be disclosed with the written consent of the patient with specific restrictions, and without the patient's consent in the following instances: (1) To medical personnel to the extent necessary to meet a bona fide emergency; (2) to qualified personnel for the purpose of conducting scientific research; or (3) if authorized by an appropriate order of a court of competent jurisdiction granted after application showing good cause therefore, after certain considerations, and with appropriate safeguards. Routine uses of information in this system are limited to the following:

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 a verified inquiry from the congressional office at the written request of that individual, in accordance with 42 CFR, Chapter I, Subchapter A, Part 2.

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

STORAGE:

Records may be stored in file folders, on index cards, computer tapes and disks, microfiche, microfilm and audio and video tapes. 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, retrieval by personal identifier (e.g., name or medical record number) is necessary. During the data analysis stage, data are normally retrieved by variables of interest, e.g., age, diagnosis, etc.

SAFEGUARDS:

Measures to prevent unauthorized disclosures are implemented as appropriate for the particular records maintained in each project. Depending on the sensitivity of the project, additional safeguards may be added.

1. Authorized Users: Only NIAAA medical and research staff have access to these records, as authorized by the system manager.

2. Physical Safeguards: Records are stored in locked rooms, locked file cabinets, and/or secured computer facilities. Personal identifiers and link codes are separated as much as possible and stored in locked files.

3. Procedural Safeguards: Collection and maintenance of data are consistent with legislation and regulations for protection of human subjects, informed consent, confidentiality, and confidentiality specific to drug and alcohol abuse patients. Computer data access is limited through the use of key words, a series of account numbers, and passwords which are changed frequently and known only to authorized personnel.

4. Implementation Guidelines: DHHS Chapter 45-13 and supplementary Chapter PHS.hf: 45-13 of the General Administration Manual, and Part 6, 'ADP System Security' in the HHS Information Resource Management Manual.

RETENTION AND DISPOSAL:

Records are held for 5 years after completion of the project, retired to a Federal Records Center, and subsequently disposed of after 10 years.

SYSTEM MANAGER(S) AND ADDRESS:

Clinical Director
Laboratory of Clinical Studies
Division of Intramural Clinical and Biological Research
National Institute on Alcohol Abuse and Alcoholism
Building 10, Room 3B-19
9000 Rockville Pike
Bethesda, Maryland 20892

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) title of study; (d) 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 designee 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. Individuals may also request an accounting of disclosures of their records, if any.

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, with supporting information to show how the record is inaccurate, incomplete, untimely, or irrelevant.

RECORD SOURCE CATEGORIES:

Information gathered from individuals under study, either patient or normal subject, contract surveys, hospital records, medical and nursing staff notes, and from Privacy Act system of records 90-25-0099, 'Clinical Research: Patient Medical Records, HHS/NIH/CC.'

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 86-25459 Filed 11-21-86; 8:45 am]

BILLING CODE 4160-20-M

National Institutes of Health

Privacy Act of 1974; Annual Publication of Systems of Records

AGENCY: Public Health Service, DHHS.

ACTION: Privacy Act: Annual republication of notices of revised systems of records.

SUMMARY: The National Institutes of Health (NIH) has conducted a comprehensive review of all Privacy Act systems of records and is publishing the resulting revisions. None of the revisions meet the OMB criteria either for a new or altered system report or for an advance period of public comment. These changes are in compliance with Circular A-130, Appendix 1. The notices republished below are complete and accurate as of August 31, 1986.

Included is a list of nine systems of records that have been deleted since the 1985 republication and a complete list of the systems of records that NIH currently maintains. In addition, we are summarizing the major alterations to three system notices which will be published in full at a later date.

SUPPLEMENTARY INFORMATION: The following information summarizes the current status of all systems of records which NIH maintains:

A. Revised System Notices. We have revised the system notices republished below as follows:

09-25-0007, "Administration: National Institutes of Health Safety Shoes and Safety Glasses Issuance Program, HHS/NIH/ORS" has been revised to reflect a narrowing in the purpose for the information collected. The purpose and the system name has been changed to reflect this narrowing of purpose. The new title is 09-25-0007, "Administration: National Institutes of Health Safety Glasses Issuance Program, HHS/NIH/ORS."

09-25-0011, "Clinical Research: Blood Donor Records, HHS/NIH/CC" has been updated to reflect changes in the safeguard, retrievability, retention and disposal, and routine use sections. The update is to provide a clearer and more accurate description of each of the sections. The system location and system manager and address have been revised.

09-25-0033, "International Activities: Fellowships Awarded by Foreign Organizations, HHS/NIH/FIC" has been updated to reflect changes in the safeguards section and to state more precisely the purpose for this system.

09-25-0034, "International Activities: Scholars Program, HHS/NIH/FIC" has been revised to reflect minor changes in the system name, categories of individuals, purpose, authority and storage sections. These changes provide a clearer and more accurate description of each of the sections. The new name for this system of records is 09-25-0034, "International Activities: Scholars in Residence Program, HHS/NIH/FIC." In addition, the system location and manager address has been updated.

09-25-0035, "International Activities: International Health Exchange Programs Participants, HHS/NIH/FIC" has been revised to state more accurately the purpose of this system of records.

09-25-0036, "Grants: IMPAC (Grant/Contract Information), HHS/NIH/DRG has been updated to reflect minor changes in the purpose section and a routine use. The change in the routine use does not significantly change the system and it is the result of not needing this type of disclosure. The change in the purpose section is the result of a narrowing of the scope of the system. The Office of Health Research, Statistics and Technology, PHS, no longer receives services provided by this program.

09-25-0069, "NIH Clinical Center Admissions of the National Cancer Institute, HHS/NIH/NCI" has been revised to reflect a minor increase in the number of records in this system. The records in system 09-25-0131, "Clinical Research: Clinical Epidemiologic Studies in the Division of Etiology, HHS/NIH/NCI" have been transferred and subsumed into system 09-25-0069. There is no significant increase in the number of records in the resulting system and the purpose of the system remains the same. In addition, the system location and system manager address has been updated.

09-25-0075, "Administration: Institutions Submitting Assurances for Protection from Research Risks and Animal Welfare, HHS/NIH/OD" has been updated to provide a more accurate description of the system name, categories of individuals covered by the system, purpose, safeguards, record source, and retrievability sections.

09-25-0099, "Clinical Research: Patient Medical Records, HHS/NIH/CC" has been updated to provide a more accurate description of the records in this system and a clearer statement of purpose of the system. The system notice has also been revised to reflect the changes in the system location and system manager.

09-25-0108, "Personnel: Guest Workers/Visiting Fellows/Student Scientists/Scientists Emeriti, HHS/NIH/DPM" has been revised to provide a more accurate description of the purpose and system name. The revised name is 09-25-0108, "Personnel: Guest Researchers/Student Scientists/Scientists Emeriti, HHS/NIH/DPM." The system location, safeguards, notification procedures, and contesting records procedures sections have been updated.

09-25-0112, "Grants: Research Training, Fellowship and Construction Application and Awards, HHS/NIH/OD" has been revised. The system name and routine use of records maintained have been updated to more accurately reflect the current system of records. The new system name is 09-25-0112, "Extramural Awards: Research, Research Training, Fellowship and Construction Applications and Awards, HHS/NIH/OD." In addition, the system location and manager address has been revised.

09-25-0124, "Administration: Pharmacology Research Associates, HHS/NIH/NIGMS" has been updated to reflect the changes in the safeguards section and the system location and manager address.

09-25-0140, "International Activities: Scientific Visitors at the National Institutes of Health, HHS/NIH/FIC" has been updated to reflect minor changes to the system. These changes include revisions to the system name, categories of individuals, categories of records, authority, purpose, storage, retrievability, safeguards, system location and system manager and address sections. The system name has been changed to 09-25-0140, "International Activities: International Scientific Research in NIH Intramural Laboratories."

B. In each of the following systems of records, the safeguards section has been updated to provide a clearer description of safeguards implemented.

09-25-0053, "Clinical Research: Vision Studies, HHS/NIH/NEI."

09-25-0091, "Administration: General Files on Employees, Donors and Correspondents, HHS/NIH/NEI."

09-25-0121, "International Activities: Senior International Fellowship Program, HHS/NIH/FIC."

09–25–0126, "Clinical Research: National Heart, Lung, and Blood Institute Epidemiological and Biometric Studies, HHS/NIH/NHLBI."
09–25–0134, "Clinical Research: Epidemiology Studies, National Institute of Environmental Health Sciences, HHS/NIH/NIEHS."
09–25–0154, "Biomedical Research: Records of Subjects in Cancer Studies of the Division of Cancer Prevention and Control, HHS/NIH/NCI" has been updated to reflect changes in the system name, location, and managers address. The change in the system name is the result of a reorganization within the NCI.

C. The following systems have been updated to reflect a change in the system locations and system manager addresses. These changes do not affect the access by the individual to the individual's records.

09–25–0003, "Administration: Authorized Radionuclide Users File, HHS/NIH/ORS."
09–25–0008, "Administration: Radiation Workers Monitoring, HHS/NIH/ORS."
09–25–0010, "Research Resources: Registry of Individuals Potentially Exposed to Microbial Agents, HHS/NIH/NCI."
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."
09–25–0042, "Clinical Research: National Institute of Dental Research Patient Records, 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: Serology-Epidemiology Parasite Research HHS/NIH/NIAID."
09–25–0049, "Clinical Research: Atlanta Federal Prison Malaria Research Projects, HHS/NIH/NIAID."
09–25–0054, "Administration: Property Accounting, HHS/NIH/ORS."
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."
09–25–0074, "Clinical Research: Division of Biology and Diagnosis Patient Trials, HHS/NIH/NCI."
09–25–0077, "Clinical Research: Biological Carcinogenesis Branch Human Specimen Program, HHS/NIH/NCI."
09–25–0087, "Administration: Employees and Consultants, HHS/NIH//NIAID."
09–25–0115, "Administration: Curricula Vitae of Consultants and Clinical Investigators, HHS/NIH/NIAID."
09–25–0117, "International Activities: U.S.-Japan Program Panel Members, HHS/NIH/NIAID."
09–25–0133, "Clinical Research: Kidney Transplant Histocompatibility Study (KTHS), HHS/NIH/NIAID."
09–25–0143, "Biomedical Research: Records of Subjects in Clinical, Epidemiologic and Biometric Studies of the National Institute of Allergy and Infectious Diseases."
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."
09–25–0152, "Biomedical Research: Records of Subjects in National Institute of Dental Research Contracted Epidemiological and Biometric Studies, HHS/NIH/NIDR."
09–25–0153, "Biomedical Research: Records of Subjects in Biomedical and Behavioral Studies of Child Health and Human Development, HHS/NIH/NICHD."
09–25–0156, "Records of Participants in Programs and Respondents in Surveys Used to Evaluate Programs of NIH, HHS/NIH/OD."

D. The following systems have been updated to reflect a change in the authority for maintenance of the system:

09–25–0042, "Clinical Research: National Institute of Dental Research Patient Records, HHS/NIH/NIDR."
09–25–0152, "Biomedical Research: Records of Subjects in National Institutes of Dental Research Contracted Epidemiological and Biometric Studies, HHS/NIH/NIDR."

E. The following systems have been updated to reflect a change in the method of retention and disposal:

09–25–0117, International Activities: U.S.-Japan Program Panel Members, HHS/NIH/NIAID" has been modified in accordance with the NIH Records Control Schedule.

F. Deleted Systems of Records. The following systems of records which appeared in the 1985 annual publication are now being deleted.

09–25–0009, "Administration: Radiotheraphy Patient File, HHS/NIH/ORS" was published in the **Federal Register** November 29, 1983, Vol. 48, No. 230, pp. 53837. The system has been terminated and the records disposed of in the manner described in the notice.

09–25–0088, "Clinical Research: Researchers Using H–2 Soluble Antigen and H–2 Antiserum, HHS/NIH/NIAID" published in the **Federal Register**, October 13, 1982, Vol. 47, No. 198, pp. 45817 is being deleted as the system is no longer being used. The records have been destroyed in accordance with the system notice.

09–25–0089, "Clinical Research: HLA Antigen and Tray Users, HHS/NIH/NIAID published in the **Federal Register**, October 13, 1982, Vol. 47, No. 198, pp. 45817 is being deleted as the system is no longer being used. The records have been destroyed in accordance with the system notice.

09–25–0131, "Clinical Research: Clinical Epidemiologic Studies in the Division of Etiology, HHS/NIH/NCI" published in the **Federal Register**, October 13, 1982, Vol. 47, No. 198, pp. 45838 has been deleted. The records in this system have been transferred and subsumed into system 09–25–0069, "NIH Clinical Center Admissions of the National Cancer Institute, HHS/NIH/NCI."

09–25–0135, "Grants: PROPHET System Applicants Research Prospectuses, HHS/NIH/DRR" was published in the **Federal Register**, October 13, 1982, Vol. 47 No. 198, pp. 45843. This system is being deleted as the system has been terminated and the records disposed of as described in the system notice.

09–25–0141, "Patient and Donor Records in the Blood Component Support Program for the Division of Cancer Treatment, HHS/NIH/NCI" published in the **Federal Register** in Vol. 47, No. 198, pp. 45845 is being deleted as the system has been terminated. The records have been destroyed in accordance with the statement in the system notice.

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" was published in the **Federal Register**, September 13, 1982, Vol. 47, No. 198, pp. 45849. The records are covered by an NIH-wide umbrella system of records 09–25–0156.

09–25–149, "Records of Participants in Programs and Respondents in Surveys Used to Evaluate Programs of National Institute of General Medical Sciences, HHS/NIH/NIGMS" was published in the **Federal Register**, Vol. 47, No. 198, pp. 45852. The records are covered by an NIH wide umbrella system of records 09–25–0156.

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" was published in the **Federal Register**, October 13, 1982, Vol. 47, No. 198, pp. 45853. The records are covered by an NIH-wide umbrella system of records 09–25–0156.

G. Major Alteration to Systems of Records. The following systems of records which appeared in the 1984 annual publication are in the process of being modified:

09–25–0102, "Administration: Grants Associates Program Working Files, HHS/NIH/DRG" is being modified to expand the present system of records

from one which includes only records on grants associates to one which includes the records of three new training programs.

09–25–0151, "Administration: ALERT Records Concerning Investigations or Determinations of Misconduct by Current or Potential Recipients of Funds for Biomedical Research, HHS/NIH/OD" is being modified to expand the system from one which is used solely by the National Institutes of Health to one serving all PHS agencies and staff offices which award contracts, grants or cooperative agreements for research, research training and related activities. In addition, a new routine use will allow PHS to inform responsible officials of an institution or organization when PHS takes an administrative action or imposes a sanction affecting awards to that institution or organization.

09–25–0093, "Administration: Administration Authors, Reviewers and Members of the *Journal of the National Cancer Institute*, HHS/NIH/NCI" is being modified to expand the present system of records from one which includes records on authors, reviewers and members of the JNCI to records which also includes data on *Cancer Treatment Reports* and *NCI Monographs*.

H. New Routine Use: The following systems which appeared in the 1984 annual publication have been revised to add a new routine use.

09–25–0005, "Administration: Library Circulation and User I.D. File, HHS/NIH/OD" is being modified to include a new routine use which will permit disclosure to a contractor. This system was published in the **Federal Register** on October 10, 1986.

We are republishing only those system notices which have been changed. All system notices were last published in the **Federal Register**, Vol. 47, No. 198, pp. 45773–45856, October 13, 1982 and selectively updated in Vol. 48, No. 230, pp. 53833–53852, November 29, 1983, and Vol 49, No. 187, pp. 37705–37715, September 25, 1984, and October 10, 1985, Vol. 50, No. 197, pp. 41415–41417.

The following is a list of active systems of records maintained by NIH.

Table of Contents

09–25–0001, Clinical Research: Patient Records, HHS/NIH/NHLBI, publ. **Federal Register**, Vol. 49, No. 187, p. 37707.

09–25–0002, Clinical Research: Patient Phonocardigram Record, HHS/NIH/NHLBI, publ. **Federal Register**, Vol. 38, No. 230, p. 53836.

09–25–0003, Administration: Authorized Radionuclide Users File, HHS/NIH/ORS, publ. **Federal Register**, Vol. 48, No. 198, p. 45776.

09–25–0004, Administration: Registry of Individuals Exposed to Chemical Carcinogens, HHS/NIH/ORS, publ. **Federal Register**, Vol. 47, No. 198, p. 45777.

09–25–0005, Administration: Library Circulation and User I.D. File, HHS/NIH/OD, publ. **Federal Register**, Vol. 47, No. 198, p. 45778.

09–25–0007, Administration: National Institutes of Health Safety Glasses Issuance Program, HHS/NIH/ORS, publ. **Federal Register**, Vol. 47, No. 198, p. 45778.

09–25–0008, Administration: Radiation Workers Monitoring, HHS/NIH/ORS, publ. **Federal Register**, Vol. 48, No. 129, p. 30760.

09–25–0010, Research Resources: Registry of Individuals Potentially Exposed to Microbial Agents, HHS/NIH/NCI, publ. **Federal Register**, Vol. 48, No. 129, p. 30760.

09–25–0011, Clinical Research: Blood Donor Records, HHS/NIH/CC, publ. **Federal Register**, Vol. 48, No. 230, p. 53838.

09–25–0012, Clinical Research: Candidate Normal Volunteer Records, HHS/NIH/CC, publ. **Federal Register**, Vol. 47, No. 198, p. 45782.

09–25–0013, Clinical Research: Preadmission Medical Records, HHS/NIH/CC, publ. **Federal Register**, Vol. 48, No. 230, p. 53839.

09–25–0014, Clinical Research: Student Records, HHS/NIH/CC, publ. **Federal Register**, Vol. 47, No. 198, p. 45784.

09–25–0015, Clinical Research: Collaborative Clinical Epilepsy Research, HHS/NIH/NINCDS, publ. **Federal Register**, Vol. 48, No. 230, p. 53840.

09–25–0016, Clinical Research: Collaborative Perinatal Project, HHS/NIH/NINCDS, publ. **Federal Register**, Vol. 47, No. 198, p. 45785.

09–25–0019, Clinical Research: Genetic Counseling, HHS/NIH/NINCDS, publ. **Federal Register**, Vol. 48, No. 230, p. 53841.

09–25–0020, Clinical Research: Genetics of Neurological Disorders, HHS/NIH/NINCDS, publ. **Federal Register**, Vol. 48, No. 230, p. 53841.

09–25–0021, Clinical Research: Guam Patient Control Registry, HHS/NIH/NINCDS, publ. **Federal Register** , Vol. 48, No. 230, p. 53842.

09–25–0026, Clinical Research: Nervous System Studies, HHS/NIH/NINCDS, publ. **Federal Register**, Vol. 48, No. 230, p. 53843.

09–25–0028, Clinical Research: Patient Medical Histories, HHS/NIH/NINCDS, publ. **Federal Register**, Vol. 48, No. 230, p. 53844.

09–25–0031, Clinical Research: Serological and Virus Data in Studies Related to the Central Nervous System, HHS/NIH/NINCDS, publ. **Federal Register**, Vol. 48, No. 230, p. 53845.

09–25–0033, International Activities: Fellowships Awarded by Foreign Organizations, HHS/NIH/FIC, publ. **Federal Register**, Vol. 49, No. 187, p. 37708.

09–25–0034, International Activities: Scholars in Residence Program, HHS/NIH/FIC, publ. **Federal Register**, Vol. 47, No. 198, p. 45792.

09–25–0035, International Activities: International Health Exchange Programs Participants, HHS/NIH/FIC, publ. **Federal Register**, Vol. 47, No. 198, p. 45793.

09–25–0036, Grants: IMPAC (Grant/Contract Information), HHS/NIH/DRG, publ. **Federal Register**, Vol. 48, No. 230, p. 53846.

09–25–0037, Clinical Research: Gerontology Research Center Longitudinal Aging Study, HHS/NIH/NIA, publ. **Federal Register**, Vol. 47, No. 198, p. 45795.

09–25–0038, Clinical Research: Patient Data, HHS/NIH/NIADDK, publ. **Federal Register**, Vol. 47, No. 198, p. 45795.

09–25–0039, Clinical Research: Diabetes Mellitus Research Study of Southwestern American Indians, HHS/NIH/NIADDK, publ. **Federal Register**, Vol. 47, No. 198, p. 45796.

09–25–0040, Clinical Research: Southwestern American Indian Patient Data, HHS/NIH/NIADDK, publ. **Federal Register**, Vol. 47, No. 198, p. 45797.

09–25–0041, Research Resources: Scientists Requesting Hormone Distribution, HHS/NIH/NIADDK, publ. **Federal Register**, Vol. 47, No. 198, p. 45798.

09–25–0042, Clinical Research: National Institute of Dental Research Patient Records, HHS/NIH/NIDR, publ. **Federal Register**, Vol. 47, No. 198, p. 45798.

09–25–0044, Clinical Research: Sensory Testing Research Program, HHS/NIH/NIDR, publ. **Federal Register**, Vol. 47, No. 198, p. 45798.

09–25–0046, Clinical Research: Catalog of Clinical Specimens from Patients, Volunteers and Laboratory Personnel, HHS/NIH/NIAID, publ. **Federal Register**, Vol. 47, No. 198, p. 45802.

09–25–0048, Clinical Research: Serology-Epidemiology Parasite Research HHS/NIH/NIAID, publ. **Federal Register**, Vol. 47, No. 198, p. 45803.

09–25–0049, Clinical Research: Atlanta Federal Prison Malaria Research Projects, HHS/NIH/NIAID, publ. **Federal Register**, Vol. 48, No. 230, p. 53838.

09–25–0053, Clinical Research: Vision Studies, HHS/NIH/NEI, publ. **Federal Register**, Vol. 47, No. 198, p. 45803.

09–25–0054, Administration: Property Accounting, HHS/NIH/ORS, publ. **Federal Register**, Vol. 49, No. 189, p. 37709.

09–25–0057, Clinical Research: Burkitt's Lymphoma Registry, HHS/NIH/NCI, publ. **Federal Register**, Vol. 47, No. 198, p. 45807.

09–25–0060, Clinical Research: Division of Cancer Treatment Clinical Investigations, HHS/NIH/NCI, publ. **Federal Register**, Vol. 47, No. 198, p. 45808.

09–25–0067, Clinical Research: National Cancer Incidence Surveys, HHS/NIH/NCI, publ. **Federal Register**, Vol. 47, No. 198, p. 45809.

09–25–0069, NIH Clinical Center Admissions of the National Cancer Institute, HHS/NIH/NCI, publ. **Federal Register**, Vol. 47, No. 198, p. 45811.

09–25–0074, Clinical Research: Division of Cancer Biology and Diagnosis Patient Trials, HHS/NIH/NCI, publ. **Federal Register**, Vol. 47, No. 198, p. 45812.

09–25–0075, Administration: Institutions Submitting Assurances for Protection from Research Risks and Animal Welfare, HHS/NIH/OD, publ. **Federal Register**, Vol. 49, No. 187, p. 33710.

09–25–0077, Clinical Research: Biological Carcinogenesis Branch Human Specimen Program, HHS/NIH/NCI, publ. **Federal Register**, Vol. 48, No. 129, p. 30761.

09–25–0078, Administration: Consultant File, HHS/NIH/NHLBI, publ. **Federal Register**, Vol. 49, No. 187, p. 37711.
09–25–0087, Administration: Employees and Consultants, HHS/NIH/NIAID, publ. **Federal Register**, Vol. 47, No. 198, p. 45816.
09–25–0091, Administration: General Files on Employees, Donors and Correspondents, HHS/NIH/NEI, publ. **Federal Register**, Vol. 47, No. 198, p. 45818.
09–25–0093, Administration: Administration Authors, Reviewers and Members of the Journal of the National Cancer Institute, HHS/NIH/NCI, publ. **Federal Register**, Vol. 47, No. 198, p. 45819.
09–25–0096, Contracts: National Cancer Institute Contract Management System Principal Investigators, Project Officers and Contract Specialists, HHS/NIH/NCI, publ. **Federal Register**, Vol. 47, No. 198, p. 45820.
09–25–0099, Clinical Research: Patient Medical Records, HHS/NIH/CC, publ. **Federal Register**, Vol. 48, No. 129, p. 30762.
09–25–0100, Clinical Research: Neuropharmacology Studies, HHS/NIH/NINCDS, publ. **Federal Register**, Vol. 47, No. 198, p. 45822.
09–25–0102, Administration: Grants Associates Program Working Files, HHS/NIH/DRG, publ. **Federal Register**, Vol. 47, No. 198, p. 45822.
09–25–0105, Administration: Health Records of Employees, Visiting Scientists, Fellows, Contractors, and Relatives of Inpatients. HHS/NIH/OD, publ. **Federal Register**, Vol. 49, No. 187, p. 37712.
09–25–0106, Administration: Executive Secretariat Correspondence Records, HHS/NIH/OD, publ. **Federal Register**, Vol. 47, No. 198, p. 45824.
09–25–0108, Personnel: Guest Researchers/Student Scientists/Scientists Emeriti, HHS/NIH/DPM, publ. **Federal Register**, Vol. 47, No. 198, p. 45825.
09–25–0112, Extramural Awards: Research, Research Training, Fellowship and Construction Application and Awards, HHS/NIH/OD, publ. **Federal Register**, Vol. 48, No. 230, p. 53849.
09–25–0115, Administration: Curricula Vitae of Consultants and Clinical Investigators, HHS/NIH/NIAID, publ. **Federal Register**, Vol. 47, No. 198, p. 45828.
09–25–0117, International Activities: U.S.-Japan Program Panel Members, HHS/NIH/NIAID, publ. **Federal Register**, Vol. 47, No. 198, p. 45829.
09–25–0118, Contracts: Professional Services Contractors, HHS/NIH/NCI, publ. **Federal Register**, Vol. 47, No. 198, p. 45830.
09–25–0121, International Activities: Senior International Fellowship Program, HHS/NIH/FIC, publ. **Federal Register**, Vol. 47, No. 198, p. 45830.
09–25–0124, Administration: Pharmacology Research Associates, HHS/NIH/NIGMS, publ. **Federal Register**, Vol. 47, No. 198, p. 45832.
09–25–0126, Clinical Research: National Heart, Lung and Blood Institute Epidemiological and Biometric Studies, HHS/NIH/NHLBI, publ. **Federal Register**, Vol. 47, No. 198, p. 45833.
09–25–0128, Clinical Research: Neural Prosthesis and Biomedical Engineering Studies, HHS/NIH/NINCDS, publ. **Federal Register**, Vol. 49, No. 187, p. 37712.
09–25–0129, Clinical Research: Clinical Research Studies Dealing with Hearing, Speech, Language and Chemosensory Disorders, HHS/NIH/NINCDS, publ. **Federal Register**, Vol. 47, No. 198, p. 45836.
09–25–0130, Clinical Research: Studies in the Division of Cancer Cause and Prevention, HHS/NIH/NCI, publ. **Federal Register**, Vol. 47, No. 198, p. 45837.
09–25–0133, Clinical Research: Kidney Transplant Histocompatibility Study (KTHS), HHS/NIH/NIADDK, publ. **Federal Register**, Vol. 47, No. 198, p. 45839.
09–25–0134, Clinical Research: Epidemiology Studies, National Institute of Environmental Health Sciences, HHS/NIH/NIEHS, publ. **Federal Register**, Vol. 47, No. 198, p. 45840.
09–25–0138, Biomedical Research: Studies of Possible Influence on Cognitive and Emotional Development of Children, HHS/NIH/NICHD, publ. **Federal Register**, Vol. 47, No. 198, p. 45843.
09–25–0140, International Activities: International Scientific Research in NIH Intramural Laboratories, HHS/NIH/FIC, publ. **Federal Register**, Vol. 47, No. 198, p. 45844.
09–25–0142, Clinical Research: Records of Subjects in Intramural Research, Epidemiology, Demography and Biometry Studies on Aging, HHS/NIH/NIA, publ. **Federal Register**, Vol. 47, No. 198, p. 45846.
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, publ. **Federal Register**, Vol. 47, No. 198, p. 45847.
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, publ. **Federal Register**, Vol. 47, No. 198, p. 45850.
09–25–0151, Administration: ALERT Records Concerning Investigations or Determinations of Misconduct by Current or Potential Recipients of Funds for Biomedical Research, HHS/NIH/OD, publ. **Federal Register**, Vol. 48, No. 230, p. 53851.
09–25–0152, Biomedical Research: Records of Subjects in National Institute of Dental Research Contracted Epidemiological and Biometric Studies, HHS/NIH/NIDR, publ. **Federal Register**, Vol. 47, No. 191, p. 43430.
09–25–0153, Biomedical Research: Records of Subjects in Biomedical and Behavioral Studies of Child Health and Human Development, HHS/NIH/NICHD, publ. **Federal Register**, Vol. 48, No. 143, p. 00748.
09–25–0154, Biomedical Research: Records of Subjects in Cancer Studies of the Division of Cancer Prevention and Control, HHS/NIH/NCI, publ. **Federal Register**, Vol. 48, No. 227, p. 52981.
09–25–0156, Records of Participants in Programs and Respondents in Surveys Used to Evaluate Programs of NIH, HHS/NIH/OD, publ. **Federal Register**, Vol. 50, No. 162, p. 33853.

Dated: November 7, 1986.

James B. Wyngaarden,

Director, National Institutes of Health.

09–25–0007

SYSTEM NAME:

Administration: NIH Safety Glasses Issuance Program, HHS/NIH/ORS.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Building 13, Room G901, NIH, 9000 Rockville Pike, Bethesda, MD 20892.

Write to the system manager at the address below for the address of any Federal Records Center where records from this system may be stored.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

NIH employees who apply for safety glasses.

CATEGORIES OF RECORDS IN THE SYSTEM:

Explanation of eye impact and hazard occupation.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 7902.

PURPOSE OF THE SYSTEM:

Records are used for proper distribution of safety glasses and for proof of delivery.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEMS, 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.

The Department of Health and Human Services (HHS) may disclose information from this system of records to the Department of Justice, or to a court or other tribunal, when (a) HHS, or any component thereof; or (b) any HHS employee in his or her official capacity; or (c) any HHS employee in his or her individual capacity where the Department of Justice (or HHS, where it is authorized to do so) has agreed to represent the employee; or (d) the United States or any agency thereof where HHS determines that the litigation is likely to affect HHS or any of its components, is a party to litigation or has any interest in such litigation, and HHS determines that the use of such records by the Department of Justice, court or other tribunal is relevant and necessary to the litigation and would help in the effective representation of the governmental party, provided,

however that in each case, HHS determines that such disclosure is compatible with the purpose for which the records were collected.

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:

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 is limited to personnel involved in safety glasses issuance program, to supervisors of employees who have requested glasses and to personnel involved in accounting.

(2) Physical safeguards: Record storage locations are locked when unattended.

(3) Procedural safeguards: Access to file rooms and files is controlled by System Manager or designee.

RETENTION AND DISPOSAL:

Years at NIH: Retained until employee terminates hazardous occupation.

System manager and address: Nurse, Building 13 Health Unit, Building 13, G901, 9000 Rockville Pike, Bethesda, MD 20892.

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 PROCEDURE:

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

CONTESTING RECORD PROCEDURE:

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, with supporting information to how the record is inaccurate, incomplete, untimely or irrelevant.

RECORD SOURCE CATEGORIES:

Previous employer and education institutions.

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 20892

Washington National Records Center, 4205 Suitand Road, Suitland, MD 20409

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Donors of blood and blood components to be used in the NIH Clinical Center for patient infusions.

CATEGORIES OF RECORDS IN THE SYSTEM:

Past 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:

"Preparation of Biological Products" of the Public Health Service Act (42 U.S.C. 263).

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:

Disclosure may be made to HHS contractors and their staff in order to accomplish the purposes for which the records are collected. The recipients are required to comply with the requirements of the Privacy Act with respect to such records.

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 a unique control number assigned to each individual donor.

SAFEGUARDS:

Authorized Users: Access is granted only to authorized employees of the Department of Transfusion Medicine including physicians, nurses technologists, computer operators and the secretary to the Chief. Physical Safeguards: Record facilities are locked when system personnel are not present.

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.

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, "ADP System Security" of the HHS Information Resource Management Manual.

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. Disposal method include burning or shredding paper materials and erasing computer tapes.

SYSTEM MANAGER AND ADDRESS:

Chief, Department of Transfusion Medicine, CC, Building 10A, Room 1E33, 9000 Rockville Pike, Bethesda, MD 20892.

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 PROCEDURE:

To obtain access to a record, contact the systen 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 PROCEDURE:

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, with supporting justification.

RECORD SOURCE CATEGORIES:

Data are collected from the individual.

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 20892.

Write to System Manager at the address below for the address of any Federal Records Center where records from this system may be 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 U.S.C. 2421.

PURPOSE OF THE SYSTEM:

(1) To perform scientific reviews and evaluations of applicants' suitability for referral to awarding organization in foreign countries.

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 Federal Government 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.

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

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:

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: 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 file rooms and 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 AND ADDRESS:

Chief, International Research Awards Branch, FIC Building 38A, Room 615, NIH, 9000 Rockville Pike, Bethesda, MD 20892.

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 PROCEDURE:

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

CONTESTING RECORD PROCEDURE:

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 your reasons for requesting the correction, along with supporting information to show how the record is inaccurate, incomplete, untimely or irrelevant.

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 Residence Program, HHS/NIH/FIC.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Building 16, Room 202, NIH, 9000 Rockville Pike, Bethesda, MD 20892.

Write to System Manager at the address below for the address of any Federal Records Center where records may be stored.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Distinguished scientists scholars invited to accept NIH scholarships.

CATEGORIES OF RECORDS IN THE SYSTEM:

Employment and education histories; references.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

42 U.S.C. 2421, "International Cooperation" of the PHS ACT.

PURPOSE OF THE SYSTEM:

To administer and award scholorships to distinguished scientists.

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 Federal Government 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.

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

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:

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.

Physical Safeguards: The records are maintained in locked file cabinets, and offices are locked during off-duty hours.

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 AND ADDRESS:

Chief, Scholars-in-Residence Program, FIC, Building 16A, Room 102, NIH, 9000 Rockville Pike, Bethesda, MD 20892.

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 PROCEDURE:

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

CONTESTING RECORD PROCEDURE:

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 individuals, 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, HHS/NIH/FIC.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Building 38A, Room 612, NIH, 9000 Rockville Pike, Bethesda, MD 20892.

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:

U.S. 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 U.S.C. 2421.

PURPOSE OF THE SYSTEM:

To administer individual health exchange programs and prepare for scientific review and approval.

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.

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 Federal Government for the purpose of inspections and audits, and, in appropriate cases, to the Department of Justice for investigation under civil and criminal laws.

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

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:

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.

Physical Safeguards: Records are kept in locked file cabinets. Offices are locked during off-duty hours.

Procedural Safeguards: Access to files is strictly controlled by files staff. Files may be removed 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 AND ADDRESS:

Coordinator, U.S. Foreign Health Exchange Program, Building 38A, Room 612, NIH, 9000 Rockville Pike, Bethesda, MD 20892.

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 PROCEDURE:

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

CONTESTING RECORD PROCEDURE:

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, with supporting justification.

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:

Extramural Awards: IMPAC (Grant/Contract Information), HHS/NIH/DRG.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Westwood Building, 5333 Westbard Avenue, Bethesda, MD 20892;

and

Building 12, NIH Computer Center, 9000 Rockville Pike, Bethesda, MD 20892.

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 U.S.C. 241c, 58 Stat. 691 c & d repealed.

PURPOSE OF THE SYSTEM:

(1) To support centralized 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:

To the National Technical Information Service (NTIS), Department of Commerce, for dissemination of scientific and fiscal information on funded awards (abstract of research projects and relevant administrative and financial data).

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 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.

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.

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

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:

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.

PHYSICAL SAFEGUARDS:

Physical access to DRG work areas is restricted to DRG employees.

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 AND ADDRESS:

Chief, Statistics and Analysis Branch, Division of Research Grants, Westwood Building, 5333 Westbard Avenue, Bethesda, MD 20892.

NOTIFICATION PROCEDURE:

To determine if a record exists, write to: Privacy Act Coordinator, Division of Research Grants, Westwood Building, 5333 Westbard Avenue, Bethesda, MD 20892.

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 PROCEDURE:

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

CONTESTING RECORD PROCEDURE:

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, with supporting justification.

RECORD SOURCE CATEGORIES:

Individual, individual's educational institution and references.

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, Rms. BC37 and 3C25, 7910 Woodmont Avenue, Bethesda, MD 20892;

and

DCRT, Building 12A, 9000 Rockville Pike, Bethesda, MD 20892.

Write to System Manager at the address below for the address of the Federal Records Center where records from this system may be stored.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and former cancer patients with and without related diseases 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 U.S.C. 241, 281, 282.

PURPOSE OF THE SYSTEM:

National Cancer Institute physicians and supporting staff are involved in research on 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 maintain Privacy Act safeguards with respect to 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.

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:

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.

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.

PROCEDURAL SAFEGUARDS:

Access to manual files is strictly controlled by files staff. Files may be accessed 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.

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, "ADP System Security" of the HHS Information Resource Management Manual.

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 AND ADDRESS:

Chief, Clinical Genetics Section, Division of Etiology, NCI, Rm. 8C37, Landow Bldg., 7910 Woodmont Avenue, Bethesda, MD 20892

Chief, Family Studies, Environmental Epidemiology Branch, Room 8C41, Landow Building, 7910 Woodmont Avenue, Bethesda, MD 20892.

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 incompetetnt person as well as his or her own identity.

RECORD ACCESS PROCEDURE:

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

CONTESTING RECORD PROCEDURE:

Write to the official specified under notification procedures above, and reasonably identify the record and specify the information being contested, the corrective action sought, and your reasons for requesting the correction, along with supporting information to show how the record is inaccurate, incomplete, untimely or irrelevant.

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.

09–25–0075

SYSTEM NAME:

Administration: Institutions Submitting Assurances for Protection from Research Risks and Animal Welfare, HHS/NIH/OD.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

NIH, Building 31, Room 4B09, 9000 Rockville Pike, Bethesda, MD 20892.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons on committees at institutions submitting assurances to the National Institutes of Health pertaining to the protection of the rights and welfare of human research subjects and the welfare of research animals.

CATEGORIES OF RECORDS IN THE SYSTEM:

Research protocol, identification of Principal Investigator, institution.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

42 U.S.C. 241(c)(g).

PURPOSE OF THE SYSTEM:

Monitoring of research proposals that involve human subjects or animals.

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.

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

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

STORAGE:

Records are stored on computer files.

RETRIEVABILITY:

Records are retrieved by name of institutional official, committee member or institutional name.

SAFEGUARDS:

Authorized Users: Members of the professional staff of the Office for Protection from Research Risks (OPRR) may use information from the file in connection with follow-up procedures of research proposals identified as involving human research subjects or animal subjects.

Physical Safeguards: Records are maintained in offices which are monitored during business hours and are locked during off-duty hours.

Procedural Safeguards: Requests for information from the file are made to the Information Officer who supervises and is responsible for the file. Computer files are password protected.

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, "ADP System Security of the HHS Information Resource Management Manual.

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 AND ADDRESS:

Director, OPRR, Building 31, Room 4B09, 9000 Rockville Pike, Bethesda, MD 20892.

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 PROCEDURE:

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

CONTESTING RECORD PROCEDURE:

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:

Assurances subsitted by institutions regarding human subjects or animals in research.

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:

Patient Medical Records: Building 10, Room 1N116, 9000 Rockville Pike, Bethesda, MD 20892

Patient Nutrition Records: Building 10, Room B1S–229, 9000 Rockville Pike, Bethesda, MD 20892

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 OF THE SYSTEM:

1. To provide a continuous history of the treatment and diet 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. Referring physicians or agencies receive medical information for continuing patient care.

Information regarding diagnostic problems, or having unusual scientific value may be shared with organizations or consultants other than HHS components or employees. For example, tissue specimens may be sent to the Armed Forces Institute of Pathology; X-rays may be sent for the opinion of a

radiologist with extensive experience in a particular kind of diagnostic radiology.

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.

Records may be disclosed to representatives of the Joint Commission on Accreditation of Hospitals conducting inspections to insure that the quality of Clinical Center medical record-keeping meets established standards.

Certain infectious diseases are reported to State Government as required by law.

Medical information may be disclosed to Medical Examiners as required by state regulations.

Medical information may be disclosed to tumor registries for maintenance of health statistics.

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, patient name, and/or hospital I.D. number.

SAFEGUARDS:

(1) Authorized Users: Employees maintaining the patient medical 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. Limited access is granted to the Clinical Center dietitians and dietetic technician to the nutrition records.

(2) Physical Safeguards: All record facilities are locked when system personnel are not present. Access to nutrition records is by sign-on codes.

(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. Special sign-on codes are given dietitians and dietetic technicians for access to the nutrition records.

These practices are in compliance with standards of chapter 45–13 of the HHS General Administration Manual, Supplementary chapter PHS hf: 45–13, and Part 6, "ADP System Security" of the HHS Information Resource Management Manual.

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 AND ADDRESS:

Chief, Medical Record Department, Building 10, Room 1N116, 9000 Rockville Pike, Bethesda, MD 20892;
Chief, Nutrition Department, Building 10, Room 1C–371, 9000 Rockville Pike, Bethesda, MD 20892.

NOTIFICATION PROCEDURE:

To determine if a records 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 PROCEDURE:

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

CONTESTING RECORD PROCEDURE:

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.

09–25–0108

SYSTEM NAME:

Personnel: Guest Researchers/Student Scientist/Scientists Emeriti, HHS/NIH/DPM.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Office of the Associate Director for Intramural Affairs, NIH, Building 1,

Room 103, 9000 Rockville Pike, Bethesda, MD. 20892.

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. Public Health Service Act.

PURPOSE OF THE SYSTEM:

To determine eligibility to use NIH facilities, 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 a congressional office from the record of an individual in response to a verified inquiry from the congressional office made at the request of that individual.

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

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:

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 is granted only to personnel staff, administrative office staff and management officials directly involved in the administration of the Guest Researcher, Student Scientist and Scientist Emeriti programs.

(2) Physical safeguards: Record facilities are locked when system personnel are not present.

(3) Procedural safeguards: Access to files is strictly controlled by system personnel. Records may be removed from the file only with the approval of the system manager or other authorized employees.

The particular safeguards implemented at each site are developed in accordance with chapter 45–13, "Safeguarding Records Contained in Systems of Records," of the HHS General Administration Manual, supplementary chapter PHS.hf: 45–13, and part 6, "ADP Systems Security", of the HHS Information Resources Management Manual.

RETENTION AND DISPOSAL:

Years at NIH: 3 years after visit. Disposal methods include burning or shredding paper materials.

SYSTEM MANAGER AND ADDRESS:

Assistant Director for Operations, Division of Personnel Management, Bldg. 1, Rm 19, NIH, 9000 Rockville Pike, Bethesda, MD 20892.

NOTIFICATION PROCEDURE:

To determine if a record exists and where it is located, contact: Privacy Act Coordinator, DPM, Building 31, Room 1C39, NIH, 9000 Rockville Pike, Bethesda, MD 20892.

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 PROCEDURE:

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 PROCEDURE:

Write to the official specified under notification procedures above, and reasonably identify the record and specify the information being contested, the corrective action sought, and your reasons for requesting the correction, along with supporting information to show how the record is inaccurate, incomplete, untimely or irrelevant.

RECORD SOURCE CATEGORIES:

Subject individual, NIH sponsor, funding institution.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09–25–0112

SYSTEM NAME:

Extramural Awards: 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 and Cooperative Agreements Applicants and Principal Investigators; Program Directors; Institutional and Individual Fellows; Research Career Awardees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Grant and cooperative agreement applications and review history, awards, financial records, progress reports and related correspondence.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Public Health Service Act: 42 USC 241, 241(c), (d), 276, 281, 285h 287, 288, 289 (a), (d), (e), (i), 289(k-2), 487 and (Pub. L. 95–224) Federal Grant and Cooperative Agreement Act of 1977.

PURPOSE OF THE SYSTEM:

1. Information provided is used by NIH staff for review, award, and administration of grant and cooperative agreement programs and projects.

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 and contract peer review process.

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 National Technical Information Service (NTIS), U.S. Department of Commerce for dissemination of scientific and fiscal information on funded awards (abstracts and relevant administrative and financial data).

(2) To the cognizant Audit Agency for auditing;

(3) To the Department of Justice, a court or other tribunal, from the system of records when (a) HHS, or any component thereof; or (b) any HHS employee in his or her official capacity; or (c) any HHS employee in his or her individual capacity where the Department of Justice (or HHS, where it is authorized to do so) has agreed to represent the employee; or (d) the United States or any agency thereof where HHS determines that the litigation is likely to affect HHS or any of its components, is a party to litigation or has an interest in such litigation, and HHS determines that the use of such records by the Department of Justice, the court or other tribunal is relevant and necessary to the litigation and would help in an effective representation of the governmental party, provided, however, that in each case, HHS determines that such disclosure is compatible with the purpose for which the record 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, 45 CFR 56.2, for opinions as a part of the application review and award 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 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, microfilm and discs, cards and in notebooks.

RETRIEVABILITY:

Retrieved by name, grant and cooperative agreement 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 Safeguards: 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.

These practices are in compliance with the standards of chapter 45–13 of the HHS General Administration Manual, Supplenentary chapter PHS of: 45–13, and Part 6, "ADP System Security of the HHS Information Resource Management Manual."

RETENTION AND DISPOSAL:

Years at NIH: 1 year after close out except for Construction Grants which are retained for 3 years after close-out. Years at Federal Records Center: 5 years except for National Research Service Awards, 9 years and Construction Awards, 12 years.

SYSTEM MANAGER 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 PROCEDURE:

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 PROCEDURE:

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 20892.
National Heart, Lung and Blood Institute, Westwood Building, Room 7A11, 5333 Westbard Avenue, Bethesda, MD 20892
National Library of Medicine, Building 38A, Room 5N509, 8600 Rockville Pike, Bethesda, MD 20892
National Institute of Allergy and Infectious Diseases, Chief, Grants Management Branch, EAP, Room 726, Westwood Building, 5333 Westbard Avenue, Bethesda, MD 20892
Chief, Data Control Section OAM, Room 733, Westwood Building, 5333 Westbard Avenue, Bethesda, MD 20892
National Institute of Diabetes, Digestive and Kidney Diseases, Westwood Building, Room 610, 5333 Westbard Avenue, Bethesda, MD 20892
National Institute of Arthritis, Westwood Building, 5333 Westbard Avenue, Bethesda, MD 20892
National Institute of Child Health and Human Development, Landow Building, Room A621, 7910 Woodmont Avenue, Bethesda, MD 20892
National Institute on Aging, Building 31, Room 5C39, 9000 Rockville Pike, Bethesda, MD 20892
National Institute of Dental Research, Grants Management Officer, Westwood Building, Room 518, 5333 Westbard Avenue, Bethesda, MD 20892
National Institute of Environmental Health Sciences, Grants Management Officer, Building 3, Room 314, 104 T.W. Alexander Drive, Research Triangle Park, North Carolina 27709
National Institute of General Medical Sciences, Grants Management Officer, Westwood Building, Room 936, 5333 Westbard Avenue, Bethesda, MD 20892
National Institute of Neurological and Communicative Disorders and Stroke, Federal Building, Room 10A12, 7550 Wisconsin Avenue, Bethesda, MD 20892
National Eye Institute, Building 31, Room 6A47, 9000 Rockville Pike, Bethesda, MD 20892
Division of Research Resources, Building 31, Room 5B34, 9000 Rockville Pike, Bethesda, MD 20892
National Center for Nursing Research, Building 38A, Room B2–E17, 9000 Rockville Pike, Bethesda, Md 20892
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, MD 20892
National Heart, Lung and Blood Institute, Administrative Officer, Division of Extramural Affairs, Room 5A15, Westwood Building, 5333 Westbard Avenue, Bethesda, MD 20892
National Library of Medicine, Associate Director for Extramural Programs, Building 38A, Room 5N505, 9000 Rockville Pike, Bethesda, MD 20892
National Institute of Allergy and Infectious Diseases, Chief, Grants Management Branch, Room 710, Westwood Building, Bethesda, MD 20892
National Institute of Diabetes, Digestive and Kidney Diseases, Grants Management Officer, Room 639, Westwood Building, 5333 Westbard Avenue, Bethesda, MD 20892
National Institute of Child Health and Human Development, Chief, Office of Grants & Contracts, Room A621, Landow Building, Bethesda, MD 20892
National Institute on Aging, Grants Management Officer, Room 5C39, Building 31
National Institute of Dental Research, Grants Management Officer, NIDR, Room 518, Westwood Building, 5333 Westbard Avenue, Bethesda, MD 20892
National Institute of Environmental Health Sciences, Grants Management Officer, Extramural Program, Room P.O. Box 12233, Research Triangle Park, NC 27709
National Institute of General Medical Sciences, Grants Management Officer, NIGMS, Room 938, Westwood Building, 5333 Westbard Avenue, Bethesda, MD 20892
National Institute of Neurological and Communicative Disorders and Stroke, Grants Management Officer, Room 1004A, Federal Building, Bethesda, MD 20892
National Center for Nursing Research, Acting Director, Division of Extramural Programs, Building 38A, Room B2E17, 9000 Rockville Pike, Bethesda, MD 20892
National Eye Institute, Grants Management Officer, Room 6A52, Building 31, 9000 Rockville Pike, Bethesda, MD 20892
Division of Research Resources, Director, Office of Grants and Contracts Management, Room 5B34, Building 31, 9000 Rockville Pike, Bethesda, MD 20892

Appendix III—Notification Procedures

National Cancer Institute, Chief, Grants Administration Branch, Room 8A18, Westwood Building
National Heart and Lung 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 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.
National Center for Nursing Research, 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 and Lung 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.

09-25-0124

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 20892.

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 U.S.C. 209.

PURPOSE OF THE SYSTEM:

(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.

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

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

STORAGE:

File folders.

RETRIEVABILITY:

By name of applicant.

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: Employees who maintain the system are instructed to grant access only to authorized personnel (System Manager and staff assigned to the program).

(2) Physical safeguards: The records are maintained in locked file cabinets when not in use and system location is locked during non-working hours.

(3) Procedural safeguards: Access to file rooms and files is strictly controlled by responsible individuals who have been instructed in the Privacy Act requirements. Records are returned to the locked cabinets when not in use.

RETENTION AND DISPOSAL:

1. Records of applicants who are admitted to the program are kept not more than five 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 AND ADDRESS:

Director, PRAT Program, Pharmacological Sciences, NIGMS, Westwood Bldg., Room 919, Bethesda, Maryland 20892.

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 PROCEDURE:

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

CONTESTING RECORD PROCEDURE:

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.

09-25-0140

SYSTEM NAME:

International Activities: International Scientific Researchers in Intramural Laboratories at the National Institutes of Health, HHS/NIH/FIC.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Fogarty International Center, Building 16A, Room 101; and
Division of Computer Research and Technology, Building 12A, Room 3061, National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland 20892.

Ancillary records are located in the Office of the Associate Director for Intramural Affairs, laboratories, administrative and personnel offices 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 at all levels of their postdoctoral or equivalent research careers who are invited to the National Institutes of Health for further training

or to conduct research in their biomedical specialties under the auspices of FIC's administration of International Activities. Most of these scientists are foreign, however some may be resident aliens or U.S. citizens.

Individuals in these catagories include Visiting Associates, Visiting Scientists, Foreign Special Experts who are employees and Visiting Fellows, Guest Researchers, Exchange Scientists, International Research Fellows, and Fogarty Scholars and Residents who are not employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

History of fellowship, employment and/or stay at NIH; education, immigration data 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 and Section 307 of the Public Health Service Act.

PURPOSE OF THE SYSTEM:

To document the individual's presence at the NIH, to record immigration history of the individual in order to verify continued eligibility in existing programs, and to meet requirements of 22 CFR,"Foreign Relations"

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

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, computer tapes and microfilm.

RETRIEVABILITY:

By name, country of citizenship, institution, fellowship number.

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.

(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.

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, "ADP System Security" of the HHS Information Resource Management Manual.

RETENTION AND DISPOSAL:

Records of successful are retained indefinitely.

SYSTEM MANAGER AND ADDRESS:

Chief, International Visitors Center, Building 16, Room 101, Fogarty International Center, National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland 20892.

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 PROCEDURE:

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

CONTESTING RECORD PROCEDURE:

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:

Subject individuals and other federal agencies.

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 20892.

Write to System Manager at the address below for the address of the Federal Records Center where records from this system may be stored.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Patients and subjects in the National Eye Institute research studies.

CATEGORIES OF RECORDS IN THE SYSTEM:

Medical history as relevant to vision research.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

42 U.S.C. 241, 289i, 289k.

PURPOSE OF THE SYSTEM:

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 maintain Privacy Act safeguards with respect to these records.

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.

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any 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 enployees.

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 AND ADDRESS:

Clinical Director, NEI, Building 10, Room 10N313, NIH, 9000 Rockville Pike, Bethesda, MD 20892.

NOTIFICATION PROCEDURE:

To determine if a record exists, contact: Executive Officer, NEI, Building 31, Room 6A05, NIH, 9000 Rockville Pike, Bethesda, MD 20892.

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 PROCEDURE:

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

CONTESTING RECORD PROCEDURE:

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.

09–25–0091

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 20892.

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 U.S.C. 289i.

PURPOSE OF THE SYSTEM:

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.

The Department of Health and Human Services (HHS) may disclose information from this system of records to the Department of Justice, or to a court or other tribunal, when (a) HHS, or any component thereof; or (b) any HHS employee in his or her official capacity; or (c) any HHS employee in his or her individual capacity where the Department of Justice (or HHS, where it is authorized to do so) has agreed to represent the employee; or (d) the United States or any agency thereof where HHS determines that the litigation is likely to affect HHS or any of its components, is a party to litigation or has any interest in such litigation, and HHS determines that the use of such records by the Department of Justice, court or other tribunal is relevant and necessary to the litigation and would help in the effective representation of the governmental party, provided,

however that in each case, HHS determines that such disclosure is compatible with the purpose for which the records were collected.

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 AND ADDRESS:

Executive Officer, NEI, Building 31, Room 6A05, NIH, 9000 Rockville Pike, Bethesda, MD 20892.

NOTIFICATION PROCEDURE:

To determine if a record exists, write to: Records Management Officer, NEI, Building 31, Room 6A31, NIH, 9000 Rockville Pike, Bethesda, MD 20892.

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 PROCEDURE:

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

CONTESTING RECORD PROCEDURE:

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.

09-25-0121

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, 20892.

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. 242e.

PURPOSE OF THE SYSTEM:

For award and administration of fellowships to outstanding faculty members in mid-career 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 U.S., 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.

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

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

STORAGE:

File folders and computer discs.

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 stored 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 to authorized users and access codes are changed periodically. The computer system maintains an audit record of all requests for access.

RETENTION AND DISPOSAL:

Number of years held at NIH: 1. Number of years held at Federal Records Center before disposal: 5.

SYSTEM MANAGER AND ADDRESS:

Chief, International Research Awards Branch, Bldg. 38A, Room 617, 9000 Rockville Pike, Bethesda, Md. 20892.

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 a five thousand dollar fine.

RECORD ACCESS PROCEDURE:

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

CONTESTING RECORD PROCEDURE:

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.

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.

RECORD SOURCE CATEGORIES:

Medical examinations conducted by and under the direction of the research investigators.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09–25–0126

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; (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 of the Public Health Service Act (42 U.S.C. 287a, 287b)

PURPOSE OF THE SYSTEM:

(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 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.

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:

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: Employees who maintain records in this system are instructed to grant regular access only to authorized researchers, physicians and their assistants whose duties require the use of such information.

2. Physical safeguards: Records are kept in locked file cabinets and in some instances in locked offices or guarded buildings. Locations are locked during non-working hours, and are attended at all times during working hours.

3. Procedural safeguards: Access to the data is controlled by the System Manager and the Project Officer. Data stored in computers is accessed through the use of key words known only to principal investigators or authorized personnel.

The particular safeguards implemented at each site are developed in accordance with chapter 45–13, "Safeguarding Records Contained in Systems of Records," of the HHS General Administration Manual, supplementary chapter PHS.hf: 45–13, and part 6, ADP Systems Security, of the HHS ADP Systems Manual.

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 System Manager.

SYSTEM MANAGER AND ADDRESS:

Associate Director for Epidemiology and Biometry, National Heart, Lung, and Blood Institute, Federal Building, 2C–08, 7550 Wisconsin Avenue, Bethesda, MD 20892.

NOTIFICATION PROCEDURE:

To determine if a record exists, contact: NHLBI Privacy Coordinator, Building 31, NIH, 9000 Rockville Pike, Bethesda, MD 20892.

Requesters must provide the following information in writing:

1. Full name;

2. Name and location of research study; and

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 PROCEDURE:

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

CONTESTING RECORD PROCEDURE:

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.

09–25–134

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:

42 U.S.C. 241.

PURPOSE OF THE SYSTEM:

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 or potential 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 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. 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:

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: Use of these records is limited to those persons whose official duties require such access. 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.

(2) Physical safeguards: 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.

(3) Procedural safeguards: 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.

The particular safeguards implemented at each site are developed in accordance with chapter 45–13, "Safeguarding Records Contained in Systems of Records," of the HHS General Administration Manual, supplementary chapter PHS.hf: 45–13, and part 6, ADP Systems Security, of the HHS ADP Systems Manual.

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 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. 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. 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.

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 PROCEDURE:

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 PROCEDURE:

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.

09–25–0154

SYSTEM NAME:

Biomedical Research: Records of Subjects in Clinical Studies of the Division of Cancer Prevention and Control, HHS/NIH/NCI.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Blair Building, Room 6A01, NIH, 9000 Rockville Pike, Bethesda, MD 20892

Building 12, NIH, 9000 Rockville Pike, Bethesda, MD 20892.

and at hospitals, medical schools, universities, research institutions, commercial organizations, collaborating State and Federal Government agencies, and Federal Records Centers. Write to System Manager at the address below for the address of current locations.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Adults and children in the following categories: Patients with cancer; persons for whom cancer risk can potentially be lowered; and persons without signs or symptoms who may be identified through screening and detection methods as having cancer or being at increased risk of developing cancer. For certain types of epidemiologic studies, e.g., case-control studies, NCI may also collect, for purposes of comparison, records on other persons. These comparison groups could include normal individuals (e.g., family members or neighborhood controls), or other patient groups (e.g., hospital controls) who do not have cancer or are not at a particularly high risk of developing cancer.

CATEGORIES OF RECORDS IN THE SYSTEM:

Information identifying participants (such as name, address, social security number), medical records, progress reports, correspondence, epidemiological data, and records on biological specimens (e.g., blood, tumors, urine, etc).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Sections 301, Research and Investigation, and Title IV, Part A, National Cancer Institute, of the Public Health Service Act (42 U.S.C. 241, and 281–286).

PURPOSES:

Records in this system will be used: (1) To evaluate cancer control programs, including prevention, screening, detection, diagnosis, treatment, rehabilitation, and continuing care; (2) to identify characteristics of persons who may be particularly susceptible to environmental or occupational factors or substances which cause or prevent cancer, and/or to cancer; (3) to determine risk factors or substances which cause or prevent cancer, and the ways in which they do so; (4) to evaluate statistical and epidemiological methodologies for risk factor assessment, clinical trials, cancer control studies, and the study of the natural history of cancers; (5) to plan for, administer, and review research activities as described in the above purposes; (6) information from this system may be reported to the Food and Drug Administration (FDA) as a

condition for approval of clinical investigations of new drugs, or to report adverse effects of drugs so that FDA can make informed decisions on authorizing use of such drugs.

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 purposes for which the records are collected. The recipients are required to comply with the requirements of the Privacy Act with respect to such records.

2. Disclosure may be made to organizations deemed qualified by the Secretary to carry out quality assessments, medical audits or utilization review.

3. 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 comply with the requirements of the Privacy Act with respect to such records.

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, (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; (e) has secured a written statement attesting to the recipient's understanding of, and willingness to abide by these provisions.

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, for example in defending a claim against the Public Health Service 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.

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, Social Security Number when supplied voluntarily or contained in existing records used in projects under this system, or other identifying number.

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: 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 (NCI), or its contractors, grantees or collaborators who need such information in order to contribute to the research or administrative purposes of the system. The System Manager specifically authorizes one-time and special access by others on a need-to-know basis consistent with the purposes and routine uses of the system.

(2) Physical safeguards: Records are kept in limited access areas. Offices and records storage locations are locked during off-duty hours. Input data for computer files is coded to avoid individual identification. Where possible, information on individual identities is kept separate from data used for analysis.

(3) Procedural safeguards: Access to manual files is granted only to authorized personnel, as described above. Access to computer files is controlled through security codes known only to authorized users. Names and other details necessary to identify individuals are not included in data files used for analysis. These files are indexed by code numbers. Code numbers and complete identifiers are linked only if there is a specific need, such as for data verification.

Contractors, grantees or collaborators who maintain records in this system are instructed to make no further disclosure of the records except as authorized by the system manager and permitted by the Privacy Act. Privacy Act requirements are specifically included in contracts and in agreements with grantees or collaborators participating in research activities supported by this system. HHS project director, contract officers and project officers oversee compliance with these requirements.

The particular safeguards implemented at each site are developed in accordance with chapter 45–13, "Safeguarding Records Contained in Systems of Records," of the HHS General Administration Manual, supplementary chapter PHS.hf: 45–13, and part 6, ADP Systems Security, of the HHS ADP Systems Manual.

RETENTION AND DISPOSAL:

NCI retains research records in accordance with the NIH Records Control Schedule, item 3000–G–3, which allows the system manager to keep the records as long as they are useful in scientific research. Contractors, grantees and collaborators who receive disclosures of records from this system retain the records only as long as necessary to accomplish the purpose for which the disclosures are made. Inactive records may be transferred to a Federal Records Center. Disposal methods include burning hard copy and erasing computer tapes and disks.

SYSTEM MANAGER AND ADDRESS:

Chief, Biometrics and Operations Research Branch, DCPC, National Cancer Institute, Blair Building, Room 6A01, NIH, 9000 Rockville Pike, Bethesda, MD 20892.

NOTIFICATION PROCEDURE:

To determine if a file exists, write to the system manager and provide the following information:

a. System name: "Biomedical Research: Records of Subjects in Cancer Studies of the Division of Resources, Centers and Community Activities";

b. Complete name at time of participation;

c. Facility and home address at the time of participation;

d. In some cases, where records are retrieved by an identifying number, such as the Social Security Number or Hospital Identification Number, it may be necessary to provide that number. In some cases, to ensure proper identification it may be necessary to provide date(s) of participation (if known), birthdate, or 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 maximum fine of five thousand dollars.

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 the system manager and provide the same information as requested under the notification procedure above. Requesters should also reasonably specify the record contents being sought. You may also request a list of accountable disclosures which have been made of your record.

CONTESTING RECORD PROCEDURES:

Write to the system manager, identify the record, and specify the information contested. State the corrective action sought and your reasons for requesting the correction, and provide supporting information to show that the record is inaccurate, incomplete, irrelevant, untimely, or unnecessary.

RECORD SOURCE CATEGORIES:

HHS agencies, institutions under contract to the U.S. Government, such as 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.

09-25-0003

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 20892.

Write to System Manager at the address below for the address of the Federal Records Center where records from this system may be 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 U.S.C. 241.

PURPOSE OF THE SYSTEM:

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:

1. Training and experience information transferred to place of new employment.

2. Personnel exposure data transferred to place of new employment.

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

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:

Measures to 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: 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) Physical Safeguards: Records are generally stored in locked file cabinets or in cabinets that are in rooms that can be locked during off-duty hours.

(3) Procedural Safeguards: 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 AND ADDRESS:

Chief, Data and Analytical Services Section, Radiation Safety Branch, ORS, Building 21, Room 233, 9000 Rockville Pike, Bethesda, MD 20892.

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 PROCEDURE:

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

CONTESTING RECORD PROCEDURE:

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, with supporting justification.

RECORD SOURCE CATEGORIES:

Individual, previous employers and educational 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, Rooms 134, NIH, 9000 Rockville Pike, Bethesda, MD 20892

and

Building 12, Computer Center, 9000 Rockville Pike, Bethesda, MD 20892

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 U.S.C. 7902.

PURPOSE OF THE SYSTEM:

(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:

Radiation exposure history may be transferred 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.

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

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:

Measures to 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 to information stored is limited to the system manager and Radiation Safety Branch (RSB) staff.

(2) Physical Safeguards: Information is filed in cabinets in Building 21 or in computer disc files or magnetic drum mass storage. Building 21 is locked during non-working hours. In addition there is a security fence with locked gate surrounding Building 21. File cabinets are in rooms with RSB employees who monitor access to the information therein.

(3) Procedural Safeguards: Access to computer files is limited only to personnel who know the account initial set assigned by the Division of Computer Research and Technology (DCRT), file names, storage locations, and keywords protecting these files. Access to file cabinets is controlled by office personnel who personally recognize RSB staff members.

RETENTION AND DISPOSAL:

Years at NIH: Indefinite.

SYSTEM MANAGER AND ADDRESS:

Chief, Data and Analytical Services Section, Radiation Safety Branch, DS, NIH, Building 21, Room 283, 9000 Rockville Pike, Bethesda, MD 20892

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 PROCEDURE:

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

CONTESTING RECORD PROCEDURE:

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, with supporting justification.

RECORD SOURCE CATEGORIES:

Previous employer and education institutions, laboratory supervisor.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-25-0010

SYSTEM NAME:

Research Resources: Registry of Individuals Potentially Exposed to Microbial Agents, HHS/NIH/NCI.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Landow Building, Room 9A22, 7910 Woodmont Ave., Bethesda, MD 20892.

Write to System Manager at the address below for the address of the Federal Records Center where records from this system may be 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 U.S.C. 241.

PURPOSE OF THE SYSTEM:

1. To serve as a base for health and safety for individuals and organizations involved in use of potentially hazardous agents.

2. To identify potential 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.

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

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:

Authorized Users: Employees authorized to use the records include professional staff in the Biological Carcinogenesis Branch who have been informed of the need for maintaining confidentiality of the records.

Physical Safeguards: Office records are kept in closed cabinets in offices which are locked during off-duty hours.

Procedural Safeguards: Access to the file is strictly controlled by the system manager and his designee, 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.

The particular safeguards implemented at each site are developed in accordance with chapter 45-13, "Safeguarding Records Contained in Systems of Records," of the HHS General Administration Manual, supplementary chapter PHS.hf: 45-13, and part 6, "ADP Systems Security", of the HHS ADP Systems Manual.

RETENTION AND DISPOSAL:

Indefinite.

SYSTEM MANAGER AND ADDRESS:

Chief, Biological Carcinogenesis Branch, NCI, Landow Building, Room 9A22, 7910 Woodmont Ave., Bethesda, MD 20892.

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 PROCEDURE:

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

CONTESTING RECORD PROCEDURE:

Write to the official specified under notification procedures above, and reasonably identify the record and specify the information being contested, the corrective action sought, and your reasons for requesting the correction, along with supporting information to show how the record is inaccurate, incomplete, untimely or irrelevant.

RECORD SOURCE CATEGORIES:

Information is obtained from individuals and/or organizations providing specimens.

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 2N-230, NIH, 9000 Rockville Pike, Bethesda, MD 20892.

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 U.S.C. 241, 263.

PURPOSE OF THE SYSTEM:

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:

Authorized Users: Access is granted only to the Normal Volunteer Program staff in the Office of Special Programs and to NIH physicians who have requested the recruitment of volunteers for their clinical research projects.

Physical Safeguards: Record facilities are locked when system personnel are not present.

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 36 months (3 years) after an individual leaves NIH. Applications which are eligible but not accepted may be kept for 1 year.

SYSTEM MANAGER AND ADDRESS:

Assistant Director for Special Program, Building 10, Room 2N–230, NIH, 9000 Rockville Pike, Bethesda, MD 20892.

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 PROCEDURE:

To obtain access to a record, contact: Assistant Director for Special Programs, Building 10, Room 2N226, NIH, 9000 Rockville Pike, Bethesda, MD 20892, and provide the information described under Notification Procedures above. Requesters should also reasonably specify the record contents being sought.

CONTESTING RECORD PROCEDURE:

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, with supporting justification.

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 1C255, NIH, 9000 Rockville Pike, Bethesda, MD 20892.

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 U.S.C. 241, 248.

PURPOSE OF THE SYSTEM:

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:

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. Physical Safeguards: All record facilities are locked when system personnel are not present.

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.

SYSTEM MANAGER AND ADDRESS:

Chief, Office of Clinical Reports & Inquiries, Building 31, Room 2B58 NIH,9000 Rockville Pike, Bethesda, MD 20892.

NOTIFICATION PROCEDURE:

Write to the Systems 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 PROCEDURE:

To obtain access to a record, contact: Director, Clinical Center, Building 10, Room 2C–124, NIH, 9000 Rockville Pike, Bethesda, MD 20892.

and provide the information described under Notification Procedures above. Requesters should also reasonably specify the record contents being sought.

CONTESTING RECORD PROCEDURE:

Write to the official at the address specified under notification procedures above, and reasonably identify the record and specify the infonmation to be contested, the corrective action sought, and the reasons for the correction, with supporting justification.

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 10, Room 2N–222(A), NIH, 9000 Rockville Pike, Bethesda, MD 20892.

Write to the System Manager at the address below for the address of any Federal Records Center where records from this system may be stored.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Potential and accepted Medical Staff and Research Fellows, medical students, and other students in NIH training programs.

CATEGORIES OF RECORDS IN THE SYSTEM:

Application forms, transcripts, references, evaluations.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

42 U.S.C. 241.

PURPOSE OF THE SYSTEM:

1. To identify candidates for Medical Staff and Research Fellow, clinical elective, and other training positions.

2. To maintain a permanent record of those individuals who have received clinical research 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:

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.

Physical Safeguards: Records are maintained in locked cabinets with access limited to authorized personnel (systems manager and staff).

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 AND ADDRESS:

Assistant Director for Special Programs, Building 10, Room 2N224, NIH, 9000 Rockville Pike, Bethesda, MD 20892.

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 PROCEDURE:

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 PROCEDURE:

Write to the System Manager at 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, with supporting justification.

RECORD SOURCE CATEGORIES:

Applicants, universities and teachers.

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 1S217A, NIH, 9000 Rockville Pike, Bethesda, MD 20892.

Write to System Manager at the address below for the address of the Federal Records Center where records from this system may be 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 U.S.C. 241, 285h.

PURPOSE OF THE SYSTEM:

(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:

Disclosure may 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 maintain Privacy Act safeguards with respect to these records. 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 file folders.

RETRIEVABILITY:

Records are retrieved by name and hospital ID number.

SAFEGUARDS:

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.

Physical Safeguards: Records are stored in a cabinet which is locked at all times when not in use.

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 and disposed of under the authority of the NIH Records Control Schedule, Manual Chapter 1743 (HHS Records Management Manual, Appendix B–361), Manual Chapter 1743, item 3000–G–3, which allows records to be kept as long as they are useful in scientific research. Records will be destroyed by shredding or burning.

SYSTEM MANAGER AND ADDRESS:

Chief Clinical Investigations and Patient Care Branch, NIDR, Building 10, Room 1S–217A, NIH, 9000 Rockville Pike, Bethesda, MD 20892.

NOTIFICATION PROCEDURE:

To determine if a record exists contact: NIDR Privacy Act Coordinator, Westwood Building, Room 535, 5333 Westbard Avenue, Bethesda, MD 20892.

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 PROCEDURE:

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

CONTESTING RECORD PROCEDURE:

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, with supporting justification.

RECORD SOURCE CATEGORIES:

Individual, parents or guardians.

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 1S217A, NIH, 9000 Rockville Pike, Bethesda, MD 20892.

Write to System Manager at the address below for the address of the Federal Records Center where records from this system may be 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 U.S.C. 241, 288a.

PURPOSE OF THE SYSTEM:

(1) To record the medical/dental histories of individuals participating in the Sensory Testing Research Program;

(2) To record the results of chemosensory tests of individuals participating in the Sensory Testing Research Program;

(3) For research on sensitivity to oral nasal stimulation;

(4) For review and planning of the Clinical Investigations and Patient Care Branch program.

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, referring health professionals 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 maintain Privacy Act safeguards with respect to these records.

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 file folders and data books.

RETRIEVABILITY:

Records are retrieved by name, date of observation and age of subject.

SAFEGUARDS:

Authorized Users: Employees who maintain records in this system are instructed to grant regular access only to Clinical Investigations 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.

Physical Safeguards: Records are stored in rooms which are locked at all times when not in use. Computer terminals are in secured areas.

Procedural Safeguards: Access is controlled by Clinical Investigation Section staff.

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:

These safeguards are in compliance with the standards of chapter 45–13, "Safeguarding Records Contained in Systems of Records," of the HHS General Administration Manual, supplementary chapter PHS.hf: 45–13, and part 6, ADP Systems Security, of the HHS ADP Systems Manual.

RETENTION AND DISPOSAL:

Records are retained and disposed of under the authority of the NIH Records Control Schedule (HHS Records Management Manual, Appendix B–361), item 3000–G–3, which allows records to be kept as long as they are useful in scientific research. Disposal is by shredding or burning.

SYSTEM MANAGER AND ADDRESS:

Research Physiologist, Clinical Investigations, NIDR, Building 10, Room 1A05, NIH, 9000 Rockville Pike, Bethesda, MD 20892.

NOTIFICATION PROCEDURE:

To determine if a record exists contact: NIDR Privacy Act Coordinator, Westwood Building, Room 535, 5333 Westbard Avenue, Bethesda, MD 20892.

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 PROCEDURE:

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

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 20892.

Write to System Manager at the address below for the address of the Federal Records Center where records from this system may be 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 U.S.C. 241, 289a, 289c.

PURPOSE OF THE SYSTEM:

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:

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 maintain Privacy Act safeguards with respect to these records.

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:

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.

Physical Safeguards: Data books are kept in locked rooms. Offices are locked during off-duty hours.

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 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 AND ADDRESS:

Chief, Respiratory Viruses Section, LID, NIAID, Building 7, Room 104, NIH, 9000 Rockville Pike, Bethesda, MD 20892

and

Chief, Hepatitis Virus Section, NIAID, Building 7, Room 202, NIH, 9000 Rockville Pike, Bethesda, MD 20892.

NOTIFICATION PROCEDURE:

To determine if a record exists, write to Privacy Act Coordinator, NIAID, Westwood Building, Room 703, 5333 Westbard Avenue, Bethesda, MD 20892.

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 PROCEDURE:

Same as notification procedure above. Requesters should also reasonably specify the record contents being sought. You may also request a list of accountable disclosures that have been made of your record.

CONTESTING RECORD PROCEDURE:

Write to the official specified under notification procedures above, and reasonably identify the record and specify the information being contested, the corrective action sought, and your reasons for requesting the correction, along with supporting information to show how the record is inaccurate, incomplete, untimely or irrelevant.

RECORD SOURCE CATEGORIES:

Information contained in these records is obtained directly from individual participants and from medical records, field study records, and clinical research observations.

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 Laboratories, 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 may be 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 U.S.C. 241, 289a, 289c.

PURPOSE OF THE SYSTEM:

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:

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 maintain Privacy Act safeguards with respect to these records.

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:

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.

Physical Safeguards: Offices are locked during off-duty hours.

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 and disposed of under the authority of the NIH Records Control Schedule, Manual Chapter 1743 (HHS Records Management Manual, Appendix B–361), item 3000–G–3, which allows records to be kept as long as they are useful in scientific research. Records which are judged to have no further reference value are destroyed or burned.

SYSTEM MANAGER AND ADDRESS:

Chief, Rocky Mountain Operations Branch, Rocky Mountain Laboratories, NIH, Hamilton, MT 59840.

NOTIFICATION PROCEDURE:

To determine if a record exists write to: Privacy Act Coordinator, NIAID, Westwood Building, Room 703, Westbard Avenue, Bethesda, MD 20892.

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.

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 PROCEDURE:

Same as notification procedure above. Requesters should also reasonably specify the record contents being sought. You may also request a list of accountable disclosures that have been made of your record.

CONTESTING RECORD PROCEDURE:

Write to the official specified under notification procedures above, and reasonably identify the record and specify the information being contested, the corrective action sought, and your reasons for requesting the correction, along with supporting information to show how the record is inaccurate, incomplete, untimely or irrelevant.

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 124, NIH, 9000 Rockville Pike, Bethesda, MD 20892.

Write to System Manager at the address below for the address of the Federal Records Center where records from this system may be 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 U.S.C. 241, 289a, 289c.

PURPOSE OF THE SYSTEM:

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:

Certain infectious 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 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, 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:

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.

Physical Safeguards: Offices are locked during off-duty hours.

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 and disposed of under the authority of the NIH Records Control Schedule, Manual Chapter 1743 (HHS Records Management Manual, Appendix B-361), item 3000-G-3, which allows records to be kept as long as they are useful in scientific research. Disposal by shredding or burning.

SYSTEM MANAGER AND ADDRESS:

Head, Malaria Section, NIAID, Building 8, Room 124, NIH, 9000 Rockville Pike, Bethesda, MD 20892.

NOTIFICATION PROCEDURE:

To determine if a record exists write to: Privacy Act Coordinator, NIAID, Westwood Building, Room 703, 5333 Westbard Avenue, Bethesda, MD 20892.

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 PROCEDURE:

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

CONTESTING RECORD PROCEDURE:

Contact the official under notification procedures above, reasonably identify the record, specify the information to be contested, state the corrective action sought and the reasons for the correction, with supporting justification.

RECORD SOURCE CATEGORIES:

Individuals, referring physicians, collaborating scientists, hospitals.

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 20892
NIH Computer Center, Building 12, 9000 Rockville Pike, Bethesda, MD 20892
Building 31, Room B1C06, NIH, 9000 Rockville Pike, Bethesda, MD 20892
Office of Facilities Engineering, MD 102-01, NIEHS, P.O. Box 12233, Research Triangle Park, NC 27709.

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 U.S.C. 301; 5 U.S.C. 5901; 5 U.S.C. 7903; 40 U.S.C. 318a; 42 U.S.C. 241.

PURPOSE OF THE SYSTEM:

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.

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

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-sensitive media.

RETRIEVABILITY:

Records are retrieved by name.

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: Employees who maintain records in this system are instructed to grant regular access to those officials whose duties require use of the information. Other one-time and special access is granted on a need to know basis and release is specifically authorized by the System Manager or other authorized personnel.

(2) Physical safeguards: Records are kept in officially designated office locations which are locked when unattended by office personnel.

(3) Procedural safeguards: Access to file rooms and files is strictly controlled by office personnel. Access to computerized records is controlled by keyword codes available to authorized users.

RETENTION AND DISPOSAL:

Records are kept until two years after an item is released by an individual.

SYSTEM MANAGER AND ADDRESS:

For tools: Administrative Officer, DES, Building 13, Room 2W35, NIH, 9000 Rockville Pike, Bethesda, MD 20892

For card keys: Security Specialist, DS, Protection and Security Management Branch, Building 31, Room B1C06, NIH, 9000 Rockville Pike, Bethesda, MD 20892.

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 PROCEDURE:

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

CONTESTING RECORD PROCEDURE:

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.

09-25-0057

SYSTEM NAME:

Clinical Research: Burkitt's Lymphoma Registry, HHS/NIH/NCI.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Landow Building, Room 3C25, 7910 Woodmont Avenue, Bethesda, MD 20892.

Write to System Manager at the address below for the address of the Federal Records Center where records from this system may be 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 U.S.C. 241, 281, 282.

PURPOSE OF THE SYSTEM:

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 maintain Privacy Act safeguards with respect to 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.

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 name.

SAFEGUARDS:

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.

Physical Safeguards: Records are kept in a limited access area. Offices are locked during off-duty hours.

Procedural Safeguards: Access to manual files is strictly controlled by files staff. Files may be accessed 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 AND ADDRESS:

System Manager, American Burkitt's Lymphoma Registry, Division of Cancer Etiology, NCI, Landow Building, Room 3C–25, 9000 Rockville Pike, Bethesda, MD 20892.

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 PROCEDURE:

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

CONTESTING RECORD PROCEDURE:

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, physicians.

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 13C103, NIH, 9000 Rockville Pike, Bethesda, MD 20892

and

Frederick Cancer Research Facility, Building 567, Room 129, Frederick, MD 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 U.S.C. 241, 281, 282.

PURPOSE OF THE SYSTEM:

1. Patient care and treatment. 2. Clinical and 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 maintain Privacy Act safeguards with respect to 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.

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:

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.

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.

Procedural Safeguards: Access to manual files is strictly controlled by files staff. Files may be accessed 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 AND ADDRESS:

Head, Biostatistic and Data Management Branch, Building 10, Room 13C103, 9000 Rockville Pike, Bethesda, MD 20892

and

Chief, Clinical Research Branch, Biological Response Modifiers Program, Frederick Cancer Research Facility, Building 567 Room 129, Frederick, MD 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 PROCEDURE:

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

CONTESTING RECORD PROCEDURE:

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.

09-25-0074

SYSTEM NAME:

Clinical Research: Division of Cancer Biology and Diagnosis Patient Trials, HHS/NIH/NCI.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Blair Building, Room 3A05, 9000 Rockville Pike, Bethesda, MD 20892, and at hospitals and clinics, educational and research institutions, Federal, State or local government agencies, and private facilities.

CATAGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Cancer patients, individuals undergoing biopsies, and normal controls in clinical studies of the Division of Cancer Biology and Diagnosis (DCBD).

CATEGORIES OF RECORDS IN THE SYSTEM:

Medical & treatment history.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

42 U.S.C. 241, 281, 282.

PURPOSE OF THE SYSTEM:

This system is used to support research: (1) To compare cancer diagnostic tests; (2) to develop statistical methodology; (3) to trace the natural history of the cancer under study; and (4) to develop, evaluate and verify biological markers for early cancer detection and for monitoring treatment success.

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 maintain Privacy Act safeguards with respect to these 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 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.

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:

Records are stored in files and on computer tapes and discs.

RETRIEVABILITY:

Records are retrieved by coded identification number.

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: 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 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 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 accessed 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.

The particular safeguards implemented at each site are developed in accordance with chapter 45-13, "Safeguarding Records Contained in Systems of Records," of the HHS General Administration Manual, supplementary chapter PHS.hf: 45-13, and part 6, ADP Systems Security, of the HHS ADP Systems Manual.

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 AND ADDRESS:

Computer Systems Manager, Blair Building, Room 3A05, NIH, 9000 Rockville Pike, Bethesda, MD 20892.

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 PROCEDURE:

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

CONTESTING RECORD PROCEDURE:

Write to the official specified under notification procedures above, and reasonably identify the record and specify the information being contested, the corrective action sought, and your reasons for requesting the correction, along with supporting information to show how the record is inaccurate, incomplete, untimely or irrelevant.

RECORD SOURCE CATEGORIES:

Hospitals.

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:

Write to System Manager at the address below for the address of the Federal Records Center where records from this system may be stored.

Landow Bldg., Rm. 9A22, 7910 Woodmont Avenue, Bethesda, MD 20892.

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 U.S.C. 241, 281, 282.

PURPOSE OF THE SYSTEM:

(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 the NCI distribution 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 a 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 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:

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: 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 accessed 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.

These practices are in compliance with the standards of chapter 45-13 of the HHS General Administration Manual, Supplementary chapter PHS of 45-13, and Part 6, "ADP System Security of the HHS Information Resource Management Manual.

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 AND ADDRESS:

Deputy Chief, Biological Carcinogenesis Branch, Division of Cancer Etiology, Landow Building, Room 9A-22, National Institutes of Health, 9000 Rockville Pike, Bethesda, MD 20892.

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 PROCEDURE:

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

CONTESTING RECORD PROCEDURE:

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.

09-25-0087

SYSTEM NAME:

Administration: Employees and Consultants. HHS/NIH/NIAID.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Write to System Manager at the address below for the address of the Federal Records Center where records from this system are stored.

Building 31, Room 7A32, NIH, 9000 Rockville Pike, Bethesda, MD 20892.

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 and photographs.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

42 U.S.C. 241, 289a.

PURPOSE OF THE SYSTEM:

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:

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: 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 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 and disposed of under the authority of the NIH Records Control Schedule, Manual Chapter 1743 (HHS Records Management Manual, Appendix B-361), item 8000-A-1.

SYSTEM MANAGER AND ADDRESS:

Chief, Office of Research Reporting & Public Response, Building 31, Room 7A32, NIH, 9000 Rockville Pike, Bethesda, MD 20892.

NOTIFICATION PROCEDURE:

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 PROCEDURE:

Same as record notification procedures. Requesters should also reasonably specify the record contents being sought. You may also request a list of accountable disclosures that have been made of your record.

CONTESTING RECORD PROCEDURE:

Write to the official specified under notification procedures above, and reasonably identify the record and specify the information being contested, the corrective action sought, and your reasons for requesting the correction, along with supporting information to show how the record is inaccurate, incomplete, untimely or irrelevant.

RECORD SOURCE CATEGORIES:

Individuals and newspaper clippings.

SYSTEMS EXMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-25-0115

SYSTEM NAME:

Administration: Curricula Vitae of Consultants and Clinical Investigators, HHS/NIH/NIAID.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Write to System Manager at the address below for the address of the Federal Records Center where records are stored.

Building 31, Room 747, NIH, 9000 Rockville Pike, Bethesda, MD 20892.

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, 289a.

PURPOSE OF THE SYSTEM:

(1) To maintain a record of the investigators under 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:

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.

The Department of Health and Human Services (HHS) may disclose information from this system of records to the Department of Justice, or to a court or other tribunal, when (a) HHS, or any component thereof; or (b) any HHS

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

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

STORAGE:

Stored in books.

NOTIFICATION PROCEDURE:

To determine if a record exists, write to: NIAID Privacy Act Coordinator, Room 703, Westwood Building, 5333 Westbard Avenue, Bethesda, MD 20892.

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 PROCEDURE:

Same as record notification procedures. Requesters should also reasonably specify the record contents being sought. You may also request a list of accountable disclosures that have been made of your record.

CONTESTING RECORD PROCEDURE:

Write to the official specified under notification procedures above, and reasonably identify the record and specify the information being contested, the corrective action sought, and your reasons for requesting the correction, along with supporting information to show how the record is inaccurate, incomplete, untimely or irrelevant.

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 Building, Room 749, 5333 Westbard Avenue, Bethesda, MD 20892.

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, 289a.

PURPOSE OF THE SYSTEM:

(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:

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

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:

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: 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 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 and disposed of under the authority of the NIH Records Control Schedule, Manual Chapter 1743 (HHS Records Management Manual, Appendix B-361), item 1100-J-a, which allows records to be kept for five years. Records are to be offered to the National Archives when 20 years old.

SYSTEM MANAGER AND ADDRESS:

Special Assistant to the Director, Microbiology and Infectious Diseases, Program, NIAID, Westwood Building, Room 737, 5333 Westbard Avenue, Bethesda, MD 20892.

NOTIFICATION PROCEDURE:

To determine if a record exists, write to: NIAID Privacy Act Coordinator, Room 703, Westwood Building, 5333 Westbard Avenue, Bethesda, MD 20892.

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 PROCEDURE:

Same as record notification procedures. Requesters should also reasonably specify the record contents being sought. You may also request a list of accountable disclosures that have been made of your record.

CONTESTING RECORD PROCEDURE:

Write to the official specified under notification procedures above, and reasonably identify the record and specify the information being contested, the corrective action sought, and your reasons for requesting the correction, along with supporting information to show how the record is inaccurate, incomplete, untimely or irrelevant.

RECORD SOURCE CATEGORIES:

Panel members.

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. 241a, and 289c.

PURPOSE OF THE SYSTEM:

(1) To study the relevance of tissue typing to the outcome 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 and disposed of under the authority of the NIH Records Control Schedule, Manual Chapter 1743 (HHS Records Management Manual, Appendix B-361), item 3000-G-3, which allows records to be kept as long as they are useful in scientific research. Disposal is by burning or shredding and computer tapes are erased.

SYSTEM MANAGER AND ADDRESS:

Chief, Genetics and Transplantation Biology Branch, IAIDP, National Institute of Allergy and Infectious Diseases, NIH, Westwood Building, Room 754, 5333 Westbard Avenue, Bethesda, Maryland, 20892.

NOTIFICATION PROCEDURE:

To determine if a record exists, write to: Privacy Act Coordinator, NIAID, Westwood Building, Room 703, 5333 Westbard Avenue, Bethesda, Maryland 20892, 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 PROCEDURE:

Same as notification procedure. Requesters should also reasonably specify the record contents being sought. You may also request a list of accountable disclosures that have been made of your record.

CONTESTING RECORD PROCEDURE:

Write to the official specified under notification procedures above, and reasonably identify the record and specify the information being contested, the corrective action sought, and your reasons for requesting the correction, along with supporting information to show how the record is inaccurate, incomplete, untimely or irrelevant.

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.

09-25-0143

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 (e.g. Acquired Immunodeficiency Disease Syndrome/AIDS), 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:

42 U.S.C. 241, 289a, 289c.

PURPOSE OF THE SYSTEM:

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 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 a 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 Information Resources Management 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 AND ADDRESS:

Chief, Epidemiology and Biometry Section, MIDP, National Institute of Allergy and Infectious Diseases, Westwood Building, Room 739, 5333 Westbard Avenue, Bethesda, Maryland 20892.

NOTIFICATION PROCEDURE:

To determine if a record exists, write to: NIAID Privacy Act Coordinator, Room 703, Westwood Building, 5333 Westbard Avenue, Bethesda, MD 20892, 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 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, 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 PROCEDURE:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. You may also request a list of accountable disclosures that have been made of your record.

CONTESTING RECORD PROCEDURE:

Write to the official specified under notification procedures above, and reasonably identify the record and specify the information being contested, the corrective action sought, and your reasons for requesting the correction, along with supporting information to show how the record is inaccurate, incomplete, untimely or irrelevant.

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.

09–25–0148

SYSTEM NAME:

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.

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 neurological 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 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 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 enployee, 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 Information Resources Management 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 20892

Director, Communicative Disorders Program, Federal Building, Room 1C11, 7550 Wisconsin Avenue, Bethesda, MD 20892

Director, Fundamental Neurosciences Program, Federal Building, Room 916, 7550 Wisconsin Avenue, Bethesda, MD 20892

Director, Neurological Disorders Program, Federal Building, Room 716, 7550 Wisconsin Avenue, Bethesda, MD 20892

Director, Stroke and Trauma Program, Federal Building, Room 8A08, 7550 Wisconsin Avenue, Bethesda, MD 20892

Director, Intramural Research Program, NIH Building 36, Room 5A05, 9000 Rockville Pike, Bethesda, MD 20892

NOTIFICATION PROCEDURE:

To detemine if a record exists, write to: NINCDS Privacy Act Coordinator, Federal Building, Room 816, 7550 Wisconsin Avenue, Bethesda, MD 20892, 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 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.

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.

09-25-0152

SYSTEM NAME:

Biomedical Research: Records of Subjects in National Institute of Dental Research Contracted Epidemiological and Biometric Studies, HHS/NIH/NIDR.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Records included in this system are collected by contractors and are located in hospitals and clinics; research centers; educational institutions; commercial; local, State and Federal government agencies; and in National Institute of Dental Research (NIDR) facilities. Inactive records may be stored at Federal Records Centers. A list of locations and contracts is available upon request from the System Manager.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Voluntary participants in epidemiological and biometric studies sponsored by NIDR, including adults and minors, both male and females, with known or suspected diseases or disorders of the teeth and supporting structures, as well as normal or nonsuspect individuals in control or study groups for purposes of comparison.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system consists of medical and dental records and information resulting from personal interviews, questionnaires, or direct observation. The system may also include current addresses of study participants, radiographs, records on biological specimens (e.g., teeth, plaque, etc.), study models, computerized epidemiological data and correspondence.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Sections 301, Research and Investigations and 422, National Institute of Dental Research, of the Public Health Service Act (42 U.S.C. 241, 288a).

PURPOSE:

This system is used to: 1. Support research on diseases and disorders of the oral cavity (teeth and their supporting structures); their causes and treatment; the incidence and prevalence of these diseases and disorders; and familial, demographic and behavioral factors related to their causes and treatment.

2. Provide data for program review, evaluation, planning, and administrative accountability.

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

1. Disclosure may be made to HHS contractors, grantees and collaborating researchers and their staff for the purpose of analyzing data and preparing scientific reports and articles in order to accomplish the research purpose for which the records are collected. The recipients are required to maintain Privacy Act safeguards with regards to such records.

2. Disclosure may be made 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 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 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. 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 will be required to maintain Privacy Act safeguards with respect records.

5. Disclosure may be made to a congressional office from the record to an individual in response to an inquiry from the congressional office made at the request of the 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, 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.

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 disks, punched cards, or bound notebooks.

RETRIEVABILITY:

Information is retrieved by name and/or a participant identification number.

SAFEGUARDS:

(1) Authorized Users: Employees who maintain records in this systems are instructed to grant regular access only to contractor personnel; consultants to the contractor; the NIDR project officer; and NIDR employees whose duties require the use of such information. Access to the data controlled by the Project Director, the NIDR Project Officer, and/or the System Manager.

(2) Physical Safeguards: Records are stored in locked files or secured areas. Computer terminals are in secured areas.

(3) Procedural Safeguards: Names and other identifying particulars are deleted when data from original records is encoded for analysis. Encoded data is indexed by code numbers. Tables linking these code numbers with actual identifiers are maintained separately. Code numbers and identifiers are linked only if there is a specific need. Data stored in computers is accessed through the use of keywords known only to the principal investigators or authorized personnel. These keywords are changed frequently.

The particular safeguards implemented in each project will be developed in accordance with chapter 45–13, "Safeguarding Records Contained in Systems of Records," of the HHS General Administration Manual, supplementary chapter PHS hf. 45–13, Part 6, "ADP Systems Security," of the HHS Information Resources Management Manual.

RETENTION AND DISPOSAL:

Records at contractor facilities are retained and disposed of under the authority of the institutional records control schedule. Records at NIDR facilities are retained and disposed of under the authority of the NIH Records Control Schedule (DHHS Records Management Manual, Appendix B–361), item 3000–G–3, which allows records to be kept as long as they are useful in scientific research.

Disposal methods include burning or shredding hard copy and erasing computer tapes and discs.

SYSTEM MANAGER AND ADDRESS:

Chief, Contract Management Section, Extramural Program, National Institute of Dental Research, Westwood Building, Room 521, 5333 Westbard Avenue, Bethesda, MD 20892.

NOTIFICATION PROCEDURE:

Write to: Privacy Act Coordinator, National Institute of Dental Research, Westwood Building, Room 535, 5333 Westbard Avenue, Bethesda, MD 20892; and provide the following information in writing: 1. Full name at time of participation in the study; 2. Name and description of the study; 3. Location and 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 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 discretion.

A parent or guardian who requests notification of, or access to, the medical record of a child or incompetent person shall designate a family physician or other health professional (other than a family member) to whom the records, 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. Requesters should also reasonably specify the record contents being sought.

CONTESTING RECORD PROCEDURES:

Contact the System Manager at the address above. The contestor must reasonably identify the record, specify in writing the information being contested, and state the corrective action sought, and the reason(s) for the corrective action, with supporting justification.

RECORD SOURCE CATEGORIES:

Information contained in these records is obtained directly from individual participants and from medical/dental and clinical research observations.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-25-0153

SYSTEM NAME:

Biomedical Research: Records of Subjects in Biomedical and Behavioral Studies of Child Health and Human Development, HHS/NIH/NICHD.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Records included in this system are located in hospitals and clinics, research centers, educational institutions, commercial organizations, local and State agencies, and other Executive Branch agencies of the Federal Government under contract to the National Institute of Child Health and Human Development (NICHD), and in NICHD facilities in Bethesda, Maryland. Inactive records may be stored at Federal Records Centers. A list of specific locations and contractors is available upon request from the System Manager, whose address is listed below.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Participants in these studies include adults and children (a) who are presently or have been treated by the NICHD, (b) whose physical, genetic, social, economic, environmental, behavioral or nutritional conditions or habits are being studied by the NICHD, or (c) normal volunteers who have agreed to provide control data for purposes of comparison.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system consists of a variety of clinical, medical, and statistical information collected in biomedical and behavioral research studies, such as medical histories, vital statistics, personal interviews, questionnaires, current addresses of study participants, radiographs, records on biological specimens, study models, and correspondence from or about participants in these studies.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 301, Research and Investigation, and Section 441, National Institute of Child Health and Human Development, of the Public Health Service Act as amended (42 U.S.C. Sections 241, 298d).

PURPOSES OF THE SYSTEM:

This system is used: 1. For program review, evaluation, planning, and administrative management for research on child health and human development; 2. to monitor the incidence, prevalence or development of the disease, condition, behavior, or health status under investigation; 3. to determine the relation of various factors (e.g., social, economic, environmental, physical, and medical) to the occurrence of the disease, condition, development, behavior, or health status under investigation; 4. to identify abnormal disease, condition, or health status and inform the Centers for Disease Control (CDC) or the Food and Drug Administration (FDA) of the existence of such conditions. CDC uses this information in fulfilling its congressionally mandated responsibility for the monitoring of disease and prevention of epidemics. FDA uses this information in carrying out its congressional mandate for controlling certain potentially harmful products.

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 for the purpose of analyzing data and preparing scientific reports and articles in order to accomplish the research purpose for which the records are collected. The recipients are required to comply with the requirements of the Privacy Act with respect to such records.

2. Disclosure may be made to organizations deemed qualified by the Secretary to carry out quality assessment, medical audits or utilization review.

3. 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 comply with the requirements of the Privacy Act with respect to such records.

4. Certain infectious diseases are reported to State governments as required by law.

5. 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.

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 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, 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.

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

STORAGE:

Data may be stored in file folders, microfilm, magnetic tapes or disks, punched cards, or bound notebooks.

RETRIEVABILITY:

Information is retrieved by name and/or a participant identification number.

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: Employees who maintain records in this system are instructed to grant regular access only to contractor personnel; consultants to the contractor; the NICHD project officer; and NICHD employees whose duties require the use of such information. One time and special access to the data is controlled by the System Manager, the NICHD Project Officer, and the Contract and/or Project Director.

(2) Physical Safeguards: Records are stored in locked files or secured areas. Computer terminals are in secured areas.

(3) Procedural Safeguards: Names and other identifying particulars are deleted when data from original records is encoded for analysis. Encoded data is indexed by code numbers. Tables linking these code numbers with actual identifiers are maintained separately. Code numbers and identifiers are linked only if there is a specific need, such as alerting the volunteer subjects to any findings in the study that might affect their health. Data stored in computers is accessed through the use of passwords/keywords known only to the principal investigators or authorized personnel. These passwords/keywords are changed frequently.

The particular safeguards implemented in each project will be developed in accordance with chapter 45–13, "Safeguarding Records Contained in Systems of Records," of the HHS General Administration Manual, supplementary chapter PHS hf. 45–13; 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 are retained and disposed of under the authority of the NIH Records Control Schedule, Manual Chapter 1743 (HHS Records Management Manual, Appendix B–361), item 3000–G–3, which allows records to be kept as long as they are useful in scientific research.

Disposal methods include burning or shredding hard copy and erasing computer tapes and disks.

SYSTEM MANAGER AND ADDRESS:

Chief, Contracts Management Section, NICHD, Landow Building, Room 6C33, 7910 Woodmont Avenue, Bethesda, MD 20892.

NOTIFICATION PROCEDURE:

To determine if a record exists, write to: NICHD Privacy Act Coordinator, Building 31, Room 2A11, 9000 Rockville Pike, Bethesda, MD 20892; and provide the following information in writing: 1. Full name and address at time of participation in the study; 2. Name or description of the study; 3. Location and 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 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.

A parent or guardian who requests notification of, or access to, the medical record of a child or incompetent person 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 or her relationship to the child or incompetent person as well as his or her own identity.

RECORD ACCESS PROCEDURES:

Same as notification procedure above. Requesters should also reasonably specify the record contents being sought. You may also request a list of accountable disclosures that have been made of your record.

CONTESTING RECORD PROCEDURES:

Write to the official specified under notification procedures above, and reasonably identify the record and specify the information being contested, the corrective action sought, and your reasons for requesting the correction, along with supporting information to show how the record is inaccurate, incomplete, untimely or irrelevant.

RECORD SOURCE CATEGORIES:

Information contained in these records is obtained directly from individual participants, medical and clinical research observations, and other federal agencies.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09–25–0153

SYSTEM NAME:

Biomedical Research: Records of Subjects in Biomedical and Behavioral Studies of Child Health and Human Development, HHS/NIH/NICHD.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Records included in this system are located in hospitals and clinics, research centers, educational institutions, commercial organizations, local and State agencies, and other Executive Branch agencies of the Federal Government under contract to the National Institute of Child Health and Human Development (NICHD), and in NICHD facilities in Bethesda, Maryland. Inactive records may be stored at Federal Records Centers. A list of specific locations and contractors is available upon request from the System Manager, whose address is listed below.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Participants in these studies include adults and children (a) who are presently or have been treated by the NICHD, (b) whose physical, genetic, social, economic, environmental, behavioral or nutritional conditions or habits are being studied by the NICHD, or (c) normal volunteers who have agreed to provide control data for purposes of comparison.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system consists of a variety of clinical, medical, and statistical information collected in biomedical and behavioral research studies, such as medical histories, vital statistics, personal interviews, questionnaires, current addresses of study participants, radiographs, records on biological specimens, study models, and correspondence from or about participants in these studies.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 301, Research and Investigation, and Section 441, National Institute of Child Health and Human Development, of the Public Health Service Act as amended (42 U.S.C. Sections 241, 298d).

PURPOSES:

This system is used: 1. For program review, evaluation, planning, and administrative management for research on child health and human development; 2. to monitor the incidence, prevalence or development of the disease, condition, behavior, or health status under investigation; 3. to determine the relation of various factors (e.g., social, economic, environmental, physical, and medical) to the occurrence of the disease, condition, development, behavior, or health status under investigation; 4. to identify abnormal disease, condition, or health status and inform the Centers for Disease Control (CDC) or the Food and Drug Administration (FDA) of the existence of such conditions. CDC uses this information in fulfilling its congressionally mandated responsibility for the monitoring of disease and prevention of epidemics. FDA uses this information in carrying out its congressional mandate for controlling certain potentially harmful products.

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 for the purpose of analyzing data and preparing scientific reports and articles in order to accomplish the research purpose for which the records are collected. The recipients are required to comply with the requirements of the Privacy Act with respect to such records.

2. Disclosure may be made to organizations deemed qualified by the Secretary to carry out quality assessment, medical audits or utilization review.

3. 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 comply with the requirements of the Privacy Act with respect to such records.

4. Certain infectious diseases are reported to State governments as required by law.

5. 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.

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 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, 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.

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

STORAGE:

Data may be stored in file folders, microfilm, magnetic tapes or disks, punched cards, or bound notebooks.

RETRIEVABILITY:

Information is retrieved by name and/or a participant identification number.

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: Employees who maintain records in this system are instructed to grant regular access only to contractor personnel; consultants to the contractor; the NICHD project officer; and NICHD employees whose duties require the use of such information. One-time and special access to the data is controlled by the System Manager, the NICHD Project Officer, and the Contract and/or Project Director.

(2) Physical Safeguards: Records are stored in locked files or secured areas. Computer terminals are in secured areas.

(3) Procedural Safeguards: Names and other identifying particulars are deleted when data from original records is encoded for analysis. Encoded data is indexed by code numbers. Tables linking these code numbers with actual identifiers are maintained separately. Code numbers and identifiers are linked only if there is a specific need, such as alerting the volunteer subjects to any findings in the study that might affect their health. Data stored in computers is accessed through the use of passwords/keywords known only to the principal investigators or authorized personnel. These passwords/keywords are changed frequently.

The particular safeguards implemented in each project will be developed in accordance with chapter 45–13, "Safeguarding Records Contained in Systems of Records," of the HHS General Administration Manual, supplementary chapter PHS hf. 45–13;

Part 6, "ADP Systems Security," of the HHS Information Resources Manual, and the National Bureau of Standards Federal Information Processing Standards (FIPS Pub. 41 and FIPS Pub. 31).

RETENTION AND DISPOSAL:

Records are retained and disposed of under the authority of the NIH Records Control Schedule, Manual Chapter 1743 (HHS Records Management Manual, Appendix B–361), item 3000–G–3, which allows records to be kept as long as they are useful in scientific research.

Disposal methods include burning or shredding hard copy and erasing computer tapes and disks.

SYSTEM MANAGER AND ADDRESS:

Chief, Contracts Management Section, NICHD, Landow Building, Room 6C33, 7910 Woodmont Avenue, Bethesda, MD 20892.

NOTIFICATION PROCEDURE:

To determine if a record exists, write to: NICHD Privacy Act Coordinator, Building 31, Room 2All, 9000 Rockville Pike, Bethesda, MD 20892; and provide the following information in writing: 1. Full name and address at time of participation in the study; 2. Name or description of the study; 3. Location and 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 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.

A parent or guardian who requests notification of, or access to, the medical record of a child or incompetent person 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 or her relationship to the child or incompetent person as well as his or her own identity.

RECORD ACCESS PROCEDURES:

Same as notification procedure above. Requesters should also reasonably specify the record contents being sought. You may also request a list of accountable disclosures that have been made of your record.

CONTESTING RECORD PROCEDURES:

Write to the official specified under notification procedures above, and reasonably identify the record and specify the information being contested, the corrective action sought, and your reasons for requesting the correction, along with supporting information to show how the record is inaccurate, incomplete, untimely or irrelevant.

RECORD SOURCE CATEGORIES:

Information contained in these records is obtained directly from individual participants, medical and clinical research observations, and other federal agencies.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09–25–0156

SYSTEM NAME:

Records of Participants in Programs and Respondents in Surveys Used to Evaluate Programs of the National Institutes of Health, HHS/NIH/OD.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

This system of records is an umbrella system comprising separate sets of records located either in the organizations responsible for conducting evaluations or at the sites of programs or activities under evaluation. Locations include National Institutes of Health (NIH) facilities in Bethesda, Maryland, or facilities of contractors of the NIH. Write to the appropriate System Manager below for a list of current locations.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals covered by this system are those who provide information or opinions that are useful in evaluating programs or activities of the NIH, other persons who may participate in or benefit from NIH programs or activities; or other persons included in evaluation studies for purposes of comparison. Such individuals may include (1) participants in research studies; (2) applicants for and recipients of grants, fellowships, traineeships or other awards; (3) employees, experts and consultants; (4) members of advisory committees; (5) other researchers, health care professionals, or individuals who have or are at risk of developing diseases or conditions studied by NIH; or (6) persons who provide feedback about the value or usefulness of information they receive about NIH programs, activities or research results.

CATEGORIES OF RECORDS IN THE SYSTEM:

This umbrella system of records covers a varying number of separate sets of records used in different evaluation studies. The categories of records in each set depend on the type of program being evaluated and the specific purpose of the evaluation. In general, the records contain two types of information: (1) information identifying subject individuals, and (2) information which enables NIH 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) Information used for evaluation varies according to the program evaluated. Categories of evaluative information include personal and medical data on participants in clinical and research programs; publications, professional achievements and career history of researchers; and opinions and other information received directly from individuals in evaluation surveys and studies of NIH programs.

The system does not include any master list, index or other central means of identifying all individuals whose records are included in the various sets of records covered by the system.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Authority for this system comes from the following general authorities regarding the establishment of the National Institutes of Health, its general authority to conduct and fund research and to provide training assistance, and its general authority to maintain records in connection with these and its other functions (42 U.S.C. 203, 241, 289/–1 and 44 U.S.C. 3101).

PURPOSE OF THE SYSTEM:

This system supports evaluation of the policies, programs, organization, methods, materials, activities or services used by NIH in fulfilling its legislated mandate for:

(1) Conduct and support of biomedical research into the causes, prevention and cure of diseases;

(2) Support for training of research investigators;

(3) Communication of biomedical information.

This system is not used to make any determination affecting the rights, benefits or privileges of any individual.

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 conducting evaluation studies or collecting, aggregating, processing or analyzing records used in evaluation studies. The recipients are required to protect the confidentiality of such records.

(2) Disclosure may be made to organizations deemed qualified by the Secretary to carry out quality assessments, 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.

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 media (e.g., magnetic tapes or discs).

RETRIEVABILITY:

Information is retrieved by name and/or participant identification number within each evaluation study. There is no central collection of records in this system, and no central means of identifying individuals whose records are included in the separate sets of records that are maintained for particular evaluation studies.

SAFEGUARDS:

A variety of safeguards is implemented for the various sets of records in this system according to the sensitivity of the data each set contains. 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 its level of sensitivity. Records derived from other systems of records will be safeguarded at a level at least as stringent as that required in the original systems. Minimal safeguards for the protection of information which is not available to the general public include the following:

Authorized Users: Regular access to information in a given set of records is limited to NIH or to contractor employees who are conducting, reviewing or contributing to a specific evaluation study. Other 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.

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. Records collected in each evaluation project are maintained separately from those of other projects. Sensitive records are not left exposed to unauthorized persons at any time. Sensitive data in machine-readable form may be encrypted.

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. Contracts for operation of this system of records require protection of the records in accordance with these safeguards; NIH project and contracting officers monitor contractor compliance.

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, "ADP Systems Security," of the HHS Information Resource Management Manual.

RETENTION AND DISPOSAL:

Studies, analyses, reports, and statistical compilations created or collected in evaluation of NIH mission-related activities are scheduled for permanent retention by the National Archives as part of the historical record of the NIH, as provided by the NIH Records Control Schedule, section 1100–C. Working papers, extra copies, or records not used in evaluations of major programs of the NIH or any of its Bureaus, Institutes or Divisions are destroyed no later than 5 years after completion of the evaluation study (NIH Records Control Schedule, items 1100–C–12d, 1100–C–14b, 1100–C–15b, 1900–A–4). Disposal methods include burning or shredding of hard copy and erasing magnetic media.

POLICY COORDINATION FOR THIS SYSTEM IS PROVIDED BY:

Associate Director for Program Planning and Evaluation, National Institutes of Health, Building 1, Room 137, 9000 Rockville Pike, Bethesda, MD 20892.

SYSTEM MANAGERS AND ADDRESSES:

See Appendix 1.

NOTIFICATION PROCEDURE:

To determine if a record exists, write to the official of the organization responsible for the evaluation, as listed in Appendix 2. If you are not certain which component of NIH was responsible for the evaluation study, or if you believe there are records about you in several components of NIH, write to: NIH Privacy Act Coordinator, Building 31, Room 3B07, 9000 Rockville Pike, Bethesda, MD 20892.

Requesters must provide the following information: 1. Full name; 2. Name and location of the evaluation study or other NIH 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 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, 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. You may also request a list of accountable disclosures that have been made of your record.

CONTESTING RECORD PROCEDURES:

Write to the official specified under notification procedures above, and reasonably identify the record and

specify the information being contested, the corrective action sought, and your reasons for requesting the correction, along with supporting information to show how the record is inaccurate, incomplete, untimely or irrelevant.

RECORD SOURCE CATEGORIES:

Information contained in these records is obtained directly from individual participants; from systems of records 09–25–0036, "Grants: IMPAC (Grants/Contract Information), HHS/NIH/DRG," 09–25–0112, "Grants: Research, Research Training, Fellowship and Construction Applications and Awards, HHS/NIH/OD"; other records maintained by the operating programs of NIH; the National Academy of Sciences and other contractors; grantees or collaborating researchers; or publicly available sources such as bibliographies.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

Appendix 1—System Managers

NIH, Office of the Director: Chief, Program Evaluation Branch, OPPE, NIH, Building 1, Room 234, 9000 Rockville Pike, Bethesda, MD 20892

National Heart, Lung and Blood Institute (NHLBI): Director, Office of Program Planning & Evaluation, NHLBI, NIH, Building 31, Room 5A03, Bethesda, MD 20892

National Library of Medicine (NLM): Special Assistant for Operations Research, Office of the Director, NLM, NIH, Building 38, Room 2S18, Bethesda, MD 20892

National Eye Institute (NEI): Associate Director for Program Planning, Analysis and Evaluation, NEI, NIH, Building 31, Room 6A25, Bethesda, MD 20892

National Institute on Aging (NIA): Evaluation Officer, NIA, NIH, Building 31, Room 5C11, Bethesda, MD 20892

National Institute of Allergy and Infectious Diseases (NIAID): Chief, Evaluation Section, Office of Program Planning and Evaluation, NIAID, NIH, Building 31, Room 7A19, Bethesda, MD 20892

National Institute of Child Health and Human Development (NICHD): Chief, Office of Planning and Evaluation, NICHD, NIH, Building 31, Room 2A10, Bethesda, MD 20892

National Institute of Dental Research (NIDR): Chief, Office of Planning, Evaluation and Communications, NIDR, NIH, Building 31, Room 2C36, Bethesda, MD 20892

National Institute of Environmental Health Sciences (NIEHS): Program Analyst, Office of Program Planning and Evaluation, National Institute of Environmental Health Sciences, P.O. Box 12233, Research Triangle Park, N.C. 27709

National Institute of General Medical Sciences (NIGMS): Associate Director for Evaluation, NIGMS, Westwood Building Room 9A18, 5333 Westbard Avenue, Bethesda, MD 20892

Fogarty International Center (FIC): Assistant Director for Planning and Evaluation, FIC, NIH, Building 38A, Room 607, Bethesda, MD 20892

Division of Research Grants (DRG): Assistant Director for Special Projects, DRG, Westwood Building, Room 457, National Institutes of Health, Bethesda, MD 20892

Division of Research Resources: Program Analyst, Office of Program Planning and Evaluation, DRR, NIH, Building 31, Room 5B54, Bethesda, MD 20892

Appendix 2—Notification and access officials

NIH, Office of the Director: Chief, Program Evaluation Branch, OPPE, NIH, Building 1, Room 234, 9000 Rockville Pike, Bethesda, MD 20892

National Heart, Lung and Blood Institute (NHLBI): Privacy Act Coordinator, NHLBI, NIH, Building 31, Room 5A29, Bethesda, MD 20892

National Library of Medicine (NLM): Special Assistant for Operations Research, Office of the Director, NLM, NIH, Building 38, Room 2S18, Bethesda, MD 20892

National Eye Institute (NEI): Executive Officer, NEI, NIH, Building 31, Room 6A25, Bethesda, MD 20892

National Institute on Aging (NIA): Evaluation Officer, NIA, NIH, Building 31, Room 5C11, Bethesda, MD 20892

National Institute of Allergy and Infectious Diseases (NIAID): Chief, Evaluation Section, Office of Program Planning and Evaluation, NIAID, NIH, Building 31, Room 7A19, Bethesda, MD 20892

National Institute of Child Health and Human Development (NICHD): Chief, Office of Planning and Evaluation, NICHD, NIH, Building 31, Room 2A10, Bethesda, MD 20892

National Institute of Dental Research (NIDR): Chief, Office of Planning, Evaluation and Communications, NIDR, NIH, Building 31, Room 2C36, Bethesda, MD 20892

National Institute of Environmental Health Sciences (NIEHS): Program Analyst, Office of Program Planning and Evaluation, National Institute of Environmental Health Sciences, P.O. Box 12233, Research Triangle Park, N.C. 27709

National Institute of General Medical Sciences (NIGMS): Privacy Act Coordinator, NIGMS, NIH, Building 31, Room 4A52, Bethesda, MD 20892

Fogarty International Center (FIC): Assistant Director for Planning and Evaluation, FIC, NIH, Building 38A, Room 607, Bethesda, MD 20892

Division of Research Grants (DRG): Assistant Director for Special Projects, DRG, Westwood Building, Room 457, National Institutes of Health, Bethesda, MD 20892

Division of Research Resources: Program Analyst, Office of Program Planning and Evaluation, DRR, NIH, Building 31, Room 5B54, Bethesda, MD 20892

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BILLING CODE 4140–01–M

Centers for Disease Control

Privacy Act of 1974; Republication of Systems of Records

AGENCY: Public Health Service, HHS.

ACTION: Notification of republication of notices of systems of records.

SUMMARY: In accordance with the requirements of the Privacy Act, the Centers for Disease Control (CDC) is publishing a notice describing the existence and character of each system of records. This publication covers all systems of records maintained by CDC and its organizational components, including the National Institute for Occupational Safety and Health (NIOSH).

Several of the notices which were published in the last comprehensive republication in 1982 have been deleted, consolidated with, or subsumed under other systems of records, as described below. In addition, all the notices have been modified to clarify the descriptions and to ensure that they are complete, accurate and timely.

CDC also proposes to establish new routine uses permitting disclosure of information to contractors from two Privacy Act systems of records maintained by the CDC: 09-20-0089, "Studies of Treatment of Tuberculosis and other Mycobacterioses, HHS/CDC/CPS"; and 09-20-0157 "Clinical Laboratory Personnel Proficiency Test Results (Medicare), HHS/CDC/LPO." Contracting for the services specified below is intended to accomplish the purposes of the two systems in a more efficient manner.

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 September 15, 1986. Readers who notice any inadvertent error or omission in CDC system notices are invited to bring them to the attention of David K. Rowe, Privacy Act Officer, Centers for Disease Control, 1600 Clifton Road, N.E., Bldg. 1, Rm. B-68, Atlanta, GA 30333.

DATES: PHS invites interested parties to submit comments on the proposed new routine uses on or before (30 days after publication). The Centers for Disease Control will adopt the new routine uses without further notice 30 days after the date of publication, unless PHS receives comments which would result in a contrary determination.

SUPPLEMENTARY INFORMATION: These notices include several changes which have been made since the last comprehensive annual publication.

A. DELETED SYSTEMS OF RECORDS:

The following systems of records have been deleted:

(1) 09-20-0083, Diagnostic Methods for Identification of Occupational Diseases through Biopsy and/or Autopsy Specimens. HHS/CDC/NIOSH. (Records in this system have been subsumed under 09-20-0117.)

(2) 09-20-0086, Surveillance of Persons on Isoniazid Preventive Treatment for Tuberculosis. HHS/CDC/CPS. (Records in this system have been subsumed under 09-20-0089.)

(3) 09-20-0087, Surveillance of Inadvertent Vaccination during Pregnancy. HHS/CDC/CPS. (Records in this system have been subsumed under 09-20-0136.)

(4) 09-20-0088, Subacute Sclerosing Panencephalitis Surveillance. HHS/CDC/CPS. (Records in this system have been subsumed under 09-20-0136.)

(5) 09-20-0093, Tuberculosis Preventive Therapy Studies. HHS/CDC/CPS. (Records in this system have been subsumed under 09-20-0089.)

(6) 09-20-0094, Studies of Drug Resistant Tuberculosis Cases/Contacts. HHS/CDC/CPS. (Records in this system have been subsumed under 09-20-0089.)

(7) 09-20-0095, Varicella Zoster Immune Globulin Records on High Risk Immunosuppressed Children Exposed to Chickenpox. HHS/CDC/CPS. (Records in this system have been subsumed under 09-20-0136.)

(8) 09-20-0097, Studies of the Effects of BCG Vaccinations for Tuberculosis. HHS/CDC/CPS. (Records in this system have been subsumed under 09-20-0089.)

(9) 09-20-0098, Congenital Rubella Registry. HHS/CDC/CPS. (Records in this system have been subsumed under 09-20-0136.)

(10) 09-20-0107, Dengue and Research Studies. HHS/CDC/CID. (Records in this system have been subsumed under 09-20-0136.)

(11) 09-20-0148, Results of Occupational Hearing Studies. HHS/CDC/NIOSH. (Records in this system have been subsumed under 09-20-0118.)

(12) 09-20-0150, Morbidity Studies in Coal Mining Activities. HHS/CDC/NIOSH. (Records in this system have been subsumed under 09-20-0149.)

(13) 09-20-0151, Mortality Studies in Coal Mining Activities. HHS/CDC/NIOSH. (Records in this system have been subsumed under 09-20-0153.)

(14) 09-20-0152, Mortality Studies in Non-Coal Mining Activities. HHS/CDC/NIOSH. (Records in this system have been subsumed under 09-20-0153.)

(15) 09-20-0155, Morbidity Studies in Metal and Non-Metal Mining Activities. HHS/CDC/NIOSH. (Records in this system have been subsumed under 09-20-0149.)

(16) 09-20-0156, Cytotechnologists Proficiency Answer Sheets and Test Results (Medicare). HHS/CDC/LPO. (Records in this system have been subsumed under 09-20-0157.)

(17) 09-20-0158, Independent Laboratory Directors Proficiency Answer Sheets and Exam Results (Medicare). HHS/CDC/LPO. (Records in this system have been subsumed under 09-20-0157.)

B. MODIFICATION OF SAFEGUARDS:

The safeguards category has been modified in each system notice to more accurately and completely describe the policies and practices relating to the safeguarding of records and data.

C. REVISION OF SYSTEM AUTHORITY:

The system authority category has been revised in systems 09-20-0106, 09-20-0113, and 09-20-0136 to reflect the additional legislative authority, Section 308(d) of the Public Health Service Act, pertaining to the granting of an assurance of confidentiality relating to records in these systems.

D. CLARIFICATION OF SYSTEM PURPOSE, CATEGORIES OF RECORDS AND CATEGORIES OF INDIVIDUALS:

The system purpose, categories of records and categories of individuals sections have been revised in systems 09-20-0089, 09-20-0117, 09-20-0118, 09-20-0149, 09-20-0153, and 09-20-0157 to more clearly describe the systems. In each case, these revisions reflect the subsumption of a number of similar systems and more accurately reflect the program's actual operations. The changes in wording do not involve any changes in the scopes of the system notices as originally published.

E. RENAMING OF SYSTEMS:

The names of the following systems have been changed to more accurately describe the types of records covered:

(1) 09-20-0055 has been retitled Administrative Files for Research/Demonstration and Training Grants, and Cooperative Agreement Applications. HHS/CDC/NIOSH.

(2) 09-20-0149 has been retitled Morbidity Studies in Coal Mining, Metal and Non-metal Mining and General Industry. HHS/CDC/NIOSH.

(3) 09-20-0153 has been retitled Mortality Studies in Coal Mining, Metal and Non-metal Mining and General Industry. HHS/CDC/NIOSH.

(4) 09-20-0157 has been retitled Clinical Laboratory Personnel Proficiency Test Results (Medicare). HHS/CDC/LPO.

F. ADDITION OF ROUTINE USE:

The following routine use has been added to systems 09-20-0089 and 09-20-0157:

The Centers for Disease Control is under contract with private firms for the purpose of collating, analyzing or otherwise refining records in this system. Relevant records are maintained by the contractors. The con- tractors are required to maintain Privacy Act safeguards with respect to such records.

System 09-20-0089 requires the above routine use for those instances in which CDC staff has determined the need for outside contractors to perform specific work in support of the tuberculosis control activities described in the purpose of the system. The contractor will review and refine data pertaining to individuals who receive treatment relating to tuberculosis. Other contractor services such as the enhancement of automated systems and other computer operations are also contemplated.

The same routine use is also necessary for system 09-20-0157 in connection with the certification testing of clinical laboratory personnel. Pub. L. 99-272 extended the Medicare proficiency examination authority for health care personnel. Procedures must be in place for the formal test- ing of the proficiency of such clinical laboratory personnel as cytotech- nologists, clinical laboratory technicians and technologists. This routine use will enable CDC to utilize contractor services in handling many of the administrative requirements of the project including the refinement of computer services and the maintenance of accurate records on the examinees.

G. DISCLOSURES PERMITTED BY PRIVACY ACT:

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 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 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 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;

'(11) pursuant to the order of a court of competent jurisdiction; or

'(12) to a consumer reporting agency in accordance with section 3(d) of the Federal Claims Collection Act of 1966 (31 U.S.C. 952(d)).'

Dated: October 20, 1986.

Robert L. Foster,

Acting Director, Office of Program Support, Centers for Disease Control.

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09-20-0000

SYSTEM NAME:

Cooperative Mycoses Study. HHS/CDC/CID.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Federal Records Center, 1557 St. Joseph Avenue, East Point, GA 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, KS.

CATEGORIES OF RECORDS IN THE SYSTEM:

Medical records and related papers.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Public Health Service Act, Section 301, "Research and Investigation" (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 a verified inquiry from the congressional office made at the written 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 a claim against the Public Health Service 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, disclosure may be made 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:

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:

1. AUTHORIZED USERS: Access is granted to only a limited number of researchers and designated support staff of the Centers for Disease Control (CDC), the CDC Records Officer, and FRC officials, as authorized by the system manager to accomplish the stated purposes for which the data in this system have been collected.

2. PHYSICAL SAFEGUARDS: Electronic anti-intrusion devices are in operation at the Federal Records Center.

3. PROCEDURAL SAFEGUARDS: Users of individually identified data protect information from public scrutiny, and only specifically authorized personnel may be admitted to the record storage area. CDC employees who maintain records are instructed to check with the system manager prior to making disclosures of data.

4. IMPLEMENTATION GUIDELINES: DHHS Chapter 45-l3 and supplementary Chapter PHS.hf: 45-l3 of the General Administration Manual. FRC safeguards are in compliance with GSA Federal Property Management Regulations, Subchapter B—Archives and Records.

RETENTION AND DISPOSAL:

Records are maintained at the Federal Records Center until 20 years old and are then destroyed by paper recycling process, unless needed for further study.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Center for Infectious Diseases, Bldg. 1, Rm. 6013, Centers for Disease Control, 1600 Clifton Road, Atlanta, GA 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) 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.

An individual who requests notification of or access to medical records shall, at the time the request is made, designate in writing a responsible representative who is 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.

The following information must be provided when requesting notification: (1) Full name; (2) the approximate date and place of the study, if known; and (3) nature of the questionnaire or study in which the requester participated.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. An accounting of disclosures that have been made of the record, if any, may be requested.

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under System Manager above, reasonably identify the record and specify the information being contested, the corrective action sought, and the reasons for requesting the correction, along with supporting information to show how the record is inaccurate, incomplete, untimely, or irrelevant.

RECORD SOURCE CATEGORIES:

Individual medical records of patients in participating hospitals and sanitoriums.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

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, WV 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 are 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 Mine Health and Safety Actof 1977.

CATEGORIES OF RECORDS IN THE SYSTEM:

Qualifications of physicians.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Federal Mine Health and Safety Act of 1977, Section 501, "Research" (30 U.S.C. 951).

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:

Name and address supplied to coal operators and X-ray facilities so that they may contact physicians to do work for them.

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 a verified inquiry from the congressional office made at the written request of that individual.

The Department of Health and Human Services (HHS) may disclose information from this system of records to the Department of Justice, or to a court or other tribunal, when (a) HHS, or any component thereof; or (b) any HHS employee in his or her official capacity; or (c) any HHS employee in his or her individual capacity where the Department of Justice (or HHS, where it is authorized to do so) has agreed to represent the employee; or (d) the United States or any agency thereof

where HHS determines that the litigation is likely to affect HHS or any of its components, is a party to litigation or has an interest in such litigation, and HHS determines that the use of such records by the Department of Justice, the court or other tribunal is relevant and necessary to the litigation and would help in the effective representation of the governmental party, provided, however, that in each case, HHS determines that such disclosure is compatible with the purpose for which the records were collected.

Records subject to the Privacy Act are disclosed to private firms for data entry, computer systems analysis and computer programming services. The contractors promptly return data entry records after the contracted work is completed. The contractors are 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/disks and printouts, microfilm.

RETRIEVABILITY:

Name and/or social security number, supplied on a voluntary basis are the indices used to retrieve records.

SAFEGUARDS:

1. AUTHORIZED USERS: Access is granted to only a limited number of physicians, scientists, statisticians, and designated support staff of the Centers for Disease Control (CDC) or its contractors, as authorized by the system manager to accomplish the stated purposes for which the data in this system have been collected.

2. PHYSICAL SAFEGUARDS: Locked cabinets in locked rooms, 24-hour guard service in buildings, personnel screening and escorting of visitors, a limited access, secured computer room with fire extinguishers and overhead sprinkler system, computer terminals and automated records located in secured areas.

3. PROCEDURAL SAFEGUARDS: Protection for computerized records includes programmed verification of valid user identification code, account code and password prior to acceptance of a terminal session or job submission, and frequently changed passwords. Knowledge of individual tape passwords is required to access tapes, and access to systems is limited to users obtaining prior supervisory approval. Additional safeguards may be built into the program by the system analyst as warranted by the sensitivity of the data.

CDC and contractor employees who maintain records are instructed to check with the system manager prior to making disclosures of data. When individually identified data are being used in a room, admittance at either CDC or contractor sites is restricted to specifically authorized personnel. Privacy Act provisions are included in contracts, and the CDC Project Director, contract officers and project officers oversee compliance with these requirements. Upon completion of the contract, all data will be either returned to CDC or destroyed, as specified by the contract.

4. IMPLEMENTATION GUIDELINES: The safeguards outlined above are developed in accordance with Chapter 45-13, "Safeguarding Records Contained in Systems of Records," of the HHS General Administration Manual, supplementary Chapter PHS.hf: 45-13; Part 6, "Automated Information System Security," of the HHS Information Resources Management Manual; the National Bureau of Standards Federal Information Processing Standards (FIPS Pub. 41 and FIPS Pub. 31).

RETENTION AND DISPOSAL:

Records are retained indefinitely unless disposal of a record is requested by the individual physician. Disposal methods include erasing computer tapes, burning or shredding printouts or transferring records to the Federal Records Center.

SYSTEM MANAGER(S) AND ADDRESS:

Administrative Officer, Division of Respiratory Disease Studies (DRDS), National Institute for Occupational Safety and Health (NIOSH), 944 Chestnut Ridge Road, Morgantown, WV 26505.

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 identi-fication. Individuals who do not appear in person must either (1) submit a notarized request to verify their identity or (2) 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 subjectto a $5,000 fine.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. An accounting of disclosures that have been made of the record, if any, may be requested.

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under System Manager above, reasonably identify the record and specify the information being contested, the corrective action sought, and the reasons for requesting the correction, along with supporting information to show how the record is inaccurate, incomplete, untimely, or irrelevant.

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 Respiratory Disease Studies (DRDS), National Institute for Occupational Safety and Health (NIOSH), 944 Chestnut Ridge Road, Morgantown, WV 26505and

Office of Administrative and Management Services, CP Bldg., Rm. 119, 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 are 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:

X-ray exposure levels.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Occupational Safety and Health Act, Section 19, "Programs of Federal Agencies" (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 a verified inquiry from the congressional office made at the written 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 a claim against the Public Health Service 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, disclosure may be made 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.

Records subject to the Privacy Act are disclosed to private firms for data entry, computer systems analysis and computer programming services. The contractors promptly return data entry records after the contracted work is completed. The contractors are 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/disks and printouts.

RETRIEVABILITY:

Name is the index used to retrieve records from this system.

SAFEGUARDS:

1. AUTHORIZED USERS: Access is granted to only a limited number of physicians, scientists, statisticians, and designated support staff of the Centers for Disease Control (CDC) or its contractors, as authorized by the system manager to accomplish the stated purposes for which the data in this system have been collected.

2. PHYSICAL SAFEGUARDS: Locked cabinets in locked rooms, 24-hour guard service in buildings, personnel screening and escorting of visitors, a limited access, secured computer room with fire extinguishers and overhead sprinkler system, computer terminals and automated records located in secured areas.

3. PROCEDURAL SAFEGUARDS: Protection for computerized records includes programmed verification of valid user identification code, account code and password prior to acceptance of a terminal session or job submission, and frequently changed passwords. Knowledge of individual tape passwords is required to access tapes, and access to systems is limited to users obtaining prior supervisory approval. Additional safeguards may be built into the program by the system analyst as warranted by the sensitivity of the data.

CDC and contractor employees who maintain records are instructed to check with the system manager prior to making disclosures of data. When individually identified data are being used in a room, admittance at either CDC or contractor sites is restricted to specifically authorized personnel. Privacy Act provisions are included in contracts, and the CDC Project Director, contract officers and project officers oversee compliance with these requirements. Upon completion of the contract, all data will be either returned to CDC or destroyed, as specified by the contract.

4. IMPLEMENTATION GUIDELINES: DHHS Chapter 45-13 and supplementary Chapter PHS.hf: 45-13 of the General Administration Manual.

RETENTION AND DISPOSAL:

Record copy maintained in agency for three years in accordance with retention schedules. Source documents 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, erasing computer tapes or transferring records to the Federal Records Center. Records destroyed by paper recycling process when 20 years old, unless needed for further study.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Division of Respiratory Disease Studies (DRDS), National Institute for Occupational Safety and Health (NIOSH), 944 Chestnut Ridge Road, Morgantown, WV 26505and

Safety Officer, Office of Administrative and Management Services, NIOSH, Robert A. Taft Laboratories, 4676 Columbia Parkway, Cincinnati, Ohio 45226.

Policy coordination provided by: Director, Office of Program Support, Bldg. 1, Rm. 2011, Centers for Disease Control, 1600 Clifton Road,Atlanta, GA 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) 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.

An individual who requests notification of or access to medical records shall, at the time the request is made, designate in writing a responsible representative who is willing to review the record and inform the subject individual of its contents at the representative's discretion.

The following information must be provided when requesting notification: (1) Full name; (2) the approximate date and place of the study, if known; and (3) nature of the questionnaire or study in which the requester participated.

RECORD ACCESS PROCEDURES:

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

An accountingof disclosures that have been made of the record, if any, may be requested.

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under System Manager above, reasonably identify the record and specify the information being contested, the corrective action sought, and the reasons for requesting the correction, along with supporting information to show how the record is inaccurate, incomplete, untimely, or irrelevant.

RECORD SOURCE CATEGORIES:

Information is obtained directly from the individual.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-20-0055

SYSTEM NAME:

Administrative Files for Research/ Demonstration and Training Grants, and Cooperative Agreements Applications. HHS/CDC/NIOSH.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Division of Research Grants, National Institutes of Health (NIH), Westbard Bldg., Westbard Avenue, Bethesda, Maryland 20014

Grants Management Office, Procurement and Grants Office, Rm. 321, Buckhead Bldg., Centers for Disease Control, 1600 Clifton Road, Atlanta, GA 30333

Grants Program Activity, Office of the Director, National Institute for Occupational Safety and Health (NIOSH), Bldg. 1, Rm. 3053, Centers for Disease Control, 1600 Clifton Road, Atlanta, GA 30333

Division of Training and Manpower Development, Division of Biomedical and Behavioral Science, Division of Physical Science and Engineering, and Division of Surveillance, Hazard Evaluations, and Field Studies, NIOSH, 4676 Columbia Parkway, Cincinnati, Ohio 45226

Division of Respiratory Disease Studies and Division of Safety Research, NIOSH, 944 Chestnut Ridge Road, Morgantown, WV 26505and

Federal Records Center, 4205 Suitland Road, Suitland, Maryland 20409, and 1557 St. Joseph Avenue, East Point, GA 30344.

A list of contractor sites where individually identifiable data are currently located is available upon request to the system manager.

Data 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 are 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, Section 20, "Research and Related Activities" and Section 21, 'Training and Employee Education" (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 the Centers for Disease Control (CDC) including NIOSH for review.

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

Referrals may be made of assignments of research investigators and project monitors on specific research projects to the National Technical Information Service (NTIS), Department of Commerce, to contribute to the Smithsonian Science Information Exchange.

To the cognizant audit agency for auditing.

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

Disclosure may be made to a congressional office from the record of an individual in response to a verified inquiry from the congressional office made at the written 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, cooperative agreement, 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 individuals and organizations deemed qualified by PHS to carry out specific research related to the review and award processes of PHS.

To the grantee institution relative to performance or administration under the terms and conditions of the award.

Records subject to the Privacy Act are disclosed to private firms for data entry, computer systems analysis and computer programming services. The contractors promptly return data entry records after the contracted work is completed. The contractors are required to maintain Privacy Act safeguards.

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

STORAGE:

5x8 cards, computer tapes/discs and printouts, notebooks, and file folders.

RETRIEVABILITY:

Name is the index used to retrieve information.

SAFEGUARDS:

1. AUTHORIZED USERS: Access is granted to only a limited number of physicians, scientists, statisticians, and designated support staff of the Centers for Disease Control (CDC) or its contractors, as authorized by the system manager to accomplish the stated purposes for which the data in this system have been collected.

2. PHYSICAL SAFEGUARDS: Locked cabinets in locked rooms, personnel screening and escorting of visitors, electronic anti-intrusion devices in

operation at the Federal Records Center, a limited access, secured computer room with fire extinguishers and overhead sprinkler system, computer terminals and automated records located in secured areas.

3. PROCEDURAL SAFEGUARDS: Protection for computerized records includes programmed verification of valid user identification code, account code and password prior to acceptance of a terminal session or job submission, and frequently changed passwords. Knowledge of individual tape passwords is required to access tapes, and access to systems is limited to users obtaining prior supervisory approval. Additional safeguards may be built into the program by the system analyst as warranted by the sensitivity of the data.

CDC and contractor employees who maintain records are instructed to check with the system manager prior to making disclosures of data. When individually identified data are being used in a room, admittance at either CDC or contractor sites is restricted to specifically authorized personnel. Privacy Act provisions are included in contracts, and the CDC Project Director, contract officers and project officers oversee compliance with these requirements. Upon completion of the contract, all data will be either returned to CDC or destroyed, as specified by the contract.

4. IMPLEMENTATION GUIDELINES: The safeguards outlined above are developed in accordance with Chapter 45-13, "Safeguarding Records Contained in Systems of Records," of the HHS General Administration Manual, supplementary Chapter PHS.hf: 45-13; Part 6, "Automated Information System Security," of the HHS Information Resources Management Manual; the National Bureau of Standards Federal Information Processing Standards (FIPS Pub. 41 and FIPS Pub. 31). FRC safeguards are in compliance with GSA Federal Property Management Regulations, Subchapter B—Archives and Records.

RETENTION AND DISPOSAL:

Approved and funded applications are kept for one year beyond closeout, and then sent to the Federal Records Center (FRC) for 10 years, after which time they are destroyed. Unsuccessful applications are retained for up to 2 years at the agency, and then sent to the FRC for 10 years. Draft applications are kept for one year or until an official application is received (at which time the draft is destroyed). Disposal methods include the paper recycling process, burning or shredding paper materials, and erasing computer tapes.

SYSTEM MANAGER(S) AND ADDRESS:

Grants Management Officer, Procurement and Grants Office, Buckhead Bldg., Rm. 321, Centers for Disease Control, 1600 Clifton Road, Atlanta, GA 30333and

Associate Director for Grants, Grants Program Activity, Office of the Director, NIOSH, Bldg. 1, Rm. 3053, Centers for Disease Control, 1600 Clifton Road, Atlanta, GA 30333.

Policy coordination is provided by: Director, Office of Program Support, Bldg. 1, Rm. 2011, Centers for Disease Control, 1600 Clifton Road, Atlanta, GA 30333.

NOTIFICATION PROCEDURE:

An individual may learn if a record exists about himself or herself by contacting the appropriate 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) 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.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. An accounting of disclosures that have been made of the record, if any, may be requested.

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under System Manager above, reasonably identify the record and specify the information being contested, the corrective action sought, and the reasons for requesting the correction, along with supporting information to show how the record is inaccurate, incomplete, untimely, or irrelevant.

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), 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 are 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:

Names and addresses.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Occupational Safety and Health Act, Section 21, "Training and Employee Education" (29 U.S.C. 670).

PURPOSE(S):

The purpose of this system is to advise prospective students of upcoming NIOSH training courses.

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 a verified inquiry from the congressional office made at the written request of that individual.

The Department of Health and Human Services (HHS) may disclose information from this system of records to the Department of Justice, or to a court or other tribunal, when (a) HHS, or any component thereof; or (b) any HHS employee in his or her official capacity; or (c) any HHS employee in his or her individual capacity where the Department of Justice (or HHS, where it is authorized to do so) has agreed to represent the employee; or (d) the United States or any agency thereof where HHS determines that the litigation is likely to affect HHS or any of its components, is a party to litigation or has an interest in such litigation, and HHS determines that the use of such records by the Department of Justice, the court or other tribunal is relevant and necessary to the litigation and would help in the effective representation of

the governmental party, provided, however, that in each case, HHS determines that such disclosure is compatible with the purpose for which the records were collected.

Records subject to the Privacy Act are disclosed to private firms for data entry, computer systems analysis and computer programming services. The contractors promptly return data entry records after the contracted work is completed. The contractors are required to maintain Privacy Act safeguards.

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

STORAGE:

Computer tapes/disks and printouts, addressograph plates.

RETRIEVABILITY:

Name and student number are the indices used to retrieve records from this system.

SAFEGUARDS:

1. AUTHORIZED USERS: Access is granted to only a limited number of physicians, scientists, statisticians, and designated support staff of the Centers for Disease Control (CDC) or its contractors, as authorized by the system manager to accomplish the stated purposes for which the data in this system have been collected.

2. PHYSICAL SAFEGUARDS: Locked cabinets in locked rooms, 24-hour guard service in buildings, personnel screening of visitors, a limited access, secured computer room with fire extinguishers and overhead sprinkler system, computer terminals and automated records located in secured areas.

3. PROCEDURAL SAFEGUARDS: Protection for computerized records includes programmed verification of valid user identification code, account code and password prior to acceptance of a terminal session or job submission, and frequently changed passwords. Knowledge of individual tape passwords is required to access tapes, and access to systems is limited to users obtaining prior supervisory approval. Additional safeguards may be built into the program by the system analyst as warranted by the sensitivity of the data.

CDC and contractor employees who maintain records are instructed to check with the system manager prior to making disclosures of data. When individually identified data are being used in a room, admittance at either CDC or contractor sites is restricted to specifically authorized personnel. Privacy Act provisions are included in contracts, and the CDC Project Director, contract officers and project officers oversee compliance with these requirements. Upon completion of the contract, all data will be either returned to CDC or destroyed, as specified by the contract.

4. IMPLEMENTATION GUIDELINES: The safeguards outlined above are developed in accordance with Chapter 45-13, "Safeguarding Records Contained in Systems of Records," of the HHS General Administration Manual, supplementary Chapter PHS.hf: 45-13; Part 6, "Automated Information System Security," of the HHS Information Resources Management Manual; the National Bureau of Standards Federal Information Processing Standards (FIPS Pub. 41 and FIPS Pub. 31).

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. Disposal methods include erasing computer tapes and burning or shredding paper materials.

SYSTEM MANAGER(S) AND ADDRESS:

Audio Visual Production Officer, Division of Training and Manpower Development (DTMD), National Institute for Occupational Safety and Health (NIOSH), Robert A. Taft Laboratories, 4676 Columbia Parkway, Cincinnati, Ohio 45226.

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) 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.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. An accounting of disclosures that have been made of the record, if any, may be requested.

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under System Manager above, reasonably identify the record and specify the information being contested, the corrective action sought, and the reasons for requesting the correction, along with supporting information to show how the record is inaccurate, incomplete, untimely, or irrelevant.

RECORD SOURCE CATEGORIES:

Information is obtained directly from the individual.

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:

Division of Tuberculosis Control, Freeway Office Park, Rooms 145-149, Centers for Disease Control, 1600 Clifton Road, Atlanta, GA 30333and

Federal Records Center, 1557 St. Joseph Avenue, East Point, GA 30344.

A list of contractor sites where individually identified data are currently located is available upon request to the system manager.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Adults and children with tuberculosis or other mycobacterial diseases having been or currently being treated or observed by a limited number of participating local or county health departments, clinics, and hospitals (from 1959 until the present time), including those individuals in selected areas receiving isoniazid therapy or BCG vaccinations, and patients for whom routine tuberculosis treatment is ineffective. Also included are contacts to tuberculosis patients, adults with inactive tuberculosis, and controls.

CATEGORIES OF RECORDS IN THE SYSTEM:

Abstracts of medical data pertaining to clinical trials, including medical history, skin tests, physical examinations, laboratory test results, X-ray results, medications prescribed, smoking habits, etc.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Public Health Service Act, Section 301, "Research and Investigation" (42 U.S.C. 241).

PURPOSE(S):

To determine the effectiveness and safety of a variety of treatments and preventive measures for tuberculosis

and other mycobacterial diseases, to determine the best measures against drug resistant tuberculosis, and to monitor incidence of complications among individuals who have received preventive therapy, including isoniazid.

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 activities 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, (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.

The Department is under contract with private firms for the purpose 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.

Disclosure may be made to a congressional office from the record of an individual in response to a verified inquiry from the congressional office made at the written 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 a claim against the Public Health Service 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, disclosure may be made 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:

Cards, file folders, computer tapes/disks and printouts.

RETRIEVABILITY:

Records are retrieved by the participant's name and/or study I.D. number.

SAFEGUARDS:

1. AUTHORIZED USERS: Access is granted to only a limited number of physicians, scientists, statisticians, and designated support staff of the Centers for Disease Control (CDC), or its contractors, as authorized by the system manager to accomplish the stated purposes for which the data in this system have been collected.

2. PHYSICAL SAFEGUARDS: Locked cabinets in locked rooms, 24-hour guard service in buildings, personnel screening of visitors, electronic anti-intrusion devices in effect at the Federal Records Center, fire extinguishers, overhead sprinkler system and card-access control equipment in the computer room, computer terminals and automated records located in secured areas.

3. PROCEDURAL SAFEGUARDS: Protection for computerized records includes programmed verification of valid user identification code, account code and password prior to acceptance of a terminal session or job submission, frequently changed passwords, and Vault Management System. Knowledge of individual tape passwords is required to access tapes, and access to systems is limited to users obtaining prior supervisory approval. When Privacy Act tapes are scratched, a special "certified" process is performed in which tapes are completely written over to avoid inadvertent data disclosure. Additional safeguards may be built into the program by the system analyst as warranted by the sensitivity of the data.

CDC and contractor employees who maintain records are instructed to check with the system manager prior to making disclosures of data. When individually identified data are being used in a room, admittance at either CDC or contractor sites is restricted to specifically authorized personnel. Privacy Act provisions are included in contracts, and the CDC Project Director, contract officers and project officers oversee compliance with these requirements. Upon completion of the contract, all data will be either returned to CDC or destroyed, as specified by the contract.

4. IMPLEMENTATION GUIDELINES: The safeguards outlined above are developed in accordance with Chapter 45-13, "Safeguarding Records Contained in Systems of Records," of the HHS General Administration Manual, supplementary Chapter PHS.hf: 45-13; Part 6, "Automated Information System Security," of the HHS Information Resources Management Manual; the National Bureau of Standards Federal Information Processing Standards (FIPS Pub. 41 and FIPS Pub. 31). FRC safeguards are in compliance with GSA Federal Property Management Regulations, Subchapter B—Archives and Records.

RETENTION AND DISPOSAL:

Records are maintained in agency for five years. Disposal methods include erasing computer tapes, burning or shredding paper materials or transferring records to the Federal Records Center when no longer needed for evaluation and analysis. Records destroyed by paper recycling process when 20 years old, unless needed for further study.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Division of Tuberculosis Control, Center for Prevention Services, Freeway Office Park, Rm. 111, Centers for Disease Control, 1600 Clifton Road, Atlanta, GA 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) 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.

An individual who requests notification of or access to medical records shall, at the time the request is made, designate in writing a responsible representative who is 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.

The following information must be provided when requesting notification: (1) Full name; (2) the approximate date and place of the study, if known; and (3) nature of the questionnaire or study in which the requester participated.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. An accounting of disclosures that have been made of the record, if any, may be requested.

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under System Manager above, reasonably identify the record and specify the information being contested, the corrective action sought, and the reasons for requesting the correction, along with supporting information to show how the record is inaccurate, incomplete, untimely, or irrelevant.

RECORD SOURCE CATEGORIES:

Individuals, state and local health departments, hospitals, laboratories, clinics, and family members of study participants.

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:

Division of Tuberculosis Control, Center for Prevention Services, Freeway Office Park, Rm.s 127, 137, 142, Centers for Disease Control, 1600 Clifton Road, Atlanta, GA 30333and

Federal Records Center, 1557 St. Joseph Avenue, East Point, GA 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 diseases. 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, "Research and Investigation" (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 a verified inquiry from the congressional office made at the written 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 a claim against the Public Health Service 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, disclosure may be made 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:

Cards, file folders, computer tapes/disks and printouts.

RETRIEVABILITY:

Records are retrieved by name and I.D. number.

SAFEGUARDS:

1. AUTHORIZED USERS: Access is granted to only a limited number of physicians, scientists, statisticians, and designated support staff of the Centers for Disease Control (CDC), as authorized by the system manager to accomplish the stated purposes for which the data in this system have been collected.

2. PHYSICAL SAFEGUARDS: Locked cabinets in locked rooms, 24-hour guard service in buildings, personnel screening of visitors, electronic anti-intrusion devices in operation at the Federal Records Center, fire extinguishers, overhead sprinkler system and card-access control equipment in the computer room, computer terminals and automated records located in secured areas.

3. PROCEDURAL SAFEGUARDS: Protection for computerized records includes programmed verification of valid user identification code, account code and password prior to acceptance of a terminal session or job submission, frequently changed passwords, and Vault Management System. Knowledge of individual tape passwords is required to access tapes, and access to systems is limited to users obtaining prior supervisory approval. When Privacy Act tapes are scratched, a special "certified" process is performed in which tapes are completely written over to avoid inadvertent data disclosure. Additional

safeguards may be built into the program by the system analyst as warranted by the sensitivity of the data.

CDC employees who maintain records are instructed to check with the system manager prior to making disclosures of data. When individually identified data are being used in a room, admittance is restricted to specifically authorized personnel.

4. IMPLEMENTATION GUIDELINES: The safeguards outlined above are developed in accordance with Chapter 45-13, "Safeguarding Records Contained in Systems of Records," of the HHS General Administration Manual, supplementary Chapter PHS.hf: 45-13; Part 6, "Automated Information System Security," of the HHS Information Resources Management Manual; the National Bureau of Standards Federal Information Processing Standards (FIPS Pub. 41 and FIPS Pub. 31). FRC safeguards are in compliance with GSA Federal Property Management Regulations, Subchapter B—Archives and Records.

RETENTION AND DISPOSAL:

Records are maintained in agency for five years. Disposal methods include erasing computer tapes, burning or shredding paper materials or transferring records to the Federal Records Center when no longer needed for evaluation and analysis. Records destroyed by paper recycling process when 20 years old, unless needed for further study.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Division of Tuberculosis Control, Center for Prevention Services, Freeway Office Park, Rm. 111, Centers for Disease Control, 1600 Clifton Road, Atlanta, GA 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) 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.

An individual who requests notification of or access to medical records shall, at the time the request is made, designate in writing a responsible representative who is 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.

The following information must be provided when requesting notification: (1) Full name; (2) the approximate date and place of the study, if known; and (3) nature of the questionnaire or study in which the requester participated.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. An accounting of disclosures that have been made of the record, if any, may be requested.

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under System Manager above, reasonably identify the record and specify the information being contested, the corrective action sought, and the reasons for requesting the correction, along with supporting information to show how the record is inaccurate, incomplete, untimely, or irrelevant.

RECORD SOURCE CATEGORIES:

Individuals and hospitals.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-20-0096

SYSTEM NAME:

Records of Tuskegee Study Health Benefit Recipients. HHS/CDC/CPS.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Center for Prevention Services, Freeway Office Park, Rm. 308, Centers for Disease Control, 1600 Clifton Road, Atlanta, GA 30333and

Federal Records Center, 1557 St. Joseph Avenue, East Point, GA 30344.

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 Service Act, Section 301, "Research and Investigation" (42 U.S.C. 241).

PURPOSE(S):

To determine eligibility and provide medical benefits for participants and qualified family members.

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, (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.

Records may be disclosed to health departments and other public health or cooperating medical authorities in connection with program activities 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 a verified

inquiry from the congressional office made at the written 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 a claim against the Public Health Service 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, disclosure may be made 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.

RETRIEVABILITY:

Records are retrieved alphabetically by name.

SAFEGUARDS:

1. AUTHORIZED USERS: Access is granted to only a limited number of physicians, scientists, statisticians, and designated support staff of the Centers for Disease Control (CDC), as authorized by the system manager to accomplish the stated purposes for which the data in this system have been collected.

2. PHYSICAL SAFEGUARDS: Locked cabinets in locked rooms, electronic anti-intrusion devices in operation at the Federal Records Center, 24-hour guard service in buildings, personnel screening of visitors.

3. PROCEDURAL SAFEGUARDS: Users of individually identified data protect information from public scrutiny, and only specifically authorized personnel may be admitted to the record storage area. CDC employees who maintain records are instructed to check with the system manager prior to making disclosures of data.

4. IMPLEMENTATION GUIDELINES: DHHS Chapter 45-13 and supplementary Chapter PHS.hf: 45-13 of the General Administration Manual. FRC safeguards are in compliance with GSA Federal Property Management Regulations, Subchapter B—Archives and Records.

RETENTION AND DISPOSAL:

Records are maintained in agency for five years. Disposal methods include erasing computer tapes, burning or shredding paper materials or transferring records to the Federal Records Center when no longer needed for evaluation and analysis. Records are to be maintained permanently.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Center for Prevention Services, Freeway Office Park, Rm. 310, Centers for Disease Control, 1600 Clifton Road, Atlanta, GA 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) 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 subjectto a $5,000 fine.

An individual who requests notification of or access to medical recordsshall, at the time the request is made, designate in writing a responsible representative who is 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.

The following information must be provided when requesting notification: (1) Full name; (2) the approximate date and place of the study, if known; (3) nature of the questionnaire or study in which the requester participated.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. An accountingof disclosures that have been made of the record, if any, may be requested.

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under System Manager above, reasonably identify the record and specify the information being contested, the corrective action sought, and the reasons for requesting the correction, along with supporting information to show how the record is inaccurate, incomplete, untimely, or irrelevant.

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.

09-20-0102

SYSTEM NAME:

Alien Mental Waiver Program. HHS/CDC/CPS.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Visa Medical Activity, Division of Quarantine, Center for Prevention Services, Freeway Office Park, Rm. 208, Centers for Disease Control, 1600 Clifton Road, Atlanta, GA 30333and

Federal Records Center, 1557 St. Joseph Avenue, East Point, GA 30344.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Immigrant aliens with waivers of excludability who are mentally retarded or who have had one ormore attacks of insanity.

CATEGORIES OF RECORDS IN THE SYSTEM:

Medical history files.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Public Health Service Act, Section 325, "Examination of Aliens" (42 U.S.C. 252); Immigration and Nationality Act, Section 212(g), "Application for Waiver of Grounds of Excludability" (8 U.S.C. 1182(g)).

PURPOSE(S):

To comply with the requirements of Section 212(g) of the Immigration and Nationality Act, the Centers for Disease Control (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 is furnished with a copy of the alien's medical examination

report and psychiatric/psychological evaluation and uses the information 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 the Division of Quarantine, CDC. Final diagnosis returned to submitter. Alien or sponsor furnishes copy of medical file to local health care facility in the United States.

Disclosure may be made to a congressional office from the record of an individual in response to a verified inquiry from the congressional office made at the written 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 a claim against the Public Health Service 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, disclosure may be made 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:

Individual file folders.

RETRIEVABILITY:

Records are retrieved by name.

SAFEGUARDS:

1. AUTHORIZED USERS: Access is granted to only a limited number of personnel, i.e., program manager and immediate staff members, as authorized by the system manager to accomplish the stated purposes for which the data in this system have been collected.

2. PHYSICAL SAFEGUARDS: Locked cabinets in locked rooms, 24-hour guard service in buildings, personnel screening of visitors, electronic anti-intrusion devices in operation at the Federal Records Center.

3. PROCEDURAL SAFEGUARDS: Users of individually identified data protect information from public scrutiny, and only specifically authorized personnel may be admitted to the record storage area. CDC employees who maintain records are instructed to check with the system manager prior to making disclosures of data.

4. IMPLEMENTATION GUIDELINES: DHHS Chapter 45-13 and supplementary Chapter PHS.hf: 45-13 of the General Administration Manual. FRC safeguards are in compliance with GSA Federal Property Management Regulations, Subchapter B—Archives and Records.

RETENTION AND DISPOSAL:

Records are maintained in agency for six years. Disposal methods include burning or shredding paper materials or transferring records to the Federal Records Center when no longer needed for evaluation and analysis. Records destroyed by paper recycling process when 10 years old, unless needed for further study.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Division of Quarantine, Center for Prevention Services, Freeway Office Park, Rm. 201, Centers for Disease Control, 1600 Clifton Road, Atlanta, GA 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) 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.

An individual who requests notification of or access to medical records shall, at the time the request is made, designate in writing a responsible representative who is 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 mentally 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 mentally incompetent person 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.

The following information must be provided when requesting notification: (1) Full name; (2) the approximate date and place of the study, if known; and (3) nature of the questionnaire or study in which the requester participated.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. An accounting of disclosures that have been made of the record, if any, may be requested.

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under System Manager above, reasonably identify the record and specify the information being contested, the corrective action sought, and the reasons for requesting the correction, along with supporting information to show how the record is inaccurate, incomplete, untimely, or irrelevant.

RECORD SOURCE CATEGORIES:

Prior to alien's arrival in the U.S., medical information supporting the diagnosis of mental retardation or other mental disorders is submitted by Department of State and/or Justice Department (INS); after arrival, mental status evaluations submitted by medical specialists, schools, or institutions.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-20-0103

SYSTEM NAME:

Alien Tuberculosis Followup Program HHS/CDC/CPS.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Visa Medical Activity, Division of Quarantine, Center for Prevention Services, Freeway Office Park, Rm. 208, Centers for Disease Control, 1600 Clifton Road, Atlanta, GA 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, "Examination of Aliens" (42 U.S.C 252); Immigration and Nationality Act, Section 212(g), "Application for Waiver of Grounds of Excludability" (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 State health departments, city health departments or the courts, private physicians or other health care facilities that will provide medical care for the immigrant alien.

Disclosure may be made to a congressional office from the record of an individual in response to a verified inquiry from the congressional office made at the written 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 a claim against the Public Health Service 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, disclosure may be made 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:

Card files, computer tapes/disks and printouts.

RETRIEVABILITY:

Records are retrieved by name, Alien Registration Number, and by year of birth.

SAFEGUARDS:

1. AUTHORIZED USERS: Access is granted to only a limited number of personnel, i.e., designated members of the Division of Quarantine and the Division of Tuberculosis Control, as authorized by the system manager to accomplish the stated purposes for which the data in this system have been collected.

2. PHYSICAL SAFEGUARDS: Locked cabinets in locked rooms, 24-hour guard service in buildings, personnel screening of visitors, fire extinguishers, overhead sprinkler system and card-access control equipment in the computer room, computer terminals and automated records located in secured areas.

3. PROCEDURAL SAFEGUARDS: Protection for computerized records includes programmed verification of valid user identification code, account code and password prior to acceptance of a terminal session or job submission, frequently changed passwords, and Vault Management System. Knowledge of individual tape passwords is required to access tapes, and access to systems is limited to users obtaining prior supervisory approval. When Privacy Act tapes are scratched, a special 'certified" process is performed in which tapes are completely written over to avoid inadvertent data disclosure. Additional safeguards may be built into the program by the system analyst as warranted by the sensitivity of the data.

The Centers for Disease Control (CDC) employees who maintain records are instructed to check with the system manager prior to making disclosures of data. When individually identified data are being used in a room, admittance is restricted to specifically authorized personnel.

4. IMPLEMENTATION GUIDELINES: The safeguards outlined above are developed in accordance with Chapter 45-13, "Safeguarding Records Contained in Systems of Records," of the HHS General Administration Manual, supplementary Chapter PHS.hf: 45-13; Part 6, "Automated Information System Security," of the HHS Information Resources Management Manual; the National Bureau of Standards Federal Information Processing Standards (FIPS Pub. 41 and FIPS Pub. 31).

RETENTION AND DISPOSAL:

Card files are maintained in agency for two years. Destroyed by paper recycling process after 2 years. Computer file maintained 4 years at CDC. Records destroyed by erasing tape after 4 years.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Division of Quarantine, Freeway Office Park, Rm. 201, Centers for Disease Control, 1600 Clifton Road, Atlanta, GA 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) 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.

An individual who requests notification of or access to medical records shall, at the time the request is made, designate in writing a responsible representative who is 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.

The following information must be provided when requesting notification: (1) Full name; (2) the approximate date and place of the study, if known; and (3) nature of the questionnaire or study in which the requester participated.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. An accounting of disclosures that have been made of the record, if any, may be requested.

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under System Manager above, reasonably identify the record and specify the information being contested, the corrective action sought, and the reasons for requesting the correction, along with supporting information to show how the record is inaccurate, incomplete, untimely, or irrelevant.

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, Bldg.. 4, Rm. B-35, Centers for Disease Control, 1600 Clifton Road, Atlanta, GA 30333

Epidemiology Program Office, Bldg.. l, Rm. 5009, Centers for Disease Control, l600 Clifton Road, Atlanta, GA 30333

San Juan Laboratories, Center for Infectious Diseases, Centers for Disease Control, San Juan, Puerto Rico 00936

Center for Prevention Services, Freeway Office Park, Rm. 310, Centers for Disease Control, 1600 Clifton Road, Atlanta, GA 30333and

Federal Records Center, 1557 St. Joseph Avenue, East Point, GA 30344.

A list of contractor sites where individually identifiable data are currently located is available upon request to the appropriate system manager.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Adults and children whose specimens have been submitted to the Centers for Disease Control (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, "Research and Investigation," (42 U.S.C. 241); Sections 304, 306 and 308(d) which discuss authority to grant assurances of confidentiality for health research and related activities (42 U.S.C. 242 b, k, and m(d)).

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:

The following routine uses apply to all records in this system except those maintained under an assurance of confidentiality provided by Section 308(d) of the Public Health Service Act (unless expressly authorized in the consent form or stipulated in the Assurance Statement):

CDC is under contract with private firms for the purposes of collating, analyzing, aggregating, or otherwise refining records in this system. Relevant records are disclosed to such contractors. The contractors are required to maintain Privacy Act safeguards with respect to such records.

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.

To individuals and organizations deemed qualified by the Secretary to carry out quality assessment, medical audits, or utilization review.

Records may be disclosed to Health Departments and other public health or cooperating medical authorities in connection with program activities 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 a verified inquiry from the congressional office made at the written 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 a claim against the Public Health Service 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, disclosure may be made 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:

Original Form - file folders; microfilm copies, computer tapes/disks and printouts.

RETRIEVABILITY:

Retrieved by name or designated number furnished by the submitter, CDC identifying number, and/or microfilm number.

SAFEGUARDS:

l. AUTHORIZED USERS: Access is granted to only a limited number of physicians, scientists, statisticians, and designated support staff of CDC or its contractors, as authorized by the system manager to accomplish the stated purposes for which the data in this system have been collected.

2. PHYSICAL SAFEGUARDS: Locked cabinets in locked rooms, 24-hour guard service in buildings, personnel screening of visitors, electronic anti-intrusion

devices in operation at the Federal Records Center (FRC), fire extinguishers, overhead sprinkler system and card-access control equipment in the computer room, computer terminals and automated records located in secured areas.

3. PROCEDURAL SAFEGUARDS: Protection for computerized records includes programmed verification of valid user identification code, account code and password prior to acceptance of a terminal session or job submission, frequently changed passwords, and Vault Management System. Knowledge of individual tape passwords is required to access tapes, and access to systems is limited to users obtaining prior supervisory approval. When Privacy Act tapes are scratched, a special 'certified" process is performed in which tapes are completely written over to avoid inadvertent data disclosure. Additional safeguards may be built into the program by the system analyst as warranted by the sensitivity of the data.

CDC and contractor employees who maintain records are instructed to check with the system manager prior to making disclosures of data. When individually identified data are being used in a room, admittance at either CDC or contractor sites is restricted to specifically authorized personnel. Privacy Act provisions are included in contracts, and the CDC Project Director, contract officers and project officers oversee compliance with these requirements. Upon completion of the contract, all data will be either returned to CDC or destroyed, as specified by the contract.

4. IMPLEMENTATION GUIDELINES: The safeguards outlined above are developed in accordance with Chapter 45-13, "Safeguarding Records Contained in Systems of Records," of the HHS General Administration Manual, supplementary Chapter PHS.hf: 45-13; Part 6, "Automated Information System Security," of the HHS Information Resources Management Manual; the National Bureau of Standards Federal Information Processing Standards (FIPS Pub. 41 and FIPS Pub. 31). FRC safeguards are in compliance with GSA Federal Property Management Regulations, Subchapter B—Archives and Records.

RETENTION AND DISPOSAL:

Records are maintained in agency for five years. Disposal methods include erasing computer tapes, burning or shredding paper materials or transferring records to the Federal Records Center when no longer needed for evaluation and analysis. Records destroyed by paper recycling process when 10 years old, unless needed for further study.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Center for Infectious Diseases, Bldg.. 1, Rm. 6013, Centers for Disease Control, 1600 Clifton Road, Atlanta, GA 30333

Chief, Dengue Branch, Division of Vector-Borne Viral Diseases, Center for Infectious Diseases, Centers for Disease Control, GPO Box 4532, San Juan, Puerto Rico 00936

Director, Epidemiology Program Office, Bldg.. 1, Rm. 5009, Centers for Disease Control, 1600 Clifton Road, Atlanta, GA 30333and

Director, Center for Prevention Services, Freeway Office Park, Rm. 310, Centers for Disease Control, 1600 Clifton Road, Atlanta, GA 30333.

Policy coordination is provided by: Director, Office of Program Support, Bldg.. 1, Rm. 2011, Centers for Disease Control, 1600 Clifton Road, Atlanta, GA 30333.

NOTIFICATION PROCEDURE:

An individual may learn if a record exists about himself or herself by contacting the appropriate 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) 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.

An individual who requests notification of or access to medical records shall, at the time the request is made, designate in writing a responsible representative who is 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.

The following information must be provided when requesting notification: (1) Full name; (2) the approximate date and place of the study, if known; and (3) nature of the questionnaire or study in which the requester participated.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. An accounting of disclosures that have been made of the record, if any, may be requested.

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under System Manager above, reasonably identify the record and specify the information being contested, the corrective action sought, and the reasons for requesting the correction, along with supporting information to show how the record is inaccurate, incomplete, untimely, or irrelevant.

RECORD SOURCE CATEGORIES:

Approved public health laboratories, Federal medical facilities, private physicians.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-20-0112

SYSTEM NAME:

CDC Exchange Visitor and Guest Researcher Records. HHS/CDC/PMO.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Commissioned Corps & Fellow Program Section, Personnel Management Office, Bldg.. 1, Rm. 1042, Centers for Disease Control, l600 Clifton Road, Atlanta, GA 30333and

National Personnel Records Center (Civilian Personnel Records), 111 Winnebago Street, St. Louis, MO 63118.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Visiting Fellows, Visiting Associates, Visiting Scientists, Staff Fellows, Guest Researchers.

CATEGORIES OF RECORDS IN THE SYSTEM:

Applications, requests for appointment, curriculum vitae, letters of reference.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Public Health Service Act, Section 207(g),(h), "Appointment of Personnel," Section 208, "Pay and Allowances," and Section 301, "Research and Investigation" (42 U.S.C. 209(g),(h); 210 and 241).

PURPOSE(S):

This system is utilized by the Centers for Disease Control (CDC) officials for the purpose of review of applications and supporting documents in order to award fellowships; and for determinations regarding salary or stipend increases.

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 a verified inquiry from the congressional office made at the written request of that individual.

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

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

STORAGE:

File folders, computer tapes/disks and printouts.

RETRIEVABILITY:

The system is accessed by name of the individual, exchange visitor or guest researcher.

SAFEGUARDS:

1. AUTHORIZED USERS: Access is granted to only a limited number of physicians, scientists, statisticians, and designated support staff of CDC, as authorized by the system manager to accomplish the stated purposes for which the data in this system have been collected.

2. PHYSICAL SAFEGUARDS: Locked cabinets in locked rooms, 24-hour guard service in buildings, personnel screening of visitors, fire extinguishers, overhead sprinkler system and card-access control equipment in the computer room, computer terminals and automated records located in secured areas.

3. PROCEDURAL SAFEGUARDS: Protection for computerized records includes programmed verification of valid user identification code, account code and password prior to acceptance of a terminal session or job submission, frequently changed passwords, and Vault Management System. Knowledge of individual tape passwords is required to access tapes, and access to systems is limited to users obtaining prior supervisory approval. When Privacy Act tapes are scratched, a special "certified" process is performed in which tapes are completely written over to avoid inadvertent data disclosure. Additional safeguards may be built into the program by the system analyst as warranted by the sensitivity of the data.

CDC employees who maintain records are instructed to check with the system manager prior to making disclosures of data. When individually identified data are being used in a room, admittance is restricted to specifically authorized personnel.

4. IMPLEMENTATION GUIDELINES: The safeguards outlined above are developed in accordance with Chapter 45-13, "Safeguarding Records Contained in Systems of Records," of the HHS General Administration Manual, supplementary Chapter PHS.hf: 45-13; Part 6, "Automated Information System Security," of the HHS Information Resources Management Manual; the National Bureau of Standards Federal Information Processing Standards (FIPS Pub. 41 and FIPS Pub. 31).

RETENTION AND DISPOSAL:

Records are maintained in agency for two years. Disposal methods include erasing computer tapes, burning or shredding paper materials or transferring records to the National Personnel Records Center where records are retained in accordance with retention schedules.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Commissioned Corps & Fellow Program Section, Personnel Management Office, Bldg.. 1, Rm. 1042, Centers for Disease Control, 1600 Clifton Road, Atlanta, GA 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) 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.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. An accounting of disclosures that have been made of the record, if any, may be requested.

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under System Manager above, reasonably identify the record and specify the information being contested, the corrective action sought, and the reasons for requesting the correction, along with supporting information to show how the record is inaccurate, incomplete, untimely, or irrelevant.

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, Bldg. 1, Rm. 6013, Centers for Disease Control, 1600 Clifton Road, Atlanta, GA 30333

Epidemiology Program Office, Bldg. 1, Rm. 5009, Centers for Disease Control, 1600 Clifton Road, Atlanta, GA 30333

Center for Prevention Services, Freeway Office Park, Rm. 313, Centers for Disease Control, 1600 Clifton Road, Atlanta, GA 30333

Center for Environmental Health, Chamblee Bldg. 27, Centers for Disease Control, 1600 Clifton Road, Atlanta, GA 30333and

Federal Records Center, 1557 St. Joseph Avenue, East Point, GA 30344.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Adults and children with disease and other health conditions of public health significance, their contacts, others with

possible exposure and appropriate controls.

CATEGORIES OF RECORDS IN THE SYSTEM:

Medical histories, case reports.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Public Health Service Act, Section 301, "Research and Investigation," (42 U.S.C. 241); Sections 304, 306, and 308(d), which discuss authority to grant assurances of confidentiality for health research and related activities (42 U.S.C. 242 b, k, and m(d)); and Section 361, "Quarantine and Inspection, Control of Communicable Diseases,' (42 U.S.C. 264).

PURPOSE(S):

The record system is used by professional staff at the Centers for Disease Control (CDC) 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. CDC may or may not request duplicate copies of these State and/or local health department records for further analysis following completion of the field investigation.

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

The following routine uses apply to all records in this system except those maintained under an assurance of confidentiality provided by Section 308(d) of the Public Health Service Act (unless expressly authorized in the consent form or stipulated in the Assurance Statement):

These records may be disclosed, i.e., returned to the State and/or local health departments in order for them to take measures to control, prevent, or treat disease and to conduct follow-up activities with patients and others contacted during the investigations. Private physicians may also be supplied pertinent medical information on their patients from these records.

Disclosure may be made to a congressional office from the record of an individual in response to a verified inquiry from the congressional office made at the written 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 a claim against the Public Health Service 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, disclosure may be made 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, cards, computer tapes/disks and printouts.

RETRIEVABILITY:

Retrieved alphabetically by name.

SAFEGUARDS:

1. AUTHORIZED USERS: Access is granted to only a limited number of physicians, scientists, statisticians, and designated support staff of CDC, as authorized by the system manager to accomplish the stated purposes for which the data in this system have been collected.

2. PHYSICAL SAFEGUARDS: Locked cabinets in locked rooms, 24-hour guard service in buildings, personnel screening of visitors, electronic anti-intrusion devices in operation at the Federal Records Center (FRC), fire extinguishers, overhead sprinkler system and card-access control equipment in the computer room, computer terminals and automated records located in secured areas.

3. PROCEDURAL SAFEGUARDS: Protection for computerized records includes programmed verification of valid user identification code, account code and password prior to acceptance of a terminal session or job submission, frequently changed passwords, and Vault Management System. Knowledge of individual tape passwords is required to access tapes, and access to systems is limited to users obtaining prior supervisory approval. When Privacy Act tapes are scratched, a special 'certified" process is performed. Additional safeguards may be built into the program by the system analyst as warranted by the sensitivity of the data. CDC employees who maintain records are instructed to check with the system manager prior to making disclosures of data. When individually identified data are being used in a room, admittance is restricted to specifically authorized personnel.

4. IMPLEMENTATION GUIDELINES: The safeguards outlined above are developed in accordance with Chapter 45-13, "Safeguarding Records Contained in Systems of Records," of the HHS General Administration Manual, supplementary Chapter PHS.hf: 45-13; Part 6, "Automated Information System Security," of the HHS Information Resources Management Manual; the National Bureau of Standards Federal Information Processing Standards (FIPS Pub. 41 and FIPS Pub. 31). FRC safeguards are in compliance with GSA Federal Property Management Regulations, Subchapter B—Archives and Records.

RETENTION AND DISPOSAL:

Records are maintained in agency for four years. Disposal methods include erasing computer tapes, burning or shredding paper materials or transferring records to the Federal Records Center when no longer needed for evaluation and analysis. Records destroyed by paper recycling process when 20 years old, unless needed for further study.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Center for Infectious Diseases, Bldg. 1, Rm. 6013, Centers for Disease Control, 1600 Clifton Road, Atlanta, GA 30333

Director, Epidemiology Program Office, Bldg. 1, Rm. 5009, Centers for Disease Control, 1600 Clifton Road, Atlanta, GA 30333

Director, Center for Environmental Health, Chamblee Bldg. 27, Centers for Disease Control, 1600 Clifton Road, Atlanta, GA 30333and

Director, Center for Prevention Services, Freeway Office Park, Rm. 310, Centers for Disease Control, 1600 Clifton Road, Atlanta, GA 30333.

Policy coordination is provided by: Director, Office of Program Support, Bldg. 1, Rm. 2011, Centers for Disease Control, 1600 Clifton Road, Atlanta, GA 30333.

NOTIFICATION PROCEDURE:

An individual may learn if a record exists about himself or herself by contacting the appropriate 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) 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.

An individual who requests notification of or access to medical records shall, at the time the request is made, designate in writing a responsible representative who is 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.

The following information must be provided when requesting notification: (1) Full name; (2) the approximate date and place of the study, if known; and (3) nature of the questionnaire or study in which the requester participated.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. An accounting of disclosures that have been made of the record, if any, may be requested.

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under System Manager above, reasonably identify the record and specify the information being contested, the corrective action sought, and the reasons for requesting the correction, along with supporting information to show how the record is inaccurate, incomplete, untimely, or irrelevant.

RECORD SOURCE CATEGORIES:

Individuals, State and local health departments, and private physicians.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

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 Science (DBBS), National Institute for Occupational Safety and Health (NIOSH), Robert A. Taft Laboratories, 4676 Columbia Parkway, Cincinnati, Ohio 45226

Division of Standards Development and Technology Transfer (DSDTT), National Institute for Occupational Safety and Health (NIOSH), Robert A. Taft Laboratories, 4676 Columbia Parkway, Cincinnati, Ohio 45226 and

Federal Records Center, 3150 Bertwynn Drive, Dayton, Ohio 45439.

A list of contractor sites where individually identifiable data are currently located is available upon request to the system manager.

Also, occasionally data may be located at the facilities of collaborating researchers where analyses are performed, data collected and reports written. A list of these facilities is available upon request to the system manager.

Data may be located only at those facilities that have an adequate data security program and the collaborating researcher must return the data to NIOSH or destroy individual identifiers at the conclusion of the project.

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 including biopsy specimens, 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, "Research and Related Activities" (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 a verified inquiry from the congressional office made at the written 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 a claim against the Public Health Service 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, disclosure may be made 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.

Records subject to the Privacy Act are disclosed to private firms for data entry, computer systems analysis and computer programming services. The contractors promptly return data entry records after the contracted work is completed. The contractors are 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.

Disclosure may be made to NIOSH collaborating researchers (NIOSH contractors, grantees, or other Federal or State scientists) in order to accomplish the research purpose for which the records are collected. The collaborating researchers must agree in writing to comply with the confidentiality provisions of the Privacy Act and NIOSH must have determined that the researchers' data security procedures will protect confidentiality.

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

STORAGE:

Manual files, computer cards, computer tapes/disks, computer listings, microfilm.

RETRIEVABILITY:

Name and case number are the indexes used to retrieve records from this system.

SAFEGUARDS:

1. AUTHORIZED USERS: Access is granted to only a limited number of physicians, scientists, statisticians, and designated support staff of the Centers for Disease Control (CDC) or its contractors, as authorized by the system manager to accomplish the stated purposes for which the data in this system have been collected.

2. PHYSICAL SAFEGUARDS: Locked cabinets in locked rooms, 24-hour guard service in buildings, personnel screening of visitors, electronic anti-intrusion devices in operation at the Federal Records Center (FRC), a limited access, secured computer room with fire extinguishers and overhead sprinkler system, computer terminals and automated records located in secured areas.

3. PROCEDURAL SAFEGUARDS: Protection for computerized records includes programmed verification of valid user identification code, account code and password prior to acceptance of a terminal session or job submission, and frequently changed passwords. Knowledge of individual tape passwords is required to access tapes, and access to systems is limited to users obtaining prior supervisory approval. Additional safeguards may be built into the program by the system analyst as warranted by the sensitivity of the data.

CDC and contractor employees who maintain records are instructed to check with the system manager prior to making disclosures of data. When individually identified data are being used in a room, admittance at either CDC or contractor sites is restricted to specifically authorized personnel. Privacy Act provisions are included in contracts, and the CDC Project Director, contract officers and project officers oversee compliance with these requirements. Upon completion of the contract, all data will be either returned to CDC or destroyed, as specified by the contract.

4. IMPLEMENTATION GUIDELINES: The safeguards outlined above are developed in accordance with Chapter 45-13, "Safeguarding Records Contained in Systems of Records," of the HHS General Administration Manual, supplementary Chapter PHS.hf: 45-13; Part 6, "Automated Information System Security," of the HHS Information Resources Management Manual; the National Bureau of Standards Federal Information Processing Standards (FIPS Pub. 41 and FIPS Pub. 31). FRC safeguards are in compliance with GSA Federal Property Management Regulations, Subchapter B—Archives and Records.

RETENTION AND DISPOSAL:

Records are maintained in agency for three years. Personal identifiers are destroyed as soon as they are no longer necessary for the protection of the individuals involved. Disposal methods include erasing computer tapes, burning or shredding paper materials or transferring records to the Federal Records Center when no longer needed for evaluation and analysis. Records destroyed by paper recycling process when 20 years old, unless needed for further study.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Division of Biomedical and Behavioral Science (DBBS), National Institute for Occupational Safety and Health (NIOSH), Robert A. Taft Laboratories, 4676 Columbia Parkway, Cincinnati, Ohio 45226and

Medical Officer, Division of Standards Development and Technology Transfer (DSDTT), National Institute for Occupational Safety and Health (NIOSH), Robert A. Taft Laboratories, 4676 Columbia Parkway, Cincinnati, Ohio 45226.

Policy coordination is provided by: Director, Office of Program Support, Bldg.. 1, Rm. 2011, Centers for Disease Control, 1600 Clifton Road, Atlanta, GA 30333.

NOTIFICATION PROCEDURE:

An individual may learn if a record exists about himself or herself by contacting the appropriate 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) 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.

An individual who requests notification of or access to medical records shall, at the time the request is made, designate in writing a responsible representative who is willing to review the record and inform the subject individual of its contents at the representative's discretion.

The following information must be provided when requesting notification: (1) Full name; (2) the approximate date and place of the study, if known; and (3) nature of the questionnaire or study in which the requester participated.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. An accounting of disclosures that have been made of the record, if any, may be requested.

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under System Manager above, reasonably identify the record and specify the information being contested, the corrective action sought, and the reasons for requesting the correction, along with supporting information to show how the record is inaccurate, incomplete, untimely, or irrelevant.

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 (NIOSH), Robert A. Taft Laboratories, 4676 Columbia Parkway, Cincinnati, Ohio 45226and

Federal Records Center, 3150 Bertwynn Drive, Dayton, Ohio 45439.

A list of contractor sites where individually identifiable data are currently located is available upon request to the system manager.

Also, occasionally data may be located at the facilities of collaborating researchers where analyses are performed, data collected and reports written. A list of these facilities is available upon request to the system manager. Data may be located only at those facilities that have an adequate

data security program and the collaborating researcher must return the data to NIOSH or destroy individual identifiers at the conclusion of the project.

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 including results of hearing 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, "Research and Related Activities" (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 a verified inquiry from the congressional office made at the written 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 a claim against the Public Health Service 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, disclosure may be made 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.

Records subject to the Privacy Act are disclosed to private firms for data entry, computer systems analysis and computer programming services. The contractors promptly return data entry records after the contracted work is completed. The contractors are 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.

Disclosure may be made to NIOSH collaborating researchers (NIOSH contractors, grantees, or other Federal or State scientists) in order to accomplish the research purpose for which the records are collected. The collaborating researchers must agree in writing to comply with the confidentiality provisions of the Privacy Act and NIOSH must have determined that the researchers' data security procedures will protect confidentiality.

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

STORAGE:

Manual files, computer cards, computer tapes/disks, computer listings, microfilm.

RETRIEVABILITY:

Name and case number are the indexes used to retrieve records from this system.

SAFEGUARDS:

1. AUTHORIZED USERS: Access is granted to only a limited number of physicians, scientists, statisticians, and designated support staff of the Centers for Disease Control (CDC) or its contractors, as authorized by the system manager to accomplish the stated purposes for which the data in this system have been collected.

2. PHYSICAL SAFEGUARDS: Locked cabinets in locked rooms, 24-hour guard service in buildings, personnel screening of visitors, electronic anti-intrusion devices in operation at Federal Records Center (FRC), a limited access, secured computer room with fire extinguishers and overhead sprinkler system, computer terminals and automated records located in secured areas.

3. PROCEDURAL SAFEGUARDS: Protection for computerized records includes programmed verification of valid user identification code, account code and password prior to acceptance of a terminal session or job submission, and frequently changed passwords. Knowledge of individual tape passwords is required to access tapes, and access to systems is limited to users obtaining prior supervisory approval. Additional safeguards may be built into the program by the system analyst as warranted by the sensitivity of the data.

CDC and contractor employees who maintain records are instructed to check with the system manager prior to making disclosures of data. When individually identified data are being used in a room, admittance at either CDC or contractor sites is restricted to specifically authorized personnel. Privacy Act provisions are included in contracts, and the CDC Project Director, contract officers and project officers oversee compliance with these requirements. Upon completion of the contract, all data will be either returned to CDC or destroyed, as specified by the contract.

4. IMPLEMENTATION GUIDELINES: The safeguards outlined above are developed in accordance with Chapter 45-13, "Safeguarding Records Contained in Systems of Records," of the HHS General Administration Manual, supplementary Chapter PHS.hf: 45-13; Part 6, "Automated Information System Security," of the HHS Information Resources Management Manual; the National Bureau of Standards Federal Information Processing Standards (FIPS Pub. 41 and FIPS Pub. 31). FRC safeguards are in compliance with GSA Federal Property Management Regulations, Subchapter B—Archives and Records.

RETENTION AND DISPOSAL:

Records are maintained in agency for three years. Personal identifiers are destroyed as soon as the system has stabilized, and statistical summaries can be run. Disposal methods include erasing computer tapes, burning or shredding paper materials or transferring records to the Federal Records Center when no longer needed for evaluation and analysis. Records destroyed by paper recycling process when 20 years old, unless needed for further study.

SYSTEM MANAGER(S) AND ADDRESS:

Director, 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.

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) 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.

An individual who requests notification of or access to medical records shall, at the time the request is made, designate in writing a responsible representative who is willing to review the record and inform the subject individual of its contents at the representative's discretion.

The following information must be provided when requesting notification: (1) Full name; (2) the approximate date and place of the study, if known; and (3) nature of the questionnaire or study in which the requester participated.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. An accounting of disclosures that have been made of the record, if any, may be requested.

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under System Manager above, reasonably identify the record and specify the information being contested, the corrective action sought, and the reasons for requesting the correction, along with supporting information to show how the record is inaccurate, incomplete, untimely, or irrelevant.

RECORD SOURCE CATEGORIES:

Information is obtained directly from the individual and from employee records.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-20-0136

SYSTEM NAME:

Epidemiologic Studies and Surveillance of Disease Problems. HHS/CDC/CID.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Center for Infectious Diseases, Bldg. 1, Rm. 6013, Centers for Disease Control, 1600 Clifton Road, Atlanta, GA 30333

San Juan Laboratories, Center for Infectious Diseases, Centers for Disease Control, San Juan, Puerto Rico 00936

Center for Prevention Services, Freeway Office Park, Rm. 313, Centers for Disease Control, 1600 Clifton Road, Atlanta, GA 30333

Center for Environmental Health, Chamblee Bldg. 27, Centers for Disease Control, 1600 Clifton Road, Atlanta, GA 30333

Epidemiology Program Office, Bldg. 1, Rm. 5009, Centers for Disease Control, 1600 Clifton Road, Atlanta, GA 30333and

Federal Records Center, 1557 St. Joseph Avenue, East Point, GA 30344.

A list of contractor sites where individually identifiable data are currently located is available upon request to the appropriate system manager.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Adults and children with diseases and other preventable conditions of public health significance; also included are control group participants.

CATEGORIES OF RECORDS IN THE SYSTEM:

Case reports, medical records, questionnaires, and related documents.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Public Health Service Act, Section 301, "Research and Investigation," (42 U.S.C. 241); Sections 304, 306 and 308(d) which discuss authority to grant assurances of confidentiality for health research and related activities (42 U.S.C. 242 b, k, and m(d)).

PURPOSE(S):

This record system enables Centers for Disease Control (CDC) officials to better understand disease patterns in the United States, 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:

The following routine uses apply to all records in this system except those maintained under an assurance of confidentiality provided by Section 308(d) of the Public Health Service Act (unless expressly authorized in the consent form or stipulated in the Assurance Statement):

CDC is under contract with private firms for the purpose of collating, analyzing, aggregating or otherwise refining records in this system. Relevant records are maintained by such contractors. Contractors are required to maintain Privacy Act safeguards with respect to such records.

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 identified 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.

Disclosure may be made to organizations deemed qualified by the Secretary to carry out quality assessment, medical audits or utilization review.

Records may be disclosed to health departments and other public health or cooperating medical authorities in connection with program activities 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 a verified inquiry from the congressional office made at the written 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 a claim against the Public Health Service 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, disclosure may be made 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 tapes/disks and printouts and file folders.

RETRIEVABILITY:

By name of individual and by identification number.

SAFEGUARDS:

1. AUTHORIZED USERS: Access is granted to only a limited number of physicians, scientists, statisticians, and designated support staff of CDC or its contractors, as authorized by the system manager to accomplish the stated purposes for which the data in this system have been collected.

2. PHYSICAL SAFEGUARDS: Locked cabinets in locked rooms, 24-hour guard service in buildings, personnel screening of visitors, electronic anti-intrusion devices in operation at the Federal Records Center (FRC), fire extinguishers, overhead sprinkler system and card-access control equipment in the computer room, computer terminals and automated records located in secured areas.

3. PROCEDURAL SAFEGUARDS: Protection for computerized records includes programmed verification of valid user identification code, account code and password prior to acceptance of a terminal session or job submission, frequently changed passwords, and Vault Management System. Knowledge of individual tape passwords is required to access tapes, and access to systems is limited to users obtaining prior supervisory approval. When Privacy Act tapes are scratched, a special 'certified" process is performed in which tapes are completely written over to avoid inadvertent data disclosure. Additional safeguards may be built into the program by the system analyst as warranted by the sensitivity of the data.

CDC and contractor employees who maintain records are instructed to check with the system manager prior to making disclosures of data. When individually identified data are being used in a room, admittance at either CDC or contractor sites is restricted to specifically authorized personnel. Privacy Act provisions are included in contracts, and the CDC Project Director, contract officers and project officers oversee compliance with these requirements. Upon completion of the contract, all data will be either returned to CDC or destroyed, as specified by the contract.

4. IMPLEMENTATION GUIDELINES: The safeguards outlined above are developed in accordance with Chapter 45-13, "Safeguarding Records Contained in Systems of Records," of the HHS General Administration Manual, supplementary Chapter PHS.hf: 45-13; Part 6, "Automated Information System Security," of the HHS Information Resources Management Manual; the National Bureau of Standards Federal Information Processing Standards (FIPS Pub. 41 and FIPS Pub. 31). FRC safeguards are in compliance with GSA Federal Property Management Regulations, Subchapter B—Archives and Records.

RETENTION AND DISPOSAL:

Record copy of study reports maintained in agency from two to three years in accordance with retention schedules. Source documents for computer disposed of when no longer needed by program officials. 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. Disposal methods include erasing computer tapes, burning or shredding paper materials or transferring records to the Federal Records Center when no longer needed for evaluation and analysis. Records destroyed by paper recycling process when 20 years old, unless needed for further study.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Center for Infectious Diseases, Bldg. 1, Rm. 6013, Centers for Disease Control, 1600 Clifton Road, Atlanta, GA 30333

Director, Center for Prevention Services, Freeway Office Park, Rm. 310, Centers for Disease Control, 1600 Clifton Road, Atlanta, GA 30333

Director, Center for Environmental Health, Chamblee Bldg. 27, Centers for Disease Control, 1600 Clifton Road, Atlanta, GA 30333 and

Director, Epidemiology Program Office, Bldg. 1, Rm. 5009, Centers for Disease Control, 1600 Clifton Road, Atlanta, GA 30333.

Policy coordination is provided by: Director, Office of Program Support, Bldg. 1, Rm. 2011, Centers for Disease Control, 1600 Clifton Road, Atlanta, GA 30333.

NOTIFICATION PROCEDURE:

An individual may learn if a record exists about himself or herself or may obtain information concerning participation in epidemiological studies or surveillance activities by contacting the appropriate system manager at the address listed 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) 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.

An individual who requests notification of or access to medical records shall, at the time the request is made, designate in writing a responsible representative who is 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.

The following information must be provided when requesting notification: (1) Full name; (2) the approximate date and place of the study, if known; and (3) nature of the questionnaire or study in which the requester participated.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably

specify the record contents being sought. An accounting of disclosures that have been made of the record, if any, may be requested.

CONTESTING RECORD PROCEDURES:

Contact the first official at the address specified under System Manager above, reasonably identify the record and specify the information being contested, the corrective action sought, and the reasons for requesting the correction, along with supporting information to show how the record is inaccurate, incomplete, untimely, or irrelevant.

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/IHPO.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

International Health Program Office, Bldg. 14, Centers for Disease Control, 1600 Clifton Road, Atlanta, GA 30333.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

The Centers for Disease Control (CDC) employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Passport status records.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 5, Government Organization and Employees (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 a verified inquiry from the congressional office made at the written request of that individual.

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

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

STORAGE:

File folders.

RETRIEVABILITY:

Retrieved by name.

SAFEGUARDS:

1. AUTHORIZED USERS: Access is granted to only a limited number of International Health Program Office personnel and designated support staff of CDC, as authorized by the system manager to accomplish the stated purposes for which the data in this system have been collected.

2. PHYSICAL SAFEGUARDS: Locked cabinets in locked rooms, 24-hour guard service in buildings, personnel screening of visitors.

3. PROCEDURAL SAFEGUARDS: Users of individually identified data protect information from public scrutiny, and only specifically authorized personnel may be admitted to the record storage area. CDC employees who maintain records are instructed to check with the system manager prior to making disclosures of data.

4. IMPLEMENTATION GUIDELINES: DHHS Chapter 45-13 and supplementary Chapter PHS.hf: 45-13 of the General Administration Manual.

RETENTION AND DISPOSAL:

Records are maintained in agency for five years. 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, International Health Program Office, Bldg. 14, Centers for Disease Control, 1600 Clifton Road, Atlanta, GA 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) 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.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. An accounting of disclosures that have been made of the record, if any, may be requested.

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under System Manager above, reasonably identify the record and specify the information being contested, the corrective action sought, and the reasons for requesting the correction, along with supporting information to show how the record is inaccurate, incomplete, untimely, or irrelevant.

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. 3061, Centers for Disease Control, 1600 Clifton Road, Atlanta, GA 30333and

Federal Records Center, 1557 St. Joseph Avenue, East Point, GA 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, Section 203, "Commissioned Corps" and Section 207, "Appointment of Personnel' (42 U.S.C. 204, 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 a verified inquiry from the congressional office made at the written request of that individual.

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

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

STORAGE:

File folders.

RETRIEVABILITY:

Retrieved by name.

SAFEGUARDS:

1. AUTHORIZED USERS: Access is granted to only a limited number of physicians, scientists, statisticians, and designated support staff of the Centers for Disease Control (CDC), as authorized by the system manager to accomplish the stated purposes for which the data in this system have been collected.

2. PHYSICAL SAFEGUARDS: Locked cabinets in locked rooms, 24-hour guard service in buildings, personnel screening of visitors, electronic anti-intrusion devices in operation at the Federal Records Center (FRC).

3. PROCEDURAL SAFEGUARDS: Users of individually identified data protect information from public scrutiny, and only specifically authorized personnel may be admitted to the record storage area. CDC employees who maintain records are instructed to check with the system manager prior to making disclosures of data.

4. IMPLEMENTATION GUIDELINES: DHHS Chapter 45-13 and supplementary Chapter PHS.hf: 45-13 of the General Administration Manual. FRC safeguards are in compliance with GSA Federal Property Management Regulations, Subchapter B—Archives and Records.

RETENTION AND DISPOSAL:

Records are maintained in agency for eight years. Disposal methods include burning or shredding paper materials or transferring records to the Federal Records Center when no longer needed for evaluation. Destroyed by paper recycling process after 16 years unless needed for further analysis.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Epidemiology Program Office, Bldg. 1, Rm. 5009, Centers for Disease Control, 1600 Clifton Road, Atlanta, GA 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) 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.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. An accounting of disclosures that have been made of the record, if any, may be requested.

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under System Manager above, reasonably identify the record and specify the information being contested, the corrective action sought, and the reasons for requesting the correction, along with supporting information to show how the record is inaccurate, incomplete, untimely, or irrelevant.

RECORD SOURCE CATEGORIES:

Educational institutions, previous employers and subject individuals.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-20-0147

SYSTEM NAME:

Occupational Health Epidemiological Studies. HHS/CDC/NIOSH.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Division of Surveillance, Hazard Evaluation, and Field Studies (DSHEFS), National Institute for Occupational Safety and Health (NIOSH), Robert A. Taft Laboratories, 4676 Columbia Parkway, Cincinnati, Ohio 45226and

Federal Records Center, 3150 Bertwynn Drive, Dayton, Ohio 45439.

A list of contractor sites where individually identifiable data are currently located is available upon request to the system manager.

Also, occasionally data may be located at the facilities of collaborating researchers where analyses are performed, data collected and reports written. A list of these facilities is available upon request to the system manager. Data may be located only at those facilities that have an adequate data security program and the collaborating researcher must return the data to NIOSH or destroy individual identifiers at the conclusion of the project.

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) mutagenic (male and female) and teratogenic agents, (8) bio-accumulating non-carcinogen agents, and (9) chronic vascular disease-

causing agents. Also included are those individuals in the general population who have been selected as control groups.

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, driver's license data, hearing test results, spirometry results are examples of the records in this system. The specific types of records collected and maintained are determined by the needs of the individual study.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Public Health Service Act, Section 301, "Research and Investigation" (42 U.S.C. 241); Occupational Safety and Health Act, Section 20, "Research and Related Activities" (29 U.S.C. 669); Federal Mine Safety and Health Act of 1977, Section 501, "Research" (30 U.S.C. 951).

PURPOSE(S):

Studies carried out under this system are to evaluate mortality and morbidity of occupationally 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 a verified inquiry from the congressional office made at the written 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 of the 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 enables 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, for example, in defending a claim against the Public Health Service 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, disclosure may be made 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.

Records subject to the Privacy Act are disclosed to private firms for data entry, computer systems analysis and computer programming services. The contractors promptly return data entry records after the contracted work is completed. The contractors are required to maintain Privacy Act safeguards.

Test data which 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.

Disclosure may be made to NIOSH collaborating researchers (NIOSH contractors, grantees, or other Federal or State scientists) in order to accomplish the research purpose for which the records are collected. The collaborating researchers must agree in writing to comply with the confidentiality provisions of the Privacy Act and NIOSH must have determined that the researchers' data security procedures will protect confidentiality.

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

STORAGE:

Manual files, card files, computer tapes/disks and printouts, 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:

1. AUTHORIZED USERS: Access is granted to only a limited number of physicians, scientists, statisticians, and designated support staff of the Centers for Disease Control (CDC) or its contractors, as authorized by the system manager to accomplish the stated purposes for which the data in this system have been collected.

2. PHYSICAL SAFEGUARDS: Locked cabinets in locked rooms, 24-hour guard service in buildings, personnel screening of visitors, electronic anti-intrusion devices in operation at the Federal Records Center (FRC), fire extinguishers, overhead sprinkler system and a limited access, secured computer room, computer terminals and automated records located in secured areas.

3. PROCEDURAL SAFEGUARDS: Protection for computerized records includes programmed verification of valid user identification code, account code and password prior to acceptance of a terminal session or job submission, and frequently changed passwords. Knowledge of individual tape passwords is required to access tapes, and access to systems is limited to users obtaining prior supervisory approval. Additional safeguards may be built into the program by the system analyst as warranted by the sensitivity of the data.

CDC and contractor employees who maintain records are instructed to check with the system manager prior to making disclosures of data. When individually identified data are being used in a room, admittance at either CDC or contractor sites is restricted to specifically authorized personnel. Privacy Act provisions are included in contracts, and the CDC Project Director, contract officers and project officers oversee compliance with these requirements. Upon completion of the contract, all data will be either returned

to CDC or destroyed, as specified by the contract.

4. IMPLEMENTATION GUIDELINES: The safeguards outlined above are developed in accordance with Chapter 45-13, "Safeguarding Records Contained in Systems of Records," of the HHS General Administration Manual, supplementary Chapter PHS.hf: 45-13; Part 6, "Automated Information System Security," of the HHS Information Resources Management Manual; the National Bureau of Standards Federal Information Processing Standards (FIPS Pub. 41 and FIPS Pub. 31). FRC safeguards are in compliance with GSA Federal Property Management Regulations, Subchapter B—Archives and Records.

RETENTION AND DISPOSAL:

Records are maintained in agency for three years. Every attempt is made to strip personal identifiers from records and destroy the records when they are no longer needed. Disposal methods include erasing computer tapes, burning or shredding paper materials or transferring records to the Federal Records Center when no longer needed for evaluation and analysis. Records destroyed by paper recycling process when 20 years old, unless needed for further study.

SYSTEM MANAGER(S) AND ADDRESS:

Program Management Officer, Division of Surveillance, Hazard Evaluations, and Field Studies (DSHEFS), National Institute for Occupational Safety and Health (NIOSH), Robert A. Taft Laboratories, 4676 Columbia Parkway, Cincinnati, Ohio 45226.

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) 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.

An individual who requests notification of or access to medical records shall, at the time the request is made, designate in writing a responsible representative who is willing to review the record and inform the subject individual of its contents at the representative's discretion.

The following information must be provided when requesting notification: (1) Full name; (2) the approximate date and place of the study, if known; and (3) nature of the questionnaire or study in which the requester participated.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. An accounting of disclosures that have been made of the record, if any, may be requested.

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under System Manager above, reasonably identify the record and specify the information being contested, the corrective action sought, and the reasons for requesting the correction, along with supporting information to show how the record is inaccurate, incomplete, untimely, or irrelevant.

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 RecordsAppropriate State Motor Vehicle Registration DepartmentsAppropriate State Driver's License DepartmentsAppropriate 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 InsuranceRetail Credit Association Follow upVeterans Administration FilesAppropriate employee union or association recordsAppropriate company pension or employment recordsCompany group insurance recordsAppropriate State Vital Statistics OfficesLife Insurance CompaniesRailroad Retirement BoardArea Nursing HomesArea Indian Trading PostsMailing List Correction Cards (U.S. Postal Service)Letters and telephone conversations with relativesLetters and telephone conversations with former employees of the same establishment as cohort memberAppropriate local newspaper (obituaries)Social Security AdministrationInternal Revenue ServiceNational Death Index

09-20-0149

SYSTEM NAME:

Morbidity Studies in Coal Mining, Metal and Non-metal Mining and General Industry. 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, WV 26505.

A list of contractor sites where individually identifiable data are currently located is available upon request to the system manager.

Also, occasionally data may be located at the facilities of collaborating researchers where analyses are performed, data collected and reports written. A list of these facilities is available upon request to the system manager. Data may be located only at those facilities that have an adequate data security program and the collaborating researcher must return the data to NIOSH or destroy individual identifiers at the conclusion of the project.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons working, or having worked at coal mining operations, mining operations other than coal and 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 indi-viduals 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 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, "Research and Related

Activities" (29 U.S.C. 669); Federal Mine Safety and Health Act of 1977, Sections 203, "Medical Examinations" and 501, "Research" (30 U.S.C. 843, 951); Public Health Service Act, Section 301, "Research and Investigation" (42 U.S.C. 241).

PURPOSE(S):

The purpose of this system is to investigate occupationally related diseases at workplaces identified as general industry, surface mining, or below ground mining operations 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 a verified inquiry from the congressional office made at the written 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 a claim against the Public Health Service 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, disclosure may be made 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.

Records subject to the Privacy Act are disclosed to private firms for data entry, computer systems analysis and computer programming services. The contractors promptly return data entry records after the contracted work is completed. The contractors are required to maintain Privacy Act safeguards.

Data on the incidence of pneumoconiosis may be sent to the Mining Safety and Health Administration, Department of Labor.

Test data which 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.

Disclosure may be made to NIOSH collaborating researchers (NIOSH contractors, grantees, or other Federal or State scientists) in order to accomplish the research purpose for which the records are collected. The collaborating researchers must agree in writing to comply with the confidentiality provisions of the Privacy Act and NIOSH must have determined that the researchers' data security procedures will protect confidentiality.

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

STORAGE:

Computer cards, tapes/disks and printouts, microfiche, and manual files.

RETRIEVABILITY:

Name and/or assigned numerical identifier, plant name, study 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:

1. AUTHORIZED USERS: Access is granted to only a limited number of physicians, scientists, statisticians, and designated support staff of the Centers for Disease Control (CDC) or its contractors, as authorized by the system manager to accomplish the stated purposes for which the data in this system have been collected.

2. PHYSICAL SAFEGUARDS: Locked cabinets in locked rooms, 24-hour guard service in buildings, personnel screening and escorting of visitors, a limited access, secured computer room with fire extinguishers and overhead sprinkler system, computer terminals and automated records located in secured areas.

3. PROCEDURAL SAFEGUARDS: Protection for computerized records includes programmed verification of valid user identification code, account code and password prior to acceptance of a terminal session or job submission, and frequently changed passwords. Knowledge of individual tape passwords is required to access tapes, and access to systems is limited to users obtaining prior supervisory approval. Additional safeguards may be built into the program by the system analyst as warranted by the sensitivity of the data.

CDC and contractor employees who maintain records are instructed to check with the system manager prior to making disclosures of data. When individually identified data are being used in a room, admittance at either CDC or contractor sites is restricted to specifically authorized personnel. Privacy Act provisions are included in contracts, and the CDC Project Director, contract officers and project officers oversee compliance with these requirements. Upon completion of the contract, all data will be either returned to CDC or destroyed, as specified by the contract.

4. IMPLEMENTATION GUIDELINES: The safeguards outlined above are developed in accordance with Chapter 45-13, "Safeguarding Records Contained in Systems of Records," of the HHS General Administration Manual, supplementary Chapter PHS.hf: 45-13; Part 6, "Automated Information System Security," of the HHS Information Resources Management Manual; the National Bureau of Standards Federal Information Processing Standards (FIPS Pub. 41 and FIPS Pub. 31).

RETENTION AND DISPOSAL:

Records maintained in agency for three years. 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,burning or shredding paper materials or transferring records to the Federal Records Center when no longer needed for evaluation and analysis. Records destroyed by paper recycling process when 20 years old, unless needed for further study.

SYSTEM MANAGER(S) AND ADDRESS:

Administrative Officer, Division of Respiratory Disease Studies (DRDS), National Institute for Occupational Safety and Health (NIOSH), 944 Chestnut Ridge Road, Morgantown, WV 26505.

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) 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 toa $5,000 fine.

An individual who requests notification of or access to medical records shall, at the time the request is made, designate in writing a responsible representative who is willing to review the record and inform the subject individual of its contents at the representative's discretion.

The following information must be provided when requesting notification: (1) Full name; (2) the approximate date and place of the study, if known; and (3) nature of the questionnaire or study in which the requester participated.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requestersshould also reasonably specify the record contents being sought. An accountingof disclosures that have been made of the record, if any, may be requested.

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under System Manager above, reasonably identify the record and specify the information being contested, the corrective action sought, and the reasons for requesting the correction, along with supporting information to show how the record is inaccurate, incomplete, untimely, or irrelevant.

RECORD SOURCE CATEGORIES:

Information is obtained from the individual and from employer industry records. Vital status information is obtained from Federal, State and local governments and other available sources.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-20-0153

SYSTEM NAME:

Mortality Studies in Coal Mining, Metal and Non-metal Mining and General Industry. 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, WV 26505.

A list of contractor sites where individually identifiable data are currently located is available upon request to the system manager.

Also, occasionally data may be located at the facilities of collaborating researchers where analyses are performed, data collected and reports written. A list of these facilities is available upon request to the system manager. Data may be located only at those facilities that have an adequate data security program and the collaborating researcher must return the data to NIOSH or destroy individual identifiers at the conclusion of the project.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons working, or having worked at coal mining operations, mining operations other than coal and 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 indi-viduals 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 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, "Research and Related Activities" (29 U.S.C. 669); Federal Mine Safety and Health Act of 1977, Section 4, "Mandatory Safety and Health Standards" and Section 501, "Research" (30 U.S.C. 811, 951); Public Health Service Act, Section 301, "Research and Investigation" (42 U.S.C. 241).

PURPOSE(S):

The purpose of this system is to investigate occupationally related diseases at workplaces identified as general industry, surface mining or below ground mining operations, to determine the cause and prevention of such diseases, and to evaluate whether excess occupationally related mortality is occurring.

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.

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 enables NIOSH to evaluate whether excess occupationally related mortality is occurring.

Disclosure may be made to a congressional office from the record of an individual in response to a verified inquiry from the congressional office made at the written 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 a claim against the Public Health Service 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, disclosure may be made 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.

Records subject to the Privacy Act are disclosed to private firms for data entry, computer systems analysis and computer programming services. The contractors promptly return data entry records after the contracted work is completed. The contractors are 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.

Disclosure may be made to NIOSH collaborating researchers (NIOSH contractors, grantees, or other Federal or State scientists) in order to accomplish the research purpose for which the records are collected. The collaborating researchers must agree in writing to comply with the confidentiality provisions of the Privacy Act and NIOSH must have determined that the researchers' data security procedures will protect confidentiality.

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

STORAGE:

Computer cards, tapes/disks and printouts, microfiche, and manual files.

RETRIEVABILITY:

Name and/or assigned numerical identifier, plant name, study 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:

1. AUTHORIZED USERS: Access is granted to only a limited number of physicians, scientists, statisticians, and designated support staff of the Centers for Disease Control (CDC) or its contractors, as authorized by the system manager to accomplish the stated purposes for which the data in this system have been collected.

2. PHYSICAL SAFEGUARDS: Locked cabinets in locked rooms, 24-hour guard service in buildings, personnel screening and escorting of visitors, a limited access, secured computer room with fire extinguishers and overhead sprinkler system, computer terminals and automated records located in secured areas.

3. PROCEDURAL SAFEGUARDS: Protection for computerized records includes programmed verification of valid user identification code, account code and password prior to acceptance of a terminal session or job submission, and frequently changed passwords. Knowledge of individual tape passwords is required to access tapes, and access to systems is limited to users obtaining prior supervisory approval. Additional safeguards may be built into the program by the system analyst as warranted by the sensitivity of the data.

CDC and contractor employees who maintain records are instructed to check with the system manager prior to making disclosures of data. When individually identified data are being used in a room, admittance at either CDC or contractor sites is restricted to specifically authorized personnel. Privacy Act provisions are included in contracts, and the CDC Project Director, contract officers and project officers oversee compliance with these requirements. Upon completion of the contract, all data will be either returned to CDC or destroyed, as specified by the contract.

4. IMPLEMENTATION GUIDELINES: The safeguards outlined above are developed in accordance with Chapter 45-13, "Safeguarding Records Contained in Systems of Records," of the HHS General Administration Manual, supplementary Chapter PHS.hf: 45-13; Part 6, "Automated Information System Security," of the HHS Information Resources Management Manual; the National Bureau of Standards Federal Information Processing Standards (FIPS Pub. 41 and FIPS Pub. 31).

RETENTION AND DISPOSAL:

Records maintained in agency for three years. 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, burning or shredding paper materials or transferring records to the Federal Records Center when no longer needed for evaluation and analysis. Records destroyed by paper recycling process when 20 years old, unless needed for further study.

SYSTEM MANAGER(S) AND ADDRESS:

Administrative Officer, Division of Respiratory Disease Studies (DRDS), National Institute for Occupational Safety and Health (NIOSH), 944 Chestnut Ridge Road, Morgantown, WV 26505.

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) 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 toa $5,000 fine.

An individual who requests notification of or access to medical records shall, at the time the request is made, designate in writing a responsible representative who is willing to review the record and inform the subject individual of its contents at the representative's discretion.

The following information must be provided when requesting notification: (1) Full name; (2) the approximate date and place of the study or treatment, if known; and (3) nature of the questionnaire or study in which the requester participated.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requestersshould also reasonably specify the record contents being sought. An accountingof disclosures that have been made of the record, if any, may be requested.

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under System Manager above, reasonably identify the record and specify the information being contested, the corrective action sought, and the reasons for requesting the correction, along with supporting information to show how the record is inaccurate, incomplete, untimely, or irrelevant.

RECORD SOURCE CATEGORIES:

Information is obtained from the individual, company personnel records, death certificates, and from industry and trade union records. Vital status information is obtained from Federal, State and local governments and other available sources.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

APPENDIX I - Potential Sources for Determination of Vital Status

Military RecordsAppropriate State Motor Vehicle Registration DepartmentsAppropriate State Drivers License DepartmentsAppropriate 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 InsuranceVeterans Administration FilesAppropriate employee union or association recordsAppropriate company pension or employment recordsCompany group insurance recordsAppropriate State Vital Statistics OfficesLife Insurance CompaniesRailroad Retirement BoardArea Nursing HomesArea Indian Trading PostsMailing List Correction Cards (U.S. Postal Service)Letters and telephone conversations with relativesLetters and telephone conversations with former employees of the same establishment as cohort memberAppropriate local newspaper (obituaries)Social Security AdministrationInternal 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, WV 26505.

A list of contractor sites where individually identifiable data are currently located is available upon request to the system manager.

Also, occasionally data may be located at the facilities of collaborating researchers where analyses are performed, data collected and reports written. A list of these facilities is available upon request to the system manager. Data may be located only at those facilities that have an adequate data security program and the collaborating researcher must return the data to NIOSH or destroy individual identifiers at the conclusion of the project.

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:

Analyses of biochemical data, occupational and medical histories, and results of medical tests. The specific types of records collected and maintained are determined by the needs of the individual study.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Federal Mine Safety and Health Act of 1977, Section 501, "Research" (30 U.S.C. 951); Occupational Safety and Health Act, Section 20, "Research and Related Activities" and Section 22(d), "Authority of Director, National Institute for Occupational Safety and Health" (29 U.S.C. 669, 671(d)).

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 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 a verified inquiry from the congressional office made at the written 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 a claim against the Public Health Service 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, disclosure may be made 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.

Records subject to the Privacy Act are disclosed to private firms for data entry, computer systems analysis and computer programming services. The contractors promptly return data entry records after the contracted work is completed. The contractors are required to maintain Privacy Act safeguards.

Test data which 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.

Disclosure may be made to NIOSH collaborating researchers (NIOSH contractors, grantees, or other Federal or State scientists) in order to accomplish the research purpose for which the records are collected. The collaborating researchers must agree in writing to comply with the confidentiality provisions of the Privacy Act and NIOSH must have determined that the researchers' data security procedures will protect confidentiality.

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

STORAGE:

Computer cards, tapes/disks and printouts; microfiche, and manual files.

RETRIEVABILITY:

Name and case number are the indices used to retrieve records from this system.

SAFEGUARDS:

1. AUTHORIZED USERS: Access is granted to only a limited number of physicians, scientists, statisticians, and designated support staff of the Centers

for Disease Control (CDC) or its contractors, as authorized by the system manager to accomplish the stated purposes for which the data in this system have been collected.

2. PHYSICAL SAFEGUARDS: Locked cabinets in locked rooms, 24-hour guard service in buildings, personnel screening and escorting of visitors, a limited access, secured computer room with fire extinguishers and overhead sprinkler system, computer terminals and automated records located in secured areas.

3. PROCEDURAL SAFEGUARDS: Protection for computerized records includes programmed verification of valid user identification code, account code and password prior to acceptance of a terminal session or job submission, and frequently changed passwords. Knowledge of individual tape passwords is required to access tapes, and access to systems is limited to users obtaining prior supervisory approval. Additional safeguards may be built into the program by the system analyst as warranted by the sensitivity of the data.

CDC and contractor employees who maintain records are instructed to check with the system manager prior to making disclosures of data. When individually identified data are being used in a room, admittance at either CDC or contractor sites is restricted to specifically authorized personnel. Privacy Act provisions are included in contracts, and the CDC Project Director, contract officers and project officers oversee compliance with these requirements. Upon completion of the contract, all data will be either returned to CDC or destroyed, as specified by the contract.

4. IMPLEMENTATION GUIDELINES: The safeguards outlined above are developed in accordance with Chapter 45-13, "Safeguarding Records Contained in Systems of Records," of the HHS General Administration Manual, supplementary Chapter PHS.hf: 45-13; Part 6, "Automated Information System Security," of the HHS Information Resources Management Manual; the National Bureau of Standards Federal Information Processing Standards (FIPS Pub. 41 and FIPS Pub. 31).

RETENTION AND DISPOSAL:

Records are maintained in agency for three years. 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,burning or shredding paper materials or transferring records to the Federal Records Center when no longer needed for evaluation and analysis. Records destroyed by paper recycling process when 20 years old, unless needed for further study.

SYSTEM MANAGER(S) AND ADDRESS:

Administrative Officer, Division of Respiratory Disease Studies (DRDS), National Institute for Occupational Safety and Health (NIOSH), 944 Chestnut Ridge Road, Morgantown, WV 26505.

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) 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.

An individual who requests notification of or access to medical records shall, at the time the request is made, designate in writing a responsible representative who is willing to review the record and inform the subject individual of its contents at the representative's discretion.

The following information must be provided when requesting notification: (1) Full name; (2) the approximate date and place of the study, if known; and (3) nature of the questionnaire or study in which the requester participated.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. An accounting of disclosures that have been made of the record, if any, may be requested.

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under System Manager above, reasonably identify the record and specify the information being contested, the corrective action sought, and the reasons for requesting the correction, along with supporting information to show how the record is inaccurate, incomplete, untimely, or irrelevant.

RECORD SOURCE CATEGORIES:

Information is obtained directly from the individual.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-20-0157

SYSTEM NAME:

Clinical Laboratory Personnel Proficiency Test Results (Medicare). HHS/CDC/LPO.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Laboratory Program Office, Executive Park, Bldg. 24, Centers for Disease Control, 1600 Clifton Road, Atlanta, GA 30333and

Federal Records Center, 1557 St. Joseph Avenue, East Point, GA 30344.

A list of contractor sites where individually identifiable data are currently located is available upon request to the system manager.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Clinical laboratory technicians and technologists, cytotechnologists, independent laboratory directors.

CATEGORIES OF RECORDS IN THE SYSTEM:

Answer sheets, examination scores.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Social Security Act, Section 1123 "Qualifications for Health Care Personnel" (42 U.S.C. 1320a-2).

PURPOSE(S):

To maintain a record of examination scores. 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 a verified inquiry from the congressional office made at the written request of that individual.

The Centers for Disease Control is under contract with private firms for the purpose of collating, analyzing, 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.

The Department of Health and Human Services (HHS) may disclose information from this system of records to the Department of Justice, or to a court or other tribunal, when (a) HHS, or any component thereof; or (b) any HHS employee in his or her official capacity;

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

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

STORAGE:

Computer-generated listings filed by discipline, and by State, in file folders. Computer tapes filed at the Federal Records Center.

RETRIEVABILITY:

Listings and answer sheets are retrieved by examination discipline, State, examinee's name and address, and examination number.

SAFEGUARDS:

1. AUTHORIZED USERS: Access is granted to only a limited number of Laboratory Program Office personnel and designated support staff of the Centers for Disease Control (CDC), or its contractors, as authorized by the system manager to accomplish the stated purposes for which the data in this system have been collected.

2. PHYSICAL SAFEGUARDS: Locked cabinets in locked rooms, 24-hour guard service in buildings, personnel screening of visitors, electronic anti-intrusion devices in operation at the Federal Records Center.

3. PROCEDURAL SAFEGUARDS: Users of individually identified data protect information from public scrutiny, and only specifically authorized personnel may be admitted to the record storage area. CDC employees who maintain records are instructed to check with the system manager prior to making disclosures of data.

CDC and contractor employees who maintain records are instructed to check with the system manager prior to making disclosures of data. When individually identified data are being used in a room, admittance at either CDC or contractor sites is restricted to specifically authorized personnel. Privacy Act provisions are included in contracts, and the CDC Project Director, contract officers and project officers oversee compliance with these requirements. Upon completion of the contract, all data will be either returned to CDC or destroyed, as specified by the contract.

4. IMPLEMENTATION GUIDELINES: DHHS Chapter 45-13 and supplementary Chapter PHS.hf: 45-13 of the General Administration Manual. FRC safeguards are in compliance with GSA Federal Property Management Regulations, Subchapter B—Archives and Records.

RETENTION AND DISPOSAL:

Records are retained in agency for three years. Disposal methods include erasing computer tapes, burning or shredding paper materials or transferring records to the Federal Records Center when no longer needed for evaluation and analysis. Records destroyed by paper recycling process after 15 years, unless needed for further study.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Laboratory Program Office, Executive Park, Bldg. 24, Centers for Disease Control, l600 Clifton Road, Atlanta, GA 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) 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.

The following information should be provided when requesting notification: (1) Full name; (2) approximate date(s) of the examination(s); (3) name of the examination and location at which examination was administered.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. An accounting of disclosures that have been made of the record, if any, may be requested.

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under System Manager above, reasonably identify the record and specify the information being contested, the corrective action sought, and the reasons for requesting the correction, along with supporting information to show how the record is inaccurate, incomplete, untimely, or irrelevant.

RECORD SOURCE CATEGORIES:

Scored examinations.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-20-0159

SYSTEM NAME:

Records of Subjects in Certification, Testing, Studies of Personal Protective Devices, and Accident Investigations. HHS/CDC/NIOSH.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Division of Safety Research (DSR), National Institutefor Occupational Safety and Health (NIOSH), 944 Chestnut Ridge Road, Morgantown, WV 26505.

A list of contractor sites where individually identifiable data are currently located is available upon request to the system manager.

Also, occasionally data may be located at the facilities of collaborating researchers where analyses are performed, data collected and reports written. A list of these facilities is available upon request to the system manager. Data may be located only at those facilities that have an adequate data security program and the collaborating researcher must return the data to NIOSH or destroy individual identifiers at the conclusion of the project.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals exposed to hazardous work environments and individuals selected as control groups are 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 examplesinclude individuals involved in investigated accidents and persons selected to perform respirator facepiece fit tests, perform lifting and manual materials handling studies, perform work tests while wearing protective equipment, perform strength test studies, and perform hand speed tests.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system contains such records as physical examinations, questionnaires, results of laboratory tests (physiological measures and performance tests), workplace performance records, occupational histories, medical histories, demographic data, and related medical information. The specific types of records collected and maintained are determined by the needs of the individual study.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Public Health Service Act, Section 301, "Research and Investigation" (42 U.S.C. 241); Occupational Safety and Health Act, Section 20, "Research and Related Activities" (29 U.S.C. 669); and Federal Mine Safety and Health Act of 1977, Section 501, "Research" (30 U.S.C. 951).

PURPOSE(S):

The purpose of this system is to permit acquisition of information related to certification and performance of personal protective equipment, 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 a verified inquiry from the congressional office, made at the written 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 a claim against the Public Health Service 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, disclosure may be made 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.

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 enables NIOSH to evaluate whether excess occupationally-related mortality is occurring.

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.

Records subject to the Privacy Act are disclosed to private firms for data entry, computer systems analysis, and computer programming services. The contractors promptly return data entry records after the contracted work is completed. The contractors are required to maintain Privacy Act safeguards.

Disclosure may be made to NIOSH collaborating researchers (NIOSH contractors, grantees, or other Federal or State scientists) in order to accomplish the research purpose for which the records are collected. The collaborating researchers must agree in writing to comply with the confidentiality provisions of the Privacy Act and NIOSH must have determined that the researchers' data security procedures will protect confidentiality.

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

STORAGE:

Manual files, computer cards, tapes/disks and printouts, microfilm, 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:

1. AUTHORIZED USERS: Access is granted to only a limited number of physicians, scientists, statisticians, and designated support staff of the Centers for Disease Control (CDC) or its contractors, as authorized by the system manager to accomplish the stated purposes for which the data in this system have been collected.

2. PHYSICAL SAFEGUARDS: Locked cabinets in locked rooms, 24-hour guard service in buildings, personnel screening and escorting of visitors, a limited access, secured computer room with fire extinguishers and overhead sprinkler system, computer terminals and automated records located in secured areas.

3. PROCEDURAL SAFEGUARDS: Protection for computerized records includes programmed verification of valid user identification code, account code and password prior to acceptance of a terminal session or job submission, frequently changed passwords. Knowledge of individual tape passwords is required to access tapes, and access to systems is limited to users obtaining prior supervisory approval. Additional safeguards may be built into the program by the system analyst as warranted by the sensitivity of the data.

CDC and contractor employees who maintain records are instructed to check with the system manager prior to making disclosures of data. When individually identified data are being used in a room, admittance at either CDC or contractor sites is restricted to specifically authorized personnel. Privacy Act provisions are included in contracts, and the CDC Project Director, contract officers and project officers oversee compliance with these requirements. Upon completion of the contract, all data will be either returned to CDC or destroyed, as specified by the contract.

4. IMPLEMENTATION GUIDELINES: The safeguards outlined above are developed in accordance with Chapter 45-13, "Safeguarding Records Contained in Systems of Records," of the HHS General Administration Manual, supplementary Chapter PHS.hf: 45-13; Part 6, "Automated Information System Security," of the HHS Information Resources Management Manual; the National Bureau of Standards Federal Information Processing Standards (FIPS Pub. 41 and FIPS Pub. 31).

RETENTION AND DISPOSAL:

Records are maintained in agency for three years. Personal identifiers are stripped from records when no longer needed. Disposal methods include erasing computer tapes, burning or shredding paper materials or transferring records to the Federal Records Center when no longer needed for evaluation and analysis. Records destroyed by paper recycling process when 20 years old, unless needed for further study.

SYSTEM MANAGER(S) AND ADDRESS:

Special Assistant to the Director, Division of Safety Research (DSR), National Institute for Occupational Safety and Health (NIOSH), 944 Chestnut Ridge Road, Morgantown, WV 26505.

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.

An individual who requests notification of or access to medical records shall, at the time the request is made, designate in writing a responsible representative who is willing to review the record and inform the subject individual of its contents at the representative's discretion.

The following information must be provided when requesting notification: (1) Full name; (2) the approximate date and place of the study, if known, and (3) nature of the questionnaire or study in which the requester participated.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. An accounting of disclosures that have been made of the record, if any, may be requested.

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under System Manager above, reasonably identify the record and specify the information being contested, the corrective action sought, and the reasons for requesting the correction, along with supporting information to show how the record is inaccurate, incomplete, untimely, or irrelevant.

RECORD SOURCE CATEGORIES:

Information is obtained from the individual and from employer records.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-20-0160

SYSTEM NAME:

Records of Subjects in Health Promotion and Education Studies. HHS/CDC/CHPE.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Center for Health Promotion and Education, Bldg. 3, Rm. 117, Centers for Disease Control, 1600 Clifton Road, Atlanta, GA 30333.

A list of contractor sites where individually identifiable data are currently located is available upon request to the system manager.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Adults and children, including health and education agency administrators, school health personnel, teachers, parents, 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 health and education agency administrators, school health personnel, teachers, parents, and students, pertaining to health knowledge, attitudes 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, Section 301, "Research and Investigation" (42 U.S.C. 241).

PURPOSE(S):

This record system enables the Centers for Disease Control (CDC) officials to develop and evaluate existing health promotion 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 a verified inquiry from the congressional office made at the written 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 a claim against the Public Health Service 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, disclosure may be made 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 tapes/disks and printouts, file folders.

RETRIEVABILITY:

Name of individual, identification number, school name and year tested are some of the indices used to retrieve records from this system.

SAFEGUARDS:

1. AUTHORIZED USERS: Access is granted to only a limited number of researchers and designated support staff of CDC or its contractors, as authorized by the system manager to accomplish the stated purposes for which the data in this system have been collected.

2. PHYSICAL SAFEGUARDS: Locked cabinets in locked rooms, 24-hour guard service in buildings, personnel screening of visitors, fire extinguishers, overhead sprinkler system and card-access control equipment in the computer room, computer terminals and automated records located in secured areas.

3. PROCEDURAL SAFEGUARDS: Protection for computerized records

includes programmed verification of valid user identification code, account code and password prior to acceptance of a terminal session or job submission, frequently changed passwords, and Vault Management System. Knowledge of individual tape passwords is required to access tapes, and access to systems is limited to users obtaining prior supervisory approval. When Privacy Act tapes are scratched, a special "certified" process is performed in which tapes are completely written over to avoid inadvertent data disclosure. Additional safeguards may be built into the program by the system analyst as warranted by the sensitivity of the data.

CDC and contractor employees who maintain records are instructed to check with the system manager prior to making disclosures of data. When individually identified data are being used in a room, admittance at either CDC or contractor sites is restricted to specifically authorized personnel. Privacy Act provisions are included in contracts, and the CDC Project Director, contract officers and project officers oversee compliance with these requirements. Upon completion of the contract, all data will be either returned to CDC or destroyed, as specified by the contract.

4. IMPLEMENTATION GUIDELINES: The safeguards outlined above are developed in accordance with Chapter 45-13, "Safeguarding Records Contained in Systems of Records," of the HHS General Administration Manual, supplementary Chapter PHS.hf: 45-13; Part 6, "Automated Information System Security," of the HHS Information Resources Management Manual; the National Bureau of Standards Federal Information Processing Standards (FIPS Pub. 41 and FIPS Pub. 31).

RETENTION AND DISPOSAL:

Records are maintained in agency for two years. Source documents for computer disposed of when no longer needed by program officials. 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. Disposal methods include erasing computer tapes, burning or shredding paper materials or transferring records to the Federal Records Center when no longer needed for evaluation and analysis. Records destroyed by paper recycling process when 20 years old, unless needed for further study.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Center for Health Promotion and Education, Bldg. 3, Rm. 117, Centers for Disease Control, 1600 Clifton Road, Atlanta, GA 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.

An individual who requests notification of or access to medical records shall, at the time the request is made, designate in writing a responsible representative who is 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.

The following information must be provided when requesting notification: (1) Full name; (2) the approximate date and place of the study, if known, and (3) nature of the questionnaire or study in which the requester participated.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. An accounting of disclosures that have been made of the record, if any, may be requested.

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under System Manager above, reasonably identify the record and specify the information being contested, the corrective action sought, and the reasons for requesting the correction, along with supporting information to show how the record is inaccurate, incomplete, untimely, or irrelevant.

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.

09-20-0161

SYSTEM NAME:

Records of Health Professionals in Disease Prevention and Control Training Programs. HHS/CDC/CPS.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Center for Prevention Services, Freeway Office Park, Rm. 310, Centers for Disease Control, 1600 Clifton Road, Atlanta, GA 30333

Laboratory Program Office, Executive Park, Bldg. 24, Centers for Disease Control, 1600 Clifton Road, Atlanta, GA 30333 and

Federal Records Center, 1557 St. Joseph Avenue, East Point, GA 30344.

A list of contractor sites where individually identifiable data are currently located is available upon request to the system manager.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Physicians, nurses, physician assistants, clinician trainees, and other health personnel who have participated in training activities, surveys, and studies developed by the Centers for Disease Control (CDC), and control group health professionals who have not participated in training activities.

CATEGORIES OF RECORDS IN THE SYSTEM:

Responses to questionnaires by physicians, nurses, physician assistants, clinician trainees, and related health personnel, pertaining to knowledge, attitude and practices relating to health problems, diseases and/or other potential preventable conditions of public health significance; health care and related training data; and demographic data of the survey population as well as identification data for followup purposes.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Public Health Service Act, Section 301, "Research and Investigation" (42 U.S.C. 241).

PURPOSE(S):

This record system enables CDC officials to maintain training records and assess the impact of the agency's training programs on the knowledge, attitudes and practices of clinicians and other health care personnel, in order to develop improved training curricula and

programs for disease prevention and control for such health care personnel.

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 training surveys and studies covered by this system notice and in the preparation of scientific reports, in order to accomplish the stated purposes of the system. The recipients will be required to maintain Privacy Act safeguards with respect to such records.

CDC is under contract with private firms for the purpose of collating, analyzing, aggregating or otherwise refining records in this system. Relevant records are disclosed to such contractors. The contractors are 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 a verified inquiry from the congressional office made at the written request of that individual.

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

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

STORAGE:

Computer tapes/disks and printouts, file folders.

RETRIEVABILITY:

Name of individual respondent, identification number, and type of training received are some of the indices used to retrieve records from this system.

SAFEGUARDS:

1. AUTHORIZED USERS: Access is granted to only a limited number of personnel, i.e., CDC Project Officer, interviewers and designated support staff of CDC or its contractors, as authorized by the system manager to accomplish the stated purposes for which the data in this system have been collected.

2. PHYSICAL SAFEGUARDS: Locked cabinets in locked rooms, 24-hour guard service in buildings, personnel screening of visitors, electronic anti-intrusion devices in operation at the Federal Records Center, fire extinguishers, overhead sprinkler system and card-access control equipment in the computer room, computer terminals and automated records located in secured areas.

3. PROCEDURAL SAFEGUARDS: Protection for computerized records includes programmed verification of valid user identification code, account code and password prior to acceptance of a terminal session or job submission, frequently changed passwords, and Vault Management System. Knowledge of individual tape passwords is required to access tapes, and access to systems is limited to users obtaining prior supervisory approval. When Privacy Act tapes are scratched, a special 'certified" process is performed in which tapes are completely written over to avoid inadvertent data disclosure. Additional safeguards may be built into the program by the system analyst as warranted by the sensitivity of the data.

CDC and contractor employees who maintain records are instructed to check with the system manager prior to making disclosures of data. When individually identified data are being used in a room, admittance at either CDC or contractor sites is restricted to specifically authorized personnel. Privacy Act provisions are included in contracts, and the CDC Project Director, contract officers and project officers oversee compliance with these requirements. Upon completion of the contract, all data will be either returned to CDC or destroyed, as specified by the contract.

4. IMPLEMENTATION GUIDELINES: The safeguards outlined above are developed in accordance with Chapter 45-13, "Safeguarding Records Contained in Systems of Records," of the HHS General Administration Manual, supplementary Chapter PHS.hf: 45-13; Part 6, "Automated Information System Security," of the HHS Information Resources Management Manual; the National Bureau of Standards Federal Information Processing Standards (FIPS Pub. 41 and FIPS Pub. 31). FRC safeguards are in compliance with GSA Federal Property Management Regulations, Subchapter B—Archives and Records.

RETENTION AND DISPOSAL:

Records are maintained in agency for two years. Disposal methods include erasing computer tapes, burning or shredding paper materials or transferring records to the Federal Records Center when no longer needed for evaluation and analysis. Records destroyed by paper recycling process after 12 years, unless needed for further study.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Center for Prevention Services, Freeway Office Park, Rm. 310, Centers for Disease Control, 1600 Clifton Road, Atlanta, GA 30333

Director, Laboratory Program Office, Executive Park, Bldg. 24, Centers for Disease Control, 1600 Clifton Road, Atlanta, GA 30333.

Policy coordination is provided by: Director, Office of Program Support, Bldg. 1, Rm. 2011, Centers for Disease Control, 1600 Clifton Road, Atlanta, GA 30333.

NOTIFICATION PROCEDURE:

An individual may learn if a record exists about himself or herself by contacting the appropriate 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.

The following information must be provided when requesting notification: (1) Full name; (2) name of the clinic/organization in which requester was employed at time of training or survey participation, and (3) nature of the training or survey questionnaire in which the requester participated.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. An accounting of disclosures that have been made of the record, if any, may be requested.

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under System Manager above, reasonably identify the record and specify the information being contested, the corrective action sought, and the reasons for requesting the correction, along with supporting information to show how the record is inaccurate, incomplete, untimely, or irrelevant.

RECORD SOURCE CATEGORIES:

Individuals in the system and selected clinics which employ individuals who are in the system.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-20-0162

SYSTEM NAME:

Records of Subjects in Agent Orange, Vietnam Experience, and Selected Cancers Studies. HHS/CDC/CEH.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Chronic Diseases Division, Center for Environmental Health, Chamblee Bldg. 25, Centers for Disease Control, 1600 Clifton Road,Atlanta, GA 30333and

Federal Records Center, 1557 St. Joseph Avenue, East Point, GA 30344.

Data are located at contractor sites as data are collected. A list of contractor sites where individually identified data are currently located is available upon request to the system manager.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Selected male U.S. Army veterans at grade E-5 or below who enlisted or were drafted for one tour of duty in Vietnam or other countries during 1966 - 1972; males with birthdates 1929-1953 who have cases of selected cancers (specifically, lymphomas, soft tissue sarcomas, nasal and nasopharyngeal, and primary liver) diagnosed between December 1, 1984 to November 30, 1988; also included are control group participants.

CATEGORIES OF RECORDS IN THE SYSTEM:

Information identifying the participants (such as name, address, social security number, military service number, telephone number, date of birth), interview questionnaire responses, medical, laboratory, and psychological test result data, and records on biological specimens (e.g. blood, tumor, urine, etc.).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Public Law 96-151, "Veterans Health Programs Extension and Improvement Act of 1979" (38 U.S.C. 219 note); Public Law 97-72, "Veterans' Health Care, Training, and Small Business Loan Act of 1981" (38 U.S.C. 219 note); Public Health Service Act, Sections 304, 306, and 308(d), which discuss authority to grant assurances of confidentiality for health research and related activities (42 U.S.C. 242 b, k, and m(d)).

PURPOSE(S):

Records in this system are used to support studies to assess the health of Vietnam veterans relative to the health of other men of similar age. Specifically this information should enable the Centers for Disease Control (CDC) to:

1. Evaluate the relationship of documented exposure to herbicides used in Vietnam (primarily Agent Orange) to possible adverse health consequences. Such possible effects to be evaluated include dermatologic, neurological, psychological, immunological, carcinogenic, reproductive, gastrointestinal, and others.

2. Assess the health effects of service in Vietnam (including factors other than herbicide exposure) as opposed to the experiences of veterans who served in other countries.

3. Evaluate the risk of selected cancers among Vietnam veterans in contrast to men of similar age who did not serve in Vietnam.

Portions of records (i.e., name, social security number or military service number, date of birth) may be disclosed to the National Center for Health Statistics for obtaining a determination of vital status. Death certificates stating the cause of death will then be obtained from the appropriate Federal, State, or local agency to enable CDC to evaluate whether excess mortality is occurring among Vietnam veterans. Portions may also be disclosed to the Social Security Administration who will provide additional sources of information for locating veterans involved in the study.

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

Records may be disclosed to Department of Health and Human Services contractors to locate veterans, cancer cases and controls, conduct interviews, perform medical examinations, analyze pathology specimens, and similar medical services, so that the research purposes for which the records are collected may be accomplished. The contractor must comply with the requirements of the Privacy Act with respect to such records.

Portions of records (i.e., name, social security number or military service number) may be disclosed to other Federal agencies such as the Veterans Administration and Internal Revenue Service only to obtain information to aid in locating veterans involved in the study. These disclosures will be made to update locating information provided by the Army and Joint Services Environmental Support Group.

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

STORAGE:

File folders, microfilm, computer cards, tapes/disks and printouts.

RETRIEVABILITY:

By name, social security number or military service number (when supplied voluntarily or contained in existing records used in studies under this system), or other identifying number.

SAFEGUARDS:

Records in this system are collected under an Assurance of Confidentiality authorized by Section 308(d) of the Public Health Service Act. To comply with this Assurance, the following special safeguards are necessary:

1. AUTHORIZED USERS: Access is granted to only a limited number of physicians, scientists, statisticians, and designated support staff of CDC or its contractors, as authorized by the Project Director to accomplish the stated purposes for which the data in this system has been collected.

2. PHYSICAL SAFEGUARDS: Questionnaires and other source data are maintained in locked fire-resistant cabinets in locked rooms. When entered into the computer, individually identified information is kept separate from data used for analysis. Tape data are stored in fire-resistant safes. There is 24-hour guard service in buildings, personnel screening of visitors, fire extinguishers, overhead sprinkler system and card-access control equipment in the computer room, and computer terminals and automated records are located in secured areas. Electronic anti-intrusion devices are in operation at the Federal Records Center.

3. PROCEDURAL SAFEGUARDS: Protection for computerized records includes programmed verification of valid user identification code, account code and password prior to acceptance of a terminal session or job submission and frequently changed passwords. Knowledge of individual tape

passwords is required to access tapes, and access to systems is limited to users obtaining prior supervisory approval. Names and other details necessary to identify individuals are not included in data files used for analysis. These files are indexed by code numbers which are linked with complete identifiers only if there is a specific need such as data verification or followup interviews. Keys which link identification numbers to names are stored separately with access limited to CDC project officers and authorized staff.

CDC and contractor employees who maintain records are instructed in specific rules of conduct to protect the security and confidentiality of records in accordance with Section 308(d) of the Public Health Service Act. When individually identified records are being used in a room at a contractor site, admittance to the room is restricted to employees pledged to confidentiality under this statute. All data will be either returned to CDC or destroyed, as specified by the contract.

Appropriate Privacy Act provisions and confidentiality provisions under Section 308(d) of the Public Health Service Act are included in contracts. The CDC Project Director, contract officers, and project officers oversee compliance with these requirements.

4. IMPLEMENTATION GUIDELINES: The safeguards outlined above are developed in accordance with Chapter 45-13, "Safeguarding Records Contained in Systems of Records," of the HHS General Administration Manual, supplementary Chapter PHS.hf: 45-13; Part 6, "Automated Information System Security," of the HHS Information Resources Management Manual; the National Bureau of Standards Federal Information Processing Standards (FIPS Pub. 41 and FIPS Pub. 31). FRC safeguards are in compliance with GSA Federal Property Management Regulations, Subchapter B—Archives and Records.

RETENTION AND DISPOSAL:

CDC retains research records in accordance with the CDC Records Control Schedule Item 37, which allows the system manager to maintain the records for 20 years unless needed for future reference. Because five-year mortality updates are planned until the study population expires, and health information from the questionnaire will be correlated with the mortality data, the computerized records to which questionnaire data will be converted may be kept as long as research needs dictate. Contractors will retain the records only as long as necessary to complete data collection and verify CDC's receipt of the data in usable form.

Records may be transferred to a Federal Records Center for storage when no longer needed for evaluation or analysis and will be retained there subject to statutory confidentiality requirements. Disposal methods include the paper recycling process, shredding hardcopy records, and erasing computer tapes and disks.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Agent Orange Projects, Chronic Diseases Division, Center for Environmental Health, Chamblee Bldg. 25, Centers for Disease Control, 1600 Clifton Road, Atlanta, GA 30333.

NOTIFICATION PROCEDURE:

An individual may learn if a record exists about himself by contacting the system manager at the address above. Persons who knowingly and willfully request or acquire a record pertaining to an individual under false pretenses are subject to a $5,000 fine for this criminal offense. Requesters in person must provide photo identification (such as driver's license) or other positive identification (i.e., place of birth, etc.) that would authenticate the identity of the individual making the request. Individuals who do not appear in person must submit a notarized request to verify their identity. A guardian who requests notification of, or access to, a mentally incompetent or severely physically impaired person's record must provide a birth certificate (or notarized copy), court order, or other competent evidence of guardianship. 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.

In addition, the following information must be provided when requesting notification: (1) Full name and social security or military service number; (2) nature of the study in which the requester participated.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. An accounting of disclosures that have been made of the record, if any, may be requested.

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under System Manager above, reasonably identify the record and specify the information being contested, the corrective action sought, and the reasons for requesting the correction, along with supporting information to show how the record is inaccurate, incomplete, untimely, or irrelevant.

RECORD SOURCE CATEGORIES:

Subject individuals, Department of Defense (Army and Joint Services Environmental Support Group), Surveillance, Epidemiology, and End Results Centers (cancer registries). Records are derived from U.S. Army system of records: AO708.02ADAPC, "Official Military Personnel File."

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 86-25461 Filed 11-21-86; 8:45 am]
BILLING CODE 4160-18-M

Health Resources and Services Administration

Privacy Act of 1974; Annual Publication of Systems of Records

AGENCY: Department of Health and Human Services; Public Health Service (PHS); Health Resources and Services Administration (HRSA).

ACTION: HRSA is publishing this document to meet the requirements of Office of Management and Budget (OMB) Circular No. A-130, Management of Federal Information Resources, Appendix I Federal Agency Responsibilities for Maintaining Records About Individuals.

SUMMARY: This preamble summarizes significant changes to systems of individually identifiable records which have occurred since the 1983 annual republication. Notices of modified systems of records maintained by HRSA follow this preamble, as well as notices of systems which remain unchanged since the last comprehensive republication. The notices include modification for the purpose of clarity, timeliness, and correctness, and are current and complete as of the signature date below. None of the modifications being made at this time meets the OMB criteria for a new or altered system report, or for an advanced period for public comment.

SUPPLEMENTARY INFORMATION:

A. General Information

Notices published below describe systems of records maintained by the Health Resources and Services Administration (HRSA).

The routine uses set forth in each notice describe permissible disclosure outside the Department of records in the system, which may be made without the consent of individuals who are the subjects of those records. Additional disclosures without the consent of subject individuals are permitted by the Privacy Act (5 U.S.C. 552a) 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 the purpose of 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 adequate advance written assurances 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 the 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 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 and 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 joint committee;

"(10) To Comptroller General, or any of his authorized representatives, in the course of the performance of the duties of the General Accounting Office;

"(11) To an authorized individual pursuant to an order of a court of competent jurisdiction; or

"(12) To a consumer reporting agency in accordance with section 3(d) of the Federal Claims Collection Act of 1966 (31 U.S.C. 952(d))."

B. Specific Information

1. System Deleted: 09–15–0018, Unofficial Vital Record System, HHS/HRSA/IHS, 48 FR 53891, November 29, 1983. Data from this system of records is no longer retrieved by personal identifier, such as name or any other specific designation assigned to an individual for purposes of information retrieval. 09–15–0050, National Research Service Awards, HHS/HRSA/BHPr, 48 FR 53910, November 29, 1983. This program and system of records has been transferred to the National Institutes of Health.

2. New Routine Uses: The Health Resources and Services Administration has added new routine uses to the following systems of records: 09–15–0019, Health and Medical Records System, HHS/HRSA/IHS, 51 FR 16212–16220, May 1, 1986. 09–15–0044, Health Educational Assistance Loan Program (HEAL) Loan Control Master File, HHS/HRSA/BHPr, 51 FR 16220–16223, May 1, 1986.

One new routine use was added to each of 15 systems of records on October 1, 1986. The system notices affected are listed below:

09–15–0002 Records of Patients' Personal Valuables and Monies, HHS/HRSA/BHCDA, 51 FR 35054, October 1, 1986
09–15–0003 Contract Physicians and Consultants, HHS/HRSA/BHCDA
09–15–0022 Accounts Receivable, HHS/HRSA/OA
09–15–0026 Medical Fellowships and Educational Loans, HHS/HRSA/OA
09–15–0027 National Health Service Corps (NHSC) and Indian Health Service (IHS) Pre-Application Recruitment and Provider File, HHS/HRSA/BHCDA
09–15–0028 PHS Clinical Affiliation Trainee Records, HHS/HRSA/BHCDA
09–15–0036 Indian Health Service Scholarship Program, HHS/HRSA/IHS
09–15–0037 PHS and National Health Service Corps (NHSC) Scholarship Program, HHS/HRSA/BHCDA
09–15–0040 Health Professions Student Loan Repayment Program, HHS/HRSA/BHPr
09–15–0041 Health Professions Student Loan Cancellation, HHS/HRSA/BHPr
09–15–0042 Physician Shortage Area Scholarship Program, HHS/HRSA/BHCDA
09–15–0043 Cuban Loan Program, HHS/HRSA/OA
09–15–0045 HRSA Loan Repayment/Debt Management Records System, HHS/HRSA/OA
09–15–0046 Health Professions Planning and Evaluation, HHS/HRSA/OA
09–15–0052 Nurse Practitioner Traineeships, HHS/HRSA/BHPr

Readers who notice any errors or omissions in HRSA system notices which follows are invited to bring them to my attention at the following address: Department of Health and Human Services, Public Health Services, Health Resources and Service Administration, Office of the Administrator, Office of Operations and Management, Room 14A–03, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857.

Dated: October 23, 1986.

James A. Walsh,

Associate Administrator for Operations and Management.

Table of Contents

The following table of contents lists all currently active Privacy Act systems of records maintained by the Health Resources and Services Administration:

09–15–0001 Division of Federal Occupational and Beneficiary Health Services, Health and Counseling Records, HHS/HRSA/BHCDA.
09–15–0002 Record of Patients' Personal Valuables and Monies, HHS/HRSA/BHCDA.
09–15–0003 Contract Physicians and Consultants, HHS/HRSA/BHCDA.
09–15–0004 Federal Employee Occupational Health Data System, HHS/HRSA/BHCDA.
09–15–0007 Patients Medical Records System PHS Hospitals/Clinics, HHS/HRSA/BHCDA.
09–15–0008 Emergency Non-PHS Treatment Authorization File, HHS/HRSA/BHCDA.
09–15–0019 Health and Medical Records Systems, HHS/HRSA/IHS.
09–15–0022 Accounts Receivable, HHS/HRSA/OA.
09–15–0026 Medical Fellowships and Educational Loans, HHS/HRSA/OA.
09–15–0027 National Health Service Corps (NHSC) and Indian Health Service (IHS) Pre-Application Recruitment and Provider File, HHS/HRSA/BHCDA.
09–15–0028 PHS Clinical Affiliation Trainee Records, HHS/HRSA/BHCDA.
09–15–0029 PHS Beneficiary-Contract Medical/Health Care Records, HHS/HRSA/BHCDA.
09–15–0036 Indian Health Service Scholarship, HHS/HRSA/IHS.
09–15–0037 Public Health Service Scholarship and National Health Service Corps Scholarship Program, HHS/HRSA/BHCDA.
09–15–0038 Disability Claims of the Nursing Student Loan Program, HHS/HRSA/BHPr.
09–15–0039 Disability Claims in the Health Professions Student Loan Program, HHS/HRSA/BHPr.
09–15–0040 Health Professions Student Loan Repayment Program, HHS/HRSA/BHPr.

09–15–0041 Health Professions Student Loan Cancellation, HHS/HRSA/BHPr.
09–15–0042 Physician Shortage Area Scholarship Program, HHS/HRSA/BHCDA.
09–15–0043 Cuban Loan Program, HHS/HRSA/OA.
09–15–0044 Health Educational Assistance Loan Program (HEAL) Loan Control Master File, HHS/HRSA/BHPr.
09–15–0045 Health Resources and Services Administration Loan Repayment/Debt Management Records Systems, HHS/HRSA/OA.
09–15–0046 Health Professions Planning and Evaluation, HHS/HRSA/OA.
09–15–0052 Nurse Practitioner Traineeships, HHS/HRSA/BHPr.

09–15–0001

SYSTEM NAME:

Division of Federal Occupational and Beneficiary Health Services, Health and Counseling Records, HHS/HRSA/BHCDA.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

A current list of health and counseling unit sites is available by writing to the System Manager at the address below.

Data are also occasionally located at medical laboratories, medical consultants, or computer processing firm sites. A list of sites where individually identifiable data is currently located is available upon request to the System Manager.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Federal employees enrolled in PHS/Division of Federal Occupational and Beneficiary Health Services (DFOBHS) Health Units and individuals examined/treated/counseled by DFOBHS staff.

CATEGORIES OF RECORDS IN THE SYSTEM:

Health records including examination, diagnostic, counseling treatment data, information for program eligibility, social data, laboratory findings, nutrition and dietetic files, nursing notes, mental health files, and immunization registers.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title V (5 U.S.C. 7901), Health Service to Employees, and OMB Circular No. A–72.

PURPOSE(S):

Employees are provided occupational health services (on a voluntary basis). Data are necessary to ensure:

1. Proper evaluation, diagnosis, treatment, and referral to maintain continuity of care.

2. A medical history of the total health care and medical treatment received by the individual.

3. Planning for further care of the patient.

4. A means of communication among members of the health care team who contribute to the patient's care.

5. A legal document of health care rendered.

6. A tool for evaluating quality of health care rendered.

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

1. 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 safeguards with respect to such records.

2. In the event of a change in sponsorship of a PHS/DFOBHS health care unit or in a case of mass transfer of employees covered by a PHS/DFOBHS health care unit to one served by a nondepartmental organization, the health records will be transferred to the custodianship of the new organization.

3. Disclosure may be made to a congressional office from the record of an individual in response to a verified inquiry from the congressional office made at the written 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, for example in defending a claim against the Public Health Service 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,

disclosure may be made 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.

5. Disclosure may be made to the U.S. Department of Labor, Office of Workers' Compensation Program (OWCP), 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: DFOBHS 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 the 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 DFOBHS Manual of Operations. The contractor is required to maintain confidentiality safeguards with respect to these records. These safeguards are in accordance with DHHS Chapter 45–13 and supplementary Chapter PHS.hf: 45–13 of the General Administration Manual.

RETENTION AND DISPOSAL:

Number of years held—Period of service or 6 years if inactive. Thereafter, retired to the Federal Records Center.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Division of Federal Occupational and Beneficiary Health Services, Bureau of Health Care Delivery and Assistance, Health Resources and Services Administration, Room 7–36, 5600 Fishers Lane, Rockville, MD 20857.

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 procedure.

CONTESTING RECORD PROCEDURES:

Contact the System Manager at the above address and reasonably identify the record, specify the information being contested, and state the corrective action sought, with supporting justification.

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; or supplied by a member of the individual's family, or derived from information supplied by the individual. Information may also be supplied from sources to whom the employee has been referred for assistance, Department oficials, or program counselors.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-15-0002

SYSTEM NAME:

Record of Patients' Personal Valuables and Monies, HHS/HRSA-BHCDA.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Financial Management Department, Gillis W. Long Hansen's Disease Center, Carville, Louisiana 70721.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals admitted to the Gillis W. Long Hansen's Disease Center (GWLHDC).

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:

Section 321 of the Public Health Service Act, as amended (42 U.S.C. 248), Hospitals, Medical Examinations, and Medical Care.

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:

1. Disclosure may be made to a congressional office from the record of an individual in response to a verified inquiry from the congressional office made at the written request of that individual.

2. The Department may disclose information from this system of records to the Department of Justice, or to a court or other tribunal, when

(a) HHS, or any component thereof; or

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

(c) Any HHS employee in his or her individual capacity where the Department of Justice (or HHS, where it is authorized to do so) has agreed to represent the employee; or

(d) The United States or any agency thereof where HHS determines that the litigation is likely to affect HHS or any of its components,

is a party to litigation or has an interest in such litigation, and HHS determines that the use of such records by the Department of Justice, the court or other tribunal is relevant and necessary to the litigation and would help in the effective representation of the governmental party, provided, however, that in each case, HHS determines that such disclosure is compatible with the purpose for which the records were collected.

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: GWLHDC personnel responsible for the security of valuables and monies. GWLHDC 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 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 DHHS Chapter 45-13 and Chapter PHS.hf: 45-13 of the General Administration Manual.

RETENTION AND DISPOSAL:

Number of years held: Until audited by HHS Audit Agency. How destroyed: Incinerator.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Financial Management Department, Gillis W. Long Hansen's Disease Center, Carville, Louisiana 70721.

NOTIFICATION PROCEDURE:

Write to the Financial Management Department, Gillis W. Long Hansen's Disease Center, Carville, Louisiana 70721. 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, with supporting justification.

RECORD SOURCE CATEGORIES:

Patient and admission record.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-15-0003

SYSTEM NAME:

Contract Physicians and Consultants, HHS/HRSA/BHCDA.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Bureau of Health Care Delivery and Assistance, Health Resources and Services Administration, 5600 Fishers Lane, Rockville, Maryland 20857. Gillis W. Long Hansen's Disease Center, Carville, Louisiana 70721.

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 Health Care Delivery and Assistance to provide services to beneficiaries.

CATEGORIES OF RECORDS IN THE SYSTEM:

Duplicate of original contract and personal data qualifications. Original contracts developed by the Gillis W. Long Hansen's Disease Center.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 320 of the Public Health Service Act, as amended (43 U.S.C. 225), Receipt, Apprehension, Treatment and Release of Lepers; Section 321 of the Public Health Service Act, as amended (42 U.S.C. 248), Hospitals, Medical Examinations, and Medical Care; and Section 326 of the Public Health Service Act, as amended (42 U.S.C. 253), Services to Coast Guard, Coast and Geodetic Survey, and Public Health Service.

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:

1. Disclosure may be made to a congressional office from the record of an individual in response to a verified inquiry from the congressional office made at the written 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, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevent records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State or local, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

3. 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.

4. The Department may disclose information from this system of records to the Department of Justice, or to a court or other tribunal, when

(a) HHS, or any component thereof; or

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

(c) Any HHS employee in his or her individual capacity where the Department of Justice (or HHS, where it is authorized to do so) has agreed to represent the employee; or

(d) The United States or any agency thereof where HHS determines that the litigation is likely to affect HHS or any of its components,

is a party to litigation or has an interest in such litigation, and HHS determines that the use of such records by the Department of Justice, the court or other tribunal is relevant and necessary to the litigation and would help in the effective representation of the governmental party, provided, however, that in each case, HHS determines that such disclosure is compatible with the purpose for which the records were collected.

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 medical and 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 view and from unauthorized personnel entering an unsupervised office. Access to records is strictly limited to those staff members trained in accordance with DHHS Chapter 45–13 and Chapter PHS.hf: 45–13 of the General Administration Manual.

RETENTION AND DISPOSAL:

Duplicate contracts: Held 1–3 years dependent upon renewal. Destroyed by shredding.

Original Contracts: 1. Transactions of more than $10,000: Destroy 6 years and 3 months after final payment. 2. Transactions of $10,000 or less: Destroy 3 years after final payment.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Division of Federal Occupational and Beneficiary Health Services, Bureau of Health Care Delivery and Assistance, Health Resources and Services Administration, Room 7–36, 5600 Fishers Lane, Rockville, Maryland 20857; and General Services Officer, Gillis W. Long Hansen's Disease Center, Carville, LA 70721.

NOTIFICATION PROCEDURE:

To determine if a record exists, write to the System Manager at the address above. 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 System Manager at the address specified above, and reasonably identify the record, specify the information to be contested, and state the corrective action sought, with supporting justification.

RECORD SOURCE CATEGORIES:

Medical, allied health professionals and dentists.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09–15–0004

SYSTEM NAME:

Federal Employee Occupational Health Data System, HHS/HRSA/BHCDA.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Division of Federal Occupational and Beneficiary Health Services, Bureau of Health Care Delivery and Assistance, 5600 Fishers Lane, Rockville, MD 20857.

Data are also occasionally located at medical laboratories, medical consultants, or computer processing firm sites. A list of sites where individually identifiable data is currently located is available upon request to the System Manager.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Federal employees enrolled in PHS/Division of Federal Occupational and Beneficiary Health Services (DFOBHS) 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:

Title V (5 U.S.C. 7901), Health Service to Employees, and OMB Circular No. A–72.

PURPOSE(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 of 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:

1. U.S. Department of Labor, Office of Workers' Compensation Programs (OWCP), may be given access to files of those persons claiming compensation benefits due to personal injury while on the job.

2. 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.

3. In the event of a change in sponsorship of a PHS/DFOBHS health care unit or in a case of mass transfer of employees covered by a PHS/DFOBHS health care unit to one served by a nondepartmental organization, the health records will be transferred to the custodianship of the new organization.

4. Disclosure may be made to a congressional office from the record of an individual in response to a verified inquiry from the congressional office made at the written 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, for example in defending a claim against the Public Health Service 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.

disclosure may be made 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:

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: DFOBHS personnel, health unit physicians, nurses, and other allied health professionals.

2. Physical Safeguards: Magnetic tapes, discs, and other computer equipment and computerized data are stored in areas where fire and life safety codes are strictly enforced. Twenty-four hours, 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 only to 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 DFOBHS Manual of Operations. The contractor is required to maintain confidentiality safeguards with respect to these records.

These safeguards are in accordance with DHHS Chapter 45–13 and supplementary Chapter PHS.hf: 45–13 of the General Administration Manual.

RETENTION AND DISPOSAL:

Number of years held: Permanently or until 5 years after record becomes inactive. Purged from computer and stored on computer tape for a period of 5 years after files become inactive.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Division of Federal Occupational and Beneficiary Health Services, Bureau of Health Care Delivery and Assistance, Health Resources and Services Administration, 5600 Fishers Lane, Rockville, MD 20857.

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 identify. 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 PROCEDURE:

Same as notification procedures.

CONTESTING RECORD PROCEDURES:

Contact the System Manager at the above address and reasonably identify the record, specify the information being contested, and state the corrective action sought, with supporting justification.

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.

09–15–0007

SYSTEM NAME:

Patients Medical Record System PHS Hospitals-Clinics, HHS/HRSA/BHCDA.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

See Appendixes 1 and 2.

Data are also occasionally located at medical laboratories, medical consultants, or computer processing firm sites. A list of sites where individually identifiable data is currently located is available upon request to the System Manager.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals examined and/or treated at former Public Health Service Hospitals and Clinics and the Gillis W. Long Hansen's Disease Center, Carville, Louisiana.

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 Hansen's disease and tumor and surgical procedure registers; treatment logs, summaries and correspondence.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 320 of the Public Health Service Act, as amended (42 U.S.C. 255), Receipt, Apprehension, Treatment and Release of Lepers; Section 321 of the Public Health Service Act, as amended (42 U.S.C. 248), Hospitals, Medical Examinations, and Medical Care; and Section 326 of the Public Health Service Act, as amended (42 U.S.C. 253), Service to Coast Guard, Coast and Geodetic Survey, and Public Health Service.

PURPOSE(S):

The purposes of this system are:

1. 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, ambulatory care or emergency visit, or while being followed in a facility-based home care program;

2. To document communications between the responsible practitioner and any other health professional's contribution to the patient's care and treatment in order to assist in protecting the legal interests of the patient, the hospital or clinic, and responsible practitioners;

3. To provide data for use in facility management, continuing education, Department initiatives, quality assurance activities and research at the Gillis W. Long Hansen's Disease Center, Carville, Louisiana.

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.

(2) Army, Navy, Air Force to report results of examination/treatment of their uniformed service personnel.

(3) Department of Transportation to report results of examination/treatment of their uniformed services personnel found to be suffering from conditions that render them hazardous to themselves or to others.

(4) Department of Commerce to report results of examination/treatment of uniformed services 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 (BP) 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 Programs 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) Nonagency physicians providing continuing care to current and former PHS beneficiaries, laboratories performing tests for the continuing care of these patients, and successor organizations providing health care in former PHS hospitals and clinics.

(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 a verified inquiry from the congressional office made at the written 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 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.

(16) 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 or occurrence of communicable diseases, tumors, child abuse, births, deaths, alcohol or drug abuse, etc. as may be required 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. Disclosure may be made to organizations as specified by the state law or regulation such as birth and deaths to vital statistics agencies 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 U.S.C. 1175 and 42 U.S.C. 4582, as amended by Pub. L. 93-283. 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 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, for example in defending a claim against the Public Health Service 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.

disclosure may be made 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.

(19) To organizations or individuals with agreements to provide photocopying or medical record data abstracting services.

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, and uniformed services service number (which is the Social Security number (SSN)). Those records indexed by SSN are retrieved in accordance with section 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; PHS Commissioned Personnel Operations 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 only to 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 Privacy Act safeguards. The contractor is required to maintain confidentiality safeguards with respect to these records. These safeguards are in accordance with DHHS Chapter 45–13 and supplementary Chapter PHS.hf: 45–13 of the General Administration Manual, and Part 6 of the DHHS Information Resources Management Manual. The Memorandums of Agreement between the successor organizations and the Public Health Service require the successor organizations to comply with the Privacy Act. PHS and HHS guidelines have been provided to each successor organization.

RETENTION AND DISPOSAL:

Number of years held (or successor organization) (since 1970)—5 years after last activity. Number of years then held at Federal Record Center (See appendix 2) before disposal—45 years for active duty uniformed service personnel, 20 years for 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, Division of Federal Occupational and Beneficiary Health Services, Bureau of Health Care Delivery and Assistance, Health Resources and Services Administration, Room 7–36, 5600 Fishers Lane, Rockville, Maryland, 20857, and Chief, Medical Record Department, Gillis W. Long Hansen's Disease Center, Carville, LA 70721.

NOTIFICATION PROCEDURE:

To determine the existence of a record, write to the facility where treatment was rendered if listed in Appendix 1. (Note that the facility may now be operated under a different name by the successor organization.) If the facility is not listed, write to: Director, Public Health Service Data Center, 10000 Aerospace Road, Warehouse No. 1, Lanham, Maryland 20706. Requests for records at the Federal Records Centers must be processed through the System Manager or the Public Health Service Health Data Center, Lanham, Maryland. (After November 1, 1986, write to: Public Health Service Data Center, Gillis W. Long Hansen's Disease Center, Carville, LA 70721.) If requesting records by mail, a written certification verifying identity must be provided. If appearing in person at the Gillis W. Long Hansen's Disease Center, Carville, LA, positive identification such as a driver's license, passport, or voter's registration card must be provided. An individual who requests access to a medical/dental record shall designate in writing, at the time the request is made, a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion. Finally, 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.

RECORD ACCESS PROCEDURE:

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

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, with supporting justification.

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

A. Public Health Service Facilities

Director, Gillis W. Long Hansen's Disease Center, Carville, Louisiana 70721.

Director, Public Health Service Health Data Center, Gillis W. Long Hansen's Disease Center, Carville, Louisiana 70721.

B. Successor Organizations

Director, Wyman Park Health System, Inc., 3100 Wyman Park Drive, Baltimore, Maryland 21211.

Director, Brighton Marine Public Health Center, 77 Warren Street, Boston, Massachusetts 02135.

Administrator, Lutheran Downtown Health Care Services, 1313 Superior Avenue, Cleveland, Ohio 44114.

Director, Hospital of St. John, 2050 Space Park Drive, Nassau Bay, Texas 77058.

Administrator, Martins Point Health Center, 331 Veranda Street, Portland, Maine 0410[illegible]

Officer-in-Charge, U.S. Army, St. Louis Outpatient Clinic, 1520 Market Street, St. Louis, Missouri 63103.
Director, Pacific Medical Center, 1200 12th Avenue South, Seattle, Washington, 98144.
Director, Bayley Seton Hospital, Bay Street and Vanderbilt Avenue, Staten Island, New York 10304.

Appendix 2—Federal Records Centers

Areas Served

Maine, Vermont, New Hampshire, Massachusetts, Connecticut, and Rhode Island:
Federal Archives & Records Center, 380 Trapelo Road, Waltham, Massachusetts 02154.
New York, New Jersey, Puerto Rico, the Virgin Islands, and the Panama Canal Zone:
Federal Archives & Records Center, Military Ocean Terminal, Bldg. 22, Bayonne, NJ 07002.
Delaware and Pennsylvania east of Lancaster:
Federal Archives and Records Center, 5000 Wissahickon Avenue, Philadelphia, PA 19144.
District of Columbia, Maryland, Virginia, and West Virginia:
Washington National Records Center, 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, Wisconsin and Minnesota:
Federal Archives and Records Center, GSA, 7358 South Pulaski Road, Chicago, IL 60629.
Indiana, Michigan, and Ohio:
Federal Records Center, 3150 Springboro Road, Dayton, Ohio 45439.
Greater St. Louis Area:
National Personnel Records Center, (Civilian Personnel Records), 111 Winnebago Street, St. Louis, MO 63118.
Texas, Oklahoma, Arkansas, Louisiana, and New Mexico:
Federal Archives & Records Center, P.O. Box 6216, Ft. Worth, TX 76115.
Nevada (except Clark County), California (except Southern California), and American Samoa:
Federal Archives & Records Center, 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, P.O. Box 6719, Laguna Niguel, CA 92677.
Washington, Oregon, Idaho, Alaska, Hawaii, and Pacific Ocean Area (except American Samoa):
Federal Archives & Records Center, 6125 Sand Point Way, Seattle, WA 98115.

09-15-0008

SYSTEM NAME:

Emergency Non-PHS Treatment Authorization File, HHS/HRSA/BHCDA.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Bureau of Health Care Delivery and Assistance, Health Resources and Services Administration, 5600 Fishers Lane, Rockville, MD 20857.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who are eligible for emergency care paid by the Public Health Service at non-PHS medical facilities and who had such care.

CATEGORIES OF RECORDS IN THE SYSTEM:

Eligibility information and reasons for emergency care.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 320 of the Public Health Service Act, as amended (42 U.S.C. 255), Receipt, Apprehension, Treatment and Release of Lepers; Section 321 of the Public Health Service Act, as amended (42 U.S.C. 248), Hospitals, Medical Examinations, and Medical Care; and Section 326 of the Public Health Service Act, as amended (42 U.S.C. 253), Services to Coast Guard, Coast and Geodetic Servey, and Public Health Service.

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:

1. Disclosure may be made to insurance companies for third party reimbursement.

2. Disclosure may be made to a congressional office from the record of an individual in response to a verified inquiry from the 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, for example in defending a claim against the Public Health Service 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,

disclosure may be made 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:

Document files.

RETRIEVABILITY:

None.

SAFEGUARDS:

1. Authorized Users: Administrative officials, physicians; or other health care professionals; financial management personnel, HRSA; 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 DHHS Chapter 45–13 and supplementary Chapter PHS.hf: 45–13 in the General Administration Manual.

RETENTION AND DISPOSAL:

Held for possible audit by HHS Audit Agency. Then destroyed by shredding or incineration.

SYSTEM MANAGER(S) AND ADDRESS:

Division of Federal Occupational and Beneficiary Health Services, Bureau of Health Care Delivery and Assistance, Health Resources and Services Administration, 5600 Fishers Lane, Rockville, MD 20857, and Chief, Medical Record Department, Gillis W. Long Hansen's Disease Center, Carville, LA 70721.

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 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 identification to be contested, and state the corrective action sought, with supporting justification.

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.

09-15-0019

SYSTEM NAME:

Health and Medical Records System, HHS/HRSA/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). Automated records, including Patient Care Information System (PCIS) records, are stored at the Data Processing Service Center, IHS, located in Albuquerque, New Mexico (Appendix 1). Records may also 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, including both IHS beneficiaries and nonbeneficiaries, who are examined/treated on an inpatient and/or outpatient basis by IHS staff and/or contract (including tribal contract) health care providers.

CATEGORIES OF RECORDS IN THE SYSTEM:

1. Health and medical records containing: Examination, diagnostic and treatment data; proof of eligibility; social data such as name, address, date of birth, tribe; case records for special programs such as: Dental, social service, mental health, nursing; and laboratory test results.

2. Follow-up registers of individuals with specific health conditions or a particular health status such as: Tumors, communicable diseases, hospital commitment, suspected and confirmed physical child abuse and neglect, immunizations, self-destructive behavior, or handicap.

3. Logs of individuals provided health care by staffs of specific hospital components such as: Surgery, emergency, obstetric delivery, x-ray and laboratory.

4. Operation and/or disease indices for particular hospitals which list each relevant patient by the operation or disease.

5. Monitoring strips and tapes such as fetal monitoring strips and EEG and EKG tapes.

6. In the Anchorage, Alaska; Billings, Montana; and Tucson, Arizona Area Offices automated patient medical records are maintained in the Patient Care Information System (PCIS) which provides for structured patient medical summaries to IHS and contract health care providers, such as: Name; beneficiary code; Social Security Number (SSN) (voluntary); address; tribe; date of birth; and examination, diagnostic and treatment results.

7. Third-party reimbursement records containing name, address, date of birth, date of admission and Medicare or Medicaid claim numbers, SSN (voluntary), health plan name, insurance number, employment status, and other relevant claim information necessary to process and validate third-party reimbursement claims.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 321 of the Public Health Service Act, as amended, (42 U.S.C. 248), "Hospitals, Medical Examinations and Medical Care." Section 327A of the Public Health Service Act, as amended, (42 U.S.C. 254a-1), "Hospital-Affiliated Primary Care Centers." Indian Self Determination and Education and Assistance Act (25 U.S.C. 450). Snyder Act (25 U.S.C. 13). Indian Health Care Improvement Act (25 U.S.C. 1601 et. seq). Construction of Community Hospitals Act (25 U.S.C. 2005-2005f). Indian Health Service Transfer Act (42 U.S.C. 2001-2004).

PURPOSE:

The purposes of this system are:

1. To provide a description of a patient's illness, the treatment administered and results achieved, and to plan for future care of the patient.

2. To provide IHS program officials with statistical data upon which the health care program is evaluated and modified to meet future needs.

3. To serve as a means of communication among members of the health care team who contribute to the patient's care by integrating information from visits with that from IHS facilities which have provided treatment.

4. To serve as the official documentation of health care rendered.

5. To contribute to continuing education of IHS staff to improve their competency to deliver health care services.

6. For disease surveillance purposes. For example:

(a) The Centers for Disease Control may use these records for their monitoring of various communicable diseases among persons residing within the United States; and

(b) The National Institutes of Health may use these records for their review of the prevalance of particular diseases (e.g., malignant neoplasms, diabetes mellitus, arthritis, metaboloism and digestive diseases) for various ethnic groups of the Nation.

7. To compile and provide aggregated program statistics. Upon request of other components of the Department, IHS will provide statistical information, from which individual identifiers have been removed, such as:

(a) To the National Center for Health Statistics, for its dissemination of aggregated health statistics for various ethnic groups;

(b) To the Assistant Secretary for Population Affairs to keep a record of the number of sterilizations provided through the use of Federal funds;

(c) The the Health Care Financing Administration for the documentation of IHS health care covered by the Medicare and Medicaid programs for third-party reimbursement; and

(d) To the Bureau of Suppport Services, Health Care Financing Administration, to determine the prevalence of end-stage renal disease among the American Indian and Alaska Native population and to coordinate the care of American Indian and Alaska Native patients with this condition.

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

If a portion of a health or medical record indicates a diagnosis, prognosis, referral, or treatment of alcohol or drug

abuse, then the Confidentiality of Alcohol and Drug Abuse Patient Records Regulations, 42 CFR Part 2 apply. In general under these regulations, the only disclosures of a diagnosis, prognosis, referral or treatment of alcohol or drug abuse which may be made without patient consent are: (1) To meet medical emergencies (42 CFR Part D, Sec. 2.51), (2) for research, audit, evaluation and examination (42 CFR Part D, Secs. 2.52, 2.53, 2.54 and 2.56), (3) for supervision and regulation of narcotic maintenance and detoxification programs (42 CFR Part D, Sec. 2.55), (4) pursuant to a court order (42 CFR 2.61–2.67), and (5) pursuant to a qualified service organization agreement, as defined in 42 CFR 2.11. In all other situations, written consent of the patient is required prior to disclosure of alcohol or drug abuse information under the routine uses listed below.

Individuals acting in loco parentis to minors, as well as parents, legal guardians, and custodians may act on behalf of the subject individual for purposes of giving consent for disclosures to others when it is determined that the subject individual is a minor who is unable to or cannot exercise with appropriate understanding, the right of consent by himself or herself.

1. Records may be disclosed to State local or other authorized organizations which provide health services to American Indians and Alaska Natives, or provide third-party reimbursement or fiscal intermediary functions, for the purpose of planning for or providing such services, billing or collecting third-party reimbursements and reporting results of medical examination and treatment.

2. Records may be disclosed to Federal and non-Federal school systems which serve American Indians and Alaska Natives for the purpose of student health maintenance.

3. Records may be disclosed to organizations deemed qualified by the Secretary to carry out quality assessment, medical audits, or utilization review.

4. Records may be disclosed to authorized organizations, such as the United States Office of Technology Assessment, or individuals for conduct of analytical and evaluation studies sponsored by the IHS.

5. Records may be disclosed to a congressional office in response to a verified inquiry from that office made at the written 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 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.

7. Information regarding the commission of crimes or the reporting of occurrences of communicable diseases, suspected or confirmed physical child abuse or neglect, births, or deaths, etc., may be disclosed by health providers and facilities to State and local agencies as required by State and local law. The disclosure of patient information or alcohol or drug abuse for purposes of criminal investigations or prosecution of the patient must be authorized by court order issued under 42 CFR 2.65.

8. Information regarding suspected cases of physical child abuse or neglect may be disclosed to members of community child protective teams (comprised of representatives of tribes, Bureau of Indian Affairs, a child protective service agency, the judicial system(s) (local, State, tribal), law enforcement officers (State, county, tribal or local and IHS) for the purposes of establishing a diagnosis, formulating a treatment plan, monitoring the plan, investigating reports of suspected physical child abuse or neglect and making recommendations to the appropriate court of competent jurisdiction. The disclosure of patient information on alcohol or drug abuse for the purpose of criminal investigation or prosecution of the patient for suspected child abuse or neglect must be authorized by a court order issued under 42 CFR 2.65.

9. The Department may disclose information from this system of records to the Department of Justice, or to a court or other tribunal, when:

(a) HHS, or any component thereof; or

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

(c) Any HHS employee in his or her individual capacity where the Department of Justice (or HHS, where it is authorized to do so) has agreed to represent the employee; or

(d) The United States or any agency thereof where HHS determines that the litigation is likely to affect HHS or any of its components,

is a party to litigation or has an interest in such litigation, and HHS determines that the use of such records by the Department of Justice, the court or other tribunal is relevant and necessary to the litigation and would help in the effective representation of the governmental party, provided, however, that in each case, HHS determines that such disclosure is compatible with the purpose for which the records were collected.

10. Records may be disclosed to the Bureau of Indian Affairs and its contractors for the identification of American Indian and Alaska Native handicapped children to permit that Bureau to carry out the Education for All Handicapped Children Act of 1975 (20 U.S.C. 1401 et seq.).

11. Records may be disclosed to an IHS contractor for the purpose of computerized data entry or maintenance of records contained in this system. The contractor shall be required to maintain Privacy Act safeguards with respect to the receipt and processing of such records.

12. Records may be disclosed to a health care provider under contract to IHS (including tribal contractors) to permit the contractor to obtain health and medical information about the subject individual in order to provide appropriate health services to that individual. The contractor shall be required to maintain Privacy Act safeguards with respect to the receipt and processing of such records.

13. Records may be disclosed to the State of Alaska, Department of Health

and Social Services (DHSS) (which supplies part or all of this information to IHS), in response to its request for patient summaries, portions of immunization registers, disease indices and other computer-generated medical summaries. This information assists DHSS in its provisions of health care to the subject individual. Disclosure to the State of Alaska's DHSS is limited to information concerning its patients.

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, disk packs and automatic files.

RETRIEVABILITY:

Indexed by name, record number, and SSN and cross-indexed. SSN is supplied on a voluntary basis.

SAFEGUARDS:

1. Authorized Users. Access is limited to authorized IHS personnel and IHS contractors and subcontractors in the performance of their duties. Authorized personnel include: Medical records personnel, health care providers, authorized researchers, medical audit personnel, and health care team members.

2. Physical Safeguards. 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. Magnetic tapes, disks, other computer equipment and other forms of personal data are stored in areas where fire and life safety codes are strictly enforced.

Telecommunication equipment (computer terminals, modems and disks) of the Patient Care Information System (PCIS) are maintained in locked rooms during nonworking hours. Combinations on door locks are changed periodically and whenever a PCIS employee resigns, retires or is reassigned.

3. Procedural Safeguards. Within each facility a list of personnel or categories of personnel having a demonstrable need for the records in the performance of their duties has been developed and is maintained. Procedures have been developed and implemented to review one-time requests for disclosure to personnel who may be on the authorized user list. Proper charge-out procedures are followed for the removal of all records from the area in which they are maintained. 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. They are to make no further disclosure of the records except as authorized by the System Manager and permitted by the Privacy Act, and to destroy all copies or to return such records when the need to know has expired. Procedural instructions include the statutory penalties for noncompliance.

The following automated information systems (AIS) security procedural safeguards are in place for automated health and medical records maintained in the Patient Care Information System. A profile of automated systems security is maintained. Security clearance procedures for screening individuals, both Government and contractor personnel, prior to their participation in the design, operation, use or maintenance of IHS automated information systems are implemented. The use of current passwords and log-on codes is required to protect sensitive automated data from unauthorized access. Such passwords and codes are changed periodically. An automated audit trail is maintained. Only authorized IHS Data Processing Service Center staff may modify automated files in batch mode. Personnel at remote terminal sites may only retrieve automated data. Such retrievals are password protected.

Privacy Act requirements and specified Automated Information System security provisions are specifically included in contracts and agreements and the System Manager or his/her designee oversees compliance with these contract requirements.

4. Implementing Guidelines. DHHS Chapter 45–13 and supplementary Chapter PHS.hf: 45–13 of the General Administration Manual; and Part 6, "ADP Systems Security," of the DHHS Information Resources Management Manual.

RETENTION AND DISPOSAL:

Patient listings which may identify individuals are maintained in IHS Area and Program Offices permanently. Inactive records are held at the facility which provided health services from three to seven years and then are transferred to the appropriate Federal Records Centers. Monitoring strips and tapes (i.e., fetal monitoring strips and EEG and EKG tapes) which are not stored in the patient's official medical record, are stored at the health facility for one year and are then transferred to the appropriate Federal Records Center. (See Appendix 2 for Federal Records Center addresses.) Records are retained at the Regional Federal Records Centers for 25 years. Disposal methods include burning or shredding of hard copy and erasing of magnetic media.

SYSTEM MANAGER(S) AND ADDRESS:

Policy-Coordinating Offical: Director, Division of Clinical and Environmental Health Services, Indian Health Service, Room 6A–55, 5600 Fishers Lane, Rockville, Maryland 20857.

See Appendix 1. The IHS Area/Program Office Directors and Service Unit Directors listed in Appendix 1 are System Managers.

NOTIFICATION PROCEDURE:

General Procedure. Requests must be made to the appropriate System Manager (IHS Area/Program Office Director or Service Unit Director). An individual who requests a copy 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. Such a representative may be an IHS health professional. When an individual is seeking to obtain information about himself/herself which may be retrieved by a different name of 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.

No verification of identity shall be required where the record is one which is required to be disclosed under the Freedom of Information Act.

Requests In Person. Identification papers with current photographs are preferred but not required. If a subject individual has no identification but is personally known to the designated agency employee, such employee shall make a written record verifying the subject individual's identity. If the subject individual has no identification papers, the responsible System Manager or designated agency official shall require that the subject individual certify in writing that he/she is the individual who 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. If 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.

Requests By Mail. 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. If the written request does not contain sufficient information, the System 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 establishing legal guardianship may be required if there is any doubt regarding the relationship of the individual to the patient.

RECORD ACCESS PROCEDURES:

Same as Notification Procedures. Requesters should also provide a reasonable description of the record being sought. Requesters may also request an accounting of disclosures that have been made of their record, if any.

CONTESTING RECORD PROCEDURES:

Write to the appropriate IHS Area/Program Office Director or Service Unit Director at his/her address specified in Appendix 1, and specify the information being contested, the corrective action sought, and the reasons for requesting the correction, along with supporting information to show how the record is inaccurate, incomplete, untimely, or irrelevant.

RECORD SOURCE CATEGORIES:

Patient and/or family members, IHS health care personnel, contract health care providers, State and local health care provider organizations, and Medicare and Medicaid funding agencies.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

APPENDIX 1—System Managers and IHS Locations Under Their Jurisdiction Where Records Are Maintained

Director, Aberdeen Area, Indian Health Service, Federal Building, 115 Fourth Avenue, SE., Aberdeen, South Dakota 57401

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, 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, South Dakota 57380

Director, Pierre Service Unit, Ft. Thompson Indian Health Station, Ft. Thompson, South Dakota 57339

Director, Pierre Indian School Health Center, c/o Ft. Thompson Indian Health Station, Ft. Thompson, South Dakota 57339

Director, Lower Brule Indian Health Center, Lower Brule, South Dakota 57548

Director, Bemidji Program Office, Indian Health Service, 203 Federal Buliding, Bemidji, Minnesota 56601

Director, Eastern Michigan Service Unit, Kincheloe Indian Health Center, Kincheloe, Minnesota 49788

Director, Greater Leach Lake Service Unit, Cass Lake Indian Hospital, Cass Lake, Minnesota 56633

Director, Inger Indian Health Station, Inger Route, Deer River, Minnesota 56636

Director, Squaw Lake Indian Health Station, Squaw Lake, Minnesota 56681

Director, Ball Club Indian Health Station, Ball Club, Minnesota 56622

Director, Onigum Indian Health Station, Star Route, Walker, Minnesota 56484

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 65591

Director, Naytahwaush Indian Health Station, Naytahwaush, Minnesota 56566

Director, Pine Point Indian Health Station, White Earth, Minnesota 56591

Director, Alaska Area Native Health Service, P.O. Box 7–741, Anchorage, Alaska 99510

Director, Anchorage Servce 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 Cowles Street, Fairbanks Alaska 99701

Director, PHS Alaska Native Health Center, Tanana, Alaska 99777

Director, Fort Yukon Alaska Native Health Center, Fort Yukon, Alaska 99740

Director, Southeast Area Regional Health Center, 3272 Hospital Drive, Juneau, Alaska 99801

Director, Kotzebue Service Unit, Kotzebue Alaska Native Hospital, Kotzebue, Alaska 99752

Director, Mt. Edgecumbe Service Unit, Mt. Edgecumbe Alaska Hospital, 222 Tongass Drive, Sitka, Alaska 99835

Director, Ketchikan Alaska Native Health Center, 3289 Tongass Avenue, Ketchikan, Alaska 99901

Director, Annette Island Service Unit, Metlakatla Alaska Native Health Center, Box 428, 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, 505 Marquette, NW., Suite 1502, Albuquerque, New Mexico 87102

Director, Albuqerque Service Unit, Albuquerque Indian Hospital, 801 Vassar Drive, NE, Albuquerque, New Mexico 87106

Director, Isleta Indian Health Center, P.O. Box 429, Isleta, New Mexico 87022

Director, Jemez Indian Health Center, P.O. Box 256, Jemez Pueblo, New Mexico 87024

Chief, Dental Program, IHS Dental Training Center, Southwestern Indian Polytechnical Inst., 9168 Coors Road NW., P.O. Box 25927, Albuquerque, New Mexico 87125

Director, Indian School Health Center, Southwestern Indian Polytechnical Inst., 9168 Coors Road NW., P.O. Box 25927, Albuquerque, New Mexico 87125

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, 1700 Cerrillos Road, Santa Fe, New Mexico 87501

Director, Dulce Indian Health Center, Dulce, New Mexico 87528

Director, Taos Indian Health Center, Taos, New Mexico 87571

Director, Santa Clara Indian Health Center, P.O. Box 1322, 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, Cochiti Indian Health Station, Cochito, New Mexico 87041
Director, San Felipe Indian Health Station, General Delivery, San Felipe Pueblo, New Mexico 87001
Director, Southern Colorado-Ute Service Unit, P.O. Box 778, Ignacio, Colorado 81137
Director, Ignacio Indian Health Center, Ignacio, Colorado 81137
Director, Towaoc Indian Health Center, Towaoc, Colorado 81334
Director, White Mesa Indian Health Station, General Delivery, Towaoc, Colorado 81334
Director, Zuni-Ramah Service Unit, Zuni Indian Hospital, 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 Station, 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
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, Lodge Grass Indian Health Center, Lodge Grass, Montana 59050
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 Station, 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
Director, Chinle Service Unit, Chinle Comprehensive Health Facility, P.O. Box P.H., Chinle, Arizona 86503
Director, Tasilee Indian Health Center, P.O. Box 467, Tasilee, Arizona 86556
Director, Many Farms Indian School Health Center, c/o Chinle Comprehensive Health Facility, P.O. Box P.H., Chinle, Arizona 86503
Director, Pinon Indian Health Station, Pinon, Arizona 86510
Director, Rock Point Indian Health Station, c/o Chinle Comprehensive Health Facility, P.O. Box P.H. Chinle, Arizona 86503
Director, Crownpoint Service Unit, Crownpoint Indian Hospital, Crownpoint, New Mexico 87313
Director, Pueblo Pintado Clinic, c/o Community Health Services, Crownpoint Indian Hospital, Crownpoint, New Mexico 87313
Director, Fort Defiance Service Unit, Fort Defiance Indian Hospital, Fort Defiance, Arizona 86504
Medical Office in Charger, Toyei Indian Health Clinic, 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, Dzilth-Na-O-Dith-Le Indian Health Center, Star Route 4, P.O. Box 5400, Bloomfield, New Mexico 87413
Director, Sansostee Indian Health Clinic, c/o Shiprock Indian Hospital, Field Health, Shiprock, New Mexico 87420
Director, Todalena Indian Health Clinic, c/o Shiprock Indian Hospital, Field Health, Shiprock, New Mexico 87420
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, Inscription House Indian Health Center, P.O. Box 7397, Shonto, Arizona 86054
Director, Dennhotso Indian Health Center, c/o Kayenta Indian Health Center, Kayenta, Arizona 86033
Director, Shiprock Service Unit, Shiprock Indian Hospital, Shiprock, New Mexico 87420
Director, Teec Nos Pos Indian Health Center, P.O. Drawer D., Teec Nos Pos, Arizona 86514
Director, Tuba City Service Unit, Tuba City Indian Hospital, Tuba City, Arizona 86405
Director, Winslow Service Unit, Winslow Indian Health Center, P.O. Box 40, Winslow, Arizona 86047
Director, Dilkon Indian Health Center, P.O. Box 40, Winslow, Arizona 86047
Director, Leupp Indian School Health Center, c/o Winslow Indian Health Center, P.O. Drawer 40, Winslow, Arizona 86047
Director, Leupp Indian Health Center, c/o Winslow Indian Health Center, Community Health Services, Winslow, Arizona 86047
Director, Oklahoma City Area, Indian Health Service, 215 Dean A. McGee Street NW., Oklahoma City, Oklahoma 73102-3477
Director, Ada Service Unit, Ada Indian Hospital, 1001 North Country Club Drive, Box 1564, Ada, Oklahoma 74820
Director, Wewoka Indian Health Center, Wewoka, Oklahoma 74884
Director, Tishomingo Indian Health Center, Tishomingo, Oklahoma 73460
Director, Claremore Service Unit, Claremore Indian Hospital, Claremore, Oklahoma 74017
Director, Delaware District (Jay) Indian Health Center, Jay, Oklahoma 74346
Director, Miami Indian Health Center, P.O. Box 1498, Miami, Oklahoma 74354
Director, Locust Grove Indian Health Station, Locust Grove, Oklahoma 74352
Director, Clinton Service Unit, Clinton Indian Hospital, Clinton, Oklahoma 73601
Director, Watonga Indian Health Center, P.O. Box 878, Watonga, Oklahoma 73772
Director, Concho Indian Health Center, Concho, Oklahoma 73022
Director, Kansas Service Unit, Holton Indian Health Center, Holton, Kansas 66436
Facility Director, Lawrence (Haskell) Indian Health Center, Lawrence, Kansas 66044
Director, Lawton Service Unit, Lawton Indian Hospital, Lawton, Oklahoma 73501
Director, Anadarko Indian Health Center, Anadarko, Oklahoma 73005
Director, Riverside Indian Health Station, Anadarko, Oklahoma 73005
Director, Carnegie Indian Health Center, Carnegie, Oklahoma 73015
Director, Pawnee Service Unit, Pawnee Indian Health Center, Pawnee, Oklahoma 74058
Director, Pawhuska Indian Health Center, Pawhuska, Oklahoma 74056
Director, White Eagle Indian Health Center, Route 4, Ponca City, Oklahoma 74601
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, 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, Heartshorne, Oklahoma 74547
Director, Phoenix Area, Indian Health Service, 3738 N. 16th Street, Suite A, Phoenix, Arizona 85016-5981
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, Chemehuevi Indian Health Clinic, Chemehuevi Valley, California 92363
Director, Havasupai Indian Clinic, Supi, Arizona 86435
Director, Fort Yuma Service Unit, Winterhaven Indian Hospital, P.O. Box 1368, Yuma, Arizona 85364
Director, Riverside Indian School Health Center, 8934 Magnolia, Riverside, California 92363
Director, Keams Canyon Service Unit, Keams Canyon Indian Hospital, P.O. Box 98, Keams Canyon, Arizona 86034
Director, Second Mesa Indian Health Station, General Delivery, Second Mesa, Arizona 86043
Director, Owyhee Service Unit, Owyhee Indian Hospital, P.O. Box 212, Owyhee, Nevada 89832
Director, Southern Bands Indian Health Clinic, 1545 Silver Eagle Road, Elko, Nevada 89801

Director, Phoenix Service Unit, Phoenix Indian Medical Center, 4212 North 16th Street, Phoenix, Arizona 85016
Director, Fort Mcdowell Indian Health Station, c/o Phoenix Indian Medical Center, 4212 North 16th Street, 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, San Lucy Indian Health Station, c/o Phoenix Indian Medical Center, 4212 North 16th Street, Phoenix, Arizona 85016
Director, Phoenix Indian School Health Center, c/o Phoenix Indian Medical Center, 4212 North 16th Street, Phoenix, Arizona 85016
Director, Sacaton Service Unit, Sacaton Indian Hospital, Sacaton, Arizona 85247
Director, San Carlos Service Unit, San Carlos Indian Hospital, San Carlos, Arizona 85550
Director, Bylass Indian Health Clinic, Bylass, Arizona 85530
Director, Schurz Service Unit, Schurz Indian Hospital, Schurz, Nevada 89427
Director, Stewart Indian Health Station, Stewart, Nevada 89437
Director, Fort McDermitt Indian Health Station, P.O. Box 475, McDermitt, Nevada 89421
Director, Pyramid Lake Indian Health Clinic, Nixon, Nevada 89424
Director, Unitah and Ouray Service Unit, Fort Duchesne Indian Health Center, P.O. Box 160, Fort Duchesne, Utah 84026
Director, Whiteriver Service Unit, Whiteriver Indian Hospital, Whiteriver, Arizona 85941
Director, Cibicue Indian Health Center, Cibicue, Arizona 85911
Director, Portland Area, Indian Health Service, Room 476, Federal Building, 1220 Southwest Third Avenue, Portland, Oregon 97204–2892
Director, Chemawa Indian Health Center, 3750 Hazelgreen Road, NE., Salem, Oregon 97303
Director, Colville Service Unit, Colville Indian Health Center, Nespelem, Washington, 99155
Director, Inchellium 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, Northern Idaho Service Unit, Northern Idaho Indian Health Center, P.O. Drawer 376, Lapawai, 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, Yakima Service Unit, Yakima Indian Health Center, Route 1, Box 1104, Toppenish, Washington, 98948
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 219, Taholah, Washington 98587
Director, Neah Bay Service Unit, Neah Bay Indian Health Center, P.O. Box 418, Neah Bay, Washington 98357
Director, Northwest Washington Service Unit, Lummi Indian Health Center, 2592 Kwina Road, Bellingham, Washington 98225
Director, Wellpinit Service Unit, 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
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
Director, Nashville Program Office, Indian Health Service, Oak Towers Building, 1101 Kermit Drive, Suite 810, Nashville, Tennessee 37217–2191
Director, Cherokee Service Unit, Cherokee Indian Hospital, Cherokee, North Carolina 28719
Program Office Director, California Program Office, Indian Health Service, 2999 Fulton Avenue, Sacramento, California 95821

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 20409
GSA Region 1—Connecticut, Maine, and Rhode Island
Federal Archives and Records Center, 380 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 Archives and Records Center, 5000 Wissahickon Avenue, Philadelphia, PA 19144
GSA Region 4—Alabama, Florida, Mississippi and North Carolina
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 Springboro Road, 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—Louisiana, New Mexico, Oklahoma and Texas
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, 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/HRSA/OA.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

1. Chief, Debt Management Branch, Division of Fiscal Services, Health Resources and Services Administration, 5600 Fishers Lane, Rockville, Maryland 20857.

2. Chief, Financial Management Department, Gillis W. Long Hansen's Disease Center, Carville, Louisiana 70721.

3. Washington National Records Center, 4205 Suitland Road, Washington, D.C. 20409.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Patients and PHS employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Billing to individuals.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 321 of the Public Health Service Act, as amended (42 U.S.C. 248), Hospitals, Medical Examinations, and Medical Care.

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 PURPOSE OF SUCH USES:

1. 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.

2. Disclosure may be made to a congressional office from the record of

an individual in response to a verified inquiry from the congressional office made at the written request of that individual.

3. The Department may disclose information from this system of records to the Department of Justice, or to a court or other tribunal, when

(a) HHS, or any component thereof; or

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

(c) Any HHS employee in his or her individual capacity where the Department of Justice (or HHS, where it is authorized to do so) has agreed to represent the employee; or

(d) The United States or any agency thereof where HHS determines that the litigation is likely to affect HHS or any of its components,

is a party to litigation or has an interest in such litigation, and HHS determines that the use of such records by the Department of Justice, the court or other tribunal is relevant and necessary to the litigation and would help in the effective representation of the governmental party, provided, however, that in each case, HHS determines that such disclosure is compatible with the purpose for which the records were collected.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosures pursuant to 5 U.S.C. 552a(b)(12): Disclosures may be made from this system to "consumer reporting agencies" as defined in the Fair Credit Reporting Act (15 U.S.C. 158a(f)) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)). The purposes of this disclosure are: (1) To provide an incentive for debtors to repay delinquent Federal Government debts by making these debts part of their credit records, and (2) to enable HRSA to improve the quality of loan and scholarship decisions by taking into account the financial reliability of applicants. Disclosure of records will be limited to the individual's name, Social Security number (SSN), and other information necessary to establish the identity of the individual, the amount, status, and history of the claim, and the agency or program under which the claim arose.

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 HRSA 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 DHHS Chapter 45–13 and Chapter PHS.hf: 45–13 of the General Administration Manual.

RETENTION AND DISPOSAL:

Number of years held: Until audited. How destroyed: Incinerator.

SYSTEM MANAGER(S) AND ADDRESS:

Policy Coordinating Official: Director, Division of Fiscal Services, HRSA, Room 16–05, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857.

Chief, Debt Management Branch, Division of Fiscal Services, Health Resources and Services Administration, 5600 Fishers Lane, Rockville, Maryland 20857.

Chief, Financial Management Department, Gillis W. Long Hansen's Disease Center, Carville, Louisiana 70721.

NOTIFICATION PROCEDURE:

Contact the Division of Fiscal Services, HRSA, for records from the former PHS hospitals and clinics. For records pertaining to care at the Gillis W. Long Hansen's Disease Center, contact the Chief, Financial Management Department, Gillis W. Long Hansen's Disease Center, Carville, Louisiana 70721. 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 PROCEDURE:

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

CONTESTING RECORD PROCEDURE:

Write to appropriate Financial Management Offices as listed in the Notification Procedure and reasonably identify the record, specify the information to be contested, and state the corrective action sought, with supporting justification.

RECORD SOURCE CATEGORIES:

From individual medical record.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09–15–0026

SYSTEM NAME:

Medical Fellowships and Educational Loans, HHS/HRSA/OA.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Division of Fiscal Services, Health Resources and Services Administration, Room 16–49, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857, and Regional Federal Records Center.

Washington National Records Center, 4205 Suitland Road, Washington, D.C. 20409

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Applicants and recipients of fellowships, grants, and loans administered by the Health Resources and Services Administration.

CATEGORIES OF RECORDS IN THE SYSTEM:

Fellowship, Grants and Loan Applications. Promissory note signed by the individual receiving the loan.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 301 of the Public Health Service Act, as amended (42 U.S.C. 241), Research and Investigations.

PURPOSE(S):

To support the HRSA'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:

1. Disclosure may be made to a congressional office from the record of an individual in response to a verified inquiry from the congressional office made at the written request of that individual.

2. The Department may disclose information from this system of records to the Department of Justice, or to a court or other tribunal, when

(a) HHS, or any component thereof; or

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

(c) Any HHS employee in his or her individual capacity where the Department of Justice (or HHS, where it is authorized to do so) has agreed to represent the employee; or

(d) The United States or any agency thereof where HHS determines that the litigation is likely to affect HHS or any of its components,

is a party to litigation or has an interest in such litigation, and HHS determines that the use of such records by the Department of Justice, the court or other tribunal is relevant and necessary to the litigation and would help in the effective representation of the governmental party, provided, however, that in each case, HHS determines that such disclosure is compatible with the purpose for which the records were collected.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosures pursuant to 5 U.S.C. 552a(b)(12): Disclosures may be made from this system to "consumer reporting agencies" as defined in the fair Credit Reporting Act (15 U.S.C. 158a(f)) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)). The purposes of this disclosure are: (1) To provide an incentive for debtors to repay delinquent Federal Government debts by making these debts part of their credit records, and (2) to enable HRSA to improve the quality of loan and scholarship decisions by taking into account the financial reliability of applicants. Disclosure of records will be limited to the individual's name, Social Security number (SSN), and other information necessary to establish the identity of the individual, the amount, status, and history of the claim, and the agency or program under which the claim arose.

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: Accounting clerks, accountants and auditors that are performing the accounting function for this program.

2. Physical Safeguards: Files are kept in locked metal filing cabinets during lunch hours and nonworking hours. Twenty-four hour, 7-day security guards perform random checks on the physical security of the data. Files are stored in areas where fire and life safety codes are strictly enforced.

3. Procedural Safeguards: All users of personal information in connection with the performance of their jobs protect information from the 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 Privacy Act and the following guidelines.

Implementation Guidelines: DHHS Chapter 45–13 and supplementary Chapter PHS.hf: 45–13 of the General Administration Manual.

RETENTION AND DISPOSAL:

Number of years held: 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.OSA General Records Schedules.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Accounting and Finance Branch, Division of Fiscal Services, Health Resources and Services Administration, Parklawn Bldg., Rm. 16–16, 5600 Fishers Lane, Rockville, MD 20857.

NOTIFICATION PROCEDURES:

Requests must be made to the System Manager.

Requests in person: A subject individual who appears in person at a specific location seeking access to or disclosure of 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 records 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.

Requests by mail: Request 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 requestor, 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.

Requests by telephone: Since positive identification of the caller cannot be established, telephone requests are not honored.

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, with supporting justification.

RECORD SOURCE CATEGORIES:

Individual applicants for loans supply the information.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

SYSTEM NAME:

National Health Service Corps (NHSC) and Indian Health Service (IHS) Pre-Application recruitment and Provider File, HHS/HRSA/BHCDA.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

National Health Service Corps, Parklawn Building, 5600 Fishers Lane Rockville, MD 20857, and Washington National Records Center, 4205 Suitland Road, Suitland, MD 20409.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

NHSC volunteer or scholarship applicants who wish to be assigned to health manpower shortage areas and 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, preference for site-selection, personal and professional background information.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 333 of the Public Health Service Act, as amended (42 U.S.C. 254f), Assignment of Corps Personnel; and Section 338C of the Public Health Service Act, as amended (42 U.S.C. 294v), Private Practice.

PURPOSE(S):

Matching applicants for assignment to health manpower shortage areas and Indian Health Service locations most suited to their interest. Users: Used by Regional Offices, IHS Area Offices and Service Units to prenegotiate assignments. Used PHS-wide for recruitment programs.

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 a verified inquiry from the congressional office made at the written request of that individual.

2. The Department may disclose information from this system of records to the Department of Justice, or to a court or other tribunal, when:

(a) HHS, or any component thereof: or

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

(c) Any HHS employee in his or her individual capacity where the Department of Justice (or HHS, where it is authorized to do so) has agreed to represent the employee; or

(d) The United States or any agency thereof where HHS determines that the litigation is likely to affect HHS or any of its components,

is a party to litigation or has an interest in such litigation, and HHS determines that the use of such records by the Department of Justice, the court or other tribunal is relevant and necessary to the litigation and would help in the effective representation of the governmental party, provided, however, that in each case, HHS determines that such disclosure is compatible with the purpose for which the records were collected.

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 statue, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred to the appropriate agency, whether Federal, State, or local, 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 disk, punched cards.

RETRIEVABILITY:

Applicant name and number.

SAFEGUARDS:

1. Authorized users: System manager, Director and staff of the Office of Data Management; and the Chief and staff of the Recruitment and Placement Branch, NHSC and IHS.

2. Physical 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.

3. Procedural Safeguards: Codes by which automatic 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. This 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 exists.

These safeguards are in compliance with Implementation Guidelines: DHHS Chapter 45–13, and supplementary Chapter PHS.hf: 45–13 of the General Administration Manual; and with the DHHS Information Resources Management Manual, Part 6, "ADP Systems Security."

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, BHCDA/HRSA, Parklawn Building, Room 6–40, 5600 Fishers Lane, Rockville, MD 20857.

NOTIFICATION PROCEDURE:

To determine if a record exists, write to the System Manager. The System Manager will then refer the requester to the appropriate Regional Office. Only Regional Offices disperse such records. The Regional Health Administrator will request individuals to provide positive identification, such as a driver's license, passport, voter's registration card, union card, or a written certification verifying his or her identity. Requesters should reasonably specify the record contents being sought.

RECORD ACCESS PROCEDURE:

Same as notification procedures. Write to System Manager.

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, with supporting justification.

RECORD SOURCE CATEGORIES:

Letters of inquiry, NHSC Site Selection Questionnaire; NHSC Private Practice Option Agreements; and Bureau of Health Professions scholarship source tape.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09–15–0028

SYSTEM NAME:

PHS Clinical Affiliation Trainee Records, HHS/HRSA/BHCDA.

SYSTEM CLASSIFICATION:

None.

SYSTEM LOCATION:

Gillis W. Long Hansen's Disease Center, Carville, Louisiana 70721.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Students in PHS training programs or serving clinical affiliation in Gillis W. Long Hansen's Disease Center.

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:

Section 320 of the Public Health Service Act, as amended (42 U.S.C. 255), Receipt, Apprehension, Treatment and Release of Lepers; Section 321 of the Public Health Service Act, as amended (42 U.S.C. 248), Hospitals, Medical Examinations, and Medical Care; and Section 327A of the Public Health Service Act, as amended (42 U.S.C. 254), Sharing of Medical Care Facilities and Resources.

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:

1. To Educational Program staff of affiliated college/university to provide reports of student trainee's progress in training;

2. To representatives of medical/allied health training program accreditation of PHS Training Programs;

3. To prospective employers for professional reference;

4. To professional boards or associations to certify the student's progress in or completion of training as required for professional license, registration certification, etc.

5. To a congressional office from the record of an individual in response to a verified inquiry from the congressional office made at the written request of that individual.

6. The Department may disclose information from this system of records to the Department of Justice, or to a court or other tribunal, when

(a) HHS, or any component thereof; or

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

(c) Any HHS employee in his or her individual capacity where the Department of Justice (or HHS, where it is authorized to do so) has agreed to represent the employee; or

(d) The United States or any agency thereof where HHS determines that the litigation is likely to affect HHS or any of its components,

is a party to litigation or has an interest in such litigation, and HHS determines that the use of such records by the Department of Justice, the court or other tribunal is relevant and necessary to the litigation and would help in the effective representation of the governmental party, provided, however, that in each case, HHS determines that such disclosure is compatible with the purpose for which the records were collected.

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 Gillis W. Long Hansen's Disease Center, 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 DHHS Chapter 45–13 and Chapter PHS.hf: 45–13 of the General Administration Manual.

RETENTION AND DISPOSAL:

Number of years held: 10 years, then destroyed by shredding.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Personnel Office, Gillis W. Long Hansen's Disease Center, Carville, Louisiana 70721.

NOTIFICATION PROCEDURE:

The individual should contact the Director, Gillis W. Long Hansen's Disease Center, Carville, Louisiana 70721, and provide 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 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, with supporting justification.

RECORD SOURCE CATEGORIES:

Individual, clinical supervisors, instructors, training program staff and administrative personnel of facility and affiliated college/university.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09–15–0029

SYSTEM NAME:

PHS Beneficiary-Contract Medical/Health Care Records, HHS/HRSA/BHCDA.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

1. Director, Division of Federal Occupational and Beneficiary Health Services, Bureau of Health Care Delivery and Assistance, Health Resources and Services Administration, Room 7–36, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857.

2. U.S. Public Health Service Health Data Center, Gillis W. Long Hansen's Disease Center, Carville, LA 70721.

3. See Appendix 2 of Patient Medical Records System PHS Hospital/Clinics, 09–15–0007, for location of Federal Records Centers.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who are or were legally entitled to health care by the Public Health Service and who have received health care from health professionals or facilities under contract or agreement to the Public Health Service.

CATEGORIES OF RECORDS IN THE SYSTEM:

May include any or all of the following: Diagnostic (laboratory/X-ray, etc.) and treatment data, sociologic information, invoices for services, eligibility data including employment history, uniformed services information (employing services, service numbers, duty station, etc.).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 320 of the Public Health Service Act, as amended (42 U.S.C. 255) Receipt, Apprehension, Treatment and Release of Lepers; Section 321 of the Public Health Service Act, as amended (42 U.S.C. 248), Hospitals Medical Examinations, and Medical Care; and Section 326 of the Public Health Act, as amended (42 U.S.C. 253), Services to Coast Guard, Coast and Geodetic Survey, and Public Health Service.

PURPOSE(S):

To serve as a basis for payment for 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:

1. Disclosure may be made to medical laboratories and facilities, and non

agency physicians. Recipients are required to maintain adequate safeguards with respect to such records.

2. To Department of Transportation and Department of Commerce to report results of examination and/or treatment of that agency's personnel.

3. To the Veterans Administration to assist uniformed services personnel, retirees and veterans to obtain medical care or benefits.

4. 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. To a congressional office from the record of an individual in response to a verified inquiry from the congressional office made at the written 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, for example in defending a claim against the Public Health Service 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,

disclosure may be made 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. Information regarding the commission of crimes or the reporting of occurrences of communicable diseases, tumors, child abuse, births, deaths, alcohol or drug abuse, etc., may be disclosed as required 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 will be made to organizations as specified by the State law or regulation, such as births and deaths to the 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 Regulation 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.

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 (SSN)), and/or Z number. Those records indexed by SSN are maintained and retrieved in accordance with section 7(a)(2)(8) 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 System Manager's staff.

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 DHHS Chapter 45–13; and Chapter 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 Division of Federal Occupational and Beneficiary Health Services for transmittal to a new contracting professional to the Medical Branch, Commissioned Personnel Operations Division, or storage at a Federal Records Center. When stored in a Federal Records Center, records are stored for 50 years for active duty uniformed service personnel, and 25 years for all others. Destruction at that time is in accordance with standard practices of the Federal Records Center.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Division of Federal Occupational and Beneficiary Health Services, Bureau of Health Care Delivery and Assistance, Room 7–36, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857; and Director, Gillis W. Long Hansen's Disease Center, Carville, LA 70721.

NOTIFICATION PROCEDURE:

Inquiries should be addressed to the facility where care has been obtained. 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 content being sought.

RECORD ACCESS PROCEDURES:

Same as notification procedures.

CONTESTING RECORDS PROCEDURES:

Contact the official at the appropriate address specified in the notification procedures above, and reasonably identify the record, specify the information being contested, and state the corrective action sought, with supporting justification.

RECORD SOURCE CATEGORIES:

Individual, employers, other medical care providers, families and social agencies.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09–15–0036

SYSTEM NAME:

Indian Health Service Scholarship Programs, HHS/HRSA/IHS.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Scholarship Branch, Indian Health Service, Room 6A–23, 5600 Fishers Lane, Rockville, Maryland 20857, and Washington National Records Center, 4205 Suitland Road, Suitland, Maryland 20409.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons who have applied for, persons who have been approved to receive, persons who are receiving, and persons who have received scholarship grant funds administered by the Indian Health Service (IHS) since January 1976, such as, but not necessarily limited to, the Health Professions Pregraduate Scholarship Program for Indians, the Health Professions Preparatory Scholarship Program for Indians, and the Health Professions Scholarship Program.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records include all grant applications; associated forms from selected applicants only; selection and performance records; progress reports; vouchers of expenditures; and Social Security numbers.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 103 of the Indian Health Care Improvement Act, 25 U.S.C. 1613, Health Professions Preparatory Scholarship Program for Indians, and the Health Professions Pregraduate Scholarship Program for Indians.

Section 104 of the Indian Health Care Improvement Act, 42 U.S.C. 294y–1, Health Professions Scholarship Program.

Section 4 of the Debt Collection Act of 1982, Pub. L. 97–365, 5 U.S.C. 5514 note, Requirement That Applicant Furnish Taxpayer Identifying Number.

PURPOSE OF THE SYSTEM:

The purpose of this system of records is to select candidates for the Indian Health Service scholarship programs, to monitor the scholarship-related activities of candidates selected, and to evaluate the effectiveness of the programs. Scholarship-related activities are defined as enrollment and attendance in IHS-funded courses, the receipt by the student of a monthly stipend and the expenditure of funds by the student for the purchase of supplies (including books), equipment, tuition, fees and other reimbursable and justified expenditures authorized by IHS.

Records may be transferred to system No. 09–15–0045, "Health Resources and Services Administration Loan Repayment/Debt Management Records System, HHS/HRSA/OA," for debt collection purposes.

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

1. Records may be disclosed to a congressional office in response to a verified inquiry from that office made at the written request of the subject individual.

2. Records may be disclosed to authorized persons employed by the grantee institution (the institution which the recipient of a scholarship grant is attending) as needed for the administration of a scholarship grant award.

3. Records may be disclosed to other Federal agencies that also provide scholarship funding at the request of these Federal agencies in conjunction with a matching program conducted by these Federal agencies to detect or curtail fraud and abuse in Federal scholarship programs, and to collect delinquent loans or benefit payments owed to the Federal Government.

4. IHS will provide to any person requesting it a list of recipients of scholarship grants, including the school attended and tribal affiliation of each recipient.

5. The Department may disclose information from this system of records to the Department of Justice, or to a court or other tribunal, when

(a) HHS, or any component thereof; or

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

(c) Any HHS employee in his or her individual capacity where the Department of Justice (or HHS, where it is authorized to do so) has agreed to represent the employee; or

(d) The United States or any agency thereof where HHS determines that the litigation is likely to affect HHS or any of its components,

is a party to litigation or has an interest in such litigation, and HHS determines that the use of such records by the Department of Justice, the court or other tribunal is relevant and necessary to the litigation and would help in the effective representation of the governmental party, provided, however, that in each case, HHS determines that such disclosure is compatible with the purpose for which the records were collected.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosures pursuant to 5 U.S.C. 552a(b)(12): Disclosures may be made from this system to "consumer reporting agencies" as defined in the Fair Credit Reporting Act (15 U.S.C. 158a(f) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)). The purposes of these disclosures are: (1) To provide an incentive for debtors to repay delinquent Federal Government debts by making these debts part of their credit records, and (2) to enable HRSA to improve the quality of loan and scholarship decisions by taking into account the financial reliability of applicants. Disclosure of records will be limited to the individual's name, Social Security number (SSN), and other information necessary to establish the identity of the individual, the amount, status, and history of the claim, and the agency or program under which the claim arose.

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

STORAGE:

Records are maintained in folders, ledgers, and on electronic word processing diskettes.

RETRIEVABILITY:

Records which identify individual persons are indexed by name or identification number of scholarship grant applicant or recipient.

SAFEGUARDS:

1. Authorized Users: Access is limited only to authorized personnel in the performance of their duties. Authorized personnel include: the system manager, his/her staff, IHS Area/Program Scholarship Coordinators, IHS Headquarters Branch Chiefs acting as advisors to scholarship recipients, staff of the IHS Grants Management Office, and IHS Headquarters and Area/Program Offices.

2. Physical Safeguards: Paper records are stored in locked file cabinets. The records storage area is secured during off-duty hours.

Word processing diskettes are stored in areas where fire and life safety codes are strictly enforced. Word processing diskettes are off-loaded and stored in locked cabinets when not in use.

3. Procedural Safeguards: All IHS personnel who make use of records contained in 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.

The records storage area is not left unattended during office hours, including lunch hours. Records are not removed from this area in which they are maintained in the absence of proper charge-out procedures. Twenty-four hour, seven-day security guards perform random checks on the physical security of the records storage area and word processing diskettes. A data set name controls the release of data to only authorized users.

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.

4. Implementing Guidelines: DHHS Chapter 45–13 and supplementary Chapter PHS.hf: 45–13 of the General Administration Manual, "Information on Individuals Obtained in Grant Application."

RETENTION AND DISPOSAL:

Scholarship application materials are returned to unsuccessful applicants. Records in the system are retained by IHS for one year after the final award payment has been made by IHS and are then retired to a Federal Records Center. Records are shredded or burned by the Federal Records Center four years after they are received.

SYSTEM MANAGER AND ADDRESS:

Chief, Scholarship Branch, Indian Health Service, 5600 Fishers Lane, Room 6A–23, Rockville, Maryland 20857.

NOTIFICATION PROCEDURE:

Requests by mail or in person: To substantiate the identity of subject individual seeking access to his/her scholarship grant application and/or performance record the requester must provide his/her name, signature, and Grant Identification Number; and to identify the record sought the requester must provide dates of attendance, school(s) of attendance, and field or speciality or courses taken.

In addition, the requester is informed that provision of the SSN may assist in the verification of the identity of the person as well as the identification of his/her record. The requester is informed that provision of his/her SSN is voluntary and that the individual will not be refused access to his/her record for failure to disclose his/her SSN.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also provide a reasonable description of the record being sought.

Requesters may also request an accounting of disclosures that have been made of their record, if any.

CONTESTING RECORD PROCEDURES:

Contact the System Manager, provide a reasonable description of the record, specify the information being contested, the corrective action sought, and the reasons for requesting the correction, along with supporting information to show how the record is inaccurate, incomplete, untimely, or irrelevant.

RECORD SOURCE CATEGORIES:

Individuals whose records are contained in the system, third parties who provide references concerning the subject individuals, and schools that individuals in the system attend or have attended.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09–15–0037

SYSTEM NAME:

Public Health Service Scholarship and National Health Service Corps Scholarship Program, HHS/HRSA/BHCDA.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Division of Health Services Scholarships, Bureau of Health Care Delivery and Assistance, 5600 Fishers Lane, Rockville, MD 20857.

Division of Computer Research and Technology, NIH Building 12, 9000 Rockville Pike, Bethesda, Maryland 20205.

Washington National Records Center, 4205 Suitland Road, Suitland, MD 20409.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Applicants for and recipients of Public Health Service and National Health Service Corps Scholarships.

CATEGORIES OF RECORDS IN THE SYSTEM:

Application and associated forms; recipient records contain progress reports, payroll forms, deferment and placement data, and Social Security numbers.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 338 of the Public Health Service Act, as amended (42 U.S.C. 294t). National Health Service Corps Scholarship Program.

PURPOSE(S):

To select and monitor scholarship recipients. After the award is made, the Health Resources and Services Administration and the Department's Central Payroll use the records for the following purposes: 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:

1. Names, disciplines, current mailing addresses, and dates of graduation of scholarship recipients are 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.

2. 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.

3. 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 recipients to—(1) establish reasonable administrative, technical, and physical safeguards to prevent unauthorized use of 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 conducting 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;

(b) 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 a congressional office from the record of an individual in response to a verified inquiry from the congressional office made at the written request of that individual.

5. The Department may disclose information from this system of records

to the Department of Justice, or to a court or other tribunal, when

(a) HHS, or any component thereof; or

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

(c) Any HHS employee in his or her individual capacity where the Department of Justice (or HHS, where it is authorized to do so) has agreed to represent the employee; or

(d) The United States or any agency thereof where HHS determines that the litigation is likely to affect HHS or any of its components,

is a party to litigation or has an interest in such litigation, and HHS determines that the use of such records by the Department of Justice, the court or other tribunal is relevant and necessary to the litigation and would help in the effective representation of the governmental party, provided, however, that in each case, HHS determines that such disclosure is compatible with the purpose for which the records were collected.

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 general statute or particular progress statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred to the appropriate agency, whether Federal, State, or local, charged with enforcing or implementing the statute or rule, regulation or order issued pursuant thereto.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosures pursuant to 5 U.S.C. 522a(b)(12): Disclosures may be made from this system to "consumer reporting agencies" as defined in the Fair Credit Reporting Act (15 U.S.C. 158a(f)) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)). The purposes of this disclosure are: (1) To provide an incentive for debtors to repay delinquent Federal Government debts by making these debts part of their credit records, and (2) to enable HRSA to improve the quality of loan and scholarship decisions by taking into account the financial reliability of applicants. Disclosure of records will be limited to the individual's name, Social Security number (SSN), and other information necessary to establish the identity of the individual, the amount, status, and history of the claim, and the agency or program under which the claim arose.

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

STORAGE:

File folders and magnetic tape.

RETRIEVABILITY:

Name, award number, university, or Social Security Number.

SAFEGUARDS:

1. Authorized Users:

Administrative and staff personnel of the Division of Health Services Scholarships, Office of Financing Services, and the National Health Service Corps, Bureau of Health Care Delivery and Assistance, who have responsibility for implementing the NHSC Scholarship Program.

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 nonautomated 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 (see Authorized Users, above) protect information from public view and from unauthorized personnel entering an unsupervised office.

The foregoing safeguards are in accordance with DHHS Chapter 45–13 and supplementary Chapter PHS.hf: 45–13 "Safeguarding Records Contained in Systems of Records," of the General Administration Manual; and with the DHHS Information Resources Management Manual, Part 6, "ADP Systems Security."

RETENTION AND DISPOSAL:

Applications of individuals not selected for participation in the Scholarship program are retained for 6 months, then destroyed by shredding. Applications, contracts, and other records of selectees to the Program are retained through the completion or other disposition of the Scholarship service obligation, then sent to the Federal Records Center for an additional 7-year retention period and destroyed in accordance with Federal Records Center disposal standards.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Division of Health Services Scholarships, BHCDA, 5600 Fishers Lane, Rockville, MD 20857.

NOTIFICATION PROCEDURE:

To determine if a record exists, write to the System Manager and provide reasonably specific information on the record contents being sought.

RECORD ACCESS PROCEDURES:

Same as Notification Procedures.

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, with supporting justification.

RECORD SOURCE CATEGORIES:

Dean or Registrar of the educational institution attended; internship and/or residency training site supervisor; personnel records of the PHS 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/HRSA/BHPr.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Division of Student Assistance, Bureau of Health Professions, Health Resources and Services Administration Room 8–23, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857.

Washington National Records Center, 4205 Suitland Road, Suitland, MD 20409.

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:

Section 836 of the Public Health Service Act, as amended (42 U.S.C. 297b), Nursing Student Loan Provisions.

PURPOSE(S):

To determine the eligibility of applicants who request loan cancellation due to total and permanent disability.

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 a verified inquiry from the congressional office made at the written 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, for example in defending a claim against the Public Health Service 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,

disclosure may be made 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.

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 to the appropriate agency, whether Federal, State or local, 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 and 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:

1. Authorized Users: Access to Borrower's Files is limited to only those individuals within the Department having a substantiated need for information. These individuals must have available proof of employment.

2. Physical Safeguards: File folders, medical records, reports and other forms of personal data are stored in areas where files are locked or rooms locked during off duty hours.

3. Procedural Safeguards: All users of personal information in connection with the performance of their job protect information from public view and from unauthorized personnel entering an unsupervised office. Access to records is strictly limited to those staff members training in accordance with the Privacy Act.

4. Implementation Guidelines: DHHS Chapter 45–13 and supplementary Chapter PHS.hf: 45–13 of the General Administration Manual.

RETENTION AND DISPOSAL:

Records will be retained for 6 years after phase out of loan program; 1 year on site and 5 years at the Federal Records Center. Records are disposed of in accordance with the Records Control Schedule of the Health Resources and Services Administration. Contact the System Manager for the disposal standards.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Student and Institutional Support Branch/Division of Student Assistance, BHPr/HRSA, Parklawn Building Room 8–38, 5600 Fishers Lane, Rockville, MD 20857.

NOTIFICATION PROCEDURE:

Request must be made 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.

Requests in person: A subject individual who appears in person at a specific location seeking access or disclosure of 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. Additional identification may be requested when there is a request for access to 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.

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.

Requests by telephone: Since positive identification of the caller cannot be established, telephone requests are not honored.

RECORD ACCESS PROCEDURES:

Contact the Systems Manager and give a reasonable description of the record. An individual who requests access 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 RECORDS PROCEDURES;

Contact the System Manager and reasonably identify the record, specify the information being contested, and state the corrective action sought, with supporting justification.

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/HRSA/BHPr.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Division of Student Assistance, Bureau of Health Professions, Health Resources and Services Administration, Room 8–23, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857.

Washington National Records Center, 4205 Suitland Road, Suitland, MD. 20409.

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:

Section 741(d) of the Public Health Service Act, as amended (42 U.S.C. 294n), Health Prefessions Student Loan Program provisions.

PURPOSE(S):

To determine the eligibility of applicants who request loan cancellation due to total and permanent disability.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS:

1. Disclosure may be made to a congressional office from the records of an individual in response to a verified inquiry from the congressional office made at the written 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, for example in defending a claim against the Public Health Service 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,

disclosure may be made 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.

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 to the appropriate agency, whether Federal, State or local, 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 and reports are temporarily held during medical evaluation and then returned to and retained by health professions schools upon final determination of claim validity.

RETRIEVABILITY:

Name of individual.

SAFEGUARDS:

1. Authorized Users: Access to Borrower's Files is limited to only those individuals within the Department having a substantiated need for information. These individuals must have available proof of employment.

2. Physical Safeguards: File folders, medical records, report and other forms of personal data are stored in areas where files are locked or rooms locked during off duty hours.

3. Procedural Safeguards: All users of personal information in connection with the performance of thier 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 Privacy Act.

4. Implementation Guidelines: DHHS Chapter 45–13 and supplementary Chapter PHS. hf: 45–13 of the General Administration Manual.

RETENTION AND DISPOSAL:

Records will be retained for 6 years after phaseout of loan program; 1 year on site and 5 years at the Federal Records Center. Records are disposed of in accordance with the Records Controls Schedule of the Health Resources and Services Administration. Contact the Systems Manager for the disposal standard.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Student and Institutional Support Branch/Division of Student Assistance, BHPr/HRSA, Room 8–38, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857.

NOTIFICATION PROCEDURE:

Requests must be made 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 or 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 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. Additional identification may be requested when there is a request for access to records which contain an apparent discrepancy between information contained in the record and that provided by the individual requesting access to the record. No vertification of identity shall be required where the record is one which is required to be disclosed under the Freedom of Information Act.

Request by mail: Requests for information and/or access to records received by mail 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.

Requests by telephone: Since positive identification of the caller cannot be established, telephone requests are not honored.

RECORD ACCESS PROCEDURE:

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, with supporting justification.

RECORD SOURCE CATEGORIES:

Individual claimants.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-15-0040

SYSTEM NAME:

Health Professions Student Loan Repayment Program, HHS/HRSA/BHPr.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Division of Student Assistance, Bureau of Health Professions, Health Resources and Services Administration, Room 8-23, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857.

Division of Computer Research and Technology, NIH Building 12, 9000 Rockville Pike, Bethesda, MD 20205.

Washington National Records Center, 4205 Suitland Road, Suitland, MD 20409.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Applicants for repayment of health professions student loans—medicine, dentist, osteopathy, optometry, pharmacy, podiatry, verterinary medicine.

CATEGORIES OF RECORDS IN THE SYSTEM:

Application and associated forms, correspondence.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 741(f) of the Public Health Service Act, as amended (42 U.S.C. 294n), Health Professions Student Loan Program provisions.

PURPOSE(S):

Date have been used by Loan Repayment Program Staff to identify the borrowers participating in the program, to determine eligibility of loan applicants, to determine current status of loan repayment agreements, to calculate amounts received under agreements, and to compile and generate managerial and statistical reports.

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 records of an individual in response to a verified inquiry from the congressional office made at the written request of that individual.

2. The Department may disclose information from this system of records to the Department of Justice, or to a court or other tirbunal, when

(a) HHS, or any component thereof; or

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

(c) Any HHS employee in his or her individual capacity where the Department of Justice (or HHS, where it is authorized to do so) has agreed to represent the employee; or

(d) The United States or any agency thereof where HHS determines that the litigation is likely to affect HHS or any of its components,

is a party to litigation or has an interest in such litigation, and HHS determines the the use of such records by the Department of Justice, the court or other tribunal is relevant and necessary to the litigation and would help in the effective representation of the governmental party, provided, however, that in each case, HHS determines that such disclosure is compatible with the purpose for which the records were collected.

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 to the appropriate agency, whether Federal, State or local, 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:

1. Authorized Users: Access to Borrower's Files is limited to only those individuals within the Department having a substantiated need for information. These individuals must have available proof of employment.

2. Physical safeguards: All files are kept in standard locking file cabinets which are locked during non-duty hours. Magnetic tapes and computer equipment are access controlled by system manager.

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 Privacy Act.

4. Implementation Guidelines: DHHS Chapter 45-13 and supplementary Chapter PHS.hf: 45-13 of the General Administration Manual; and the DHHS Information Resources Management Manual, Part 6, "ADP Systems Security."

RETENTION AND DISPOSAL:

Records will be retained for 6 years after completion of the service obligation or repayment to the Secretary in cases of default; 1 year on site and 5 years at the National Records Center. Records on magnetic tape are retained for 5 years and then they are destroyed. Records are disposed of in accordance with the Records Control Schedule of the Health Resources and Services Administration. Contact the System Manager for the disposal standard.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Student and Institutional Support Branch/Division of Student Assistance, BHPr/HRSA, Room 8-38, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857.

NOTIFICATION PROCEDURE:

Requests must be made to the System Manager.

Requst in person: A subject individual who appears in person at a specific location seeking access or disclosure of 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. Additional identification may be requested when there is a request for access to 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.

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.

Requests by telephone: Since positive identification of the caller cannot be established, telephone requests are not honored.

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, with supporting justification.

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/HRSA/BHPr.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Division of Student Assistance, Bureau of Health Professions, Health Resources and Services Administration, Room 8-23, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857.

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:

Section 741(f) of the Public Health Service Act, as amended (42 U.S.C. 294n), Health Professions Student Loan Program provisions.

PURPOSE(S):

To identify students participating in the cancellation program. To compile and generate managerial and statistical reports for program evaluation.

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 records of an individual in response to a verified inquiry from the congressional office made at the written request of that individual.

2. The Department may disclose information from this system of records to the Department of Justice, or to a court or other tribunal, when

(a) HHS, or any component thereof; or

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

(c) Any HHS employee in his or her indivudal capacity where the Department of Justice (or HHS, where it is authorized to do so) has agreed to represent the employee; or

(d) The United States or any agency thereof where HHS determines that the litigation is likely to affect HHS or any of its components,

is a party to litigation or has an interest in such litigation, and HHS determines that the use of such records by the Department of Justice, the court or other tribunal is relevant and necessary to the litigation and would help in the effective representation of the governmental party, provided, however, that in each case, HHS determines that such disclosure is compatible with the purpose for which the records were collected.

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, or 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 to the appropriate agency, whether Federal, State or local, 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:

1. Authorized Users: Access to Borrower's Files is limited to only those individuals within the Department having a substantiated need for information. These individuals must have available proof of employment.

2. Physical Safeguards: All folders are kept in standard locking file cabinets which are locked during non-duty hours. Rooms are locked during non-duty hours.

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 Privacy Act.

4. Implementation Guidelines: DHHS Chapter 45-13 and supplementary Chapter PHS hf: 45-13 of the General Administration Manual.

RETENTION AND DISPOSAL:

Records will be retained for 5 years after retirement of the completion of the request of cancellation of the loan. Records are disposed of in accordance with the Records Control Schedule of the Health Resources and Services Administration. Contact the System Manager for the disposal standard.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Student and Institutional Support Branch/Division of Student Assistance, BHPr/HRSA, Room 8-38, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857.

NOTIFICATION PROCEDURE:

Requests must be made to the Systems Manager.

Requests in person: A subject individual who appears in person at a specific location seeking access or disclosure of records relating to him/her shall provide his/her name, current address, and at least one piece of tangible identification such as a driver's license, passport, voter registration card, or union card. Identification paper with current photographs are preferred but not required. Additional identification may be requested when there is a request for access to 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.

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.

Requests by telephone: Since positive identification of the caller cannot be established, telephone requests are not honored.

RECORD ACCESS PROCEDURE:

Contact the System Manager and give a reasonable description of the record.

CONTESTING RECORD PROCEDURE:

Contact the System Manager giving a reasonable description of the record, specify the information you want to contest, and state the corrective action sought, with supporting justification.

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/HRS/BHCDA.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Division of Health Services Scholarships, Bureau of Health Care Delivery and Assistance, 5600 Fishers Lane, Rockville, MD 20857.

Division of Computer Research and Technology, NIH, Building 12, 9000 Rockville Pike, Bethesda, MD 20205.

Washington National Records Center, 4205 Suitland Road, Suitland, MD 20409.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Applicants for the recipients of Physician Shortage Area grants in the field of medicine and osteopathy.

CATEGORIES OF RECORDS IN THE SYSTEM:

Grant applications, awards, and correspondence.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 409(b) of the Health Professions Educational Assistance Act of 1976, (42 U.S.C. 259g).

PURPOSE(S):

To select award recipients, and to monitor their payments, their continued eligibility, and their placement in health manpower shortage areas in fulfillment of their service obligations.

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 a verified inquiry from the congressional office made at the written request of that individual.

2. The Department may disclose information from this system of records to the Department of Justice, or to a court or other tribunal, when

(a) HHS, or any component thereof; or

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

(c) Any HHS employee in his or her individual capacity where the Department of Justice (or HHS, where it is authorized to do so) has agreed to represent the employee; or

(d) The United States or any agency thereof where HHS determines that the litigation is likely to affect HHS or any of its components,

is a party to litigation or has an interest in such litigation, and HHS determines that the use of such records by the Department of Justice, the court or other tribunal is revelant and necessary to the litigation and would help in the effective representation of the governmental party, provided, however, that in each case, HHS determines that such disclosure is compatible with the purpose for which the records were collected.

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 to the appropriate agency, whether Federal, State or local, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute or rule, regulation or order issued pursuant thereto.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosures pursuant to 5 U.S.C. 552a(b)(12): Disclosures may be made from this system to "consumer reporting agencies" as defined in the Fair Credit Reporting Act (15 U.S.C. 158a(f)) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)). The purposes of this disclosure are: (1) To provide an incentive for debtors to repay delinquent Federal Government debts by making these debts of their credit records, and (2) to enable HRSA to improve the quality of loan and scholarship decisions by taking into account the financial reliability of applicants. Disclosure of records will be limited to the individual's name, Social Security number (SSN), and other information necessary to establish the identity of the individual, the amount, status, and history of the claim, and the agency or program under which the claim arose.

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

STORAGE:

File folders and magnetic tape.

RETRIEVABILITY:

Name or program ID number.

SAFEGUARDS:

1. Authorized Users:

Administrative and staff personnel of the Division of Health Services Scholarships and other components of the Bureau of Health Care Delivery and Assistance who have responsibility for implementing the NHSC Scholarship Program.

2. Physical Safeguards:

Magnetic tapes, disks, 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 Privacy Act.

Implementation Guidelines: DHHS Chapter 45-13 and supplementary Chapter PHS.hf: 45-13 of the General Administration Manual; and the DHHS Information Resources Management Manual, Part 6, "ADP Systems Security."

RETENTION AND DISPOSAL:

Applications, contracts and other records of selectees to the program are retained through the completion or other disposition of the scholarship service obligation. The records are then sent to the Federal Records Center for a seven year retention period and then disposed of in accordance with the Health Resources and Services Administration Records Control Schedule.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Division of Health Services Scholarships, BHCDA, 5600 Fishers Lane, Rockville, MD 20857.

NOTIFICATION PROCEDURE:

To determine if a record exists, write to the System Manager. 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. Requestors should also reasonably specify the record contents being sought.

RECORD ACCESS PROCEDURE:

Same as Notification Procedures.

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, with supporting justification.

RECORD SOURCE CATEGORIES:

Applicant and applicant's health professions school.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-15-0043

SYSTEM NAME:

Cuban Loan Program, HHS/HRSA/OA.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Debt Management Branch, Division of Fiscal Services, OA/HRSA, Room 16A-08, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857.

Washington National Records Center, 4205 Suitland Road, Suitland, MD 20409.

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:

Migration and Refugee Assistance Act of 1962 (8 U.S.C. 1255).

PURPOSE(S):

The purposes of this record system are to:

(a) Maintain, by borrower, all information relative to the application for and/or awarding of a medical school loan to an individual who qualifies under the Migration and Refugee Assistance Act;

(b) Provide proof of the notice of award, amount of original indebtedness and repayment schedule; and

(c) Support all repayment claims and/or necessary collection actions until the loan obligation is satisfied.

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

1. Disclosure may be made to congressional office from the record of an individual in response to a verified inquiry from the congressional office made at the written request of that individual.

2. The Department may disclose information from this system of records to the Department of Justice, or to a court or other tribunal, when

(a) HHS, or any component thereof; or

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

(c) Any HHS employee in his or her individual capacity where the Department of Justice (or HHS, where it is authorized to do so) has agreed to represent the employee; or

(d) The United States or any agency thereof where HHS determines that the litigation is likely to affect HHS or any of its components,

is a party to litigation or has an interest in such litigation, and HHS determines that the use of such records by the Department of Justice, the court or other tribunal is relevant and necessary to the litigation and would help in the effective representation of the governmental party, provided, however, that in each case, HHS determines that such disclosure is compatible with the purpose for whch the records were collected.

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 to the appropriate agency, whether Federal, State or local, charged with enforcing or implementing the statute or rule, regulation or order issued pursuant thereto.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosures pursuant to 5 U.S.C. 552a(b)(12): Disclosures may be made from this system to "consumer reporting agencies" as defined in the Fair Credit Reporting Act (15 U.S.C. 158a(f)) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)). The purposes of this disclosure are: (1) To provide an incentive for debtors to repay delinquent Federal Government debts by making these debts part of their credit records, and (2) to enable HRSA to improve the quality of loan and scholarship decisions by taking into account the financial reliability of applicants. Disclosure of records will be limited to the individual's name, Social Security number (SSN), and other information necessary to establish the identity of the individual, the amount, status, and history of the claim, and the agency or program under which the claim arose.

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

STORAGE:

Files of individual borrowers are maintained in a standard upright file cabinet. All original promissory notes are kept in a fire-proof file safe.

RETRIEVABILITY:

All record files are maintained and indexed alphabetically by last name and can be retrieved accordingly.

SAFEGUARDS:

1. Authorized Users: Access to Borrower's Files is limited to only those individuals within the Department having a substantiated need for information. These individuals must have available proof of employment.

2. Physical Safeguards: All folders are kept in standard up-right locking file cabients which are locked during non-duty hours. Original Promissory Notes are maintained in a fire-proof file safe. Twenty-four hour, seven days a week, security guards perform random checks on the physical security of the data.

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 Privacy Act.

Implementation Guidelines: DHHS Chapter 45-13 and supplementary Chapter PHS.hf: 45-13 of the General Administration Manual; and the DHHS Information Resources Management Manual, Part 6, "ADP Systems Security."

RETENTION AND DISPOSAL:

Records will remain onsite until all financial obligations have been satisfied. Records will then be forwarded to the Federal Records Center for 10 years.

Records are disposed of in accordance with the Records Control Schedule of the Health Resources and Services

Administration. Contact the System Manager for the disposal standard.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Debt Management Branch, Division of Fiscal Services, OA/HRSA, Room 16A–08, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857.

NOTIFICATION PROCEDURE:

To determine if a record exists, an individual must either come to the office or write to the System Manager. Individuals in either case, must provide positive identification, such as a driver's license, passport, voters registration, union card, or a written certification verifying his or her identity. The person should then be able to reasonably specify the contents of the record being sought.

RECORD ACCESS PROCEDURE:

Contact the System Manager and give a reasonable description of the record.

CONTESTING RECORD PROCEDURES:

To contest the contents of a record, an individual must contact the System Manager, identify him or herself and give a reasonable description of the record. He or she must then specify the information being contested and state the corrective action being sought, with supporting justification.

RECORD SOURCE CATEGORIES:

Applicant and applicant's health professions 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/HRSA/BHPr.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Division of Student Assistance, Bureau of Health Professions, Health Resources and Services Administration, Room 8–23, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857.

Records are also located at contractor sites. A list of contractor sites where individually identifiable data are currently located is available upon request to the System Manager.

Washington National Records Center, 4205 Suitland Road, Suitland, MD 20409.

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, and financial information about the individual for whom the record is maintained. Contains lender and school identification.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Sections 727 and 728 of the Public Health Service Act, as amended (42 U.S.C. 294), which authorize the establishment of a Federal program of student loan insurance;

Section 739 of the Public Health Service Act, as amended (42 U.S.C. 2941), which directs the Secretary to require institutions to provide information for each student who has a loan;

Debt Collection Act of 1982 (5 U.S.C. 5514 note); and

Section 222 of the Health Professions Training Assistant Act of 1985 (50 U.S.C. App. 462 note), which provides for a study on compliance with the Selective Service Act.

PURPOSE(S):

Purpose of this system is (1) to identify students participating in the HEAL Program; (2) to determine eligibility of loan applicants and to compute insurance premium for Federal insurance; (3) to monitor the loan status of HEAL recipients, which includes the collection of overdue debts owed under the HEAL Program; and (4) to compile and generate managerial and statistical reports.

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

1. Disclosure may be made to Federal, State, or local agencies, to private parties such as relatives, present and former employers, business and personal aasociates, educational and financial institutions, and collection agencies. The purpose of such disclosures is to verify the identity of the loan applicant, to determine program eligibility and benefits, to enforce the conditions or terms of the loan, to counsel the borrower in repayment efforts, to investigate possible fraud and abuse, to verify compliance with program regulations, and to locate delinquent borrowers through preclaims assistance. Information may be disclosed to educational or financial institutions to assist them in loan management.

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. The Department may disclose information fom this system of records to the Department of Justice, or to a court or other tribunal, when

(a) HHS, or any component thereof; or

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

(c) Any HHS employee in his or her individual capacity where the Department of Justice (or HHS, where it is authorized to do so) has agreed to represent the employee; or

(d) The United States or any agency thereof where HHS determines that the litigation is likely to affect HHS or any of its components,

is a party to litigation or has an interest in such litigation, and HHS determines that the use of such records by the Department of Justice, the court or other tribunal is relevant and necessary to the litigation and would help in the effective representation of the governmental party, provided, however, that in each case, HHS determines that such disclosure is compatible with the purpose for which the records were collected.

4. 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 to the appropriate agency, whether Federal, State or local, charged with enforcing or implementing the statute or any rule, regulation or order issued pursuant thereto.

5. HRSA will disclose from this system of records a delinquent debtor's name, address, Social Security number, and other information necessary to identify him/her; the amount, status, and history of the claim, and the agency or program under which the claim arose, as follows:

a. To another Federal agency so that agency can effect a salary offset for debts owed by Federal employees; if the claim arose under the Social Security Act, the employee must have agreed in writing to the salary offset.

b. To another Federal agency so that agency can effect an authorized administrative offset; i.e., withhold money payable to or held on behalf of debtors other than Federal employees.

c. To the Treasury Department, Internal Revenue Service (IRS), to request a debtor's current mailing

address to locate him/her for purposes of either collecting or compromising a debt, or to have a commercial credit report prepared.

6. Records may be disclosed to the General Accounting Office and to the Office of Management and Budget for auditing financial obligations to determine compliance with programmatic, statutory, and regulatory provisions.

7. HRSA may disclose information from this system of records to a consumer reporting agency (credit bureau) to obtain a commercial credit report for the following purposes:

a. To establish creditworthiness of a loan applicant; and

b. To assess and verify the ability of a debtor to repay debts owed to the Federal Government.

Disclosures are limited to the individual's name, address, Social Security number and other information necessary to identify him/her; the funding being sought or amount and status of the debt; and the program under which the application or claim is being processed.

8. HRSA may disclose to the Treasury Department, Internal Revenue Service (IRS), information about an individual applying for a loan under any loan program authorized by the Public Health Service Act to find out whether the loan applicant has a delinquent tax account. This disclosure is for the sole purpose of determining the applicant's creditworthiness and is limited to the individual's name, address, Social Security number; other information necessary to identify him/her, and the program for which the information is being obtained.

9. HRSA will report to the Treasury Department, Internal Revenue Service (IRS), as taxable income, the written-off amount of a debt owed by an individual to the Federal Government when a debt becomes partly or wholly uncollectable—either because the time period for collection under the statute of limitations has expired, or because the Government agrees with the individual to forgive or compromise the debt.

10. HRSA will disclose to debt collection agents, other Federal agencies, and other third parties who are authorized to collect a Federal debt, information necessary to identify a delinquent debtor. Disclosure will be limited to the debtor's name, address, Social Security number, and other information necessary to identify him/her; the amount, status, and history of the claim, and the agency or program under which the claim arose.

11. HRSA will disclose information from this system of records to any third party that may have information about a delinquent debtor's current address, such as a U.S. post office, a consumer reporting agency (credit bureau), a State motor vehicle administration, a professional organization, an alumni association, etc., for the purpose of obtaining the debtor's current address. This disclosure will be limited to information necessary to identify the individual.

12. Records may be disclosed to the Director, Selective Service, for the purpose of determining if draft eligible students participating in the HEAL program are registrants of the Military Selective Service System. Disclosure will be limited to the eligible student's name and other information necessary to determine if the individual is a registrant of the Military Selective Service System. The purpose of this disclosure will result in aggregate data which HEAL program managers will use to determine if health professions schools are engaged in a pattern or practice of not complying with the Military Selective Service Act.

13. Records may be disclosed to Department contractors and subcontractors for the purpose of assisting HEAL program managers in collating, compiling, aggregating, or analyzing records used in administering the HEAL program. Contractors maintain, and are also required to ensure that subcontractors maintain, Privacy Act safeguards with respect to the records.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosures pursuant to 5 U.S.C. 552(a)(b)(12): Disclosures may be made from this system to "consumer reporting agencies" as defined in the Fair Credit Reporting Act (15 U.S.C. 158a(f)) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)). The purposes of these disclosures are: (1) To provide an incentive for debtors to repay delinquent Federal Government debts by making these debts part of their credit records, and (2) to enable HRSA to improve the quality of loan and scholarship decisions by taking into account the financial reliability of applicants. Disclosure of records will be limited to the individual's name, Social Security number (SSN), and other information necessary to establish the identity of the individual, the amount, status, and history of the claim, and the agency or program under which the claim arose.

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 disc packs.

RETRIEVABILITY:

Social Security Number or other identifying number.

SAFEGUARDS:

1. Authorized Users: Access is limited to authorized HEAL personnel and contractors responsible for administering the HEAL program. Authorized personnel include HEAL employees and officials, financial and fiscal management personnel, computer personnel, and program managers who have responsibilities for implementing the HEAL program.

2. Physical Safeguards: Magnetic tapes, disc packs, computer equipment and other forms of personal data are stored in areas where fire and life safety codes are strictly enforced. All documents are protected during lunch hours and nonworking hours in locked file cabinets or locked storage areas. Twenty-four hour, seven-day security guards perform random checks on the physical security of the records 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 Privacy Act and ADP security procedures. Contractors are required to maintain, and are also required to ensure that subcontractors maintain, confidentiality safeguards with respect to these records. Contractors and subcontractors are instructed to make no further disclosure of the records except as authorized by the System Manager and permitted by the Privacy Act. All individuals who have access to these records receive the appropriate ADP security clearances. HEAL personnel make site visits to ADP facilities for the purpose of ensuring that ADP security procedures continue to be met. Privacy Act and ADP system security requirements are specifically included in contracts. The HRSA project directors, project officers, and the System Manager oversee compliance with these requirements.

4. Implementing Guidelines: The safeguards described above were established in accordance with DHHS Chapter 45–13 and supplementary Chapter PHS.hf: 45–13 of the General Administration Manual; and the DHHS Information Resources Management Manual, Part 6, "ADP Systems Security."

RETENTION AND DISPOSAL:

Records will be retained for 5 years after the loan is repaid (1 year on site and 4 years at the Federal Records Center). Stored computer data is retained for aggregate purposes and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, HEAL Branch/Division of Student Assistance, BHPr/HRSA, Room 8–39, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857.

NOTIFICATION PROCEDURE:

To find out if the system contains records about you contact the System Manager.

Requests in person: A subject individual who appears in person at a specific location seeking access or disclosure of 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. Additional identification may be requested when there is a request for access to 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.

Requests by mail: Written 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.

Requests by telephone: Since positive identification of the caller cannot be established, telephone requests are not honored.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also provide a reasonable description of the record being sought.

Requesters may also request an accounting of disclosures that have been made of their records, if any.

CONTESTING RECORD PROCEDURES:

Contact the System Manager, provide a reasonable description of the record, specify the information being contested, the corrective action sought, and the reasons for requesting the correction, along with supporting information to show how the record is inaccurate, incomplete, untimely, or irrelevant.

RECORD SOURCE CATEGORIES:

Individual loan recipients, HEAL schools, lenders, and holders of HEAL loans and their agents.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09–15–0045

SYSTEM NAME:

Health Resources and Services Administration Loan Repayment/Debt Management Records Systems, HHS/HRSA/OA.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Division of Fiscal Services, Office of the Administrator, HRSA, Parklawn Building, Room 16–05, 5600 Fishers Lane, Rockville, MD 20857.

Bureau of Health Professions, HRSA, Parklawn Building, Room 8–05, 5600 Fishers Lane, Rockville, MD 20657.

Indian Health Service, HRSA, Parklawn Building, Room 5A–55, 5600 Fishers Lane, Rockville, MD 20857.

Bureau of Health Care Delivery and Assistance, HRSA, Parklawn Building, Room 7–05, 5600 Fishers Lane, Rockville, MD 20857.

Washington National Records Center, 4205 Suitland Road, Washington, DC 20409.

Division of Computer Research and Technology, NIH, Building 12, 9000 Rockville Pike, Bethesda, MD 20205.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have received student loans, scholarships, traineeships, or grant funds under Titles III, VII, and VIII of the Public Health Service Act, as amended, and who are delinquent in repaying either loans or funds owed in lieu of a service obligation under such programs. The individuals covered by this system include health professionals and students in various health professions; physicians, dentists, pharmacists, optometrists, podiatrists, veterinarians, public health personnel, nurses, audiologists, speech pathologists, health care administration personnel, medical technologists, chiropractors, clinical psychologists, and any other health personnel.

CATEGORIES OF RECORDS IN THE SYSTEM:

Contains loan repayment status, amounts of student indebtedness, schools of attendance of borrowers, lending institutions of borrowers, tax identification numbers (Social Security numbers), billing notices, and demographic information pertaining to borrowers funded by HRSA.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Subpart II, Part D, Title III of the Public Health Service Act, as amended (42 U.S.C. 254d–294y), National Health Service Corps Program, which includes the Indian Health Scholarship Program;

Subpart I, Part C, Title VII of the Public Health Service Act, as amended (42 U.S.C. 294–2941), Federal Program of Insured Loans to Graduate Students in Health Professions Schools;

Subpart II, Part C, Title VII of the Public Health Service Act, as amended (42 U.S.C. 294m–294q), Health Professions Student Loans;

Section 822 of the Public Health Service Act, as amended (42 U.S.C. 296m), Nurse Practitioner Programs;

Section 830 of the Public Health Service Act, as amended (42 U.S.C 297), Traineeships for Advanced Training of Professional Nurses;

Subpart II, Part B, Title VIII of the Public Health Service Act, as amended (42 U.S.C. 297a–297h), Nursing Student Loans;

Health Professions Educational Assistance Act of 1976, Pub. L. 94–484, Section 409(b) (42 U.S.C. 295g);

Migration and Refugee Assistance Act of 1962, Pub. L. 87–510 (22 U.S.C. 2601);

Indian Health Care Improvement Act, Pub. L 94–437, as amended (25 U.S.C. 1601 et seq.); and

Debt Collection Act of 1982, Pub. L. 97–385 (5 U.S.C. 5514 note).

PURPOSE(S):

The purpose of the system is to protect the programmatic and financial integrity of Federal funds awarded to individuals through student loans, scholarships, traineeships, and educational grants administered by the Health Resources and Services Administration (HRSA). This system is maintained to reduce the amount of outstanding debts owed to the Federal Government.

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

1. Records may be disclosed to a congressional office from the record of an individual in response to a verified inquiry from the congressional office made at the written request of that individual.

2. Records may be disclosed to authorized persons employed at educational institutions where the recipient received a loan, scholarship, or grant. The purpose of this disclosure is to assist institutions in identifying delinquent borrowers and to enforce the conditions and terms of such loans, scholarships and grants.

3. HRSA will disclose from this system of records a delinquent debtor's name, address, Social Security number, and other information necessary to identify him/her; the amount, status, and history of the claim, and the agency or program under which the claim arose, as follows:

a. To another Federal agency so that agency can effect a salary offset for debts owed by Federal employees; if the claim arose under the Social Security Act, the employee must have agreed in writing to the salary offset.

b. To another Federal agency so that agency can effect an authorized administrative offset; i.e., withhold money payable to or held on behalf of debtors other than Federal employees.

c. To the Treasury Department, Internal Revenue Service (IRS), to request a debtor's current mailing address to locate him/her for purposes of either collecting or compromising a debt, or to have a commercial credit report prepared.

4. 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 to the appropriate agency, whether Federal, State or local, charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

5. The Department may disclose information from this system of records to the Department of Justice, or to a court or other tribunal, when

(a) HHS, or any component thereof; or

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

(c) Any HHS employee in his or her individual capacity where the Department of Justice (or HHS, where it is authorized to do so) has agreed to represent the employee; or

(d) The United States or any agency thereof where HHS determines that the litigation is likely to affect HHS or any of its components,

is a party to litigation or has an interest in such litigation, and HHS determines that the use of such records by the Department of Justice, the court or other tribunal is relevant and necessary to the litigation and would help in the effective representation of the governmental party, provided, however, that in each case, HHS determines that such disclosure is compatible with the purpose for which the records were collected.

6. Records may be disclosed to the General Accounting Office and to the Office of Management and Budget for auditing financial obligations to determine compliance with programmatic, statutory, and regulatory provisions.

7. HRSA may disclose information from this system of records to another agency that has asked the Department to effect an administrative offset to help collect a debt owed to the United States. Disclosure is limited to the individual's name, address, Social Security number, and other information necessary to identify the individual; information about the money payable to or held for the individual, and other information concerning the administrative offset.

8. HRSA may disclose information from this system of records to a consumer reporting agency (credit bureau) to obtain a commercial credit report for the following purposes:

a. To establish creditworthiness of a loan/grant/scholarship/traineeship applicant; and

b. To assess and verify the ability of a debtor to repay debts owed to the Federal Government.

Disclosures are limited to the individual's name, address, Social Security number and other information necessary to identify him/her; the funding being sought or amount and status of debt, and the program under which the application or claim is being processed.

9. HRSA may disclose to the Treasury Department, Internal Revenue Service (IRS), information about an individual applying for a loan under any loan program authorized by the Public Health Service Act to find out whether the loan applicant has a delinquent tax account. This disclosure is for the sole purpose of determining the applicant's creditworthiness and is limited to the individual's name, address, Social Security number; other information necessary to identify him/her, and the program for which the information is being obtained.

10. HRSA will report to the Treasury Department, Internal Revenue Service (IRS), as taxable income, the written-off amount of a debt owed by an individual to the Federal Government when a debt becomes partly or wholly uncollectable—either because the time period for collection under the statute of limitations has expired, or because the Government agrees with the individual to forgive or compromise the debt.

11. HRSA will disclose to debt collection agents, other Federal agencies, and other third parties who are authorized to collect a Federal debt, information necessary to identify a delinquent debtor. Disclosure will be limited to the debtor's name, address, Social Security number, and other information necessary to identify him/her; the amount, status, and history of the claim, and the agency or program under which the claim arose.

12. HRSA will disclose information from this system of records to any third party that may have information about a delinquent debtor's current address, such as a U.S. post office, a State motor vehicle administration, a professional organization, an alumni association, etc., for the purpose of obtaining the debtor's current address. This disclosure will be limited to information necessary to identify the individual.

13. HRSA will disclose information concerning a delinquent debtor from this system of records to the Department of Justice for litigation or further administrative action.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosures pursuant to 5 U.S.C. 552a(b)(12): Disclosures may be made from this system to "consumer reporting agencies" as defined in the Fair Credit Reporting Act (15 U.S.C. 158a(f) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)). The purposes of these disclosures are: (1) To provide an incentive for debtors to repay delinquent Federal Government debts by making these debts part of their credit records, and (2) to enable HRSA to improve the quality of loan and scholarship decisions by taking into account the financial reliability of applicants. Disclosure of records will be limited to the individual's name, Social Security number (SSN), and other information necessary to establish the identity of the individual, the amount, status, and history of the claim, and the agency or program under which the claim arose.

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

STORAGE:

Records are maintained in file folders, ledgers, magnetic tapes, and electronic word processing diskettes.

RETRIEVABILITY:

Records are retrievable by name, Social Security number (SSN), award number, and by school of attendance.

SAFEGUARDS:

1. Authorized User: Employees and officials directly responsible for programmatic or fiscal activity, including administrative and staff personnel, financial management personnel, computer personnel, and managers who have responsibilities for implementing HRSA-funded programs.

2. Physical Safeguards: Twenty-four hour building security guard. File folders, reports and other forms of personnel data, and electronic diskettes are stored in areas where fire and life safety codes are strictly enforced. All documents and diskettes are protected during lunch hours and non-duty hours in locked file cabinets or locked storage areas. Magnetic tapes and computer matching tapes are locked in a computer room and tape vault.

3. Procedural Safeguards: Password protection of automated records is provided. All authorized users protect information from public view and from unauthorized personnel entering an office.

Contractors who maintain records in this system are instructed to make no further disclosure of the records except as authorized by the System Manager and permitted by the Privacy Act. Privacy Act requirements are specifically included in contracts. The HRSA project directors, project officers, and the System Manager oversee compliance with these requirements.

4. Implementing Guidelines: The safeguards described above were established in accordance with DHHS Chapter 45–13 and supplementary Chapter PHS.hf: 45–13 of the General Administration Manual; and the DHHS Information Resources Management Manual, Part 6, "ADP Systems Security."

RETENTION AND DISPOSAL:

Records are retained by the responsible organizations listed under "System Location" for two years after completion of the repayment of the loan. The records are then sent to the Federal Records Center for a four-year retention period, and are subsequently disposed of in accordance with the HRSA Records Control Schedule. The records control schedule and disposal standards for these records may be obtained by writing to the System Manager at the address below.

SYSTEM MANAGER(S) AND ADDRESS:

Policy-Coordinating Official: Associate Administrator for Operations and Management, HRSA, Room 14A–03, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857

Office of the Administrator: Chief, Debt Management Branch, Division of Fiscal Services, HRSA, Room 16A–09, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857

Indian Health Service: Chief, Financial Management Branch, IHS, Room 5A–38, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857

Bureau of Health Care Delivery and Assistance: Director, Office of Financing Services, BHCDA, Room 7–39, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857

Bureau of Health Professions: Director, Office of Debt Management, BHPr, Room 8A–43, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857.

NOTIFICATION PROCEDURE:

To find out if the system contains records about you contact the System Manager.

Requests in person: A subject individual who appears in person at a specific location seeking access to or disclosure of 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 who he/she claims to be and that he/she understands that the knowing and willful request or acquisition of a record concerning an individual under false pretenses is a criminal offense subject to a $5,000 fine. In addition, the following information is needed: (1) The name of the student assistance program the he/she participated in, (2) dates of enrollment in the program, and (3) school(s) of attendance.

In addition, be informed that provision of the SSN may assist in the verification of your identity as well as the identification of your record. Providing your SSN is voluntary and you will not be refused access to your record for failure to disclose your SSN.

Requests by mail: Written requests must contain the name and address of the requester, his/her date of birth, and his/her signature which is either notarized to verify his/her identity or a written certification that the requester is who he/she claims to be and 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 addition, the following information is needed: (1) The name of the student assistance program that he/she participated in, (2) dates of enrollment in the program, and (3) school(s) of attendance.

In addition, be informed that provision of the SSN may assist in the verification of your identity as well as the identification of your record. Providing your SSN is voluntary and you will not be refused access to your record for failure to disclose your SSN.

Requests by telephone: Since positive identification of the caller cannot be established, telephone requests are not honored.

RECORD PROCEDURES:

Same as notification procedures. Requesters should also provide a reasonable description of the record being sought.

Requesters may also request an accounting of disclosures that have been made of their records, if any.

CONTESTING RECORD PROCEDURES:

Contact the appropriate System Manager, provide a reasonable description of the record, specify the information being contested, the corrective action sought, and the reasons for requesting the correction, along with supporting information to show how the record is inaccurate, incomplete, untimely, or irrelevant.

RECORD SOURCE CATEGORIES:

Individuals whose records are contained in the system: Federal organizations, including but not limited to the Office of Inspector General/DHHS, and the Office of the Administrator, the Bureau of Health Professions, the Indian Health Service, and the Bureau of Health Care Delivery and Assistance—all of which administer HRSA-funded programs; participating schools; lending institutions; consumer reporting agencies (credit bureaus); and other Federal agencies, including but not limited to the Department of Treasury,

Internal Revenue Service (IRS), and the U.S. Post Office.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-15-0046

SYSTEM NAME:

Health Professions Planning and Evaluation, HHS/HRSA/OA.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Division of Grants and Procurement Management, Health Resources and Services Administration, 5600 Fishers Lane, Rockville, MD 20857. 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, Division of Grants and Procurement Management, HRSA, Room 13A-03, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857.

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, chiropractors, clinical psychologists, 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 (42 U.S.C. 296k), Special Project Grants and Contracts.

PURPOSE(S):

The Health Resources and Services Administration uses various records in this system to identify problems in the health care training and delivery systems to plan programs to correct those problems, and to 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:

1. Disclosure may be made to a congressional office from the record of an individual in response to a verified inquiry from the congressional office made at the written request of that individual.

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, (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.

3. Disclosure may be made to HHS contractors and their staff, in order to accomplish any of the purposes of the system of records. The recipients are required to protect such records from improper disclosure and to maintain Privacy Act safeguards.

4. The Department may disclose information from this system of records to the Department of Justice, or to a court or other tribunal, when

(a) HHS, or any component thereof; or

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

(c) Any HHS employee in his or her individual capacity where the Department of Justice (or HHS, where it is authorized to do so) has agreed to represent the employee; or

(d) The United States or any agency thereof where HHS determines that the litigation is likely to affect HHS or any of its components,

is a party to litigation or has an interest in such litigation, and HHS determines that the use of such records by the Department of Justice, the court or other tribunal is relevant and necessary to the litigation and would help in the effective representation of the governmental party, provided, however, that in each case, HHS determines that such disclosure is compatible with the purpose for which the records were collected.

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 disk storage. The needs of each project determine the types of storage 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 Information Resources Management Manual, with Chapter 45–13, Safeguarding Records Contained in Systems of Records, of the Department's General Administration Manual, and with supplementary Chapter PHS.hf: 45–13.)

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 and Services Administration.) You may obtain a copy of the disposal standard for a particular project by writing to the System Manager.

SYSTEM MANAGER(S) AND ADDRESS:

Contracting Officer, Division of Grants and Procurement Management, HRSA, Room 13A–03, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857.

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 PROCEDURES:

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 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, with supporting justification.

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 ACT:

None.

09–15–0052

SYSTEM NAME:

Nurse Practitioner Traineeships, HHS/HRSA/BHPr.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Office of Program Support, Room 8C–22, Division of Nursing, Room 5C–26, BHPr, HRSA, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857.

Washington National Records Center, 4205 Suitland Road, Suitland, MD 20409.

Health Resources and Services Administration, Debt Management Branch, DFS/OA/HRSA, Parklawn Building, Room 16–08, 5600 Fishers Lane, Rockville, MD 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 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:

Section 822(b) of the Public Health Service Act, as amended (42 U.S.C. 296m), Nurse Practitioner Traineeships.

PURPOSE(S):

The purpose of the system is to carry out the Department's responsibilities for the Nurse Practitioner Traineeship Program. The Health Resources and Services 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 Resources and Service 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:

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. The Department may disclose information from this system of records to the Department of Justice, or to a court or other tribunal, when

(a) HHS, or any component thereof, or

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

(c) Any HHS employee in his or her individual capacity where the Department of Justice (or HHS, where it is authorized to do so) has agreed to represent the employee; or

(d) The United States or any agency thereof where HHS determines that the litigation is likely to affect HHS or any of its components,

is a party to litigation or has an interest in such litigation, and HHS determines that the use of such records by the Department of Justice, the Court or other tribunal is relevant and necessary to the litigation and would help the effective representation of the governmental party, provided, however, that in each case, HHS determines that such disclosure is compatible with the purpose for which the records were collected.

3. Disclosure may be made to organizations considered qualified by the Secretary to conduct studies to evaluate the program.

4. 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 to the appropriate agency, whether Federal, State or local, 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, magnetic tape, and disk storage.

RETRIEVABILITY:

By name of individual.

SAFEGUARDS

1. Authorized Users: Access to Borrower's Files is limited to only those individuals within the Department having a substantiated need for information. These individuals must have available proof of employment.

2. Physical Safeguards: All folders are kept in standard locking file cabinets which are locked during non-duty hours.

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 Privacy Act.

4. Implementation Guidelines: DHHS Chapter 45–13 and supplementary Chapter PHS:hf: 45–13 of the General Administration Manual.

RETENTION AND DISPOSAL:

Cases 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 and Services Administration. You may obtain a copy of the disposal standard by writing to the System Manager.

SYSTEM MANAGER(S) AND ADDRESS:

Grants Management Officer, Officer of Program Support, BHPr/HRSA, Room 8C–22, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857.

NOTIFICATION PROCEDURE;

To determine if your 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.

RECORDS 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, with supporting justification.

RECORD SOURCE CATEGORIES:

Individuals in the system and participating institutions.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc: 86–25603 Filed 11–21–86; 8:45 am]
BILLING CODE 4160–15–M

Food and Drug Administration

Privacy Act of 1974: Annual Publication of Systems of Records

AGENCY: Public Health Service, HHS.

ACTION: Republication of Food and Drug Administration (FDA) Privacy Act Systems of Records.

SUMMARY: FDA is republishing each of its current systems of records. Pub. L. 97–375, the Congressional Reports Elimination Act, amended the Privacy Act to limit republication to revised system notices only. FDA has revised each of its system notices to enhance specificity and to clarify the effects of reorganization. These notices are complete as of October 1, 1986.

SUPPLEMENTARY 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 subject 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 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 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;

"(11) Pursuant to the order of a court of competent jurisdiction; or

"(12) To a consumer reporting agency in accordance with section 3(d) of the Federal Claims Collection Act of 1966 (31 U.S.C. 952(d))."

2. In accordance with guidance from the Office of Management and Budget (OMB), FDA has added a new routine use to twelve of its thirteen systems of records. The new routine use permits disclosure of individually identified information to the Department of Justice and to tribunals for both prosecution and defense litigation. A more limited litigation routine use permitting disclosure only as necessary to defend the Agency has been deleted from all FDA systems of records with the exception of system 09–10–0017, Epidemiological Research Studies of the Center for Devices and Radiological Health.

3. The safeguards section of each system notice has been reformatted in accordance with existing policy.

Dated: October 1, 1986.

Jack W. Martin,

Associate Commissioner for Public Affairs.

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09–10–0002

SYSTEM NAME:

Regulated Industry Employee Enforcement Records. HHS/FDA/OMO/DMS.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Administrative Services Branch (HFA–210), 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 compiled for law enforcement purposes.

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 Part 5.

PURPOSE(S):

To provide records used by FDA employees in investigations of possible violation 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 proceeding 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 that congressional office at the request of that individual.

The Department of Health and Human Services (HHS) may disclose information from this system of records to the Department of Justice, or to a court or other tribunal, when

(a) HHS, or any component thereof; or

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

(c) Any HHS employee in his or her individual capacity where the Department of Justice (or HHS, where it is authorized to do so) has agreed to represent the employee; or

(d) The United States or any agency thereof where HHS determines that the litigation is likely to affect HHS or any of its components,

is a party to litigation or has an interest in such litigation, and HHS determines that the use of such records by the Department of Justice, the court or other tribunal, is relevant and necessary to the litigation and would help in the effective representation of the governmental party, provided, however, that in each case, HHS determines that such disclosure is compatible with the purpose for which the records were collected.

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

STORAGE:

Manual files are maintained in letter-size folders. Automated files are maintained on computer discs and tapes stored in a locked safe.

RETRIEVABILITY:

Indexed by company or subject, sometimes with individual name in a cross-index on an automated index system.

SAFEGUARDS:

1. *Authorized users:* Administrative Services Branch personnel.

2. *Physical safeguards:* Records are kept in locked cabinets in a secured area, locked rooms, locked buildings and limited access to Administrative Services Branch authorized personnel. Computer tapes and discs are stored in a locked safe.

3. *Procedural (or technical) safeguards:* Computer software providing restricted commands.

4. *Implementation guidelines:* Safeguards are established in accordance with Chapter 45–13 and PHS hf: 45–13 of the Department's General Administration Manual and 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 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), 5600 Fishers Lane, Rockville, MD 20857.

NOTIFICATION PROCEDURE:

An individual may learn if a record exists about him or her upon written request, with notarized signature if request is made by mail, or with identification if request is made in person, directed to:

FDA Privacy Act Coordinator (HFI–30), 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. 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

You may also request an accounting of disclosures that have been made of your record, if any.

CONTESTING RECORD PROCEDURES:

If access has been granted, contact the official at the address specified under notification procedures and reasonably identify the record, specify the information being contested, the corrective action sought, and your reasons for requesting the correction, along with supporting information to show how the record is inaccurate, incomplete, untimely or irrelevant.

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. (e.s.t.)

Brooklyn District Office

Region II

850 3rd Avenue, Brooklyn, NY 11232
Office hours: 8:00 a.m. to 4:30 p.m. (e.s.t.)

New York Import District

Region II

830 3rd Avenue, 4th Floor, Brooklyn, NY 11232
Office hours: 8:00 a.m. to 4:30 p.m. (e.s.t.)

Buffalo District Office

Region II

599 Delaware Avenue, Buffalo, NY 14202
Office hours: 8:00 a.m. to 4:30 p.m. (e.s.t.)

Newark District Office

Region II

20 Evergreen Place, East Orange, NJ 07018
Office hours: 8:00 a.m. to 4:30 p.m. (e.s.t.)

San Juan District Office

Region II

P.O. Box 5719, Puerta de Tierra Station, San Juan, PR 00906–5719
Office hours: 8:00 a.m. to 4:30 p.m. (a.t.)

Philadelphia District Office

Region III

2nd and Chestnut Streets, Room 900 Philadelphia, PA 19106
Office hours: 8:00 a.m. to 4:30 p.m. (e.s.t.)

Baltimore District Office

Region III

900 Madison Avenue, Baltimore, MD 21201
Office hours: 7:45 a.m. to 4:15 p.m. (e.s.t.)

Atlanta District Office

Region IV

60 Eighth Street, N.E., Atlanta, GA 30309
Office hours: 8:00 a.m. to 4:30 p.m. (e.s.t.)

Nashville District Office

Region IV

297 Plus Park Boulevard, Nashville, TN 37217
Office hours: 8:00 a.m. to 4:30 p.m. (c.t.)

Orlando District Office

Region IV

7200 Lake Ellenor Drive, Suite 120, Orlando, FL 32809
Office hours: 8:00 a.m. to 4:30 p.m. (e.s.t.)

Chicago District Office

Region V

433 W. Van Buren Street, Room 1222, Chicago, IL 60604
Working hours: 8:00 a.m. to 4:30 p.m. (e.s.t.)

Cincinnati District Office

Region V

1141 Central Parkway, Cincinnati, OH 45202
Office hours: 8:00 a.m. to 4:30 p.m. (e.s.t.)

Detroit District Office

Region V

1560 East Jefferson Avenue, Detroit, MI 48207
Office hours: 8:00 a.m. to 4:30 p.m. (e.s.t.)

Minneapolis District Office

Region V

240 Hennepin Avenue, Minneapolis, MN 55401
Office hours: 8:00 a.m. to 4:30 p.m. (c.t.)

Dallas District Office

Region VI

3032 Bryant Street, Dallas, TX 75204
Office hours: 8:00 a.m. to 4:30 p.m. (c.t.)

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. (c.t.)

Kansas City Field Office

Region VII

1009 Cherry Street, Kansas City, MO 64106
Office hours: 8:00 a.m. to 4:30 p.m. (c.t.)

St. Louis Station

Region VII

808 North Collins, Lacledes Landing, St. Louis, MO 63102
Office hours: 8:00 a.m. to 4:30 p.m. (c.t.)

Denver Field Office

Region VIII

721 19th Street, U.S. Customhouse, Room 500, Denver, CO 80202
Working hours: 8:00 a.m. to 4:30 p.m. (m.t.)

San Francisco District Office

Region IX

50 U.N. Plaza Federal Office Building, Room 526, San Francisco, CA 94102
Working hours: 8:00 a.m. to 4:30 p.m. (p.t.)

Los Angeles District Office

Region IX

1521 W. Pico Boulevard, Los Angeles, CA 90015–2486
Office hours: 8:00 a.m. to 4:30 p.m. (p.t.)

Seattle Field Office

Region X

909 1st Avenue, Room 5009, Seattle, WA 98174
Office hours: 8:00 a.m. to 4:30 p.m. (p.t.)
Minneapolis Center for Microbiological Investigations, 240 Hennepin Avenue, Minneapolis, MN 55401
Office hours: 8:00 a.m. to 4:30 p.m. (c.t.)
Winchester Engineering and Analytical Center, 109 Holton Street, Winchester, MA 01890
Office hours: 8:00 a.m. to 4:30 p.m. (e.s.t.)
Houston Resident Post, 1440 N. Loop, Suite 250, Houston, TX 77009
Office hours: 8:00 a.m. to 4:30 p.m. (c.t.)

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 Center, Washington, D.C. 20408
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, 9th and Market Streets, Room 1330, Philadelphia, PA 19107
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 for U.S. Court records
Federal Records Center, 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

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, Ventura, Los Angeles, Riverside, Orange, Imperial, Inyo, and San Diego).
Federal Archives and Records Center, 2400 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, N.E., Seattle, WA 98115

09-10-0003

SYSTEM NAME:

FDA Credential Holder File. HHS/FDA/ORA/ORO.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

FDA Employees:

Services Unit (HFA-227), Office of Management and Operations, 5600 Fishers Lane, Rockville, MD 20857
Office Services Section (HFA-230), Office of Management and Operations, 200 C Street, SW, Washington, DC 20204
Division of Field Investigations (HFC-130), Office of Regulatory Affairs, 5600 Fishers Lane, Rockville, MD 20857
Administrative Branch at Field/District Office. For the location of Field/District Offices, see Appendix A to system notice 09-10-0002, Regulated Industry Employee Enforcement Records, HHS/FDA/OMO/DMS.

State and Local Employees: Division of Federal-State Relations (HFC-151), 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/OMO/DMS.

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, height, weight, 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.

The Department of Health and Human Services (HHS) may disclose information from this system of records to the Department of Justice, or to a court or other tribunal, when

(a) HHS, or any component thereof; or

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

(c) Any HHS employee in his or her individual capacity where the Department of Justice (or HHS, where it is authorized to do so) has agreed to represent the employee; or

(d) The United States or any agency thereof where HHS determines that the litigation is likely to affect HHS or any of its components,

is a party to litigation or has an interest in such litigation, and HHS determines that the use of such records by the Department of Justice, the court or other tribunal, is relevant and necessary to the litigation and would help in the effective representation of the governmental party, provided, however, that in each case, HHS determines that such disclosure is compatible with the purpose for which the records were collected.

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

STORAGE:

Maintained in file folders and on computer tapes.

RETRIEVABILITY:

Indexed by name.

SAFEGUARDS:

1. *Authorized users*: Administrative Services Branch and Office of Regulatory Affairs personnel.

2. *Physical safeguards*: Records are kept in locked cabinets in a secured area, locked rooms, locked buildings and limited access to authorized

personnel. Computer tapes and discs are stored in locked safe.

3. *Procedural (or technical) safeguards:* Computer software providing restricted commands.

4. *Implementation guidelines:* Safeguards are established in accordance with Chapter 45–13 and PHS hf:45–13 of the Department's General Administration Manual and Part 6 of the Department's ADP Systems Manual.

RETENTION AND DISPOSAL:

Records are retained as long as individual is a duly designated or commissioned official; inactive files destroyed after 10 years. 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 Unit (HFA–227), Office of Management and Operations, 5600 Fishers Lane, Rockville, MD 20857

Chief, Office Services Section (HFA–230), Office of 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/OMO/DMS.

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/OMO/DMS.

State Employees: Director, Division of Federal-State Relations (HFC–151), 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/OMO/DMS.

NOTIFICATION PROCEDURE:

An individual may learn if a record exists about him or her upon written request, with notarized signature if request is made by mail, or with identification if request is made in person, directed 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. You may also request an accounting of disclosures that have been made of your record, if any.

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under notification procedure above and reasonably identify the record, specify the information being contested, the corrective action sought, and your reasons for requesting the correction, along with supporting information to show how the record is inaccurate, incomplete, untimely, or irrelevant.

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/OMO/DMS.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Administrative Services Branch (HFA–210), 5600 Fishers Lane, Rockville, MD 20857

Office of Legislative Affairs (HFW–1), 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/OMO/DMS.

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/OMO/DMS.

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 requiring a 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: (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.

The Department of Health and Human Services (HHS) may disclose information from this system of records to the Department of Justice, or to a court or other tribunal, when

(a) HHS, or any component thereof; or

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

(c) Any HHS employee in his or her individual capacity where the Department of Justice (or HHS, where it is authorized to do so) has agreed to represent the employee; or

(d) The United States or any agency thereof where HHS determines that the litigation is likely to affect HHS or any of its components,

is a party to litigation or has an interest in such litigation, and HHS determines that the use of such records by the Department of Justice, the court or other tribunal, is relevant and necessary to

the litigation and would help in the effective representation of the governmental party, provided, however, that in each case, HHS determines that such disclosure is compatible with the purpose for which the records were collected.

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

STORAGE:

Manual records are maintained in letter-size folders. Automated records are maintained on computer tapes and discs and stored in a locked safe.

RETRIEVABILITY:

Records are arranged by company or by subject. A computer index gives correspondent's name, date of letter, subject, and location. Field offices file consumer complaints by complaint number.

SAFEGUARDS:

1. *Authorized users:* FDA employees who display an FDA identification card; GAO employees upon approval of GAO Liaison Officer, Operations Coordination Staff, OMO, employees of DHHS agencies other than FDA whose duties require the use of information in the system.

2. *Physical safeguards:* Records are stored in locked cabinets in secured areas, locked buildings and locked rooms. Computer tapes and discs are stored in a locked safe.

3. *Procedural (or technical) safeguards:* Computer software providing restricted commands. Employees of DHHS agencies other than FDA must display government identification card, complete agreement between FDA and the agency concerned, and sign a commitment to protect privileged information.

4. *Implementation Guidelines:* Safeguards are established in accordance with Chapter 45–13 and PHS hf:45–13 of the Department's General Administration Manual and 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 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), 5600 Fishers Lane, Rockville, MD 20857

Office of Legislative Affairs (HFW–1), 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/OMO/DMS.

NOTIFICATION PROCEDURE:

An individual may learn if a record exists about him or her upon written request with notarized signature if request is made by mail, or with identification if request is made in person, directed 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. You may also request an accounting of disclosures that have been made of your record, if any.

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under notification procedure above and reasonably specify the record, information being contested, the corrective action sought, and your reasons for requesting the correction, along with supporting information to show how the record is inaccurate, incomplete, untimely, or irrelevant.

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/ORA.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Division of Federal-State Relations (HFC–151), 5600 Fishers Lane, Rockville, MD 20857.

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 FDA with 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.

The Department of Health and Human Services (HHS) may disclose information from this system of records to the Department of Justice, or to a court or other tribunal, when

(a) HHS, or any component thereof; or

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

(c) Any HHS employee in his or her individual capacity where the Department of Justice (or HHS, where it is authorized to do so) has agreed to represent the employee; or

(d) The United States or any agency thereof where HHS determines that the litigation is likely to affect HHS or any of its components,

is a party to litigation or has an interest in such litigation, and HHS determines that the use of such records by the Department of Justice, the court or other tribunal, is relevant and necessary to the litigation and would help in the effective representation of the governmental party, provided, however, that in each case, HHS determines that such disclosure is compatible with the purpose for which the records were collected.

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:

1. *Authorized users:* Personnel of the Division of Federal State Relations who

are engaged in contracts or any other activity involving commissioning.

2. *Physical safeguards:* Records are kept in locked cabinets in a secured area, locked rooms and locked building.

3. *Procedural safeguards:* Users of personal information in the performance of their duties have been instructed to protect personal information from public view and from unauthorized personnel. Access is strictly limited to those staff members trained in accordance with the Privacy Act.

4. *Implementation guidelines:* Safeguards are established in accordance with Chapter 45–13 and PHS hf:45–13 of the Department's General Administration Manual.

RETENTION AND DISPOSAL:

Records are retained as long as individual is a state employee.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Division of Federal-State Relations (HFC–151), 5600 Fishers Lane, Rockville, MD 20857.

NOTIFICATION PROCEDURE:

An individual may learn if a record exists about him or her upon written request, with notarized signature if request is made by mail, or with identification if request is made in person, directed to:

FDA Privacy Act Coordinator (HFI–30), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857

RECORD ACCESS PROCEDURES:

Same as notification procedure. Requests should also reasonably specify the records content being sought. You may also request an accounting of disclosures that have been made of your record, if any.

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under notification procedure above and reasonably identify the record, specify the information being contested, the corrective action sought, and your reasons for requesting the correction, along with supporting information to show how the record is inaccurate, incomplete, untimely, or irrelevant.

RECORD SOURCE CATEGORIES:

Individual on whom the record is maintained.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09–10–0007

SYSTEM NAME:

Science Advisor Research Associate Program (SARAP). HHS/FDA/ORA.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Division of Field Science (HFC–140), Office 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/OMO/DMS.

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 (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.

The Department of Health and Human Services (HHS) may disclose information from this system of records to the Department of Justice, or to a court or other tribunal, when

(a) HHS, or any component thereof; or

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

(c) Any HHS employee in his or her individual capacity where the Department of Justice (or HHS, where it is authorized to do so) has agreed to represent the employee; or

(d) The United States or any agency thereof where HHS determines that the litigation is likely to affect HHS or any of its components,

is a party to litigation or has an interest in such litigation, and HHS determines that the use of such records by the Department of Justice, the court or other tribunal, is relevant and necessary to the litigation and would help in the effective representation of the governmental party, provided, however, that in each case, HHS determines that such disclosure is compatible with the purpose for which the records were collected.

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:

1. *Authorized users:* Personnel of the Division of Field Science.

2. *Physical safeguards:* Records are kept in locked cabinets in a secured area, locked rooms, and locked building.

3. *Procedural safeguards:* Users of personal information in the performance of their duties have been instructed to protect such information from public view and from unauthorized personnel. Access is strictly limited to those staff members trained in accordance with the Privacy Act.

4. *Implementation guidelines:* Safeguards are established in accordance with Chapter 45–13 and PHS hf:45–13 of the Department's General Administration Manual.

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, Division of Field Science (HFC–140), Office of Regional Operations, 5600 Fishers Lane, Rockville, MD 20857.

NOTIFICATION PROCEDURE:

An individual may learn if a record exists about him or her upon written request, with notarized signature if request is made by mail, or with identification if request is made in person, directed 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. You may also request an accounting of disclosures that have been made of your record, if any.

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under notification procedure above and reasonably identify the record, specify the information being contested, the corrective action sought, and your reasons for requesting the correction, along with supporting information to show how the record is inaccurate, incomplete, untimely, or irrelevant.

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/CDRH.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Office of Health Physics (HFZ-60), Center for Devices and Radiological Health, 5600 Fishers Lane, Rockville, MD 20857

Radiation Detection Company, 162 Wolfe Road, P.O. Box 1414, Sunnyvale, CA 94088

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

U.S. Public Health Service and other personnel in clinics, laboratories, hospitals, research facilities, etc., who work with ionizing radiation sources and are required to be monitored by Nuclear Regulatory Commission or Occupational Safety and Health Administration 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; Occupational Safety and Health Act of 1970 (84 Stat. 1590 et seq.). Occupational Safety and Health Administration Regulations, 29 CFR 1910.96.

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., after the end of each monitoring period.

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 HHS contractors and their staff in order to accomplish the purpose for which the records are collected. The recipients are required to protect such records from improper disclosure.

The Department of Health and Human Services (HHS) may disclose information from this system of records to the Department of Justice, or to a court or other tribunal, when

(a) HHS, or any component thereof; or

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

(c) Any HHS employee in his or her individual capacity where the Department of Justice (or HHS, where it is authorized to do so) has agreed to represent the employee; or

(d) The United States or any agency thereof where HHS determines that the litigation is likely to affect HHS or any of its components,

is a party to litigation or has an interest in such litigation, and HHS determines that the use of such records by the Department of Justice, the court or other tribunal, is relevant and necessary to the litigation and would help in the effective representation of the governmental party, provided, however, that in each case, HHS determines that such disclosure is compatible with the purpose for which the records were collected.

SAFEGUARDS:

1. *Authorized users*: Authorized CDRH and contractor personnel who must have access to information in the system in the performance of their duties.

2. *Physical safeguards*: Hard copies are filed in secured files, locked building with controlling security personnel stationed at key access points to the record area.

3. *Procedural (or technical) safeguards*: Computer software is password protected and access is restricted by Resource Access Control Facility (RACF). Contractor is required to maintain confidentiality safeguards with respect to these records.

4. Implementation guidelines: Safeguards are established in accordance with Chapter 45-13 and PHS hf:45-13 of the Department's General Administration Manual and Part 6 of the Department's ADP Systems Manual.

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, social security account number, and facility.

RETENTION AND DISPOSAL:

Indefinite retention on magnetic disc.

SYSTEM MANAGER(S) AND ADDRESS:

Personnel Monitoring Program, Office of Health Physics (HFZ-60), Center for Devices and Radiological Health, 5600 Fishers Lane, Rockville, MD 20857.

NOTIFICATION PROCEDURE:

An individual may learn of his or her record upon written request, with notarized signature if request is made by mail, or with identification if request is made in person, directed 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. You may also request an accounting of disclosures that have been made of your record, if any.

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under notification procedure above and reasonably identify the record, specify the information being contested, the corrective action sought, and your reasons for requesting the correction, along with supporting information to show how the record is inaccurate, incomplete, untimely or irrelevant.

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/OMO.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Negotiated Contracts Branch (HFA-510), Office of Management and Operations, 5600 Fishers Lane, Rockville, MD 20857.

A current list of contact sites is available by writing to the system manager at the address below.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals, specialty groups, and households participating voluntarily in studies and surveys conducted or sponsored by FDA.

CATEGORIES OF RECORDS IN THE SYSTEM:

Data collected vary with each study/survey. Normal standard information for individuals or household members 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. Patient medical records may be included in some cases involving specific health problems.

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 studies and surveys conducted or sponsored by FDA.

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 records of an individual in response to an inquiry from the congressional office made at the request of that individual.

The Department of Health and Human Services (HHS) may disclose information from this system of records to the Department of Justice, or to a court or other tribunal, when

(a) HHS, or any component thereof; or

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

(c) Any HHS employee in his or her individual capacity where the Department of Justice (or HHS, where it is authorized to do so) has agreed to represent the employee; or

(d) The United States or any agency thereof where HHS determines that the litigation is likely to affect HHS or any of its components,

is a party to litigation or has an interest in such litigation, and HHS determines that the use of such records by the Department of Justice, the court or other tribunal, is relevant and necessary to the litigation and would help in the effective representation of the governmental party, provided, however, that in each case, HHS determines that such disclosure is compatible with the purpose for which the records were collected.

Disclosure may be made to HHS contractors and their staff in order to accomplish the purpose for which the records are collected. The recipients are required to protect such records from improper disclosure.

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

STORAGE:

Questionnaires and data are files in standard filing equipment. Some statistical data are stored on magnetic tape.

RETRIEVABILITY:

Accessed by ID number assigned by FDA or contractor during collection process. Individual files are maintained in agency and/or contractor's custody until all collection procedures are completed.

SAFEGUARDS:

1. *Authorized users:* Authorized program personnel.

2. *Physical safeguards:* Questionnaires and data are maintained in locked containers in secured area. Magnetic tapes are maintained in secured computer facilities. Locked buildings, locked rooms, locked file cabinets and locked tape vaults.

3. *Procedural (or technical) safeguards:* Access limited by computer password which is changed periodically. Confidentiality safeguards with respect to these records are required to be maintained.

4. *Implementation guidelines:* Safeguards are established in accordance with Chapter 45-13 and PHS hf: 45-13 of the Department's General Administration Manual and Part 6 of the Department's ADP Systems Manual.

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

Office of Epidemiology and Biostatistics (HFN-700), 5600 Fishers Lane, Rockville, MD 20857

NOTIFICATION PROCEDURE:

An individual may learn if a record exists about him or her upon written request, with notarized signature if request is made by mail, or with identification if request is made in person, directed 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. 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 records and inform the subject individual of its contents at the representative's discretion. You may also request an accounting of disclosures that have been made of your record, if any.

CONTESTING RECORD PROCEDURES:

Contact the offical at the address specified under Notification Procedure above and reasonably identify the record, specify the information being contested, the corrective action sought, and your reasons for requesting the correction, along with supporting information to show how the record is inaccurate, incomplete, untimely, or irrelevant.

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.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Division of Scientific Investigations (HFN-340), Office of Compliance, 7520 Standish Place, Rockville, MD 20855
Division of Biological Investigational New Drugs (HFN-823), Office of Biologics Research and Review, 8800 Rockville Pike, Bethesda, MD 20205
Bioresearch Monitoring Staff (HFZ-341), Center for Devices and Radiological Health, 8757 Georgia Avenue, Silver Spring, MD 20910

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Clinical investigators who are conducting, or have conducted, clinical studies of new drugs and devices under investigational new drug and investigational device exemption requests.

CATEGORIES OF RECORDS IN THE SYSTEM:

Automated file is maintained on all clinical investigators; contains name, education, professional qualifications and background, Program Oriented Data Systems (PODS) locator code, and information on studies 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 and/or device 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). Section 505(i)(3), Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360(j); 21 CFR Part 812 (New devices for investigational use); 21 CFR Part 813 (Intraocular lenses for investigational use).

PURPOSE(S):

To provide controls to assure that investigators meet requirements of statute or regulations governing new drug and device studies. To serve as a data base for the effective performance of activities necessary for the conduct of the bioresearch monitoring program.

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, Office of the Inspector General, an appropriate State food and drug enforcement agency or licensing authority, or the government of a foreign country where studies are being or have been conducted; (2) disclosed in administrative or court proceedings in determining whether a record is relevant to an agency decision concerning investigatory materials; (3) disclosed to an HHS funding office providing financial support to a bioresearch study.

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.

The Department of Health and Human Services (HHS) may disclose information from this system of records to the Department of Justice, or to a court or other tribunal, when:

(a) HHS, or any component thereof; or

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

(c) Any HHS employee in his or her individual capacity where the Department of Justice (or HHS, where it is authorized to do so) has agreed to represent the employee; or

(d) The United States or any agency thereof where HHS determines that the litigation is likely to affect HHS or any of its components,

is a party to litigation or has an interest in such litigation, and HHS determines that the use of such records by the Department of Justice, the court or other tribunal, is relevant and necessary to the litigation and would help in the effective representation of the governmental party, provided, however, that in each case, HHS determines that such disclosure is compatible with the purpose for which the records were collected.

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

STORAGE:

Manual files compiled of investigations of possible violations of statutes and regulations are maintained in letter-size manila folders and on microfilm. Automated files are maintained on magnetic disk or tape.

RETRIEVABILITY:

Indexed by name or code number.

SAFEGUARDS:

1. *Authorized users:* Staff of the Division of Scientific Investigations, Division of Drug Information Resources, Management and Data Systems Branch, Division of Biological Investigational New Drugs, inspectors in the Office of Biologics, Personnel of the Office of Device Evaluation, Personnel of the Bioresearch Monitoring Staff, Personnel of the Office of Compliance and District Consumer Safety Officers who gather data during inspections and investigations.

2. *Physical safeguards:* Files are stored in secured areas, locked buildings, locked rooms, locked tape vaults and lockable data media cabinets.

3. *Procedural (or technical) safeguards:* Limited access and computer password which is changed periodically.

4. *Implementation guidelines:* Safeguards are established in accordance with General Administration Manual and Part 6 of the Department's ADP Systems Manual.

RETENTION AND DISPOSAL:

Records output from the system for reference printout or computer output microfilm are retained for one update cycle, or quarterly. Disposal of records is accomplished through a disintegrator or shredder.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Director, Division of Scientific Investigation (HFN-341), Office of Compliance, 7520 Standish Place, Rockville, MD 20855
Director, Division of Biological Investigational New Drugs (HFN-823), Office of Biologics Research and Review, 8800 Rockville Pike, Bethesda, MD 20205
Director, Bioresearch Monitoring Staff (HFZ-341), Center for Devices and Radiological Health, 8757 Georgia Avenue, Silver Spring, MD 20910

NOTIFICATION PROCEDURE:

An individual may learn if a record exists about him or her upon written request with notarized signature if request is made by mail, or with identification if request is made in person, directed 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. 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

You may also request an accounting of disclosures that have been made of your record, if any.

CONTESTING RECORD PROCEDURES:

If access has been granted, contact the offical at the address specified under notification procedure above and reasonably identify the record, specify the information being contested, the corrective action sought, and your reasons for requesting the correction, along with supporting information to show how the record is inaccurate, incomplete, untimely, or irrelevant.

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 Operators. HHS/FDA/CFSAN.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Division of Food Chemistry and Technology (HFF-210), Center for Food Safety and Applied Nutrition, 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/OMO/DMS.

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).

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, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Records in this system showing 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 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.

The Department of Health and Human Services (HHS) may disclose information from this system of records to the Department of Justice, or to a court or other tribunal, when

(a) HHS, or any component thereof; or

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

(c) Any HHS employee in his or her individual capacity where the Department of Justice (or HHS, where it is authorized to do so) has agreed to represent the employee; or

(d) The United States or any agency thereof where HHS determines that the litigation is likely to affect HHS or any of its components,

is a party to litigation or has an interest in such litigation, and HHS determines that the use of such records by the Department of Justice, the court or other tribunal, is relevant and necessary to the litigation and would help in the effective representation of the governmental party, provided, however, that in each case, HHS determines that such disclosure is compatible with the purpose for which the records were collected.

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

STORAGE:

Maintained in standard filing equipment.

RETRIEVABILITY:

Indexed by name.

SAFEGUARDS:

1. *Authorized users:* Limited access to professional staff and secretary of the Regulatory Food Chemistry Branch.

2. *Physical safeguards:* Records are stored in locked containers in locked rooms and building.

3. *Procedural safeguards:* Users of personal information in connection with the performance of their jobs have been instructed to protect such information from public view and from unauthorized personnel. Access to records is strictly limited to those staff members trained in accordance with the Privacy Act.

4. *Implementation guidelines:* Safeguards are established in accordance with Chapter 45-13 and PHS hf:45-13 of the Department's General Administration Manual.

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 Chemistry and Technology (HFF-210), 200 C Street, SW., Washington, DC 20204.

NOTIFICATION PROCEDURE:

An individual may learn if a record exists about him or her upon written request, with notarized signature if request is made by mail, or with identification if request is made in person, directed to:

FDA Privacy Act Coordinator (HFI-30), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857

RECORD ACCESS PROCEDURE:

Same as notification procedure. Requesters should also reasonably specify the record contents being sought. You may also request an accounting of disclosures that have been made of your record, if any.

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under the notification procedure and reasonably identify the

record, specify the information being contested, the corrective action sought, and your reasons for requesting the correction, along with supporting information to show how the record is inaccurate, incomplete, untimely, or irrelevant.

RECORD SOURCE CATEGORIES:

Educational institutions that conduct retort operator training.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-10-0013

SYSTEM NAME:

Employee Conduct Investigative Records. HHS/FDA/OMO.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Division of Ethics and Program Integrity (HFA-20), Office of Management and Operations, 5600 Fishers Lane, Rockville, MD 20857.

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; decisions 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, 207, 208, 209, 1905); 21 U.S.C. 331; 28 U.S.C. 535(b); 44 U.S.C. 3101; E.O. 10450 and 222; 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 Inspector General, 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 regulation and/or policy 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.

The Department of Health and Human Services (HHS) may disclose information from this system of records to the Department of Justice, or to a court or other tribunal, when

(a) HHS, or any component thereof; or

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

(c) Any HHS employee in his or her individual capacity where the Department of Justice (or HHS, where it is authorized to do so) has agreed to represent the employee; or

(d) The United States or any agency thereof where HHS determines that the litigation is likely to affect HHS or any of its components,

is a party to litigation or has an interest in such litigation, and HHS determines that the use of such records by the Department of Justice, the court or other tribunal, is relevant and necessary to the litigation and would help in the effective representation of the governmental party, provided, however, that in each case, HHS determines that such disclosure is compatible with the purpose for which the records were collected.

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

STORAGE:

Paper records, in folders, in file cabinets.

RETRIEVABILITY:

Alphabetically by name.

SAFEGUARDS:

1. *Authorized users*: Limited access to Division of Ethics and Program Integrity Staff and authorized support staff of the Office of Management and Operations.

2. *Physical safeguards*: Records are maintained in locked rooms within a locked secured area protected by a 24-hour building guard service.

3. *Procedural safeguards*: Users of personal information in connection with the performance of their jobs have been instructed to protect such information from public view and from unauthorized personnel. Access is strictly limited to those employees trained in accordance with the Privacy Act.

4. *Implementation guidelines*: Safeguards are established in accordance with Chapters 45-13 and PHS hf:45-13 of the Department's General Administration Manual.

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, Division of Ethics and Program Integrity (HFA-20), Office of Management and Operations, 5600 Fishers Lane, Rockville, MD 20857.

NOTIFICATION PROCEDURE:

An individual may learn if a record exists about him or her upon written request, with notarized signature if request is made by mail, or with identification if request is made in person, directed to:

FDA Privacy Act Coordinator (HFI-30), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857

RECORD ACCESS PROCEDURE:

Same as notification procedure. 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. If access is denied to requested records an appeal may be made to:

Commissioner, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857

You may also request an accounting of disclosures that have been made of your record, if any.

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 being contested, the corrective action sought, and your reasons for requesting the correction, along with supporting information to show how the record is inaccurate, incomplete, untimely, or irrelevant.

RECORD SOURCE CATEGORIES:

Information in this system of records is obtained from FDA personnel and FDA records, subjects of investigations, complaints, witnesses, other Federal agencies, State and local agencies, and personal observations 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 enforcements.

09-10-0015

SYSTEM NAME:

Blood Donors for Tissue Typing Sera and Cell Analysis and Related Research. HHS/FDA/CDB/OB.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Histocompatibility Laboratory, Division of Blood and Blood Products (HFN-830), Center for Drugs and 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, Regulated Industry Employee Enforcement Records, HHS/FDA/OMO/DMS.

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 who 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.

On occasion, employees and patients of the National Institutes of Health Clinical Center and the National Naval Medical Center allow the laboratory to perform tissue typing. In these instances, it is necessary to provide the physician involved with precise data to properly identify the patient.

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.

The Department of Health and Human Services (HHS) may disclose information from this system of records to the Department of Justice, or to a court or other tribunal, when

(a) HHS, or any component thereof; or

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

(c) Any HHS employee in his or her individual capacity where the Department of Justice (or HHS, where it is authorized to do so) has agreed to represent the employee; or

(d) The United States or any agency thereof where HHS determines that the litigation is likely to affect HHS or any of its components,

is a party to litigation or has an interest in such litigation, and HHS determines that the use of such records by the Department of Justice, the court or other tribunal, is relevant and necessary to the litigation and would help in the effective representation of the governmental party, provided, however, that in each case, HHS determines that such disclosure is compatible with the purpose for which the records were collected.

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:

1. *Authorized users:* Staff of the Division of Blood and Blood Products who require access to these records in the performance of their duties.

2. *Physical safeguards:* Locked filing equipment, locked rooms and buildings.

3. *Procedural (or technical) safeguards:* Computer password which is changed periodically.

4. *Implementation guidelines:* Safeguards are established in accordance with Chapter 45-13 and PHS hf:45-13 of the Department's General Administration Manual and 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 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 (HFN-830), Histocompatibility Laboratory, Center for Drugs and Biologics, 8800 Rockville Pike, Bethesda, MD 20205.

NOTIFICATION PROCEDURE:

An individual may learn if a record exists about him or her upon written request, with notarized signature if request is made by mail, or with identification if request is made in person, directed 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. 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. You may also request an accounting of disclosures that have been made of your record, if any.

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under notification procedure above and reasonably identify the record, specify the information being contested, the corrective action sought, and your reasons for requesting the correction, along with supporting information to show how the record is inaccurate, incomplete, untimely, or irrelevant.

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 Center for Devices and Radiological Health. HHS/FDA/CDRH.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Epidemiology Branch (HFZ-116), Division of Biometric Sciences, Center for Devices and Radiological Health, 12200 Wilkins Avenue, Rockville, MD 20857.

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 which result 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: (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 these provisions.

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, for example in defending a claim against the Public Health Service 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, disclosure may be made 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, on punch cards and on magnetic tape and discs, computer printouts and on microfiche.

RETRIEVABILITY:

Records are retrieved by name and study number.

SAFEGUARDS:

1. *Authorized users:* Designated employees of the Center for Devices and Radiological Health.

2. *Physical safeguards:* Data collection instruments are stored in locked file cabinets, locked rooms, and locked buildings.

3. *Procedural (or technical) safeguards:* Name listings and log books containing information to permit the identification of an individual and microfilmed records are kept in locked files. Computer password is changed periodically.

4. *Implementation guidelines:* Safeguards are established in accordance with Chapter 45-13 and PHS hf:45-13 of the Department's General Administration Manual and Part 6 of the Department's ADP Systems Manual.

RETENTION AND DISPOSAL:

One year to permanently, depending on the length of 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, Epidemiology Branch (HFZ-116), Division of Biometric Sciences, Center for Devices and Radiological Health, 5600 Fishers Lane, Rockville, MD 20857.

NOTIFICATION PROCEDURE:

An individual may learn if a record exists about him or her upon written request, with notarized signature if request is made by mail, or with identification if request is made in person, directed 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. 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. You may also request an accounting of disclosures that have been made of your record, if any.

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under notification procedure above and reasonably identify the record, specify the information being contested, the corrective action sought, and your reasons for requesting the correction, along with supporting information to show how the record is inaccurate, incomplete, untimely, or irrelevant.

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/OMO/DMS.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Personal Property Management Section, Services Unit (HFA-227), 5600 Fishers Lane, Rockville, MD 20857

Metropolitan Office Services Section (HFA-230), 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/OMO/DMS.

CATEGORIES OF INDIVIDUAL COVERED BY THE SYSTEM:

Approximately 8,000 FDA employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Contains name, mail routing code, office telephone number, 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 is 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.

The Department of Health and Human Services (HHS) may disclose information from this system of records to the Department of Justice, or to a court or other tribunal, when

(a) HHS, or any component thereof; or

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

(c) Any HHS employee in his or her individual capacity where the Department of Justice (or HHS, where it is authorized to do so) has agreed to represent the employee; or

(d) The United States or any agency thereof where HHS determines that the litigation is likely to affect HHS or any of its components,

is a party to litigation or has an interest in such litigation, and HHS determines that the use of such records by the Department of Justice, the court or other tribunal, is relevant and necessary to the litigation and would help in the effective representation of the governmental party, provided, however, that in each case, HHS determines that such disclosure is compatible with the purpose for which the records were collected.

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.

SAFEGUARDS:

1. *Authorized users:* Authorized FDA personnel whose official duties require access for issuance, renewal, retrieval, and location purposes.

2. *Physical safeguards:* All Forms FDA 2923 are kept in locked file cabinets and the minicomputers at Headquarters are maintained in secured areas. Computer discs and tapes are stored in locked safe.

3. *Procedural (or technical) safeguards:* Computer software providing restricted commands.

4. *Implementation guidelines:* Safeguards are established in accordance with Chapter 45-13 and PHS hf:45-13 of the Department's General Administration Manual and Part 6 of the Department's 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), 5600 Fishers Lane, Rockville, MD 20857.

NOTIFICATION PROCEDURE:

An individual may learn if a record exists about him or her upon written request, with notarized signature if request is made by mail, or with identification if request is made in person, directed 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, and provide any other names officially used during period of employment. You may also request an accounting of disclosures that have been made of your record, if any.

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under notification procedure above and reasonably identify the record, specify the information being contested, the corrective action sought, and your reasons for requesting the correction, along with supporting information to show how the record is inaccurate, incomplete, untimely, or irrelevant.

RECORD SOURCE CATEGORIES:

Individual on whom the record is maintained.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 86-25462 Filed 11-21-86; 8:45 am]

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federal register

Monday
November 24, 1986

Part III

Department of Agriculture

7 CFR Part 8

4-H Club Name and Emblem; Proposed Rule

DEPARTMENT OF AGRICULTURE

7 CFR Part 8

4-H Club Name and Emblem

AGENCY: Department of Agriculture.

ACTION: Proposed rule.

SUMMARY: The Department of Agriculture proposes to amend the final rule on use of the 4-H Club Name and Emblem as published in the **Federal Register** on August 2, 1985. The proposed amendment will provide information on the definition of terms used in this Part, and will further define and expand use of the 4-H name and emblem in 4-H fund-raising activities.

DATE: Comments must be submitted on or before December 24, 1986.

ADDRESS: Comments may be mailed to: Dr. Donald Stormer, Deputy Administrator, 4-H—Youth Programs, Extension Service, U.S. Department of Agriculture, Washington, DC 20250, Telephone: 202/447-5853.

FOR FURTHER INFORMATION CONTACT: Dr. V. Milton Boyce, telephone: 202/447-6527.

SUPPLEMENTARY INFORMATION: On August 2, 1985, the Department of Agriculture published a final rule in the **Federal Register** that established procedures for authorizing use of the 4-H Club name and emblem. These regulations appear in 7 CFR Part 8. Since publication of the final rule, it has been determined that clarification is needed with respect to the specific delegations of authority for authorizing use of the 4-H Club name and emblem at the various administrative levels. Further, because of continuing problems and concerns in the area of 4-H fund raising as well as potential confusion regarding the proper use of the 4-H name and emblem in connection with 4-H fund raising, it was concluded that clarification and modification of the section on use of the 4-H name and emblem in fund raising is needed. A summary of the proposed amendments to the final rule follows:

(1) Section 8.3. *Definitions.* It is proposed that this section include specific definitions of the Cooperative Extension Service, State Cooperative Extension Service and County Cooperative Extension Service.

(2) Section 8.9. *Use in 4-H Fund Raising.* It is proposed that this section be expanded to provide for use of the 4-H name and emblem on, or in association with, commercial products and services when the effect is to promote 4-H educational programs. Such use of the 4-H name and emblem, including its use in tributes to 4-H contained on or associated with commercial products or services, will be permitted in accordance with this policy, as long as no endorsement or the appearance of an endorsement of the product is either intended or effected and all moneys received, less those necessary to cover reasonable expenses, are expended on behalf of 4-H educational programs.

Executive Order 12291

These proposed regulations were reviewed under the USDA criteria established to implement Executive Order 12291, "Federal Regulations." It is determined that this action should not be classified as a major rule under those criteria. It will not have an effect on the economy of $100 million or more, nor cause a major increase in costs or prices, nor cause significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of the United States-based firms to compete with foreign-based competitors.

Regulatory Flexibility Act

This Department has certified that this document would not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.). Therefore, no regulatory flexibility analysis has been prepared.

Environmental Impact Statement

This proposed regulation will not significantly affect the human environment. Therefore, an environmental impact statement is not required under the National Environmental Policy Act of 1969.

Paperwork Reduction Act

Any information collection or record-keeping requirements imposed on the public by this proposed rule will not be implemented until such time as they have been approved, in accordance with section 3504(h) of the Paperwork Reduction Act of 1980, 44 U.S.C. 3501, et seq., by the Office of Management and Budget.

List of Subjects in 7 CFR Part 8

4-H Club Signs and Symbols.

PART 8—[AMENDED]

For the reasons set out in the preamble, Part 8 of Title 7 of the *Code of Federal Regulations* is proposed to be amended as set forth below.

1. The authority citation for Part 8 of Title 7 continues to read as follows:

Authority: 5 U.S.C. 301; 18 U.S.C. 707.

2. The following paragraphs are added after the first paragraph of § 8.3:

§ 8.3 Definitions.

* * * * *

The term "Cooperative Extension Service" as used in this part includes the entire Cooperative Extension System consisting of the Extension Service, United States Department of Agriculture; the State Cooperative Extension Services; and the County Cooperative Extension Services.

The term "County Cooperative Extension Service" as used in this part refers to a county Extension office operating under a State Cooperative Extension Service.

The term "Extension Service, United States Department of Agriculture" as used in this part means the Federal agency within the United States Department of Agriculture which administers Federal agricultural cooperative extension programs.

The term "State Cooperative Extension Service" as used in this part means an organization established at the land-grant college or university under the Smith-Lever Act of May 8, 1914, as amended (7 U.S.C. 341-349); section 209(b) of the Act of October 26, 1974, as amended (D.C. Code, sec. 31-1719(b)); or section 1444 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977, as amended (7 U.S.C. 3221).

3. Section 8.9 is revised as follows:

§ 8.9 Use in 4-H fund raising.

(a) Fund-raising programs using the 4-H Club Name or Emblem may be carried out for specific educational purposes. Such fund-raising programs and use of the 4-H name and emblem on, or associated with, products and services for such purposes must have the approval of the appropriate Cooperative Extension office, as follows:

(1) Approval of the County Cooperative Extension Service, or the appropriate land-grant institution, if the fund-raising program is confined to a county.

(2) Approval of the State Cooperative Extension Service, or the appropriate land-grant institution, if the fund-raising program is multi-county or State-wide.

(3) Approval of the Administrator of the Extension Service, United States Department of Agriculture, or a designee, if the fund-raising program is multi-State of Nationwide.

(b) When used to promote 4-H educational programs, the 4-H Club name and emblem, subject to obtaining authorization as provided in these regulations, may be used on or

associated with products and services sold in connection with 4–H fund-raising programs so long as no endorsement or the appearance of an endorsement of a commercial firm, product or service is either intended or effected. Tributes to 4–H contained on or associated with commercial products or services, when such products or services are used for fund-raising activities, are subject to the requirements of this paragraph. All moneys received from 4–H fund-raising programs, except those necessary to pay reasonable expenses, must be expended to further the 4–H educational programs.

Done at Washington, DC, this 20th day of October, 1986.

Richard E. Lyng,

Secretary of Agriculture.

[FR Doc. 86–25950 Filed 11–21–86; 8:45 am]

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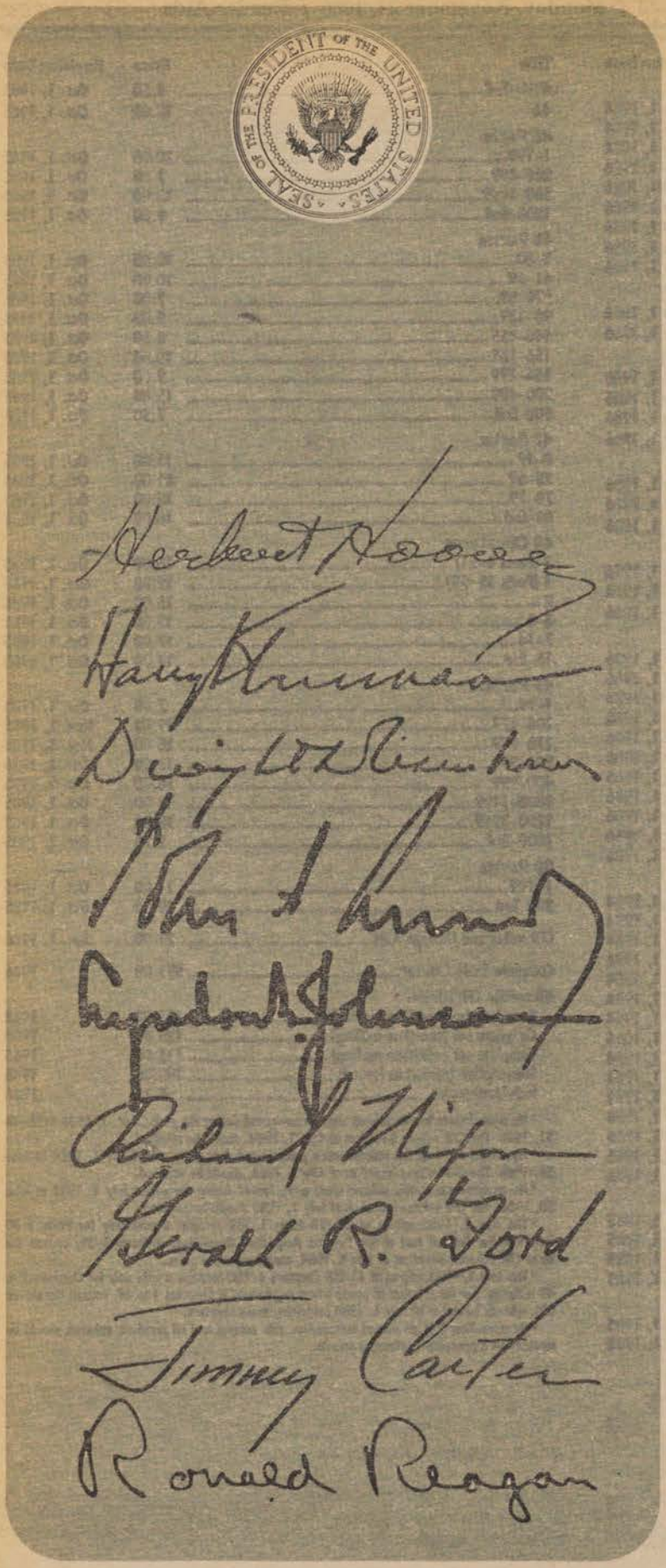
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[4] The July 1, 1985 edition of 32 CFR Parts 1–189 contains a note only for Parts 1–39 inclusive. For the full text of the Defense Acquisition Regulations in Parts 1–39, consult the three CFR volumes issued as of July 1, 1984, containing those parts.

[5] The July 1, 1985 edition of 41 CFR Chapters 1–100 contains a note only for Chapters 1 to 49 inclusive. For the full text of procurement regulations in Chapters 1 to 49, consult the eleven CFR volumes issued as of July 1, 1984 containing those chapters.

[6] Because Title 3 is an annual compilation, this volume and all previous volumes should be retained as a permanent reference source.



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